

AN UPDATE ON THE ROHINGYA CRISIS

HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA, THE PACIFIC AND
NONPROLIFERATION

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

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CONTENTS

	Page
WITNESSES	
Schwartz, The Honorable Eric, President, Refugees International	7
Nu, Wai Wai, Executive Director, Women's Peace Network	17
Neville, Allyson, Associate Director for International Humanitarian Response Policy and Advocacy, Save the Children	23
Enos, Olivia, Senior Policy Analyst, The Heritage Foundation	30
INFORMATION SUBMITTED FOR THE RECORD	
Information submitted for the record from The Honorable Eric Schwartz	51
APPENDIX	
Hearing Notice	65
Hearing Minutes	67
Hearing Attendance	68
STATEMENT SUBMITTED FOR THE RECORD	
Statement submitted for the record from Representative Connolly	69

AN UPDATE ON THE ROHINGYA CRISIS

Monday, August 3, 2020

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA, THE PACIFIC, AND
NONPROLIFERATION
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC

The subcommittee met, pursuant to notice, at 2:03 p.m., via Webex, Hon. Ami Bera (chairman of the subcommittee) presiding.

Mr. BERA. The Subcommittee on Asia, Pacific, and Nonproliferation will come to order. Without objection, the chair is authorized to declare a recess of the committee at any point. And all members will have 5 days to submit statements, extraneous materials, and questions for the record subject to the length limitation in the rules. To insert something into the record, please have your staff email the previously mentioned address or contact full committee staff. Please keep your video function on at all times, even when you are not recognized by the chair. Members are responsible for muting and unmuting themselves. And please remember to mute yourself after you finish speaking.

Consistent with H.Res. 965 and the accompanying regulations staff will only mute members and witnesses as appropriate when they are not under recognition to eliminate background noise.

Seeing that we are a quorum, I will now recognize myself for opening remarks. Pursuant to notice, we are holding a hearing to discuss an update on the Rohingya crisis.

I want to thank the ranking member, Mr. Yoho, the members of this subcommittee, and our witnesses, members of the public for joining us today. While COVID-19 has had many harmful and negative consequences, one benefit is we are still able to continue to conduct our committee work, even if we have to do it as a virtual hearing. This topic is as timely as ever.

Later this month will mark 3 years since the Tatmadaw, the Burmese military, began what they called clearance operations against the Rohingya in the Rakhine State. In reality, what we witnessed was ethnic cleansing and what should be considered a genocide. According to the U.N. Independent International Fact-Finding Mission on Myanmar, what took place was actually the killing of thousands of Rohingya civilians, as well as forced disappearances, mass gang rapes, and the burning of villages in the hundreds.

We decided to hold this hearing because although our Nation and the world is grappling with a pandemic and massive economic recession, we have to continue to remain vigilant and watch what is happening around the world. What we have seen is these actions against the Rohingya are egregious and repulsive. But they are not without precedent. We would like to say that these are inhuman

acts, but these types of actions have unfortunately shown them to be depressingly regular and familiar in the 20th and 21st century. They should not be in this modern world.

It is the role of this subcommittee to provide oversight of this region, and we need to get back to our regular duties when we are not engaged in COVID responsiveness. What the hearing will look at, you know, it is that, clear 3 years later, Burma is still not respecting the basic human rights of the Rohingya. Three years later, the victims in Burma and Bangladesh and the international community are still dealing with the consequences. That is what this hearing will examine. What is the current status of those who have fled to Bangladesh and were placed in Cox's Bazar? How is COVID-19 shaping the situation on the ground? And how have Burma's neighbors welcomed or not welcomed the Rohingya refugees.

This hearing will also examine the role of the United States and the international community. What additional steps should the U.S. Government and the international community take to help the Rohingya people and assist Bangladesh in caring for them? How should we ensure justice and accountability for the victims of this brutal campaign against the Rohingya perpetrated by the Burmese military? And, finally, this hearing will examine prospects for peace and the return of the Rohingya State—or of the Rohingya to the Rakhine State.

With that, I look forward to the testimony of our witnesses. Have we been joined—I do see the ranking member, Mr. Yoho, on the call. And, with that, let me turn it over to the ranking member, Mr. Yoho, for his opening remarks.

Mr. YOHO. One, two, three, four, five. Can you hear me?

Mr. BERA. We can.

Mr. YOHO. Thank you, Chairman Bera.

And thank you for each of our witnesses for joining us today to discuss this important and timely issue facing the Rohingya. I look forward to this hearing—from hearing from each of you in how the United States can better save this population and hold the government of Myanmar accountable for its abuses. We are gathered here today due to the continued mistreatment of the Rohingya minority in Burma, a situation that has persisted since the early 1960's where the Rohingya have been stripped of their citizenship, basic human rights, and fundamental freedoms.

Conditions for the Rohingya worsened to a horrific extent several years ago when the region erupted into full-scale, State-sponsored violence, killing tens of thousands and forcing over 700,000 to flee to neighboring countries like Bangladesh.

During my time in Congress, my colleagues and I have repeatedly striven to hold the government of Myanmar accountable for its ethnic cleansing of the Rohingya. I was proud to be a cosponsor of the BURMA Act of 2019, which passed the House late last year and have led multiple efforts to usual the Treasury Department to hold Myanmar accountable through sanctions, which has led to the Trump Administration imposing visa and economic sanctions on nine Tatmadaw military officers and two military units for their involvement in extrajudicial killings in the Rakhine State.

While some actions have been taken, it has clearly not been enough to stop the violence. Despite many condemnations and sanctions from the United States, the international community, the Rohingya continues to face discrimination, violence, murder, rape, torture, and death from their own government. The approach our country and the international community has taken to resolve this crisis has failed.

Part of solving the crisis of this magnitude rests in definition, which some have been too cautious to act on. Let's be clear: what is happening in Myanmar toward the Rohingya is State-sponsored genocide, period. It has been our commitment since the Holocaust to resolve and to say "never again." Yet the cleansing of the Rohingya in the concentration camps in Xinjiang province in China with the Uighurs, the East Turk population, it is as if the world has forgotten the words and the promises made to stand strong against these types of injustices. Therefore, we must consider stronger measures than we have before, including the possibility of suspending aid to a government that has taken the lives and the livelihoods of an entire ethnicity within its borders. American tax dollars should not fund any kind of foreign assistance going to regimes responsible for disenfranchising over a billion of its own people, much less conducting a coordinated campaign of ethnic cleansing. The arrival of this pandemic has only worsened the conditions facing the Rohingya, as many find themselves in either overcrowded refugee camps with little access to medical attention and equipment.

As we move toward developing a reliable vaccine for COVID-19, the international vaccine organizations like Gavi and CEPI must play an active role in helping deliver lifesaving medical treatment to the Rohingya, many of whom find themselves without a government willing to provide for their wellbeing.

I look forward to hearing from our witnesses and my fellow colleagues on how we can change these goals. And thank you. And I apologize; I am on a cell phone, and I cannot read my notes. Thank you.

Mr. BERA. Thank you, Ranking Member Yoho.

In a moment, I am going to introduce our witnesses and recognize them for their statements, but I would like to take 1 minute to yield a minute to my good friend Mr. Chabot, who has been a leader on speaking out on behalf of the Rohingya and introduced with Chairman Engel the BURMA Act, which the committee and the House passed last year.

Mr. CHABOT.

Mr. CHABOT. Thank you very much, Chairman Bera, and also Ranking Member Yoho. And I will be brief.

We all know the tragic story about what happened here, how, beginning in August 2017, the Burmese military carried out a systematic, premeditated campaign of murder, rape, and terror amounting to genocide against the Rohingya.

Since then, I have worked with my colleagues on both sides of the aisle. And I want to especially thank Eliot Engel and also Joe Crowley, who was instrumental in working on this during his time in Congress, trying to raise awareness in our country and around the globe on this issue and hold the perpetrators accountable. The

House overwhelmingly voted in favor of proclaiming these atrocities a genocide and in sanctioning the perpetrators. Yet despite the outrage, not much has really changed over the last 3 years.

The humanitarian situation remains frozen with a million Rohingya in refugee camps in Bangladesh while international pressure has had little impact on the behavior of the Burmese Government or on the Burmese military.

With this in mind, we must not let the passage of time nor fatigue numb our horror at what happened in 2017 and what is happening to this day, nor our resolve to achieve a solution. So thank you for holding this, and I yield back.

Mr. BERA. Thank you, Mr. Chabot.

I will now introduce our witnesses. Our witnesses for today's hearing are The Honorable Eric Schwartz, Ms. Wai Wai Nu, Ms. Allyson Neville, and Olivia Enos. I would like to thank all of our witnesses for being here today.

The Honorable Eric Schwartz is currently president of Refugees International. He previously served as U.S. Assistant Secretary of State for Population, Refugees, and Migration from 2009 to 2011.

Ms. Wai Wai Nu is the founder and executive director of the Women's Peace Network in Myanmar. Nu is currently serving as a fellow at the Simon-Skjoldt Center for the Prevention of Genocide, U.S. Holocaust Memorial Museum. She spent 7 years as a political prisoner in Burma.

Allyson Neville is the associate director for International Humanitarian Response Policy and Advocacy at Save the Children, where she focuses on education in emergencies and the protection of children in conflict, as well as the Rohingya response in Afghanistan.

And, finally, Ms. Olivia Enos is a senior policy analyst in the Asian Studies Center at the Heritage Foundation, where she focus on human rights and national security challenges in Asia, including democracy and government challenges, refugee issues, and other challenges.

I will now recognize each witness for 5 minutes. And, without objection, your prepared written statements will be made part of record.

I will first call on The Honorable Eric Schwartz for your testimony. Mr. Schwartz.

**STATEMENT OF THE HONORABLE ERIC SCHWARTZ,
PRESIDENT, REFUGEES INTERNATIONAL**

Mr. SCHWARTZ. Thank you, Chairman Bera and members of the subcommittee for holding this hearing and for your important efforts surrounding Rohingya. I will summarize my written remarks submitted for the record.

August 25th will mark 3 years since the start of the expulsion of more than 700,000 Rohingya from Myanmar, also known as Burma. Nearly 900,000 are in camps in Bangladesh. Hundreds have recently been stranded at sea after being turned back from Malaysia and Bangladesh, and many have certainly drowned. Some 600,000 Rohingya remain in Burma, facing ongoing abuses.

I am going to address challenges in the refugee camps in Bangladesh, ongoing abuses in Burma, and the question of genocide and the global humanitarian imperatives around COVID-19.

I will begin with the challenges in Bangladesh. While small numbers of Rohingya in the camps have tested positive for COVID-19, testing is limited and the worst is yet to come. Access restrictions and other indirect effects of the pandemic have worsened conditions, and we are very worried about COVID-19's negative impact on gender-based violence in particular.

Misinformation about COVID-19 is pervasive in the camps and compounded by Bangladesh Government restrictions on communication. And we remained alarmed by government plans and early efforts to move Rohingya to Bhasan Char, an island in the Bay of Bengal in light of serious questions about safety and voluntariness of such movements. In Rakhine State in Burma, conditions remain unacceptable. And it bears mention that abuses in Burma are not restricted to the Rohingya, but extend to several ethnic minority groups throughout the country.

I will now turn to the question of genocide and the requests of a broad coalition that the State Department declare Burma responsible for genocide. This request of course is consistent with the December 2018 House Resolution that also called attacks on the Rohingya genocide.

As reflected in the Refugees International statement on genocide, the State of Burma is indeed responsible for killing thousands of Rohingya among other abuses specified in the Genocide Convention with the intent to destroy in whole or in part this population. I ask that the Refugees International statement on genocide be included in the hearing record.

A declaration would recognize the crime for what it is and promote accountability. It would bring global attention that could help prevent further atrocities. It could rally international pressure. It would signal solidarity with both the Rohingya and with Bangladesh and other countries that are hosting Rohingya.

Finally, I would be remiss if I did not return to the broader global response to COVID-19, especially as it implicates the Rohingya. In a webinar in which the chairman participated, the U.N.'s Emergency Relief Coordinator, Mark Lowcock, recently said that COVID-19 could conceivably infect over 600 million people in the world's most vulnerable countries. Mark estimated that the cost to protecting the most vulnerable 10 percent of the world's population from the worst effects of COVID-19 was about \$90 billion. He added that this would represent less than 1 percent, less than 1 percent of the amount devoted to COVID-19 stimulus packages by wealthy countries of world. A \$90 billion figure is reasonable; in fact, it may be low. And we and others are urging a \$20 billion U.S. contribution reflected both in moral imperative and the simple fact that this virus knows no borders.

Let me also emphasize the importance of broad access to affordable treatments, access to a vaccine, and our concern that governments are pursuing what the U.N. Secretary General has expressed concern about: vaccine nationalism.

To conclude, I urge members to press the Administration to continue U.S. leadership in this humanitarian response to Bangladesh, to request administration progress reports on funding and on critical implementation issues involving the government of Bangladesh

that are highlighted in my written testimony. I urge that you press the Administration to issue a finding of genocide.

And, finally, on the COVID-19 response globally, which impacts the Rohingya so dramatically, I hope you will press for supplemental assistance of \$20 billion, as well as for equitable access to treatment and to vaccines.

Thank you.

[The prepared statement of Mr. Schwartz follows:]



Testimony of the Honorable Eric Schwartz
President
Refugees International

**House Committee on Foreign Affairs
Subcommittee: Asia, the Pacific, and Nonproliferation
“An Update on the Rohingya Crisis”**

August 3, 2020

Thank you Chairman Bera, Ranking Member Yoho, and Members of the subcommittee for holding this important and timely hearing.

August 25, 2020 will mark three years since the coordinated attacks by the Myanmar military that led to the mass expulsion of more than 700,000 Rohingya—the majority of the Rohingya population that had been living in western Myanmar at the time. By September 5, 2017, Refugees International had already seen and known enough to declare publicly that the Myanmar military was responsible for crimes against humanity. In mid-September 2017, I traveled to Bangladesh to bear witness to what was occurring. I saw tragic evidence of those crimes as I witnessed hundreds of people streaming by foot from Myanmar to Bangladesh. And I visited with refugees in many make-shift locations who told me of unspeakable abuses that forced their flight from Myanmar.

Refugees International is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people in parts of the world impacted by conflict, persecution, and forced displacement. We conduct fact-finding missions to research and report on the circumstances of displaced populations globally. We do not accept any government or United Nations funding, which helps ensure that our advocacy is impartial and independent. Refugees International has been reporting on the Rohingya population for many years, focusing on host country conditions for Rohingya refugees, protection measures for Rohingya women and girls, and other humanitarian and human rights issues.

The Rohingya people remain one of the most persecuted populations in the world. Nearly 900,000 Rohingya refugees remain in crowded camps in Bangladesh. Some 600,000 Rohingya remain in Myanmar facing ongoing abuse. In the midst of a global pandemic, the Rohingya remain among the most vulnerable. In recent weeks, monsoon rains have brought high winds, flooding, and landslides that have affected the shelters of tens of thousands. Hundreds of desperate Rohingya refugees have been stranded at sea after being turned back from the shores of Malaysia and Bangladesh, and many are feared to have drowned.

The humanitarian needs of the Rohingya demand the world’s attention. But we cannot forget why the Rohingya in Bangladesh and other host countries find themselves in such desperate circumstances. The

state of Myanmar has persecuted the Rohingya for years, leading tragically to the operations in 2017 and thereafter that amount to crimes against humanity and genocide.

In my testimony, I will address four issues: (1) the COVID-19 pandemic and the humanitarian challenges in the camps in Bangladesh; (2) the ongoing abuses and high risk of atrocities in Myanmar; (3) the issue of genocide, and (4) the broader humanitarian imperatives around a COVID-19 response to assist vulnerable populations globally.

COVID-19 and the Humanitarian Challenge: The Camps in Bangladesh

As is the case with many populations in the global south, relatively small numbers of Rohingya refugees in camps in Bangladesh have tested positive for the COVID-19 virus. As of last week, there were 65 confirmed cases of COVID-19 in the camps and six confirmed deaths. But this is hardly the whole story. Testing has been limited, partially due to capacity constraints and partially due to distrust and misinformation flowing through the camps and discouraging Rohingya from coming forward to be tested. The population density in the camps – four times that of New York City – and underlying health conditions among many of the refugees living there make the Rohingya in the camps especially vulnerable to the spread of disease. While the actual number of individuals infected with the virus is not known, there is very good reason to believe that the worst is yet to come.

Beyond the direct threat of COVID-19, the indirect effects of the pandemic have already worsened conditions in the camps in Bangladesh. The Bangladesh government has reduced the presence of aid workers in the camps by 80 percent even as needs increase during the monsoon season.¹ This reduction leaves gaps in areas such as food insecurity, monsoon preparation, and emergency shelter repair.

As Refugees International will indicate in a report to be issued this week, we also have deep concerns about the pandemic's impact on efforts to address gender-based violence (GBV). Prior to the pandemic, screening data suggested that one in four Rohingya women and girls in Cox's Bazar—the district in Bangladesh with settlements that host the world's largest population of refugees—experienced GBV. However, most did not seek help. Of those who did, more than 80 percent were seeking assistance because they experienced intimate partner violence (IPV). Since the COVID-19 pandemic has locked down the camps, reporting has dropped by an estimated 50 percent, but it is unlikely that this reflects any decrease in IPV. Rather, lockdowns have almost certainly made it far more difficult for survivors to report abuse.² In fact, GBV service providers are confident that IPV is actually increasing despite reporting declines.

¹ "Rohingya Camps in Bangladesh Under Complete Virus Lockdown," RFI, April 9, 2020, <https://www.rfi.fr/en/international/20200409-rohingya-camps-in-bangladesh-in-complete-coronavirus-lockdown-risk-spread-covid-19>.

² Laurence Gerhardt, Stephen Katende and Marcus Skinner, "The Shadow Pandemic: Gender-Based Violence among Rohingya refugees in Cox's Bazar," International Rescue Committee, May 2020, <https://www.rescue-uk.org/sites/default/files/document/2247/theshadowpandemicbangladesh.pdf>.

An NGO staff member who provides psychosocial counseling to survivors of IPV in Cox's Bazar explained to Refugees International:

“We know that the lockdown is increasing violence within homes—it is inevitable. The problem is we cannot show this with numbers because the reporting has gone down and we can no longer conduct home visits. Colleagues of mine doing similar work around the world have said the same thing. I feel so helpless knowing that this is going on and not being able to get to the women and girls who are suffering.”

Misinformation about COVID-19 is also running rampant in the camps, discouraging refugees from seeking medical assistance. UN surveys show that many residents believe that only “bad” Muslims can contract the virus or that infected people will be put to death.³ The ability to counter these rumors, and to monitor and report possible cases, has been impacted by ongoing government limitations on phone and internet access for refugees in the camps.

Restrictions on the rights of Rohingya in the camps was a concern even prior to the pandemic. In February of this year, Refugees International urged the government of Bangladesh to reverse limitations on internet access and mobile communications, and to take other measures to provide Rohingya refugees with opportunities to play a greater role in decisions that impact their lives.⁴

It is encouraging that some Rohingya civil society groups and volunteer networks have been stepping in to fill gaps in COVID-19 humanitarian response and awareness raising. But these efforts come in the context of ongoing government restrictions that remain of great concern.

Refugees International also remains alarmed by government of Bangladesh plans to move Rohingya refugees to Bhasan Char, an island in the Bay of Bengal. Some 300 Rohingya who had been rescued at sea in recent weeks are already on the island. As Refugees International has warned, serious questions about the safety and voluntariness of such a relocation remain unanswered.⁵ Before any move to relocate Rohingya, the government of Bangladesh should first allow thorough and independent technical and protection assessments by the UN Refugee Agency (UNHCR) and other international actors to determine the feasibility and safety of such a move. That has still not happened.

Ongoing Abuses and High Risk of Atrocities in Myanmar

The ultimate solution for the humanitarian crisis faced by Rohingya in Bangladesh – and the one they themselves seek – is a return to their homes in Myanmar. However, conditions for safe, voluntary, dignified, and sustainable returns are far from being realized.

³ “COVID-19 Explained: Overview of Rohingya Perceptions,” UN Migration (IOM) and ACAPS, Edition #1, March 26, 2020, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/covid-19_explained_edition1.pdf.

⁴ Dan Sullivan, “A Voice in Their Future: The Need to Empower Rohingya Refugees in Bangladesh,” Refugees International, February 5, 2020, <https://www.refugeesinternational.org/reports/2020/2/5/a-voice-in-their-future-the-need-to-empower-rohingya-refugees-in-bangladesh>.

⁵ “Refugees International Warns Against Relocating Rohingya to Bhasan Char Island,” Refugees International, March 28, 2019, <https://www.refugeesinternational.org/reports/2019/3/28/refugees-international-warns-against-relocating-rohingya-to-bhashan-char-island>.

In fact, Refugees International remains deeply concerned that the human rights situation in Rakhine State continues to be unacceptable. Over the past year, the Myanmar military has been fighting an ethnic armed group known as the Arakan Army. That fighting has affected civilians across the state, including both ethnic Rakhine and Rohingya. In June, warnings by the military of “clearance operations” caused tens of thousands (mostly ethnic Rakhine) to flee their homes. “Clearance operations” were the same term used ahead of the mass expulsion of the Rohingya.

The government of Myanmar has also restricted internet access to large areas of northern Rakhine State. Access for international humanitarian organizations has long been restricted in the area. Last month, a group of humanitarian organizations working in Rakhine State warned that recent fighting between the military and the Arakan Army, including reports of burning of villages and arbitrary detention of civilians, “will likely cause greater hunger, displacement and human suffering at a time when populations are dealing with COVID-19 and heavy rains from the monsoon season.”⁶

More than 100,000 Rohingya in Rakhine State remain in internal displacement camps that are effectively open-air prisons. Rohingya homes have been destroyed, and Rohingya lands have been populated by other ethnic groups. Implementation of plans to shut down some of the camps has amounted to little beyond moving the displaced to structures next to the camps and labeling the structures “villages.”

Even for those Rohingya not in camps, restrictions on movement and access to healthcare and education remain. Reports of arbitrary arrests and sexual violence at the hands of security forces continue to emerge. Such abuses are not restricted to the Rohingya, but extend to several ethnic minority groups including the Chin, Kachin, Karen, Rakhine, and Shan.

COVID-19 also looms as a threat to ethnic minorities in Myanmar. The underlying conditions of displacement and disenfranchisement leave the Rohingya particularly vulnerable.

In short, the abuses of the Rohingya and other ethnic minorities are not a thing of the past in Myanmar. As an independent UN Fact Finding Mission has warned, “The State of Myanmar continues to harbour genocidal intent and the Rohingya remain under serious risk of genocide.”⁷ Likewise, the International Court of Justice, currently hearing a case of genocide against Myanmar, has found sufficient concerns to release provisional measures in January 2020 requiring Myanmar to show that it is preserving evidence of abuses and taking steps to prevent genocide.⁸

Why a Genocide Determination Matters

As you may know, Refugees International, supported by some 80 organizations and an array of legal scholars, is engaged in a campaign to encourage the Secretary of State to determine and declare that

⁶ “Myanmar: INGOs concerned upsurge in fighting in Rakhine State will cause greater hunger, displacement and vulnerability,” Reliefweb, June 30, 2020, <https://reliefweb.int/report/myanmar/myanmar-ingos-concerned-upsurge-fighting-rakhine-state-will-cause-greater-hunger>.

⁷ “Detailed findings of the Independence International Fact-Finding Mission on Myanmar,” United Nations Human Rights Council, September 16, 2019, <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx>.

⁸ “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) – Provisional Measures,” International Court of Justice, January 23, 2020, <https://www.icj-cij.org/en/case/178/provisional-measures>.

the state of Myanmar is responsible for the crime of genocide. We are disappointed that a State Department review of abuses by the state of Myanmar has not yet led to this finding, as we believe it is highly justified. As reflected in our statement on the issue,⁹ we are convinced that the state of Myanmar is responsible for the killing of thousands of Rohingya, among other abuses proscribed in the Genocide Convention, with the “intent to destroy, in whole or in part” this population.

We ask that Refugees International’s statement on genocide cited above be included in the record.

Even—and especially—as the world confronts the COVID-19 pandemic, there are several reasons why such a declaration is critically important.

First, it would recognize a crime for what it clearly is and would bolster accountability efforts. As Refugees International has stated in our own genocide determination, this is not a conclusion we reached lightly, “but the evidence of the widespread, systematic nature of the attacks on the Rohingya and the intent reflected in the rhetoric and actions of the Myanmar military leads inevitably to this conclusion.”

The evidence of crimes against humanity and genocide has only grown since that time. Doctors Without Borders¹⁰ and Physicians for Human Rights carried out surveys and conservatively estimated at least 6,000 Rohingya were killed during the attacks.¹¹ The U.S. Department of State conducted a survey of 1,024 Rohingya refugees and found that nearly 40 percent of those surveyed witnessed rape committed by Myanmar security forces.¹² The study concluded that the violence was “extreme, large-scale, widespread, and seemingly geared toward both terrorizing the population and driving out the Rohingya residents.” The scope and scale indicated the military operations were “well-planned and coordinated.” An independent UN Fact Finding Mission found that a history of racist and derogatory language, along with the brutality of the attacks, the widespread use of sexual violence, and the organized nature of the attacks collectively “demonstrate a pattern of conduct that infers genocidal intent on the part of the State to destroy the Rohingya, in whole or in part, as a group.”¹³

Second, a genocide finding would bring much needed global attention that could help prevent further atrocities. The Rohingya remain at high risk of genocide. A key risk indicator for atrocity crimes is the lack of outside attention. At a moment in which there are serious concerns about ongoing abuses, a genocide determination would put Myanmar clearly on notice that it is being watched.

⁹ Refugees International statement on genocide against the Rohingya, April 30, 2020, accessible at <https://www.refugeesinternational.org/reports/2020/4/27/a-call-to-action-on-myanmars-genocide-against-the-rohingya>.

¹⁰ “MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar,” Doctors Without Borders, December 12, 2017, <https://www.msf.org/myanmarbangladesh-msf-surveys-estimate-least-6700-rohingya-were-killed-during-attacks-myanmar>.

¹¹ Parveen K Parmar, Jennifer Leigh, Homer Venters, Tamaryn Nelson, on behalf of the PHR Rohingya Study Group, “Violence and mortality in the Northern Rakhine State of Myanmar, 2017: results of a quantitative survey of surviving community leaders in Bangladesh,” Physicians for Human Rights, March 1, 2019, [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(19\)30037-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(19)30037-3/fulltext).

¹² “Documentation of Atrocities in Northern Rakhine State,” U.S. Department of State, September 24, 2018, <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/documentation-of-atrocities-in-northern-rakhine-state/>.

¹³ “Detailed findings of the Independence International Fact-Finding Mission on Myanmar,” United Nations Human Rights Council, September 16, 2019, <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx>.

Third, a designation would help to sustain and increase international attention, and could rally international pressure, including additional multilateral targeted sanctions. The United States has levied sanctions on Senior General Min Aung Hlaing and other top generals, but other countries have not followed. A statement of genocide would help to convey the seriousness with which the United States views the crimes by the state of Myanmar. This attention could also play a role in deterring further abuses, as nearly all governments seek to avoid being shamed. Over time, it could also help to pressure the government and military of Myanmar to create conditions that might eventually permit return of the Rohingya. This sensitivity to outside opinion was in fact reflected in the appearance of Aung San Suu Kyi before the International Court of Justice in its genocide proceeding last December 2019.¹⁴

Finally, a U.S. designation of genocide against Myanmar would signal solidarity with countries, like Bangladesh, hosting Rohingya refugees, and with Rohingya still in Myanmar. The government of Bangladesh has taken in hundreds of thousands of refugees and is struggling to host them. A show of concerted pressure on Myanmar would go a long way in showing that Bangladesh is not alone in the effort to support the Rohingya, and could help to promote more constructive policies toward Rohingya refugees as long as they must remain in the country.

COVID-19 and the Global Humanitarian Response

Finally, if I may return to the issue of COVID-19, and broaden the discussion from the camps in Bangladesh and the humanitarian needs of the Rohingya to the concerns of vulnerable populations around the world. I would be remiss if I did not address this concern in any forum considering the impact of the COVID-19 pandemic in a humanitarian setting. I would also be remiss if I didn't underscore the imperative of a generous U.S. contribution to the international COVID-19 humanitarian response effort—in particular, an additional \$20 billion in emergency supplemental funding for international assistance focused on the COVID-19 response.

Mr. Chairman, you participated last month in a Center for Strategic and International Studies webinar in which the UN's Emergency Relief Coordinator and Undersecretary General for Humanitarian Affairs graphically described the critical importance of a generous global response. Based on analysis and research of his UN office, the Emergency Relief Coordinator said that COVID-19, if left unmitigated, could infect over 600 million people in the world's most vulnerable countries. He emphasized the indirect impacts of the pandemic—on efforts to address HIV, tuberculosis, and malaria, and the specter of multiple famines. And he highlighted the tragic fact that, to use his words, "COVID-19 is still only getting going—we are still months away from the peak."

Mr. Lowcock estimated that the cost of protecting the most vulnerable from the worst effects of COVID-19 was about \$90 billion.

On one level—on almost any level—that is a lot of money. But tellingly, he also estimated that this would represented less than one percent—less than one percent—of the amount of world stimulus packages that the rich countries of the world have begun to implement. In other words, to protect the poorest ten percent of the world's population from the worst effects of the pandemic would require a

¹⁴ Daniel Sullivan, "Aung San Suu Kyi's Defense of Genocide," *Fair Observer*, December 13, 2019, <https://www.refugeesinternational.org/reports/2019/12/16/aung-san-suu-kyis-defense-of-genocide>.

global investment of less than one percent of what wealthy countries are already spending. With that frame, \$90 billion is a reasonable overall expectation—in fact, it may be low—and a \$20 billion contribution from the United States would not only be reasonable and consistent with the U.S. expressed commitment to humanitarian leadership, but also in the interests of the United States in light of the simple reality that this virus knows no borders.

Let me also not miss the chance to emphasize the importance of access to affordable and effective treatment for COVID-19, as well as access to a vaccine after one or more are developed. As was noted in Refugees International's July issue brief on COVID-19,¹⁵ in April the UN General Assembly passed a resolution calling for "equitable, efficient and timely access to any vaccine developed to fight the pandemic."¹⁶ The WHO has set up an initiative with member states and private foundations to produce and distribute both therapeutics and a "people's vaccine."¹⁷ But the WHO effort remains massively underfunded. Countries like China and the United States have yet to contribute. Meanwhile, governments with deep pockets are making deals with major pharmaceutical companies to mass produce vaccines for domestic consumption. All this suggests some of the world's most needy will be left out. So far, those insisting on equity of access to a vaccine have focused primarily on distribution across countries. However, for a future vaccine plan to be truly effective, it will also need to prioritize equitable access for vulnerable populations and to accommodate distribution in humanitarian crisis zones.

¹⁵ Hardin Lang, "COVID-19 and the Other One Percent: An Agenda for the Forcibly Displaced Six Months into the Emergency," Refugees International, July 15, 2020, <https://www.refugeesinternational.org/reports/2020/7/14/covid-19-and-the-other-one-percent-an-agenda-for-the-forcibly-displaced-six-months-into-the-pandemic>.

¹⁶ "International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19," United Nations General Assembly Resolution, April 15, 2020, <https://www.un.org/pga/74/2020/04/15/international-cooperation-to-ensure-global-access-to-medicines-vaccines-and-medical-equipment-to-face-covid-19/>.

¹⁷ "Equitable access to covid-19 vaccine for all must include refugees and migrants", *thebmjopinion*, May 19, 2020, <https://blogs.bmj.com/bmj/2020/05/19/equitable-access-to-covid-19-vaccine-for-all-must-include-refugees-and-migrants/>.

Recommendations

On each of these critical issues, there is much that the Congress can do.

On humanitarian issues in Bangladesh, we would urge that you press the administration to continue U.S. leadership in funding for the Joint Response Plan in the Rohingya Humanitarian Crisis and request progress reports from the administration on funding, on efforts to encourage other donors to come forward, and on key humanitarian implementation issues involving the government of Bangladesh. These issues include –

- Lifting of restrictions on internet access and mobile communications in the camps,
- Refraining from relocating refugees to Bhasan Char until serious concerns are addressed and Rohingya refugees are properly informed about conditions they would face there;
- Promoting participation of Rohingya groups in the camps in the overall humanitarian response;
- Recognizing Rohingya refugee rights, including access to justice, health services, cash and livelihoods, as well as freedom of movement.

On human rights and genocide-related issues, we urge that you press the administration to issue a finding of genocide, and support international accountability efforts underway at the ICJ and in other fora, and that you continue to support targeted sanctions measures against the government of Myanmar including against military-owned enterprises.

On the COVID-19 response globally, we strongly urge that you support supplemental assistance of \$20 billion, as outlined in our testimony.

Mr. BERA. Thank you, Mr. Schwartz.
I will now call on Ms. Wai Wai Nu for her testimony.

**STATEMENT OF WAI WAI NU, EXECUTIVE DIRECTOR, WOMEN'S
PEACE NETWORK**

Ms. NU. Thank you, Chairman Bera, Ranking Member Yoho, and members of the subcommittee for the opportunity to update you today. I want to thank the U.S. House of Representatives for demonstrating a strong commitment to end mass atrocities in Myanmar.

Distinguished members, I was just 10 years old when Myanmar military regime put me and my family in prison in 2005. My father was a political leader allied with Daw Aung San Suu Kyi during the democracy movement. But unlike other politicians, my father was targeted because he is Rohingya. My entire adult life has been dedicated to fighting this persecution. I knew from an early age that we were targeted because of our ethnicity and religion. Imagine our excitement and hope when we were able to join a country in the beginning of democratic transition in 2012 after 7 years of imprisonment. But our hope was quickly shattered when Myanmar military ravaged the Rakhine State that same year, running villages to the ground, and displacing tens of thousands of my people. Many of whom still live in destitute camps today.

In August 2017, the military unleashed a campaign of clearance operations, which resulted in mass destruction, killing, and expulsions of over 850,000 people to flee across the border to Bangladesh. The U.N. Fact-Finding Mission on Myanmar and the Holocaust Memorial Museum determined this purge to be a genocide.

The violence—sexual violence primarily against women and girls and also men and boys was used as a weapon and left a trail of trauma. And that will last generations. Now 3 years on, over 1 million Rohingya people living in limbo in squalid refugee camps in Bangladesh as you described, barely surviving with a few donations items from NGO's. In countries like Malaysia, Thailand, India, Rohingya are targeted for hate speech, and many live in fear. And still remains too unsafe for the Rohingya to return to Myanmar, where over 600,000 Rohingya remaining in the country face systemic persecution and living under the threat of genocide.

Dear distinguished members, all of this was preventable. This was the failure to address root causes of persecution against Rohingya. Similar tactics used against ethnic minorities in Myanmar for decades continue today as military inflict abuses on civilian in Rakhine, Shan, and Koran States while the peace process has stalled. So far, impunity has reigned for much atrocities in Myanmar.

Despite of the dire situations of the Rohingya, I have been deeply inspired by the sheer resilience and the unwavering spirit of my people, your leadership and interest in Myanmar is critical to success. Here are seven key demands from the Rohingya community in Myanmar, Bangladesh, and the diaspora on how you can support us. First, my people want to return to our homeland with the restoration of full citizenship rights and equal rights, and restitution of the damage to our land and livelihood. We cannot be relocated

to the internment camps or segregated Muslim zones to be forced to identify ourselves as Bengali via a national verification card.

Second, I want to thank the U.S. for imposing sanctions on Myanmar military officials and ask that you also impose financial sanctions on military owned businesses since the income generated from these businesses enable the military to continue its brutal acts.

Third, the U.S. Congress must pass the BURMA Act.

Fourth, the U.S. must support international criminal accountability efforts as it is clear that Myanmar lacks both the political will and independent judiciary to deliver justice.

Fifth, the Rohingya people still being denied the right to vote, despite of our long history of political participation and leadership in Myanmar. The U.S. Congress must strongly urge the Myanmar Government to hold free, fair, and fully inclusive elections on November 2020. Without the participation of Rohingyas, these elections cannot pass as a democratic act.

Sixth, the U.S. Government should call the crimes what they are: genocide. Refusing to do so helps the Myanmar government in its aim to deny our identity and existence as Rohingya people.

Finally, it is imperative that every government and agency consult the Rohingya people in all decisions impacting our lives.

I appreciate you inviting me here today, and you must push Myanmar government to work with the Rohingya people to address root causes and bring about a long-term solution. I would like to thank Chair Bera, Ranking Member Yoho, and members of the subcommittee one more time for giving me this opportunity to brief you all and I look forward to your questions.

Thank you.

[The prepared statement of Ms. Nu follows:]

**Testimony before the House Foreign Affairs Subcommittee on Asia, the Pacific
and Nonproliferation
Wai Wai Nu
August 9, 2020**

Thank you, Chair Bera, Ranking Member Yoho and members of the subcommittee for inviting me to update you on the Rohingya crisis. I am particularly grateful to the House of Representatives for your overwhelming bipartisan support in passing the BURMA Act last year. Even though the BURMA Act has stalled in the Senate and has yet to become law, I want to thank the U.S. House of Representatives for demonstrating a strong commitment to ending human rights abuses and mass atrocities in Burma.

My Story and the Background of Ethnic Persecution

Honorable Members, I was just 18 years old when Myanmar's military dictatorship put me and my family in prison in 2005. My father was a political leader allied with Daw Aung San Suu Kyi during the freedom and democracy movement, but unlike other politicians, my father was targeted because he is Rohingya. My entire adult life has been dedicated to fighting this persecution. I knew from an early age that we were targeted because of our ethnicity and religion. Imagine our excitement and hope, when after seven years in prison, we were able to join our country in beginning a democratic transition in 2012.

But our hopes were quickly shattered when the Myanmar military ravaged Rakhine State that same year, burning villages to the ground and displacing tens of thousands of my people. Many of whom still live in destitute camps today. The intentions of the government towards the Rohingya were clear: remove us from our land, strip our basic freedoms, including the right to marry, have children, and access education, basic health care and food and destroy us as a group and people. Our very existence as a people, Rohingya itself was removed- with denials of our history, our removal from the census and subsequent disenfranchisement.

And yet, the violence didn't stop. In August 2017 the military unleashed a campaign of "clearance operations" which resulted in mass destruction and forced over 850,000 of my Rohingya brothers and sisters to flee across the border to Bangladesh. The U.S. Holocaust Memorial Museum determined this violent purge to be a genocide. So too, the UN Fact-Finding Mission on Myanmar (FFM) concluded that this treatment "constituted crimes against humanity, war crimes and underlying acts of genocide."

Sexual violence, primarily against women and girls, but also men and boys was used as a weapon and left a trail of trauma that will last generations. Now I work with many survivors of these mass atrocities - among them a 24-year-old woman told me how her child and husband were murdered in front of her eyes, and how she was taken to a house raped and mutilated by

soldiers. She literally busted through the bamboo wall to escape this torture and flee to Bangladesh. Her injuries, including a broken backbone, now prevent her from working and her life is forever changed. This is one story of many women I know. As they look for reasons as to why this happened to them, they can only conclude, like I did after seven years in prison for no reason, that this happened purely because they are Rohingya.

Suffering on both sides of the border

Now, three years on, as if being victims and survivors of genocide is not bad enough, over a million Rohingya people are living in limbo, in squalid refugee camps in Bangladesh, barely surviving with three donation items from NGOs such as rice, beans and oil. The Internet, essential for access to information at any time and a life-saving necessity during the COVID pandemic, has been cut off and there is no future. People seeking a better situation on rickety boats sail towards Malaysia or Indonesia but often become prey for human traffickers or arrive at further persecution and alienation in foreign lands.

Rohingyas who have fled Burma now face serious risks in Bangladesh, Malaysia, Thailand, India, and elsewhere, where they face online hate campaigns and fear of deportation - and all of this was preventable. It was the failure to address the root causes of persecution against the Rohingya that led to the genocide, and the ongoing risks my community continues to face.

It is also a reminder that the problem is not bi-national. Likewise, this committee should be reminded that a long term solution cannot be unilateral.

In Burma, the NLD continues the practice of restriction on freedom of movement, discriminatory policies on livelihoods, and our people suffer tragically on a daily basis. Those who make the difficult and expensive choice of trying to flee to other parts of the country face arbitrary detention - detained for trying to survive. Hundreds of thousands remain displaced or caught in a war zone, and those that flee are arbitrarily detained and arrested.

Similar tactics have been used against ethnic minorities in Burma for decades, and continue today as the military inflicts abuse on civilians in its conflict with ethnic armed groups in Rakhine, Shan, and Karen states. These ongoing crimes against humanity and systemic discrimination of Burma's many ethnic and religious minorities, deserve your attention, and they require your protection.

Priorities for the community

There are key demands echoed throughout Rohingya communities in Myanmar, Bangladesh and among the diaspora.

Firstly, my people want to return to our homeland, with the restoration of our full citizenship, equal rights and restitution for the damage to our lands and livelihoods. The Myanmar government has provided no assurance of returning what once belonged to the Rohingya

community nor providing compensation for their losses. In fact, the land is being bulldozed, confiscated, and given up to business interests and non-Rohingya Burmese.

Second, for the voluntary, dignified, safe and sustainable return of refugees to take place, the Rohingya must not be relocated to internment camps or 'segregated' Muslim zones. They must not be coerced into Rohingya accepting a national identification card that only confers second-class citizenship status. Full citizenry rights must be granted to the Rohingya for a just return.

Third, Rohingya people must take their rightful place at the table for any and all conversations that determine our fate. As the UN, Myanmar and Bangladesh negotiate for our return, we are currently left out of the conversation. This is unacceptable and will never result in a successful or safe repatriation process.

Fourth, like the US, Myanmar has less than 100 days until an important national election. As in 2015 in Burma, Rohingya people are still being denied the right to vote or the ability to run for our office, despite our long history of political participation in Myanmar. We ask that our right to vote be restored, and be made available for others displaced by violence in the country.

Lastly, to solve the myriad problems facing my people, the root causes must be addressed. Racist government policies are interwoven with social discrimination and stigmatization. My organization, Women Peace Network, and many civil society groups in Myanmar have been working to address these deep seeded issues through youth education and social cohesion. Our work and a real democratic Myanmar will only become a reality when the government stops suppressing civil society. The United States plays a critical role in pushing for a free society in Myanmar.

Recommendations:

Despite the dire situation of the Rohingya people, I have been deeply inspired by the sheer resilience and the unwavering spirit of my people. We must act together to respond to their calls for justice and accountability. Your leadership and interest in Burma is critical to our success. To achieve that, here are 5 ways in which you can support us:

1. The U.S. must continue targeted Global Magnitsky sanctions and visa denials for the Myanmar military officials who are the key perpetrators of the gross violations of human rights against the Rohingya people and other ethnic and religious minorities. It is also crucial to impose financial sanctions on military-owned businesses since the income generated from these businesses enables the military to continue its brutal acts of gross human rights violations and genocide.
2. The U.S. Congress must ensure that the BURMA Act is passed in both chambers and signed into law. This powerful legislation will take meaningful action against perpetrators

of crimes against the Rohingya people through targeted sanctions, visa denials and increased humanitarian assistance and accountability mechanisms.

3. The U.S. Congress must strongly urge the Myanmar government to hold free, fair, transparent, participatory, and fully inclusive elections on November 8, 2020. Without the participation of the currently disenfranchised Rohingya people, these elections will not be credible and cannot pass as a democratic act.
4. We need US leadership to ensure that Rohingya are protected in and outside their country. They have suffered enough and face daily persecution and protection issues in multiple countries. One necessary step is to call the crimes what they are and legitimize the experience of the Rohingya people, who are survivors of the genocide. Another step is to press the Myanmar government to dismantle the long-standing policies of persecution that the Rohingya have long faced. While the military is the primary perpetrator of atrocities, the civilian government has perpetuated the institutions and laws that allow the risk of genocide to persist.
5. Finally, as you did today by inviting me here, always consult Rohingya people in every conversation that will impact the lives of Rohingya people. It is critical that Rohingya people have a seat at the table, whether that conversation is happening in Myanmar, in Bangladesh, at the UN and others.

I would like to thank Chair Bera, Ranking Member Yoho and members of the subcommittee one more time for giving me this opportunity to brief you all and I look forward to your questions.

Thank you.

Mr. BERA. Thank you, Ms. Nu, for your testimony.
I will now call on Ms. Allyson Neville for her testimony.

**STATEMENT OF ALLYSON NEVILLE ASSOCIATE DIRECTOR
FOR INTERNATIONAL HUMANITARIAN RESPONSE POLICY
AND ADVOCACY, SAVE THE CHILDREN**

Ms. NEVILLE. Chairman Bera, Ranking Member Yoho, and distinguished members of the subcommittee, thank you for the opportunity to testify on the Rohingya crisis. Since our founding more than 100 years ago, Save the Children's work has changed the lives of more than 1 billion children in the United States and around the world. Specific to the Rohingya crisis, we support the needs of children and their families in the refugee camps and host community in Bangladesh, as well as in the camps for displaced communities in the central part of Myanmar's Rakhine State.

I will be summarizing my written testimony, which speaks in more detail of the humanitarian needs and challenges across these contexts. First, I want to express appreciation for the work of this subcommittee and all those in Congress and the executive branch, who have remained committed to addressing the needs and rights of the Rohingya. Even as this month marks the solemn 3-year anniversary of the atrocities that occurred against the Rohingya and other Muslim minorities in Rakhine State, new challenges have emerged. These include the COVID-19 pandemic that has threatened lives in and around the camps in Bangladesh, the ongoing conflict in Myanmar's Rakhine and Chin States that continues to kill and displace civilians and increasing stress factors that have led hundreds, including higher percentages of children, to take dangerous journeys by sea, seeking refuge.

I would like to take a few minutes to speak directly to the conditions for the tens of thousands of children and adolescents we serve in Bangladesh for temporary learning centers and child-centered programming. There have been laudable efforts to buildup the refugee camps and provide services.

However, when I was on the ground in December, one of most notable things I heard was of the current situation, quote, "could be the best things get." This already was an unacceptable scenario, and with the spread of COVID-19, the situation was predictably deteriorated.

Our job protection staff was already concerned about increasing reports of child marriage, child labor, and trafficking. Many children still live with the effects of their exposure to rights violations in Myanmar. Psychological distress and negative coping mechanisms are increased by factors like the inability to access livelihood opportunities, limited access to education, and the lack of progress on the ground in Myanmar to allow for voluntary and safe returns. It is estimated that nearly 70 percent of Rohingya children in the camps require access to mental health support.

Despite the educational services that we and others provide, when you walk around the camps, you will see many children out of school. This occurs due to a variety of factors, including the need to accommodate multiple 2-hour classroom shifts due to space constraints and the limited availability of the approved learning curriculum. The loss of education is most profound for girls. Their at-

tendance drops off significantly as they get older and increasing the risks of child marriage and adolescent pregnancies. This was the reality before the pandemic required a shutdown of 80 percent of the services in the camps. Even as we work alongside other humanitarian actors to support the needs of refugees, there is a crucial opportunity for the United States and the broader international community to ensure that the post COVID-19 environment does not return to the status quo or worse.

The immense generosity and ongoing engagement of the U.S. Government has been important and necessary. We urge the continuation of efforts to prioritize the immediate needs and long-term interests of the Rohingya. One, the U.S. Government should take additional action to hold the perpetrators of violence against the Rohingya to account and encourage other countries to do so. This should include additional targeted sanctions on both individuals complicit in atrocities as well as military-owned companies.

Two, U.S. Government should build on the diplomatic engagement with the governments of Myanmar and Bangladesh and other regional actors to support improved conditions on the ground and to ensure safety and protection for the Rohingya at sea. Three, U.S. Government should maintain its generosity in supporting humanitarian assistance on both sides of border.

Related, Congress should fund and invest in the international COVID-19 response by providing no less than \$20 billion in the next legislative package to address the pandemic.

Life in a refugee or displaced person's camp should never be considered an acceptable long-term solution, especially for children. There are approximately 75,000 Rohingya who have been born as refugees since 2017 and an estimated 32,000 have been born in displacement settings in Rakhine State since 2012. An entire generation of Rohingya children risk growing up confined in camps.

The Rohingya want to be able to return home safely, access their rights and freedoms, and live in peace. With your help, it is our hope that, by this time next year, much will have been improved. For the children who deserve a healthy start to life, access to education and freedom from violence and harm every day matters.

Thank you, and I look forward to answering your questions.

[The prepared statement of Ms. Neville follows:]

**Testimony to the House of Representatives Committee on Foreign Affairs
Subcommittee on Asia, the Pacific and Nonproliferation
Allyson Neville, Associate Director, Save the Children
August 3, 2020**

Chairman Bera, Ranking Member Yoho, and distinguished members of the subcommittee, thank you for the opportunity to testify on the Rohingya crisis. Since our founding more than 100 years ago, Save the Children's work has changed the lives of more than one billion children in the United States and around the world. We strive to ensure children have a healthy start in life, the opportunity to learn, and protection from harm. Specific to the Rohingya crisis, we support the needs of children and their families in both the refugee camps and the host community in Bangladesh as well as in the camps for displaced communities in the central part of Myanmar's Rakhine State. This testimony speaks to the humanitarian needs and challenges across both of these contexts.

First, I want to express appreciation for the work of this subcommittee, the full House Foreign Affairs Committee, and all those throughout Congress and the Executive Branch who have remained committed to addressing the needs, rights, and protection of the Rohingya. At the end of this month, the world will mark the solemn three-year anniversary of the atrocities that occurred against the Rohingya and other Muslim minorities in Rakhine State. The generosity and engagement of the U.S. Government has been and continues to be important and necessary.

This moment now – three years after the initial crisis – presents significant challenges. The COVID-19 pandemic is threatening lives in and around the camps in Bangladesh and has made the provision of humanitarian assistance more difficult. In Myanmar, ongoing conflict in areas of Rakhine and Chin States has continued to result in civilian casualties and displacement. Further, increasing stress factors have led hundreds, including higher percentages of children, to take dangerous journeys by sea to seek refuge in countries throughout the region.

That said, much of the overall political and humanitarian needs remain the same. To move toward resolving longstanding challenges, Save the Children continues to call for the following:

1. **The Government of Myanmar must make sustainable progress to guarantee the rights and freedoms of the Rohingya in Myanmar.** Work must be done to address the root causes of violence against the Rohingya, meaningfully improve their situation, and create an enabling environment for the voluntary, safe, and dignified return of refugees to the country. In part, this should include implementation of all the recommendations of the Rakhine Advisory Commission in the spirit in which they were intended.
2. **The Government of Bangladesh should continue to support the humanitarian needs and safety of the refugees in Bangladesh until such time as they are able to safely and voluntarily return to Myanmar.** This should include working with local, national, and international humanitarian agencies to identify and remove any and all impediments that hinder the humanitarian response and the subsequent delivery of essential, lifesaving services.
3. **Regional governments – including Indonesia, Malaysia and Thailand – must end blanket policies to push boats back to sea.** Instead, refugees should be allowed to disembark, respecting the principle of non-refoulement. In all cases, the rights of refugees should be protected, and at no time should they be criminalized or arbitrarily detained after disembarking.
4. Recognizing the contributions made thus far, **the United States should continue efforts to prioritize the immediate needs and long-term interests of the Rohingya by:**
 - o **Taking additional action to hold the perpetrators of the violence against the Rohingya to account.** This should include additional targeted sanctions on both individuals complicit in

atrocities as well as military-owned companies. The U.S. Government should also work with like-minded countries to move forward complementary measures.

- **Building on diplomatic engagement with the Governments of Myanmar and Bangladesh and other regional actors** to support improved conditions on the ground in Rakhine State and Cox's Bazar, and to ensure safety and protection for Rohingya at sea.
- **Maintaining its generosity in supporting humanitarian assistance** on both sides of the border. Further, Congress should fully invest in the international COVID-19 response by providing no less than \$20 billion in the next legislative package to address the pandemic.

Bangladesh

One of the most notable things I heard when I was on the ground in Bangladesh in December was that the current situation in the camp "could be the best things get." This already was an unacceptable scenario, but with the spread of COVID-19 the situation has predictably deteriorated.

It is a credit to the Government of Bangladesh that they welcomed nearly 750,000 refugees, including 400,000 children, in 2017 on top of earlier refugee flows. There are now over one million Rohingya living in the Cox's Bazar area, making it the largest and most densely populated refugee camp complex in the world. While there have been massive and laudable efforts to build up the camps and provide services, opportunities for education and livelihoods are sparse to non-existent; protection risks are ongoing; tensions with the host community remain challenging; and no progress has been made to enable safe returns to Myanmar. Of the Rohingya I spoke with, safety, education, and livelihood opportunities were priority concerns. And, the overwhelming majority of the Rohingya want to be able to return home.

Boys and girls are vulnerable to exploitation, trafficking, and sexual abuse. Worryingly, as of September 2019, there were nearly 9,000 unaccompanied and separated children registered in the camps. There has also been an uptick in the numbers of unaccompanied minors attempting to leave Bangladesh by boat to seek refuge in other countries. We routinely come across forced marriages, and cases of domestic violence and abuse. We often hear about instances of trafficking, child labor, and exploitation. Many children live with the effects of their exposure to rights violations in Myanmar, but are unable to access the mental health and psychosocial support they need to achieve a sense of wellbeing. Further, challenges specific to life in a refugee camp setting both compound children's distress and make it more difficult to heal from past trauma. It is estimated that nearly 70 percent of Rohingya children in the camps require access to mental health support. Of those identified, less than 40 percent were expected to receive such support in 2020 even before the outbreak of COVID-19.

Many children are out of school due to a variety of factors, including an inability to access formal education, the need to accommodate multiple two-hour classroom shifts due to space constraints, and limited availability of the approved learning curriculum. However, the loss of education is more profound for girls whose school attendance drops off significantly as they get older. In fact, by the time girls enter puberty-age they are often kept at home. We have been able to pilot some girls-only, in-home learning centers, but the needs are great and long-standing challenges related to girls' access to education makes finding female instructors difficult. Limited access to education and a lack of opportunities connect directly to risks of child marriage and adolescent pregnancies, which in turn can have significant health consequences and further disadvantages girls.

This was the reality before the COVID-19 pandemic struck and required a shutdown of 80 percent of the services in the camps, including the closure of temporary learning centers, and child- and girl-friendly spaces. A key sign of hope before the pandemic had been the approval by Bangladesh authorities of a

pilot program utilizing the Myanmar educational curriculum to expand opportunities and prepare students for the day when they might return to home. However, that, too, had to be placed on hold.

Rohingya children are now not only at risk from the virus, but will have to face this pandemic – and the associated emotional distress – without access to their regular support systems or safe spaces to play. Since the beginning of the lockdown in the camps, our child protection team has reported a marked increase in reports of children facing violence and abuse in their homes and children going missing in the camps. The reduced access to child-friendly services, coupled with reduction in humanitarian personnel on the ground due to COVID-19 has created an environment where children are at constant risk. The physical and mental burden this places on children and their parents is immense.

Working across seven different sectors, including child protection and health, Save the Children has had to adapt our program models and make new investments. In fact, several weeks ago we opened a 60-bed isolation and treatment center for those with COVID-19. We continue to provide essential health services and support the distribution of food to more than half of the camp. Our teams have done a remarkable job of addressing new needs and developing workarounds, but the situation is less than ideal. There is limited testing capacity, and limited access to critical supplies like personal protective equipment, oxygen, and ventilators. We are also dealing with a context that has four times the population density of New York City, where sanitation and hygiene facilities are shared, and where respiratory illnesses already top the list of the most common conditions we encounter. Support from the U.S. and others to address and treat the spread of COVID-19 is imperative, and any and all efforts must be undertaken to reduce undue restrictions – like the shutdown of telecommunications networks and Internet access dating back to September 2019 – as this further hinders the response.

Even as humanitarian actors work to support needs in the midst of the pandemic, there is a crucial opportunity for the U.S. and broader international community to ensure that the post-COVID-19 environment is built back better and is not a return to the status quo or worse.

Myanmar

Save the Children works in various areas throughout Myanmar, including in central Rakhine State where we support nearly 230,000 people from different communities. This includes the provision of essential services to 125,000 displaced people across 21 camps, the vast majority of whom are Rohingya.

August of 2017 was marked by mass atrocities against the Rohingya, but it's important to remember that persecution and violence have been ongoing for decades. We have seen an exodus of refugees to Bangladesh in 1978, from 1991-1992, and again in 2016-17. The ongoing inability to hold perpetrators accountable and make sustainable progress to address Rohingya rights and freedoms, increases the risk of future atrocities and refugee movements.

The consequences of discriminatory policies and ongoing marginalization of the Rohingya continue to have severe negative consequences, not least of all for children. The lack of freedom of movement and access to effective pathways to citizenship and documentation, segregated and confined living conditions, and the denial of other rights, including access to basic services such as health care and education, make life very hard on children and their families. This impact is felt in their daily lives, but also when it comes to the longer-term outlook for these families and their hopes for a better future.

At the end of November, I traveled to the large set of displacement camps outside Sittwe, the capital of Rakhine State, as well as a camp in nearby Pauktaw Township. The primary concerns of the Rohingya with whom I spoke were basic rights like freedom of movement and citizenship, security, and justice and

accountability for the atrocities committed. Education was also a key concern. Children want to learn and parents want their children to have the opportunity. While access to primary school is much more readily available, secondary school is limited, and tertiary education is nearly impossible. The absence of opportunities for higher education is discriminatory and structurally disadvantages the Rohingya, leaving them unable to invest in their own futures or improve their socio-economic situation through schooling.

Specific to COVID-19, the health-related impacts of the pandemic have been much less significant in Myanmar thus far. However, limited access to healthcare and the ongoing restrictions on the Rohingya and other Muslim minorities living in camp settings is a reminder of the continued risks. The only tertiary hospital available in Rakhine State is Sittwe General. Freedom of movement restrictions, traveling distance, limited availability of transportation, and other factors make accessing emergency care next to impossible for many. Further, internet access has been restricted in eight townships since last year, severely impacting the population and making information sharing related to the virus more challenging. Hopefully, we will not see a significant rise in COVID-19 cases, but the dangers of ongoing restrictions and unequal access to services are clear. It is also important to note the significant socio-economic impact of the pandemic and the impact on education due to school closures.

Additionally, there are two challenges that will be important to follow now and in the weeks ahead. The first is the ongoing fighting between the Arakan Army and the Myanmar army, also known as the Tatmadaw, that continues to kill, wound, and displace mostly ethnic Rakhine children and their families in both Rakhine and southern Chin States. There are documented incidents of schools, homes, and entire villages being burned. Over the first three months of 2020, the numbers of children killed or maimed was six times the number from the preceding three months.

We are deeply concerned about growing numbers of civilian casualties, and the continued limitations on humanitarian access in northern Rakhine State where significant fighting has been ongoing. The use of heavy artillery, airstrikes, and landmines in or near populated areas puts children at severe risk, and contravenes International Humanitarian Law. Alongside other humanitarian agencies, we have been calling on the Government of Myanmar and other armed actors to implement a ceasefire in light of the pandemic and in accordance with the United Nations Security Council global ceasefire resolution. They should also agree to refrain from attacks on and use of schools, as provided for by the international Safe Schools Declaration, to better protect students and their access to education.

The second challenge is the election on November 8. As it stands now, the Rohingya do not have the ability to vote despite being able to do so as recently as 2010. Some groups have expressed concerns that there could be an uptick in fighting, and that the rights and ability of individuals to access the polls could be further impeded. A scenario where the Rohingya and other minority groups are unable to exercise their right to vote will undoubtedly have a negative impact on this emerging democracy, and will further entrench inequality. The absence of viable options to channel political demands could set the scene for more conflict in the coming years.

Finally, during my visit, it was clear that significant progress could be made in central Rakhine State, but that these opportunities were not being utilized. There are places where Rakhine, Rohingya and other ethnic minorities still live in close proximity, and where people from different communities felt it would be possible to begin healing inter-group tensions. I was told that the process of building lasting peace could take place with the removal of restrictions like those on freedom of movement. The Government of Myanmar could begin by fully implementing the recommendations of the Rakhine Advisory Commission, which it has already accepted. These include significant and meaningful recommendations that, if carried forward in the spirit they were intended, would begin to improve conditions and

demonstrate to the Rohingya in Bangladesh that there may be a future when they can return to their country.

Region

Events on the Andaman Sea and in the Bay of Bengal since the start of the year highlight the desperation of many Rohingya to build a life of dignity elsewhere. Some 2,000 mainly Rohingya refugees are believed to have taken to boats on dangerous sea journeys to reach third countries. Unfortunately, several states – including Malaysia and Thailand – have at times refused to allow refugees to disembark and instead have pushed boats back to sea, in violation of international human rights and other laws. In Malaysia, authorities have arbitrarily detained and imprisoned some Rohingya refugees for “illegal entry.”

Bangladesh is one of the only countries to have allowed the Rohingya from these most recent boats to disembark. However, the government has instituted a new policy of placing arrivals to Bangladesh on the island of Bhashun Char. There are now 306 Rohingya refugees – including at least 15 children – who have been on the island since early May. The government has been solely responsible for providing services and assistance. At present, no United Nations or humanitarian agency has assessed the conditions nor conducted wider technical assessments of the safety and sustainability of delivering aid on Bhashun Char.

Conditions for those stranded on boats have been appalling. Refugees, including children, have suffered from a lack of food and water, exposure to the elements, the trauma of seeing loved ones die, and abuse by human traffickers. Human rights groups estimate that more than 100 people have perished at sea this year. We urge the U.S. Government and the international community to support countries in the region, including through the Association of Southeast Asian Nations (ASEAN), to better share responsibility for refugees and collectively aid those at sea through search and rescue efforts.

Conclusion

Ultimately, life in a refugee or displaced persons camp should never be considered an acceptable long-term solution, especially for children. There are approximately 75,000 Rohingya babies who have been born as refugees since August 2017. Similarly, we estimate that 32,000 children have been born in displacement settings in Rakhine State since 2012. An entire generation of Rohingya children risks growing up confined in camps, be it in Rakhine State or Cox’s Bazar. We must challenge perceptions that because the Rohingya in Cox’s Bazar escaped Myanmar with their lives, they are safe. In Myanmar, we must also recognize the lack of progress on the ground for the Rohingya, the damage caused by continued violence, and the risks posed by the upcoming election. If anything, the coronavirus has demonstrated that we don’t have endless time to resolve the issues in Myanmar and finally allow the Rohingya to live in peace and the refugees to return home safely.

There are immediate opportunities for the U.S. Government to ensure that the basic needs of the Rohingya are met by increasing funding for the international COVID-19 response – the NGO community calls for no less than \$20 billion for work around the world – and continuing to support humanitarian funding on both sides of the border. In order to maximize these crucial investments, diplomatic pressure is also warranted to support sustained progress on the rights and freedoms of the Rohingya in Myanmar, and to improve the situation for the refugees in Bangladesh. With your continued attention, it is our hope that by this time next year much will have been improved. For the children who deserve a healthy start to life, access to education, and freedom from violence and other forms of harm, every day matters.

Thank you for your time, and I look forward to answering your questions.

Mr. BERA. Thank you, Ms. Neville.
And now I will recognize Ms. Olivia Enos for her testimony.

**STATEMENT OF OLIVIA ENOS, SENIOR POLICY ANALYST, THE
HERITAGE FOUNDATION**

Ms. ENOS. Thank you, Chairman Bera, Ranking Member Yoho, thank you for inviting me testify before the subcommittee.

Rajuma, a young Rohingya woman clutched her baby boy as she fled the Burmese military's brutal treatment of her Muslim community. It was then that her fragile world shattered. A soldier clubbed her on her head while others tore her baby from her arms and threw him into the fire. The violence did not stop with her child's death. The soldiers then proceeded to gang rape Rajuma. Before the day was through, she had seen her mother and her three siblings killed. Rajuma is far from the only Rohingya scarred by the Burmese military. Countless women and girls faced sexual violence, including rape. At least 10,000 men, women, and children perished at the hands of Burmese military during August 2017's clearing operation. And now at least 1 million Rohingya remain displaced in the world's largest refugee camp in Cox's Bazar, Bangladesh.

Salt is now being poured on the wounds of their suffering as the Rohingya who endured these atrocities are now experiencing COVID-19. While, thus far, the rate of COVID-19 infections is seemingly quite low—62 cases according to the United Nations Refugee Agency and only a handful of deaths—social distancing is a near impossibility, access to testing limited, and provision of medical care is few and far between. Some have called it a potential tinderbox for an outbreak.

The present is an opportune moment for Secretary Pompeo to declare that the United Nations, the U.S. Holocaust Memorial Museum, and PILPG, the group the State Department commissioned to do an atrocity report on the Rohingya, and many, many others have already said to be true. That Rohingya endured genocide and crimes against humanity.

On August 25th, it will have been 3 years since the atrocities took place. The Secretary should consider issuing an atrocity determination to commemorate the anniversary and to bring justice to Rohingya.

There are five reasons to put into the record for why the U.S. Government should issue an atrocity determination. I will cover three now. No. 1, a designation counters the narrative, that the U.S. does not care about human rights. Atrocities committed against Rohingya are among the most significant human rights violations committed during the Trump Presidency. A strong U.S. response would telegraph to other countries that the U.S. continues to support freedom and human rights. Failure to do so has the potential to embolden bad actors who will believe that there are little to no negative consequences for engaging in human rights violations while maintaining a diplomatic relationship with the U.S.

No. 2, a designation demonstrates a U.S. commitment to preventing atrocity. Atrocity determinations transcend administrations and ensure that survivors receive the help they need, like in the case of ISIS genocide determination during the Obama Administra-

tion. While the Obama Administration took limited follow-on action, the Trump Administration did. Its Genocide Recovery and Persecution Response Program, which allocated nearly \$350 million toward assisting victims of ISIS genocide, tangibly alleviated suffering.

Should the Trump Administration issue a determination of its own on the Rohingya, it would demonstrate moral and political leadership, and serve as an opportunity for the Administration to highlight its burgeoning atrocity prevention efforts.

Three, a designation is likely to increase burden sharing among countries. Credit should be given where credit is due. U.S. is the top single country donor to Rohingya, giving just over \$820 million since atrocities took place. Now donor fatigue is setting in. This is compounded by the COVID-19 era, where country's attentions are drawn inward as they battle their own COVID-19 crises.

Current donations are not even scratching the surface of the immense needs. United Nations 2020 Joint Response Plan requested an estimated \$877 million for Rohingya just for this year, a year where the U.S. has so far only supplied an additional \$59 million. The needs are great, and they cannot be met by a single, albeit highly generous, donor country.

An atrocity determination now may serve as a catalyst for other countries to provide aid. I recommend that Congress and the executive branch pursue the following: first, make an official public legal determination on crimes committed against Rohingya; second, evaluate relevant financial tools to craft an overarching sanctions policy toward Burma, one that targets Burmese military owned enterprises like MEC and MEHL; three, press the Bangladeshi Government to lift restrictions on access to information inside of the camps; four, grant priority 2 refugee status to Rohingya refugees; and, five, reevaluate the need for aid both in the midst of the COVID-19 crisis, as well as in the aftermath of the atrocities.

An atrocity determination can be issued at any point in time. Secretary Pompeo has the authority and discretion to issue such a determination at whim. But should he choose not to, Congress also has the option to press the Administration to do as it did in the case of ISIS genocide, which I am happy to address more during Q&A. Perhaps this method could be successful again. Issuing a genocide determination now would be win for the Administration. The administration should do so now before it is too late.

Thank you.

[The prepared statement of Ms. Enos follows:]

***An Update on the Rohingya Crisis:
Why Now Is the Right Time to Issue an
Atrocity Determination for Rohingya***

Olivia Enos, Senior Policy Analyst
Asian Studies Center, The Heritage Foundation
Testimony before the Subcommittee on Asia, the Pacific, and Nonproliferation
House Foreign Affairs Committee
United States House of Representatives
August 3, 2020

My name is Olivia Enos. I am a senior policy analyst in the Asian Studies Center at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Introduction

Rajuma, a young Rohingya woman, clutched her baby boy as she fled the Burmese military's brutal treatment of her Muslim community.¹ It was then that her already fragile world shattered.

A soldier clubbed her on the head, while others tore her baby from her arms and threw him into the fire. The violence did not stop with her child's death. The soldiers then proceeded to gang-rape Rajuma. Before the day was through, she had seen her mother and three siblings killed as well.

Rajuma is far from the only Rohingya scarred by the Burmese military.

Countless women and girls faced sexual violence, including rape.²

At least 10,000 men, women and children perished at the hands of the Burmese military during August 2017 so-called "clearing operations".³

And now, over a million Rohingya remain displaced in the world's largest refugee camp settlement in Cox's Bazar, Bangladesh.

Salt is now being poured on the wounds of their suffering as Rohingya who endured these atrocities are now experiencing the global coronavirus pandemic. While thus far, the rate of COVID-19 infections is seemingly quite low – 62 cases according to the United Nations Refugee Agency, and only a handful of deaths⁴ – social distancing is a near impossibility, access to testing is limited, and provision of

¹ Jeffrey Gettleman, "Rohingya Recount Atrocities: 'They Threw My Baby Into a Fire'", *New York Times*, October 11, 2017, <https://www.nytimes.com/2017/10/11/world/asia/rohingya-myanmar-atrocities.html> (accessed July 30, 2020).

² Skye Wheeler, "Sexual Violence by the Burmese Military Against Ethnic Minorities", Testimony before the Tom Lantos Human Rights Commission, U.S. House of Representatives, *Human Rights Watch*, July 25, 2018, <https://www.hrw.org/news/2018/07/25/sexual-violence-burmese-military-against-ethnic-minorities> (accessed July 30, 2020).

³ "Report on the independent international fact-finding mission on Myanmar," p. 8.

⁴ UNHCR, "Refugee Health Workers Lead COVID-19 Battle in Bangladesh Camps", July 24, 2020, <https://www.unhcr.org/en-us/news/stories/2020/7/5f198f1f4/refugee-health-workers-lead-covid-19-battle-bangladesh-camps.html> (accessed July 30, 2020).

medical care is few and far between in the camps. Some called it a potential “tinderbox” for an outbreak.⁵

This makes the present an opportune moment for Secretary Pompeo to declare what the United Nations already said to be true⁶ – that Rohingya endured genocide and crimes against humanity. On August 25, it will have been *three years* since atrocities took place. The Secretary should consider issuing an atrocity determination to commemorate the anniversary and to bring justice to Rohingya.

Why the U.S. Should Issue an Atrocity Determination for Rohingya

There are five reasons why the U.S. government should issue an atrocity determination:

1) A designation counters the narrative that the U.S. doesn’t care about human rights. Some in the international community are questioning U.S. commitments to advancing human rights. Designating crimes committed against Rohingya as genocide and crimes against humanity counters that narrative by demonstrating that the U.S. actively responds to atrocities.

Atrocities committed against Rohingya are among the most significant human rights abuses committed during the Trump presidency. A strong U.S. response would telegraph to other countries that the U.S. continues to support freedom and human rights. Failure to do so has the potential to embolden bad actors who will believe that there are little-to-no negative consequences for their diplomatic relationship with the U.S. for violating human rights.

2) A designation demonstrates U.S. commitment to preventing atrocities. At the behest of Congress, the Obama administration designated ISIS actions against Yazidis, Christians and Shi’a Muslims as genocide. After Secretary Kerry issued the genocide determination in March 2016, the administration took minimal follow-on action.⁷ However, the Trump administration, through its Genocide Recovery and Persecution Response Program, which allocated nearly \$350 million toward assisting victims of ISIS genocide in Iraq, acted on the Obama administration’s ISIS genocide determination.⁸

⁵ Timothy McLaughlin, “The Unseen Pandemic”, *The Atlantic*, April 2, 2020, <https://www.theatlantic.com/international/archive/2020/04/refugees-coronavirus-covid19-bangladesh/609259/> (accessed July 30, 2020).

⁶ Office of the High Commissioner for Human Rights, *Independent International Fact-Finding Mission Myanmar*, <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/Index.aspx> (accessed July 30, 2020).

⁷ U.S. Department of State, “Remarks on Daesh and Genocide”, March 17, 2016, <https://2009-2017.state.gov/secretary/remarks/2016/03/254782.htm> (accessed July 30, 2020).

⁸ USAID, “Genocide Recovery and Persecution Response”, <https://www.usaid.gov/iraq/genocide-recovery-and-persecution-response> (accessed July 30, 2020).

Atrocity determinations transcend administrations and ensure that survivors receive the help they need. Should the Trump administration issue a determination of its own on the Rohingya, it would demonstrate moral and political leadership and serve as an opportunity for the administration to highlight its burgeoning atrocity prevention policy. It is also an opportunity to recast the \$820 million the U.S. already provided to the Rohingya as direct assistance to victims of atrocity crimes.⁹

3) A designation is likely to increase burden-sharing among countries. Credit should be given where credit is due. The U.S. is the top single-country donor to Rohingya displaced in Bangladesh since the atrocities began.¹⁰ This is clearly a policy priority for the U.S. government, but the U.S. has also born the primary responsibility for providing assistance. Now, more than three years since the crisis escalated, donor fatigue is setting in.¹¹ This is being compounded by the COVID-19 era where countries' attentions are drawn inward as they battle their own COVID-19 crises. With the emergence of COVID-19, the U.S. has also made an effort to prioritize assistance to vulnerable populations in need of an increasing amount of humanitarian assistance. Secretary Pompeo announced an infusion of \$274 million worldwide in emergency funding.¹²

This is not even scratching the surface of the immense needs of displaced Rohingya. The United Nation's Joint Response Plan for January to December 2020 requested an estimated \$877 million in assistance to Rohingya and host communities in Bangladesh just for this year.¹³ The report was issued prior to the onset of the COVID-19 pandemic, so needs are only compounding. The U.S. pledged an additional \$59 million in assistance on March 3, 2020.¹⁴ The needs are great, and they cannot be met by a single (albeit highly generous) donor country. An atrocity determination now may serve as a catalyst for other countries to provide aid.

4) A designation will put the U.S. "free and open Indo-Pacific" strategy into action. The Trump administration's Asia strategy is predicated on promoting a free

⁹ U.S. Department of State, "United States Announces New Humanitarian Assistance for Displaced Rohingya and Members of Other Affected Communities in Bangladesh and Burma", March 5, 2020, <https://www.state.gov/united-states-announces-new-humanitarian-assistance-for-displaced-rohingya-and-members-of-other-affected-communities-in-bangladesh-and-burma-2/> (accessed July 30, 2020).

¹⁰ Ibid.,

¹¹ UNHCR, "Rohingya Emergency", July 31, 2019, <https://www.unhcr.org/en-us/rohingya-emergency.html> (accessed July 30, 2020), United Nations Office for the Coordination of Humanitarian Affairs, "Rohingya Refugee Crisis", 2019, <https://www.unocha.org/rohingya-refugee-crisis> (accessed July 30, 2020).

¹² U.S. Department of State, "The United States is the Leading Humanitarian and Health Assistance Response to COVID-19", March 27, 2020, <https://www.state.gov/the-united-states-is-leading-the-humanitarian-and-health-assistance-response-to-covid-19/> (accessed July 31, 2020).

¹³ United Nations "2020 Joint Response Plan: Rohingya Humanitarian Crisis – January-December 2020", 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/jrp_2020_final_in-design_280220.2mb_0.pdf (accessed July 31, 2020).

¹⁴ Ibid., "United States Announces New Humanitarian Assistance for Displaced Rohingya and Members of Other Affected Communities in Bangladesh and Burma".

and open Indo-Pacific; it is cast as an inherently values-based strategy. The U.S. has similarly long-sought to establish a foundation for a free and open Burma – principally through its support for a democratic reform process that is currently stalled. An authentic democratic reform process requires the acknowledgement of atrocities and a commitment to remedy wrongs committed. Perhaps most fundamentally, a country cannot be democratic if it fails to protect the basic rights of its citizens, which includes the Rohingya who are denied voting rights, among other essential civil and political liberties.¹⁵ Those who promote democracy in Burma should also support issuing an atrocity determination because it is an essential step toward reform.

We have seen the free and open Indo-Pacific strategy in action in other areas of U.S. policy toward Burma as the U.S. response to the Rohingya crisis strengthened over time. In 2018, Treasury designated the 33rd and 99th Light Infantry Divisions – the military units directly responsible for perpetrating August 2017 crimes.¹⁶ However, the 2018 designations stopped short of designating Senior-General Min Aung Hlaing, the general who ordered so-called clearing operations to commence. In July 2019, Min Aung Hlaing and other senior officials faced visa bans instituted by State Department under Section 7031(c) provisions, sanctions with travel restrictions, but no financial implications.¹⁷ Finally, in December 2019, Min Aung Hlaing and other accomplices faced Global Magnitsky sanctions¹⁸ – a bi-partisan and highly popular move. While it was a long time coming, it was the type of leadership emblematic of historic U.S. policy in Asia.

5) A designation is an opportunity for the U.S to reset its policy toward Burma. The Trump administration has yet to establish a comprehensive strategy toward Burma. Sanctions provide the basis for a policy, but there is no clear strategy behind them. Issuing an atrocity determination is an opportunity to both revisit and recast U.S. strategy toward Burma in a way that acknowledges that the threats to freedom faced by one group – the Rohingya – is representative of the lack of freedom enjoyed by many inside the country (e.g. persons in Shan and Kachin states, among other persecuted and marginalized minorities).

The administration has so far stopped short of undertaking a comprehensive overhaul of U.S. policy toward Burma. The events of August 2017 were a turning

¹⁵ Matthew Smith, “For Myanmar’s Elections to Be Free and Fair Rohingya Must Get the Right to Vote”, *TIME*, July 27, 2020, <https://time.com/5872096/myanmar-2020-national-election-rohingya-vote/> (July 31, 2020).

¹⁶ Office of Foreign Assets Control, *Global Magnitsky Designations*’ U.S. Department of the Treasury, August 17, 2018, <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20180817.aspx> (accessed July 31, 2020).

¹⁷ U.S. Department of State, “Public Designation Due to Gross Violations of Human Rights, of Burmese military Officials”, July 16, 2019, <https://www.state.gov/public-designation-due-to-gross-violations-of-human-rights-of-burmese-military-officials/> (accessed July 31, 2020).

¹⁸ U.S. Department of Treasury, “Treasury Sanctions Individuals for Roles in Atrocities and Other Abuses”, December 10, 2019, <https://home.treasury.gov/news/press-releases/sm852> (accessed July 31, 2020).

Issuing a genocide determination is a win for the administration.²²

It would build upon efforts the Trump administration put into place as a follow-on to the Obama administration's Islamic State genocide determination, as well as the current administration's robust humanitarian efforts to alleviate suffering against the Rohingya.²³ It also has the potential to diversify the donor base of countries giving to support Rohingya, especially as donations have slowed nearly three years after atrocities took place. The galvanizing effects of such a determination would be, no doubt, significant.

Therefore, I recommend that Congress and the executive branch pursue the following:

- **Make an official, public legal determination on crimes committed against Rohingya.** Refusal to issue a legal determination calls into question the sincerity of the Administration in responding to crimes committed. If the U.S. intends to continue to lead, not just in provision of humanitarian assistance, it should issue a determination.
- **Pursue alternative legal and judicial mechanisms for holding the Burmese military accountable in light of the Administration's objections to bringing a case before the ICC.**
- **Congress and the Executive Branch should evaluate relevant financial tools to craft an over-arching sanctions policy toward Burma.** The Obama Administration's approach toward the country sacrificed much-needed leverage with Burma at a moment of critical change. That leverage needs to be regained and that is best accomplished through the re-implementation of financial measures targeted at the Burmese military and others posing obstacles to political reform. A few things should be born in mind as Congress crafts legislative measures to hold the Burmese military accountable.
 - **Financially sanction Burmese military-owned enterprises.** The Myanmar Economic Corporation (MEC) and Myanmar Economic Holdings Limited (MEHL) are notorious for providing funding to the Burmese military. The United Nation's Fact-Finding Mission's second report makes these concerns undeniable.²⁴ When coupled

²² Olivia Enos, "5 Reasons the U.S. Should Issue a Determination on Crimes Committed Against Rohingya", *Forbes*, November 27, 2018, <https://www.forbes.com/sites/oliviaenos/2018/11/27/5-reasons-the-u-s-should-issue-a-determination-on-crimes-committed-against-rohingya/#71f134c660c9> (accessed July 31, 2020).

²³ Josh Lederman, "U.S. to Give e\$32 Million for Myanmar's Rohingya Refugees", *PBS*, September 20, 2017, <https://www.pbs.org/newshour/world/u-s-give-32-million-myanmars-rohingya-refugees> (accessed July 31, 2020).

²⁴ United Nations Human Rights Council, "Economic Interests of the Myanmar Military," Full Report, September 16, 2019, <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx> (accessed September 24, 2019).

with the fact that the MEC and MEHL were previously sanctioned, they should be obvious sanctions targets. Presumably, a designation of the MEC and MEHL would substantially impact their subsidiaries; if necessary, however, especially egregious subsidiaries should be explicitly named and targeted either under authorities that exist under the JADE Act or under the Global Magnitsky Act.

- Legislative and executive branch efforts to craft sanctions legislation should be broad enough to encompass scenarios beyond the violence that has already been perpetrated against Rohingya *and* expect that additional similar (or even worse) human rights abuses may be carried out in the future. Sanctions authorities should also be broad enough to encompass entities that materially or financially paved the way for the Burmese military to commit atrocities against Rohingya.
- Congress should require the State Department to issue a report every six months identifying key entities or individuals in Burma who are either directly responsible for human rights abuses or who enable them, including atrocities committed against Rohingya. This would serve as a useful benchmark against which to measure the executive branch's response.
- Just as sanctions should include a clear "on-ramp," or directive, for designating individuals and entities for their role in atrocities, there should be an equally clear "off-ramp." Current legislation lays out criteria under which sanctions could be removed. This is essential to any effective sanctions' regime.
- **Condemn efforts to prematurely repatriate Rohingya refugees and reiterate that repatriation must be voluntary for it to be viewed as legitimate by the international community.** At this point, Bangladesh should reconsider its commitment to the repatriation agreement it agreed to with Burma. It is too premature to consider repatriation as a viable option for Rohingya. If Rohingya return to Burma, they void their refugee status, ceding the protections that status affords.²⁵ Given how receptive Bangladesh has been to sheltering those in need, the U.S. should work closely with the Bangladeshi government, UNHCR, and other relevant humanitarian actors to ensure that refugees receive the assistance and care they need.

²⁵ U.S. Citizenship and Immigration Services, "Can I Travel Back to the Country from Which I Claimed Persecution Once I Have Been Granted Permanent Residence Based on a Grant of Asylum?" <https://my.uscis.gov/helpcenter/article/can-i-travel-back-to-the-country-from-which-i-claimed-persecution-once-i-have-been-granted-permanent-residence-based-on-a-grant-of-asylum> (accessed February 2, 2018).

- **Grant Priority 2 (P-2) refugee status to Rohingya refugees.** Refugee resettlement is one of the few ways that the U.S. can meaningfully support countries in the midst of intractable crises. The U.S. Refugee Admissions Program is a useful humanitarian initiative with which the U.S. engages the world and provides relief for a select few during international crises. It supports U.S. interests by enabling the U.S. to assert leadership in foreign crises, assist in the midst of intractable crises, and help allies and partners in need. It also strengthens U.S. public diplomacy and tangibly alleviates human suffering. P-2 status holders do not need to prove “individualized” persecution or be referred by the United Nations Commissioner for Human Rights. They are processed on the basis that they belong to a group with known, established grounds of persecution, like genocide.²⁶ Refugees granted P-2 status are included, not in addition to, the quota set by the President. Subsequently, the same number of refugees would be admitted on an annual basis, regardless of whether or not they are processed through P-2 status. Current P-2s include Iraqis who have worked for the U.S., Burmese refugees in Thailand and Malaysia, and politically persecuted Cubans, among others.²⁷ P-2 status has been granted to individuals previously subject to genocide, including Congolese in Rwanda.²⁸
- **Burma should continue to be listed as a “country of particular concern” (CPC) in the International Religious Freedom report for its persecution of Rohingya and other religious minorities in the country. Critically, it should also receive *unique* sanctions for violating religious freedom.** CPCs are guilty of severe forms of persecution including torture, discrimination, and denial of religious freedom. Despite Burma’s designation as a CPC, sanctions under the International Religious Freedom Act (IRFA) have been waived and subsumed under sanctions that have been imposed pursuant to the Jackson–Vanik Amendment, meaning that they are subsumed under Jackson–Vanik sanctions authorities rather than given new, additional punitive measures for religious freedom violations. This strategy has failed to garner compliance. Due to Burma’s ongoing violations of religious freedom, it should remain a country of particular concern and face sanctions under the IRFA specifically for its violations of religious freedom.

²⁶ Office of U.S. Senator Tom Cotton, “Fact Sheet: Religious Persecution Relief Act of 2016,” March 17, 2016, <http://www.cotton.senate.gov/files/documents/160316FactSheetonReligiousPersecutionReliefAct.pdf> (accessed April 4, 2016), and Refugee Council USA, “Priority Categories,” <http://www.rcusa.org/priority-categories> (accessed April 4, 2016).

²⁷ Jie Zong and Jeanne Batalova, “Refugees and Asylees in the United States,” Migration Policy Institute, October 28, 2015, <http://www.migrationpolicy.org/article/refugees-and-asylees-united-states> (accessed April 4, 2016).

²⁸ Refugee Council USA, “Priority Categories.”

COVID-19 Recommendations:

- **Continuously re-evaluate the need for aid in the midst of the crisis and consider creative ways to repurpose existing aid portfolios to assist the most vulnerable.**²⁹ Since the start of the outbreak, the U.S. has provided \$18.3 million in assistance to ASEAN member states for a range of activities, including training and assistance for responders, funding for the development of test kits, and emergency response preparedness efforts.³⁰ Part of this aid includes training to certain ASEAN member states for “case-finding and event-based surveillance for influenza-like illnesses.”³¹ The U.S. should be careful to ensure that any assistance during COVID-19 does not perpetuate improper uses of surveillance technology, especially in some of the more authoritarian-leaning countries in Southeast Asia.³² In addition to this aid and training, the U.S. has aid packages that pre-date COVID-19 to countries in Southeast Asia. The U.S. government should consider whether this funding can be redirected to coronavirus preventions while still advancing other U.S. priorities in the region. In distributing aid, the U.S. should ensure that the most vulnerable are prioritized—this likely means actively seeking to ensure that the first fruits of aid are going to those in refugee or IDP camps and to the countries whose medical systems are least equipped to handle an outbreak.
- **Press the Bangladeshi government to lift restrictions on access to information.** Refugees in Cox’s Bazar are being denied access to the Internet due to the Internet blackout instituted by the government of Bangladesh. The U.S. should press the Bangladeshi government to lift this ban.³³

²⁹ U.S. Department of State, “The United States Is Leading the Humanitarian and Health Assistance Response to COVID-19,” Fact Sheet, March 27, 2020, <https://www.state.gov/the-united-states-is-leading-the-humanitarian-and-health-assistance-response-to-covid-19/> (accessed April 8, 2020).

³⁰ U.S. Department of State, “U.S. Support for ASEAN in Fighting COVID-19,” Fact Sheet, March 31, 2020, <https://www.state.gov/u-s-support-for-asean-in-fighting-covid-19/> (accessed April 8, 2020).

³¹ *Ibid.*,

³² “Governments Should Respect Rights in COVID-19 Surveillance,” Human Rights Watch, April 2, 2020, <https://www.hrw.org/news/2020/04/02/governments-should-respect-rights-covid-19-surveillance> (accessed April 8, 2020).

³³ Hillary Leung, “Rights Group Calls for Moratorium on Internet Shutdowns Amid Coronavirus Outbreak,” *Time*, March 31, 2020, <https://time.com/5812921/human-rights-watch-internet-shutdown-coronavirus/> (accessed April 8, 2020).

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Chairman ENGEL. Thank you, Ms. Enos. I will now recognize members for 5 minutes each. And pursuant to House rules, all time yielded is for the purposes of questioning our witnesses. Because of the virtual format of this hearing, I will recognize members by committee seniority, alternating between Democrats and Republicans. If you miss your turn, please let our staff know, and we will circle back to you. If you seek recognition, you must unmute your microphone and address the chair verbally. I will now start by recognizing myself.

Ms. Nu, thank you for your advocacy on behalf the Rohingya people and a truly democratic and inclusive Burma. I think it is an understatement what started with much promise and admiration for Aung San Suu Kyi has led to disappointment in recent years. I know this subcommittee, as well as the House in a bipartisan way, has expressed that disappointment. Can you enlighten us as to what accounts for her failures? And is it that she just simply does not care about the Rohingya or considers them Burmese, and how we should approach this?

Ms. NU. Thank you, Chairman Bera for your questions and the opportunity to address you once again.

Yes, as you said, it is very disheartening to see how responses in this crisis before she become the head of government and now under her administration. We—the community the Rohingya community and all other ethnic minorities in Myanmar expected that she is the one who will bring equality and justice for all other minorities. Instead, she turns away and sides with the perpetrators, the military dictators and stands with them in front of the International Court of Justice. It is clear that her intention is not to protect the country's minorities, but to protect the powers. With that, even after the International Court of Justice provisional—the orders—the provisional measures orders, there is nothing has changed on the ground, the life of the people on the ground, and the policies that by the government itself, the State policies for the Rohingya population.

Now she has the power to change the policies, for example, removing restrictions of the movement and allowing students to go to the universities. Now, since 2012, our students are not able to go to the university. In her administration with her authority, she can change this, you know, minor changes. And her government officials continue using—denying our identity as Rohingya and using—referring us as Bengali. At the same time, her government is implementing a discriminatory citizenship process, which will eventually lead the Rohingya people to become noncitizens and lose of all our rights, including our birth right to the land and rights protections. I think some of the specific acts and policies that have not been addressed or continue imposing by her all administration can be pushed by your committee and U.S. Government. So, in terms of policy, change in policies, implementation, and practical changes in the grounds are essential. And we want to see her taking leadership to return to—like, to basically make necessary arrangements for the return of the refugees and restore the full citizenship rights and the equal rights of the Rohingya in Myanmar.

Mr. BERA. Thank you, Ms. Nu. In the short time I have remaining, I am obviously putting my doctor hat on and public health hat

on. We are very worried that, in Cox's Bazar, if COVID-19 were to start spreading, that this would be well a humanitarian disaster.

I am also very worried about the secondary and tertiary impact this in terms of food and security, starvation and the like. Maybe Mr. Schwartz or some other members, if you could just give us a sense of how challenging things are right now and some policies. I agree if we can get the \$20 billion in the next supplemental, that would be a good first step. And I think that is incredibly important to help support folks. If any of the witnesses want to give us life on the ground in Cox's Bazar.

Mr. SCHWARTZ. Well, thank you, Mr. Chairman. I will be very brief and say that today, since we have not seen the very worst of COVID-19 infections, that, to a great extent, the principal challenges that we are confronting, that humanitarians are confronting are the indirect impacts of this pandemic. In Bangladesh, it has to do with a decrease in the number of humanitarians who are in the camps, restrictions on communication, difficulties with supply. And worldwide, that problem is arising in many different places. The media reported some weeks ago on the Sahel. The focus of that report was not the direct impact of COVID-19, but rather significant food insecurity challenges based on restrictions and access, which just underscores the importance not only of a very generous COVID-19 supplemental globally but also the need to continue to focus on not only the COVID-19 response but the indirect impacts of COVID-19.

Mr. BERA. Thank you, Mr. Schwartz.

And I realize my time is out. So let me recognize the ranking member, Mr. Yoho, for 5 minutes.

Mr. YOHO. Thank you, Mr. Chairman. And I appreciate all the witnesses' testimony.

What is the key—and I think I am going to ask this of Eric Schwartz. Mr. Schwartz, what is the key economic driver of the economy in Myanmar?

Mr. SCHWARTZ. Well, I am not an economist, but I will say that I think, at this point, the most effective tool for, you know, pressure against the government of Burma would be to target military and military-owned enterprises.

Mr. YOHO. All right. Well, let me ask you this: What is their biggest product or export product? And who is their largest trading partner? Is it China? And what is that product that brings in the most money for their economy or anybody on the panel?

Mr. SCHWARTZ. Right. Please, I would believe that China would almost certainly be their major trading partner, but in terms of the products, I think I would defer to others.

Mr. YOHO. Allyson, Ms. Neville, do you know?

Ms. NEVILLE. I am sorry. That is unfortunately not really something we can speak to given our humanitarian——

Mr. YOHO. Well, let me just go with this because we see this over and over again. We see it in China in the Xinjiang Province. We see it elsewhere in the world. And we say "never again," but yet it happens over and over again. And without having a direct did conflict, the best thing I think we can do as a Nation is economic pressure. I would assume that China is their largest trading partner. But what other nations are coming to the table outside of the

U.S.? What other developed nations? Are we seeing the E.U.? Are we seeing Japan? Are we seeing any other country? And then, particularly, since the majority of the Rohingya are Muslims and they practice their Muslim faith or they try to, what Muslim countries are coming to the table to be actively engaged, or is this the U.S. alone? Because if we can get these other countries engaged, we can put that economic pressure on there and squeeze them there, in addition to the sanction that we are doing? Does anybody want to community on that.

Mr. SCHWARTZ. Sure. I would be happy to. I think key interlocutors, economic interlocutors for Burma include not only China but India, Japan, Indonesia, the E.U. And the challenge is to marshal an international effort and there really has been an absence of leadership in that effort to marshal, you know, a truly international effort. The Muslim world has—governments with Muslim majority populations have been regularly supportive of declarations against what the Burmese military have done, but that has not really translated into genuine political and economic pressure.

Mr. YOHO. Okay. Let me bring this up then: We know in January 2020 the U.N. reported genocide going on and called their commander in chief and five generals to face charges of crimes, but yet the U.N. Security Council has yet to issue such a designation. This is just something I am going to say is that we as a Nation need to invoke these other nations. And we need to have this at the U.N. to where they bring this up and then, from that, move that coalition to put that economic pressure on anybody that is trading with them. And, again, what we see is China is the bad actor. China could come to the table and help us resolve so many issues around the world, yet they are on the opposite end, fuming and working against us. Until we get agreement in countries working in the same direction, this will not end.

And, Allyson Neville, you were saying living in a refugee camp should never be normal, that should never be normal. But yet we have refugee camps that have been going on for 20-plus, 30 years because we cannot get together as a world community and bring this stuff to an end.

I do not really have any other comments. But I do know that if we do not work with some of these organizations, like Gavi and the NGO's, and get treatments and vaccinations for other diseases, the comorbidity are going to open up this population for the pandemic, and we have got some challenges on our hands. And I hope America comes to the table and pleads and brings other partners.

Mr. Chairman, thank you for putting this meeting on. And I thank our witnesses. And I yield back.

Mr. BERA. Thank you to the ranking member. Let me now recognize the gentleman from California, Mr. Sherman, for 5 minutes.

Mr. SHERMAN. I think there should be a general recognition that we need to appropriate money in the next COVID bill to focus worldwide on the problem this is causing. And believe it or not, I will commend the Republican Senate bill that has \$4 billion in it to deal with the foreign policy aspects of COVID. I know we Democrats in the House have provided for money, but we have that not in the COVID bill but in the appropriations bills that will not be-

come effective until October 1st at the earliest, and we clearly need to respond internationally sooner.

I met with on Aung San Suu Kyi more than once. She had become such a hero to all of us who were concerned about human rights. And to have her play this role, presiding over and apologizing for this genocidal regime, is just disheartening to everyone who has put their time and effort into human rights.

Last year, I had a chance to preside over this subcommittee. We had three hearings dealing with the Rohingya in part. We had our hearing on Southeast Asian human rights, where we focused on Burma, Myanmar; South Asia where we focused on the effect on Bangladesh; and, finally, the budget hearings. I want to commend Chairman Bera, though, for having a hearing entirely focused on the Rohingya. It is clearly deserving of a hearing by itself.

The Rohingya need to go home. They need to go home safely. They need to go home with full citizenship rights. Several years ago and as recently as last year, I pointed out that perhaps the international border would need to be changed. If the government of Burma, Myanmar, will not protect the people of north Rakhine State, then maybe that State should be part of another nation or independent. Now, I do not think a change of international borders is anything close to an optimal solution, but I will point out to those in the Burmese Government that America has favored and facilitated only once this century a change in international borders, and that was the creation of South Sudan. And we did it because of our abiding efforts to prevent genocide. And there was genocide there in South Sudan, and there has clearly been a genocide attempted to be perpetrated against the Rohingya people.

We could be looking at a temporary safe zone inside the Rakhine State with international U.N. peacekeeping troops, but that would just be a first and inadequate step because we need the people of Rakhine State to be full citizens of Burma. A number of people have pointed out the importance of BURMA Act. We passed it through the committee. We need to pass it on the floor. And I see on my screen Ms. Wagner, who joined with me when I introduced the Safe Return of Rohingyas to Burma Act. And this would go further in revoking Burma's GSP preferences. I know Mr. Yoho focused on the economic. We may not easily control what China does economically, but we certainly have control over what we do. And we have given Burma extraordinary GSP preferences that we do not provide to a host of other countries, and, clearly, that should not go on. And that would have an immediate economic effect on Burma. We would not have to wait for a determination. It would not be just aimed at one or two individuals, but would affect the regime.

There is a—Mr. Yoho and others have brought up China. China has signed 33 major economic agreements with this regime. It oppresses its own Uighur Muslims. It has offered cash to Rohingya to return to their homes, but without any guarantees of safety, they are not going to do it. And now China has its eyes on the Rakhine State as a place for a port that would support the Chinese economy.

I would hope that, for the record, our witnesses would tell us what we can do to illustrate to the entire Muslim world what

China is doing not only to the Uighurs but in support of the Burmese regime. I will point out that, in contrast, the United States gets criticized as somehow being anti-Muslim. Not only do we stand up for the Rohingya and the Uighurs, but we took military action against Serbia to support the Kosovars and Bosnian Muslims.

How much additional assistance do we need to provide to support the Rohingya in addition to the I am told it is as high as \$660 billion we have provided so far? Do we have a witness, perhaps Mr. Schwartz.

Mr. SCHWARTZ. Yes, let me address three points that you have alluded to.

Mr. SHERMAN. I have limited time. So perhaps you can address the A question.

Mr. SCHWARTZ. Well, yes. I would say that the United States has been a very generous contributor to the humanitarian response in Bangladesh. But the global appeal, at last report, was funded at far less than 50 percent. So much more can and should be done.

But I do need to comment on your reference to a safe zone. As someone who wrote an op-ed in The Washington Post urging that any return be accompanied by a U.N. monitoring team, so I think the phrase “safe zone” makes me nervous, because safe zones is a general matter, you know, whether it is been in Bosnia or other parts of the world, are not safe. And so I think we have to be certain that conditions are right for safe and voluntary return with monitoring, but I get very nervous when I hear the phrase “safe zone.”

Mr. SHERMAN. Maybe a different term is called for, but international monitoring I think would be helpful.

I will also ask our witnesses to comment on the record about the International Criminal Court, which held that Myanmar must take steps to prevent further genocidal acts. I want to commend The Gambia for bringing the case and focusing on human rights so far from The Gambia.

And I want to pick up where Ms. Wai Wai Nu’s comment about the elections. I will point out that some 850,000 Afghan refugees in 2004 were able to participate in the Afghan elections. You have called for Rohingya to be able to participate in the Myanmar elections. I know Myanmar authorities have detailed records and household lists. And it seems that, as a practical matter, the Rohingya could participate should the world—if the Myanmar Government refuses to allow them to participate, should the world regard this as a legitimate election?

Mr. BERA. Knowing that we have gone over time, if the witnesses perhaps could answer some of those questions and submit them for the record, that would be great. Thank you.

With that——

Mr. SHERMAN. I would ask that the witness be given just one or two sentences.

Mr. BERA. Okay. I will grant that to Mr. Sherman, if the witness want to.

Mr. SHERMAN. Just the one, Ms. Wai Wai Nu.

Mr. BERA. Ms. Nu.

Ms. NU. Thank you. Thank you, Congressman Sherman. I think you are very, really right. Our populations want to be able to have our rights, political rights to vote and to participate in the elections. And there are precedents in the past that could have happen. As you rightly said, Burmese Government has our family registration, a list and cut as well as the voting list from the 2010 elections. So it is not difficult if there is a will and a plan to arrange this to happen, and it does not take much long.

And second——

Mr. SHERMAN. Thank you.

Mr. BERA. Let me recognize the gentlewoman from Missouri, Mrs. Wagner, for 5 minutes.

Mrs. WAGNER. Thank you, Mr. Chairman for hosting this hearing on an issue that is extremely bipartisan. And I thank our witnesses for their time and for their expertise today.

My heart breaks for the Rohingya who have suffered unimaginable atrocities at the hands of the genocidal Burmese regime and now face an incipient coronavirus outbreak in Cox's Bazar, Bangladesh. Along with Congressman Levin, who I know is joining us today, I co-led an amendment to the State and Foreign Operations Appropriations Act that ensures—ensures—that U.S. funds will not be used to support the forced relocation of Rohingya refugees to Bhasan Char, an uninhabitable strip of silt off the coast of Bangladesh. So Bangladesh has already begun to detain refugees on Bhasan Char and has refused to allow U.N. officials access to the island.

Mr. Schwartz, how can we ensure Rohingya on Bhasan Char are receiving the humanitarian aid that they need?

Mr. SCHWARTZ. Well, I think we have to, Members of Congress, and the Administration has to continue to press the authorities in Bangladesh, No. 1, not to be moving refugees to Bhasan Char until there is an independent assessment of safety and voluntariness. And I would urge that Members of Congress and the Administration press the government of Bangladesh on the issue of access now. And I think the 300 or so who are on the island, if they do not—if access is not permitted, then we need to press to those people to be returned to camps. It is—the issue is clear and straightforward. If the government of Bangladesh believes, as it says, that is a habitable island, the conditions are good for the refugees, then there should be no problem with an assessment, an independent assessment of the safety of the island prior to moving people to it. It is really that simple.

Mrs. WAGNER. Thank you. Thank you, Mr. Schwartz.

In November 2019, as Congressman Sherman has referenced, Gambia filed a genocide case against Burma at the International Court of Justice, or ICJ, beginning a very long overdue effort to designate the atrocities committed against Rohingya as genocide and punish the perpetrators for their crimes. While consideration of the case continues, the ICJ has ordered Burma to take actions to prevent further acts of genocide.

Ms. Enos, how well is Burma complying with the ICJ's order to actively prevent additional acts of genocide? And how can the international community pressure Burma into compliance?

Ms. ENOS. Thank you for that question. You know, I think that, to the best of my knowledge, they are not taking steps to comply, and, critically, I think what we need to be watching for is the fact that the Burmese military has been engaging in activities that seem very similar, in fact, to what happened in August 2017. They have even used the language of “clearing operations” in some contexts.

We know that there have been civilians that have been targeted and tortured in Rakhine State, and so we know that the Burmese military is continuing to be emboldened to act in these ways. So any sort of effort by the civilian government or otherwise to say that they are confined are simply not true for many Rohingya, as well as other religious minorities inside of Burma. And I think this is why we need the U.S. Government to call a spade a spade and finally say that this is genocide, this is crimes against humanity, echo what the United Nations has said, echo what the ICJ has found, echo what even the U.S. Holocaust Memorial Museum, I think the U.S. Commission on International Religious Freedom, so many bodies, including civil society, have been saying that this is genocide and crimes against humanity, but thus far, the U.S. refuses to say that it is what it is, and——

Mrs. WAGNER. And the fear——

Ms. ENOS [continuing]. The genocide, it is crimes against humanity.

Mrs. WAGNER. The fear and uncertainty also caused by the pandemic are exacerbating tensions between Rohingya refugees and local communities in Bangladesh. Ms. Nu, briefly, how can aid groups and partner countries protect Rohingya refugees from being scapegoated for the coronavirus outbreak? Ms. Nu?

Ms. NU. Thank you. Thank you for your questions. Yes, I think aid groups and the partner countries, the first thing that we need is that the consultations and talking to the people on their needs and their—assessing their situation morally, not just ticking box on what they need and what their situations are.

What we have been seeing throughout the last, you know, 7 years is that many donor organizations, countries, and the partner—implement organizations are not necessarily discussing with the community, with the refugees, on their needs and on their situations.

For example, the women that I have talked to, women that I have been working on, has—from the rape in Burma, she has endured physically terribly now. She cannot work because of her backbone has broken. So, for her, and during the COVID-19, she cannot even go out. And during the lockdowns, there is no—for her, it is impossible that she can get any assistance during this kind of—during this lockdown and COVID-19.

So that is why I think the most important thing is to consult and to listen to the community as much as possible. That is the first thing.

Second, about, you know, your questions around the ICJ’s and international criminal accountability, one of the—a few things that U.S.—your committee can concretely do is that—the first one, action Facebook and Twitter to provide their evidences to the Gambia, to the ICJ. That is the most important thing.

And, second, you know, calling—supporting Gambia processes and International Court of Justice and International Criminal Court processes at the U.N. General Assembly and at the Security Council.

Mrs. WAGNER. Thank you. I am way over time, Mr. Chairman, my supreme apologies and—but thank you to all our witnesses. They have so much to offer, and these virtual things are a little clunky to do.

So I yield back, Mr. Chairman.

Mr. BERA. Thank you, Mrs. Wagner.

Let me now recognize the gentle lady from Nevada, Ms. Titus.

Ms. TITUS. Thank you, Mr. Chairman. The testimony has been quite interesting.

I was reading recently, from the last issue of Foreign Affairs, an article called “The Myanmar Mirage: Why the West Got Burma Wrong.” It is primarily a review of a book called “The Hidden History of Burma,” and it makes the argument that a lot of the vacillating international perceptions of Myanmar, from pariah State to positive, possible democratic success story, now back to pariah State again, have more to do with our hopes than with Burmese realities.

It goes on to quote a journalist, Peter Popham, who has argued that Aung San Suu Kyi’s mystique has really originated from her absence, and she has been a blank screen on which we have painted what we hoped would be her characteristics, her demeanor, her approach to politics, not necessarily what her background is.

So I am wondering if you all would address maybe the question of how we got it wrong and how we might reassess what our policy is going forward based on this notion of Myanmar’s history, its culture, its structural problems, its racial tensions, that maybe we need to reassess our own policy. Anybody.

Ms. ENOS. Sure. I will take that first if you do not mind. I think that one of the challenges with U.S. policy toward Burma has been its inconsistency, as you pointed out, and one of the things that happened toward the tail end of the Obama Administration is what I would argue was a premature lifting of sanctions on the Burmese military at a very critical moment.

We saw this potential opening toward democracy that Burma was taking, and I think we did get our hopes up, and so we lifted those sanctions. I think slowly but surely, we have started to see the reimplementation of many of those sanctions, including the notable sanctions against Senior General Min Aung Hlaing and others, as well as against the 33d and 99th Light Infantry Divisions, all of which happened under the Trump Administration.

And these are welcome changes, but they do not demonstrate a reset of U.S. policy toward Burma, which is something I have advocated for in several of my papers at Heritage. And I think one way to reset and retask U.S. policy toward Burma would be to go ahead and issue an atrocity determination, whether that is genocide or crimes against humanity, and then to bring the sanctions policy in line with that in such a way that it actually targets the military-owned enterprises that are truly enabling the Burmese military to step on any possibilities for democratic reform that we might see under a civilian government.

Ms. TITUS. Thank you. Somebody else might respond to, how do we do this without pushing Burma further and further into the arms of China? Right now, that relationship is fairly tenuous, but they are only too willing to be an economic supporter and a friendly ally.

Mr. SCHWARTZ. Let me comment on that, and I share the view that I think there was what I might call a little bit of irrational exuberance about where this political situation was going and excitement about Aung San Suu Kyi. I think there is much to what you have said about, you know, we sort of create our own images and perceptions about people treating them as foreign leaders, treating them as blank slates, but I do not think that altered.

And, second, I would say the situation is very complex. Your comment about China demonstrates that, and so—but it does not change the fact that we should be promoting basic decency and basic respect for human rights on the part of the authorities in Burma. And what that means is a concentrated, coherent strategy that recognizes complexity.

You are not going to get the government of China to support a genocide declaration or support a Security Council condemnation, but sticks, strong measures by likeminded governments have got to be part of an overall strategy, including a genocide determination, while, at the same time, U.S. diplomats should be engaging Chinese leaders, Indian leaders, who are more reluctant to take strong measures, and see what we can achieve with respect to movement on these issues.

Two minutes in a hearing is not a forum in which to describe what a strategy is. What a strategy requires, American leadership, which is not there right now, in terms of a coherent, concerted, diplomatic effort that recognizes that, in some cases, you have got to be really—you have got to really implement and utilize sticks, and, in other cases, with governments that are far more reluctant to take strong measures, you have got to engage diplomacy. And I think both are critical to an effective strategy, if the goal is to improve the well-being and the lives of the Rohingya people in particular and ethnic minorities throughout Burma.

Ms. TITUS. Thank you.

Ms. NU. If I may—can I——

Mr. BERA. Go ahead briefly, Ms. Nu.

Ms. NU. Thank you. I echo both Olivia and Mr. Eric. I would like to just want to say that we should go back to the U.S. policy and strategy before, you know, so-called democratic transition. We need to go back to the strategy during the military dictatorship. Since we can say this is the failed democracy, the civilian government is not upholding any democratic principle and not protecting the minorities and, you know, letting the genocide happen—continuing the genocide at its own country. So that is my main, like, suggestions for us.

And, also, the situations in Rakhine State, the suffering of Rohingya is not now just the issue of Myanmar. It has become international issue. Our people have been suffering in Bangladesh, Malaysia, India, and elsewhere. So it cannot be addressed unilaterally, and it has to come up with a very constructive strategy, and

going back to your leadership, you know, as multinational, like, responses, I think that is the critical thing.

And also talking about the sanctions and economic economy, and I think it is important that not only sanction individuals but also targeting the institutions itself, and, you know, I would like to request the committee to submit my written submissions on our partners on the businesses and military's businesses and misconducts in Myanmar. Thank you.

[The information referred to follows:]

**Refugees International
Statement for the Record**

**Report:
A Call to Action on Myanmar's Genocide Against the Rohingya**

April 30, 2020

The State of Myanmar has committed genocide against the Rohingya people, and the world must take action.

**Call it Genocide:
Act for Rohingya**

As the threat of genocide continues, Refugees International wants to be clear: We believe that the state of Myanmar is responsible for the crime of genocide, and that the United States and all governments that are parties to the Genocide Convention or support its objectives should take actions necessary to ensure accountability and to prevent further atrocities.

Refugees International takes note of the case brought by The Gambia in the International Court of Justice claiming that Myanmar has violated the Genocide Convention, a position which we share. We encourage the United States and other countries to strongly endorse efforts of the World Court to promote accountability.

Refugees International is aware that the International Criminal Court (ICC) has launched an investigation into possible crimes against the Rohingya "within the ICC's jurisdiction in the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar ("the situation in Bangladesh/Myanmar")." But the current investigation is limited to crimes that can be proven to have occurred, at least in part, in an ICC member country, namely Bangladesh. We believe that the effort within the ICC must be strengthened, and that justice would be served through a formal Security Council referral of the situation to the ICC. We urge Security Council members to act now.

Finally, we urge the U.S. State Department to make its views known on these critical issues. We believe the evidence supports a finding by the United States that the crimes committed against the Rohingya—and documented by the State Department's own [survey](#)—constitute crimes against humanity and genocide. Such a determination would of course help to hasten a genocide prosecution, and would help to rally the international community to press Myanmar to address

ongoing impunity, help to create the conditions for safe return of Rohingya, and help ensure assistance to victims until such return is possible.

Recognition of the crimes committed is not only important to ensure accountability, but also to deter ongoing and future crimes. The estimated 600,000 Rohingya remaining in Myanmar face ongoing restrictions on their freedom of movement and access to education and healthcare, and are prevented from identifying as Rohingya. In fact, the UN Fact Finding Mission has warned that the Rohingya face an ongoing risk of genocide. On January 23, 2020, in a preliminary ruling, the International Court of Justice found sufficient concern to call upon Myanmar to take measures to ensure genocide is prevented and to maintain evidence as the court continues its deliberations. A first report from Myanmar to the Court on actions it is taking on this ruling is due on May 23. With this deadline looming, and with 1 million Rohingya refugees suffering in Bangladesh and the estimated 600,000 still at risk in Myanmar, now is the time to recognize the word that fits the crime and to utilize the political will and sense of urgency such recognition creates to push global action.

The Refugees International Finding of Genocide

This is not a conclusion that Refugees International reaches lightly. But the evidence of the widespread, systematic nature of the attacks on the Rohingya and the intent reflected in the rhetoric and actions of the Myanmar military leads inevitably to this conclusion.

This genocide determination comes after careful consultation with international scholars and legal experts on genocide and with full awareness of the high standards of the legal definition of genocide. It is based on Refugees International's interviews with dozens of Rohingya refugees as well as broader surveys carried out by independent human rights groups, the U.S. Department of State, and the [UN Independent Fact Finding Mission on Myanmar](#).

Overwhelming Evidence of Acts of Genocide

Numerous reports have established that several of the acts of genocide recognized in the Genocide Convention have been committed by the Myanmar military against the Rohingya people. These acts include killing members of a targeted group, causing serious bodily and mental harm, and deliberate creation of the conditions of life calculated to bring about the destruction of such a protected group in whole or in part (as defined in the Genocide Convention). Thousands of Rohingya have been killed. The majority of the population has been forced from the country and is now living under trying conditions across the border in Bangladesh.

As Refugees International [testified](#) to the U.S. Congress following an emergency mission in September 2017, interviews with Rohingya refugees revealed:

“a litany of abuses along a common strain: soldiers surrounding villages, using various incendiary devices to set fire to homes, at times locking or throwing people inside the burning structures; young women singled out to be taken away and raped; days long flight by foot and/or boat across the border to Bangladesh, arriving with just the clothes on their backs.”

These accounts have been corroborated by numerous further reports and eyewitness testimonies. Doctors Without Borders in December 2017 conservatively estimated [at least 6,700 Rohingya were killed during the attacks](#). A broad [survey](#) of Rohingya refugees by Physicians for Human Rights estimated a similar number of deaths and documented burning of homes and mosques, sexual violence, and violence against civilians in flight.

The State Department survey of 1,024 Rohingya refugees found that “the vast majority of Rohingya refugees experienced or directly witnessed extreme violence and the destruction of their homes.” The Myanmar military was identified as perpetrators in most cases and nearly 40 percent of those surveyed witnessed a rape committed by Myanmar security services. The survey concluded that the violence was “extreme, large-scale, widespread, and seemingly geared toward both terrorizing the population and driving out the Rohingya residents.” The scope and scale indicated the military operations were “well-planned and coordinated.”

Genocidal Intent

The intent of the Myanmar military to destroy the Rohingya, a distinct ethnic group, in whole or in part is apparent in its statements and actions. Authorities in Myanmar have long targeted the Rohingya for persecution, and current military leaders have fueled racist and dehumanizing perceptions of the group. They have furthered dangerous rhetoric that identifies Rohingya as an existential threat to Myanmar's racial and religious purity. Survivors of the attacks have cited soldiers [expressing a desire to kill and rape Rohingya](#), using phrases like "you don't belong here" and "we will kill you all." And, significantly, the physical destruction of many thousands of Rohingya is combined with a public and self-conscious effort by the military leadership to deny that the Rohingya even exist. Senior General Min Aung Hlaing, in a Facebook post on September 2, 2018, described the "Bengali problem" as a "long-standing one" and an "unfinished job," stating that "the government in office is taking great care in solving the problem."

As concluded by the UN's Fact Finding Mission, this history of racist and derogatory language, along with the brutality of the attacks, the widespread use of sexual violence, and the organized nature of the attacks collectively "demonstrate a pattern of conduct that infers genocidal intent on the part of the State to destroy the Rohingya, in whole or in part, as a group."

The inference of intent has been further argued by The Gambia in its [case against Myanmar now before the International Court of Justice](#). In short, there is ample precedent in the case law of prior international tribunals to establish a reasonable inference of genocidal intent in the case of the Rohingya.

Recommendations

- **The U.S. State Department** should make a determination that genocide and crimes against humanity have been committed by Myanmar authorities against the Rohingya;
- **All Parties to the Genocide Convention** should strongly endorse efforts at the International Court of Justice to promote accountability;
- **UN Security Council Members** should refer the situation of atrocities committed against the Rohingya to the International Criminal Court.

Ms. TITUS. Unfortunately, we have an administration right now that does not believe in much cooperation with other international partners.

Just briefly, I was in Myanmar, with part of the House Democracy Partnership, and that group works with new democracies, and we were optimistic. And we work with USAID and NGO's in the countries who make such a difference with that soft power or diplomacy. And at some point in the future, I would like to hear you all tell me more about your access currently under this administration and also under the conditions of the COVID virus.

Thank you, Mr. Chairman.

Mr. BERA. Thanks, Ms. Titus. Now, let me go ahead and recognize the gentle lady from Pennsylvania, Ms. Houlahan.

Ms. HOULAHAN. Thank you, Chairman, and thank you to the panelists for coming.

I wanted to followup on a couple of things that my colleagues have said.

First off, Mr. Sherman ought to re-emphasize, and I believe Mr. Bera as well, the importance of federally funding our foreign affairs in this COVID package that we are working on. I think it is essential. I think we are seeing on the Senate side at least an appetite for that, and I would like to see on the House side an appetite as well to include it in our next package. So I just want to associate myself with those remarks.

I also wanted to followup on something that Mrs. Wagner talked about, which has to do with what we are seeing that looks a lot like 2017 played over again, and would like to understand from possibly Ms. Enos or Ms. Nu, what you are seeing now, what you saw in 2017, what can Congress do in terms of lessons learned from 2017 until now.

You touched a little bit on some of those, ticked them off, but is there anything further that you can add to that, and can we ask you all for the record to submit some ideas of what lessons we can learn from the 2017—from 2017 for now? So maybe Ms. Enos?

Ms. ENOS. Okay, great. Thank you for your question. Yes, I do think that we are starting to see an uptick in violence, and honestly there has been consistent targeting from the Burmese military of various minority communities, including in Shan and Kachin State, but

[inaudible] In Rakhine State. And happy to submit, you know, additional materials that go into great detail about that.

But beyond lessons from, you know, 2017, I think that there are also lessons from the election previously because we are going to have an election in Burma here in, you know, November potentially, and, again, we are seeing Rohingya being excluded as being able to vote. And we cannot consider it a free and fair election when Rohingya and other minority groups are not permitted to vote.

And so I think that this election actually presents an opportunity for U.S. advocacy and U.S. diplomacy to really up the ante and put pressure on Burma on both the civilian and the military governments to respect the fundamental rights of all of its citizens, minority or not, to be able to participate in the democratic process. So I think that is maybe something also to keep in mind.

Ms. HOULAHAN. That would be terrific too. That would be terrific too.

Ms. NU, do you have anything that we can maybe put into the congressional Record in this area?

Ms. NU. Yes. Thank you very much. I would like to add some more points. And one of the main thing that—the lesson learned during the 2017 is that I think the impunity of the perpetrators. So the violence against the Rohingya happened in—started in 2012, and it goes on in 2013, 2014, 2015, and 2016. While the attack happened, the U.S. Government lifted the sanctions from Myanmar, and that is the worst thing that could happen, and that let them larger, you know, five time larger atrocities in 2017, and I think that is the lesson learned for me.

We have been advocating and telling the U.S. Government and many others, policymakers, around the world, that we need to end impunity of the perpetrators, and there were little actions or little interest from the U.S. Government, and that is the one—the main thing that led to the 2017 now. We cannot wait any longer because the more we wait, the longer injustice will be and the—the suffering of the communities will prolong, not just the Rohingya but also the Rakhine and other ethnic communities.

From—only from January to May, there are about—one of our partners, from one of our partner's recall, 410 attacks against the civilians happened, more than 300 civilians have been killed, and the continuous abuses and violations by the security forces, such as extrajudicial killing, arbitrary arrests, has been ongoing. And Rohingya are stuck in the middle of—caught up in the middle of the war zone without protections from any parties in Rakhine State. So we need to end impunity.

Ms. HOULAHAN. Thank you.

That was very helpful. And with whatever is left of my time, I am really dubious about the report of only 62 cases of COVID. Here in my community, we had a nursing home that had 62 deaths of COVID, and so it is really hard to imagine that that is true. Can anybody give me any insight into whether or not this is just an issue of testing, or really is there some sort of something else going on there? And, also, are you seeing an increase or spike in cases of other kinds of diseases, and, finally, is the WHO still even at all able to be helpful, and what can you comment if anything about us withdrawing from the WHO during all of this situation?

Ms. ENOS. I will just briefly address the issue of 62 cases. I think that this is, in part, an issue of testing and access to testing. It is also a lack of access to medical care. As I understand it, there have been limits placed on the number of humanitarian agencies that can work during the COVID-19 era, in part, to help stop the spread, but also that means that a lack of access to medical care, in general, is fading.

And I think we are seeing this especially affecting women and girls, especially those who are pregnant. There have been reports of women not being able to get access to maternal healthcare for labor, birth, and delivery that are extraordinarily concerning. Some of this has to do with some of the more male-dominated structures within the camps that are limiting and restricting their access.

But some of it also has to do with misinformation that is running rampant in the camps that women are, in fact, the cause of COVID-19 in these camps. And I think that the spread of misinformation is easily preventable simply by the Bangladeshi Government lifting those restrictions on access to internet and telecommunications that they put in place. This is a very preventable problem and something that I think strong diplomacy coming from U.S. State Department and otherwise would be able to help to address. So I think that, you know, in part answers your question.

Ms. HOULAHAN. Thank you. I think my time is well past expired. I do not see a clock, but I apologize, and I yield back.

Mr. BERA. No worries. Thank you, Ms. Houlahan.

Let me recognize the gentleman from Michigan, Mr. Levin, for 5 minutes.

Mr. LEVIN. Thank you so much, Mr. Chairman, and I want to thank you and the ranking member for holding this important hearing.

I had the privilege of traveling to Bangladesh last year and to spend 2 full days in and around the Rohingya refugee camps and the host communities and rural areas around Cox's Bazar.

And while I by no means at all want to downplay the horror of the situation, I want to take a moment to recognize the common humanity we share with the Rohingya people. When we sat down and talked with mothers, they said they wish they could offer us a meal as their guests. When we asked parents what brought them joy, they said seeing their children happy.

Our lives are very different, but at the end of the day, we are talking about families like yours and mine who want to have a warm and happy home where their kids are safe and can thrive. And it breaks my heart that, for those families I met, that home and that peace are still very far, far out of reach.

So I want to talk first about what it would mean for Rohingya refugees to return to Burma. I spoke with one man who had fled Burma three times in his life. This was his third time as a refugee, but he still considered it home and wanted to go back and spoke about the smell of his farm animals and the water and so on.

And, in fact, most of the people we spoke with hope to go back to Burma. So let's talk about this. Mr. Schwartz, there have been actually been multiple spikes in violence against Rohingya in Burma over decades, going back to the 1970's, and so multiple cases of Rohingya people fleeing to Bangladesh. In those past cases, what allowed for Rohingya people to return to Burma?

Mr. SCHWARTZ. Well, not—I mean, what—the situation for Rohingya in Rakhine State, in recent memory, has never been acceptable. They have been subjected to denial of their right to political participation and other abuses, but the truth of the matter is, what we saw in 2017 was unprecedented, in terms of the concentrated nature of the mass expulsion, the numbers of people who moved in such an extraordinarily short period of time, hundreds of thousands.

When I was there in mid-September, which was just about a month into the crisis, I think the numbers were several hundred thousand already. The fact that an estimated 6-to 7,000 people were killed in the context of that expulsion. I mean, the virulence

of the government's actions and the military's actions in that case was of a different order of magnitude and——

Mr. LEVIN. No question, no question, but what I am trying to ask is, is there a history of truly voluntary repatriations and folks being able to go back in peace and actually reclaim, you know, their possessions, their land, and so forth?

Mr. SCHWARTZ. There has been movement back and forth, some movement back and forth in the context of prior, you know violations of the rights of the Rohingya, but I think you are testing the limits of my historical knowledge. I think——

Mr. LEVIN. Okay. Well, so I guess what I want to say is that, I am very concerned that any repatriations would have to be, you know, truly voluntary, and I think they are going to require a kind of multilateral foreign policy that the ranking member expressed eloquently but that I have to say to my brother, this administration has no interest in carrying out and working with our allies as a team, you know, to deal with this, with a situation like the—you know, the Rohingya, this horrible genocide that we have watched and that they have had to deal with.

Let me just ask quickly more about Bhasan Char, which I did work on a bill with Congresswoman Wagner that she mentioned. I am very worried about more people being forced onto this island. It is dangerous. I do not see it being a truly safe place. You spoke to this, that they should allow independent, you know, evaluations, but what more can the U.S. do to stop forced relocations to Bhasan Char? What specific steps do you, Mr. Schwartz, or others, think we could take—again, if it has multilateral, fine—but to prevent this from happening?

Mr. SCHWARTZ. This is a perfect example of what I would call the “carrot and the stick” approach. I mean, I think, on the one hand, our diplomats, you know, need to be talking very sharply to the government of Bangladesh, about the critical importance of an independent assessment before people are moved to the island.

At the same time, we are thanking the government of Bangladesh for providing refuge to the Rohingya and, at the same time, that we are rallying support for additional financial assistance for the humanitarian effort in the camps.

And, in addition, I think part of that is movement on a genocide determination because it signals to the government of Bangladesh that we recognize that the problem is in Burma and that we are—it is an expression of solidarity with a country that has expressed deep concerns about the burdens, the responsibilities, that they have taken on with respect to the Rohingya.

So I would say it has got to be—as I said before, you know, it is a complex issue, and I think we have to talk tough Bangladesh, on what they should and should not be doing with respect to Bhasan Char, while at the same time, I think we need to be continuing to support their efforts to play host, you know, to this beleaguered population.

Mr. LEVIN. Thank you.

And, Mr. Chairman, I think my time is well expired. So, again, I appreciate your leadership on this issue and that of the ranking member, and I yield back.

Mr. BERA. Thank you, Mr. Levin.

Let me now recognize the gentleman from Tennessee, Dr. Green, and welcome to the subcommittee hearing.

Mr. GREEN. Thanks, Chairman.

I really appreciate it. I am honored to be here, and thanks too to the ranking member.

I also should probably thank Chairman McCaul and Chairman Engel for just honoring me and letting me be on the House Foreign Affairs Committee.

International relations have been a passion of mine since I took the oath to defend the country in 1982 on the plane at West Point, a long time ago, and been enhanced, of course, from my trips all over the world and my two deployments to Iraq and Afghanistan.

I believe that foreign policy and foreign affairs right now are probably the most challenging ever in the United States' history, far more complex than ever before, multiple domains, interactions where we connect and interact with our friends and foes and allies. And layer over that climate and COVID and all these other things, it just makes it harder.

And Myanmar is an excellent example of that, where we face an Asian nation undergoing this humanitarian, human rights crisis. But as in the past, when Americans fight for other nations and people's human rights, we bring security to our own world and, thus, ourselves.

When we have to stand with these people who are—this is an atrocity, as it has been called already in the committee meeting, genocide, in some ways. However, we also have to consider—and I think it was Representative Titus who mentioned this—China continues to grow its malign influence throughout the world. Relationships in that region are clearly have to be considered and how it empowers their actions.

As a new member today, I just have one question, and I will not take nearly all of my time. And let me also say, I did have to step out. So I may be asking a question that has already been asked. If that is the case, then just move on, and I will get it from the transcript.

But, Ms. Enos, I believe there was an international court ruling earlier this year, and I wondered if that court ruling has made any difference, and if so, you know, in what way, and what else can the courts do here to help us?

Ms. ENOS. Thank you for that question. We did briefly touch on it, but I am happy to address it in more depth. So I think the case that the Gambia brought at the International Court of Justice against Burma was a significant one, and not only did it raise the profile of issue of genocide and the atrocities that Rohingya face, but I think it also made it so that there was a greater desire for international pressure, and it put Aung San Suu Kyi, in fact, on the spot, where she was actually defending the Burmese military and the atrocities that they committed.

And so I think it revealed that there is a much deeper need for reform inside of Burma, for political reform in general, that recognizes the fundamental rights of all individuals, minorities, or otherwise, inside of Burma. And so I think this is a very important case indeed, but I think that there is even a further need for the U.S. Government to just go ahead and issue that atrocity determination

because I think that we have seen other international bodies, in fact, pursuing forms of accountability.

But the U.S. decision not to call it genocide, not to call it crimes against humanity, I think, has really hampered international aid efforts, and I think if you were to have such a determination, you have the potential to really galvanize much needed aid and assistance during a time when needs are ever increasing with COVID-19.

And I would just add, very briefly, that any sort of atrocity determination that is issued does not require any sort of new case before the ICJ or the ICC. It actually does not have any sort of legal requirements to pursue international justice, but I do think that the Administration would be wise to pursue alternative legal and judicial mechanisms for holding the Burmese military accountable in addition to targeting and levying the much needed sanctions, you know, and continuing that sanctions pressure against the Burmese military, especially against Burmese, military-owned enterprises.

Mr. GREEN. Thank you. Did I produce your name correctly, by the way?

Ms. ENOS. That is right. Olivia Enos, yes.

Mr. GREEN. Okay. I am sorry if I got it wrong.

Thank you, Mr. Chairman. I yield.

Mr. BERA. Thank you, Dr. Green.

And thank you to the Members for their questions and to the witnesses for their responses.

With member questions now concluded, I am going to recognize myself for some closing comments and then also recognize the ranking member for closing comments, and then give our witnesses an opportunity, maybe 30 seconds or a minute if there are any closing remarks that they would like to make.

Again, you know, what we discussed today really highlights the urgency and the importance of Congress, along with the Administration, taking actions. And just as a number of members highlighted, we had hopes of the burgeoning democracy, we had hopes with Aung San Suu Kyi that Burma might move in the right direction. But as we realized, you know, what the actions taken in 2017 and the continued actions of the military government and the lack of response from Aung San Suu Kyi, we have to now step up and reset the clock and, you know, go back to, you know, some of the sanctions and efforts that were placed.

And as multiple members, as well as the witnesses also suggested, that this is something that would be much stronger if we do it in a multilateral way, using the institutions and organizations that are available to us, including the United Nations. You know, the urgency is now because each day we wait, you know, is continued suffering. Each day we wait allows the government to continue to get away with these atrocities and, you know, perpetrate additional atrocities.

You know, it is not just limited to what we are seeing with the Rohingya. We are seeing these atrocities throughout the world. And, you know, the urgency of now in the midst of this pandemic, knowing that we have to deal with the pandemic but the real worry of secondary and tertiary impacts of, you know, massive starvation, food insecurity, the other infectious diseases that will be emerging

because of the focus on the pandemic, all of these are in urgent need of a global response with wealthier nations coming together to help those that are less fortunate.

And the important first step—and, again, a number of the witnesses touched on it—is, as we do negotiate this next COVID-19 bill, we do need to have global health funding in there, and, you know, we need to keep that in there because there is an urgency of now.

I appreciate the generosity of the appropriations bill and the resources that were in that appropriations bill, but as Congressman Sherman pointed out, you know, that is not coming until October and perhaps even later than that.

So, with that, you know, let me recognize the ranking member, Mr. Yoho, for any closing comments.

Mr. YOHO. Ami, I really appreciate what you are doing as chairmanship. Again, I think you are doing just a fantastic job. I appreciate everybody participating, especially our witnesses.

But I have got to make a few comments here because I saw this administration being attacked and not doing enough, dropping the ball on this. But we have had two witnesses talk about, you know, under President Obama, the sanctions got released. Hillary Clinton, as Secretary of State, was bragging about the democracy she helped form in Burma when it was a shell game, we find out now.

And these atrocities were going on way before this, and they continued all the way through this, but the work that happened in the State Department allowed for the sanctions to be released. And so these attacks are tawdry. I mean, they are just cheap shots that aren't going to solve any problems, and I really do not appreciate this.

If we do not come together, like we did with the BUILD Act that created the DFC in this administration, I would encourage my colleagues that do not think this administration is doing enough, look at what the USAID has done, look at what the DFC has done, you know, getting ventilators and equipment out around the world.

There has been over \$6 billion in DFC alone to fight the pandemic—\$3 billion was, I think, directly from the U.S. taxpayers, and they brought in \$3 billion from outside organizations.

So, if you want to focus on politics, that is great. This is not the place to do it. We need to come together with policies that we can pass in a bipartisan manner that we can get and work through the Senate, so that we can get these policies enacted so that we can bring this genocide, which is ultimately what this hearing is about, to an end, and we can only do that if we are working bipartisanly together.

Mr. Chairman, thank you for what you do, and again, I appreciate our witnesses.

Mr. BERA. Since I see Congressman Sherman still on—Brad, would you like to make any closing comments or——

Mr. SHERMAN. I just want to thank you for having this hearing and focusing our attention on the Rohingya, and that is—and for doing an outstanding job with the subcommittee.

Mr. BERA. Great. Thank you, Mr. Sherman.

I will give the witnesses an opportunity to make brief closing comments, and let's go in reverse order, and we will start with Ms. Neville.

Ms. NEVILLE. Thank you, Chairman.

Thank you, Ranking Member. I just want to close by saying a couple of things. One, there is this immediate issue now with needing to address the COVID-19 pandemic. I really appreciate everyone who has highlighted those needs. I would be happy to follow up on some questions for the record if we can talk a little bit more about what we have been seeing on the ground.

But a couple of things. Following on from Mr. Schwartz, I would say there is an absolute need to appreciate everything that the government of Bangladesh has done welcoming, you know, what amounts to nearly 1 million refugees into their country, while at same time, there certainly continue to be challenges. There is always going to be challenges in any humanitarian context, but a few things like, sort of, restrictions on mobile access, internet access, which—Chairman Bera, I know you have weighed in on as well—those things affect two different areas. One is just access to information and being able to combat misinformation about the virus and which is incredibly, incredibly important given, you know, the need for limited access in the camps to avoid further spreading the virus to the Rohingya refugees.

And then second—Chairman Bera, you also highlighted this as well—is just the need—the ways in which mobile data access would actually help humanitarian programming, that needs to be remote and just—at this point in time. So not having the ability to carry things out via mobile and internet really does create a lot of challenges for us as we are responding.

And I just want to really make sure we connect the situation in Bangladesh, these refugees, because as we have been highlighting, this is not an ideal long-term solution by any stretch of the imagination.

So truly the only real solution is for the Rohingya to be able to return home, which is what they want to do, but the conditions have to exist for them to be able to do so. So these two countries and the situations on the ground in these two countries are intimately tied together. I mean, we really do need to be putting emphasis on what is happening on the ground.

And there are opportunities, especially in central Rakhine where, you know, we do a lot of programming. There are so many opportunities to make progress toward security, toward, you know, improving rights and other conditions for the Rohingya, and I think that is a place where we also need to have a great deal of emphasis.

So thank you, I really appreciate you having this hearing. I am happy to answer further questions.

Mr. BERA. Great. Thanks, Ms. Neville.

Let me recognize Ms. Enos.

Ms. ENOS. Thank you. I will be brief. I think there is no greater moment than the present to make a decision to issue an atrocity determination. This is something that Secretary Pompeo can do at any moment in time, and Congress can certainly call on him and press on the Administration to go ahead and issue that determination.

I think, at a moment in time when the needs are being amplified and deepened even more during COVID-19, this is a great time for Congress to up the ante and put pressure in order to have this happen. It would also be a great time for the Administration to just go ahead and issue that determination, whether that is genocide or crimes against humanity or both.

So that is my, you know, sort of spiel, but thank you so much for the opportunity to be able to come here and to speak to you all.

Mr. BERA. Thank you, Ms. Enos.

Ms. Nu.

Ms. NU. Thank you, Chair. First of all, I would like to say my gratitude and thanks for your consistent bipartisan support on Burma and, you know, really supporting Burma human rights and democracy.

And now I would like to remind everyone, and ourselves, that we are now here dealing with the genocide, crimes against humanity, and war crimes—international crimes. We need your leadership more than ever.

When the first crisis happened in 1978, the first refugee crisis, the late Senator Edward Kennedy took leadership and facilitated the return of the refugees. But then the international community, and the world, has failed to address root causes. Now we are seeing recurrence and repeating the crimes again and again up to where we are now, you know, dealing with the genocide.

So, therefore, I would like to say we need your leadership more than ever at this point, and you can do a couple of things. First, we need to end impunity. You can take leadership—ask the U.S. Government to take leadership at the Security Council to call for the meeting on Burma and to issue the resolutions on ending impunity, supporting International Court of Justice or International Criminal Court, or creating even ad hoc international tribunals to hold all the perpetrators accountable and bring in justice for the Rohingya.

And, second, the United States really need a coherent and consistent and constructive strategy to address the overall bigger picture of Burma democracy and human rights and protecting the Rohingyas rights.

And assessing the funding and donations, everything, the effectiveness of those are essential and key.

And I would like to say, thank you again for giving me this opportunity to address you today.

Mr. BERA. Thank you.

And Mr. Schwartz.

Mr. SCHWARTZ. I thank members of the subcommittee for holding this important meeting and for your commitment on this issue. I would just ask that Members of Congress and all of us, do not make assumptions about so-called lost causes. When I joined the staff of the subcommittee that you now chair, the Subcommittee on Asian and Pacific Affairs, in April 1989, the idea that a Latvia, a Estonia, a Lithuania, would ever have its freedom was unimaginable.

When Indonesian troops invaded East Timor in the mid-1970's, the idea that Timor would ever be an independent country was also almost unimaginable. And what sustained that flicker of hope and

the potential for the human rights and freedom was a willingness of some governments of the world and nongovernmental organizations and activists to sustain a degree of illegitimacy for what governments—what governments that had violated human rights had done. And I just ask that, when you think about the Rohingya as a potential lost cause, you think about those historical examples.

And for us, at this point, I think, a single—a singular effort, you know, to have the Department of State, the Secretary of State, recognize these crimes as genocide, would help to sustain that degree of illegitimacy for what that government has done.

And, you know, we are—we heard from Refugees International. And 80 nongovernmental organizations—more than 80 nongovernmental organizations, legal experts, human rights experts, thousands of individuals have engaged in a campaign to encourage the Secretary of State to make that determination, to make that designation, and I would just ask that Members of Congress join us in that effort because I think it is very important and will indeed—could indeed make a difference.

Mr. BERA. Thank you, Mr. Schwartz.

And I want to thank all of our witnesses for all the work that you do and the advocacy that you do on behalf of people around the world that may not have that ability to advocate for the humanity.

I also want to thank the members who participated in this hearing, as well as thank the ranking member for his partnership here.

With that, this hearing is adjourned.

[Whereupon, at 3:48 p.m., the subcommittee was adjourned.]

APPENDIX

**SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

Subcommittee on Asia, the Pacific, and Nonproliferation

Ami Bera (D-CA), Chairman

August 3, 2020

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held virtually via Cisco WebEx by the Subcommittee on Asia, the Pacific, and Nonproliferation. The hearing is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>:

DATE: Monday, August 3, 2020

TIME: 2:00 p.m., EDT

SUBJECT: An Update on the Rohingya Crisis

WITNESS: Mr. Eric Schwartz
President
Refugees International

Ms. Wai Wai Nu
Executive Director,
Women's Peace Network
Fellow, Simon-Skjodt Center for the Prevention of Genocide,
U.S. Holocaust Memorial Museum

Ms. Allyson Neville
Associate Director for International Humanitarian Response Policy and
Advocacy
Save the Children

Ms. Olivia Enos
Senior Policy Analyst
The Asian Studies Center
The Heritage Foundation

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

To fill out this form online: Either use the tab key to travel through each field or mouse click each line or within blue box. Type in information.

COMMITTEE ON FOREIGN AFFAIRS

Note: Red boxes with red type will NOT print.

MINUTES OF SUBCOMMITTEE ON Asia, the Pacific, and Nonproliferation HEARING

Day Monday Date August 3, 2020 Room Virtual via WebEx

Starting Time 2:02pm ET Ending Time 3:48pm ET

Recesses (___ to ___) (___ to ___)

Presiding Member(s)

Chairman Ami Bera

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

To select a box, mouse click it, or tab to it and use the enter key to select. Another click on the same box will deselect it.

TITLE OF HEARING:

An Update on the Rohingya Crisis

SUBCOMMITTEE MEMBERS PRESENT:

*Chairman Bera, Rep. Sherman, Rep. Titus, Rep. Houlahan, Rep. Levin, Rep. Spanberger
Ranking Member Yoho, Rep. Perry, Rep. Wagner, Rep. Mast*

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Rep. Chabot, Rep. Green

HEARING WITNESSES: Same as meeting notice attached? Yes No

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED _____

Clear Form

Note: If listing additional witnesses not included on hearing notice, be sure to include title, agency, etc.

Subcommittee Staff Associate

WHEN COMPLETED: Please print for subcommittee staff director's signature and make at least one copy of the signed form. A signed copy is to be included with the hearing/markup transcript when ready for printing along with a copy of the final meeting notice (both will go into the appendix). The signed original, with a copy of the final meeting notice attached, goes to full committee. An electronic copy of this PDF file may be saved to your hearing folder, if desired.

STATEMENT FOR THE RECORD

Statement for the Record
Submitted by Mr. Connolly of Virginia

We are approaching the three-year anniversary of the August 2017 violence in Burma's Rakhine state that sparked the exodus of an estimated 745,000 Rohingya refugees to Bangladesh. As global attention to this humanitarian crisis has waned, the Rohingya remain in highly precarious circumstances – unable to return to Burma and unsure of their future in Bangladesh. Meanwhile, the global COVID-19 pandemic rages on and the Rohingya refugees in Cox's Bazar are particularly vulnerable. As the needs of this refugee population worsen, the Trump Administration has responded with humanitarian budget cuts and retreats from international organizations critical to the response.

Due to the crowded and unsanitary conditions of the refugee camps in Cox's Bazar, COVID-19 poses a significant threat to the Rohingya refugees living there. These makeshift camps have some of the highest population density in the world – four times the density of New York City and eight times the density of Wuhan, rendering social distancing nearly impossible. The first cases of COVID-19 were detected in Cox's Bazar in May, and there have been just 62 cases identified amongst the Rohingya refugee population as of July 21. However, many aid workers fear the number of cases in the camps is far greater than reported due to fear of testing and treatment among the Rohingya. The Bangladesh government's ban on internet in the camps also continues to block critical information about the virus from the refugees.

The World Health Organization is playing a critical role in the response by providing testing supplies, training volunteers on contact tracing, and training health care workers on infection prevention, control, and treatment measures. Yet, last month, the Trump Administration formally notified the United Nations that the United States will withdraw from the World Health Organization, cutting off a vital source of funding for global health needs in the middle of a pandemic.

Bangladesh remains one of the poorest nations in the region and relies heavily on the international community to support the basic needs of these displaced people. Despite the significant and growing needs of Rohingya refugees in Bangladesh, the UN's emergency response plan for 2020 is currently less than 40 percent funded. The pandemic-associated portion of that appeal is even worse off, having received just over 32 percent of the required funding so far. As Bangladesh and the international community attempt to navigate this crisis, the Trump Administration's budget would slash humanitarian aid by 35 percent. In a rejection of that approach, the House of Representatives has passed the BURMA Act (H.R. 3190), which I am proud to cosponsor, to authorize humanitarian aid for ethnic minorities targeted by Burma's military and support for voluntary resettlement of displaced persons.

At a time when humanitarian crises from Burma to Syria to Venezuela are driving massive refugee flows, the United States should exercise its global leadership by supporting refugees. This Administration's budget and record low admissions goal for FY 2020 send the opposite message.

That is why I reintroduced the Lady Liberty Act (H.R. 3376) to require the President to set the refugee admissions ceiling at a minimum of 110,000 refugees annually. Given the worsening crisis in Bangladesh, the United States and other resettlement countries must enhance refugee admissions goals in order to facilitate more Rohingya refugee resettlement.

Monsoon weather coupled with a global pandemic in the world's largest refugee camp could take a disastrous toll on the Rohingya refugee population. COVID-19 has further aggravated tensions between the refugees and local communities in Bangladesh, leading to increasing distrust and stigmatization aimed at refugees accused of carrying the virus. It is critical that the international community, with robust leadership from the United States, respond to the needs of this vulnerable population before the crisis spirals out of control.

