

Calendar No. 358

115TH CONGRESS
2D SESSION

S. RES. 376

Urging the Governments of Burma and Bangladesh to ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2018

Mr. MERKLEY (for himself, Mr. YOUNG, Mr. KAINE, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. TILLIS, Mr. DURBIN, Mr. VAN HOLLEN, Mr. MARKEY, Mr. WYDEN, Mr. RUBIO, Ms. WARREN, Mr. BROWN, Mr. COONS, Ms. SMITH, Mr. GARDNER, Mr. BOOKER, Mr. PERDUE, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations

MARCH 21, 2018

Reported by Mr. CORKER, with an amendment and an amendment to the preamble and an amendment to the title

[Strike out all after the resolving clause and insert the part printed in italic]

[Strike the preamble and insert the part printed in italic]

RESOLUTION

Urging the Governments of Burma and Bangladesh to ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military.

Whereas, on August 25, 2017, attacks on security posts in Burma by the military group Arakan Rohingya Salvation Army resulted in a brutal, systematic, and disproportionate reprisal by the Burmese military and security forces on Rohingya villages in Rakhine State;

Whereas more than 650,000 Rohingya refugees have fled to Bangladesh since the Burmese military commenced its scorched-earth campaign, with the burning of villages and local monuments, and reports of widespread gang rape, starvation, killing, and forcible deportation;

Whereas the Government of Burma has consistently denied access to the United Nations Fact-Finding Mission on Myanmar established to investigate human rights violations around the country;

Whereas Bangladesh Prime Minister Sheikh Hasina proposed that “safe zones” be created inside Burma to protect all civilians irrespective of religion and ethnicity under United Nations (U.N.) supervision;

Whereas the United Nations High Commissioner for Refugees (UNHCR)’s mandate is to provide, in collaboration with other actors, international protection to refugees and to assist them in finding durable solutions through voluntary repatriation, local integration, or resettlement;

Whereas the U.N. General Assembly has repeatedly affirmed UNHCR’s function of facilitating the voluntary repatriation of refugees and, in recognition of the importance of sustainable return, has widened its mandate to include providing assistance for their rehabilitation and dealing with the consequences of their return;

Whereas the fundamental operational principles of voluntary repatriation are safety, to include legal and physical safe-

ty, and dignity, to include treatment with respect and full acceptance by their national authorities, including the full restoration of refugees' rights;

Whereas, on November 23, 2017, the Government of Burma and the Government of Bangladesh signed an agreement, known as the “Arrangement”, on the return of displaced persons from Rakhine State, which is modeled after the 1992 repatriation agreement between Burma and Bangladesh;

Whereas the Arrangement includes references to restoring normalcy and human rights in Rakhine State, for refugee returns to comply with international standards of safety, dignity, and voluntariness, and to commencing a process to address root causes in line with the Rakhine Advisory Commission recommendations;

Whereas approximately 236,000 Rohingya refugees returned to Burma under the terms of the 1992 agreement, only to continue to be denied citizenship, face prejudice, violence, and persecution, and in many instances be forced to live in internally displaced persons (IDP) camps with their freedom of movement restricted;

Whereas Burma's 1982 citizenship law stripped Rohingya of their Burmese citizenship, rendering them stateless;

Whereas the Government of Burma continues to systematically discriminate against the Rohingya people, including by continuing to restrict registration of Rohingya births and to deny them freedom of movement, access to healthcare, land, education, marriage, voting rights, and political participation;

Whereas the Government of Burma has repeatedly abused land use laws to unjustly seize land from Rohingya refugees;

Whereas UNHCR is working closely with the Government of Bangladesh and partners to provide protection and assistance to the Rohingya refugees and to support the host populations affected by the influx;

Whereas the Government of Burma has not reached an agreement with UNHCR on its role in the safe, dignified, and voluntary return of Rakhine State refugees;

Whereas Myanmar Minister of Social Welfare, Relief and Resettlement Dr. Win Myat Aye, on December 28, 2017, announced that the repatriation process will begin on January 22, 2018;

Whereas there is concern that up to 100,000 Rohingya could be at risk of forced return into two “model villages” or supported by 1,200 tents provided by the Government of Burma, without assurances of their safety or details regarding long-term solutions to address root causes of Rohingya disenfranchisement;

Whereas “model villages” and similar tactics in Burma dating back to colonial rule have been used to strategically shift population groups and deepen religious and cultural divides;

Whereas, on December 12, 2017, Wa Lone and Kyaw Soe Oo, two journalists reporting and documenting atrocities against the Rohingya, were arrested and on January 10, 2018, formally prosecuted with violating the “Official Secrets Act,” further risking Burma’s democratic transition;

Whereas UNHCR, as of December 17, 2017, reports that conditions in Burma's Rakhine State are not yet conducive to enable safe and sustainable return, as refugees continue to flee Rakhine State into neighboring Bangladesh;

Whereas UNHCR reports that those who arrive have suffered immense violence and trauma in Burma, with some having witnessed the deaths of family members and friends and most having little or nothing to return to, with their homes and villages destroyed; and

Whereas there is concern that deep divisions between communities remain unaddressed and humanitarian access is inadequate: Now, therefore, be it

Whereas, on August 25, 2017, attacks on security posts in Burma by the military group Arakan Rohingya Salvation Army resulted in a brutal, systematic, and disproportionate reprisal by the Burmese military and security forces on Rohingya villages in Rakhine State;

Whereas more than 680,000 Rohingya refugees have fled to Bangladesh since the Burmese military commenced its scorched-earth campaign, with the burning of villages and local monuments, and reports of widespread gang rape, starvation, killing, and forcible deportation;

Whereas the Government of Burma has consistently denied access to the United Nations Fact-Finding Mission on Myanmar established to investigate human rights violations around the country;

Whereas Bangladesh Prime Minister Sheikh Hasina proposed that "safe zones" be created inside Burma to protect all civilians irrespective of religion and ethnicity under United Nations (UN) supervision;

Whereas the United Nations High Commissioner for Refugees (UNHCR)’s mandate is to provide, in collaboration with other actors, international protection to refugees and to assist them in finding durable solutions through voluntary repatriation, local integration, or resettlement;

Whereas the UN General Assembly has repeatedly affirmed UNHCR’s function of facilitating the voluntary repatriation of refugees and, in recognition of the importance of sustainable return, has widened its mandate to include providing assistance for their rehabilitation and dealing with the consequences of their return;

Whereas the fundamental operational principles of voluntary repatriation are safety, to include legal and physical safety, and dignity, to include treatment with respect and full acceptance by their national authorities, including the full restoration of refugees’ rights;

Whereas, on November 23, 2017, the Government of Burma and the Government of Bangladesh signed an agreement, known as the “Arrangement”, on the return of displaced persons from Rakhine State, which is modeled after the 1992 repatriation agreement between Burma and Bangladesh;

Whereas the Arrangement includes references to restoring normalcy and human rights in Rakhine State, for refugee returns to comply with international standards of safety, dignity, and voluntariness, and to commencing a process to address root causes in line with the Rakhine Advisory Commission recommendations;

Whereas approximately 236,000 Rohingya refugees returned to Burma under the terms of the 1992 agreement, only to continue to be denied citizenship, face prejudice, violence,

and persecution, and in many instances be forced to live in internally displaced persons (IDP) camps with their freedom of movement restricted;

Whereas Burma's 1982 citizenship law stripped Rohingya of their Burmese citizenship, rendering them stateless;

Whereas the Government of Burma continues to systematically discriminate against the Rohingya people, including by continuing to restrict registration of Rohingya births and to deny them freedom of movement, access to healthcare, land, education, marriage, voting rights, and political participation;

Whereas the Government of Burma has repeatedly abused land use laws to unjustly seize land from Rohingya refugees;

Whereas UNHCR is working closely with the Government of Bangladesh and partners to provide protection and assistance to the Rohingya refugees and to support the host populations affected by the influx;

Whereas the Government of Burma has not reached an agreement with UNHCR on its role in the safe, dignified, and voluntary return of Rakhine State refugees;

Whereas Myanmar Minister of Social Welfare, Relief and Resettlement Dr. Win Myat Aye, on December 28, 2017, announced that the repatriation process will begin on January 22, 2018, but this process has not yet begun;

Whereas there is concern that up to 100,000 Rohingya could be at risk of forced return into two "model villages" or into 1,200 tents provided by the Government of Burma, without assurances of their safety or details regarding long term solutions to address root causes of Rohingya disenfranchisement;

Whereas “model villages” and similar tactics in Burma dating back to colonial rule have been used to strategically shift population groups and deepen religious and cultural divides;

Whereas on December 12, 2017, Wa Lone and Kyaw Soe Oo, two journalists reporting and documenting atrocities against the Rohingya, were arrested and on January 10, 2018, formally prosecuted with violating the “Official Secrets Act,” further risking Burma’s democratic transition;

Whereas UNHCR, as of December 17, 2017, reports that conditions in Burma’s Rakhine State are not yet conducive to enable safe and sustainable return, as refugees continue to flee Rakhine State into neighboring Bangladesh;

Whereas UNHCR reports that those who arrive have suffered immense violence and trauma in Burma, with some having witnessed the deaths of family members and friends and most having little or nothing to return to, with their homes and villages destroyed; and

Whereas there is concern that deep divisions between communities remain unaddressed and humanitarian access is inadequate: Now, therefore, be it

Now, therefore, be it

1 *Resolved, That the Senate—*

2 ~~(1) condemns the violence and displacement in-~~
3 ~~flicted on Burma’s Rohingya and other ethnic mi-~~
4 ~~norities;~~

5 ~~(2) calls for an immediate halt to all hostilities~~
6 ~~by Burmese authorities;~~

1 (3) condemns the attacks by the Arakan
2 Rohingya Salvation Army militant group;

3 (4) calls on the Government of Burma to allow
4 full access to Rakhine State and ensure the full par-
5 ticipation of UNHCR, the internationally endorsed
6 organization tasked with ensuring that refugee re-
7 turns are voluntary, safe, dignified, and meet inter-
8 national refugee and human rights standards, and
9 that the voices of refugees are represented in order
10 to ensure the sustainability of such returns and to
11 prevent further waves of displacement;

12 (5) commends the positive role of the Govern-
13 ment of Bangladesh in receiving Rohingya refugees
14 to date and urges the Government of Bangladesh to
15 continue allowing the full participation of UNHCR
16 and human rights organization in accessing refugee
17 camps;

18 (6) calls on UNHCR and international non-
19 governmental organizations to play a role in moni-
20 toring repatriation efforts by the Governments of
21 Bangladesh and Burma to ensure a process that
22 meets international norms for voluntary, safe, and
23 dignified repatriation;

24 (7) calls on the U.N. to consider the feasibility
25 of Bangladesh's proposal for a "safe zone" or for a

1 peacekeeping mission to protect and defend vulner-
 2 able communities under international supervision;

3 (8) agrees that any return of Rohingya should
 4 include guarantees that any returns of refugees will
 5 be voluntary and dignified, that there will be no
 6 threats to protection or security upon return, that
 7 refugees will be able to return to their places of ori-
 8 gin or other locations as desired, and be able to
 9 enjoy equal rights with others in Burma, including
 10 the restoration or granting of full citizenship, free-
 11 dom of movement, and access to basic services;

12 (9) recognizes that any forced relocation of
 13 Rohingya refugees into temporary settlements, IDP
 14 camps, “model villages,” or other areas not of refu-
 15 gees’ choosing is unacceptable;

16 (10) calls on the Government of Burma to allow
 17 for a flexible and practical approach to dealing with
 18 evidence of Rohingya residence in Burma, recog-
 19 nizing that the Rohingya refugees in Bangladesh
 20 possess a wide range of documents and that some
 21 refugees have no documents and will need to estab-
 22 lish their residence by other means;

23 (11) calls on the Government of Burma to ad-
 24 dress root causes consistent with the Rakhine Advi-
 25 sory Commission recommendations and fully imple-

1 ment all of the recommendations of the Commission;
 2 including providing equal access to full restoration
 3 or granting of full citizenship for the Rohingya pop-
 4 ulation;

5 (12) calls on the Government of Burma to ac-
 6 knowledge and address the issue of statelessness for
 7 the Rohingya, the deprivation of rights, and institu-
 8 tionalized and pervasive discrimination of the
 9 Rohingya population in order to bring about any
 10 sustainable solutions;

11 (13) commends the Government and the people
 12 of Bangladesh for their extraordinary generosity and
 13 efforts to provide shelter and relief for nearly
 14 1,000,000 Rohingya refugees forced to flee their
 15 homes in Burma;

16 (14) calls on the Government of Bangladesh to
 17 ensure all refugees have freedom of movement and
 18 under no circumstances are subject to unsafe, invol-
 19 untary, precipitous, or uninformed returns to
 20 Burma; and

21 (15) calls on the Government of Burma to im-
 22 mediately release journalists Wa Lone and Kyaw
 23 See Oo.

24 *That the Senate—*

1 (1) *condemns the violence and displacement in-*
 2 *flicted on Burma's Rohingya and other ethnic mi-*
 3 *norities;*

4 (2) *calls for an immediate halt to all hostilities*
 5 *by Burmese authorities;*

6 (3) *condemns the attacks by the Arakan*
 7 *Rohingya Salvation Army militant group;*

8 (4) *calls on the Government of Burma to allow*
 9 *full access to Rakhine State and ensure the full par-*
 10 *ticipation of UNHCR, the internationally endorsed*
 11 *organization tasked with ensuring that refugee re-*
 12 *turns are voluntary, safe, dignified, and respect fun-*
 13 *damental human rights, and that the voices of refu-*
 14 *gees are represented in order to ensure the sustain-*
 15 *ability of such returns and to prevent further waves*
 16 *of displacement;*

17 (5) *calls on the Government of Burma to allow*
 18 *the United Nations-backed Independent International*
 19 *Fact-Finding Mission on Myanmar immediate and*
 20 *unfettered access to Burma, including northern*
 21 *Rakhine State, to establish the facts and cir-*
 22 *cumstances of the alleged recent human rights viola-*
 23 *tions by Burmese military and security forces against*
 24 *the Rohingya and other ethnic minorities;*

1 (6) commends the positive role of the Government
 2 of Bangladesh in receiving Rohingya refugees to date
 3 and urges the Government of Bangladesh to continue
 4 allowing the full participation of UNHCR and
 5 human rights organizations in accessing refugee
 6 camps;

7 (7) calls on UNHCR and international non-
 8 governmental organizations to play a role in moni-
 9 toring repatriation efforts by the Governments of
 10 Bangladesh and Burma to ensure a process that meets
 11 international norms for voluntary, safe, and dignified
 12 repatriation;

13 (8) agrees that any return of Rohingya should
 14 include guarantees that any returns of refugees will
 15 be voluntary and dignified, that there will be no
 16 threats to protection or security upon return, that ref-
 17 ugees will be able to return to their places of origin
 18 or other locations as desired, and be able to enjoy
 19 equal rights with others in Burma, including the res-
 20 toration or granting of full citizenship, freedom of
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2 for a flexible and practical approach to dealing with
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4 that the Rohingya refugees in Bangladesh possess a
5 wide range of documents and that some refugees have
6 no documents and will need to establish their resi-
7 dence by other means;

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9 dress root causes consistent with the Rakhine Advi-
10 sory Commission recommendations and fully imple-
11 ment all of the recommendations of the Commission,
12 including providing equal access to full restoration or
13 granting of full citizenship for the Rohingya popu-
14 lation;

15 (12) calls on the Government of Burma to ac-
16 knowledge and address the issue of statelessness for the
17 Rohingya, the deprivation of rights, and institu-
18 tionalized and pervasive discrimination of the
19 Rohingya population in order to bring about any sus-
20 tainable solutions;

21 (13) commends the Government and the people of
22 Bangladesh for their extraordinary generosity and ef-
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24 Rohingya refugees forced to flee their homes in
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 4 *tary, precipitous, or uninformed returns to Burma;*
 5 *and*

6 *(15) calls on the Government of Burma to imme-*
 7 *diately release journalists Wa Lone and Kyaw Soe*
 8 *Oo.*

Amend the title so as to read: “A resolution urging the Governments of Burma and Bangladesh to ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by ethnic cleansing conducted by the Burmese military.”.

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MARCH 21, 2018

Reported with an amendment and an amendment to the
preamble and an amendment to the title