



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

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

SDIR • NUMBER 007 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, December 3, 2013

—
Chair

Mr. Scott Reid

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

Tuesday, December 3, 2013

• (1305)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Order, please.

This is the Subcommittee of International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today, December 3, 2013, is our seventh meeting.

[English]

We are televised today. We are continuing our study of the human rights situation in Sri Lanka. As a witness today we have David Petrasek, who is a professor at the University of Ottawa.

Professor, I understand that you've already been informed by our clerk about the length of the presentation. Please take the time you need. I'll decide how long the question and answer responses will be, based on how much time is left, so that all the parties get an equal chance to ask you questions and hear your responses.

Mr. David Petrasek (Professor, University of Ottawa, As an Individual): Thank you for inviting me.

My name is Professor David Petrasek. I'm an associate professor at the Graduate School of Public and International Affairs at the University of Ottawa.

I'll speak about three issues. I'll briefly introduce myself but then I'll talk about the current situation as far as I can report on it, particularly post the Commonwealth Heads of Government Meeting in Sri Lanka. I'll talk of some actions that are important for the international community to pursue regarding the human rights situation in Sri Lanka, and then maybe I'll talk of the question of where Canada can best use its influence on the situation.

Briefly, to help you in terms of your questioning and in terms of my own expertise, there are many human rights experts on Sri Lanka, of course in Sri Lanka particularly. I see from the witnesses you've already had that you've spoken to some of them, including of course, Saravanamuttu. The level of detail and knowledge they have on the current day-to-day events far exceeds what I can relate to you.

My particular involvement with Sri Lanka is from the human rights fact-finding missions I did there on behalf of non-governmental organizations. That was in the 1990s. I've kept abreast of the situation for probably 15 or 20 years, but at a bit of a distance. I followed the human rights developments there but not in the case-

by-case way you would have if you spoke to researchers from Human Rights Watch or Amnesty International.

When there was a ceasefire in Sri Lanka during the negotiations with the LTTE, I was asked by the former president's special advisor on the peace process to be part of a small advisory group that he convened to help the government think through some of the difficult issues. I came on to that group as an international human rights lawyer. That was from 2004 to 2006.

I've visited the country five times for various periods. Most recently I attended a civil society conference there in June. My real expertise on Sri Lanka would be in relation to the UN's role and what the UN mechanisms can do and in relation to the interplay between the human rights issues in the country and the broader peace and reconciliation issues.

Concerning the current situation, post the Commonwealth Heads of Government Meeting, as the previous testimony you've heard before the committee has demonstrated, there's a worrying deterioration in the human rights situation. You would expect post-2009, at the end of the war, that things would have improved. In fact, certain trends suggest that there's a renewed call to be worried. As I think Saravanamuttu said to you, he would describe the situation in Sri Lanka as postwar and not post-conflict because the broader reconciliation that's needed in the country hasn't by any means happened.

I have a few key points to emphasize points that have already been made to your committee.

First is the government's failure to address in a serious way the very credible allegations of war crimes committed by both sides in the civil war that ended in 2009, especially in its brutal final phases.

Second is the increasing militarization, including in areas of civilian administration. This is particularly noticeable in the north, but also in the south. It's interesting that in Colombo, the responsibility for urban development rests with the secretary of defence.

Third is the interference with the rule of law that others have spoken to you about, most notably of course, the impeachment of the chief justice in an arbitrary and unlawful manner, but also in the constitutional amendments that have been pursued to extend presidential term limits and other ways that increase the power of the president and, in fact, his family.

Fourth is an intolerance for dissent. There is still to some extent a critical press in Sri Lanka. You will have heard of the threats the journalists have faced in the country, but there are areas of criticism that, if you like, are increasingly no-go areas. That particularly includes criticism around the president and his family. Allegations of corruption or personal involvement in illegal practices are likely to get you into trouble.

Fifth, I would draw attention to, as others have, the emergence of a new and perhaps orchestrated set of sectarian clashes, most notably the rise of the BBS, an extremist Buddhist group that has been leading various campaigns against the Muslim community in Sri Lanka. It's quite a new development and quite worrying in the context of that country.

I would also note, though, as others have, the continued popularity of the government. Frankly, were elections held today, the government would most likely win. That relates to the dividend the government has received from successfully concluding the war against the Tigers.

But it also relates to the perception of economic progress in the country. Although the economic situation in the country is not my area of expertise, I can see, returning to Colombo after several years, the surge in building—the cranes, the parks that are being redone, the sense that this is a country that's booming. Investment is coming in. There's this perception of economic progress, at least in parts of the south.

There were elections in the north for the provincial council, which we weren't sure would take place but actually did take place in September. The Tamil National Alliance overwhelmingly won, with 80% of the vote. It was a good sign that those elections were held.

Another good sign is that, despite the government's failure to pursue accountability and reconciliation efforts, as far as I'm aware and able to say, there's no sign of a return to Tamil militancy.

The defeat of the Tamil Tigers was a good thing, especially the defeat of its leadership. This was a group that committed horrendous human rights abuses. I wish it would have happened in a different way. There were many human rights abuses that happened in the context of the defeat of that insurgency, but the fact that it was defeated was a good thing. Many Tamils also benefited, because many suffered under the LTTE administration.

The Tamils in the north and east do not yet trust the government, for good reason. Nevertheless, in talking to people I know and trust in the country, I have come to view the re-emergence of an armed or militant faction as a remote possibility, because the civilian population has no appetite for it whatsoever.

The Commonwealth Heads of Government Meeting was a public relations disaster for the government. As the International Crisis Group pointed out, it's the lowest attendance on record of heads of state or government for a Commonwealth Heads of Government Meeting. In addition to our Prime Minister, two other prime ministers boycotted the meeting, also citing human rights concerns.

International media coverage at the event, for those of you who followed it, was extremely negative. The president was quite shocked. Every time he appeared in front of the press, all they

wanted to know about was Sri Lanka's human rights record. They weren't the least bit concerned with what the discussions were in the meeting.

British Prime Minister Cameron's visit to Jaffna was widely covered. The fact that people were stopped from meeting him and the protests that occurred also created a fair bit of attention. I think it's fair to say that it was a public relations disaster for the president. He hadn't wanted it to happen that way, and it played out badly for him. Despite the muzzling or intimidation of the local press, which was unable to fully report on the extent of this disaster, most people in Sri Lanka who follow things got the sense that things went badly for the president.

The role that our Prime Minister's boycott played in that, we could perhaps take up in the questioning, because I think it's an interesting point.

As to the changes that are sought, I won't go through the list. It would take too much time. Most of the recommendations I would make have already been made by Saravanamuttu. If you see other human rights experts, they'll make similar recommendations. They're in four areas: accountability, rule of law, devolution, and reconciliation. Those are the four key areas. We can take that up in the questioning, if you like.

I should say that a number of the reforms that are required are reforms that the government's own Lessons Learnt and Reconciliation Commission made in its report. This was not a perfect report, by any means. But it did make some good recommendations. If the government were simply to act on its own commission's recommendations, it would go some way towards doing what's required.

To come to the crucial question, what are the points of leverage and possible influence for the Canadian government? What can Canada do about the current situation?

We must think and act multilaterally. To work through the Commonwealth would be a waste of time. Not only is the chairmanship now held by Sri Lanka, but the Commonwealth Ministerial Action Group, which is the group within the commonwealth responsible for pursuing human rights issues, now includes the Sri Lankan foreign minister. So there's simply no hope of serious action through the Commonwealth. We should just be honest about that.

● (1310)

The second key venue is the United Nations Human Rights Council, the intergovernmental body that meets three times a year in Geneva. Others have spoken to you about it. You'll know that in its sessions in 2012 and 2013 it passed a specific country resolution on Sri Lanka. It's something the council rarely does. It rarely passes a resolution on just one country. It usually deals with issues thematically and increasingly so, but under U.S. leadership, it was able to build cross-regional support for such a resolution that held its votes in 2013. The resolution will come up for debate in March 2014.

Canada needs to work very strongly, and I know its diplomats are keenly aware of this, so I'm not saying anything that they're not aware of. But the passage of that resolution in March 2014 will be a key point of leverage. Sri Lanka does care what the UN says, for all kinds of reasons. They do care. They pay attention. The government feels under pressure and scrutiny, and if that resolution doesn't pass, it will be giving the government a *carte blanche*....

I won't go into the detail of the resolution and what it might take up. We can talk about that in the questions and answers.

Multilaterally, we have to focus on the human rights council. This is the key venue. It's the one that's shown it can take action, and the point is to sustain the action and the pressure.

Bilaterally, what can Canada do at a bilateral level? Frankly, given the degree of antagonism engendered by the boycott—and we can come to whether that was a good or a bad thing, with my own view being that the boycott was the right thing to do—I don't see Canada as having much influence at a public level on the big issues around accountability. I think we have to work multilaterally through the United Nations and use our influence there in coalitions with other countries. I say this because the Sri Lankan government can too easily portray independent Canadian initiatives the way they've portrayed the boycott, which was that this was simply a matter of domestic politicking, and they will therefore undermine the sense that this is a principled position.

Bilaterally I would think we should work at a different level. I would make two practical suggestions. One is based on the fact there is a sizeable population of Canadian citizens who may have dual citizenship or may or may not be entitled to dual citizenship in Sri Lanka, but who may have interests there such as legal interests, property, and other interests. These interests are under threat. There is a new land transfer law that will make it difficult—as I understand, it's quite complex—for transfers of land within a family if a member of the family is now a foreigner. At the same time there has been a tightening up of the dual citizenship rules. The result is that for Canadian citizens of Sri Lankan ancestry who may have land that's in the family, the mother may die and they may not be able to recover that land. That's an interest that Canada could raise as a practical matter, defending its citizens' rights in other countries.

It's also a very important human rights issue but it can be raised as a legal issue, and it's an issue on which no one can doubt the government's right, and frankly the justice of its raising the issue. Every country is expected to act to defend the rights of its citizens in other countries. So it's a practical issue. It's very important, particularly in the north, where this will come up.

Similarly, there's the issue of the census of deaths. One of the concessions the president made right after the Commonwealth meeting was to finally do an accurate census count of the number of deaths, which is a huge point of contention. This will be of great interest to a number of Canadian citizens of Sri Lankan ancestry, and it's another issue where the government can engage bilaterally, making sure that it's done properly and effectively.

These are practical suggestions but they're areas where the government's position may actually lead to some results.

The second area where I think it's important to think about further engagement and support—and perhaps some of this is already happening behind the scenes, but I'm not aware of it—would be in relation to the Northern Provincial Council. There were elections in September for this regional body that was created, but for which elections were never held for some two decades, until now. The body is there and is sitting now. The Tamil National Alliance has the overwhelming number of seats, with 30 out of 38 seats.

To work and function effectively, this body will potentially need funding and development projects, and there are all kinds of areas for cooperation. I think that's somewhere that the Government of Canada could engage through a development assistance program, and perhaps in other ways with technical expertise around issues related to land or policing. In that context it would be very important to maintain and build the relations with the Tamil National Alliance, which is the party that, insofar as it's allowed, is going to be governing in the Northern Provincial Council.

I'll stop there.

Thank you.

● (1315)

The Chair: Thank you.

We have 40 minutes, which means we have time for six-minute rounds, inclusive of questions and answers.

We'll begin with Ms. Grewal, please.

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

Thank you, Mr. Petrasek, for your time and your presentation. Over the last few weeks in our committee, witnesses have expressed concerns about the Sri Lankan government's lack of action toward implementing the recommendations for reconciliation, and about the growing culture of impunity. So in your opinion, has the recent Commonwealth Heads of Government Meeting had any impact on the government's attitude towards reconciliation and securing human rights?

● (1320)

Mr. David Petrasek: I think what it's done is to make it painfully aware to the president and his closest advisers that this is an issue that's not going to go away. Their strategy of hoping it would go away, I think they must now recognize is failing. Whether it has convinced them that they need to take genuine steps is something I can't judge. What's clear is that they've taken some superficial steps that have been criticized. Other human rights experts whom you've already met or who will testify before you can go into the detail about the inadequacies of the measures announced.

For example, one real concession has to do with the census of death. This has been a long-standing demand and they've actually agreed to do this. If it's done seriously and fairly, it will be a very important thing. That was done in the wake of the Commonwealth meeting. I think the fact that it was a public relations disaster has shown the government that this issue is one they need to take seriously. But they may choose to take it seriously by adopting another strategy of obfuscation and may just look to get around it in a different way than they've been trying up to now, as opposed to genuinely addressing it.

Mrs. Nina Grewal: Mr. Petrasek, given that the Sri Lankan government has done very little to investigate alleged war crimes and human rights violations during the last stages of the civil war, do you think that a UN-led investigation is necessary? And would it be effective, given the government's present opposition?

Mr. David Petrasek: I think it's necessary and I think it could be effective, but I don't think it will happen. It's very hard for me to imagine the political circumstances that would win sufficient votes in the human rights council for the launching of such an investigation. It's a demand that needs to be made. I'm not very pessimistic about it actually being achieved.

But, yes, I think if a UN commission inquiry were established, I'm confident it would do a good job, based on the High Commissioner for Human Rights' record in the Libya commission inquiry and the current Syria commission inquiry. Those were very serious efforts and I'm sure that the high commissioner's office would put together a serious team and do a good job. They'd must have access to the country to do a full job. That's a big question about whether the government would cooperate with them.

Mrs. Nina Grewal: I understand there is increased religious violence in Sri Lanka, most specifically, as you mentioned, by extreme Buddhists targeting the Hindus, the Muslims, and Christians. So what are the implications of this religious violence for reconciliation and securing human rights in Sri Lanka?

Mr. David Petrasek: Not good. I should say on the extreme Buddhist group I mentioned, so far the attacks have largely been against the Muslim community. They've been sporadic; it's not like it's a daily thing. There's been a campaign launched against halal in the country and against the eating of meat, which hasn't traditionally been a big issue in Sri Lanka. So it appears to be manipulated to isolate the Muslim community who certainly feel under siege.

But the fact that this is happening and the government is taking insufficient steps to distance itself from it or to address it is not a positive sign for reconciliation. I'll just give you one quick example. In one, a mob attacked a Muslim business. I believe it was some kind of a clothing factory. There was film footage of the people leading the attack.

The issue in the press...because there were huge demonstrations, then, against what had happened and people were demanding a criminal inquiry. The government's response was to say, "Oh, no, the family that owns this factory have come forward and they've said they have forgiven the people who led the attack," as if criminal law were dependent upon the personal act of forgiveness. The manipulation of the legal process in that case was quite clear and it's quite worrying in terms of the broader reconciliation.

Mrs. Nina Grewal: Throughout the civil war, many Sri Lankans were internally displaced to escape the conflict. I understand that while many have been able to return to their homes and there are still thousands who remain internally displaced, from your research and investigation, how susceptible is this group to abuse and human rights violations?

• (1325)

Mr. David Petrasek: I think it's a question you should put to other more informed human rights experts who actually have recent information on the ground. I don't have recent information about the treatment of the IDPs beyond that already presented to you by Saravanamuttu, so I just won't comment on that because I don't feel current enough about the situation of the IDPs in the north and don't think I could add anything.

The Chair: Thank you.

We'll go now to Mr. Marston, please.

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

Welcome.

If my voice holds out we'll do fine here. There are a couple of things I want to ask. With Sri Lanka being the chair of the Commonwealth, is there any mechanism to remove them, that you're aware of?

Mr. David Petrasek: I think that it can only be by a vote of the Commonwealth member states, but that's not going to happen. They had enormous support. In fact, in a further endorsement by the Commonwealth, they were voted onto the Commonwealth Ministerial Action Group.

Mr. Wayne Marston: So the signals are already there?

Mr. David Petrasek: Yes.

I've read work by Senator Hugh Segal, whom I have enormous respect for. He has written about the need to work through the Commonwealth. I just think that in the next period, frankly, it's really not worth it. The final declaration of the summit in Colombo made no reference whatsoever to the main issue, which was Sri Lanka's human rights record. It simply wasn't picked up at all.

Mr. Wayne Marston: When you talk about the human rights record, I presume you're aware of the Channel 4 video that was out a year and a half or two years ago that showed, at the close of the war particularly, a lot of the activities or violations that took place there. You write about a multilateral approach and you pretty well dismiss the Commonwealth. That's understandable from what you've said, but you've referenced the United Nations several times. Would you like to elaborate on the reasons you see it as significant?

Mr. David Petrasek: You'll know, because this is the responsibility of your subcommittee, that the UN's record in the effective protection of human rights is mixed.

I have worked in the Office of the High Commissioner for Human Rights and lived for many years in Geneva, and I've seen it very closely. I worked there with Louise Arbour at one point when she was high commissioner, so I've seen it close up and from a distance as someone who's lobbied it. I'd be the first to say it has many failings and to recognize those.

However, sometimes things work out, and in the case of Sri Lanka you have, for complicated reasons, the U.S., but not it alone, managing to build sufficient pressure to pass a resolution with 24 or 25 of the 47 members of the Human Rights Council voting in favour. Many abstained, but there were enough votes to get a reasonably decent resolution. It's not one of your name-and-shame resolution but one saying that there's a problem and that the government needs to address it. It has now done that twice. The votes may change in March, as there are new members on the council. That's why countries like Canada need to work harder. But I believe that experience suggests it has been a point of pressure. The government has gone to enormous lengths to avoid scrutiny in Geneva. They don't like this resolution; they feel they're being watched. So I think on this issue the UN is the place to work.

Mr. Wayne Marston: You mentioned they feel watched. In truth, watching is about all that people can really do, to watch and demonstrate that they're taking into account what you're seeing, the evidence of what's happening there. Beyond that the ability to influence them is fairly limited, I would suggest.

You have written that emerging democracies like Brazil, India, and South Africa play an important role in promoting human rights on the international stage relative to Sri Lanka. How do you see that playing out?

Mr. David Petrasek: I'm flattered that you know about my writing.

Mr. Wayne Marston: We have good researchers here.

Mr. David Petrasek: The resolution on Sri Lanka is primarily led by the WEOG, the Western European and Other Group, along with the Eastern Europeans. In the UN context you have these regional groups. But it has attracted support from other regions, including Latin America.

I don't know the voting record of Brazil on this but I'm quite sure there was at least an abstention and also support from some other countries. Of course, the Chinese are not going to be keen for further human rights scrutiny in Sri Lanka, so they're not an emerging power that's going to be much help on this. It's interesting, though, that on November 18, right after the Commonwealth Heads of Government Meeting, they drew attention to the Sri Lankan government's need to be concerned about human rights—saying this for the first time ever, in a statement by the foreign minister on behalf of the foreign ministry of China—in its own way without outside interference. But it was still seen as a sign that they recognize the concern. Whether they'll act on it is a different matter.

I think what will be important for success in Sri Lanka is to undermine the Sri Lankan government's argument that this resolution is just western powers pandering to diaspora politics, or it's just because they don't like that fact they're losing power. There are lots of ways the government has characterized it. As long as India is on board it's very hard for the Sri Lankan government to make that characterization. You have India. You have some of the African countries and one or two of the Latin American countries. If you could get Japan, which has abstained, to join the vote at the council, that would be very important. That's the way to undermine this argument about this just being a western plot.

● (1330)

Mr. Wayne Marston: Could Canada take a leadership role in pulling that together, do you think?

Mr. David Petrasek: Behind the scenes we could do a lot, yes.

Mr. Wayne Marston: Yes, behind the scenes; they're not listening to us up front.

Mr. David Petrasek: On this issue, frankly, working behind the scenes may be an effective way to build such a coalition in Geneva.

Mr. Wayne Marston: That's great.

Thank you.

The Chair: Thank you.

Mr. Schellenberger, please.

Mr. Gary Schellenberger (Perth—Wellington, CPC): Thank you very much.

I found your presentation quite interesting.

You've written and answered in part that Sri Lanka can rely on its growing relationship with trading partners like China and that it does not rely on the west, so it becomes hard to pressure the Sri Lankan government to address human rights abuses. However, many western countries currently are major trading partners of Sri Lanka—the United States, the U.K., Germany, Belgium, to name a few—all of which are vocal on human rights issues in the world. Similarly, India has been a major supplier to Sri Lanka and recently boycotted the Commonwealth summit.

How difficult would it be to implement sanctions against Sri Lanka?

Mr. David Petrasek: On a bilateral level, not so difficult. At the United Nations level, it would be impossible. But, no, Canada could take economic measures against Sri Lanka. Because of the human rights situation in Sri Lanka, the European Union has already taken certain measures. These things are impactful. On the other hand, they're also offset by Sri Lanka's growing economic relationship with China. So the declining European or American investment may be offset by rising Chinese and other Asian investment in the country.

So the leverage of the economic stick hasn't... Let's put it this way, Sri Lanka hasn't shown enough concern about the European Union measures that it would be willing to take steps to keep preferential access to European markets, which in some respects—I don't know the technical details—it lost as a result of its human rights record.

Mr. Gary Schellenberger: Okay.

You mentioned earlier that there are many cranes and that type of thing, that building is going on around Colombo.

Is it fact or fiction that great investment is going into Sri Lanka?

Mr. David Petrasek: I don't want to mislead you, and I don't have the details, but there is real investment. Whether it's going into productive sectors of the economy, I can't say. There's an awful lot of investment in tourism and new hotels and condominium construction in Colombo, but the amount and how significant it is to the broader economic progress of the country, I'm not well positioned to judge, I'm sorry.

Mr. Gary Schellenberger: Where would that investment be coming from?

Mr. David Petrasek: A lot of it's coming from Asia, but there is significant investment as well from diaspora communities.

• (1335)

Mr. Gary Schellenberger: Religion usually comes into so many things when we talk around this table. Is this a religious situation? You mentioned the Buddhists and Muslims, but has the conflict resulted from a religious situation during the war, and one that continues after the war?

Mr. David Petrasek: No. People like to portray some of these sectarian conflicts in religious terms. Insofar as religion's relevant, it's because it's been manipulated. The Tigers essentially invented the technique of suicide bombing. Up until about 2003, pre-Iraq war, most of the people who had been killed by suicide bombers had been killed by the Tigers not by Islamist suicide bombers. But the Tigers who did this were Hindus, atheists, or Christians. They were all pursuing the same technique.

So, no, there's a manipulation of religion in the conflict.

Mr. Gary Schellenberger: So the main party in the conflict, then, is family?

Mr. David Petrasek: The main problem right now is the increasing monopolization of political power in a very small group of people centred around the president.

Mr. Gary Schellenberger: Okay.

I haven't got any more questions.

The Chair: In that case, we will move to Mr. Casey, please.

Mr. Sean Casey (Charlottetown, Lib.): Thank you, Mr. Chair.

Thank you, Professor Petrasek.

I'm filling in for Irwin Cotler, but only in the physical sense. To be sure, there's absolutely no way that in terms of his experience on matters of international human rights I would be able to fill in.

You have written that the decision of Canada's Prime Minister to not attend the heads of Commonwealth meeting changed the way other leaders engaged. You also talked here about it being a PR disaster for the Government of Sri Lanka. Are there similar things or other things our Prime Minister or our country can be doing that will have a similar impact in terms of changing the way others engage with Sri Lanka?

I know that you talked about the UN Human Rights Council. It seems to me that this action by our Prime Minister in this case was, if you will, symbolic. It didn't necessarily involve other countries. Are there other things along these lines that we could do and that would have the same impact?

Mr. David Petrasek: Well, maybe there's one suggestion. Sri Lanka contributes about 1,000 troops a year to UN peacekeeping. Most of them are in Haiti. That's important to the Sri Lankan military. It's important for their prestige. It's not just an income earner. It's important to their sense of who they are as a military, and it's important to the country.

Were someone to raise questions about the appropriateness of the UN relying on such peacekeeping troops, some of whose commanders may be implicated in human rights abuses in Sri Lanka, that would be a very significant, high-profile, kind of antagonistic approach that might get a lot of attention.

I think the point I was trying to make in the piece you refer to was that to effect human rights change in a country that has dug its heels in and that has support from other powerful countries—in this case, China—is no easy matter. It's a little bit the combination of the carrot and the stick.

I'm not sure whether or not—I have no way of knowing—when the Prime Minister made his decision to boycott the meeting, he expected that it would create the dynamic in Colombo that played out. I just don't know. Maybe he did and maybe he didn't. I won't speculate. But others who chose to go had to engage in a different way.

The boycott was perceived as the hard measure, and attending the meeting, the engagement, seemed like the soft measure, but in the way it played out, actually, the boycott seemed much less important than what David Cameron was doing in Colombo. But the two were interlinked. That was my point.

I think what you need is a bit more strategizing. My advice to the government.... Again, I do not know, so I don't want to speculate here. When the Prime Minister made a statement almost two years that he would not attend the meeting unless certain reforms happened in Sri Lanka, I wrote a piece saying that it was the right decision, but that the government needed to build an international coalition so the action couldn't be dismissed as just being by the Canadian government. I understand that some efforts were made, but my view would be that greater efforts could have been made to build an international coalition around that position. I would urge the government, going forward, to think about positions that are taken in coalition with others, ideally cross-regionally. The more you do it with support from countries in Asia, Africa, and Latin America, the more you undermine the Sri Lankan government's argument that this is just about diaspora politics, or just about the west beating up on the poor developing countries, or something else.

The peacekeeping issue is one. I think the high-profile visits.... I don't think President Rajapaksa is going to be suggesting a visit to Canada any time soon, but people like him like to travel, and there might be other countries he proposes to visit. To countries we have relations with, maybe we could indicate that we don't think such a visit is deserved—or earned, as it were—in the absence of some serious effort to address the human rights situation in the country.

• (1340)

Mr. Sean Casey: You may or may not be aware that there was a bill introduced in Parliament today to devolve powers from party leaders down to members of Parliament. Trust me, the timing of this question with the introduction of that bill is purely coincidental, but if we move from the leadership level down to my level, if you will, to the level of an ordinary parliamentarian here in the Parliament of Canada, what can we do, individually or as a group?

Mr. David Petrasek: That's a good question, and I hadn't anticipated it.

Do you mean in terms of pushing legislation forward?

Mr. Sean Casey: I would think that would be part of it.

Mr. David Petrasek: If I were a parliamentarian now in Sri Lanka, there's not be much that can happen in terms of the big picture.

But I did make recommendations about where Canada could engage with the Northern Provincial Council and with the Tamil National Alliance. I would be thinking about potentially engaging, as parliamentarians, with some of these politicians in the north who are trying to establish a local government of sorts. It has long been the aspiration of the people there to have their own police force and their own government in the areas where they form a majority. It's going to be a long hard slog to do it, and they're not going to get much support from their government.

Those are areas where parliamentarians can engage legitimately to provide much needed advice and support, but also potentially provide introductions to international assistance to help these politicians who are emerging in the north engage with and receive the help and support of the international community. That would be one area. I know it's not a big picture one, but our business interests in the country aren't sufficient to give Canada economic leverage.

As to my answer to the other question, when the European Union removed some trade preferences, even that didn't help much with Sri Lanka.

In Sri Lanka, the government is really not that worried about the economic steps that we might take; they can offset those. They're worried about prestige: it's the things that deny them visits, that deny them access to the symbols they think they are entitled to as a democratically elected government. Those are the things they're sensitive to.

The Chair: Thank you, Mr. Casey.

Before we turn to Mr. Sweet, I had a question of my own.

You mentioned peacekeeping. I want to ask what Sri Lanka's reputation is as a peacekeeper, looking at it not from the view of what goes on domestically in Sri Lanka but how its military performs in its peacekeeping role.

Mr. David Petrasek: I'm not aware of any controversy about that.

The Chair: As far as you know, it's been satisfactory.

Mr. David Petrasek: As far as I know, it's satisfactory. But there is a precedent. The Nepalese government contributes a lot more troops to peacekeeping. Actually, it's a prestige thing for the

Nepalese army, but it's also a significant income earner. I think it's not a significant income earner for the Sri Lankan government.

In the Nepalese case, there was an attempt or a sense back in 2006 when there was agitation and mass street protests to have the king resign that the army would be called on to the street. It looked like it was really going south, as they say. There was a small human rights office that was run by the UN in the country, and they wrote to the Secretary General of the United Nations, with a copy to the Nepalese army, indicating that any officers implicated in that.... Of course, that would then affect the Nepalese army's standing as legitimate troops to use on UN peacekeeping missions.

The perception from those close to that event suggested that this had an enormous impact on the Nepalese army. It had a big impact. They actually saw that this was going to affect their prestige internationally, but also affect something they looked forward to doing, because there are thousands of Nepalese troops deployed.

So this might be one area to consider. The further down the road we go of any lack of accountability for the abuses that did happen, somebody might want to look at this issue.

• (1345)

The Chair: Thank you.

Mr. Sweet, please.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you very much, Mr. Chair. I'm glad that you asked that question.

Mr. Petrasek, I'm really glad that you're here today, because you have outlined two unique things.

This will sound like a statement, but I would like you to comment.

I think it's a great idea for Canada to engage with the NPC in the north. And regarding the idea you just mentioned, UN remuneration is often much higher than domestic pay for the troops of some countries involved in peacekeeping. Like you said, the prestige element plays a role in it too. I think those are both very good ideas, and I know our researchers will capture them for our later report.

I had asked a couple of witnesses previously—and it sounds like you've reviewed all of the testimony—about the war widows. I'm concerned about them. I've heard numbers from 40,000 to 90,000, and unless they've migrated, I think they would primarily be in the north.

Are they the responsibility of the NPC? Do you know of any actions that the Sri Lankan regime is taking right now to try to look after their needs? Please elaborate, if you can.

Mr. David Petrasek: You referred to the earlier testimony.

I really can't add anything to what you received from Dr. Saravanamuttu. He's much more knowledgeable on that issue, and he spoke to you. There is a big debate about the numbers. Hopefully, the census of the deaths will help us to pin that down more, but I really can't comment on the adequacy of the programs undertaken to date. There's a lot of controversy about them. That's what I know. I think, if I got the gist of his response, he said there was good and bad. That was my sense. There were steps being taken, but they were insufficient. I can't add to the answer you got from him. I'm sorry.

Mr. David Sweet: No need for an apology.

In fact, I will go to one other area that he commented on too, where you might have some input, and that is the militarization of every public service, the bureaucracy, etc. You mentioned that the citizenry has basically turned a blind eye to whatever human rights infractions they see because of what's happening in the country, the economy, etc.

Is there any movement at all in the general citizenry regarding their concern not only about human rights violations but also about this militarization? Is that not beginning to spawn questions in the general population?

Mr. David Petrasek: From when I was there in June, the first thing I'll say is that not everyone is going along with it.

Sri Lanka still hosts a very active, brave, and serious civil society, some of whose members have testified to you, and it has always impressed me, going there. Essentially, you go there and you're humbled quite quickly about what advice you can provide, because there's no shortage of Ph.D.'s running around Sri Lanka dealing with law reform or constitutional issues and what else. There's a lot of expertise there, and all those people have not got along. A lot of them are very critical. There are very active anti-corruption organizations in Sri Lanka, very active monitoring of elections organizations. There are very active organizations still working on reconciliation and on women's rights. There's a whole range of activities that people are pursuing, and they are not going along with it.

As for the president's constituency, to the point at which it appears that some of the people who are currently profiting may not be able to continue, yes, the president could be in trouble, because the profit is in fact intended for just a very small group. Insofar as the military—led by his brother, the defence secretary—is enriching the family and not spreading the riches more broadly among the constituency that supports him, problems that could arise. You saw that a little bit in the impeachment of the chief justice, which related to a personal and business matter that she had gotten herself involved in. A lot of the protest on the street by people who hadn't protested before was from a sense of “Look, if this can happen, none of us are safe”.

Having said that, if it came to an election, people might still back the president, but there are areas where there has been a backlash, and it could grow and deepen if the economic progress were not seen to be shared—at least among the constituency. They're not so concerned about the Tamils in the north, but the progress must be seen to be shared at least among the constituency in the south. There have been signs that the president is not getting the right advice on how far he can go with amassing political and economic power within his small circle.

● (1350)

Mr. David Sweet: Despite their vibrant civil society, one of the problems with those who would be human rights defenders and would look for legislative reform, etc., is that the media at large is still muzzled and is still either self-censoring or has been threatened by the government with the white vans, up until now.

Mr. David Petrasek: Yes, there are problems with the media accurately reporting the situation, but even if they did, I'm not sure the president is reading it. It's almost like a regal, court-like approach. It was quite shocking if you watched the coverage of the press conferences around the Commonwealth Heads of Government Meeting. He seemed genuinely surprised at the questions on human rights, which can only indicate that he's getting very bad advice. That is a typical situation where a leadership gets up to the regal level. People simply can't explain it. It's not safe to say what the actual situation is, so the president's living in almost an alternative reality.

The media could report these things, but the president may still not pay attention to them. There have been so many indications of this kind of personal pursuit of power. Sri Lanka's Parliament has 220 or 230 seats. Somebody will google it and tell me I'm wrong, but I believe there are 80 ministers. The approach to any potential source of dissent is simply to continue. Everybody is brought in. There is no effective opposition in the country, for complicated reasons, not just because they're muzzled but also because of the complicated politics of the country. There is no effective parliamentary opposition.

The Chair: Before we go to our last questioner, Monsieur Jacob, I'm just going to ask a question.

What is their electoral system? Is it based on ridings? Is it a party list system? Do you have any idea?

Mr. David Petrasek: It's a complicated system and I can't get into the details. There are ridings, but there's also some proportional element in it that I'm not exactly sure of. In any possible configuration, he and his party still have enormous support.

The Chair: Right, and as a practical matter, it would be unwise for us to make suggestions about electoral reform for other countries in this committee. That was just a curiosity matter for me.

[*Translation*]

Mr. Jacob, you have the floor.

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

I would like to thank Mr. Petrasek for being with us this afternoon.

In your opinion, to what degree has the Sri Lankan diaspora in Canada influenced the Prime Minister's decision to implement this boycott?

[*English*]

Mr. David Petrasek: I don't know. I can't speculate. I know that one group of people believes it is about winning votes in ridings where there may be a significant Tamil population. And others say, no, this is a principled position that arose out of a genuine concern for the human rights situation in Sri Lanka. I really am not privy to that.

The one thing I would say is that I do not believe it's fair to suggest that the bulk of any diaspora community in Canada—new arrival or old arrival—would ever vote on a foreign policy issue. In any diaspora community, there's an element of the policy towards the mother country being a key factor to their vote. But I think the Tamil diaspora, like any diaspora in Canada, has many other electoral concerns. The Prime Minister may gain a lot of rhetorical support, but when it comes to voting day, is this what the Tamils of Scarborough will vote for? Is it because they're concerned about issues of employment or transportation, or Rob Ford? I don't know. I can't speculate. I'm hesitant to simply suggest a whole community en masse will vote on a foreign policy issue. I just don't see any evidence of that. I don't know what motivated the Prime Minister.

• (1355)

[*Translation*]

Mr. Pierre Jacob: Thank you.

My second question has to do with Sri Lanka.

Has Canada's boycott been broadcast in the Sri Lankan media? If so, how has it been used by the government?

[*English*]

Mr. David Petrasek: Yes, it was widely publicized two years ago when the Prime Minister first stated his intention, and then also in October when he made it final that he would not attend. At the actual Commonwealth summit, it was David Cameron who stole the show for the reasons I touched on earlier.

I will say this. Whatever my views or your views are on the decision to boycott, I have yet to meet a member of Sri Lankan civil society who didn't welcome it, regardless of whether they thought it was done for domestic political reasons. Frankly, they wouldn't care. What they wanted was a very powerful protest signal sent to the Sri Lankan government, and they felt that Stephen Harper did that, so they welcomed it.

In June when I was in Sri Lanka, I attended a civil society conference and made a point of asking people what they thought about the Prime Minister saying that he'd be unlikely to come. Should he come to the Commonwealth Summit? I didn't find a single one saying he should come. Some answers were nuanced, but essentially the almost unanimous view was that it was a good idea to boycott the meeting.

[*Translation*]

Mr. Pierre Jacob: I have a third question.

You mentioned that the main problem was the fact that power was concentrated in the hands of the Sri Lankan president and his small inner circle. Could you provide us with more details on that dynamic and its repercussions for the northern region of the country in particular?

[*English*]

Mr. David Petrasek: I can only expand by saying it has very worrying implications for the rule of law, which we've already seen in relation to the changes to the constitution, which have now ended the term limits on the president and have affected the judicial appointment structure in the country and the impeachment of the chief justice. So the continuing narrowing of the circle of power and

influence and the economic power in this small group have worrying implications for the rule of law in the country.

Sri Lanka has had many problems in the past, going back several decades, but it has had reasonably fair elections. It has had reasonably fair policing with some key issues in the north and east. There have always been issues in relation to the armed conflict, but it hasn't been an authoritarian state. The tendency is towards that, and that's quite shocking. For all of Sri Lanka's problems, it wasn't a place where, from the time you arrived you started being careful about what you said.

On my last visit in June, I felt a little bit of that, whereas during my other three or four visits during the civil war, I never felt there was an issue I couldn't talk about. This sense—and it's only my sense—that I was freer to speak out during my visits at a time of civil war than I was during a time of peace was significant. My only comment would be that it's a very worrying attempt to monopolize power, which is destroying the institutions Sri Lanka needs to have a proper reconciliation.

• (1400)

[*Translation*]

Mr. Pierre Jacob: Thank you, Chair.

The Chair: Thank you, Mr. Jacob.

[*English*]

Before we let you go, Professor, so that we can deal with one item of committee business, I have two things to bring up with you.

First, I had the impression—and I could be wrong—that you had more extensive notes and that you edited them somewhat in order to comply with the time constraints. If that is the case, I'm wondering if you would be willing to submit the notes you had so that they could be translated and distributed to all of our members.

Mr. David Petrasek: The only thing I was going to add was a series of key points, including things like what are the human rights reforms needed in the country. I made a series of eight points, but all of those have already been read into your record by previous witnesses. If you're looking for a set of clear, solid recommendations, I would direct you to the human rights reports, but also to the work of the International Crisis Group. They have a very active and excellent program on Sri Lanka, very knowledgeable and dedicated researchers, and very detailed policy recommendations on human rights as well as on the reconciliation issues. I'm happy to give them to you, but there's nothing that won't already be in your testimony.

The Chair: There was another question I wanted to ask you, but it may be too broad. We see on the one hand the militarization of the Sri Lankan political system and economy—the odd juxtaposition of urban development with the military in a single department is a peculiar one, to say the least—and on the other hand, we see the president relying on the party system for power, as you've said.

I'm just wondering if this is a situation where the support of the military is now essential to maintaining political power and that they therefore must effectively be put in a position where they can be economically rewarded through the rejigging of the power structure. Or is this not the case?

Mr. David Petrsek: No. You may know that at the conclusion of the war, the general who successfully concluded the war was dismissed and tried to run for president. He was imprisoned and completely intimidated, so the president showed that he can take out the generals he wants to take out.

With regard to the military in Sri Lanka, traditionally there's never been a fear of a coup or a threat of a coup. It was a very small institution. It's been significantly expanded as a result of the war and actually has grown in numbers as opposed to declining in numbers now that the war is over. I don't see it as a separate centre of political power. Essentially, it's under the clear direction of the civilian administration.

In relation to your point about urban development, it is an odd juxtaposition but with an honourable pedigree. You'll remember that it was Napoleon who of course amassed political and military power and then took over reorganizing the streets of Paris in the early 19th century.

The Chair: Napoleon III. Yes, Baron Haussmann.

Mr. David Petrsek: Yes. There is this sense of it being a regal court, that now "I'm actually going to redo the city". It gets a little out of hand.

The Chair: That is an interesting parallel. Thank you for that.

Colleagues, we are at the end of this meeting.

I'm going to dismiss our witness with our thanks and then ask everybody to remain here to deal with one very brief item of committee business.

Of course, professor, we're not kicking you out of the room. We're just allowing ourselves to go on to the next item of business.

Mr. Wayne Marston: Do we have to go in camera for this, Mr. Chair?

The Chair: I don't think so.

Colleagues, the clerk has handed out a request for a small budget of \$6,500, the purpose of which is essentially to finance bringing in one of our witnesses.

Mr. Wayne Marston: I'd like to move it as tabled.

The Chair: All right.

Debate? Agreement?

(Motion agreed to)

The Chair: Thank you, colleagues.

Colleagues, we are adjourned until Thursday.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>