



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

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

SDIR • NUMBER 005 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Wednesday, May 4, 2016

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Chair

Mr. Michael Levitt

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• (1305)

[English]

The Chair (Mr. Michael Levitt (York Centre, Lib.)): Good afternoon everyone. We're going to call this meeting to order.

It's my pleasure to welcome Mr. John Sifton to the subcommittee on international human rights. Mr. Sifton has held the position of Asia advocacy director at Human Rights Watch since 2011. He has worked in the field of human rights from the perspective of research, investigation, and advocacy since 1999. In addition to his time at Human Rights Watch, Mr. Sifton has worked for the International Rescue Committee in Afghanistan and Pakistan, and for a refugee advocacy organization in Albania and Kosovo. He holds a law degree from NYU.

We're thrilled to have you joining us today as part of study on the Rohingya and invite you to begin your opening statement.

Mr. John Sifton (Advocacy Director, Human Rights Watch): Thank you to the committee for inviting me here to talk about the devastating humanitarian situation of the Rohingya in Burma.

I want to begin my remarks today by giving a factual background and then get to some of the recommendations we have about how to address the situation.

The current human rights situation of the 1.2 million Rohingya Muslims in Burma remains extremely dire. The new government of Aung San Suu Kyi faces the same challenges as the previous military-backed government. Unfortunately, public statements by senior government officials do not inspire the confidence that they are taking seriously the serious humanitarian crisis in western Burma. Suu Kyi herself has denied the violence that took place in 2012 that led to the current situation, which I'll get to in a moment. She denies that it was ethnic cleansing and that crimes against humanity have occurred. She believes and has stated publicly that some of the violence that occurred in 2012 is exaggerated, and some of her inner circle have publicly denied that Rohingya exist and they dismiss all of the Rohingya who are in Burma as "Bengali immigrants" or "Bengalese".

Regardless of what you think about Aung San Suu Kyi and her leadership of the democracy movement and her general status as a human rights icon, which we would not dispute, her record on the Rohingya Muslims of Burma has been disappointing. The recent lifting of the state of emergency in Rakhine State, where most of the Rohingya are, doesn't or hasn't really improved the situation of the Rohingya. Many of them, most of them, remain restricted in IDP

camps, and the lives of an estimated 1.1 million other Rohingya, who live in small townships in the northeast and are subject to local curfew orders, remain extremely bad as well.

Local orders remain in place—these are local municipal orders that are set up by government at the local level—that impose travel restrictions. It was a restriction such as this that led directly to the deaths of 21 Muslims—they weren't all Rohingya, but there are also common Muslims and other Burmese Muslims who don't self-identify as Rohingya—recently, this last month, on April 19. Restrictions essentially inspire an atmosphere in the country where local police feel as though they can do anything, that they can stop Rohingya on the basis of their being Muslim, keep them out of camps, keep them inside of camps, and keep them out of hospitals. The understandable animosity this leads to causes violence to occur. Police take matters into their own hands.

In 2015, an estimated 25,000 Rohingya Muslims were resettled or relocated by the government. They rebuilt their houses on the same site as some of the homes that were destroyed in the violence in 2012. This was a positive development, but I want to make clear that this should not distract from the very serious denial of rights that still exists on the ground today.

Now I'm focusing on the situation today, but let me step back and talk for a second about 2012. I would admit into the record—or just read on your own time—the reports we wrote in 2012. Human Rights Watch wrote two reports about the violence that occurred in 2012, and we documented what amounted to crimes against humanity and ethnic cleansing. The violence was pervasive. There was state complicity at the local level. There was also complicity, by omissions on the part of local government, to stop private citizens from carrying out violence. Thousands of houses were destroyed and hundreds of people were killed. More importantly, tens of thousands of people fled their homes and ended up in the dire straits that I'm talking about today.

Today we have about 120,000 displaced Rohingya living in IDP camps, around 95,000 near Sittwe in the north. They face travel restrictions that essentially mean they're in ghettos. These camps are not humanitarian sites, but rather ghettoized semi-urban areas in which people live, but cannot leave. They cannot go to find work, and they depend on the charity or assistance of relatives who send money to the camps from abroad, or on humanitarian groups who supply the camps.

What we're urging the NLD government to do is basically to remove the restrictions on freedom of travel that make those camps into ghettos, so that the Rohingya could access basic services, go back to their homes and determine whether they wanted to rebuild them, or go to hospitals to seek medical treatment. These are the sorts of things they can't do because of their confinement in these ghetto-type camps. Removing these local restrictions should be a priority for the government, and we're urging donor governments to the Government of Burma to push that particular point on the Government of Burma. Get those local restrictions removed.

In the long term, the bigger issue is the legal situation. Many or most Rohingya lack legal status as citizens of Burma. The government is essentially denying that they're citizens. The government really needs to take a long look at the laws that make that possible. The primary law that makes that possible is the 1982 Citizenship Act. We're urging donors, including Canada, to push the NLD government to amend, or better yet, repeal the 1982 Citizenship Law.

The other issue is people fleeing Burma in boats, taking to the Andaman Sea and attempting to get to Malaysia. This has been a big problem in previous years for two reasons. One, it subjects them to potential trafficking by abusive traffickers who can put them in dicey economic situations, like debt bondage in the fishing industry. So exposure to trafficking, because of the illegality of this movement, is one problem. The second problem is a maritime one. These boats are often rickety and not built to go on the open ocean to Malaysia. Some of them end up sinking or their engines stall out and people end up drifting for days at sea. That's why you've seen so many deaths associated with that boat exodus: deaths due to exposure, because these boats are sometimes on the water for months at a time, or deaths from drowning. There has been a downturn in the number of these boats travelling down to Malaysia via the Thai coast. The numbers fell to a trickle in the last year.

This should not be the cause of complacency. This is not something that should be celebrated, because the main factor for the downturn has been the harsh push-back by Malaysia and Thailand and the interdiction of the smuggling networks. It does not reflect a downturn in a desire by the Rohingya to leave. There remain many people who want to leave but know that it's impossible. They had a small but dangerous chance last year by boat, but now it's almost impossible. The same situation existed in 2015, but the avenues for escape have narrowed. That's the overview.

I want to end by alerting you to one last issue that should always be taken into account when you're talking about the Rohingya, which is the treatment of the Rohingya by two other governments, the Government of Thailand and the Government of Malaysia. There are many Rohingya who have attempted to flee to Malaysia and who have ended up in the hands of traffickers in Thailand. The Government of Thailand, which is led by a military junta, has taken steps to crack down on trafficking networks, but the same underlying corruption by local security forces exists and the possibility that trafficking cartels will regroup and grow again is very real.

• (1310)

As for the Government of Malaysia, they often escape scrutiny because they have allowed so many Rohingya to come into their

country. That is true, and for that they should be applauded. That does not mean the situation of the Rohingya in Malaysia is a very good one. Many of them, despite the overarching government's acceptance of their presence in Malaysia, are preyed on by local security forces, police, and local party paramilitary police, who solicit bribes from them on the basis of their essentially illegal status. They're not given refugee status, they're not given refugee cards, and many of them are essentially illegally present in Malaysia. This allows local police to prey on them for extortion. If they don't pay bribes, they are placed in immigration detention, and in many cases are deported back to Burma, which is a violation, arguably, of refugee law. Unfortunately, Malaysia is not a signatory to the 1950s refugee convention.

I want to remind all the committee members of Malaysia's role in all of this. They should not be forgotten in the role they play. Our regional suggestion, not just to governments like Canada and other donor governments, but to governments of the ASEAN region, is that Malaysia, with its partners and allies, including the Government of Canada, should be the leader in undertaking a regional summit of involved states, including Burma, to address the Rohingya situation in western Burma. Also, it should be the leader in the practical and logistical issues of dealing with the Rohingya refugees who have fled.

That is what I want to talk about at the outset. I know there are going to be a lot of specific questions about individual issues, but that's the general overview. I'd recommend also that if anybody has any other questions about the general overview of Burma itself, we have a Burma page on our website with a great deal of information on it.

• (1315)

The Chair: That's great. Thank you very much for the opening remarks.

I will open it right up to the first round of questioning and Mr. Anderson.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): I have a general question about the issue of religious rights. Why would such a champion of human rights, Aung San Suu Kyi, be so tone deaf to this issue? Yesterday, one of our witnesses talked about the political pressures in the country. After she's built such a reputation, why is she so afraid to speak to this issue?

Mr. John Sifton: A very visceral xenophobia exists in Burma exists today. I don't think that many people, before the reforms began several years ago, really appreciated how politically potent it would become. It doesn't just apply to the Rohingya. There are other Muslims in the country. When we hear about anti-Muslim sentiment in Burma, I do not mean to suggest that it's solely limited to Arakan State in the west. There are Muslims who live all over Burma, not necessarily Rohingya—indeed, often not Rohingya—but Muslims of different ethnicities, including Burman who live in Rangoon, Mandalay, and even up in Kachin State. There are mosques in Kachin; I've been in them.

This overarching dynamic, not just about the Rohingya, came as a surprise to many people, even the Burmese people themselves. It is partly manufactured by radical nationalists. It is partly something that took on a life of its own, a cycle of anti-Muslim hatred. But there's no denying one thing: it was very powerful. Aung San Suu Kyi, at the end of the day, appears to have made a political calculation that it was so powerful that going against it might hurt her politically and hurt her overarching political plan.

I am a human rights advocate. This organization does human rights research. We are not political analysts. That's my answer essentially as a political analyst. On the human rights front, the most important thing that we try to think about is underlying causes. One of the causes of violence is when people are not afraid of there ever being any accountability. We do agree with Aung San Suu Kyi about one thing: she often says that this is a rule of law issue. Unfortunately, I think she means that as a dodge and an evasion, but actually substantively she's right; it is a rule of law issue. If people who went after Muslims and burned down mosques and attacked Muslim families were held accountable by the police, that would make it less likely that it would happen in the future. That's what we want the government to do going forward, to make sure there is accountability when these outbreaks of violence occur, and to quickly respond to them when they occur.

Mr. David Anderson: We don't just want to talk about this at the subcommittee, but would actually like to be of some practical use to people.

What suggestions would you have for our subcommittee in Ottawa that might be of use to the Canadian government or the Burmese government?

• (1320)

Mr. John Sifton: There are a couple of things that governments can do. I want to applaud the Government of Canada for working over the years with other interested governments, including the United States government and EU partners, and even Japan, in pushing the human rights issues and concerns about the Rohingya.

The number one thing the Canadian ambassador in Burma can do is to coordinate with other donor governments to press the NLD and the local government of Rakhine to do the things I talked about today, by removing local travel restrictions and those sorts of thing.

At a more specific level, there's a lot the government can do as a donor to coordinate with other donors and promote the latter things I was talking about, including the rule of law. It can help the government set up rapid response units that can go after people who are engaged in fomenting anti-Muslim violence. It can also pay for some of the new programming the government wants to do that encourages inter-religious dialogues and tries to get the communities together to talk about the logistical grievances and resentments they have and try to sort through them.

Mr. David Anderson: Could I interrupt for one second? It's related to something you're saying.

Was there any government involvement in the demonstrations that took place around the U.S. embassy? Are they making the situation worse rather than being part of the solution?

Mr. John Sifton: The NLD government?

Mr. David Anderson: Yes.

Mr. John Sifton: One of the problems with Burma—and this is a problem with a few other countries in the world, as well—is that it's not monolithic. No government is monolithic, but Burma has a particularly problematic situation. The NLD won the election and controls the presidency and most of the ministries, but the Ministry of Home Affairs ministry is appointed by the military. That military retains a 25% block in Parliament, and the military still controls de facto the foreign policy and some of the internal security policy of the government.

You essentially have two sovereigns. You have Aung San Suu Kyi and her president, and the NLD, which hold sovereignty over the laws and technically can order parts of the government to do things, or not do things, etc., but the military and Ministry of Home Affairs still police the state. When you talk about the government being complicit in something, the question sometimes is which government, the military or...?

Mr. David Anderson: Has either side of the government been complicit there?

Mr. John Sifton: There's no evidence of that now.

However, there is a concern about one thing, which is that for some of the more radical "Buddhist" groups—I put Buddhist in quotes as a descriptor—or some of the more radical nationalist non-governmental groups that you may have heard of, from the Ma Ba Tha, which is a Buddhist cultural group, to the 969 Movement, which is more of a politicized anti-Muslim group, there are alleged linkages between the military leaders and those groups. Those linkages exist. They're real. Do they translate into de facto control over the groups? We don't have evidence of that yet.

Those are the groups that whip up a lot of the violence. Those are the groups that whip up crowds to get upset at Muslims.

The Chair: We'll move right along to MP Saini.

Mr. Raj Saini (Kitchener Centre, Lib.): Mr. Sifton, I want to pick up on a point of governance. We know that a constitution was put forward many years ago and that 92% of the public approved that constitution. One of the elements of that constitution was—

Mr. John Sifton: [*Inaudible—Editor*]

Mr. Raj Saini: Well, yes, you're right. I'll wait for your commentary. I'm just going to give you some facts. You said that 25% of those seats were to be held by the military. Obviously, there is a natural tension between the party that was elected and the party or officials who were appointed, especially in key ministries such as defence and the home ministry.

• (1325)

My question is a global one, but it's specific to the Rohingya people. You now have this constitution and you had elections in November 2015 that were supposed to be free and fair. You now have the outcome of the result in November 2015. What has changed specifically for the Rohingya people since the outcome of a free and fair election?

Mr. John Sifton: The atmospherics in Arakan State have improved, in the sense that tempers have cooled.

Tempers have cooled, essentially, and local Rakhine officials who hate the Rohingya have realized that they actually have other priorities besides hating Rohingya. Because of that, they just haven't focused their attention on getting them all kicked out of the country by making their lives miserable, so I suppose you could say that's one thing that's better.

I think you have local Rakhine officials who recognize that it's naive to think that this problem is just going to disappear, and that you just can't have all these people live in ghettoized camps in misery and suffering and have every visiting international delegation ask about them. After a while, if you're a racist Rakhine government official, you'll probably get tired of being asked about the Rohingya every time, and you'll start thinking that maybe you have to figure out some kind of solution there, so you'll start thinking rationally for the first time.

For whatever reason, things have cooled down, and I think people are starting to look at actual long-term solutions, which is good. Maybe they can start thinking about some of the things I've talked about today.

At the broader level, back in Nay Pyi Taw where the laws are made, are we going to get rid of the 1982 citizenship law, which is really the basis of all these problems? That situation hasn't gotten much better. There's not a sense that parliament is ready to start debating how to fix the 1982 citizenship law.

Parliament has a long list of laws that it needs to fix or repeal. We actually sent them a list. Just the other day, we sent the rule-of-law committee a list of laws that we think need to be repealed or amended, with a priority on laws that are used to prosecute people for free speech acts and criticism of the government. The laws that need to be fixed also include the 1982 citizenship law.

While we're optimistic that parliament is going to focus on those laws that were used for years to prosecute dissidents and all of that, we are much less optimistic that they will look at the 1982 citizenship law and start figuring out how to fix or repeal it. That's another thing that governments can push. If you're going to fix your laws, that has to be one you fix.

The bigger project is the 2008 constitution. Fixing that is more difficult. I can talk for a long time about that if you want, but that's a bigger project that is much more complicated.

The Chair: I have a quick follow-up to MP Saini's question, from a slightly different perspective.

We've heard a lot. We've heard from a former member of parliament, a Rohingya former member of parliament, who was not allowed to run again because he had been denied citizenship. I want your perspective on what the impact of that has been. I believe he said that 25 Rohingya people wanted to run for parliament, but were denied the right to run. Can you give us some perspective on that?

Mr. John Sifton: Well, "denied the right to run" might be one way of putting it. It's a bit complicated, so I don't want to give a hard number. Yes, there were several dozen Muslim candidates who wanted to run on the NLD ticket and ended up not being able to do that. Some of that was because of government action or inaction—you know, denying that they were citizens—but some of it was the NLD and a party deciding not to accept them.

The Chair: It was internal.

Mr. John Sifton: Yes, so I don't want to get into the back-and-forth.

Suffice it to say that many Muslim candidates, not just Rohingya, but Muslims and others, wanted to run for parliament and weren't allowed to, let alone get elected. That's a problem, and it's one that should be raised not just with the government as a legal matter, but with the NLD party and the NLD party leaders themselves in asking them why they were so afraid of having Muslim candidates. That appears to be what happened.

• (1330)

The Chair: In the previous parliament, when Rohingya and other Muslims were present, was there actually a voice and did it create a difference?

We heard the description of 2012. Did having them in parliament create a difference, giving them a way to get some form of rights, or was it really optics?

Mr. John Sifton: No.

The Chair: No.

Mr. John Sifton: Remember that back then, the NLD had only a handful of seats it had won in the by-elections and there was actually.... Well, I won't get into it. It's all very internal local politics, but suffice to say, NLD was a minority already and the Muslims were an even smaller minority of a minority—almost negligible. It wasn't as if they were able to use their parliamentary seats to do much at all.

The Chair: Ms. Hardcastle.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): I would like to ask a little bit more about the constitutional issues that were described to us and the idea that there could be constitutional change. At the crux of that, I'm hearing about this so-called military bloc.

Is there any political will, is there any movement, any talk that you know of from within? Is it like an elephant in the room that everyone is sort of moving toward a consensus on? What's your feeling on that?

Mr. John Sifton: You have identified the core issue. It is the elephant in the room.

The 2008 constitution, which was passed by a so-called referendum, which was neither free nor fair and which you cannot really call it a referendum, as it was more of a theatrical event, is a deeply flawed document. Aung San Suu Kyi recently called it “silly” and that’s actually quite an apt descriptor. It essentially, through a number of different provisions, gives the military a trump card of de facto control over civilian governance, which they used for many years but have now relinquished to a supposedly civilian government. They can dismiss parliament. They can declare a state of emergency and dismiss parliament. They continue to have the right to appoint key security force personnel officials, including the Home Minister, who can in turn enforce the problematic laws that are on the books in Burma. As a result, you do have the creation of a sort of two-headed government where, yes, you can have elections—and they did—to allow a new prime minister who is not a military leader, but you still have, because of the constitution, a military that has all of these powers over civilian governance. That is the core problem that will continue to bedevil Burma for a long time.

Now the political situation is as Aung San Suu Kyi has said, that the constitution needs to change. A lot of people get hung up on the particular provision in it that disallows her from being president. It’s provision 59(f) of the constitution that bars people who are foreigners and people who have spouses or relatives who are foreigners from being president, which was put there precisely to keep her from ever being the president. That’s an issue that needs to be addressed, but that is not constitutional reform in and of itself.

The real constitutional reform is eliminating all of the provisions that gave the military all the powers I just noted. To do that you need 75% of the parliament plus one. Since the military holds 25% of the seats through the constitution, you have to have at least one of those 25% vote to amend the constitution. That’s the de facto veto they have, the de jure veto they have, over amending the constitution. This means that any amendment that ever takes place or repeal or, God forbid, decision to have a constitutional convention that rewrites the thing from scratch, has to be a political event not a democratic one.

Since it has to be a deal of some sort, Aung San Suu Kyi has to figure that out somehow: basically a deal with the military whereby they allow the constitution to be changed.

The only other methodology for changing it would essentially be a political crisis, an uprising that forces the military to relinquish the power because they don’t want the country to devolve into crisis.

There’s one last way you can nudge the door open on constitutional reform, and it’s a little bit complicated, and we haven’t been talking about it. As you’re probably aware, there is a state of armed conflict in several other states in the north and the east of the country, in Kachin, Shan, and Karen states. In the efforts to have peace agreements with the different insurgencies—and Burma has more insurgencies than pretty much any government in the world—the peace agreement that would have to be created, if there ever were to be peace with all those insurgencies, would by definition require amending the constitution, because, after all, that’s what all those insurgencies want. They want the constitution to be amended so they can have more autonomy and a lot of other things. That’s another avenue for amending the constitution, the diplomatic necessity that

there be amendments to the constitution in order for there to be a peace deal.

However, knowing what I know and probably what a lot of you know about the peace negotiations, I wouldn’t hold out any hope for that happening any time soon.

● (1335)

Ms. Cheryl Hardcastle: Just talking about some of the diplomatic tactics or diplomatic necessities, for this subcommittee’s purposes, we want to look at what should Canada’s approach be. In your opinion should we be retaining sanctions against individuals and entities that are associated with the former military regime?

Canada’s foreign minister has announced funding that will be provided to enhance democratic institutions in the Government of Myanmar. Should we be mentoring? In your opinion where is our most effective place to maximize our efforts and the resources that we can bring to it acceptably?

Mr. John Sifton: Being an effective donor in coordination with other donors to promote groups that are working on the issues, as you said, is, of course, a must. Coordinating with other governments on sanctions to keep the sanction regimes that still exist in place, is a must. Our biggest beef, our biggest complaint with the United States government and the European Union, is that they relaxed and eased the sanctions regime too quickly and without getting enough from the Government of Burma.

Because of the complexity of what I have said about the government not being monolithic, it gets a little bit more complicated when you talk about sanctions on the Government of Burma today. You now have to talk about sanctions on the military and military structures, and people identified by the U.S. Department of Treasury and other entities as people who stand in the way of the promotion of human rights and all that. You need to talk about sanctions in a much more targeted way now than ever before, because now you have two sides of the government. You don’t want the sanctions to hurt Aung San Suu Kyi and NLD in their efforts to fix the country, but you do want the sanctions to remain a stick hanging over the head of the military, so it still has an incentive to allow reforms to continue.

The Chair: That concludes the first round of questioning.

We’ll now move onto the second round. MP Khalid, could you lead off?

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much for your submission today. It is very much appreciated. You’ve really shed a light on a very important issue and we really appreciate that.

First, to really stress the importance of the issue, what would happen if nobody really did anything internationally or nationally within Myanmar? With respect to the Rohingya Muslims, what would happen if nothing were done?

●(1340)

Mr. John Sifton: That's sort of what's going on right now. A little bit is happening: the aid is still going in as the aid groups are helping, and the UN is helping the local Rakhine government. Everything is in a state of suspended ghettoization. There are these ghettos that just kind of stumble through. Money comes from Rohingya in Malaysia, and other places. People depend on handouts from charity groups. People somehow piece together an existence, or don't. People die. Women die in childbirth because they can't go to the hospital because they are Rohingya. It is a state of nothing happening and the ghettoization is simply slowly killing people and making their lives miserable and making them want to leave. That is the situation in Arakan today.

There are small steps being taken to look at the longer-term solutions, and that's promising. But unless there continues to be pressure on the government, on the NLD and local officials, to come up with long-term solutions, the small efforts that are being made going to flag. This is why we always tell visiting officials that they should raise the longer-term issues of the Rohingya Muslims.

It is not only a humanitarian crisis; it's also this legal human rights crisis. There is also that business of Naypyidaw changing the underlying law, the 1982 law that deprived all these people of their citizenship in the first place.

Ms. Iqra Khalid: We understand that any international help that can be provided has to be with the acceptance and support of the Myanmar government as well. It has to be a collaborative effort, in my opinion. Do you think that government is open and ready to receive help, not only with the human rights aspect but also as a new government, in establishing legislative procedures and receiving mentorship on forming a good democratic government? Do you think the government is open to receiving that help?

Mr. John Sifton: I think the NLD members of the government are, yes. Sometimes you will find members of the military party who are really interested in learning more about parliamentary procedure and how laws work, but at the end of the day, they have to fall in line and do what the military says.

Yes, I do think they are receptive to efforts. Both the officials in Naypyidaw, and the local government officials in places like Arakan State are open to learning more about governing, policing, or health care. I think there is a sense that Burma has turned a corner and we have to build a new government structure, a new society. For too long, this country has been basically run by the military. The very bureaucracy of the state got corrupted by the military.

I will give you an example. There is something called the GAD. It sounds like "god." It is basically an administrative civil service institution superimposed over all the different ministries and parts of the government, and it is military-led. That general military-led agency has been the instrument whereby the entire civil service and bureaucracy of Burma has been controlled by the Burmese military for the last 60-plus years.

Unravelling that is going to be a lot of work. It is going to be district-by-district, province-by-province work to unravel that bureaucratic nightmare. It is very complicated. Yes, they need technocratic help from outside lawyers, parliamentarians, and others to unravel all these bureaucratic nightmares.

Ms. Iqra Khalid: I'm sorry, one very quick—

The Chair: We have to move on.

Mr. Sweet, go ahead.

Mr. David Sweet (Flamborough—Glanbrook, CPC): Thank you very much, Mr. Sifton, for your testimony and all the good work you do at Human Rights Watch. We are reliant upon people like you, who are able to collaborate with those in the know, on the ground, and get us some clear information on what is really happening. Thank you as well for the cogent way in which you described how there are seemingly two parallel governments working here between the military and the government of Aung San Suu Kyi.

I would also like to say, Mr. Chair, that the case of Burma is a little different from other cases where the Government of Canada has focused its foreign policy to try to help a nation through the travails of what was a military junta into democracy, in the sense that the president herself is an honorary citizen of our country.

I think my colleague's questioning in regard to her position indicates some extra investment that we have in this country's being successful in its process of transition, with the leader of the governing party being someone we can be proud of, an honorary Canadian citizen.

In that respect, Mr. Sifton, I wanted to ask you, do you still hold to your 2012 position that what happened to the Rohingya was essentially ethnic cleansing?

●(1345)

Mr. John Sifton: Yes, absolutely. The violence was systemic and widespread, and it met the definition. We would not change that.

A more interesting question now that I would add to the mix, though, is whether you can have ethnic cleansing or crimes against humanity committed via the slow, sort of tortured persecution of ghettoization, versus the more dynamic, kinetic violence of pogroms.

In other words, creating a ghetto and not letting anybody in or out, making their lives completely miserable and psychologically compelling them to think that they have no choice but to leave—is that ethnic cleansing? I don't know, but it is a question we ought to be asking because that is what they are doing.

Mr. David Sweet: In fact, in this case it began with pogroms and ended up in this ghettoization. I think there is evidence of both.

Could you tell me who has access to these camps? We know that the Rohingya have travel restrictions on them and that they can't get out. Is there any restriction on NGOs coming in with aid? Do we have UN representatives on the ground visiting any of these camps? From independent reports, do we have any knowledge of the quality of life they are living?

Mr. John Sifton: Yes, there is access to the camps. There are restrictions, but they can be navigated by the humanitarian groups and by the United Nations. The United Nations has its humanitarian side, the Office for the Coordination of Humanitarian Affairs, OCHA. OCHA plays a big role in this.

On the fact-gathering side, though, there is a very key issue that we haven't talked about yet that you ought to know about, which is the issue of the UN High Commissioner for Human Rights and his office. His office is in Geneva but he has staff in the country.

Typically in a country that is recovering from authoritarianism, war, or whatever, a new government will have a memorandum of understanding with the Office of the High Commissioner for Human Rights to set up an office of the High Commissioner for Human Rights in the country to help the country address its human rights problems or it can be done through a Security Council resolution if it's a country like Afghanistan. But the point is, it's often the case that you have the High Commissioner for Human Rights setting up an office.

When President Obama visited, he compelled, diplomatically, the government to basically promise that they would do that. Yet here we are four years later, and it never happened. There is no formal MOU with the Office of the High Commissioner for Human Rights and, as a result, there is no formal office, which means that the few staff that are allowed in are allowed in sort of under the umbrella of the UN at large, and they're under the central authority of the UN residential coordinator, which is a UNDP position.

This means that monitoring the human rights situation in places like Rakhine State—Arakan State—or the war zones of the northeast suffers because there simply aren't as many staff. They're not under a unified office structure. They don't have an MOU with the government that would allow them to negotiate specific terms of access, and there's much more mercy to the government, to the whims of the whole UN system, and everything else.

This has been a key thing we've pressed and pressed again. I'm testifying from Washington. This is one of the sort of thorny little factual things that we brought up even at the White House. We've gone to the White House and said, "They promised President Obama that they would sign an MOU". It was in a written pledge to President Obama himself, and yet they haven't done it.

Amazingly, even now under the NLD government, it doesn't look like it's going to happen any time soon because of de facto military vetoes through the Home Ministry, which has to sign off on it. It's all very bureaucratic and political. It just hasn't happened, and it needs to be hammered through. It's a key thing, because you mentioned monitoring in the camps.

Overall yes, you can get in. We've gotten in. You can get in, but it's a tortured sort of process of navigating with local Rakhine officials to get access. There's also another problem, which is that the Rakhine people in the country are also in very dire straits humanitarian-wise. So a lot of the human rights groups and humanitarian groups have to engage in a kind of a political calculus if they want to access the Rohingya camps. They also have to access some of the poorest parts of the country where Buddhists live and report on their situation as well in order to get a balanced assessment of what the human rights situation is.

• (1350)

The Chair: Thank you, Mr. Sifton.

We have a little bit of time. I know that you also have to get to another meeting.

Let's keep it to a fairly short question and answer on this, Mr. Miller, thank you.

Mr. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs, Lib.): You touched briefly on the conditions faced by the Rohingya in two other countries. You didn't mention Bangladesh, and our numbers from 2015 indicate that there are 32,000 registered Rohingya and perhaps even 200,000 non-registered there.

Can you touch a little on the conditions faced by those refugees in Bangladesh and perhaps the response of the Bangladesh government in response to that mass entry?

Mr. John Sifton: I'll amend what I said. I didn't mean to suggest that Rohingya are all just in Thailand and Malaysia. There are Rohingya all over the world. However, Bangladesh is another key country. There are many, many who have fled there. The problems I talked about in Malaysia exist in Bangladesh, but they are nowhere near as serious as in Malaysia.

I consciously didn't mention Bangladesh because I just wanted to focus on Malaysia, and also maybe subconsciously I often don't mention Bangladesh because there's no point. They are so recalcitrant, and they don't listen to anything we, or you, the Canadian government, have ever said.

I believe right now that the assistant secretary of state of the United States government is in Bangladesh talking to them about all kinds of things—labour rights, human rights, political freedoms, and the Rohingya—and I'm sure she's having a very frustrating time. This is a government that simply doesn't listen very well on human rights. You offer them money that you say can be used to care of the Rohingya, and they reject it. That's the kind of government we're dealing with in Bangladesh.

Should they be condemned for the way they don't co-operate on seeking long-term solutions for the Rohingya? Yes. Do I think it will do any good? I'm not so sure that it will.

If I sound a bit cynical about Bangladesh, it's because I am.

The Chair: Thank you very much for your testimony before this subcommittee today.

I think we touched on a number of issues, and certainly we've all benefited from your perspective on the Rohingya. We may well be in touch. If there are any additional follow-up points, we can be in touch by email.

Thank you very much for taking the time to join us.

Mr. John Sifton: Thank you for having me.

The Chair: Does anyone have any other business briefly?

Mr. David Sweet: Mr. Chair, I like it that we're early. It's amazing.

• (1355)

The Chair: Okay.

As there is no other business, I adjourn this meeting.

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