

### **Subject 5: Legal Liability**

#### **Statement of Tebtebba – Indigenous Peoples' International Center for Policy Research and Education (IPIPCE)**

Thank you, Mr. Chair for this opportunity to speak on the subject of Legal Liability. It is our view that administrative, civil, and criminal liabilities should be strengthened in order to deter violations by corporations of human rights. This is especially true for many developing countries where penalties provided for human rights violations are very low, leading corporations to include such penalties in their operational costs.

The pressures on indigenous peoples' lands has been increasing, as TNCs and OBEs, especially extractive industries and large agribusiness corporations, expand their search for new areas where they can carry out their activities. Given the difficulties experienced by indigenous peoples in accessing judicial redress mechanisms, it is crucial that preventive measures be put into place to ensure that indigenous peoples are not coerced and unduly influenced to give their consent to business operations in their territories. In cases where preventive measures have not been observed for indigenous peoples, the liabilities should be increased.

Finally, provisions should be put in place for increased liabilities for TNCs and OBEs that violate the rights of indigenous peoples in voluntary isolation. Such a provision can be found in the UNDRIP and the indigenous peoples safeguard policy of the World Bank and should likewise be found

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