



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

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

SDIR • NUMBER 040 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, May 29, 2012

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Chair

Mr. Scott Reid

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

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•(1305)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): We are ready to begin.

[Translation]

I call to order the 40th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development, on May 29, 2012.

[English]

We are continuing to engage in a study on human rights in Burma.

Before I announce the witnesses I'll just mention that we're televised today. We will not be televised on Thursday, however.

Our witnesses today are both from Project L.A.M.B.S. International. We have James Paul Humphries, who is the founder and director. I apologize, the one thing I didn't get a chance to do was get the correct pronunciation, but I'll try here. We also have Hkaw Win Humphries.

They are going to testify and then we'll go to questions.

We invite you to begin. Thank you very much.

Mr. James Paul Humphries (Founder and Director, Project L.A.M.B.S. International): Honourable members of the Canadian House of Commons Subcommittee on Human Rights, we are grateful to be here because we want to tell you our story and express our concerns for the Kachin people in the land of Myanmar or Burma.

The Jinghpaw people, also known as the Kachin or mountain people, are one of 135 people groups that create a diverse population in the country, which numbers over 55 million. Like many of their tribal brothers—the Shan, the Chin, the Karen—all these mountain people have gone through many years of what could readily be categorized as crimes against humanity, war crimes, ethnic cleansing, and genocide.

The Kachin themselves number about two million people. They live in the northern division, called Kachin state, and they were granted statehood by both the British government and by the early leadership of the country of Burma, under the Panglong Agreement, February 12, 1947, known today as Union Day. But only months after this agreement was signed the leaders, including General Aung San, the father of Aung San Suu Kyi, and many of his cabinet

ministers, were assassinated during their meeting in Rangoon on July 19, 1947.

Independence from Britain came on January 4, 1948, and statehood granted to the Kachin on January 10, 1948. U Nu, first prime minister in 1948, led the country off and on until 1960. It was during this time that various Kachin armies were formed. General Ne Win seized power in 1961, and from that date till 1988 the Kachin were still under a form of democracy-dictatorship. But soon after Aung San Suu Kyi's landslide election win in 1991, the military regime under Saw Maung took over, arresting and jailing both her and her cabinet, as well as many of the National League for Democracy supporters. A short time later, in 1992, Than Shwe became the country's leader, with his generals. He has been the main leader for the last 20 years.

These last two leaders have dealt out much death and destruction to all people groups who would oppose them. Just two examples are the student movement of 1996 and the monk marches and demonstrations of 2007. Heavy-handed tactics have been used against the Kayah, the Karen, the Chin, Pao, Rakhine, Shan, Mon, Kachin, and Wa peoples, resulting in hundreds of thousands of refugees fleeing to many countries of the world. In addition, the killing, maltreatment, and raping of hundreds of thousands more has gone unchecked. Even today, after the recent election of 2010 and the by-election of 2012, these terrible events are still taking place throughout the country.

Yes, there have been many positive things taking place in Yangon and in Naypyidaw, but this is only a ruse, the purpose being to have the world lift sanctions that, in turn, will place more money into the hands of these criminals, known by the citizens as the military regime, under Than Shwe. Do not be fooled. Than Shwe still controls the country's constitution, the military, resources, and the elected government of Thein Sein.

The country of Burma or Myanmar has had several constitutions over the years, one in 1947 that was more British in nature, another in 1974 more socialist-communist in nature, and the latest in 2008, more army dictatorship-democratic in nature. The new constitution, that we are told was approved by a 96% vote, is a curious admixture of U.S. and British styles of government, along with a mystifying dictatorship-democratic reality, leading to much confusion as to what is meant in a country that is supposedly based on federalism.

Aung San Suu Kyi said that if you were to put on a scale of one to 10 the people's understanding of federalism, it would be a one. Also, I would think, on a similar scale, their understanding of what the constitution is all about and what it says about human rights would be a minus five. The constitution gives a large amount of power to the Commander-in-Chief of the Defence Services. Almost all major decisions by the elected government, as well as decisions made by the president, must go through the commander-in-chief. The military holds over 25% of the seats and they are personally filled by the commander-in-chief.

• (1310)

The constitution is meant to be the supreme rule for guiding the people in making and understanding the laws of the land; however, the judicial system, including the supreme court, is living and operating under a formidable cloud of fear. Others within the judicial system have been appointed by the military and operate under their influence.

From the local to the state level, and especially in the mountain states, for example, Kachin state, there is great confusion concerning the various roles of government. The military pays little attention to what the government, or central command in the capital city, appears to say. It still all boils down to the commander-in-chief, and what he and his astrologers desire. The commander-in-chief acts most often as if he is the supreme leader, the king of the country. The new capital city, Naypyidaw, is designed, just like in olden times, to symbolize his power and authority over the people.

It is important to know that the commander-in-chief can at any time suspend the constitution for up to two years and also can dissolve the parliament at any time if he perceives the need to do so. The main reason for this powerful leverage is that the constitution is upheld and protected. This provision, of course, protects him and his position.

• (1315)

Ms. Hkaw Win Humphries (Teacher, Project L.A.M.B.S. International): The constitution lists many positive rights for the people. For example, included are freedom of speech, freedom of the press, freedom of religion, freedom to travel anywhere in the country, and the enjoyment of equal rights between peoples, with no discrimination allowed. Women too are protected to the extent that they are to have the same rights and salaries as men.

However, the constitution also takes away a variety of other rights. For example, religious leaders cannot vote. They cannot be part of a local party, and they cannot apply for a government office. Contrary to the constitution's freedoms, there is limited freedom of movement. Travellers have to register everywhere they go, and they must check in, even if they have been invited to stay overnight at a relative's or friend's house. Travellers constantly are having to go through checkpoints, and are often followed and observed by the MI wherever they go.

The basic problem appears to be that the implications of the constitution have never been clarified or even defined. Broad statements are used, statements that can be interpreted in many different ways, but all apparently designed so that the president and commander-in-chief are protected.

The reality of today is that people are being imprisoned with no opportunity to defend themselves in a court of law. People's property is being taken away from them. Their ethnic language, culture, and tradition are all being stripped away by force. The military enforces child labour, using children as porters and soldiers. There is no right to assemble. The military forbids gathering in groups of more than three to five people. So-called freedom of religion is greatly controlled by the government. In practice, there is a very real policy of fear and intimidation at all levels.

Finally, people do not have freedom to vote as they choose. They are sometimes rounded up like cattle, brought to the voting stations, and told to vote in a certain way. If they refuse to vote properly, as instructed, they are subject to fines and community unpaid labour.

A major challenge is that those local leaders desiring to form political parties are not allowed to do so. Most often there is no such thing as an opposition. They will tolerate public world figures such as Aung San Suu Kyi and a prominent party such as the NLD, but only when it works in their favour and gives world opinion of them a lift. The only leaders allowed to form political parties are those who have favourable attitudes to the government and the military. At any time, the government or military can deny the right of any area of the country to run candidates or even to vote. This happened as recently as this year in the whole of Kachin state, denying two million people their democratic right to cast a ballot.

Mr. James Paul Humphries: The jail houses hundreds of political prisoners. Of course—

The Chair: Sorry, I'm just going to stop you there for a minute.

I just wanted to let you know that you're two pages into a six-page presentation that I think will take up all of our available time, and you've just used up your 10 minutes. I'm just wondering if you could summarize the rest quite briefly and then we'd go to questions and answers. All the information you have here will, of course, be entered into the record. By getting some questions and your answers to them, it will allow us to get more information than we'll get if we simply go through a presentation.

Would that be okay with you?

Mr. James Paul Humphries: That would be fine, as long as I could make some recommendations on the last page, at least, for sure.

The Chair: Sure.

Do you want to do that now? Or should we save some time at the very end of the presentation to make sure those recommendations get in?

Mr. James Paul Humphries: I can cut it here a little bit and get to where we need to get to quickly.

I just wanted to drop down to the bottom of that page to state and draw to your attention that human trafficking, AIDS, persecution, the drug trade, child enslavement, adult slavery, political prisoners, and so on and so forth, are still quite prominent within the country. Also, there is the lack of open doors for the UN and NGOs to enter the country and to help out.

Under the present-day situation, the Kachin are constantly going through a variety of challenges, which you can see in points one to five, which my wife was going to read, but will not, I guess, at this point. Some of the things that have brought up the challenges are concerning the dam and concerning the Panglong Agreement, which was to state, for them, the idea of federalism.

As we go over to the next page, it states that the war, up to this point, has created over 75,000 internally displaced people. There is a concern for the need for food, clothing, and medicine. Again, the NGOs are not able to get into those places and bring help, like they should, so there are many people who are not able to get food and meet their needs.

I would like to read the recommendations, Mr. Chairman, and then conclude.

First is to strongly encourage the Government of Myanmar to use the Panglong Agreement as a foundation for further discussion in building the road for future peace and harmony within the various ethnic groups.

Second is to offer assistance to the new Myanmar government, in working with Aung San Suu Kyi, to clearly define and implement federalism and to show how it will work throughout the whole of the country.

Third is to encourage the Government of Myanmar to truly commit to the new constitution and to a timeline to help change the constitution, so that it will lean more towards democracy.

Fourth is to advocate with the Government of Myanmar to restore law and order equally throughout the country and to implement, without prejudice, the role of judges and the supreme court.

Fifth is to assist the Government of Myanmar to understand that diversity within a country is not a hindrance, but a blessing.

Sixth is to encourage Myanmar's leaders to truly open the door to freedom of expression, freedom of religion, and freedom to be part of the global community, and to express the need to be free from their fears.

Seventh is to strongly encourage their government to allow not only religious freedom for the people but for the religious leaders to be allowed the right to vote, the right to have membership in a political party, and the freedom to run for political office.

Eighth is to stress that the government put an immediate end to the 20 years of crimes against humanity, war crimes, genocide, and ethnic cleansing that have been going on systematically against the Kayah, Karen, Chin, Pao, Rakhine, Shan, Mon, Kachin, and Wa people.

Our hope is that all the citizens of Myanmar will be able to take their rightful place as citizens of the world, our global village. We hope that all the citizens of Myanmar will not focus on the faults of others but will encourage the potential for all to grow and mature as truly free people.

Our prayer is that the leaders of Myanmar would look beyond their individualism and rather look at their role as a community of

leaders who help their citizens succeed as each one uses their gifting and talents under the watchful eye of God Almighty.

We implore you, as a subcommittee on international human rights, to take our concerns to the Canadian government so that the information would become part of a report. This report would be used to show how we as a people called Canadians will respond to the country of Myanmar, its leaders, and its peoples. We ask that human rights violations that are being carried out against their people be addressed. We seek nothing more than our demonstration, as Canadians, to Myanmar that we are willing to help them succeed on their journey of becoming a full-fledged democracy.

Thank for your time, interest, and concern about this issue of human rights.

• (1320)

The Chair: Thank you very much, both of you.

What we'll do now is go to the question-and-answer period. First up is Mr. Hiebert.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Dr. Humphries and Hkaw Win for joining us today. I appreciate your being willing to testify. Your testimony was cut short because of the limited amount of time we have at this committee. It often happens where we have witnesses who have a lot to say, but we only meet for one hour twice a week, and we have to jam as much as we can into that time.

Before asking some questions, I thought I might provide you with a couple of minutes to highlight anything you didn't get a chance to say. I'm thinking of the list dealing with the hardships that the country faces. You made reference to human trafficking.

Mr. James Paul Humphries: This is a document that we worked on extensively with several other doctors to try to get as much information as possible into your hands. Women and children are being taken into Thailand and China for cheap labour. In Myanmar women are being taken into China, because in China there is a birth imbalance between boys and girls. There is a large population of boys in China, and now they are harvesting, so to speak, women to be brought into China, legally and illegally, as wives for these husbands.

The AIDS epidemic is horrendous in the northern part. The drug trade has always been quite extensive in both northern Thailand and Myanmar, where it is used as currency. A lot of people are involved in drugs in those areas. I mean, there is much more. I could go on for hours.

• (1325)

Mr. Russ Hiebert: You mentioned a fair bit about the constitution and the imbalances and anomalies in that document. In your recommendations you called for a change to the constitution. How do you think that could come about, considering that the government is controlled by the military and they have a mandated number of seats in the Parliament?

Mr. James Paul Humphries: I think it's going to have to come from inside. I've taken time to study the constitution. Unfortunately, it is built around the needs of the military and it protects them. It gives a lot of freedoms and rights in words, but none of this is carried out. There are all kinds of things. For example, they say they have freedom of religion, but my wife as a minister and my friend as a pastor cannot vote. How is that a democracy when you can't vote?

They say in the constitution that anyone can put together a party, but when we put up parties to be part of the government system, they disallow them. They say you have the freedom to vote, but then they turn around whenever it's convenient and remove that freedom. The constitution allows them to do that.

They also have the power to suspend the constitution and the government at any time, for up to two years. It's all in there. It has legally been voted on. This is the book now. The problem is that it doesn't deal with ethnic groups and stuff.

Mr. Russ Hiebert: In previous testimony we heard a fair bit about the conflict in Kachin state. They had a 17-year ceasefire that ended last year. In your recommendations, you reference the Panglong Agreement. Do you think there is broad support from regions other than Kachin state for a return to a federal model within the government?

Mr. James Paul Humphries: I believe that, right from the end of World War II when they signed that agreement, there were many ethnic groups. The British government gave many of the major ethnic groups statehood, and on the basis of statehood, they all were to unite as a federal group.

If you look at their old flag, it has 14 stars—seven represent the states and seven represent the divisions. They are in a circle and the idea is that as individual groups they would become one as a federation or a union. But under the military regime it became a central government, and all the other groups have been left out.

Now they have changed the flag to one star and that one star causes a lot of dissension because this says to a lot of people, we now have a central government and the central government will control everything. The lack of the 14 stars has shown them that all their ability to be part of what's going on has been taken away.

•(1330)

The Chair: That's your five minutes, Mr. Hiebert.

Mr. Marston, please.

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

My understanding of the situation in this country is that it's been an awfully long time since there was any sense of any kind of democracy. You illustrated the flag and symbolism of that to the people, but very clearly the constitution's positioned in a way that the commander-in-chief really controls the country as—I think you referenced him as a king. That's the harsh reality. I'm astounded to hear that the official government of a country would spread AIDS. I'm not doubting your word. I'm saying that this is one of the most horrific diseases for the damage it does to cultures and people, if they're not treated and quarantined and cared for properly.

I want to say from the official opposition's point of view, the recommendations that you have here are very simple things to support. I don't want to diminish what they are because they're valuable and their intent is very good. They speak to the essence of democracy, and I don't see that we would have any problem with that.

I'm curious. There was a ceasefire for 17 years. Who broke the ceasefire?

Mr. James Paul Humphries: The Burmese did.

Mr. Wayne Marston: The government.

Mr. James Paul Humphries: This is the whole play of words here. It's like, who's who? The Burmese are often defined as a people group, the plains people; the Kachin are the mountain people; the Karen are the mountain people—

Mr. Wayne Marston: I understand that, sir. That's why I deliberately asked the question because I knew the answer.

Mr. James Paul Humphries: The Kachin had their armies on their bases as they have for 40 years—

Mr. Wayne Marston: I'm not looking for a lengthy description, I was giving you the opportunity to put on record here that the government forces broke that—

Mr. James Paul Humphries: Yes.

Mr. Wayne Marston: That was the purpose of my question. So, Than Shwe is still in control.

Mr. James Paul Humphries: Yes.

Mr. Wayne Marston: One of the things that I noted before, relative to China, is that you have a certain movement in Beijing toward a potential of some form of democracy, but when you go further out into the country, there's a huge disconnect. I suspect it's the same thing, you're talking about the military having little kingdoms in the rural areas. Other countries have had a real problem with police. Is there a police force, or is it all military?

Mr. James Paul Humphries: I only lived in the city of Myitkyina, which is the capital of Kachin state. It has a police force, but they also have a large military force.

Mr. Wayne Marston: Does the police force function in lockstep with the military as if there's no real difference?

Mr. James Paul Humphries: They would be more like traffic lights, making sure the general, basic—

Mr. Wayne Marston: Just the comings and goings....

Mr. James Paul Humphries: But they have an MI, which is military intelligence. They're the guys who deal with all these other kinds of things on behalf of the military.

Mr. Wayne Marston: In every country where people are repressed, there's always that force.

Mr. James Paul Humphries: Right.

Mr. Wayne Marston: They have a number of different names for them. We've heard from witnesses that the government doesn't really have control over the military. This is obvious from your statements here; you're matching that. You agree with that statement because your whole testimony has said the same thing that other witnesses have said.

If there's no change to effective civilian control over the military, can you say that things will remain pretty well the same, that the repression won't end? Is there any sense at all of a move to allow civilian authorities? When Aung San Suu Kyi was elected, the expectations and hopes of the western world went up. I'm sure they did to some degree within the country. But in real terms, what are the chances of something happening in a positive way?

Mr. James Paul Humphries: As I say in the statement, the people, in general, have a positive hope that things will eventually change. Fortunately, a lot of these military regime-type people are older people, and eventually change will come. The demographics of the country are such that the youth are eventually going to outnumber the regular, run-of-the-mill people.

Mr. Wayne Marston: Do you think it will take an armed revolution, or is there a chance of having an Arab Spring type of situation?

Mr. James Paul Humphries: There is a date coming up that is very critical. That is June 10. As I mentioned in my report, many of the other ethnic groups that have a ceasefire have said that if things aren't completely dealt with concerning the Kachin people and they move their armies back, the ceasefires of many of the other armed groups will be torn up. They will join together, and this whole thing could explode.

• (1335)

Mr. Wayne Marston: Is there a sense that the balance between the military and the young groups is like David and Goliath?

The Chair: It has to be a really short answer, because we're out of time. You have to wrap up so we can go to another questioner.

Mr. James Paul Humphries: There is a sense of that, but the thing is that the valley people aren't able to fight as well in the mountains, where the mountain people are much more aggressive.

The Chair: Mr. Sweet, you are next.

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

I want to go back to some testimony that is troubling. You've mentioned it, and Mr. Marston mentioned it as well.

Do you have clear evidence that the government has actually sponsored the transfer of AIDS-infected people to spread AIDS? Is that something for which you have substantial evidence?

Mr. James Paul Humphries: Other than that some of the NGO doctors who are in the area—I would prefer not to mention who they are, but you could probably figure out who some of them are—have substantiated that because of the amount of AIDS that has broken out....

The challenge we run into is which comes first, the cart or the horse. A lot of the people who are not wanted in the central part of the country have been moved to the northern part of the country. A

lot of them who have been drug addicts, people with AIDS, and people with alcohol problems have been brought to the south, which has put an extreme burden, the NGOs have told me, on health care. Some of these NGOs have stated that the AIDS epidemic there is probably one of the worst in the world. I probably cannot bring you a government document that says that they have forcibly moved people up there. But my wife and others, who will testify later on this week, can verify that this event has taken place, because they are non-Kachin people. If you are Kachin, you can tell that they are non-Kachin people who have moved there, with no jobs or anything. So what was the purpose of their being moved there?

Mr. David Sweet: That transfer is not done on their own volition. This is by government transfer.

Mr. James Paul Humphries: It is by transfer, and also, the government takes away land from the Kachin and other people and then moves these peoples into those areas.

Mr. David Sweet: With regard to government persecution, is the religious repression you talked about more acute for the predominantly Christian population of Kachin state, or does it go across all religious lines, no matter what religion someone follows?

Mr. James Paul Humphries: Again, there are different levels of persecution. One is at all levels of religion. If you are a cleric, which I mentioned, or a pastor, or even a Buddhist monk, you cannot vote, and you cannot hold a position in the government. You cannot form a government party. That is all stated in here. That is a form of persecution.

The second part is that most of the mountain people are Christian. Canada has brought in thousands of Karen people from the refugee camps in Thailand. A lot of them are Christian. This is a problem for the Karen that has been going on for 60 years. For the Kachin, it has been going on for 50 years.

Again, are they being persecuted because they are Kachin, or are they being persecuted because they are Christian? I believe that a lot of the problems are not because of either. I think they are persecuted because the Kachin people sit on one of the largest natural resource areas of the world, and everybody wants the natural resources—the gold, the teak—underneath the ground and above the ground.

As I mentioned to someone else, it is almost like a three-legged stool. There is the Kachin, then there is the religion, and then there are the resources. What is happening is that there's a lot of heavy things happening on the resource side.

Mr. David Sweet: Yes. This, Mr. Humphries, is going to be one of the challenges for us in writing a report. I appreciate your testimony. We have two realities almost. I have mentioned this to every other witness, so I will mention it to you. We have Aung San Suu Kyi, who is obviously a champion of human rights, and she has made the statement that she is welcoming and thankful that countries have removed sanctions. We hear some very positive things around some parts of Burma, beginning with our own officials here. You know, it's even to the point where yesterday I understand the Prime Minister of India was in Rangoon, and was making some positive overtures, as well as inviting Aung San Suu Kyi to do a lecture in India.

Then, we have this other reality that is happening in Kachin state, with all the testimony you have given us, and of course others, that there is huge persecution. It's not just religious persecution, but really, it's persecution across the board of anybody who wants any kind of semblance of independence and wants to go back to the original agreement and live as an independent state. That's going to be our challenge to try to highlight those two very different realities. Have I got a handle on that? Is that what you—

• (1340)

Mr. James Paul Humphries: Yes. I would say that if Aung San Suu Kyi could be president today, most of these ethnic groups would rally to her side tomorrow afternoon—that fast. The way this thing has been set up, there is no way she can become president. It states very clearly in this constitution that anyone who has had a foreign husband can never be president of the country. They wrote that in there for a particular reason. You would need a 75% vote just to change that. She can never get to the top of the echelon, where she once was, under this constitution.

We have to somehow help them to rebuild the constitution, but also help them to rebuild parties and to get to a place where they understand federalism. Aung San Suu Kyi is very concerned they don't understand federalism. There is no concept of federalism.

Mr. David Sweet: I have this sixth sense when my time is almost up. In essence you are saying that no real change is going to happen until the military government shows, in good faith, it is willing to open up talks about the constitution.

Mr. James Paul Humphries: Right, I would say that's the bottom line.

The Chair: You were right, Mr. Sweet. The end is nigh.

It is time now to go to Professor Cotler.

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

You know, time did not permit you to give your testimony orally, but this was in your written testimony and I read it, particularly the paragraph that begins with "Since June of 2011...". You describe the many war crimes that have been committed against the Kachin people. You refer to the torturing of people for information, disappearances, people being killed, indiscriminate shelling and burning of villages, raping of women and children, laying of land mines, and booby-trapping of bodies. You conclude:

Because of this year of horrible atrocities against their people, the KIA has moved from defence to offense, attacking the Burmese army anywhere they can be found (this reprisal action began in the middle of April 2012).

When I read your description I realized what was happening in Burma in the last year—really, to the Kachin people—began almost at the same time, although a little bit later, as what was happening to the Syrian people in their assault.

I hope you don't mind the kind of comparison I'm making with regard to what is happening in Syria. There is this expression of international outrage in an ongoing way. Yet with regard to what is happening with the Kachin people, which according to witness testimony is a series of war crimes and assaults not unlike what is happening in Syria, not only is that outrage in fact not manifest, but you have the actual easing of sanctions on Burma, as you know,

whether it be from the United States, the European Union, or from Canada and the like. How do you account for those two very different approaches from a point of view of policy, as I say, by the EU, the U.S., and Canada, to what seem to be similar situations in Burma regarding the Kachin people and in Syria?

Mr. James Paul Humphries: Well, to me a lot of the challenges are a little bit like the way Europe was. I used to travel to Ukraine and other parts of the world. They always take you to the capital city. They show you the good things. They show you the hydro. They show you that everything works nicely and that everybody is living happily ever after, but they never let you outside of the capital.

So what you have now is that outside of the capital you have all these problems that are going on, and the thing is that we can't get in to document this. The UN has been trying to get in there over the last year now, and they've only been able to get in twice and in a little amount.... I mean, we're giving the UN millions of dollars to help the Kachin, but they can't get the resources there. They can't because these two mountain ranges on both sides have kept this country so closed, and the military regime has kept it so closed that it's very difficult to document.

I hope it doesn't become like a Kosovo, where 20 years later we have to go in, dig up all the graves, count all the human remains, and say that we think we might have had an atrocity there. I hope we don't have to get to that place. We may have to, but I don't know.

But the atrocities are going on and are being well documented. The sad part—I've left some other material—is that Britain's Parliament discussed this whole issue of genocide around 2000-and-something. It's well documented in the British archives that they declared it was genocide that was going on. They declared it in their House of Commons with their reports: it is genocide. But now, 20 years later, we're still discussing whether it is genocide, when we already have it passed, voted on, and everything else.

It's happening, but how to get that balance between the positive things that are taking place, which I'm excited about, and once you get outside the capital city, what do we do...? How do we bring about the democracy that I believe Aung San Suu Kyi wants to bring about and the rest of the world wants to have?

The problem you have is that you have two very large countries. China has made Myanmar its puppet. China controls almost 75% of the natural resources and the ownership of the dams—everything. They own it all. Right now there's an uprising going on even at this very hour concerning electricity, because for the dams that are being built, over 95% of the power is going back to China.

So the people themselves get no benefits from these resources—from the gold, the uranium, and the platinum. All these wonderful things are going outside the country. The people themselves are getting little of it. That's the dichotomy we're struggling with. I'm not sure if I've answered your question completely, but...

• (1345)

Hon. Irwin Cotler: Because of time I'm going to move very quickly to another question if I may...?

The Chair: It's your last one, but please do.

Hon. Irwin Cotler: Tucked away in your presentation is a paragraph that I found intriguing in terms of its suggestion, namely, the reference you make that "It is not a secret that the Military Regime desires to enter the nuclear age." Then you speak about the investment and application of technologies for that purpose, also referring to the applicable technology from Russia, China, and North Korea for that purpose.

Again, the contrast is striking for me on Burma aspiring to become a nuclear power with all the involvement there, with no reference to this internationally, as against the situation that is taking place in Iran.

Mr. James Paul Humphries: But the thing is.... Again, I did not walk these sites personally, but through the documentation, most of it coming from the United States, this is well documented. They've had several people who have come out of the country of Myanmar and have brought plans for the sites and the aerial things. Everything that is needed to prove what is going on is quite well documented. You can get everything from reports to YouTube pictures—the whole nine yards—about his issue.

A number of years ago, the Americans did stop a ship—I'm not sure how many years ago—from North Korea that was bringing more equipment to Myanmar for this specific area and also weapons. As for why they are trying to become a nuclear country, that part I cannot answer, unless they want something to do with breaking their long-term hold from China.... I don't know. I'm just speculating there.

• (1350)

The Chair: All right, we'll move to our next questioner, then.

That is Ms. Grewal, please.

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

Thank you, Mr. and Mrs. Humphries, for your time and your presentations.

The Irrawaddy magazine reports that land confiscation in Burma is "increasing as state agencies and powerfully placed domestic firms position themselves to welcome foreign investment." The report indicates that groups have been forceably removed from their land to make way for major projects there, including the oil and gas sector. Further suggestions have also implied that natural resource extraction and infrastructure projects have been put in place primarily in the areas inhabited by ethnic minorities. Reports also indicate that local communities have not been consulted about these projects. Land ownership laws are vague in Burma, but I understand that a new law is being developed.

In your opinion, do you feel such legislation will possibly facilitate military-linked businesses to claim that they are acting within the law when they wish to seize a piece of land from such minorities?

Mr. James Paul Humphries: Yes, that's the double side of the constitution again. The double side of the constitution says you have a right to land, you have a right to own, but the other side of the constitutions says that the government has the right to take it way

from you at any time for the betterment of the whole country. That's how they sort of get around this.

When they want to build a power dam, as they did up north of Myitkyina, they just said they were building the power dam. It's the fifteenth largest power dam in the world, and they just started moving out the Kachin by the thousands. The commitments and the things that they said they would do, such as giving them a new farm or new property, they never did. They just took it. Then they brought in about 10,000 migrant workers from China—I was living there at that time. So they don't even get the benefit of helping to make money by building these things. They bring in the Chinese to build the dams and to do all the hauling of the dirt and all this stuff, even though the Kachin really don't want the dam in the first place.

So you have all these things that are being built, like the pipeline and everything that's going from the bay up through the middle of Myanmar, across Shan state, again into China. All of these lands are being confiscated. I've given a map to the clerk that shows the number of regiments along that pipeline, who are going to make sure that pipeline is implemented and put in place.

Then, the third one will start. They're going to rebuild the railway from Thailand to Myanmar. We know the famous movie *Bridge on the River Kwai*. The railway that was built during the war is now going to be rebuilt. Again, they will take all those lands away from the Karen people.

It's well documented that they do that, but the people have no recourse. There's no justice. There's no way that you can say, "This is unjust, so now I will stand up and take it to court", go through, and fight. There is none of that. You just lose it; it's gone. And if you complain too much, you're gone.

Mrs. Nina Grewal: Burma has also announced that it will conduct a census in 2014. Although some groups, including Human Rights Watch, have indicated this could have a positive effect there, affecting the ethnic areas, other groups are concerned that the census will further isolate groups by excluding ethnic minorities, such as the Rohingya, a predominantly Muslim group of immigrants.

In your view, since the recent 2011 election of a nominally civilian government and the 2012 byelection of the bicameral legislature, will further isolation of ethnic and religious minorities be a key issue for concern? Additionally, what work can be done by the Canadian government to prevent the isolation of ethnic and religious minorities?

Mr. James Paul Humphries: I think we have to give the ethnic groups more credit. They are not heathen or ill-educated people, but rather many of the ethnic groups have been the groups that have gotten the Burmese to the place where they are now. Kachin are very highly educated as are many of the ethnic groups. The Chin people are very highly educated. I think we need to bring them into the whole picture to establish a government that's going to take every part of the ethnic groups and bring them together. But the challenge is the resources. That again is, I think, the challenge that's going to cause them....

It would be like our federal government saying Alberta cannot have any more taxes for its oil, or anything like that at all. We're going to keep it all here, and you go away. That's the problem with all these ethnic groups right now. They're sitting on a lot of these resources and are just wanting a piece of what they feel is rightfully theirs given to them through the contracts and agreements over the years.

I'm not so sure that I answered your question.

•(1355)

Mrs. Nina Grewal: Yes, you answered it quite well.

The Chair: That's all the time you have unfortunately.

[*Translation*]

Mr. Jacob, you have the floor.

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

My question is for Mr. Humphries.

After reading your report and listening to your testimony, I realize that the armed ethnic conflicts could undermine any chance of establishing democracy in Burma.

First, did the democratic process that was recently initiated resonate with people on the ground, in the conflict areas? Second, is resolving the ethnic conflicts important to ensure the viability of democratic reform in Burma?

[*English*]

Mr. James Paul Humphries: I understand what you're saying, and again here's one of those difficult things, because the military regime was also an armed conflict group before they took off their military garbs and put on the three-piece suits, bought up all the land, and got voted in. You have to understand that out of the 600 seats, probably 550 of those seats are maintained by previous military or military. So what happens is that you have in a sense a stronger armed group trying to now overtake a smaller armed group, the Kachin, who have been there for 50 or 60 years and trying to....

It's not that they didn't want to work with it. When I was living there, there were many meetings between the Burmese and the Kachin to try to resolve these things. One of the things that they tried to do is say they'll let the Kachin be border guards but they won't allow them to have any high positions in the army. They can just be border guards. We will tell them what to do, where to go, and how to fight for us. The Kachin were saying, no, we want to be able to have an established right in the country and to be able to help our people to go forward and to have education.

So they were the ones who have, over this ceasefire time, worked with the government, or the military regime, I guess you could say. But what happened during the ceasefire was that the Kachin army kept moving back and the Burmese army kept moving forward and taking up more positions, taking away lands from the church, taking away the jade mines, all the things that were once under the Kachin. During the ceasefire the Burmese just kept moving in and taking more and more to the point that the Kachin said we're going to have nothing so we have to stand up for our rights.

Does that answer your question a little bit there?

[*Translation*]

Mr. Pierre Jacob: Thank you.

I have another question. What do you think are the chances of sustainable peace between the minority ethnic groups and the Burmese military? In other words, what are the main concessions that each side would have to make in the future?

[*English*]

Mr. James Paul Humphries: Again, at the risk of repeating myself, one will be having to change the constitution to reflect a more homogeneous group of people.

We have 135 ethnic groups in the country, so a lot of work is going to have to be done. But when talking to many of the leaders from various ethnic groups, I haven't heard any of them say, "We want to become our own country." They want to be a federation. They want to work together. I think the ethnic groups really desire that; they are not trying to become their own country. They're wanting to work within, because in a distant way they're all brothers and sisters, if you know what I mean. They're all part of the tribal clans that have come down, and so they understand that they have a lot of similarities. But they want to build together a level playing field of equality and bring hope and encouragement both to their children and to the people who will follow after them.

So you don't see any of the military groups attacking the capital city or going down to Rangoon. They're not trying to use their level of power against the Burmese. They're just saying, can we not make it equal? Can we not make it balanced?

I think that's what they're trying to do. I take my hat off to them for that.

But it's going to have to be, as Aung San Suu Kyi said, a federation of working together. She sees it, but I don't think they quite understand, because of all the years of going from being a kingdom to being under British rule to being now separated themselves. They just don't have the idea of democracy. It's not even in their blood. There has always been a supreme leader who rules his people.

•(1400)

[*Translation*]

Mr. Pierre Jacob: Thank you.

Do I have any time left?

The Chair: No, none.

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

Thank you, Mr. Humphries.

[*English*]

The Chair: In consequence to one of Professor Cotler's questions, Mr. Humphries mentioned a report. I don't know whether it was by a committee, but it was from the House of Commons in the U.K.

I wonder whether we could source that. It would be substantial for our report, if we had it.

Mr. James Paul Humphries: We can do that, yes. The clerk has it, and actually Russ has a copy.

We were trying to deal with the extra paper. There are about 150 pages to my appendix, and of course, I didn't want you to have to translate them all, so I left it up to the clerk as to what you wanted to do or not do with all this information. We wanted to give credibility to what we are saying, and so a lot of it is found in there.

The Chair: I appreciate that. Unfortunately, our rules don't allow the clerk to distribute anything that's not in both official languages, which means she can't distribute this. But I gather, if you have it, that it's available online, and there's nothing that stops us from making that information available to all members so that they can look at it.

Mr. James Paul Humphries: You're more than welcome to translate it into French. I just didn't know if you wanted 150 pages of French information.

The Chair: I'm sure we would be happy to do it. I have a feeling the translators would object.

Anyway, we have the information; nobody was denied the information. It is very much appreciated.

Your testimony here is appreciated as well. I thank you for coming in. We all thank you for that, and for your presentation. I had the chance to read the entire thing, and there is some very good information that I had to ask you to cut off, but I would encourage everybody to read through it.

I noted as well that you have a very thorough appendix, including a bibliography of sources, and a list of a series of websites that would appear to let us know the places we have to go to in order to do a thorough, continued research if we desire to do that.

I thank both of you very much for being here.

I'm going to suspend temporarily, colleagues. I want to go in camera for just a couple of minutes to give you an idea of what's coming up in the scheduling in the next couple of weeks prior to the break. We'll just suspend and carry on in a moment.

We're suspended.

[Proceedings continue in camera]

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