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Indigenous Peoples and Conflict prevention and resolution

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Indigenous communities were very actively participating last year and unfortunately must take the floor again this year, as there has been an intensification and continuation of conflict on our lands. We hope the recommendations from the United Nations Working Group on Indigenous Populations can be enacted to work toward conflict resolution and future prevention. Women must be part of the conflict resolution process, not only for protection of human rights, but also the healing of all people directly and indirectly affected by violence.

The situation faced by indigenous women and children in the Chittagong Hill Tracts of Bangladesh is critical due to the ongoing militarization and exploitation of natural resources on our ancestral lands.

The Hill Tracts remains one of the most highly militarised regions in the world, in spite of the signing of a 'Peace Accord' in 1997. Operation Upliftment is in force in the area, providing a quasi martial law system.

An International Rescue Committee study recognises that sexual violence was used as a strategy during the armed conflict in the Hill Tracts against indigenous communities. Bangladesh Army personnel have been accused of extra-judicial killings, rape, torture and abduction, and this continues to this day. It is acknowledged that rape and other gender-based violence perpetrated by an agent of the State constitutes Torture.

In 1996, Kalpana Chakma a 23-year old student activist for the Hill Women's Federation was abducted from her home in Rangamati district in the middle of the night by a Bangladesh Army Lieutenant and several of his soldiers from a nearby Army barracks. In spite of petitions to the Police, Home Ministry and the Army itself her disappearance was never properly investigated and the military personnel involved in her abduction were never brought to justice and continue to enjoy impunity for their crimes.

In August 2003, seven indigenous villages in Mahalchari were attacked and burnt by Bengali settlers with the collusion and active participation of Bangladesh Army personnel. Over 300 houses were looted and razed to the

ground and Buddhist temples ransacked and destroyed. At least 10 Chakma women were raped and some gang raped, including a mother and her two daughters (aged 12 and 15 yrs) from one family and two girls (aged 14 and 16 yrs old) from another family. Victims confirm that armed personnel together with Bengali settlers took part in the rapes. Two people were murdered, including the infanticide of an eight-month old baby, strangled to death in front of his grandmother, who was then raped. According to a report by Amnesty International (*A Call for Justice at Mahalchari*) the Police initially refused to accept complaints from the indigenous people, but filed complaints on behalf of Bengali settlers against thousands of indigenous inhabitants of the area, highlighting the discriminatory practices in the administration of justice.

The horrific attacks and violent rapes of indigenous women in Mahalchari are not isolated incidents. They follow a systematic pattern of abuse by Bangladesh Armed personnel, either directly involved in gender based violence, or who encourage Bengali settlers to target women in communal attacks, thus allowing a culture of impunity for these crimes to flourish.

A Lieutenant Colonel from the Bangladesh Army alleged to be involved in the 2003 attacks had recently returned from UN Peacekeeping duties in Sierra Leone. This added a disturbing dimension to the gender based violence at Mahalchari and other such incidents in the Hill Tracts.

Bangladesh is the highest contributor to UN Peacekeeping missions in 2005, with 10% (over 10,000) of its military serving as peacekeepers at any one time. In 2002 a Bangladeshi peacekeeper allegedly raped a 14 yr old boy in Jui, a transit camp near Freetown, Sierra Leone. The peacekeeper was immediately repatriated.

UN Peacekeepers are an important component in restoring normality after the turmoil and horrors of war. There are currently 17 UN peacekeeping missions worldwide, including recently deployed Sudan.

The allegations of sexual abuse of women and children by UN Peacekeepers have reached alarming levels in the Congo. These have led to the resignation of William Lacy Swing, head of the UN Mission to the Congo, and an independent investigation into the allegations at Bunia by the Office of Internal Oversight Services (OIOS). However, what has not been investigated is the rapes of indigenous women from the DRC Pygmy population. These are not 'dollar a day' women to be found hanging around the UN camps.

The UN General Assembly approved a Code of Conduct in operation for all UN peacekeeping missions. Rule four states that they should 'not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children.'

Kofi Annan has reiterated there will be a Zero Tolerance Policy for Peacekeepers found to be involved in sexual exploitation and abuse. There have been a number of recommendations to the UN Department of Peacekeeping Operations (DPKO) regarding the training and screening of contingents and availability of gender officers to deal with allegations of abuse by peacekeepers. However, few peacekeepers, who are shielded from prosecution by military agreements, have faced legal action for their crimes. This culture of impunity of the Military continues within the UN DPKO with the laws of a contingents homeland travelling with him on peacekeeping operations. In reality this has led to a complete lack of accountability for crimes perpetrated by peacekeepers.

The apparent impunity enjoyed by military personnel committing human rights abuses is of grave concern to indigenous peoples organisations and the international community as a whole. The fact that some of these personnel have served and continue to serve as peacekeepers under the auspices of the United Nations brings the reputation of the UN into disrepute, undermining the purposes and principles of the UN Charter.

The militarization of indigenous lands in Bangladesh, India and Nepal and the rapes and sexual violence perpetrated against indigenous women in these countries has given indigenous communities unenviable experience of military personnel committing abuses and completely unsuitable to serve on peacekeeping missions.

I would like to make the following recommendations regarding consultation with indigenous peoples on human rights abuses to this Working Group on Indigenous Populations to take to the Sub Commission and Commission on Human Rights:

Prior to deployment on UN Peacekeeping missions:

- The DPKO should screen and monitor the human rights records of contingents (only certain categories are currently screened) to ensure military and civilian personnel with a history of human rights abuse are not deployed on peacekeeping missions
- The database of human rights abusers or 'blacklist' being developed by DPKO should be open to contributions from indigenous peoples and human rights groups with experience and evidence of human rights abuses
 - Under the current system it is virtually impossible to track abusers thus conveying complete impunity
- DPKO should monitor and ensure contributing states carry out appropriate pre-deployment gender training, this should be carefully scrutinised for countries, such as Bangladesh, India and Nepal where there is already evidence of human rights abuses
- Preparatory visits by DPKO to contributing countries to check kit and equipment should also be used to check the suitability of potential peacekeepers and the gender training they have (or have not) received
 - Meetings with human rights organisations, indigenous peoples organisations and women's rights groups can also be organised

- during the DPKO preparatory visit to corroborate or confirm human rights abuses by specific military or civilian personnel
- Improve gender training materials of peacekeepers prior to and during peacekeeping missions
 - This should involve the development of appropriate materials tailored to the educational and cultural needs of the contributing troops
 - To urge member states to prosecute their nationals accused of human rights violations while serving as UN peacekeepers
 - The UN should lift diplomatic immunity for its own staff accused of criminal acts in the Congo, opening the way for prosecution
 - The UN Security Council should exclude countries whose peacekeepers have a history of human rights violations from future operations. The UN should publicly name and shame those countries whose peacekeepers have carried out abuses in the Congo
 - Encourage the recruitment and deployment of women (as both military and civilian) personnel on peacekeeping missions
 - Finally, we urge the Special Rapporteur on Violence Against Women to carry out a study on the issue of violence against women perpetrated by peacekeepers with the participation of indigenous women and communities

It is essential that indigenous women are able to actively participate in conflict resolution processes within their own communities, and also input into the UN systems and procedures.

We urge this Working Group on Indigenous Populations and the Commission on Human Rights to end the deafening silence that has greeted their stories of abuse at the hands of the military and peacekeepers until now. To ignore these gross violations at 'home and abroad' would appear cavalier at best and is a blight on the reputation of the United Nations and makes a mockery of Peacekeeping operations.

Thank you for your time Mr Chair.

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