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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)

[*Translation*]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): We are the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is May 8, 2012, and this is our 36th meeting.

[*English*]

We are today continuing our investigation into the human rights situation in Burma, and we are joined by Mr. Aung Din, who is the executive director of the U.S. Campaign for Burma.

Mr. Aung Din, I saw you speaking with the clerk earlier, so I know you've been briefed on the practicalities of how everything works here. Therefore I invite you to begin your testimony.

Mr. Aung Din (Executive Director, U.S. Campaign for Burma): Mr. Chairman, and honourable members of the subcommittee, thank you very much for holding this hearing today. I am grateful to be here to testify about the human rights situation in Burma, the country in southeast Asia where I was born and raised.

I would like to submit my prepared testimony for the record. I will summarize it now, in 10 minutes.

The historic byelections in Burma were held on April 1, 2012. Democracy leader Daw Aung San Suu Kyi and her party, the National League for Democracy, won 43 seats out the 44 they had contested. The ruling party, the Union Solidarity and Development Party, the USDP, won only one seat.

For the Burmese regime, allowing Daw Aung San Suu Kyi and her party to hold about 7% of the seats in parliament will not constitute any major threat to their hold on power, as USDP and the military still control 80% of the seats in parliament and the military still has veto power to kill any proposed legal changes.

However, the benefits they are gaining from the byelections are enormous. The international community recognizes their political system as all-party-inclusive and legitimate. The pressure and sanctions imposed by the United States, Australia, Canada, and the European Union are being significantly eased or suspended. The Japanese government has announced it will write off $3.7 billion in debt, and plans to resume development assistance.

The generals and their cronies, who still control the country, may be able to go shopping and send their children to schools in the United States, Canada, Australia, and Europe soon. In my opinion, the Burmese government led by President U Thein Sein is the real winner of the byelections.

We need to judge carefully whether current developments really substantiate the lifting of sanctions or not. To be sure, there have been significant changes in Burma over the past nine months, but it would be a mistake to assume that they are irreversible or that all things are pointing in a positive direction. Responding to positive changes is one thing; racing to provide rewards may be regrettable.

Let me begin with the issue of political prisoners. The Burmese regime has consistently said that there are no political prisoners in Burma. Nevertheless, the regime released more than 500 political prisoners in October 2011 and January 2012. Those released included prominent leaders of Burma's democracy movement. This is remarkable.

However, their release is not unconditional. Many of them were released as their prison terms were almost completed, and many were released under subsection 401(1) of the Code of Criminal Procedure, which grants temporary suspension of the prison term. They will be rearrested without warrant by security officials if the president is not happy with their activities, and they will have to serve the remainder of their prison term, in addition to a new sentence.

Furthermore, more than 600 political prisoners, including prominent human rights defender U Aye Myint and student leader Aye Aung, and many Buddhist monks are still in prison. The unjust laws and decrees that the regime created and used to send them to prison are still in effect.

The ineffective and corrupt judiciary system has been and continues to be an instrument of oppression used by the regime against its own citizens. Corrupt judges run the courts without due process and make rulings as instructed by their superiors, or in favour of those who pay the most. Law enforcement officials are brutal and dangerous, and arbitrary detention and torture are their only tools to get confessions from the accused.

I would like to shed some light on the ceasefire agreements and peacemaking process. It is true that the Burmese government has signed ceasefire agreements with several ethnic armed groups. However, these agreements are preliminary and fragile. War in Kachin state and northern Shan state between the Burmese army and the Kachin Independence Organization is still ongoing and has forced hundreds of thousands of ethnic people to flee from their homes and villages.

Current peace talks between ethnic armed groups and the regime may not lead to the permanent ending of civil war without the establishment of ethnic rights. Such rights include a certain degree of autonomy, self-determination, and proper sharing of revenue generated from natural resources located in ethnic areas, which represent 60% of the country's total land, as well as a complete end to human rights violations in ethnic areas, committed by the Burmese military.

● (1310)

The ceasefire agreements will not last as long as the Burmese government does not withdraw its troops from ethnic areas and does not try to reach a negotiated political settlement with ethnic groups outside of the parliament.

National reconciliation is not just about dialogue and ceasefire agreements between the government and ethnic armed groups. It should be a process of ending decades of violence, abuses, and impunity for systematic and widespread human rights violations, addressing the suffering of the abused, and holding accountable those who committed the horrible crimes. Any peace-making effort without addressing truth, justice, and accountability will not be credible.

Let me talk about the byelections. It is true that the byelection was historic, because our leader, Daw Aung San Suu Kyi, and her party contested and won a landslide victory. However, this victory gave Daw Aung San Suu Kyi about 7% of seats in the parliament. We cannot celebrate such a small gain when our long-standing objective and expectation of Burma's democracy movement, which is the realization of a meaningful and time-bound political dialogue between the military, democracy forces led by Daw Aung San Suu Kyi, and ethnic representatives that would lead to real democratization and sustainable national reconciliation, was effectively eradicated.

Daw Aung San Suu Kyi and NLD have promised that it will work on three major issues in the parliament. Number one is rule of law. Number two is internal peace. Number three is amendments to the 2008 constitution. All three major campaign issues need constitutional amendments and additional changes to the laws in order to be fulfilled.

However, the constitution was purposefully crafted to be difficult to amend. At least 20% of lawmakers have to submit the bill to amend the constitution to the Union Parliament, which is a joint session of the lower and upper houses, and the amendment can only be approved by a vote of more than 75% of all the representatives of the Union Parliament. This effectively gives a veto power to the military, which holds 25% of seats in the parliament. Even if all 75% of the elected representatives stand together for the constitution amendment, they cannot win if they are unable to get even one vote from the military bloc.

While the people see some freedom on mainland Burma today, there is no difference in ethnic areas. There are more and more violations of land and housing rights caused by infrastructure and development projects, natural resources exploitation, and land confiscation by the military and its cronies. The government's decision to grant economic opportunities to the businesses belonging to the military and its cronies are always made without consultation with affected communities and without proper environmental and social impact assessments. These projects have driven the people into deep poverty, landlessness, and displacement.

Instead of withdrawing from the ethnic areas, the Burmese army has increased troops and supplies including food rations and weapons to the ethnic areas. They forced the nearby villagers to carry their supplies from the road to their barracks, and ordered the villagers to provide them with leaves, bamboo, and small wood poles to build or renovate their new barracks, especially before the rainy season comes. The Burmese soldiers have also constantly attacked religious gatherings of ethnic people who are not Buddhists.

Mr. Chair and honourable members of the subcommittee, I support the gradual relaxation of sanctions in a way that is directly tied to progress. A gradual approach enables the international governments to engage and influence the Burmese government in a direction that supports genuine and sustained political reform toward democratization, durable peace, and improved respect for human rights. I worry, however, that the Canadian government may be moving forward in a way that will undermine those goals.

Two days before the byelections, when a journalist asked Daw Aung San Suu Kyi how she would rate the current state of changes towards democracy in Burma on a scale of one to ten, she replied, and I quote, "On the way to one". She knows clearly that there is still a long way to go.

In addition, the premature lifting of economic sanctions can greatly jeopardize the fragile peace negotiations currently under way between the regime and the ethnic armed groups. The majority of Burma's ethnic populations believe that the regime is engaging in these negotiations to win economic concessions from the ethnic armed groups. If the international community rewards the regime with economic gains, critical leverage is lost to ensure that national reconciliation and peace is achieved.

● (1315)

Therefore, I would like to make the following recommendations and requests to the Canadian Parliament to balance the fast-track action of the Canadian government.

Number one, the list of designated persons and entities for asset freeze and prohibition on transactions must be updated to include more cronies and hard-liners. The list should be a must-check reference for Canadian companies that will do business in Burma.

Number two, binding requirements or a compulsory framework for responsible business conduct should be imposed for any business that will invest in Burma.

Number three, the cronies and military-owned business entities control every sector of the economy in Burma, especially in banking, airlines, and extractive industries such as oil, gas, power, and mining, so the Canadian government should consider restoring sanctions on these sectors.

Number four, the Canadian government must pressure the Burmese regime to end war in Kachin state and establish a nationwide ceasefire immediately. The Burmese government must allow former political prisoners to obtain passports, so they can make trips abroad; allow members of Burmese civil society to form and operate non-profit organizations freely; release all remaining political prisoners unconditionally; lift all restrictions imposed upon all former political prisoners; allow former political prisoners to go back to school or resume their professions such as legal representatives, medical practitioners, teachers, etc.; and allow international organizations to have unhindered access to areas affected by natural disasters and armed conflict.

Number five, the Canadian government must remind, and keep reminding, the Burmese regime that their full cooperation with Daw Aung San Suu Kyi and democratic MPs in parliament and achieving a negotiated political settlement with ethnic nationalities through a meaningful political dialogue outside parliament are the sole factors to justify fully lifting all sanctions.

Thank you very much.

The Chair: Thank you very much.

Looking at the clock, it seems to me that we will have time for seven-minute rounds, but we'll have to be quite firm on that. There will be seven minutes for each round as long as we are quite disciplined about keeping it to seven minutes.

Mr. Hiebert, you begin.

● (1320)

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

Thank you, Mr. Din, for joining us today. I appreciate your very thoughtful testimony. It will be very helpful as we review this issue.

I'd like to just go back and touch on a couple of items that you raised in your testimony, starting with the comment where you state that even if all 75% of the elected representatives stand together for an amendment, they cannot win if they are unable to get even one vote from the military bloc. You made that statement in light of the fact that the military is assigned 25% of the votes.

I am wondering how this works. Why would 75% of the elected representatives not be sufficient?

Mr. Aung Din: This is a constitution that is designed to grant supreme power into the hands of the military. The constitution grants supreme power to the commander-in-chief, so the commander-in-chief can run the military, the armed forces, as he deems fit. The constitution also grants the power to the commander-in-chief to appoint three ministers in the cabinet and also to appoint 25% of seats in parliament, not only at the union level but also at the state and regional levels. Then they make it difficult to amend the constitution by saying that any constitutional amendment should be approved by a vote of more than 75% of the vote.

Some people say that 75% will be enough if we can get some people in the contested seats, and then we could change the constitution, but it is not true. Even if all 75% of the elected representatives stand together, they cannot win if they are unable to get even one vote from the military, and we all know how the military will vote. They will vote as per the instructions made by their commander-in-chief.

So the 25% is kind of similar to the veto power held by five permanent members of the United Nations.

Mr. Russ Hiebert: In your recommendations you went through some very good ones, but your second one references binding requirements or a compulsory framework for responsible business conduct.

Could you elaborate on that? I didn't fully catch that.

Mr. Aung Din: Just like with Canada's gold rush, many foreign companies would like to rush into Burma to exploit the country's natural resources.

Also, people of Burma think that when western investors come to Burma, they are better than Asian investors. Asian investors—from China, Taiwan, Malaysia, Singapore—don't care about labour rights. They don't care the ethnic issues. They don't care about Burma's environmental impacts.

But if we don't set any rules for our foreign investors, western investors, they will do it the same way. When they set their foot in the country they want to make a profit. I don't think they will respect labour rights, environmental impacts, the social welfare of the people. We want those companies to be socially responsible, environmentally responsible, and they have to consider the welfare of, the benefits to, the people of Burma. These are the major points.

That's why, for whoever goes to Burma, we would like to set the binding principles for those companies to follow accordingly.

Mr. Russ Hiebert: I see.

You didn't really elaborate in your testimony, although I did see some reference to it in the unread portions, about the violence in Kachin state. You mentioned that it's still ongoing; it has forced hundreds of thousands of ethnic people to flee from their homes and villages.

I'm wondering what you believe are the regime's ultimate goals for the people of Kachin or other minority groups, but specifically the conflict in Kachin. Why after 17 years of ceasefire and reform efforts throughout the country are they now in battle in Kachin state?

Mr. Aung Din: One of the members of the KNU delegation just went to Yangon for a peace talk. She told me that when they were in Yangon, they talked to the region's railway minister, U Aung Min, who was the leader of the government's delegation.

She asked them why they were repeating history. In the past, when the regime had a ceasefire agreement with the KIO, the Kachin Independence Organization, the regime used all the available forces to overrun the KNU headquarters in Manerplaw. Now the regime is trying to reach a ceasefire agreement with KNU and other ethnic groups while using all available force to overrun the KIO Kachin headquarters.

Mr. Russ Hiebert: Why?

Mr. Aung Din: Because they have no intention of having a political settlement.

You know, a ceasefire alone is not enough. What the regime is thinking is, okay, we'll stop fighting, we'll let you run in your own territory, and we'll let you do business, and then this will be finished. But ethnic nationalities are asking for a certain degree of autonomy and self-determination. They won't let this risk their own culture. They won't let it risk their own nationality. They won't let it hide their own identity. This is a fight for identity. They are not asking for separation from their country. They would like to stay in their country, but equally. We are a Burma majority, but they are not a minority; they are also as equal as a Burma majority. Even though they are less in number than the Burma majority, 60% of the country's land belongs to these ethnic nationalities.

So first they are talking about equality. Second, they are talking about their having a real identity and that they will not be ruled. They would like to run their territory without having centralized figures from the central government.

During a ceasefire between the Burmese government and Kachin Independence Organization, KIO tried to get a political settlement. Every time there was a request for political dialogues, we were turned down. Later they were allowed to attend the national convention. At the national convention, KIO submitted their proposals for political change in the Kachin area as well as other ethnic areas. But those requests, those recommendations, were denied by the government.

Finally, once they finished the constitution, those requests made by the Kachin Independence Organization and other ethnic groups were denied, rejected, and not included in the 2008 constitution. Finally KIO realized that waiting for...[*Inaudible—Editor*]...after the ceasefire agreements, there was no chance to have the political settlement.

Finally, they found that the regime has tried to push them away from the area controlled by the troops because of the...[*Inaudible—Editor*]...development projects and initiatives and the Chinese petroleum companies to make hydro power projects.

They are going to...[*Inaudible—Editor*]. When the regime troops asked them to move away from the area controlled by them, to pave the way for the Chinese development projects, which will be a benefit for the Chinese petroleum company, they had to...[*Inaudible—Editor*]...and now they're going to end the war.

They don't want to end the war without the political settlement. The regime is trying to reach out to them, and has offered a way to make a ceasefire agreement, but KIO will not believe the regime anymore. They have been there. This time they will continue to fight but they will talk as they fight, continuously, concurrently. But the war will be ended only when they have reached the political settlement.

● (1325)

The Chair: Unfortunately, that uses up your time. We're at eight minutes, actually.

On to Mr. Marston.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you, Mr. Chair.

Welcome, Mr. Din. We're very pleased to have you here today.

In your testimony you're quite clear with your concerns about Canada's lifting the restrictions so totally when in fact to some degree they've given up some leverage that they may have had in this country. Sadly, Burma's bad actors are still in control. Other than what could be described as some “window-dressing”, which is a Canadian saying, not a lot has actually happened that is going to improve the democracy in that country.

I've got specific concerns though. I heard your call for ensuring that companies are dealing appropriately with people over there, that there be some kind of system in place, a list of designated persons you talked about.

We had a bill before Parliament called corporate and social responsibility that was defeated, which is exactly and precisely the same kind of thing you're talking about here.

In Burma today, are there Canadian companies operating there, and to your knowledge are they functioning with responsible actions, corporately and socially?

Mr. Aung Din: I know that one of the Canadian companies is called Ivanhoe. Ivanhoe is working together with the Burmese government in a joint venture.

You will know that Myanmar Ivanhoe Copper corporation is on the targeted sanctions list made by the United States government. For me, this is clear that this company is not doing...ethically in Burma. Also, working together with the Burmese military junta, it is helping the Burmese regime to grow richer and richer.

Also, I don't believe those are.... You know, there are so many businesses in Burma, but especially the extractive industries: mines, oil, natural gas, in every sector. I don't think they can do this ethically. First they have to deal with the government. They have to bribe the government. They have to work with the government's cronies to get the business licences to work in these areas. It seems at the beginning stage they have to make a lot of financial support or any other kind of price to those people in authority.

So since the beginning they've had to counter a lot of ethical...[*Inaudible—Editor*]...in doing business in Burma.

● (1330)

Mr. Wayne Marston: We've had situations reported to us in other countries where Canadian companies have gone in and they've wound up hiring paramilitary security people who were actually accused of functioning in death squads and other such things.

In Burma, it sounds to me as if the government itself, the military, is actually capable of all of these things without having a paramilitary doing it. Do you know anything or do you have any direct information in regards to Canadian companies and the security-type forces that they use there?

Mr. Aung Din: I'm not aware of this because I didn't focus on that particular issue, but I will check and I will get back to you as soon as I get the information.

Mr. Wayne Marston: Sure. That particular company, Ivanhoe, that name has come up in other countries with other issues so if there is something, we certainly would like to hear from you. The special rapporteur from the United Nations in March of this year said that at this point in time there's no domestic accountability in the country at all. That's probably the main reason I made the statement I did that the same characters are in control and there's not a lot that has actually happened. But they're saying that there should be a commission, an international commission established to inquire into the gross and systemic human rights violations that are happening in Burma.

What's your opinion on that statement? Do you agree with that?

Mr. Aung Din: I totally agree, sir. As I mentioned in my testimony, without addressing the true justice and accountability, any peace-making process will not be credible and acceptable. So we need to set up the international commission of inquiry to investigate those crimes against humanity in Burma.

We have been working with the special rapporteur, Quintana, to make this happen, but recently there was kind of a setback. The Burmese government established a national human rights commission, and then many governments that supported our call for a commission of inquiry said, oh, now that they have that human rights commission, so let's see what they can do.

We are telling them, first, this commission is appointed by the president, Thein Sein. They are serving at the pleasure of the president. And look at them—the former ambassador of the Burmese regime who defended the government in the UN Human Rights Commission, or the UN General Assembly, and former government officials.

So I don't know how they can perform credible human rights work. Also, they proved that they are not capable, they are not powerful enough to make such investigations. So now we need to go back to those governments and say, okay, this human rights commission proved itself: it is not credible, it is not independent, it is not powerful enough to make such investigations.

That's why we need to start calling for the United Nations to set up a commission of inquiry.

Mr. Wayne Marston: It's not dissimilar from the situation in Sri Lanka, where they had the truth and reconciliation following their war of 30 years or close to that. There was no credibility there, and I doubt very much that this particular group will be able to establish any credibility at all.

I'm concerned that the move for investment in mineral and petroleum exploration is going to push aside that move towards human rights, and that's why I questioned you earlier on the situation with Canadian companies.

How's my time, Mr. Chair?

The Chair: You have 40 seconds.

Mr. Wayne Marston: I think I'll donate my 40 seconds to the next speaker.

The Chair: All right.

Mr. Sweet, enjoy.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): You're a very fine man, Mr. Marston.

Welcome, Mr. Din. Thank you for travelling here.

I have to say that with successive witnesses, there's been a degrading of hope. I mean, your testimony is significantly different, certainly, from our officials, and different from our last witness, too, who was also an NGO on Burma.

Do you not see a glimmer of hope here in the actions that have been taken so far, with the byelections and other partners as well removing sanctions along with Canada? I know that the U.S. has sustained theirs, but the EU has moved with us.

● (1335)

Mr. Aung Din: First, I really would like to be an optimist. I want to return to my home, to my family, but I can't. I was born and raised in my country. I have been dealing with this government, successive military governments, for many years. I know the changes and what they are doing now, but I cannot believe—yet.

I will not get discouraged either. I believe in my people. This is an opening, and my people will open the door wider and bigger to get their freedom larger and larger. I believe in my people.

You asked me about Daw Aung San Suu Kyi's participation in the parliament. Even now, before she joined the parliamentary session, she demanded that they change the language of the oath, because if they didn't, she wouldn't participate. But the military and the USDP refused to change the language, and finally she ended up attending parliament without changing the language oath.

For me, she lost her first battle. This seems like a small issue, because the language is already changed in the political party registration laws, and now is only left in the constitution. It was difficult for the military and the USDP to allow her demands, and they refused to change. To change the constitution is very difficult. They make it purposely difficult to amend the constitution.

If she could not change even this small language of the oath, how can she move to change other bigger issues, such as that regarding the supreme power of the commander-in-chief? There are so many things that she has to change, that we need to change, but I'm not very hopeful for....

I trust her totally. She's our mature leader. She is uniquely best, and she will try her best. That's why I don't want international governments to rush to reward the regime. They must hold the pressure.

She has entered onto a very difficult playing field. It's better that she works with U Thein Sein, U Shwe Mann, and U Khin Aung Myint to make changes for the country, but she knows there are a lot of difficulties. She needs backup. She needs leverage. Her leverage is international pressure by both international governments and civil society outside of parliament. These make up her leverage. If you lift the sanctions eventually, you won't hurt her leverage and undermine her leverage, or take her leverage away.

Mr. David Sweet: On that note specifically, Aung San Suu Kyi was actually quoted as welcoming the lifting of the sanctions.

Was she misquoted, then, in that regard?

Mr. Aung Din: Not exactly, but I believe that she's...[*Inaudible—Editor*]. Those governments made an historic visit. They went to see Aung San Suu Kyi and then they told her about this, about that. I don't think they gave her all the information she needed.

Also, I don't think she has the time to consult with her colleagues about the pros and cons or lifting, or easing, or suspension, or whatever. For the moment she endorses David Cameron's call for suspension of the sanctions. She told us, suspension is...[*Inaudible—Editor*]...get better. But suspension is actually window dressing, right? This is a kind of diplomatic way of actually lifting sanctions. You suspend them and they will never come back.

If you allow the businessmen to set foot in Burma, they will never come out. When the Canadian foreign minister says, okay, we are ready to reimpose sanctions...but if he does, he will find it very difficult. The current Canadian business community who are already in Burma will not agree, will oppose any kind of reimposing of sanctions. So suspension is kind of diplomatic work or window-dressing work...[*Inaudible—Editor*]...lifting, totally.

So I believe she's not well informed or fully informed. Aung San Suu Kyi has not had the chance to consult with many other people.

The second point is that when those decisions are made by foreign governments, they only go see Aung San Suu Kyi, but they don't consult with the ethnic leaders. They are actually key stakeholders in Burma politics. Before they make such an important decision for the country, they should consult with ethnic leaders inside and outside the country. They basically left out of consultations those key stakeholders in the making of the political decisions. It's very sad.

● (1340)

Mr. David Sweet: Mr. Din, you spent a lot of time in your testimony talking about hard-liners and cronies. Yesterday Vice-President Tin Aung Myint Oo stepped down.

Do you see him being removed as a positive sign?

Mr. Aung Din: First, as a human being, I feel sad for him. I understand that he came back from Singapore where he was getting treatment for cancer. His cancer is so dangerous now and that's why he submitted his resignation. But it isn't official yet. They haven't made an official announcement yet. So as a human being, I sympathize with him.

There are so many hard-liners. If Tin Aung Myint Oo goes, then new hard-liners will come in. Don't forget, Tin Aung Myint Oo was elected, and nominated by the military bloc, during their presidential elections. I think you know about that, right? They have the combination of the lower house and the upper house, which become the electoral college. They were divided into three. One is an elected person from the lower house; another is an elected person from the upper house; and another is a military representative sitting in the lower and upper house.

After one nomination each, there were the three candidates for the presidency. After that, the electoral college made a vote. The guy who got the most votes became the president, which was Thein Sein. Tin Aung Myint Oo was nominated by the military. He got the second most votes.

According to the constitution, if Tin Aung Myint Oo resigns, then the military will have a chance to nominate one of their own to this position. So one hard-liner goes, but a new hard-liner will come in.

The Chair: We'll now go to Ms. Murray.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Thank you very much, Mr. Din, for your testimony.

I lived in South Africa and came here to Canada for grade 3. I, of course, watched with great interest the process that led to democracy in South Africa. My colleague, Liberal MP Irwin Cotler, was part of the legal team working with former President Nelson Mandela.

Have you studied the process, that long road to democracy that included international sanctions and other measures that Canada participated in? Can you give us some parallels or some lessons learned from the South African experience and what worked and how that can be applied in the situation with your country?

Mr. Aung Din: One thing that's different is that in South Africa, it was whites and blacks—white occupiers and black residents. This was the fight between them, right? But in Burma, we are fighting among Burmese. The Burmese military who rule the country are also Burmese. We are fighting against them, not foreigners. This is something different.

What I really admire about South Africa is its long journey to freedom. I really understand that international pressure successfully helped them to be free from the apartheid era. It was our dream. We've learned from the South African experience. We apply it in every way possible to our country's situation. But the international community is so divided in the case of Burma. Actually, in South Africa at an earlier stage, the international community was quite divided, but later they came to unite and put political pressure on the apartheid regime.

In Burma, still, the international community is quite divided. But they are wanting to see the success story, and Burma has been changing, so they want to take opportunity to assure the political success. That's why so many government leaders make so many historic visits to my country. Finally, I believe that historic visits can't do the historical mistake of untimely lifting of economic sanctions, which is our immediate leverage.

I really admire the South African movement, but unfortunately there is a lot of difference between our two countries.

Ms. Joyce Murray: Okay. Thank you for that.

One quick comment about that is that the white-black and white-coloured struggles were not about foreigners, because most of the whites had lived there for generations, if not hundreds of years. But I take your point that there are some different, race-based elements in South Africa.

● (1345)

Mr. Aung Din: If I made a mistake, I'm sorry about that.

Ms. Joyce Murray: In talking about leverage, first I want to congratulate you, on behalf of your country, for the progress that has been made and the ability to have some democratic byelections take place. Clearly you're looking for a staged-in improvement.

For every country, democracy is a dynamic issue, and we always need to work on it. In Canada we have that challenge as well. We have disagreements as to whether certain mechanisms, such as omnibus budget bills, are democratic or not democratic. Those conversations are not over in Canada either.

As a dynamic process, one thing I noted in your presentation is that you listed some things you would like Canada to support. Are there more details somewhere else that include measures? How would you actually measure what you're asking to have done?

For example, the list of designated persons and entities would include more cronies and hard-liners. Do you have numbers, do you have particulars on that?

By the same token, when you're talking about restoring sanctions, there are probably stages. Have you identified exactly what it is you're asking of the Canadian government, such that there can be some acknowledgement of the progress that's been made but that there can be leverage for additional steps, so that it's not all or nothing?

Where would the documents be that had those kinds of specific measures that you're asking for, so that Canada can go back and say, yes, that was accomplished, or no, it wasn't accomplished in an objective and measurable way?

Mr. Aung Din: As I said in my testimony, I support the measured engagement approach to the changes in the country. Mainly, my position is not too fast and not too slow; also, not too much and not too little.

How can we balance between too much and too little and too fast and too slow? This is something that your government or other governments have to decide. But when you have made the decision, I hope you will have consulted with civil society and key stakeholders about how to move forward. It is something I shall be encouraging. At the same time, it is something that should not be too rewarding. This is a very thin line.

But look at the Canadian lifting of sanctions. It lifts all, except the arms embargo. Even the European Union, when they suspended sanctions, didn't lift in the extractive industries, because those are entirely related to major human rights violations. That's why the European Union did not lift the sanctions on the extractive industries centres. The United States is doing the same. That's why the Canadian government should consider restoring sanctions on these centres.

You asked me about the designated persons. This is something I am arguing about with the United States government in Washington, D.C., too. The United States government has a specially designated nation list, an SDN list, which is for targeted sanctions. The Canadian government has a similar list.

I looked at those lists. The United States list on Burma is about 20 pages long, with about 500 entries—names and organizations. But there are so many repeated entries. So I cleaned it up, and finally I ended with only 25 former and current officials of the regime and five family members, twelve crony business person entries, eleven state enterprises, and four military co-enterprises on the United States SDN list.

I looked at the Canadian list. It's the same thing; there are only 40 persons from the regime, current and former, plus the cronies.

These are not enough. There are so many more in Burma. They are still at large from the United States and Canadian and any other sanctions.

So when you are lifting the sanctions, you have to update the designated person list and you have to include more cronies and who were not on the list.

I have the list I submitted to the United States government. I will submit it to you guys too, for your reference.

● (1350)

Ms. Joyce Murray: Do I have more time, Mr. Chair?

The Chair: *[Inaudible]*

Ms. Grewal, please.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Chair.

Thank you, Mr. Din, for coming today and sharing your insight into the human rights situation in Burma.

I understand that under the 2008 constitution a quarter of the seats in both parliamentary chambers are reserved for the military and that three ministerial posts—interior, defence, as well as border affairs—must be held by serving generals in the army. This means to entrench the military, giving it undue influence in the government.

Under the current climate of change, is there any hope for constitutional reform?

Mr. Aung Din: It will be very difficult.

The military is above the law, and it has the right to interfere in every executive and judiciary and legislative power. The commander-in-chief has the power to run the military. The military we call “armed forces”, which means only the army, the navy, and the air force—police forces, customs, immigration, fire brigades, and even the Red Cross. The Red Cross is considered an auxiliary force.

On March 27, they called for an armed forces day. There was a military parade, including the police, fire brigades, and the Red Cross. They all wore uniforms and they all made up the parade.

He is the commander-in-chief for all armed forces in the country. He is the one who allows people to join the armed forces as he deems fit.

Under the constitution, the commander-in-chief is duly appointed by the National Defence and Security Council, which is considered to be the highest body within the government. It's similar to the Chinese Communist Party's Central Military Commission. They are the ones who make the final decisions.

Among the 11 members of the NDSC, the commander-in-chief has six posts that.... There's commander-in-chief, deputy commander-in-chief, minister of defence, minister for home affairs, minister for border area affairs, plus one vice-president who is nominated by the military bloc in the parliament. So among 11 members, they already have six posts. This is the way he controls the government structure.

In terms of how they appoint this commander-in-chief, there is no provision, no clause, on how to terminate the commander-in-chief in the constitution. There is no way mentioned about how to dismantle this commander-in-chief.

So he is the one who is holding the power without showing the official capacity. Then they made it difficult to amend the constitution by saying that we must get more than 75% of the vote. Actually, on some major issues, major provisions, more than a 75% vote is not enough. They go to a referendum and get the majority of the votes from the people in the referendum, so two steps.

That's why when, personally, I was very sad when Daw Aung San Suu Kyi...[*Inaudible—Editor*]...in this election, because I don't see any point that we can change the conditions within this military control framework.

Mrs. Nina Grewal: U.S. Secretary of State Hillary Clinton visited Burma in December 2011. She said that some travel and financial restrictions would be relaxed and that the Burmese leaders would be allowed to visit the U.S.

The U.S. is naming an ambassador to Burma and establishing an office for a U.S. agency for international development. The U.S. also announced that it would now allow financial transactions in support of certain humanitarian and non-profit activities.

Australia also announced that it will ease travel and financial restrictions on about 250 Burmese nationals, including President U Thein Sein.

The British Prime Minister, David Cameron, who visited Burma just a couple of weeks ago, announced that the U.K. is considering suspending sanctions.

In light of all the change that has already taken place in Burma, are other countries correct to suspend economic sanctions? Are you aware of this?

● (1355)

Mr. Aung Din: Yes, I know that sanctions were imposed only by the United States, Australia, Canada, and the European Union. No other countries imposed sanctions on Burma. And many of the previous sanctions are being eased, suspended, or lifted. That's why we mentioned to the United States government that it was doing too much, too fast. This is quite frustrating.

Since they have been this easing of sanctions, we can now ask these governments to make a list of designated nations or whatever names they call them. They must make a list to make businesses avoid dealing with these people, and start a transition with them. There were many companies doing business in Burma. We can only try to control the damage. This is all we can request.

The Chair: Thank you very much.

Monsieur Jacob, you are batting cleanup for us today.

[*Translation*]

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

Mr. Din, thank you for coming to shed some light on the situation in Burma. Do you think there are some human rights in Burma that are not getting enough international attention? Could you tell us which issues are involved and why you think they are important?

[*English*]

Mr. Aung Din: When we talk about the situation in Burma, there are two issues. One is the lack of democracy and human rights, and the second is national reconciliation. Burma is a country with the longest-running civil war in the world, since 1948. So we might have democracy and human rights, but we cannot achieve national reconciliation without settling this divider among the nationalities. I believe this is a major issue.

Without addressing this major issue of the ethnic nationalities, we cannot achieve anything. Even though we have democracy and human rights, we will not be happy. We will not be unified. We will still feel guilty for failure to settle this major issue.

Actually, I'm from the Burma majority. I didn't realize that the sufferings of ethnic nationalities many years ago. Now I realize that a Burma majority has a duty to address the plight of the Burma ethnic nationalities. This is a major issue for me, and this is a major issue for all the democracy advocates now.

[*Translation*]

Mr. Pierre Jacob: Thank you, Mr. Din.

My second question is about the last sentence of your interesting brief. It reads as follows:

> Encouraging the so-called reformers in the regime should not undermine democracy activists, ethnic nationalities and human rights' defenders, the true agents of change in Burma.

I am a bit puzzled by this. Could you expand on your opinion regarding this last sentence?

[*English*]

Mr. Aung Din: First, many governments now believe that President U Thein Sein is a reformer, that U Shwe Mann is a reformer, and many others share the same sentiment.

For me, I don't really believe it yet. I want to see more evidence before I call them real reformers.

For me, this is a kind of tactic they are playing. You set up the political system, which allows you to control all the power. The political system you created and designed is now on the ground, up and running. The next step is to make this system credible, legitimate, and try to get international recognition. So now you give some seats to the opposition. You invite the opposition to join into your system, and you allow them a place, with some voice.

For example, now we have the democratic NLDs. They have access to the power, but it's a power that remains unchanged in the hands of the military and the USDP. So you allowed them to join into the system, hear their advice, but they will not achieve anything. You are the one who will hold the power in the end.

This is a kind of tactic. So when President U Thein Sein offered Daw Aung San Suu Kyi to look at the offer...[*Inaudible—Editor*]... register your party; I will change the language of the political party registration law contesting the election. When you are in the parliament, you can change whatever you want.

This similar offer goes to the ethnic nationality groups. Let's stop shooting, okay? Let's have a cease-fire agreement. Found a party, join in contesting the election, join the parliament, then raise your concerns in the system.

But the system is already designed to make it difficult to amend the constitution.

So where they are, in there, they will be contained, co-opted, and then finally they will not achieve anything.

Maybe they will go further, I'm not sure yet, but at this moment, I cannot believe they are real reformers. I want the world to share my feelings. Let's see more evidence from them before we call them real reformers.

Before we are certain that they are really reformers, I don't want to lose any kind of leverage that we have right now.

● (1400)

[*Translation*]

Mr. Pierre Jacob: What do you think are the most pressing development challenges in Burma today?

[*English*]

Mr. Aung Din: That development comes together with the...right now. With land confiscation, with making people landless, with making people lose their homes, lose their villages, and lose their status, development is actually an important issue. Burma is one of the least developed countries in the world, so we would like to see our country developed.

But how will we have the country develop when you don't have the rule of law, you don't have proper business guidelines, and you don't have a governance system that grants equal opportunity for all the people inside the country?

When you make a visit there, when you go for development, development can go in the wrong direction. Now, actually, when many people go to Burma and they come back, they say, oh, Burma is totally different from North Korea. Exactly. We are different countries. You can see people in Burma on the street smiling and walking. You also can see the highest high-rise building there and you can also see the development projects here and there. But those development projects were built by the expenditures of the people, ordinary people.

These are the major challenges for the development. We must have the government for the people, by the people, of the people. We must have the rule of law. We must have the proper system that protects the environment, people, and the social affairs of the people of Burma. Without them, we don't see good development, the right development, in our country.

[*Translation*]

Mr. Pierre Jacob: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Jacob.

[*English*]

Mr. Din, thank you very much. We have just come to the end of our time. We're very grateful that you were able to take the time to be here and provide us with another point of view on the very important and changing situation in your home country. Many thanks to your and to your organization for coming here today.

We are adjourned.

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