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Chittagong Hill Tracts Commission

11 November, 2011

To
His Excellency Ban Ki-moon
Honourable Secretary General
United Nations
New York 10017, USA

ACTION

Mr. Pascoe

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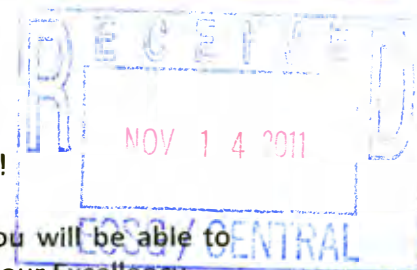
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Subject: Implementation of the 1997 CHT Peace Accord

Your Excellency,

Greetings from the International Chittagong Hill Tracts Commission!

We are **delighted** with your visit to Bangladesh and hope that you will be able to address the issues in Bangladesh that need special attention from Your Excellency.



One such issue is the implementation of the 1997 CHT Peace Accord. In a few weeks' time, on 2 December 2011, the indigenous peoples of the CHT will be marking the 14th anniversary of the signing of this Accord with the Awami League (AL) government. In the Election Manifesto of the AL in 2008, the implementation of this Accord was specifically mentioned as a pledge that would be fulfilled if they were elected to office.

However, nearly three years into its new term, and 14 years since the signing, the AL government has not yet issued a roadmap for the implementation process, and many of its important provisions remain wholly or only partly unfulfilled. The most critical, perhaps, are the clauses dealing with the settlement of land disputes, demilitarization and the devolution of authority to local institutions.

You may be aware of the 'Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997' which was presented by UN Special Rapporteur Mr. Lars-Anders Baer at the 10th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) in May this year, and followed by a number of recommendations of the Permanent Forum. Mr. Baer also noted that there were many allegations that the military was interfering in civilian matters in the Chittagong Hill Tracts and they were "one of the most powerful institutions, often beyond public criticism or scrutiny, including by the Supreme Court of Bangladesh". In light of the position of alleged impunity enjoyed by the military and allegations of direct involvement of the army in attacks on indigenous peoples, the Special Rapporteur made specific recommendations regarding the UN Department of Peacekeeping Operations, which the CHT Commission endorses, as follows:

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- a) That the Department of Peacekeeping Operations of the Secretariat develop a mechanism to strictly monitor and screen the human rights records of national army personnel prior to allowing them to participate in peacekeeping operations, and
- b) That the Department of Peacekeeping Operations prevent human rights violators and alleged human rights violators within the security forces of Bangladesh from participating in international peacekeeping activities under the auspices of the United Nations.

We were very pleased to learn that Your Excellency raised the issue of recognition of indigenous peoples in Bangladesh with Her Excellency, the Prime Minister of Bangladesh Sheikh Hasina at a meeting with her on 23 September, 2011 at UN Headquarters in New York. You may be aware that the 15th amendment to the National Constitution of Bangladesh, passed by the Parliament on 30th June 2011, fails to recognize the indigenous peoples of the country. The CHT Commission strongly believes that the estimated 50-60 indigenous peoples living in the CHT and in the rest of the country should be rightfully recognized as 'indigenous peoples' in line with the UN's modern understanding of the term.

The CHT Commission has received several reports throughout the previous year and the present year of allegations which indicate that the indigenous peoples of the CHT continue to suffer from marginalization and abuse by state (army and border guards) and non-state (Bangali settlers) actors.

We hope that Your Excellency will raise the issue of implementation of the CHT Accord with the Awami League-led government and the culture of impunity that prevails in the CHT, where members of the security forces are regularly alleged to be involved in human rights violations of indigenous hill peoples, and these incidents are rarely investigated. The CHT Commission firmly believes that such human rights violations of the indigenous hill people will continue and there will be no peace in the CHT unless the 1997 CHT Accord is implemented in full.

The UNDP in the Chittagong Hill Tracts is playing a commendable role in promoting socio-economic development in the region; but we would urge them to adopt a more robust approach to peace building by facilitating the development of a roadmap to implement the 1997 CHT Peace Accord by the Government of Bangladesh.

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Chittagong Hill Tracts Commission

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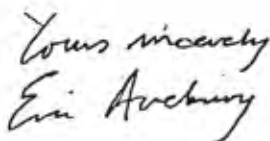
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We endorse the ratification by the Government of Bangladesh of the 1957 ILO Convention No. 107 on Indigenous and Tribal Populations Convention, but we respectfully suggest that you urge them to endorse the UN Declaration on the Rights of the Indigenous Peoples (UNDRIP) and to ratify ILO Convention No. 169 on Indigenous and Tribal Peoples.

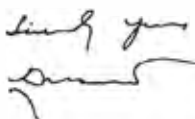
The indigenous peoples of Bangladesh have faced discrimination and persecution from the majority Bangali population and from the state, and they continue to be treated as second-class citizens as exemplified by the Government's lack of commitment to its own promises regarding indigenous peoples.

We hope that Your Excellency will raise the above-mentioned issues with the Government of Bangladesh and monitor the future performance of their international obligations to indigenous peoples. The United Nations is the best hope for the realization of fundamental human rights and freedoms of indigenous peoples across the world and we hope that these recommendations from the Chittagong Hill Tracts Commission will receive careful consideration from Your Excellency.

On behalf of the CHT Commission



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Co-chair of the
CHT Commission



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Co-chair of the
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