

**FULL GOVERNMENT RESPONSE TO THE REPORT OF THE STANDING
COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT:
“SENTENCED TO A SLOW DEMISE:
THE PLIGHT OF MYANMAR’S ROHINGYA MINORITY”**

INTRODUCTION

The Government of Canada has carefully reviewed the report of the Standing Committee on Foreign Affairs and International Development (hereafter referred to as the Committee or FAAE) and thanks its members for the opportunity to participate in the hearings leading up to the tabling of this report. The government appreciates the fact that the Committee devoted attention to this important issue. It also thanks the witnesses for their expert testimony in helping provide a holistic picture of the situation on the ground.

Myanmar has changed significantly in recent years. In 2010, the then-military government began an unprecedented transition towards greater openness and democracy. This remarkable process culminated in November 2015 with a general election, which the National League for Democracy (NLD) of Nobel-laureate Aung San Suu Kyi won decisively. When the NLD finally assumed power in March 2016, more than 50 years of military rule was brought to an end.

In spite of these very positive developments, much remains to be done. Myanmar continues to face numerous challenges and the road ahead will not be easy. It is important that friends like Canada continue to support the country during its democratic transition.

Generally speaking, the gradual opening of Myanmar since 2010 has had a broad and positive impact. For one thing, the economy boomed. Fueled by investment, improved business confidence, growing commodity exports, buoyant tourism and credit expansion, the economy began to grow rapidly and is expected to continue to do so.

In other areas, including that of civil liberties, progress has been equally remarkable. The vast majority of political prisoners have been released, media freedoms have expanded considerably and social activists can now operate openly.

Partly as a result of these positive changes, Canada has begun referring to the country as ‘Myanmar’, a name originally adopted by the ruling military junta in 1989. At the time, the continued use of the name ‘Burma’ was seen as a means of supporting the country’s democratic movement. With the reforms of the last few years however, as well as the coming into office of Aung San Suu Kyi’s democratic government, Canada’s policy has been reviewed to adopt the name used by all in Myanmar.

Nevertheless, Myanmar continues to face significant political, social, humanitarian and economic challenges. As the Committee pointed out, the situation of ethnic and religious minorities, including that of the Rohingya, remains particularly troubling. The

Government of Canada is fully aware of the situation and has been pro-active in advocating for change, including through its Embassy in Yangon, which was established only three years ago.

Below is the Government's response to the specific recommendations made by the Committee, grouped as they were in the report:

Group 1: The Situation in Northern Rakhine

Recommendation 1: *Call upon the Government of Myanmar to end all restrictions on freedom of movement, allowing the Rohingya to access services, including educational and health services, and to earn livelihoods.*

Response:

Canadian officials have frequently encouraged the Government of Myanmar to improve living conditions for the Rohingya, including by lifting restrictions on freedom of movement and broadening access to educational and health services. Needless to say, such efforts are continuing.

Representatives of the Canadian Embassy in Yangon have visited Rakhine State on several occasions, including the Canadian Ambassador to Myanmar, who visited five times, in order to fully understand the situation on the ground. This has allowed Canadian officials to engage directly with state and local government representatives in order to advocate for better life conditions for the Rohingya.

Such advocacy has also been conducted with central authorities in Naypyitaw, the capital, at very senior levels. During his April 6-8, 2016 visit to Myanmar, the Minister of Foreign Affairs raised the challenges the Rohingya face in Rakhine with key interlocutors, including with Foreign Minister and State Counsellor Aung San Suu Kyi. The Canadian Ambassador to Myanmar has done the same on several other occasions since the establishment of the Canadian Embassy in 2013.

Canada also provides humanitarian assistance funding to the United Nations High Commissioner for Refugees (UNHCR) in Myanmar to help support advocacy with government officials on issues relating to displacement and statelessness.

Group 2: Myanmar's Cooperation with Humanitarian and Human Rights Organizations

Recommendation 2: *Urge the Government of Myanmar to guarantee unrestricted and meaningful access to humanitarian agencies that provide crucial life-saving services in Rohingya communities and camps for internally displaced Rohingya.*

Recommendation 3: *Press the Government of Myanmar to accept UN assistance in fulfilling their international human rights obligations, beginning with the conclusion of a Memorandum of Understanding for the establishment of a formal office of the UN High*

Commissioner for Human Rights in Myanmar, in part to facilitate independent inquiries into potential human rights violations and violence against ethnic and religious minorities.

Recommendation 4: *Call upon the Government of Myanmar to respect and protect the rights of all ethnic and religious minorities in its jurisdiction, including the right to practice religion as a community, beginning with the acknowledgement and acceptance of the relevant recommendations made in Myanmar's 2015 Universal Periodic Review before the UN Human Rights Council.*

Response:

Like other like-minded partners, ensuring free and unrestricted access by humanitarian organizations in Rakhine State, but also elsewhere in Myanmar, has and will continue to be an important aspect of the Government of Canada's efforts to advocate for improved conditions for ethnic minorities across the country. Canada's Ambassador to Myanmar has explicitly made this point to Rakhine State's Chief Minister, whom he has met three times in Rakhine and three more times in Yangon over the last few years. Embassy representatives have also advocated for better access with local officials during their visits to Rakhine.

It is important to point out that the Government of Canada is also providing humanitarian assistance funding – \$5.5 million in 2016 – to experienced humanitarian partners, such as the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF), with whom Minister Dion met when he visited Myanmar in April 2016, to respond to the immediate needs of conflict-affected and displaced populations throughout Myanmar, including the Rohingya. An important part of our humanitarian partners' work is to address these needs.

Other multilateral humanitarian partners funded in 2016 in Myanmar include UNHCR and the International Committee of the Red Cross. Such support helped provide emergency shelters, health and protection services, food, nutrition assistance and water, as well as sanitation and hygiene support.

When the Minister of Foreign Affairs met with Aung San Suu Kyi during his visit in April 2016, he also discussed ways to improve coordination between the various international agencies active in Myanmar.

In line with the FAAE's recommendation, the Government of Canada also agrees it would be advantageous if the Government of Myanmar fully benefited from the assistance and expertise of the UN by allowing for the establishment of a formal Office of the High Commissioner for Human Rights (OHCHR). Canadian officials have raised this issue with their Myanmar counterparts formally in a UN context, through the *Situation of Human Rights in Myanmar* resolutions which are adopted every year by the United Nations General Assembly's (UNGA) Third Committee and the Human Rights Council. For a number of years, Canada has been engaging in and co-sponsoring these resolutions, which since 2013 have called upon Myanmar to establish a formal OHCHR presence in the country.

The promotion of all freedoms, including of a religious nature, is at the core of Canada's foreign policy in Myanmar. For example, Canada's Minister of Foreign Affairs discussed religious freedoms numerous times during his April 2016 bilateral visit to Myanmar, always in the context of diversity, pluralism and inclusion. Senior officials from Global Affairs Canada also meet regularly with government and political representatives from Myanmar, including the Minister of Foreign Affairs and Deputy Minister for Religious Affairs to advocate for an end to the persecution of the Rohingya.

Finally, Canada is an active participant in the Universal Periodic Review (UPR) process. During Myanmar's November 2015 UPR, Canada made a number of recommendations including repealing and amending laws on race and religion; regularizing the citizenship of all individuals; ensuring effective birth registration; and ensuring the Bar Council's independence. Myanmar took note of all these and accepted that on the Bar Council with reservation. Needless to say, Canada intends to remain involved with Myanmar's next UPR in 2020.

Group 3: The Rohingya Migrant Crisis: 2012-2015

***Recommendation 5:** Encourage Myanmar's neighbouring countries – in particular, Malaysia, Indonesia, Thailand and Bangladesh, to adopt immigration practices that respect the rights of Rohingya asylum-seekers, including the right not to be returned to Myanmar before having applied for protected status, and urge the above regional players to work together to address the root causes of the Rohingya migration.*

Response:

In the wake of the May 2015 migrant crisis, which resulted in thousands of Rohingya and Bangladeshi people being abandoned at sea by smugglers, Canada urged Thailand, Malaysia and Indonesia to become parties to the 1951 Convention Relating to the Status of Refugees and the 1967 protocol to ensure respect for the principle of non-refoulement – this principle dictates that states shall not force refugees or asylum seekers to return to a country where they could be the subject of persecution. Canada also called upon Myanmar and Indonesia to uphold their obligations as Parties to the Protocol against the Smuggling of Migrants by Land, Sea, Air, supplementing the United Nations Convention against Transnational Organised Crime, which reinforces the principle of non-refoulement. More broadly, Canada also called upon Thailand, Malaysia and Indonesia, to meet the protection needs of vulnerable peoples, such as the Rohingya, in accordance with international law.

Canada is also active in Bangladesh, where some 200,000 to 500,000 Myanmar Rohingya reside. Of these, only 32,355 are registered with the UNHCR. They live in two refugee camps managed by UNHCR and the Government of Bangladesh. The conditions of the registered refugees are significantly better than those of the unregistered Rohingyas who live either in Bengali villages and communities in the Cox's Bazaar district or in squalid makeshift camps to which the UNHCR has no access, and which do not have latrines, sources of clean water, and with very limited access to

education.

Canada's High Commission in Dhaka maintains a continuous policy dialogue with the Government of Bangladesh and Canadian officials regularly conduct site visits, including in the two official refugee camps (Nayapara and Kutupalong) in the Cox's Bazar District – the most recent site visit was in August 2015 and the government of Canada intends to conduct others in the future. In 2016 Canada has so far provided \$500,000 in humanitarian assistance funding to UN agencies to help meet the needs of registered Rohingya refugees in Bangladesh – this includes \$250,000 to the UNHCR for the provision of basic services and protection, and \$250,000 to the United Nations World Food Programme for the provision of food and nutrition assistance. The Government of Canada also resettled 290 Rohingyas, within our borders between, 2006 and 2010. These individuals came from the registered camps.

Group 4: Lack of Citizenship and Exclusion

Recommendation 6: *Publicly, persistently and in coordination with like-minded states, advocate for the Government of Myanmar to accede to, ratify, and adhere to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and to amend its 1982 Citizenship Law to ensure the formal recognition of the Rohingya people as a national ethnic group and the restoration of full, unconditional citizenship, with all of its associated rights and freedoms. This would include the right of the Rohingya to run for elected office and other civil and political rights.*

Response:

Canada has co-sponsored two resolutions, at UNGA's Third Committee, which focuses on social, humanitarian and cultural issues, and at the Human Rights Council. The UNGA resolution called on Myanmar to ensure equal access to full citizenship and related rights, including civil and political rights, for all stateless persons and expressed continued concern over the 1982 Citizenship law. The Human Rights Council resolution adopted a stronger tone and urged the Government of Myanmar to grant full citizenship rights to Rohingya, including by reviewing the 1982 Citizenship Law.

Canada is not a signatory of the 1954 Convention relating to the Status of Stateless Persons and thus, we do not currently advocate for the Government of Myanmar, or any other, to accede to it. However, in 1978, Canada did ratify the 1961 Convention on the Reduction of Statelessness. The government takes note of the FAAE recommendation and, when the opportunity arises in the appropriate forum, will encourage the Government of Myanmar to do the same.

Group 5: The Role of Radical Monks

Recommendation 7: *Advocate for the Government of Myanmar to amend or repeal its four "laws on Protection of Race and Religion" (The Religious Conversion Law, the Myanmar Buddhist Women's Special Marriage Law, the Population Control Healthcare*

Law, and the Monogamy Law) and relevant government policies that currently constrain the family lives of the Rohingya people, including birth spacing requirements, limitations on number of children and the requirement for permission to marry.

Response:

Canadian Embassy officials in Myanmar have strongly advocated against the four religious laws prior to, during and after their adoption. The Canadian Ambassador to Myanmar did so with senior officials in Myanmar, such as the previous ministers of Foreign Affairs and of Religious Affairs. Senior officials from Global Affairs Canada raised similar points during a visit to Myanmar in 2015, including with the Deputy Minister of Religious Affairs, religious leaders of the Interfaith Committee and the media and we intend to continue to do so.

Canada has also been significantly active in a multilateral context, most publicly during Myanmar's 2015 Universal Periodic Review (UPR). Canada then recommended that Myanmar repeal or amend its four religious laws to protect the human rights of women as well as those of ethnic and religious minorities and to ensure consistency with international human rights obligations and standards -- Canada intends to be equally involved when the next iteration of Myanmar's UPR comes up in 2020. In addition, also in 2015, Canada strongly negotiated and subsequently co-sponsored the United Nations General Assembly resolution on the Human Rights Situation in Myanmar, which included concern over the enactment of the four laws.

Group 6: The Role of the Rakhine State Government

Recommendation 8: *Urge the Government of Myanmar to repudiate anti-Muslim violence, end impunity for acts of violence against the Rohingya and other minorities, and to develop a strategy for promoting tolerance between the Rakhine and Rohingya in Rakhine State.*

Recommendation 9: *Press the Government of Myanmar and the Government of Rakhine State to develop, in consultation with Rohingya leaders, a long-term solution to resettle Rohingya currently segregated in IDP camps, in a manner that is consistent with international human rights standards.*

Response:

The situation in Rakhine State is complex. In order to be able to play a constructive role and provide useful advice, it is important that Canada have first-hand knowledge of local conditions. Prior to 2013, when Canada had no resident diplomatic presence in Myanmar, this was extremely difficult. Since then however, Canadian officials, starting with the Canadian Ambassador to Myanmar, have visited Rakhine State on several occasions – the Ambassador has visited four times since taking up his role in 2013; the most recent visit by an Embassy official took place in January 2016. On each of these occasions, Canadian representatives visited camps for internally displaced persons as well as Muslim and Buddhist villages, discussed the possibility of resettlement, met with Muslim and Buddhist clerics and visited their respective places of worship. This allowed

our representatives to develop a broad understanding of the challenges in Rakhine State. This, in turn, made it possible for Canadian embassy officials to be more effective when encouraging state and local officials to establish a mechanism to foster tolerance and constructive dialogue between the state's two main communities.

In addition, the Embassy of Canada has regularly advocated to the Government of Myanmar for an improvement of conditions in Rakhine State with the embassies of like-minded countries. Such action, usually conducted in Yangon or Naypyitaw, has been extremely useful and has allowed the international community to present a unified front and speak with one, strong voice. The Government of Canada will continue these efforts.

It is worth noting here that in August 2016, the government of Myanmar announced the establishment of a new commission, headed by former UN Secretary General Kofi Annan, to help find a long-term, sustainable solution to the problems in Rakhine. While the government of Canada cannot alone claim full credit for this important and positive development, it is clear that our advocacy and that of our like-minded partners were significant factors. We will closely follow the work of the commission and look for opportunities to support its work.

Looking beyond government, civil society is one of the most important actors for promoting tolerance and improving understanding across ethnic and religious boundaries – this is key to ensure any future resettlement initiative works. This is why the Canadian government funds a number of initiatives to strengthen civil society in Myanmar. A concrete example of results is the 2016 \$18.5 million bilateral Inclusive Democracy in Burma project which supports over 40 ethnic minority civil society groups working on issues such as human rights, media (including one Rohingya organization), environmental management as well as health and community development. Additionally, the Canadian Embassy in Myanmar, through the Canada Fund for Local Initiatives, has been working closely with numerous local Non Governmental Organizations (NGOs) since the embassy opened in 2013 to promote not only freedom of expression, freedom of conscience and interfaith dialogue, but also Lesbian Gay Bisexual and Transgender (LGBT) rights along with civic education, throughout the country. To name just a few, some of Canada's closest partners in these efforts have included Equality Myanmar, PEN Myanmar, the Human Rights Film Institute, Colors Rainbow Myanmar and the Open Myanmar Initiative – Minister Dion met with many of these groups during his visit in April 2016. Results have included Canada being a key supporter of the Human Dignity Film Institute, which trains human rights filmmakers and mounts the annual Human Rights Film Festival. Canada has also supported public advocacy, legal workshops, and festivals promoting LGBT rights and workshops on freedom of expression.

As Myanmar emerges from decades of military rule and civil conflict, it has been exploring alternative decentralized governance systems such as federalism. This features prominently in both the National League for Democracy's election manifesto and the political agendas of ethnic minority stakeholders. A more equitable federal system has the potential to facilitate resettlement, reduce conflict and ease tension with

ethnic communities across the country, including in Rakhine State, by allowing various ethnic communities to gain some autonomy.

On federalism, Canada has much to contribute given our history and current government structure. Building on interventions previously supported by the Global Peace and Security Fund, Canada's development assistance program currently is providing \$5.1 million to the Forum of Federations for a variety of training and capacity building activities designed to increase knowledge and understanding of federalism among key stakeholders such as government officials, leaders of political parties and ethnic minority groups.

Group 7: Development Assistance

Recommendation 10: Continue to support democratic development programs in Myanmar that include technical assistance in the sectors of rule of law and justice. In addition, the Government of Canada should consider establishing or supporting "parliament to parliament" and "government to government" capacity-building and mentorship programs between Canada and Myanmar, and consider facilitating a constitutional and legislative review process that removes discriminatory restrictions on and addresses the needs of the Rohingya and other disenfranchised ethnic and religious minorities in Myanmar.

Recommendation 11: Participate in initiatives organized by the diplomatic community in Myanmar in order to coordinate advocacy and programming for human rights reform and democratic development with other donors, such as like-minded governments and international institutions.

Recommendation 12: Reassess its sanctions against Myanmar to ensure that it maximizes its deterrent effect on actors preventing the Rohingya from exercising their human rights, including those who incite anti-Muslim hatred and violence, without hampering development and democratization efforts.

Recommendation 13: Through its development assistance programming, ensure that the Rohingya in Myanmar as well as the Rohingya migrants in neighboring countries benefit from Canadian programming and aid.

Response:

For decades, governance in Myanmar was in the hands of the military. The country's parliament, like in so many other dictatorships, played a marginal role in the country's politics, with little-to-no influence on the development of the nation. It was unable to fulfill its most fundamental mandate, i.e. to echo the voice and will of the people.

This dark era in Myanmar's history is thankfully over. But the legacy of the military regime will take years, if not decades to erase. For example, any constitutional reform will have to address issues such as building a functional federal system and establishing a healthy, democratic civil-military relationship. Towards this end, and to

ensure that Myanmar's future is free and prosperous, it is crucial that the country improve democratic governance via, inter alia, the strengthening of the capacity of parliament and civil society. The Government of Canada is fully aware of this need and is taking action to meet it as described below.

On this front, the government of Canada believes the Parliamentary Friends of Burma (PFOB) can play a very important role. Established in 2006, the PFOB has remained actively seized of the situation in Myanmar throughout its existence. It fostered critical discussions, nationally and internationally, on the future of the country, conducted fact-finding missions, discussed the challenges Myanmar faced, debated its future path, and made recommendations to the government of Canada. The government of Canada hopes the PFOB will continue to contribute substantially to the Canada-Myanmar bilateral relationship.

In addition, and as noted earlier, the Canadian Ambassador to Myanmar and the Canadian Embassy in Yangon regularly participate in joint initiatives to advocate for the Rohingya and ethnic minorities, often in collaboration with like-minded embassy or NGOs. More specifically, Canada, along with UN organizations and other donors, takes part in discussions on humanitarian assistance and how to provide immediate services to ethnic communities in precarious situations, including the Rohingya. Canada also participates in a development forum focusing on Rakhine to determine how to contribute to the state's short and longer term sustainable development. Progress on this front should help reduce tension between the Rakhine and Rohingya communities, which is currently sharpened by the perception that Muslims get preferential treatment from the international community. The benefits of enhanced development would likely be more visible in Northern Rakhine, where the two communities live separately, but often in adjacent locations. Programs supporting the establishment of joint schools or markets may thus help both communities materially and, at the same time, get them to interact more.

With regards to sanctions, the *Special Economic Measures Act* does not allow Canada to impose sanctions on Myanmar individuals or entities unless it is for the precise purpose of implementing a decision, resolution or recommendation of an international organization of states or association of states, of which Canada is a member, that calls on its members to take economic measures against a foreign state, or where the Governor in Council is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crisis.

In 2007, Canada adopted autonomous sanctions against Myanmar under the *Special Economic Measures Act*, after the military regime violently cracked down on demonstrators during the Saffron Revolution. It was determined at that time, by the Governor in Council, that the gravity of the human rights and humanitarian situation in Myanmar, which was then going through massive unrest, was such that it threatened peace and security in the entire region, thus constituting a grave breach of international peace and security. The objective of the sanctions was to force the authorities to open

up the country and adopt reforms that would eventually pave the way to free elections and a democratic transition. This objective has now largely been achieved and thus, the situation in Myanmar today is incomparably different from that which prevailed close to a decade ago. This is why, as the FAAE pointed out in its report, Canada has removed most sanctions against Myanmar in 2012, maintaining only sanctions against certain individuals and entities as well as forbidding trade in arms and other related materials.

Four bilateral development projects were approved in 2015-2016. They were announced by Minister Dion when he visited Myanmar earlier this year. They cover activities such as women's economic empowerment (\$16.3M with Mennonite Economic Development Associates - MEDA), information management to enhance accountability and transparency in the collection, management, analysis and dissemination of socio-economic and development data (\$4.3M with the United Nations Development Programme), understanding federalism (\$5.1M with Forum of Federations) and promoting inclusive governance through support to ethnic civil society (\$18.5M through Inter Pares). The latter project targets to a small extent the Rohingya, by supporting a Rohingya media organization as well as a small civil society group working on promoting inter-community dialogue. The other projects help Myanmar build its governance capacity and this will indirectly benefit the Rohingya.

Finally, as indicated earlier, Canada is providing humanitarian assistance funding through UN agencies such as the WFP, UNICEF, and UNHCR as well as the International Committee of the Red Cross. In 2015 for example, Canada provided \$6.4 million to help respond to the immediate needs of conflict-affected and displaced populations throughout Myanmar. In addition, Canada provided \$2 million in humanitarian assistance funding to help address the needs of people that have been affected by the floods of July and August 2015. The previous year, Canada had provided \$8.1 million to help respond to the immediate needs of conflict-affected and displaced populations throughout Myanmar. An important part of our humanitarian partners' work is to address the needs of the most vulnerable, including the Rohingya, providing them with emergency shelters, health and protection services, food and nutrition assistance, and water, sanitation and hygiene support.

We thank the Committee for having chosen such an important topic. The present government believes in encouraging the positive momentum observed in Myanmar, as it is undergoing a transition towards more inclusive forms of governance. We are ready to take into consideration the recommendations of the committee, and to see where we can do more to support Myanmar's transition towards democracy for the benefit of its citizens, including the Rohingya.