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Chair

Mr. Scott Reid

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● (1305)

[*Translation*]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Order, please. Today is May 10, 2012, and this is the 37th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. We are continuing our study of the situation in Burma.

[*English*]

Today as a witness we have William Davis, who is the director of the Burma project for Physicians for Human Rights. He will begin his testimony, which as usual will occupy the first 10 minutes of our hearings and after which we will go to questions. The exact length of the questions will be determined by how much time we have. I simply divide the available time by six, and away we go.

That being said, Mr. Davis, I invite you to begin.

Mr. William Davis (Director, Burma Project, Physicians for Human Rights): Thank you.

Good afternoon, Chairman Reid, and distinguished members of the subcommittee. Thank you for extending an invitation to Physicians for Human Rights to testify about the human rights situation in Burma. It's an honour to testify before you today.

I would like to submit my full written statement as well as our report on Kachin state, and an update on human rights violations in Kachin state from the Kachin Women's Association Thailand. I ask that they be ordered part of the record.

Physicians for Human Rights, or PHR, is an independent non-profit organization that uses medical and scientific expertise to investigate human rights violations and advocate for justice, accountability, and the health and dignity of all people. We're supported by the expertise and passion of health professionals and concerned citizens alike.

I should note that I'm not a physician. I'm an epidemiologist and public health practitioner.

Physicians for Human Rights has been investigating human rights violations against Burmese civilians, dissidents, minorities, and refugees since 2004. As director of the Burma project for PHR, I have conducted investigations in Burma's rural areas, including in Kachin, Karen, and Shan states, and in most countries bordering Burma. I've written a report titled *Under Siege in Kachin State, Burma*, which documents the human rights and humanitarian situation in that area of renewed conflict. I look forward to sharing my experiences with you today.

Burma has made a lot of news headlines lately. There have been extensive discussions among policy-makers as well as in the international media about the changes that appear to be bringing Burma from a pariah state to a country on the path to genuine democracy.

It's true that there have been some changes. In Rangoon, for example, people are now allowed greater media freedoms, and iconic Aung San Suu Kyi T-shirts and memorabilia are no longer forbidden. The Nobel Peace Prize laureate even sits in Parliament, and several hundred of her fellow political prisoners have been released.

While these changes are important, the same problems that have plagued the people of Burma for decades, including rampant forced labour, attacks on civilians, the use of land mines, and lasting impunity for those who commit heinous human rights violations, continue to this day.

The Burma army continues to attack civilians in ethnic areas, especially in Kachin state, where an estimated 70,000 civilians remain displaced because of fighting. The Government of Burma, until very recently, has blocked access of humanitarian aid groups to this vulnerable population, thereby further exacerbating the precarious condition of those displaced.

The Assistance Association for Political Prisoners (Burma) has confirmed that 471 political prisoners remain in jail today, and they are further investigating another 475 cases. They're verifying that they're truly additional political prisoners.

Prisoners of conscience who were released earlier this year have not been given amnesty by the government and they could be sent back to jail at any time, and new arrests are continuing. March saw the highest number of arrests in two years, including 43 people who have been jailed in relation to development projects for things like refusing forced relocation orders, and for distributing T-shirts protesting a gas pipeline.

The Government of Burma also continues to violate human rights in other areas and remains dominated by a military that is not subject to any institutional accountability mechanism that could be used to punish or deter crimes.

Burma's ethnic minorities make up a third of the country's population, and they continue to bear the brunt of the military's crimes. Minority groups remain extremely skeptical of the changes in Burma, and for good reason. Ethnic people have faced abuse and oppression by the Burmese government for more than 60 years, and they're understandably reluctant to embrace the announced changes coming from their government. They do not trust the government, and so far, they have not benefited from the changes in Burma.

I have interviewed Karen, Shan, Mon, Kachin, Chin, Arakan, and Burman people inside Burma and in most of the countries along its borders. From all of them I've heard a common theme, and that is that they want to go home, but they're still afraid of the government.

Indeed, when I was in Kachin state I spoke with one man who was forced to walk in front of Burmese army troops to clear the path of land mines. I interviewed several more who had been forced to carry weapons and supplies for the Burmese army.

These abuses are not new. A grandfather told me how the Burmese army tried to drown his wife in a bucket of water in the 1970s. Last year when the ceasefire in Kachin failed, he and his wife fled, not wanting to relive the experience. The past and continuing abuses do not bode well for future reconciliation. A 15-year-old Kachin boy who had been forced to guide Burmese army troops between villages was scared and angry at the army. He told me he wanted to join a Kachin insurgent group so he could fight the Burmese.

● (1310)

In the months since I was in Kachin state, I have been in regular contact with groups who are monitoring the human rights situation as well as ongoing humanitarian needs. They have told me that human rights abuses are continuing, and as more civilians are displaced the need for humanitarian aid is increasing.

Before the 2010 elections in Burma, development and humanitarian relief programs in ethnic areas were funded mainly through groups operating outside the fold of the Burmese government. This was because the central government blocked aid to conflict areas and made it clear that it was not interested in helping ethnic people.

Since the 2010 election, the Burmese government has talked of starting development projects in ethnic areas. In response, some donor countries are shifting their funds from community-based groups operating in border regions to groups that are based deeper inside the country.

This should not be a trade-off, and this shift is premature. The talk of development from Naypyidaw thus far is just talk, and the effects that have been felt in ethnic areas are decreases in aid.

It is not yet clear if the central government in Burma actually intends to serve the needs of ethnic people or not. If it does, starting development programs will take time, and community-based organizations that are already running these programs should continue to receive funding until a system is in place for them to work in partnership with Naypyidaw. The ethnic leaders I have spoken with, and especially Karen ethnic leaders, are willing to cooperate with the government to promote the welfare of their people.

Community-based groups work inside the country and they receive only funding and supplies from across international borders. They have been serving their people for decades, and they already have the human resources, expertise, and local trust to implement development programs. Pulling their funding will disempower these communities and force them to rely on the central government for support.

This is dangerous. When the central government reorganized the state governments in 2008, it failed to establish ministries of health or education in Chin state.

The central government has not convinced ethnic peoples that it is trustworthy enough to provide aid for them. I heard several examples of this when I interviewed Chin refugees in India. I asked them if they would go back to Burma now that the government is changing and they all told me they would not. They are not yet convinced the government will not harm them and they are choosing to remain as exiles.

Most Chin people I spoke with said that when they left Burma they left because they feared the military. A Chin man told me the Burmese government had deceived him his whole life and that he doesn't believe them when they say they are now a democracy. He said he will only return when the generals are no longer in power. Another man told me that democracy in Burma is not for Chin people; it is not for the ethnics. Others said there is still no freedom in Chin state.

The only refugees I spoke with in India who had returned to Burma or who had planned to return were Kachin refugees who were going back to join the Kachin insurgent groups to fight the Burmese.

Lastly I want to comment on the situation of the Rohingya, a Muslim minority in western Burma. They remain one of the most heavily persecuted groups in that country. They do not have citizenship and they suffer from forced labour, forced migration, restrictions on movement, and several other human rights violations.

Now it appears they will be excluded from the planned 2014 census. This will only further marginalize them. If the changes in Burma are slow to reach other ethnic groups, the Rohingya will be the last to feel any benefit from change. This group should be the measure of progress of human rights in Burma.

The Government of Burma has done much to convince the international community that it has changed, but it has yet to convince its own people. Generations of human rights abuses cannot be erased after just two elections in Burma. Even if the government's intentions are honourable, it will take a long time to build trust with its own ethnic people.

Promoting development and allowing aid into ethnic areas is a start. Stopping abuses, pursuing reparative justice, and acknowledging that human rights abuses have happened would go much further. The Government of Burma should continue its reforms, and the international community should support and encourage them.

Mr. Chairman, distinguished members of the committee, in closing I would like to share with you some specific recommendations which my organization has been advocating.

The international community is faced with some important decisions regarding policy toward Burma. While some may celebrate the recent changes in Burma, I urge you to remain cautious and to consider what impact these changes have had on people living in rural Burma. Because human rights violations, impunity for those who commit them, and military hierarchy continue to mark Burma's internal policies, we as the international community should do what we can to encourage more substantive improvements that will have a lasting positive impact on all people of Burma.

● (1315)

In order to ensure that Burma's future is decided by its people, including ethnic minorities, I recommend that the Government of Canada use its influence to press for the following reforms in Burma: an end to gross violations of international human rights law and humanitarian law, including an end to attacks on civilians; meaningful collective negotiations that lead to a political settlement with ethnic nationality groups; unfettered humanitarian access to people in need in areas of conflict; release of all remaining political prisoners; and constitutional reform that will enable a civilian government to hold the military accountable.

I also recommend that the Government of Canada commit to the following: ensure that the list of individuals and entities still sanctioned under the Burma regulations is updated, broad, and includes those individuals who have profited from human rights violations, such as forced labour and displacement; and continue providing assistance to support displaced persons, refugees, and migrants from Burma along its borders. There has been an impulse by some in the international community to limit assistance to the border regions, but the need is great and I urge you to increase your support for communities in these areas. Every dollar spent there can save lives.

Mr. Chairman, members of this committee, I thank you for your attention and I'm ready to answer any questions you may have.

The Chair: Thank you very much.

I think we'll have time for six-minute rounds. Maybe I'll be a little more generous than I am at other times with fulsome answers running over, although I'll be ruthless with long-winded questions, as usual.

Mr. Hiebert.

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

Your organization's survey of the Chin state is quite alarming. I have a copy and my staff reviewed it. Basically the assessment is that everyone you were able to talk to has been a victim of some sort of abuse at the hands of the regime, either through forced labour, rape, or being displaced from their homes.

What do you believe are the regime's ultimate goals with minority peoples in Chin state?

Mr. William Davis: That's a good question.

In Chin state, and as well as in most ethnic states in Burma, this is where most of the natural resources are for extraction, such as timber. There is jade in Kachin and other mining.

In the past—not under Thein Sein, the current president, but under Than Shwe and Ne Win before him—there was this policy of "Burmanization", where they wanted the country to be one distinct nationality. They wanted ethnic minorities to enter into this fold and be "Burmanized".

This goes back decades. This is probably the history of government policy in ethnic areas. Lately this has not been the policy, but I think some effects of that remain in older military commanders and what has happened in these areas. I think there's a lack of understanding between Burmese people and ethnic minorities, and probably racism, which also leads to this.

As far as the abuses you mentioned, the Burma army has policies of self-reliance. Most of the units are not supplied from central Burma, but they're instructed to get their supply of food and housing from the local population. So a lot of the forced labour we see is for the military—or the military stealing food from civilians to feed its own troops.

On the more violent crimes, I can't think of a reason why anyone would do them, but they might be tactics of control and bullying. We've seen a lot of that in Karen state. People are starting to say that the amount of control the Burmese army has over an area may be an indicator of how severe the human rights violations are. If they have a lot of power and control, the violations aren't as bad. If they don't have much power they tend to bully more. So depending on the regions in Chin state and what is happening, that's how we would see those different violations.

● (1320)

Mr. Russ Hiebert: Your report also indicates that the persecution of Christians is prevalent in Chin state, with the burning of churches and practices of forced conversion to Buddhism.

Can you tell me what those practices of forced conversion might include?

Mr. William Davis: Yes. I have spoken with my Chin colleagues on this. There is a lot of coercion going on. There's a government school, but they're only allowing Buddhist students in. So if a Christian student wants to attend, they need to convert. Since there really aren't any other schools in that area, this would be something they would have to do.

I think also maybe in dealings with businesses they might want to only deal with Buddhists and not Christians, and they would encourage business partners to convert. It's coercion, but the people are in a vulnerable situation, so they don't have much recourse.

Mr. Russ Hiebert: In your report on Chin state, there are a number of recommendations calling on different countries and organizations to press the Burmese government to respect individual rights. Do you believe that sanctions have played or can play an important role in helping to create such pressure? If so, what sorts of sanctions do you believe can and do have the most impact?

Mr. William Davis: I believe sanctions have played, and can still play, an important role in pressuring the Burmese government to stop human rights abuses. I mean, specifically, pressure for justice and to stop impunity, and for perpetrators of human rights abuses to be held accountable. I think important sanctions were on travel restrictions on individuals in the Burmese government who have been implicated in human rights violations. I think sanctions on Burmese businesses have also been effective.

There is a lot of debate on whether sanctions resulted in the few changes that have happened in Burma, and I think they have been important in pushing for those changes. I think it's important to maintain some sanctions. Sanctions were put in place originally to stop human rights violations. Now, there is a lot of talk about dropping and suspending sanctions so that businesses can go into Burma and do work, but human rights violations are still continuing. Really, we should keep sanctions so that we may encourage the Burmese government to stop these abuses and to hold perpetrators accountable.

Mr. Russ Hiebert: You mention in your statement that constitutional reform that would enable the civilian government to hold the military accountable is one of the objectives that need to be accomplished. As I have learned a little bit about the nature of the Burmese constitution, it becomes clear that such reform would never occur without the consent of the military regime. How do you think that could be accomplished?

Mr. William Davis: They rewrote the constitution in 2008. They certainly did it in a way to ensure that the power will stay with the military, by allocating many seats in Parliament to members of the military and thus ensuring that a majority of Parliament will never vote for changes in the constitution.

● (1325)

Mr. Russ Hiebert: Just to clarify, it's my understanding that a vote to change the constitution would require more than 75% of parliamentarians. As long as the military is assigned 25% of the seats, that's never going to happen.

Mr. William Davis: Correct. This is another change in Burma that is not going to happen overnight. Essentially, the way the constitution is written right now, some of these members of the military are going to need to vote for constitutional change. I think it's going to take a while for them to understand why this is important.

It's tough after having 60 years of power to just stop and give it up. That's not going to happen. They need to understand why this is important to happen and what are the effects—the positive effects—if this is going to happen. This is why we need to continue to pressure and also educate the Burmese government on making this happen. I'm a public health person and not a politician, and this is certainly a challenge for politicians.

The Chair: That actually uses up your time, and I gave you an extra minute as well.

We now go to Madam Péclet.

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Thank you, Mr. Chair.

I would like to commend you on the work you do. It's really amazing. We need more people like you in the world. Thank you very much for your time today.

I will follow up on my colleague's comments on the accountability process. In the report of the UN special rapporteur on the situation of human rights in Myanmar, they stress the need for an effective and independent domestic accountability process for gross or systematic human rights violations. In your view, what would this domestic accountability process look like in Burma?

Mr. William Davis: That's a good question. They have started a national human rights commission, and the special rapporteur was very critical of that, and I would agree with his assessment. I believe a lot of his criticisms were that this body is not independent of the government. There are former military commanders on this body who, some groups say, have committed war crimes in the past. So these would be the two main issues. It needs to be independent. It refused to investigate some abuses in Kachin state, which is a sign that it's not doing its job. A Kachin man brought a case, his wife was disappeared by the army, and they refused to hear that case also. So this is also a problem.

It needs to be a group of people, probably who have no ties to the regime, present, historical, or otherwise, and who are able to work unimpeded by the regime. I think those would be the two most important things.

Ms. Ève Péclet: So the process right now, according to you, of course, is not effective.

Mr. William Davis: That's correct.

Ms. Ève Péclet: Following on my colleague's comments, it has to come from inside. It cannot be imposed from the outside. How could the international community help a process like this to be established?

Mr. William Davis: For a long time groups have been working inside to promote democracy and human rights, and a lot of them have been put in jail for this. Certainly many exiled groups are doing this. I live in Thailand on the Burma border and I'm just here for a short bit and I work with a lot of these groups. The Burmese people working in these groups have a lot of capacity and a lot of training to do this kind of thing. I think this is a start, especially for the groups that are working inside, because this brings the most legitimacy to this kind of body.

I think the international community can do a couple of things. I think training in capacity building is always important. It can also provide support for the people on this committee to make sure they don't get sent to prison or harassed in any way, and also pressure the Government of Burma and the military, if that's possible, to let this group do its job.

Ms. Ève Péclet: The special rapporteur suggested a deadline of March 2012 in his report. He said that if no domestic accountability process was established, “the international community should consider establishing an international commission of inquiry into gross and systematic human rights violations that could amount to crimes against humanity and/or war crimes”.

What's your assessment of that statement?

● (1330)

Mr. William Davis: I agree with that statement. There's been a push for a long time to establish a commission of inquiry. Recently, a lot of the international pressure for that has dropped because of the few changes that have happened in Burma and political prisoner releases. It's a very important thing, and I should make it clear that a commission of inquiry does not mean a war crimes tribunal or involvement of the International Criminal Court. It's essentially an investigation into what has happened in the past. It would be extremely valuable to inform how Burma is going to shape up in the future.

I mentioned a lot of problems and mistrust between ethnic groups and Burmans. Ethnics are 15% of the population. This is where a lot of the resources are in the country, so they're involved in this process, and they have suffered a lot of abuses over the last 60 years. I feel a commission of inquiry, in whatever form it would take, would be an extremely important step in moving forward in this process.

[*Translation*]

The Chair: You have one minute left.

[*English*]

Ms. Ève Péclet: I'll follow up in French.

[*Translation*]

You focused a lot on the issue of minorities in your presentation. You mentioned it frequently in your answers to me. The UN special rapporteur indicated that violations committed by the military and armed non-government groups often targeted ethnic minorities, ethnic groups.

In light of what you told me, what commitment has the government shown in recent months or years in terms of combatting this kind of discrimination and violence against ethnic minorities? What steps has the government taken to rectify the situation?

[*English*]

Mr. William Davis: Thank you. That's a good question.

I think before I answer this question, I should say that a lot of the abuses in ethnic areas have been committed by the Burma army. Insurgent groups also commit some human rights abuses, but let's just focus on the Burma army for now.

What is becoming more apparent is that the Government of Burma does not have much control over the Burma army. In Kachin state, for example, in the last year, President Thein Sein twice ordered the Burma army to stop all combat activities in Kachin state. The army continued fighting. This presents a big problem. It seems like the international community now has good engagement with the government but very weak engagement with the military. A lot of people don't even know which person they should engage with—which commanders, which generals.

What has the government done to counter violence against ethnic minorities? Well, Thein Sein twice asked the Burma army to stop. That had no effect. They are engaged in ceasefire negotiations, which I think could be promising, in a lot of areas, not in Kachin. Karen is moving along, and there have been some Shan ones, and Mon, and with Chin groups. The negotiators here are coming from the government and not the military. Hopefully the military will abide by whatever ceasefire treaties they come up with.

So there's been that. The government has talked about doing development programs and humanitarian aid in these areas. It hasn't done that yet, but you can't just roll out a development program overnight. This would take time.

So there's been a lot of talk and not much action. I think this is another topic that we have to wait and see on.

● (1335)

The Chair: That completes that set of questions and answers.

Mr. Sweet, you're next.

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

Mr. Davis, thank you very much for the good work you've done and for your testimony today. We greatly appreciate it, and greatly appreciate getting your perspective on this situation, not only as it's gone on over the years but also currently. I'm glad that you have some very recent observations from Burma.

I've asked a similar question of every witness. You made the statement here, "The Government of Burma has done much to convince the international community that it has changed, but it has yet to convince its own people." We had some representatives of Parliament who were on the ground when the elections happened and talked directly to people. Their report to me was that people were quite positive and hopeful. Aung San Suu Kyi herself welcomed the relaxing of sanctions.

Just help me here with why these conflicting messages from people who are on the ground—this isn't government spin—and your observations.

Mr. William Davis: I would agree with what your MPs saw on the ground during the elections, certainly in central Burma, where the people of Burman ethnicity, in Rangoon and in Mandalay and surrounding areas, are feeling the change. This is where you can get Suu Kyi T-shirts. This is where you can get international newspapers now. There was Internet access before the changes happened, but apparently the Internet is much faster now and less censored. You can now get BBC and things like that. So changes have happened in the central parts.

When I say that the Burmese people have yet to feel the change, I'm talking about the 15% who are ethnic minorities, and maybe also people in the Burman areas who don't live in urban areas, who are still out in the villages. For them, life is going on; they're still growing their rice, and they haven't seen much difference.

Mr. David Sweet: They're also out of the way of the mainstream media that tends to be there.

Mr. William Davis: Yes.

Mr. David Sweet: So there would be less effectiveness in reporting.

Mr. William Davis: A lot of visits from international people are.... MPs are busy people. If you go to Burma, you don't have weeks and weeks to spend looking at the whole country. As well, journalists from major newspapers usually go to a couple of major cities, and Naypyidaw, and then go out. They haven't visited ethnic areas.

Probably also the Burmese would discourage that. I don't know how hard people have tried, but it would be interesting to see, if someone were requesting a visit to Kachin state or to Karen state, what that response would be.

Mr. David Sweet: Are you aware, either from your own experience on the ground or from the sources you have there who seem to be accurate, whether the international Red Cross has access to those political detainees, whether they're in recognized institutions or other places? Do they have full and unfettered access?

Mr. William Davis: As far as I know, the international Red Cross pulled out of Burma several years ago, because they were not able to get access. I heard that within the last year, they sent a team to do a water and sanitation assessment of a prison. They also visited another prison. This is baby stepping into having more access.

I'm not completely knowledgeable about this. It is what I know to the best of my knowledge.

I would say that they probably do not.

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

Mr. Chair, I'm going to give the remainder of my time to my colleague.

Mr. Russ Hiebert: Mr. Davis, you mentioned in your opening statement that you had written a report, *Under Siege in Kachin State, Burma*, and that you had submitted it for our consideration. Could you just elaborate on what you found as you did research on Kachin state?

Mr. William Davis: Sure.

My main project in the last year has been a population survey in Karen state, similar to what we did in Chin state. Currently I'm analyzing data on that.

Fighting in Kachin state broke out a year ago, in June. We were hearing from local groups on the ground reports of rape, reports of villages being burned, and reports of a lot of human rights violations and a lot of displaced civilians. We had been pressuring aid organizations to go in to provide aid, but either they weren't asking the Burmese government enough or the Burmese government was saying no. This isn't yet clear.

So I decided to visit Kachin to do an emergency report. I went to China and met with Kachin Independence Organization people. We crossed into Kachin state to where the KIO territory is. We don't go through where the Burmese government is.

I had two goals for that report. One was to do a quick humanitarian assessment of displaced people. So I went to Laiza, which is the KIO capital, and I saw maybe 10,000 displaced people living in warehouses and in an abandoned marketplace. They were starting to build refugee camps, but they didn't really have the resources to do a complete job.

We did a quick nutrition assessment of children under five. You can measure their middle upper arm, and based on previous research, you can tell if the children are malnourished. I think we found that 11% had some kind of malnourishment. Given the high prevalence of diarrhea and upper respiratory infections in the camps, the WHO would consider that situation severe, and it would warrant monitoring and intervention.

The other thing I did was interview displaced people about human rights violations. I talked about this in the testimony. I talked to the old man who was forced to walk in front of a platoon of Burmese troops and sweep for mines. Other people were forced to porter. They talked about their villages being burned. Everyone said that their food was stolen by the Burmese army.

There are hard copies of this report here somewhere. We released it in December.

On the China side, I saw maybe 500 Kachin refugees, because they'd crossed the border, living in old sawmills and things. Since then, the number of displaced people has grown to about 70,000.

The UN was blocked from delivering aid. Then they were allowed to go in once, in December. They sent two trucks full of blankets and were there for two days and then left. If you read the reports, they're a little bit misleading. It sounds as if they were there for longer. This is one thing we are advocating for.

Last month, the Burmese government said that they gave the UN unimpeded access, but I haven't heard what kind of aid they're delivering. I know that they sent some food, but they also need medicine and things to build shelters and things like this. The rainy season is about to start, and that's when disease is going to spread a lot faster.

● (1340)

The Chair: Normally, we would go to our Liberal member, but she's not here, so I think what makes sense is to just continue with Madam Grewal.

Madam Grewal, you would be next in the rotation. We'll then go to Monsieur Jacob, and if we have time, I'd like to go back to Mr. Hiebert, because I have a sense that he has a couple more questions.

Go ahead, Ms. Grewal, please.

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

Thank you, Mr. Davis, for your presentation.

In your report you discussed in detail some of the human rights violations committed by the Burmese army, violations such as rape of civilians, the use of human shields to guide combat units, forced labour to carry supplies for combat troops, the pillaging of civilian property, indiscriminate firing into civilian villages, and forced displacement, to name a few. You explained that as long as the Burmese army continues to commit human rights violations against civilians, the Government of Burma cannot be trusted to fulfill the obligations of human rights protections. Canada wants to support positive change in Burma, but it is clear that an investigation is needed to understand and stop these gross violations.

Mr. Davis, can you give a recommendation to the Government of Canada advocating constitutional reforms that enable the civilian government to hold the military accountable? How would you recommend Canada exert its international influence to accomplish this goal, when it is clear that the Burmese government does not have a strong hold over its army?

Mr. William Davis: That's a very good question.

This is another solution that's going to take time and not happen overnight. A lot of the international news stories want to make it sound as though suddenly everything in Burma is fine, but this country has had abuses for so long that the process will take a while.

This goes back to the previous question about how, if the constitution gives this much power to the military and it's written in such a way that it essentially can never be changed, you could change it, and I don't have a good easy answer for that.

I think there are a couple of things. I think if Burma is on this true path of reform, people will see benefits, people in power will see benefits and the middle class in Rangoon and Mandalay will see benefits, and this will start pushing and supporting more reforms. So there has been a carrot-and-stick approach with sanctions, and sanctions will be maintained until different indicators are met. Those indicators, I think, should include stopping human rights violations.

I think engagement and training are also important. Again, in the military, soldiers are trained in a certain way, and they're trained to execute in a certain way and to do things as they've been trained. I think they need to be retrained, and I think this is also a role for the international community.

● (1345)

Mrs. Nina Grewal: The rest of my time, Mr. Chair, I'll pass on to my colleague.

The Chair: Okay.

[*Translation*]

Mr. Jacob, your turn.

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

Thank you for your expertise and analysis.

You seemed to be saying that the Burmese army had a stranglehold on the civilian government. Do you expect things to change in the near future? What is the best way to strengthen the civilian government's control over the army?

[*English*]

Mr. William Davis: Thank you. That's an excellent question.

The army certainly does have a hold on the civil government. Will it change? To answer that, I can only say that I hope so, but I can't be sure.

It has to do with the power structure and whether the army or the individual commanders feel they can maintain their power and security if a change happens. I am not a political scientist, so I can't give good recommendations on how that can happen.

The other problem is that a lot of these commanders have committed human rights violations. If Burma needs to come to terms with its past, there are a lot of different ways to do this, but at the very least these commanders are not going to look good. They're not going to want that to happen, so it's a very difficult situation.

Continuing to push for a change, beginning to empower civil society groups and community-based organizations.... Historically in Burma there have been a lot of laws on the books to crush civil society. Even when Cyclone Nargis happened, there was no help coming in. Villagers organized themselves like volunteer firemen to go help, and they were thrown in prison for that. That was in the past.

In the future, if there were a stronger civil society, that would help to bring more power to civilians and to shift it from the military.

What can we do to push for this? We can continue to support community-based organizations. There are more fledgling ones in the interior of the country, which I think are good to support. But there's an extremely strong civil society in all the ethnic states and on the borders, because they've been forced to take care of themselves for this time.

Because I live right across the border from Karen state, I know this area well and I work closely with the exiled Karen health department, with the Back Pack Health Worker Team, and with the Mae Tao Clinic. These groups, in Karen state, are serving more than 300,000 people in their clinical catchment areas. They have had training from outside. They have a different perspective. It's really important to continue to support this.

Maybe I should mention now that there's one Canadian organization that's donating a lot of money. Inter Pares has been funding a lot of border health activities, and I'd like to thank them for that.

● (1350)

[*Translation*]

Mr. Pierre Jacob: Thank you.

Are Burma's government institutions and judiciary able to regulate commercial activity in the interests of the Burmese people and enforce the laws of the state in a fair and independent manner? That does not seem to be the case. In that event, what are the biggest deficiencies as far as priorities go? I know you made recommendations, and your report paints a pretty negative picture. There are still many things in the country that need to change. How can the situation be improved? In other words, where do you start?

[*English*]

Mr. William Davis: This is another good question.

To answer your first question on whether they are able to regulate commercial activity, I think the answer is no.

The judiciary is not independent from the rest of the government. There's been corruption there for so long, and this is how they've been operating for so long, that it's difficult to change this right away.

There needs to be support and education to change the way things are. I know there's a lot of talk about exchange programs being set up with professionals in education coming to other countries to see how things are done differently. That's another way to do it.

What are the priorities? Definitely establishing an independent judiciary would be a big step.

Another problem with commercial activity is that it's so intertwined with cronies of the previous regime and with the military that it's going to be a difficult process. As I said earlier, a lot of extractive industries are in ethnic areas. Mining companies have worked there in collaboration with the military. The military allows them in and provides security. One way Burma pays its military commanders is to let them make a profit off what they're extracting.

This is a difficult system to change, but it needs to be changed. The Burma army is using forced labour and is forcing people off their lands in these areas with impunity. Whenever these companies are partnered with the army, I'm afraid these things are going to happen, whether or not the companies want them to.

That would be one start, and I think the judiciary would be the other.

[*Translation*]

Mr. Pierre Jacob: Thank you.

Mr. Chair, I am going to give the rest of my time to Ms. Péclet.

[*English*]

The Chair: We have a little extra time, so why don't we go with you first, and we'll see if anybody else wants to take a question.

Ms. Ève Péclet: You've just mentioned that there are some mining companies that give money to the....

Mr. William Davis: That's probably not official, and I'm not the expert on this. EarthRights International has done a lot of work on how these relationships work and what's happening. It's mostly Chinese companies now. Unocal and Total were also operating there.

Ms. Ève Péclet: Is there a Canadian company?

Mr. William Davis: Not that I know of thus far.

The Chair: Does anybody else have questions?

Mr. Hiebert.

Mr. Russ Hiebert: You mentioned that you had contact with Karen, Shan, Mon, Kachin, Chin, Arakan, and others. It strikes me as odd that while some ethnic groups are able to negotiate ceasefire agreements under these current circumstances, others are breaking into conflict after years and years of ceasefire arrangements. Why is that happening? Why is there that inconsistency?

Then I have some follow-up questions related to that.

Mr. William Davis: I guess the Kachin are the outliers, because they're in heavy conflict right now. It may be taken by Burmese troops any day now, and everyone else is signing.

Starting a couple of years ago, all of the ethnic groups were trying to form this united ethnicities council so that they could negotiate en masse with the Burmese government. But there were differences among them and they weren't able really to jell in time to form a solid united body. The Burmese government started giving good deals and encouraging them to break apart.

I think there were a couple of reasons why Kachin happened. One is that they were never that happy with their ceasefire. The 2008 constitution, which we keep getting back to, didn't give them what they felt was proper representation in Parliament. In the 2010 election most of their political parties were banned from running, and even in the election in April, two Kachin political parties were not allowed to contest. They're pushing for fundamental changes to the 2008 constitution so that they can have more representation, and the Burmese are not agreeing to this at all right now.

The Burmese government is negotiating the ceasefires, not the army, and they have different individuals who are ceasefire negotiators. The man who has been working with the Karen and Shan and several other groups is the railroad minister, and he's seen more as one of the reformists. The guy who's negotiating with the Kachin is one of the hardliners, so there is less give and take there.

The flashpoint for Kachin was a series of hydroelectric dam projects in Kachin state. There are seven or eight of them, and the Kachin Independence Organization approved several. They're mostly run by the Chinese. But there was one that was going to flood a valley that would cut off the Kachin Independence Army 3rd Brigade from the rest, and the Burmese were building a big road for transport there that could also be used to deliver military troops and split the Kachin and take them over, so for security reasons they didn't want that dam.

As the dam was being built, the Burma army moved a lot of troops in there, and there are a lot of Kachin troops. When you have a lot of armed people in a small area, fighting is started and then it's continued.

I believe in the KIO's demands. They don't want representation just for themselves, they are arguing for all ethnic minorities. It's a big ask. There have been three rounds of ceasefire talks, and they're now debating on where they're going to have the next round. So things are still going on.

I guess there have been more progressive negotiators with other ethnic minorities, so that's part of the answer.

● (1355)

Mr. Russ Hiebert: Is there willingness to work together in these ethnic minorities? Is that simply a non-starter, or are they considering uniting once again? Obviously, they would be in a much stronger negotiating position if they were united.

Mr. William Davis: I think that's ongoing—talks between ethnic nationalities on how they can come as one negotiating force.

Mr. Russ Hiebert: How different are these ethnic nationalities from each other?

Mr. William Davis: I guess they're as different as they are from themselves versus the Burmese, except a lot of them tend to be Christian. But there are a lot of Buddhists. The Shan are Buddhists, and the Mon.

Depending on what's in their area and how they are making money.... In Shan state there was a lot of opium and now there's a lot of methamphetamine. Some military commanders don't want that to be shut down because that's how they're making money. Others want to protect their own natural resources from the Burmese so that they can sell them.

I don't know of other issues that they're disagreeing on, but it's probably political. There are even maybe border disputes between ethnic states because the people are interspersed along the edges.

Mr. Russ Hiebert: This is the last question I will ask. Between now and 2015, the next general election, what do you think needs to happen to increase the likelihood that those elections will be free and fair?

Mr. William Davis: That's a good question.

In the election in April, the Burmese government allowed some international monitors in, but they only did it a very short amount of time before the election. I think international monitoring, as it should be properly done, is important. I would need to look to see how many seats are up for grabs. In the election in April there were some complaints, but not too many. But only about 6% of the seats in Parliament were up, so even though the NLD swept the election, the outcome is not going to be that great. It will be interesting in 2015 if many more seats are up. The NLD is widely popular and the regime is.... We'll see how they deal with that.

As I said before, I think I would continue to support civil society groups, and ensure that ethnic nationalities are included. It was great the NLD could register as a party, but like I said, some Kachin parties weren't allowed to register. So I think that would be important too—to just make sure that things are fair, spread across the entire country, and not just concentrated in the central parts.

● (1400)

The Chair: I have a couple things I'd like to ask if I could before you leave.

Obviously there are a number of problems with minorities in general in Burma. It's an understatement, but the Rohingya seem to have a special status. You mentioned, for example, that they don't have citizenship, which makes me assume that, whatever other problems exist, Kachin, Karen, and so on are regarded as Burmese citizens. What is the rationale for the distinction?

Mr. William Davis: I'll tell you what the anti-Rohingya propagandists say. They say the Rohingya are Bangladeshi. They came over 20 years ago and they're new and transient. The Rohingyas say they've been a part of Arakan state for hundreds and hundreds of years. They've had ministers in the Arakan kingdom back before Burma was even a country, and they are part of the society.

The area where they live does border Bangladesh so there are similarities there. But they have a distinct dialect from Bangladeshis, so when they go to Bangladesh they're obviously different.

The Chair: Bangladesh doesn't recognize them as citizens either.

Mr. William Davis: Yes, and there's a lot of racism, a lot of knee-jerk reactions you get when you bring up Rohingyas. They're invaders, that's the first thing a lot of people will say.

So there has been a lot of anti-Rohingya propaganda. I know the state newspaper, the *New Light of Myanmar* used to run op-eds that the Rohingyas are invaders and they're not citizens. When you're in Rangoon reading that and you've never seen these people, or interacted with them, or know any factual history.... It's convinced a lot of citizens.

The Chair: Then would it be accurate to say—though it's hard to define where an ethnic or a linguistic group starts or ends—effectively they are a separate ethno-linguistic group from the Bengali majority in Bangladesh? Is it an ethnic group that actually does spread across the border so that there are some Rohingya ethnic people in Bangladesh as well? Is that part of the source of the—

Mr. William Davis: I'm not sure, because hundreds of thousands have fled to Bangladesh and are living there in camps. They are stateless. There's a lot of cross-border trade. A lot of Rohingya are doing that and are paying a lot of bribes to the border guards to get through.

I'm not really clear about it. I think most of them originally were in the northern Arakan state in Burma.

The Chair: Okay.

I also wanted to ask you about the forced conversions to Buddhism. I must say that this is a concept that just strikes me as odd.

Most socialist regimes are socialist in name only, in my experience. The socialist regime is not really a Marxist regime. Nonetheless, there tends to be a link between that and official atheism. Is that not the case historically here? Or is this the military doing something on its own, once again? What's up with that whole thing? Is it a form of ritual humiliation? Is that the real purpose of it?

Mr. William Davis: That could be part of it. It's also part of this older Burmanization concept, where we want everybody to be the same, including the same religion. It is probably also showing that we have control and you don't, so that you have to do this.

● (1405)

The Chair: All right. I found that very helpful.

I wanted to ask one last thing about child soldiers. Can you give us an update on the situation with the use of child soldiers in any of these areas?

Mr. William Davis: I haven't been investigating this. But from what I know, several child soldiers have defected from the Burmese army to the Kachin Independence Army. There was a report out about that recently. It's still happening. Ethnic armies are still using them, but I think that's on the decline. This was in the report of the special rapporteur that came out in March, so probably it is still a problem.

The Chair: All right, thank you very much.

On behalf of all of us, we'd like to thank you for coming here and for providing really excellent testimony. We're very grateful to you.

Mr. William Davis: Thank you so much for having me.

The Chair: Thank you.

The meeting is adjourned.

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