State Practice of Asian Countries in International Law

Bangladesh

*Sumaiya Khair**

LEGISLATION

PLANTATION WORKERS' WELFARE – GRANTS – FINANCIAL ASSISTANCE

Bangladesh Tea Workers' Welfare Fund Act 2016 (Act No.1 of 2016)

Drawing on the spirit of ILO Convention concerning Conditions of Employment of Plantation Workers 1958 (C110) and Recommendation concerning Welfare Facilities for Workers 1956 (R102), the Bangladesh Parliament enacted the Bangladesh Tea Workers' Welfare Fund Act 2016 (Act No.1 of 2016) on 9 February 2016 applicable to all permanent tea plantation workers working in tea gardens of Bangladesh (Section 1). The Act directs the government to form a Management Board, whose membership includes, *inter alia*, representatives from the Bangladesh Tea Workers Union (Section 4). The Board shall have the power to grant funds for government projects of workers and their families and invest in profitable schemes (Section 6). Money for the Board Fund may be received from grants or donations given by the government; grant or donation given by tea gardens, or any local authority or any organization and person; income from the money invested in the fund; and any other legitimate source (Section 7).

The Board may grant tea plantation workers financial assistance on various grounds. For example, if a worker is declared permanently disabled by a medical authority and hence retired, withdrawn or exempted from service; or if he retires from service; or if he dies within five years from the date of retirement (Section 8). Grants are available for the marriage of a daughter of a dead or disabled worker or who is in a particularly distressing situation (Section 9) and education of children of unemployed, dead or disabled worker (Section 11). Section 11 of the Act provides for special grants for any medical assistance including blood transfusion; purchase spectacles and other medical accessories for the body; burial or funeral; assistance for physical injury or accidental damage; and the purchase of textbooks.

* Professor, Faculty of Law, University of Dhaka, Bangladesh.

JUDICIAL DECISIONS

**MONEY LAUNDERING – PROCEEDS OF CRIME – CORRUPTION –
PRINCIPLE OF TERRITORIALITY – DOCTRINE OF
INTERNATIONAL DOUBLE JEOPARDY – ICCPR – APPLICATION
OF INTERNATIONAL LAW IN DOMESTIC COURT**

Robin Chowdhury @ Misba Uddin v. Anti-Corruption Commission and others
[Writ Petition No. 13488 of 2015, Judgment of 21 July 2016, High Court Division
of the Supreme Court of Bangladesh (Special Original Jurisdiction)]

A Deputy Director (Special Enquiry and Investigation-1) of Anti-Corruption Commission, Respondent No. 2 in this case, lodged a First Information Report (FIR) on 20 May 2015, with the police implicating the writ Petitioner and others for committing offence under specific provisions of the Money Laundering Prevention Act 2012. It was alleged in the FIR that on 6 June 2012, the UK Home Office sent a Letter of Request for Legal Assistance in the matter of Robin Choudhury @ Misba Uddin to the Ministry of Home Affairs, Government of Bangladesh. The letter stated that the Petitioner worked for the FLP Solicitors (a law firm) in London from September 2007 to February 2008. During this period, the Petitioner made 13 fraudulent applications for mortgage, through which he obtained more than five million pounds and eventually, he remitted 160 million taka to Bangladesh through different bank accounts. Apart from this, he transferred large amounts of money in both British and Bangladeshi currencies from a joint account with his wife from London to Bangladesh. He deposited the said money in 50 accounts in 10 different banks in Sylhet in the name of his father, wife, uncle and brother-in-law. He also invested some portion of the money in the shares market and purchased land, flats, and furniture, the details of which were mentioned in the FIR. These facts signify that the writ Petitioner has committed an offence under the Money Laundering Prevention Act 2012.

It was also alleged that the Petitioner changed his name to Robin Chowdhury in London and obtained a driving license and a British passport in that name. The London Police arrested the Petitioner in August 2011 and charged him under relevant provisions of the Fraud Act 2006 for fraudulent mortgages and the Proceeds of Crime Act 2002 for money laundering. On 11 April 2013, the Petitioner was convicted and sentenced to imprisonment for eight years. A confiscation order was issued under the Proceeds of Crime Act 2002, whereby the Southwark Crown Court in the UK asked the Petitioner for details of his income, property, motor vehicles, bank accounts, etc. The Proceeds of Crime Act of the UK is essentially similar to the Money Laundering Prevention Act

of Bangladesh. The Petitioner provided all requisite information to the Crown Prosecution Service (CPS) and the concerned Court. On appeal, the Petitioner's sentence was reduced to six years and four months, which he is serving. The Petitioner was subsequently released on license.

The Anti-Corruption Commission (ACC) of Bangladesh (Respondent No. 1) initiated inquiries into the matter in lieu of which it obtained an order from Respondent No. 4, Senior Metropolitan Special Judge Dhaka on 2 January 2014 to freeze the bank accounts of the Petitioner and his wife and lodged an FIR as mentioned above against the Petitioner and four others. The learned counsel for the Petitioner maintained that the offence of money laundering is a transnational crime and the Petitioner had already faced prosecution for the same in the UK and awaiting the outcome. As such, he could not be prosecuted again in Bangladesh for the same offence. Alluding to the principle of "double jeopardy" as enshrined in the Constitution of Bangladesh and the Criminal Procedure Code 1898, which provide that no person shall be prosecuted and punished for the same offence more than once, the counsel for the Petitioner argued that the legal proceedings initiated against the Petitioner was unlawful and of no legal effect. The Petitioner's counsel also drew the attention of the Court to similar provisions enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Bangladesh is a signatory.

The ACC responded that, the investigating officer investigated the case with permission of the ACC in accordance with law and due process. On finding *prima facie* evidence of infringement of relevant provisions of the Money Laundering Prevention Act, the ACC lodged this FIR. The learned counsel for the Respondent pointed out that it was a settled decision of the Appellate Division of the Supreme Court of Bangladesh that criminal proceeding or investigation process cannot be challenged invoking Article 102 of the Constitution. Besides, the Petitioner being a fugitive from justice had no *locus standi* to file any application/petition before any court of law including this Court. He also explained that the offence of money laundering in the UK for which the Petitioner was convicted and the act of transferring money into different accounts in the names of his relatives were separate and distinct; as such, the principle of "double jeopardy" did not apply in this context.

The moot questions that confronted the Court were two-fold: firstly, whether Article 14(7) of the ICCPR or any other provisions of the same prohibit successive prosecution for the same conduct in which an accused was prosecuted and convicted in another sovereign country under its own law; and secondly, whether the principle of "international double jeopardy" doctrine would be applicable in this particular case.

The Court affirmed that the Bangladesh Constitution (Article 25(2)) contains provisions similar to Article 14(7) of the ICCPR which states that no one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with law and penal procedure of each country. As such, there has not been any deviation from the Covenant. The doctrine reflected in Article 35(2) of the Bangladesh Constitution does not extend to any offender prosecuted and convicted in a country of distinct sovereignty, under its own statute.

The Court observed that the Petitioner essentially committed two offences by one act—one committed in the UK and the other in Bangladesh. The Court maintained that as a sovereign entity, Bangladesh has the power to determine independently what act shall constitute offences and to punish them under its laws in the same way UK prosecuted and convicted the Petitioner under its own laws.

The Court noted that:

[The] territoriality principle is the most common basis of jurisdiction and is widely regarded as a manifestation of state sovereignty. At its simplest, the territoriality principle denotes that a sovereign state has jurisdiction over conduct or act or omission that occurs within its territorial borders. The ‘separate sovereigns’ doctrine allows for two states to prosecute for the same offence [that] occurred within [the] jurisdiction of both locations. Thus, [sic] [the] ICCPR does not prohibit successive prosecution of the offence committed by same course of conduct under a distinct law of a sovereign country.

The Court emphasized that prosecuting and convicting a Bangladeshi national for an offence committed beyond the territory of Bangladesh creates no bar for his or her successive prosecution for the “same act” in the exercise of power given under Bangladeshi laws. The money brought into Bangladesh by the Petitioner was eventually possessed, transferred and converted knowing that such property constituted the proceeds of crime. As such, the Petitioner committed a new and distinct offence of money laundering in Bangladesh. In the circumstances, the Court disagreed with the claim that the accused was being prosecuted twice for the “same offence” merely because he was convicted for the same act under the law of UK. The Court held that the Petitioner allegedly by a single act violated laws of two sovereign States and thereby committed two distinct offences and therefore, there has not been any breach of the doctrine of “double jeopardy”.

In conclusion, the Court reiterated that the principle of “international double jeopardy” is not enforceable in domestic courts unless specifically incorporated in the domestic law. Since the principle has not been incorporated in the Prevention of Money Laundering Act of 2012, there was no scope to enforce it directly. That said, the Court recognized the significance of the “international double jeopardy” doctrine and noted that its decision in this particular case may have an impact on the development of the principle.

INTERNATIONAL AGREEMENTS

Bangladesh Signs Paris Agreement, New York, 22 April 2016

Bangladesh signed the Paris Agreement at the United Nations on 22 April 2016. The Minister for Environment and Forests of Bangladesh signed the Agreement at the General Assembly Hall in the presence of delegations from 171 countries.

The Paris Agreement, alternatively referred to as the Paris Climate Accord or Paris Climate Agreement, is an agreement within the United Nations Framework Convention on Climate Change (UNFCCC), addresses issues of greenhouse gas emissions mitigation, adaptation and finance. Building upon the UNFCCC, the Paris Agreement urges all nations to pursue the common cause of combating climate change and to take appropriate measures to help developing countries adapt to its effects. One of the fundamental aims of this Agreement is to strengthen global efforts to keep the increase in global average temperature to well below 2°C above pre-industrial levels and to aim to limit the increase to 1.5°C, since this would significantly reduce the risks and the impacts of climate change. To this end, the Agreement recommends adequate financial flows and frameworks for new technology framework, capacity development, and transparency of action and support for vulnerable and developing countries.

Highlighting Prime Minister Sheikh Hasina’s personal commitment to combating climate change, the Bangladesh Statement reaffirmed her Government’s readiness to continue to support the comprehensive implementation of the Paris Agreement. The Statement reiterated that “collective wisdom and commitments are essential to implement the Paris Climate Agreement ... We all must consider the urgency of acting now”. It further observed that, “all countries need to be united in our collective journey, keeping in mind that one’s non-compliance may threaten the existence of all. However, developed countries have to take lead in this case”. Bangladesh flagged various pro-active initiatives undertaken by the Government to adapt to the effects of climate change by using its own resources and with international cooperation.

BILATERAL AGREEMENTS/MOUS

Promotion and Reciprocal Protection of Investments between the Government of the People's Republic of Bangladesh and the Government of the State of Kuwait, 04 May 2016, Dhaka, Bangladesh

The Governments of Bangladesh and Kuwait entered into a bilateral agreement on 4 May 2016 in Dhaka, Bangladesh. The purpose of the agreement is to “create favorable conditions for the development of economic cooperation between both Parties and in particular for investments by investors of one Contracting Party in the territory of the other Contracting Party” through “promotion and reciprocal protection of such investments”. The Contracting Parties recognized that this would stimulate business initiative and increase prosperity in both countries. Appropriate measures must be taken to ensure that investment activities are implemented in consonance with the laws of each Contracting Party (Article 13).

Each Contracting Party will ensure that investments are accorded fair and equitable treatment with full protection and security consistent with recognized principles of its laws and provisions of the Agreement (Article 3(2)) at par with its own investors (Article 4(1)). No unreasonable or discriminatory measure will be taken that is likely to impair the management, maintenance, use, enjoyment or disposal of the investments (Article 3(3)). Article 6 of the Agreement prohibits the nationalization or expropriation of investments except in the public interest on a “non-discriminatory basis and in accordance with due process of law and against prompt, adequate and effective compensation”.

The Agreement has provisions for compensation for losses incurred by any Contracting Party due to war, armed conflict, revolution, state of national emergency, riot, revolt or insurrection (Article 7(1)). Contracting Parties shall ensure that such compensation is prompt, adequate and effective (Article 7(2)). Investors of each Contracting Party shall be entitled to free transfer of all payments in connection with the investment into and out of its territory (Article 9(1)). However, such transfer may be prevented or delayed in good faith and consistent with laws and regulations in the event of bankruptcy, insolvency or protection of the rights of creditors; criminal or penal offences; in compliance with judicial orders or judgements or administrative proceedings; taxation; social security, retirement and compulsory savings schemes (Article 1(4)(5)).

In the event of any dispute between the Contracting Parties, the matter shall be settled amicably, failing which it will be referred to international arbitration (Article 11(1)(2)). The arbitral tribunal shall take its decision by majority of votes (Article 11(5)).

Promotion of Economic and Technical Cooperation between Bangladesh and China, 14–16 October 2016

The Presidents of the People's Republic of Bangladesh and the People's Republic of China signed 27 deals worth billions of dollars during the latter's visit to Bangladesh on 14–16 October 2016. Significant among these are an agreement for increasing investment and production capacity building, under which 28 development projects will be supported with \$21.5 billion in foreign aid; an economic and technical cooperation agreement for \$80.3 million grant; a loan agreement of \$700 million for Karnaphuli tunnel construction; a credit construction of \$280 million for Dashekandi Sewerage Treatment Plant project; and four more loan deals with regards to purchase of six ships.

The Memoranda of Understanding (MOU) signed by both countries include MOUs on: China's "One Belt, One Road" initiative in which Bangladesh has joined, maritime cooperation, joint feasibility study on a free-trade area, new ICT framework, counter-terrorism collaboration, capacity building and sharing of information, tackling climate change risks, regional and international cooperation, and cooperation on power and energy sectors, river management including dredging and land reclamation, and culture.

Both countries announced 2017 as the Year of Friendship and Exchanges between China and Bangladesh.

Promotion of Economic Ties and Connectivity between Bangladesh and India, 9 March 2016

There has been notable progress in the bilateral relationship between Bangladesh and India as both countries stepped up initiatives to develop economic ties and connectivity. On 9 March 2016, Bangladesh signed an agreement with the Exim Bank of India to fund US\$2 billion in low-cost loans for a number of social and development projects. This is the largest credit line that India has extended to any country.

The two countries have also signed key partnerships in the energy and power sectors pursuant to which Bangladesh will receive 100 megawatts of power from the 726-megawatt thermal power plant in Palatana, Tripura. The State-owned Indian electrical company, Bharat Heavy Electricals Limited, has signed an MOU on a US\$1.6 Billion Power project in Khulna, Bangladesh.

Beyond this, Bangladesh and India have taken some important measures to enhance connectivity between the two countries. Bus services linking India and Bangladesh have been established and multiple agreements have been signed to enhance trade by improving maritime cooperation. This includes an MOU on the use of Chittagong and Mongla ports in Bangladesh to facilitate the movement of goods to and from India.

***Promotion of Bilateral Trade between Bangladesh and Nepal,
11–12 May 2016***

The Senior Commerce Secretary of Bangladesh and the Commerce Secretary of Nepal met at a bilateral meeting in Dhaka, Bangladesh on 11–12 May 2016 to discuss the promotion of bilateral trade, improvement of trade facilitation procedures, development of trade-related infrastructure, and reduction of non-tariff barriers. To this end, both countries entered into a number of joint agreements including an MOU between the Bangladesh Standard Testing Institute and the Nepal Bureau of Standards and Metrology for removal of technical barriers to trade; Agreement to harmonize sanitary and phytosanitary measures in agricultural products; Agreement to enhance facilities of land Customs stations, to facilitate increased trade between the two countries; Agreement to simplify visa and immigration process to promote tourism in both countries; and Agreement to participate in trade fairs of both countries.

Additionally, connectivity issues were discussed. Nepal requested for broad gauge conversion of the Radhikapur-India-Birol-Bangladesh rail line. Both countries agreed to bring the Singhabad, India-Rohanpur, Bangladesh rail transit facility into operation. Bangladesh committed to improve connectivity through Jamuna Bridge to enable Nepal to access the Mongla Port in Bangladesh. The delegation agreed to strengthen Bangladesh-Nepal connectivity through cooperation with India.

The countries further agreed to form a technical committee for the development of implementation modality of preferential market access for each other's goods and endorsed the final list of the products that was granted preferential market access, including 108 Nepali goods and 50 Bangladeshi goods.

STATEMENTS, JOINT CONCLUSIONS, RESOLUTIONS

Joint Statement of the People's Republic of Bangladesh and the People's Republic of China on Establishing Strategic Partnership of Cooperation, Dhaka, 14 October 2016

His Excellency Mr. Xi Jinping, President of the People's Republic of China, paid a State visit to the People's Republic of Bangladesh on 14–15 October 2016 at the invitation of His Excellency Mr. Md. Abdul Hamid, President of the People's Republic of Bangladesh. This visit marked an important milestone in promoting bilateral relationship between China and Bangladesh as both countries reached a broad consensus on international and regional issues of common interest.

The two sides agreed that cooperation between China and Bangladesh, two developing countries with large populations, and their common development

and prosperity would contribute to the welfare of the two peoples and would promote the development of the region and their self-reliant growth. Both sides agreed to elevate the bilateral relations to the Strategic Partnership of Cooperation.

The two countries reiterated their adherence to the Five Principles of Peaceful Co-existence, respecting and supporting each other in choosing the paths of development according to the national conditions, and respecting and supporting each other's core interests and major concerns. Both countries appreciated each other's national sovereignty and territorial integrity.

The two sides agreed to enhance high-level exchanges, maintain frequent contacts between leaders of the two countries on the sidelines of multilateral fora, strengthen exchanges and cooperation at various levels between the two governments, legislative bodies, political parties, and peoples to deepen mutual trust at all levels.

The two countries agreed to enhance the alignment of their respective development strategies, fully tap the potentials of cooperation in various areas, work on the "Belt and Road Initiative" for sustainable development and common prosperity of the two countries.

The two sides agreed to expand and deepen trade and investment cooperation and identified infrastructure, industrial capacity cooperation, energy and power, transportation, information and communication technology, agriculture for mutual benefit. The relevant departments of the two governments will enhance policy exchanges in the above-mentioned areas and provide planning and guidance for the bilateral cooperation, increase investment and human resources development.

The two countries agreed that the Framework Agreement for Developing Cooperation on Production Capacity between Bangladesh and China would enhance the capacity of companies and financial institutions to improve investment and cooperation between them, in particular with respect to construction and operation of infrastructure, metallurgy and material, resource processing, equipment manufacturing, light industry, electronics and textiles, semiconductors and nanotechnology, industry clusters, and other areas. Both agreed to cooperate for developing and investing in the ICT sector and to continue their cooperation on river management, including dredging with land reclamation.

The two sides agreed to continue to promote balanced development of bilateral trade and to start feasibility studies on the establishment of China-Bangladesh Free Trade Area. The two sides believed that there are extensive potentials for cooperation in maritime affairs between the two countries, and agreed to establish a dialogue mechanism for maritime cooperation.

The Chinese side is willing to assist the Bangladeshi side in developing Blue Economy and strengthening its capacity in relevant areas.

Both sides believed that China and Bangladesh are important partners in South-South cooperation among developing countries and agreed to enhance bilateral and multilateral cooperation within the South-South cooperation Framework for effective implementation of the 2030 Agenda for Sustainable Development. China will provide support and assistance to Bangladesh in strengthening the capacity for disaster management, seeking waste management and water treatment solutions for both urban and industrial areas and developing earthquake resilient infrastructure.

The two countries agreed to provide more training opportunities for human resources and skills development for Bangladesh in areas of public administration, science and technology, agriculture, health care, and arts. China will continue to provide government scholarships for Bangladeshi students to study in China, and fund the outstanding young Bangladeshi scientists to work in China.

The two sides agreed to strengthen cultural and people-to-people exchanges and expand exchanges and cooperation in culture, education, tourism and other fields, and to promote interactions between the media, think tanks, youth, women organizations, non-governmental groups and local authorities of the two countries.

The two countries agreed to maintain military cooperation and exchanges at various levels and deepen cooperation in areas such as personnel training, equipment and technology and UN peacekeeping missions.

The two sides condemned terrorism in all its forms and manifestations. China agreed to support Bangladesh's efforts in combating terrorism and maintaining national security and stability and expressed its readiness to cooperate by sharing of information, capacity building and training. They agreed to explore the possibility of establishing a dialogue mechanism on countering terrorism.

Both sides are ready to enhance communication and coordination to pursue the establishment of BCIM Economic Corridor and to push for early consensus on the Joint Study Report and establish the governmental cooperation framework between the four parties to launch early harvest program.

The two countries reiterated that they would abide by the purposes and principles of the UN Charter and enhance their cooperation in UN and other international organizations, including enhancing coordination and cooperation in global issues such as sustainable development, energy, food security and other challenges and appeals of developing countries. They will work together to promote peace, stability, development and prosperity of the region and the world.

Statement under the Thematic Discussion on “Other Disarmament Measures and International Security” at the First Committee of the 71st Session of the UN General Assembly, 24 October 2016

In a statement underpinning its support for multilateralism in the pursuit of general and complete disarmament, Bangladesh emphasized the need for reinvigorating the UN Disarmament Machinery to add further impetus to inter-governmental negotiations on outstanding disarmament and nonproliferation issues. To achieve this, it underscored the importance of expansion of disarmament education and research and the mobilization of the use of social media tools to spread disarmament education and awareness to the wider public, including students at different levels. Appreciating the learning resources developed by the UN Office for Disarmament Affairs (UNODA), Bangladesh flagged the importance of facilitating enhanced inter-operability of such resources with national education curricula online, as appropriate. It also put on record its appreciation for the useful work continually being done by the UN Institute for Disarmament Research (UNIDIR), and stressed the need for ensuring enhanced and predictable resources for it to deliver on its mandates and help expand and manage its knowledge base for the general consumption of all Member States.

Bangladesh attached great importance to mainstreaming and preserving relevant environmental norms in the international legal regime concerning disarmament and arms control and asserted that the applicability or relevance of such legal norms to disarmament in the seabed and outer space should be studied and analyzed in depth.

Bangladesh expressed its concern over the potential misuse of the information and communication technology (ICT) to the detriment of international peace and security. It emphasized on the need to promote international cooperation to ensure information security, including through appropriate transparency and confidence building measures. In this context, Bangladesh acknowledged the contribution of the Group of Governmental Experts (GGE) established by the Secretary General pursuant to GA Resolution 70/237, and recommended the development of a comprehensive legal instrument through inter-governmental negotiations.

In conclusion, Bangladesh reiterated the importance of factoring in potential threats in the cyber-sphere, including new developments in artificial intelligence and other related fields, into the ongoing review of the implementation of the UN Security Council Resolution 1540 to prevent ICT platform from being exploited for the proliferation of weapons of mass destruction by terrorists and other unauthorized entities.

Statement under the Thematic Discussion on “Regional Disarmament and Security” at the First Committee of the 71st Session of the UN General Assembly, 25 October 2016

In a statement under the theme regional disarmament and security, Bangladesh acknowledged the critical importance of regional disarmament and security in the maintenance of international peace and security and stated that the notion of “strategic stability” that influenced the security doctrines of the nuclear weapon States in the region continues to be a major concern.

Bangladesh encouraged concerned stakeholders to push for a nuclear weapon-free zone in South Asia and the Middle East in the interest of sustainable peace, security and stability in the region. It attached great priority to unconditional and legally binding assurances to non-nuclear weapon states against the use or threat of use of nuclear weapons by nuclear weapons states. Bangladesh acknowledged that peaceful dialogue and diplomacy are best tools for promoting regional security and for creating conditions conducive to sustained and meaningful dialogues on disarmament and security issues.

Bangladesh recognized the useful role of the UN Regional Centre for Peace and Development (UNRCPD) in bringing together relevant experts and policy makers from the region to share views on issues of common concern. It acknowledged the contribution of UNRCPD’s customized support to Bangladesh in promoting the implementation of the UN Program of Action on Small Arms and Light Weapons and the International Tracing Instrument, which have enabled Bangladesh to identify existing gaps and challenges in its legal, policy and institutional arrangements in ensuring compliance with the relevant Arms Trade Treaty provisions. Bangladesh expressed its desire to further its partnership with UNRCPD to support the ongoing work on developing a comprehensive National Control List in fulfillment of, *inter alia*, the obligations under UN Security Council Resolution 1540.

Bangladesh declared that it remains open to opportunities for further learning from the good practices in other regional countries in preventing proliferation of weapons of mass destruction and their possible acquisition by terrorists and other unauthorized non-state entities.

Statement of Bangladesh at the Security Council on Women, Peace and Security, 24 May 2016

Speaking on issues of conflict prevention and participation under the consolidated theme of Peace and Women, Bangladesh recommended further engagement with Africa to learn from one another’s experience in promoting the role of women in peace, security and development. Witnessing a paradigm shift in

society's attitudes towards the role of women in the public sphere, including in conflict prevention and resolution, Bangladesh believed that it has much to contribute to the evolving conversation on the contributions of women and girls as active change agents in their respective communities.

Statements of Bangladesh at the Security Council Open Debate on Women, Peace and Security, October 2016

Speaking on implementation under the consolidated themes on Peace and Women, Bangladesh recalled with satisfaction the generation of the unprecedented level of interest in the global study on the implementation of resolution 1325 (2000) in 2016 in the wake of the adoption of resolution 1325 (2000) during its membership in the Security Council in 2000–2001. Following the adoption of resolution 2242 (2015), the issue of developing a national action plan featured prominently in the Bangladeshi policy discourse. Following preliminary discussions with UN-Women and other international partners, the Government of Bangladesh is exploring the opportunity to convene dialogues with a cross section of women and their representative organizations. In this context, Bangladesh has agreed to join the Spanish initiative to establish a network of national focal points.

Bangladesh stressed that the inherent resilience of Bangladeshi women convinces it of women's capacity to act as agents of change in the face of the humanitarian consequences they disproportionately suffer in different situations. Bangladesh is encouraged to see that this notion is gaining recognition in the humanitarian discourse. Bangladesh observed that the mandate of the Global Acceleration Instrument for Women and Peace and Security and Humanitarian Action has the potential to support further demonstration to that effect in response to specific needs in conflict and post-conflict settings.

In conclusion, Bangladesh underscored the importance of increased, sustained and coordinated mobilization of finances, and earmarking thereof, for giving effect to the women and peace and security agenda.

Speaking on participation and peacekeeping under the consolidated themes of Peace and Women, Bangladesh reiterated its commitment to enhance the role and participation of women, including in its national contingents, as part of its contribution to United Nations peacekeeping. Bangladesh maintained that so far some 1,047 women peacekeepers have been participating in various missions, including 774 police personnel. Bangladesh is currently in the process of detailing two female military observers, and planning to deploy women contingent commanders by 2021.

Speaking on sexual and gender-based violence under the consolidated themes of Peace and Women, Bangladesh stated that its peacekeepers know

that they must take decisive action to prevent and combat sexual and gender-based violence, as part of their broader mandate regarding the protection of civilians. Unequivocally condemning sexual exploitation and abuse by peacekeepers, Bangladesh stated that it has demonstrated its resolve to cooperate in implementing the comprehensive measures outlined in the Secretary General's enhanced program of action to combat this scourge.

Speaking on participation under the consolidated themes of Peace and Women, Bangladesh welcomed the adoption of the gender strategy by the Peace-building Commission and asserted that it has been particularly supportive of further strengthening women's participation and leadership in 2016 resolutions on peace-building architecture and mediation. Bangladesh expressed relief at learning about the mediated release and rescue of a number of women and girls held hostage by certain international and regional terrorist groups. Bangladesh urged the Security Council to continue efforts to secure the freedom of the remaining women and girls.

Bangladesh acknowledged the recent trend of increased women's representation in various peace negotiations, and in increasing gender-specific provisions in peace agreements. Referring to national conditions in the aftermath of a peace accord signed with a local insurgent group in 1997, it stated how women were playing a critical role in advancing the accord's implementation, preventing reversion of the conflict, and building awareness and resilience against gender-based violence. The Bangladeshi Government has prioritized the further mainstreaming of women's participation in multidimensional efforts of the country to combat terrorism and prevent violent extremism.

Bangladesh recalled Prime Minister Sheikh Hasina's appeal to mothers to work as sentinels in their families and urged female teachers, elected representatives and women working at the grass-roots level to contribute actively towards a whole-of-society response against violent extremism and radicalization. Bangladesh reiterated its determination to push ahead with women's development and empowerment efforts to defeat the violent extremists and terrorists.

Speaking on under the consolidated theme of disarmament, Bangladesh recognized the differential impact of armed conflicts and proliferation of small arms on women and girls. In this connection, Bangladesh decided to co-sponsor a draft resolution entitled "Women, disarmament, non-proliferation and arms control".

High Level Forum on a Culture of Peace, Permanent Mission of Bangladesh to the United Nations, New York, 01 September 2016

Following the United Nations General Assembly resolution tabled by Bangladesh titled "Follow-up to the Declaration and Program of Action on a

Culture of Peace”, adopted by consensus on 3 December 2015, the President of General Assembly convened on 1 September 2016 a day-long High Level Forum on a Culture of Peace at the Trusteeship Council Chamber at the UN Headquarters. Since 1997, Bangladesh has been actively involved in bringing this resolution to UN General Assembly and has been tabling it since 2001. The High Level Forum provided an opportunity for the Member States and stakeholders to exchange their views on ways to build and promote the “Culture of Peace”, which has become imperative in the conflict-ridden world of today.

In a full house chamber, more than forty countries made statements in the plenary segment, which is the highest among all High Level Forums held since 2012. The Permanent Representative and Ambassador of Bangladesh made the statement on behalf of the Bangladesh Delegation. He said a culture of peace is an aspiration of all humanity, the essence of the UN Charter, and imperative in the current global context. Promoting and inculcating a mindset of a culture of peace is at the core of peaceful and mutually respectful co-existence and dialogue among different civilizations, religions, faiths and beliefs around the globe. In the panel discussion, the Permanent Representative pointed out the critical linkage between the culture of peace and the Sustainable Development Goals that called for inclusive societies and accountable institutions at all levels.

The statements of the President of General Assembly and of the UNSG re-asserted and re-affirmed the commitment of the Member States towards building the culture of peace and the international community’s determination to work more diligently for its realization. Along with other delegations, the UNGA President acknowledged the role of Bangladesh in promoting the issue of cultural of peace at the United Nations and beyond.

Second Follow-up Meeting on Bangladesh Sustainability Compact, Dhaka, 28 January 2016

The Partners of the Bangladesh Sustainability Compact – Government of Bangladesh, European Union, United States of America and the International Labor Organization (ILO) met in Dhaka on 28 January 2016 to assess the progress in the implementation of the Compact for securing respect for labor rights, occupational safety and health and promoting responsible business conduct in Bangladesh’s ready-made garment and knitwear (RMG) sector based on the set of concrete mutually agreed on commitments by its Partners.

Reiterating their commitment to work collectively to improve the working conditions and workers’ rights in the export oriented RMG sector, the Compact Partners recognized the progress made by Bangladesh since the last Follow-up Meeting towards meaningful and sustainable changes in the RMG

industry. These included *inter alia* the recent promulgation of implementing Rules under the Bangladesh Labor Act; the near-completion of initial safety audits by the Government of hundreds of RMG factories; the formal launch of the Better Work Bangladesh program with ILO/IFC; and the continuation of efforts to improve the capacity of the Department of Inspection for Factories and Establishments (DIFE), the Fire Service and Civil Defense Department (DFSCD) and the capital development authority (RAJUK), including through increase in staff and budgetary allocation.

They also appreciated the detailed update provided by Bangladesh, titled “Update by Bangladesh – Progress in Implementation on Outcome of the Review Meeting of the Sustainability Compact, as on 11 January 2016”.

As next steps, the Partners focused on the following priorities:

- Ensure that trade union registration process is carried out smoothly and expeditiously in accordance with objective and transparent criteria;
- Upgrade the (Bangladesh) Directorate of Labor with additional staff and resources to effectively investigate and prosecute unfair labor practices in a timely and transparent manner and to promote harmonious industrial relations;
- Adopt necessary changes to the legal framework applicable in the EPZs to protect freedom of association and collective bargaining rights and to ensure that such rights are commensurate with those provided in the national labor law with participation of all stakeholders and the ILO.
- Ensure the effective implementation of the Bangladesh Labor Act and its Rules, in line with the relevant ILO Conventions, including with regard to Participation Committees and Safety Committees;
- Complete the recruitment of inspectors to ensure effective inspections in all active export-oriented RMG factories in the country, including their subcontracting factories, so that all RMG workers in Bangladesh are assured of a safe working environment;
- Undertake remediation and transparent monitoring through the DIFE website of all export-oriented RMG factories, according to the developed Corrective Action Plans, in a timely and effective manner in cooperation with relevant stakeholders.

The Compact Partners also underlined the need to reform Bangladesh's labor laws to ensure that they are in compliance with core ILO Conventions and to address the conclusions and recommendations of the ILO supervisory bodies, including with regard to freedom of association.

The Partners acknowledged the contributions of the private sector initiatives in making progress towards fulfillment of the Compact. They also recognized the importance for brands and retailers to adopt practices that promote

responsible business conduct in global supply chains and encouraged them to adopt a uniform code of conduct for factory audits in Bangladesh.

The Partners reiterated their commitment to help ensure that the further development and sustainability of the RMG sector in Bangladesh advance in line with improved workers' rights and safety.