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Chair

Mr. Scott Reid

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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• (1305)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): I bring this meeting to order.

[Translation]

We are the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is May 3, 2012, and this is our 35th meeting.

Pursuant to Standing Order 108(2), our witness today is Tin Maung Htoo, Executive Director of Canadian Friends of Burma.

[English]

Tin Maung Htoo, the executive director of the Canadian Friends of Burma, is with us today to provide testimony to our ongoing hearings on the human rights situation in Burma.

We normally allow ten minutes for witness testimony, followed by questions and answers.

Without further ado, I would invite our witness to begin. Thank you.

Mr. Tin Maung Htoo (Executive Director, Canadian Friends of Burma): Mr. Chair and honourable members, it is a great honour to be here to talk about Burma and to answer your questions related to the current political situation in Burma.

I represent the Canadian Friends of Burma, a federally incorporated non-governmental organization working for democracy and human rights in Burma. Early this year, we celebrated the 20th anniversary of the organization, marking a milestone of Canadian supports for the Burmese democratic movement. We thank the Government of Canada and members of Parliament for their unwavering support for the inspiration of Burmese people.

We all know that Burma is now at the crossroads. We have seen some encouraging signs. We should all celebrate the fact that Canada has played an important role in this positive political transformation. However, we must be realistic about the rate and extent of change. Democracy in Burma has a long way to go.

Just before last month's byelections, Daw Aung San Suu Kyi was asked about the progress to democracy. She was asked to rank Burma's progress between one and ten, with ten being complete democracy. Her answer? "We are on the way to one."

We understand that the Government of Canada means to encourage more political reforms by suspending its economic sanctions. It would have been much better if Minister John Baird had waited a bit to see the most likely outcome of Canada's toughest economic sanctions.

For example, if Minister Baird had made an announcement yesterday to modify some of the sanctions, it would have been perfect timing, because Burmese democracy leader Daw Aung San Suu Kyi and her elected colleagues finally decided to enter the Burmese parliament after a period of dispute over the wording for taking an oath to the constitution.

It is, of course, a significant step, but what we have to keep in mind is that there are many challenges ahead. One of the reasons for her decision to contest in the by-elections was to try to amend the current constitution that was written in favour of military rule in Burma.

Mr. Chair, you may be aware that 25% of parliamentary seats are reserved for the army. Key cabinet portfolios such as defence, home, and border affairs are also reserved for the army. Moreover, the commander-in-chief has the power to declare martial law and can even abolish the parliament, rendering the military above and beyond both government and the constitution.

In Burma now, international competition for natural resources is intensifying. Therefore, for business people in Canada and elsewhere, the immediate suspension of Canadian economic sanctions is welcome. As the Burmese ambassador to Canada, U Kyaw Tin, said in his interview with Postmedia:

A number of Canadian firms, particularly in the energy sector, have expressed an interest in joining the rush of international companies that are now in the capital Yangon, looking for potential contracts and opportunities. They see that there are a lot of oil and gas pipeline opportunities over there. Some gold mining companies are also looking for the opportunities.

As a human rights campaigner, I have some reservations about that move. It is, of course, a bit early to suspend economic sanctions. An opportunity to use Canada's leverage for a genuine political reform has been lost. I feel that we are dropping arms and ammunition that we could not bring back, if needed, because of technical difficulties under the legal framework of Canadian legislation. We campaigned for the strongest economic sanctions for more than a decade, and we remain cautious about the fragile political situation in Burma.

In that regard, we have some questions on the nature of the suspension of economic sanctions. For example, the EU suspension of economic sanctions on Burma has a six-month review process and a one-year extension period. The United States has a similar mechanism in place. But we haven't seen such a mechanism in Canada. Therefore, we ask the Government of Canada for further clarification on the issue. We are also aware of the difficulty in invoking the Special Economic Measures Act, or SEMA, to impose economic sanctions against a country. In fact, there are certain conditions to be met to invoke SEMA.

In the past, we were told that Burma did not qualify; the conditions could not be met for Canada to impose economic sanctions. However, Canada imposed the strongest economic sanctions in the world in late 2007. This was because of the strong will of the Canadian government, the parliament, and the public, which even overcame some legislative barriers. Canada's sanctions in Burma were unique, and I would like to thank some former and current cabinet ministers, including members of Parliament, who made these strong economic sanctions possible.

Last week, April 27, the Canadian Friends of Burma held a policy consultation at the University of Ottawa with representatives of Canadian civil society organizations and key members of the Friends of Burma. We are now in the final process of developing a set of policy recommendations to the Government of Canada and we will be able to submit the paper to Hon. John Baird in the coming weeks.

• (1310)

In the consultation, we welcomed the positive advances that have occurred in Burma, including the release of some political prisoners and the April 1 by-elections in which the main opposition party, the National League for Democracy, won 43 out of 45 seats contested, representing approximately 6% of total seats.

In our opinion, these advances remain in effect tentative, and therefore we maintain our six-point policy recommendations to the Government of Canada.

First, Canada should call for the abolishment of repressive laws and the immediate and unconditional release of all political prisoners in Burma. There are at least 493 confirmed political prisoners still behind bars in Burma. The actual number is believed to be much higher.

Second, Canada should call for a nationwide ceasefire and troop withdrawal from conflict zones. The Government of Burma has signed several new ceasefire agreements since 2011. However, these agreements are unstable and in some instances subject to violations. Instead of withdrawing troops, the Burmese army is using ceasefires to reinforce and resupply troops in ceasefire areas, including sending in heavy weapons.

More importantly, the violent conflict in Kachin state is of immediate concern, and it remains unabated to the present day. Peace talks must include agreements on political reform for ceasefires to be sustainable, but thus far the Government of Burma has not agreed to such talks.

Three, Canada must call for an inclusive dialogue. Ethnic and religious minorities and women must not be excluded from further dialogues seeking reform, peace, and democracy.

Four, Canada must maintain calls for justice. Impunity for past and present human rights violations remains unchecked, and justice for some victims remains unmet. More generally, effective rule of law in Burma remains absent. For example, no military officers or soldiers have been tried or convicted for human rights abuses and crimes under Burmese law, including sexual assault, murder, and forced labour, and former military officers suspected of human rights violations hold government positions or office.

Five, support our local civil society organizations. The foreign support for decades-long partnerships with civil society and humanitarian organizations accessing Burma from across borders and assisting refugees in neighbouring countries is undergoing a dramatic and deliberate withdrawal by some donor states. Therefore, we ask Canada to maintain its cross-border civil society and humanitarian commitments.

Six is related to sanctions. Canadian Friends of Burma strongly advocates that all remaining sanctions that have not been suspended be maintained, such as those targeting individuals within the Burmese regime suspected of human rights violations and all military-related trades. We also need to see clarification on the details of the suspension and specific benchmarks set that, if unmet, would cause the revoking of the suspension.

We urge the Government of Canada to continue to push for the benchmarks of progress towards democracy. Perhaps most pressingly, we urge the government to strongly voice concern on the ongoing conflict in Kachin state and to contribute humanitarian relief to refugees and internally displaced people.

I thank you again for this invitation to appear before the committee.

Thank you very much.

• (1315)

The Chair: Thank you very much.

We'll now turn, for our first round of questions, to Mr. Hiebert.

Given the amount of time we have—it's much more than we normally have when we begin our questioning—we can afford to make this round seven minutes for both questions and answers.

Mr. Hiebert.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you.

Thank you very much for attending today. I appreciate your presence and your thoughtful testimony.

Your statement in part answered some of my questions, especially the six-point policy recommendations that you just outlined. Clearly you're suggesting that the government maintain existing sanctions, or at least what's left.

I'll start with this question. We've seen some clear signs of change with respect to democratic freedom, we know, with Aung San Suu Kyi being in parliament yesterday, and the elections. I'm wondering if you could give us some insight into the status of other rights issues in Burma, specifically as they relate to freedom of the press, freedom of religious practice, freedom of movement.

Also, could you tell us more about the 493 or more political prisoners, what they're being held for?

Mr. Tin Maung Htoo: Overall, the situation on the surface seems to be very encouraging, but if you look deeply, the situation is different.

When it comes to freedom of expression or free media, there is some freedom of the press, but today, for example, there is more international press today. According to many media advocacy organizations, Burma is still at a very low level in terms of freedoms, in terms of access to the Internet, in terms of publishing some articles critical of the government.

The press law still remains in Burma. You have to go to the censorship board; you have to submit your articles or opinions. In that sense of the media, of course, we have to wait and see how far the current government can provide freedom of expression for Burmese people. Of course, we are not totally satisfied with those situations. Hopefully, there will be more coming.

In terms of the political prisoners, we have received much information about the remaining political prisoners. As I mentioned, it's close to 500 people, but another 400 people are still being verified. Why is it difficult to know the exact number of political prisoners? According to Burmese law, you are not regarded as a political prisoner if you break a law. There are no political prisoners in Burma, according to the current government. It has never said there are political prisoners in Burma. That makes things very, very difficult. But we have many prominent organizations working to verify those numbers. It is also important that we should continue to ask the Burmese government to release all political prisoners, because the international community especially is getting ready to embrace so-called political reforms in Burma.

• (1320)

Mr. Russ Hiebert: In your opening remarks you also commented on the conflict that's happening in Kachin state. It came to my attention that there was a 17-year ceasefire in that region, but that it was broken last fall.

I'm still trying to get a handle on this. With democracy developing throughout the country, why is there the increase in conflict, particularly in that state? Do you have any explanation of why that's happening?

Mr. Tin Maung Htoo: The Kachin organization has been taking a political stand. They used an old document called the Panglong agreement, which is the document that formed Burma. With that, Burma gained independence from the British. With the agreement, it meant that with all ethnic leaders at that time, Burma would have a kind of federalist country, but that dream never happened.

Even though Kachin armed groups had a ceasefire, as you mentioned, for 17 years, clashes broke out last year. Those clashes happened in a very strategic area. It's called the Irrawaddy River.

Around the river, there is a mega-dam project being built by Chinese companies, blocking the two rivers. In that area, Kachin fighters are also quite active, and they want to keep the authorities under control. On the other hand, the Burmese army is trying to push them back. That is how they started the fighting last year.

Mr. Russ Hiebert: You think it's related to the dam and the development of this Chinese resource?

Mr. Tin Maung Htoo: There are two issues. One is related to the dam. The other one is a political issue. Politicians are constantly asking for political solutions to create a peaceful country and to coexist together, but successive Burmese military governments never agreed to that kind of political solution.

• (1325)

Mr. Russ Hiebert: Is Kachin state the only state that's asking for that kind of recognition? I would have thought that other states would also have made the same request.

Mr. Tin Maung Htoo: Many other ethnic people and organizations are also asking for the same autonomy and self-determination in Burma, but Kachin, as far as I know, is one of the strongest groups in Burma.

Mr. Russ Hiebert: Can you tell me much about the forced labour situation in certain industries, and the current status of that? We've heard it's a problem. I don't know how the forced labour system works. Perhaps you could help us at the committee understand what that's all about.

Mr. Tin Maung Htoo: Forced labour in Burma was quite bad in the past. When the ILO, the International Labour Organization, got involved, the previous Burmese government decided on some kinds of standards, and even changed some laws preventing the use of forced labour in Burma, but still there is forced labour taking place in some parts of the country. Forced labour usually takes place if you are in a village where there is a development, such as a project to build a road, for example. All the people living in that village are supposed to contribute labour or money. If they cannot contribute, then there is some kind of repercussion. That is the way forced labour has been done in Burma.

Another important thing is that the Burmese government usually justifies forced labour as the traditional way; everybody is supposed to get involved in community development, and this has been the way of the Burmese for a long time. But that is not the case. In the international power investment areas, for example, we even have some forced labour issues reported in oil companies building pipelines in southern Burma, or even in northern Burma, which has a huge pipeline crossing the upper part of Burma from the Andaman Sea to China.

I think the Canadian government should have the ILO and other labour unions look at the situation and how far it's moving towards the way we want to see it.

The Chair: All right. We'll go now to Mr. Marston.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you, Mr. Chair. I want to welcome our guests here today.

Many Canadians are very concerned about the corporate and social responsibility of Canadian companies as they function in other areas of the world. Mining investment provides Burma's military regime with, I guess you'd have to say, the largest source of legitimate income. Of course, Canadian mining companies are a part of that source. Ivanhoe Mines, for instance, has a 50-50 joint venture with the ruling junta, and operates what many would say was the biggest foreign mining operation in the country. There are four or five junior companies that we understand are operating there as well. Of course, they are also contributing to the finances of the regime. Can you name those companies?

Mr. Tin Maung Htoo: There were a few mining companies. Some companies got involved in the exploration of some precious stones in northern Burma. Some companies no longer exist there, as far as I know—for example, Jet Gold. That was a company based on the west coast. I don't think they are still in operation. Because of a business war, as you know, they marched out, one after another, and all names disappeared within a few years.

In this particular Ivanhoe case, we should be very careful. We are not opposed to investment in Burma, of course, if it is good for the people, especially people who live in rural areas. But in the Ivanhoe case, we received lots of information about some kind of complicity in corrections, for example. There are also many environmental degradations happening in that area.

I have one example I want to share with you. Recently, hundreds of villagers came out to protest the damming of mine tailings and some chemicals and other materials around their village. They came out and protested against this. These things are being done by Chinese companies.

One thing I wanted to let you know is that the Chinese companies acquired the Canadian Ivanhoe mine's assets. The Chinese companies are doing the work that Ivanhoe did before.

In terms of corporate social responsibility, who is responsible for those environmental degradations in that area? This is the question for us. Ivanhoe consistently denied their involvement, and they always said they were not responsible for that. One very important thing is that Burma doesn't have social responsibility or environmental standards, so companies coming from different countries take advantage of that loophole and then take advantage of everything.

If a Canadian mining company is to get involved in Burma in the near future, we recommend to the government to make sure that they stay away from those kinds of situations, and not repeat what happened in the Ivanhoe mine's operation. We are developing a paper. In that paper we make a specific recommendation with regard to this corporate social responsibility.

• (1330)

Mr. Wayne Marston: You say you're developing a paper. How close to completing that are you? Would it be something you could provide to us in the near future?

Mr. Tin Maung Htoo: Yes, we are in the process of finalizing the paper. I was hoping to present it to this committee, but we are still talking and working on that. Maybe in a week or two we will be able to present it.

Mr. Wayne Marston: I'm sure that would be something we would receive through the clerk of the committee. Thank you.

Is the Monywa mine the mine you were referring to, the copper mine?

Mr. Tin Maung Htoo: Yes.

Mr. Wayne Marston: So that was the Ivanhoe one.

Speaking in general now of the overall operation of all Canadian mining companies within Burma, how would you describe their record? You were quite specific with Ivanhoe, but there are some others there.

Mr. Tin Maung Htoo: I don't know the details about other mining companies, but I know a few details about the Ivanhoe mines corporation.

Some mining companies in Burma in the past didn't have that kind of bad reputation, as far as I can see. They were just there to explore the possibility of investing or exploring to see if any mining resources were there. Some companies left the country after they saw the investment would not be profitable for them.

Ivanhoe is the only company that had a bit of a headache. Ivanhoe is not free from some kind of irregularities in Burma too. Ivanhoe also faced lots of difficulties in terms of the way the Burmese government handled things. Ivanhoe faced many difficulties as well.

Mr. Wayne Marston: One of the things reported to us from different countries where mining companies, and not just Canadian companies, operate is that they have hired paramilitary-type organizations as their security force. Sometimes those organizations interfere with the comings and goings of the citizens in the areas in which the companies are seeking to mine or operate.

Have you seen any evidence of that, particularly in the case of Ivanhoe, since you seem more aware of Ivanhoe?

• (1335)

Mr. Tin Maung Htoo: Could you repeat that, please?

Mr. Wayne Marston: Sure.

Mining companies have been hiring paramilitary groups as their security in some countries. These groups have very terrible records of how they treat people. Have you seen any evidence that has happened in your country?

Mr. Tin Maung Htoo: Not in the case of Ivanhoe.

Mr. Wayne Marston: Okay.

Mr. Tin Maung Htoo: Each year, Ivanhoe, the copper-funded operations, were supposed to contribute to some military regimes. According to our records, many transfer their own production companies to be like state enterprises. That kind of distribution happens, according to our records, but not in the case that they hire military people to protect their business.

Mr. Wayne Marston: Do I have any time left?

The Chair: No, you're actually a little over.

Mr. Wayne Marston: Thank you.

The Chair: That was a good question, though.

Mr. Sweet, you're next.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Mr. Chair.

Welcome, Mr. Maung Htoo. Thank you very much. We have a very high respect for human rights defenders, but even a higher regard for human rights defenders who have actually been detained and experienced what it means to have their rights taken away. We're very glad to hear your perspective on the concerns of Burma.

We were having a conversation the other day about the use of Burma versus Myanmar. Why don't you call your organization the Friends of Myanmar?

Mr. Tin Maung Htoo: We prefer to use Burma.

Mr. David Sweet: Is there a reason behind that?

Mr. Tin Maung Htoo: Yes, I can explain that.

After the military took power and cut down the peaceful movement across the country, not only did they change the country's name, but they changed every name, such as street names and township names, that were given by the British. As you know, the British were in Burma for more than 100 years. In a way, they are showing that we are very nationalist and we don't like the British. By changing all the names, they are trying to gain some kind of political ground, political support.

The question for me is not whether we like the name Myanmar or Burma; it's more the political reason. The intent of the government to change the country's name is just a political one. It's not related to cultural or historical background. That's why we prefer to use Burma.

Also, when the military took power, they were trying to shut down the country and make people conscious that Burma is no longer here and it's the new Myanmar. In the public consciousness, Myanmar is a new country and Burma is no more. That is a tactical way to cover up what happened in the past. That's why we cannot accept that yet. The decision will be made by the elected members of parliament in the near future. Hopefully, Daw Aung San Suu Kyi and others will speak on that topic.

Mr. David Sweet: In a sense, for now, Burma refers to a time of more freedom and a time when the people, rather than the military regime, had the government.

Mr. Tin Maung Htoo: Yes.

Mr. David Sweet: Thank you for that. The characterization of your testimony, I would say, is significantly less encouraging than when we had our officials here.

Have you experienced this move in the past, in your lifetime, whereby there seems to be a willingness on the military's part to move toward democratic freedom and then pull back? Is there something extra that we don't see that's giving you pause at the moment to be less...? You didn't say it was encouraging on the surface, but you have a lot of caution there as well.

• (1340)

Mr. Tin Maung Htoo: Yes. One thing we have to remember is that the military is quite smart in manoeuvring when they play politics. Even today they seem to be quite like military people, but they are quite strategic. They have broken promises in the past. For example, in the 1990 elections, which the opposition party, the

National League for Democracy, won overwhelmingly, even though they promised to hand over power to the party that won the election, when they saw the overwhelming support from the public for the democratic movement and the democratic party, they refused to hand over power. That is very obvious evidence of the military changing their position and their heart.

In this situation I am hopeful that some retired military leaders, realizing the fact that Burma is lagging behind many neighbouring countries.... You might know that Burma used to be the most promising land in Asia, but Burma is now at the bottom of all the countries in Asia, even in Southeast Asia. Many millions of Burmese are in neighbouring countries, as slave labourers in Thailand, for example, or India or Malaysia. This is heartbreaking for everyone who loves the country and has the pride of holding identity.

I hope the retired general, President Thein Sein, has the will to change and to move forward. I am a bit cautious in a way, but at the same time I am hopeful that he will be able to move forward, along with other like-minded colleagues, retired generals.

We have to wait and see how far they can go. Some people say these reform processes cannot be reversed, but I want to let you know one thing: the previous military dictator, Than Shwe, is still playing behind the curtain. He is giving all the orders, and if things are not in accordance with his will, he can turn everything around. That's why Burma's situation is very subtle and fragile, as I mentioned in my presentation.

Mr. David Sweet: In your testimony you spent a lot of time talking about the sanctions—

The Chair: This will have to be very brief, as you are at your time.

Mr. David Sweet: Okay. Sorry, Mr. Chair. I'll have to deal with it some other time.

The Chair: Professor Cotler, please.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

Dr. Htoo, I regret that I had to be in the House when you began your remarks today. When I walked in, you appeared to be referencing the issue that I do want to ask you a question about, and that has to do with the whole matter of freedom of expression.

As you know, today is World Press Freedom Day, on which we celebrate freedom of expression, which the Internet and the social media actually underpinned and helped propel the Arab Spring, certainly in its earlier manifestations.

But we then saw how that freedom of expression, even in the Arab Spring, became criminalized, as in the case of Egyptian blogger Michael Nabil, and also in the case of the U.K.-based journalist, Marie Colvin, who was murdered in Syria. We've also witnessed attempts by government to establish an Internet firewall to exclude the use of the Internet, as Iran is now doing.

So my question to you is, what role did the social media play with respect to the movement and transition to democracy in Burma? Is Burma still criminalizing freedom of expression? What has been the situation with regard to political prisoners or dissidents who have been released? Have they been targeted, or are they free to engage in their advocacy? Also, has Burma sought, like Iran, to build a firewall and quarantine expression re the Internet?

• (1345)

Mr. Tin Maung Htoo: To answer that question, there are a few things in my mind. This morning I got a report from an international media advocacy organization. That report pointed out that the Burmese government is using a firewall from China. They got the software, the technology, from China.

But the question is, are they actually using that firewall to block social media? That is the question. As far as I can see—I am quite adept on Facebook and also on Twitter—as of now, people can freely post their information or share information, including pictures. Things, as they are opening, are quite encouraging. No action has been taken against this kind of movement or, I would say, freedom. How far that will be sustained is really the question.

I think that's why it's a very fragile situation. We cannot say for sure that Burma is totally free in terms of media freedom or in terms of freedom of expression, but we are closely monitoring. On the one hand, things are opening in the country for the economy and for free expression. On the other hand, they have some technology they have already acquired. If things are not in accordance with their own way, then they can block at any time and they can pre-empt everything.

That is the situation we see in Burma.

Hon. Irwin Cotler: On the political prisoners who have been released and then have returned to engage in political advocacy, have they been left alone once they were released?

Mr. Tin Maung Htoo: Yes. I haven't heard of any arrests related to the use of the Internet or freedom of expression in the past few months. That is a good sign. Some bloggers and some media people, such as journalists, were also released in the past few months. That is a good sign.

Hon. Irwin Cotler: Thank you.

Thank you, Mr. Chair.

The Chair: We are going now to Mr. Sweet and Mr. Hiebert, who will be dividing the next round. We'll go to Mr. Sweet first.

Mr. David Sweet: Thank you, Mr. Chair.

Mr. Maung Htoo, now I can ask you that question that I wanted to ask earlier. You've spent a substantial period of time on sanctions. It appeared that you were concerned about the swiftness with which we repealed the sanctions. Of course, different countries did different things. The U.S. retained their sanctions. The EU lifted theirs.

But on media reports that Aung San Suu Kyi welcomed the lifting of the sanctions, can you just give us an idea as to why you have more concerns than Suu Kyi does? Or did the media get her statements wrong?

Mr. Tin Maung Htoo: Well, let me put it this way. She is under pressure, to tell you the truth. She's under pressure from domestic forces and also international interests. She said yes, she cautiously

welcomed the lifting of or suspension of economic sanctions when she had a press conference with the British Prime Minister, David Cameron.

But my sense is that she has no choice; she has to do it. On one hand, she's facing all these people inside the country—the military, the so-called reformists, the reform-minded generals—and on the other hand, she has democratic forces who are moving forward, but using the principle that stands....

I don't want to say she openly welcomed the suspension of economic sanctions, but to some extent, I understand she said it to move the process forward. Things are in a very difficult situation for her too.

Some people say, "Suu Kyi said it's okay." Personally, I don't take it in that way. I understand. Even though I didn't talk to her directly, I closely monitor every single word she says almost every day.

I know in this situation we have to be a little bit cautious. We should not be too happy: "Oh, she said it was okay." No.

• (1350)

Mr. David Sweet: Mr. Maung Htoo, as I said earlier, reading your biography, if anybody knows about pressure, it's you. Thank you very much for your answers. I appreciate it.

My colleague has some questions.

Mr. Russ Hiebert: Thank you.

I'd like you to elaborate, if you could, about the control the military leader still exercises over the government and over the military. Could you elaborate as to what control that is? Is there no constraint on this parliament? Is the government completely subject to that authority?

Mr. Tin Maung Htoo: Yes, in many cases. For example, President Thein Sein ordered the army to stop attacking Kachin state. The commander-in-chief refused to do that. That is one example.

When it comes to some legislative issues, like, for example, an amendment or other issues, 25% of the seats in parliament are controlled by the military, directly by the commander-in-chief. Anything you want to change or any amendment you want to make must have agreement from the army. Even within the executive branch, the three key cabinet portfolios that I outlined in my presentation—the home ministry, defence, and border affairs—are very, very powerful in Burma. They are controlled or directly appointed by the commander-in-chief.

So there are many strings attached to all these processes. However, without the support from the army and the consent from the army or the commander-in-chief, you cannot do anything. That is the situation in Burma.

Mr. Russ Hiebert: Do you think there's any possibility that in your call for justice—item 4 of your policy recommendations—individuals who are committing the violence and the crimes, the soldiers, will be held accountable? Has there been any opening or any signalling of this?

Mr. Tin Maung Htoo: I haven't seen such signalling from the army or even the executive branch. That is another step for the democratic forces, including Daw Aung San Suu Kyi, to move forward, to push to have that kind of justice. Seeking justice, in my interpretation, is not just to seek retribution or to punish those who made all these atrocities, but just for future reference, because many things happened in Burma for many years and many decades. And if we cannot say that this is wrong, this is something we should not do, then the military or whoever has the power will continue to do this. That's why we are seeking justice. But how the military will respond to that we still will have to wait and see.

• (1355)

The Chair: You are basically out of time, Mr. Hiebert.

[Translation]

Mr. Jacob, go ahead.

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Thank you, Mr. Chair.

Thank you for being here, Mr. Maung Htoo.

You talked a bit about mines. I have a more general question for you. What kind of advice would you give a company that wants to invest in Burma? In other words, what kind of concrete suggestions would you give a company that want to invest in Burma, but that also wants to make sure it is not an accessory to human rights violations? What advice would you give those companies?

[English]

Mr. Tin Maung Htoo: The first thing is that it would be better for us to stay away from mining operations until and unless there are regulations put in place that are in accordance with the social responsibility and environmental standards. Unfortunately, there are many companies already lining up to explore for gas or oil or mining operations in Burma. That's the unfortunate part.

If a company in the mining sector or in industry wants to go ahead and invest in Burma, what I would recommend to the government is that the government not make loans from, for example, Export Development Canada. And do not let public pension plans, such as the Canada Pension Plan, be involved in the investment. That is probably in accordance with our moral stand, and we can stay away from these new complexities in Burma.

That is my suggestion.

[Translation]

Mr. Pierre Jacob: Thank you.

My second question is about human rights. What measures could Canadian parliamentarians adopt to help Burmese civil society organizations improve the human rights situation in their country?

[English]

Mr. Tin Maung Htoo: Another piece of advice from me is to have a mission of members of Parliament visit Burma to see the situation on the ground. It would be better for you to see what is going on, and you would have a chance to directly interact with members of Parliament in Burma.

In Canada, Parliament can also recommend that the government support some kind of tangible support, concrete support, for the civil

society organizations in Burma. The Burmese civil society organizations are still in a difficult situation. They will definitely need some support from Canada and other countries to build civil society organizations in media, community development, awareness, human rights, training, etc. That would be very useful for the people in Burma.

[Translation]

Mr. Pierre Jacob: Thank you.

More specifically, what measures could Canada take to promote freedom of religion in Burma?

[English]

Mr. Tin Maung Htoo: I would suggest that freedom of religion should be known in democratic systems everywhere, and also in Burma. Some different religious groups in Burma are facing many difficulties in terms of practising their belief system. I am also aware that DFAIT set up a department for that cause, the religious freedom department, and the department can monitor the freedom of religion situation in Burma.

But one thing I just want to suggest to you is that Burma has many religious groups. Of course, Buddhist is the dominant group, but at the same time, there are Christians, Muslims, and Hindus. There are even still Jews there. But of course when it comes to these issues, we still have to look at how the government is providing freedom of religion for different groups inside the country.

• (1400)

[Translation]

Mr. Pierre Jacob: That's great.

Do I have any time left, Mr. Chair?

The Chair: You have one minute left.

Mr. Pierre Jacob: Thank you.

The United Nations published a special report on the human rights situation in March 2012. The report indicated that the international community would have to consider establishing an international commission of enquiry to look into the gross and systemic violations of human rights that could be perceived as crimes against humanity or war crimes.

What do you think about the special rapporteur's statement? Do you share their opinion? What are the benefits or the disadvantages of that approach?

[English]

Mr. Tin Maung Htoo: We support the setting up of a UN commission of inquiry into war crimes or crimes against humanity taking place in Burma. The UN rapporteur made the recommendation, and more than a thousand countries, including Canada, supported that commission of inquiry.

Under these circumstances, it is a bit difficult for many people, many countries, to move ahead, because the political situation over there is still fragile, and bringing up some difficult issues could jeopardize the positive political liberalization of political reforms. But of course we should definitely keep this work, and Canadians should continue their support for the commission of inquiry. That is also related to the seeking of justice, because that is a way to move forward.

[Translation]

Mr. Pierre Jacob: Thank you, Mr. Maung Htoo.

[English]

The Chair: Mr. Van Kesteren, go ahead, please.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Htoo, I'm curious. When my colleague asked last about encouragement of foreign investment, I think your suggestion was to refrain from that until there are laws in place. I just want to make sure I heard that right. I don't think anybody would disagree that there should be environmental laws and so on in place. Specifically, then, because we are a Canadian parliamentary group, we would pressure our companies to refrain from that. Doesn't that play into the hands of those who would have no regard for environmental laws—I'm thinking perhaps of the Chinese—when you block countries?

Most of these companies have signed an agreement. It's a UN declaration, and the name escapes me right now, but there is a formula that is expected for conduct by mining institutions. Wouldn't it be more advantageous for you to invite those groups in than to encourage them, and to possibly apply pressure from our side to make sure they adhere to those laws? That's my first question: I want to get clarification from you that you're actually suggesting that we refrain from investment.

Secondly, wouldn't the best thing be for your country to build a strong middle class, and once you have a strong middle class that has something to lose when it comes to economic pressures, wouldn't that be more advantageous for you?

I'm just a little bit confused. I think I'm hearing mixed messages here. I think I'm hearing you suggest that we ought not be the first ones to get right in there and invest.

• (1405)

Mr. Tin Maung Htoo: Just let me touch on the second one. You're right: in theory, investment in any country is good for at least bringing up the middle class.

Mr. Dave Van Kesteren: There's not much of a chance that a neighbour would fight with a neighbour if they're doing trade and it's good trade; I mean the opposite is the reality. I think that's what happened. You have a military regime that is able to exercise this...I wouldn't call it a reign of terror, but it's close, which I think has been the case in much of that region.

But isn't it because of poverty? Isn't it because of lack of investment and commerce that these regimes have the ability to do those things?

Mr. Tin Maung Htoo: Yes. I also agree with your first point. If we don't do all these things that are good, other neighbouring countries, those that are not actually abiding by environmental

studies, for example, China, or India, or other countries.... That is also true. I agree with you to some extent.

What we've got to look at is that we don't have a good track record in a range of communities, especially in that area. Even in Canada there are many mining communities. They have lots of problems in many countries, for instance, South America, or even Africa or in other places.

I'm not saying that I don't agree with you, but we have to work more on that. We have to ask them to be more beneficial for the people and try to stay away from all the environmental degradation. There has to be some kind of code of conduct in place.

But, yes, when it comes to Burma, it's still a long way off. It is wise to refrain a bit until we clearly see a better situation in Burma. Then we can go and do something that will be useful for the people.

Another MP also mentioned this investment-related issue. If we invest in Burma, I repeat again, stay away from mining areas or strategic areas until we clearly see a code of conduct over there.

At the same time, there are other opportunities, of course. Daw Aung San Suu Kyi, the leader of the new democracy movement, said that if there is investment, the investment should be in different areas that are beneficial for the people, for example, in the agriculture area, because 70% or 75% of Burma's population still rely on the agriculture industry and most of them are farmers. That could create more jobs.

When you do business in the mining sector or energy sector, I don't have any evidence that you've created jobs for the local people.

Mr. Dave Van Kesteren: If I could interject, I can see why you're at one with my colleague across the way. With respect, they have a very poor understanding of how the economy works. Quite frankly, your investment will come where there is a return, and we know extraction is where your greatest return is going to be.

My suggestion to you is to welcome that, embrace that, especially when it comes from western countries that have proven they have a strong what we call social conscience—the new buzzword that's entered into our dialogue here.

It is something where we can continue to exert pressure, from the government and from citizens as well, but that is where your investment is going to come. I'm not here to lecture you, but I would repeat that if you don't have the western companies—and we have some excellent companies in this country, Canadian companies—somebody will fill that void rapidly. Quite frankly, the regime in power knows that's where they will be able to lift the country out of poverty.

You're right. My suggestion would be that it will be countries like China and India and those countries that don't have a good history.

I just wanted to leave that thought with you.

• (1410)

The Chair: We've spent enough time on that round.

Mr. Sweet asked to have a one-off. We do have enough time for that. Then, when that is done, I have one very brief question of my own, and we'll adjourn at that point.

Mr. David Sweet: It's more of a statement than anything. Mr. Maung Htoo may know about it, but there is a voluntary framework for Canadian mines, with some oversight that the federal government participated in a number of years ago. So there is a place—a pseudo-ombudsman process—where a complaint can be taken. I just wanted to make sure that they are aware of that, so if there were any concerns around hiring practices, environment, etc., they can actually lodge a complaint there.

The Chair: Is there a website associated with that or...?

Mr. David Sweet: There is something. I had it from memory, but I don't have the exact wording. I know that our very competent researchers could probably get that.

The Chair: I just gave a significant look to our very competent researcher.

I had a question regarding the recently created National Human Rights Commission that has been set up in Burma. Do you have any information on that institution, whether it should be taken seriously, whether it's operating as one would hope, whether it's set up at all? Perhaps you could guide us on that.

Mr. Tin Maung Htoo: Yes, a very quick response to that. The commission was set up, mostly with former ambassadors. Some people closely worked with the previous regime, but some of them are very intellectual, maybe free-thinkers, in a way.

But the commission has had a lot of problems. The latest information that I can share with you is that the commission was set

up by the president, but without proposing that idea in the parliament. So what happened a few months ago was that parliament tried to play a little bit, denying appropriation to the commission. Now the commission is kind of in limbo, without any funding from the government, and the president is trying to support it in any possible way.

That is one thing, but it is quite interesting. How much the commission has accomplished since it was established is not that much. In my opinion, it's kind of like a mouthpiece. For example, a few days before the release of political prisoners or other prisoners, they will publish articles or statements in the state newspapers saying they had asked the president to release those political prisoners because of this or that. I think that is a good way to use these channels when it comes to the development of human rights and other issues. Still, it is in a difficult situation now.

The Chair: I really appreciate that. Thank you very much.

Thank you for your testimony. It was very informative. We are very grateful that you were able to take the time to come and enlighten us on what is really a very important subject. Thank you very much indeed from all of us.

Mr. Tin Maung Htoo: Thank you.

The Chair: To the committee, thank you for letting us go over time a little bit.

We are adjourned.

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