



Policy Statement: “Navigating the thaw: Burmese-Canadian Relations in 2012 and beyond” By Canadian Friends of Burma (CFOB)

This statement follows on an April 27, 2012 consultation hosted by the Canadian Friends of Burma (CFOB) with the support of University of Ottawa and Canadian NGO Committee on Burma. The aim of the consultation was to deliberate on CFOB’s platform and the Government of Canada’s policy towards Burma in light of recent Burma-related changes and evolutions.

I) Policy on Recent Developments:

- CFOB welcomes the positive advances that have occurred in Burma including the November 2011 and January 2012 release of political prisoners and the April 1 2012 by-elections.
- These advances remain in effect tentative and CFOB accordingly maintains its 6-point policy recommendations to the Government of Canada (GoC) regarding its relations with Burma. The policy-points are iterated below.
- CFOB furthermore encourages the GoC to continue to push for the benchmarks of progress towards Burma’s democratization process that it outlined on January 27, 2011 during the UN Human Rights Council’s Universal Periodic Review of Myanmar. The principles and expectations laid out by Canada in such policy statements have in many respects not been met or abided by the Government of Myanmar (GoM).
- Pressingly, CFOB urges the GoC to strongly **voice concern for the ongoing conflict in Kachin State and to contribute humanitarian relief** assistance to the conflict’s refugee and internally displaced persons.

II) Policy Pillars for the GoC:

The following six points have been the foundation to CFOB’s advocacy efforts and these remain pertinent in the present day in spite of recent positive developments in Burma.

1. Canada must call for the abolishment of repressive laws and the immediate unconditional release of all political prisoners in Burma.

Fact: There are at least 493 confirmed political prisoners still behind bars in Burma (March 27, 2012) . The actual number is believed to be much greater, though those larger estimates cannot be verified given the lack of independent access to prisons and the GoM’s continued denial of the existence of political prisoners.

More broadly, the substantive advancement of democracy, Human Rights, and ethnic minority claims in Burma will remain curtailed as long as the 2008 Constitution remains unamended. This constitution, for example, assures the military independence from and oversight over the civilian government, and it negates the possibility of substantive compromises with important ethnic minority groups.



In addition to soliciting the release of political prisoners and undemocratic laws, Canada should adopt a stance in favour of efforts by Burmese within Burma to reform aspects of the country's 2008 Constitution.

2. Canada must call for a nation-wide ceasefire and troop withdrawal from conflict zones.

Fact: The GoM has signed several new ceasefire agreements since 2011. However, these agreements are unstable and in some instances subject to violations as evidenced, for example, by 2012 Burma Army clashes in the Shan State. Instead of withdrawing troops, the Burma Army is egregiously using the new ceasefires to reinforce and resupply troops in such ceasefire zones, including the supply of heavy weapons. More importantly, the violent conflict in Kachin State still remains unabated to this day. Peace talks must include agreements on political reform for ceasefires to be sustainable, but thus far the GoM has not agreed to such talks.

3. Canada must call for an inclusive dialogue

Ethnic and religious minorities and women must not be excluded from further dialogues seeking reform, peace, and democracy.

4. Canada must maintain calls for justice

Fact: Burmese military and government authorities nationwide continue to perpetrate abuses including sexual violence, arbitrary detention with torture, forced labour, forced relocations at gunpoint, and religious persecution (particularly against Muslims and Christians). Impunity for past and present Human Rights violations remains unchecked and justice for most victims remains unmet. More generally, effective Rule of Law in Burma remains absent. For example, no military officers or soldiers have been tried or convicted for human rights abuses and crimes under Burmese law including sexual assault, murder, and forced labour, whereas former military officers suspected of Human Rights violations hold government positions or seats in parliament.

5. Support of local civil society

Fact: Foreign support for decades-long partnerships with civil society and humanitarian organizations accessing Burma from across borders and assisting refugees in neighbouring countries is under threat as it undergoes a dramatic and deliberate withdrawal by some donor states. The withdrawal of this support has the potential to undermine peace processes in Burma. Canada should maintain its existing cross-border civil society and humanitarian commitments.

6. Sanctions

CFOB believes the recent suspension of sanctions to be premature because such suspensions have not been matched by sufficient progress on the part of the GoM. CFOB strongly advocates that all remaining sanctions that have not been suspended be maintained, such as those targeting individuals within the Burmese regime suspected of Human Rights violation and all military-related trade. The suspension of sanctions is

preferable to the lifting of sanctions, as the GoM reforms to date have been limited and reversible. It is therefore critical for the GoC to clarify the details and workings of this suspension and set clear benchmarks in case there is a need for the revoking of the suspension.

Fact: Most of the recent changes in Burma have not been accompanied by the legal and judicial reforms needed to make them sustainable. Whilst the reforms in Burma may be rolled-back swiftly and easily by the GoM, the suspension of sanctions will lend the present GoM new foreign investments and legitimacy that are not as readily reversible if the said reforms become stalled or overturned.

III) Forward-moving objectives:

Notwithstanding CFOB's reservations in regards to the April 24 suspension of sanctions, CFOB offers the following recommendations if economic and political exchanges do increase between Canada and Burma:

- Burma's socio-political context remains exceptionally sensitive with regards to foreign investment: Burma currently has an inadequate legal framework to regulate resource extraction; there is no independent judiciary; corruption is rife and continues with impunity; environmental protections are few to none; there are no systems in place for the democratic negotiation of optimal land use; repression of ethnic groups continues; armed clashes also continue in many areas.

In light of this exceptionally sensitive context, Canada should be vigilant of the unwitting consequences of increased and/or unrestrained trade and investment in Burma. Decades of experience around the world demonstrates that large extractive industry investment in such circumstances normally leads to more profound and intractable corruption, severe human rights abuses, irreversible environmental destruction, exacerbation and continuation of armed violence - including financing of continued violence - and increased and broad-based social conflict. The recent backdrop of positive changes in Burma serve to stress rather than detract from the importance of a cautious and principled approach to any trade in Burma undertaken by Canada. Just as there now exists newly emergent opportunities in Burma to address the country's sensitive socio-political context, so too are the potential pitfalls that may result from cavalier and self-interested foreign investment.

In short, **the situation in Burma is not and should not be perceived by foreign investors to be a case of 'business as usual'** and CFOB stresses that the stakes for Burma's future are great and that Canada must accordingly proceed in a cautious, self-restrained, and principled manner.



- Until such time as Burma has the legal, judicial, environmental, social, and political systems in place to adequately regulate mining and protect the rights, safety and economic and social well-being of its people, mining companies should not invest in Burma. If, given the suspension of sanctions, it is not possible to prevent such investment then the GoC must:
 1. not provide any forms of government support to Canadian or foreign companies who invest in Burma or who seek to invest in Burma, or to third parties in support of their partnerships with Canadian or foreign companies who invest in or who seek to invest in Burma, including financing (e.g., Export Development Canada loans), political support or equity ownership (e.g., through the Canada Pension Plan).
 2. require that Canadian mining companies who invest or operate in Burma publicly report on whether and how they abide by Canada's international human rights and environmental obligations, including the International Bill of Human Rights as well as other pertinent agreements such as the Convention on Biological Diversity, and that the GoC evaluates the credibility of these reports and publicly releases its assessments.
- Investment in civil society organizations and developmental organizations within Burma ought to not come at the expense of prior commitments and long-term partnerships Canada has held with similar organizations operating across Burma's borders from neighbouring countries or assisting refugees and migrants outside of Burma. **Such** cross-border organizations are often the only actors properly positioned to contribute assistance to peripheral regions of Burma and have built extensive capacity and systems through decades of experience, with support from CIDA and other international actors. Concretely, current CIDA commitments through the Canadian NGO Inter Pares must be maintained. Delivered by local organizations, this program focuses on enhancing the capacity of displaced people and community organizations to participate in and contribute towards democratic transition. Many of the regions in Burma served by these cross-border organizations still cannot be accessed from central Burma without severe restrictions.
- Canada should be more vociferous in its **recognition of the minority-based tensions and inequities** that underlie some of Burma's deepest challenges. Potentially, this can be a point of increased Canada-Burma ties if Canada were to leverage its own experience with 'federalism' bilaterally as well as multilaterally, possibly through Canadian civil society organizations. This subject may also be of pertinence to the newly inaugurated Office of Religious Freedoms.
- Canada should make its current short, medium, and long-term **public position with regards to Burma more explicit**. GoC should only support international



political initiatives on Burma that are completely transparent and implemented in consultation and cooperation with local people (including amongst ethnic minorities) and civil society.

IV) CFOB's Pledge:

- CFOB will seek to closely **monitor, evaluate, and comment on GoC policy** with regards to Burma, in accordance with the aforementioned six policy pillars.
- CFOB will closely **monitor, evaluate, and comment impartially on Canadian investment** and other commercial activities within Burma.
- In this period of optimism and progress, CFOB will continue to **harness and provide support from within Canada** to promote democracy, human rights and peace in Burma.

Canadian Friends of Burma (CFOB) is federally incorporated, national non-governmental organization working for democracy and human rights in Burma since 1991. Contact: Suite 206, 145 Spruce St., Ottawa, K1R 6P1; Tel: 613.237.8056; Email: cfob@cfob.org; Web: www.cfob.org