

Calendar No. 615

113TH CONGRESS
2D SESSION

S. RES. 586

Calling on the Government of Burma to develop a non-discriminatory and comprehensive solution that addresses Rakhine State's needs for peace, security, harmony, and development under equitable and just application of the rule of law, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2014

Mr. MENENDEZ (for himself, Mr. KIRK, Mr. DURBIN, Mr. CARDIN, Mr. RUBIO, Mr. MARKEY, Mrs. BOXER, Mr. BOOKER, Mr. COONS, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations

DECEMBER 4, 2014

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

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

[Strike the preamble and insert the part printed in *italie*]

RESOLUTION

Calling on the Government of Burma to develop a non-discriminatory and comprehensive solution that addresses Rakhine State's needs for peace, security, harmony, and development under equitable and just application of the rule of law, and for other purposes.

~~Whereas, of the 1,500,000 members of the Rohingya ethnic minority community worldwide, over 1,200,000 stateless~~

Rohingya live in Burma, mostly in northern Rakhine State, including 140,000 internally displaced persons (IDPs);

Whereas the security, stability, and development of Rakhine State is dependent on the rule of law and non-discriminatory access to citizenship, livelihoods and services, and protection for all residents;

Whereas, on November 12, 2014, President Barack Obama traveled to Burma, where he “stressed the need to find durable and effective solutions for the terrible violence in Rakhine state, solutions that end discrimination, provide greater security and economic opportunities, protect all citizens, and promote greater tolerance and understanding,” while noting that legitimate government is a government based on “the recognition that all people are equal under the law”;

Whereas the Department of State has, since 1999, regularly expressed its particular concern for severe legal, economic, and social discrimination against Burma’s Rohingya population in its Country Report for Human Rights Practices;

Whereas the United Nations Special Rapporteur for Human Rights in Burma reported a “long history of discrimination and persecution against the Rohingya Muslim community which could amount to crimes against humanity”;

Whereas the current Government of Burma, like its predecessors, continues to use the Burma Citizenship Law of 1982 to exclude Rohingya from a list of legally recognized ethnic groups, despite many having lived in Rakhine State for generations, thereby rendering

Rohingya stateless and vulnerable to exploitation and abuse;

Whereas, in its March 2014 census, the first in over 30 years, the Government of Burma reneged on its commitment to allow all people in Burma to self-identify and ordered the Rohingya to ethnically identify as “Bengali”, resulting in their exclusion from census data and thereby severely undermining the validity of the data for Rakhine State and creating the potential for further discrimination and conflict;

Whereas local and national policies and practices discriminate against Rohingya by denying them freedom of movement outside their villages and camps, restricting access to livelihood, education, and health care;

Whereas authorities have required Rohingya to obtain official permission for marriages, with reportedly onerous, humiliating, and financially prohibitive requirements for approval;

Whereas a two-child policy sanctioned solely upon the Rohingya population in two townships in northern Rakhine State hinders the ability of additional children to access basic government services, marry, or acquire property and restricts the rights of women, sometimes resulting in serious health consequences due to illegal and unsafe abortions;

Whereas persecution, including arbitrary arrest, detention, and extortion of Rohingya and other Muslim communities, continues to be widespread;

Whereas violence targeting Rohingya in Maungdaw, Buthidaung, and Sittwe in June and July 2012 resulted

in the deaths of at least 57 Muslims and the destruction of 1,336 Rohingya homes and left thousands displaced;

Whereas, between October 21–30, 2012, numerous people were killed, and a village in Mrauk-U township was destroyed during deadly ethnic violence between the Rakhine and Rohingya communities;

Whereas the lack of a credible independent investigation has resulted in persistent questions about violence that may have resulted in the death of Rohingya in a village in Maungdaw township in January 2014, and human rights groups reported mass arrests and arbitrary detention of Rohingya in the aftermath of this violence;

Whereas local, state, and national security police and border officers have failed to protect those vulnerable to attack and, in some cases, participated in violence against Rohingya and other Muslims;

Whereas the Government of Burma has relocated displaced Rohingya into displacement camps where they have limited access to adequate shelter, clean water, food, sanitation, health care, livelihoods, or basic education for their children;

Whereas thousands of Rohingya are entirely reliant on international assistance for food, clean water, and health care because they are not permitted to move for work and therefore cannot provide for their families;

Whereas, in February 2014, the Government of Burma suspended the activities of Nobel Laureate Médecins Sans Frontières, the primary provider of health care to hundreds of thousands in Rakhine State;

Whereas the Government of Burma entered into a Memorandum of Agreement with the Médecins Sans Frontières in September 2014 but all services have not resumed;

Whereas attacks on organizations and their property in Sittwe, the capital of Rakhine State, in March 2014 caused over 300 international aid workers to evacuate the area, and while many of these aid workers have now returned, they have not yet been able to resume full operations, leaving many more people vulnerable, particularly in the area of health care;

Whereas the denial of unhindered humanitarian assistance when populations are in need of such services is a severe breach of a government's responsibility to protect and support its residents and suggests disregard for individuals who suffer the effects of disease and malnourishment as a result of a lack of assistance;

Whereas hundreds of thousands of Rohingya have fled to neighboring countries, including 34,000 that have registered in official camps in Bangladesh, plus another 300,000 to 500,000 that are unregistered in Bangladesh, and at least 35,000 in Malaysia, plus many thousands more in Thailand and Indonesia;

Whereas, according to the United Nations High Commissioner for Refugees, approximately 100,000 Rohingya have fled from Rakhine State, and up to 2,000 Rohingya who fled Burma by boat are presumed dead or are missing at sea since 2012;

Whereas up to 200,000 Rohingya, who fled persecution from Burma up to 20 years ago and sought refugee protection in Bangladesh, continue to face discrimination, stateless-

ness, and other hurdles to accessing necessary services in their country of refuge;

Whereas, according to the Department of State's 2014 Trafficking in Persons Report, the Rohingya community in Bangladesh is especially vulnerable to human trafficking, and unregistered Rohingya who were trafficking victims may have been detained indefinitely in Bangladesh due to lack of documentation;

Whereas the Government of Bangladesh has banned marriage registrars from officiating marriages involving Rohingyas attempting to wed one another and those seeking unions with Bangladeshi nationals; and

Whereas, in Thailand, according to the United States Department of State's 2014 Trafficking in Persons Report, corrupt civilian and military officials are alleged to have profited from the smuggling of Rohingya asylum seekers from Burma and Bangladesh and allegedly have been complicit in their sale into forced labor on commercial fishing vessels: Now, therefore, be it

Whereas, of the 1,500,000 members of the Rohingya ethnic minority community worldwide, over 1,200,000 stateless Rohingya live in Burma, mostly in northern Rakhine State, including 140,000 internally displaced persons (IDPs);

Whereas the security, stability, and development of Rakhine State is dependent on the rule of law and non-discriminatory access to citizenship, livelihoods and services, and protection for all residents;

Whereas, on November 12, 2014, President Barack Obama traveled to Burma, where he "stressed the need to find durable and effective solutions for the terrible violence in

Rakhine state, solutions that end discrimination, provide greater security and economic opportunities, protect all citizens, and promote greater tolerance and understanding,” while noting that legitimate government is a government based on “the recognition that all people are equal under the law”;

Whereas the Department of State has, since 1999, regularly expressed its particular concern for severe legal, economic, and social discrimination against Burma’s Rohingya population in its Country Report for Human Rights Practices;

Whereas the United Nations Special Rapporteur for Human Rights in Burma reported a “long history of discrimination and persecution against the Rohingya Muslim community”;

Whereas the current Government of Burma, like its predecessors, continues to use the Burma Citizenship Law of 1982 to exclude Rohingya from a list of legally recognized ethnic groups, despite many having lived in Rakhine State for generations, thereby rendering Rohingya stateless and vulnerable to exploitation and abuse;

Whereas, in its March 2014 census, the first in over 30 years, the Government of Burma reneged on its commitment to allow all people in Burma to self-identify and ordered the Rohingya to ethnically identify as “Bengali”, resulting in their exclusion from census data and thereby undermining the validity of the data for Rakhine State and creating the potential for further discrimination and conflict;

Whereas local and national policies and practices discriminate against Rohingya by denying them freedom of movement

outside their villages and camps, restricting access to livelihood, education, and health care;

Whereas authorities have required Rohingya to obtain official permission for marriages, with reportedly onerous, humiliating, and financially prohibitive requirements for approval;

Whereas a two-child policy sanctioned solely upon the Rohingya population in two townships in northern Rakhine State hinders the ability of additional children to access basic government services, marry, or acquire property and restricts the rights of the Rohingya population;

Whereas persecution, including arbitrary arrest, detention, and extortion of Rohingya and other Muslim communities, continues to be widespread;

Whereas violence targeting Rohingya in Maungdaw, Buthidaung, and Sittwe in June and July 2012 resulted in the deaths of at least 57 Muslims and the destruction of 1,336 Rohingya homes and left thousands displaced;

Whereas, between October 21–30, 2012, numerous people were killed, and a village in Mrauk-U township was destroyed during deadly ethnic violence between the Rakhine and Rohingya communities;

Whereas the lack of a credible independent investigation has resulted in persistent questions about violence that may have resulted in the death of Rohingya in a village in Maungdaw township in January 2014, and human rights groups reported mass arrests and arbitrary detention of Rohingya in the aftermath of this violence;

Whereas local, state, and national security police and border officers have failed to protect those vulnerable to attack

and, in some cases, participated in violence against Rohingya and other Muslims;

Whereas the Government of Burma has relocated displaced Rohingya into displacement camps where they have limited access to adequate shelter, clean water, food, sanitation, health care, livelihoods, or basic education for their children;

Whereas thousands of Rohingya are entirely reliant on international assistance for food, clean water, and health care because they are not permitted to move for work and therefore cannot provide for their families;

Whereas, in February 2014, the Government of Burma suspended the activities of Nobel Laureate Médecins Sans Frontières, the primary provider of health care to hundreds of thousands in Rakhine State;

Whereas the Government of Burma entered into a Memorandum of Agreement with the Médecins Sans Frontières in September 2014 but all services have not resumed;

Whereas attacks on organizations and their property in Sittwe, the capital of Rakhine State, in March 2014 caused over 300 international aid workers to evacuate the area, and while many of these aid workers have now returned, they have not yet been able to resume full operations, leaving many more people vulnerable, particularly in the area of health care;

Whereas the denial of humanitarian assistance when populations are in need of such services suggests disregard for individuals who suffer the effects of disease and malnourishment as a result of a lack of assistance;

Whereas hundreds of thousands of Rohingya have fled to neighboring countries, including 34,000 that have registered in

official camps in Bangladesh, plus another 300,000 to 500,000 that are unregistered in Bangladesh, and at least 35,000 in Malaysia, plus many thousands more in Thailand and Indonesia;

Whereas, according to the United Nations High Commissioner for Refugees, approximately 100,000 Rohingya have fled from Rakhine State, and up to 2,000 Rohingya who fled Burma by boat are presumed dead or are missing at sea since 2012;

Whereas up to 200,000 Rohingya, who fled persecution from Burma up to 20 years ago and sought refugee protection in Bangladesh, continue to face discrimination, statelessness, and other hurdles to accessing necessary services in their country of refuge;

Whereas, according to the Department of State's 2014 Trafficking in Persons Report, the Rohingya community in Bangladesh is especially vulnerable to human trafficking, and unregistered Rohingya who were trafficking victims may have been detained indefinitely in Bangladesh due to lack of documentation;

Whereas the Government of Bangladesh has banned marriage registrars from officiating marriages involving Rohingyas attempting to wed one another and those seeking unions with Bangladeshi nationals; and

Whereas, in Thailand, according to the United States Department of State's 2014 Trafficking in Persons Report, corrupt civilian and military officials are alleged to have profited from the smuggling of Rohingya asylum seekers from Burma and Bangladesh and allegedly have been complicit in their sale into forced labor on commercial fishing vessels: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) calls on the Government of Burma to de-
3 velop a non-discriminatory and comprehensive solu-
4 tion that addresses Rakhine State's needs for peace,
5 security, harmony, and development under equitable
6 and just application of the rule of law;

7 (2) welcomes the Government of Burma's an-
8 nouncement that Médecins Sans Frontières has been
9 invited back to work in Rakhine State and encour-
10 ages the Government of Burma to ensure that the
11 organization is able to resume operations alongside
12 other humanitarian organizations without undue re-
13 strictions on their humanitarian operations;

14 (3) calls on the Government of Burma to end
15 all forms of persecution and discrimination, includ-
16 ing freedom of movement restrictions, of the
17 Rohingya people and ensure respect for internation-
18 ally recognized human rights for all ethnic and reli-
19 gious minority groups within Burma;

20 (4) calls on the Government of Burma to re-
21 spect the Rohingya's right to self-identification, re-
22 draft the Citizenship Law of 1982 so that it con-
23 forms to internationally recognized legal standards,
24 and include both Rakhine and Rohingya leaders and
25 community members in the redrafting process;

1 (5) calls on the Government of Burma to sup-
 2 port an international and independent investigation
 3 into the violence that has occurred in Rakhine State
 4 since June 2012, implement the recommendations
 5 put forth, and prosecute the perpetrators of violence
 6 consistent with due process;

7 (6) calls on the Government of Burma to con-
 8 form to international norms on the provision of un-
 9 restricted humanitarian access by international orga-
 10 nizations to all in need, without discrimination based
 11 on nationality, race, ethnicity, gender, religious be-
 12 lief, or political opinion;

13 (7) calls on the regional governments to protect
 14 the rights of Rohingya asylum seekers and refugees,
 15 as well as respect the international legal principle of
 16 non-refoulement; and

17 (8) calls on the United States Government and
 18 the international community to call on the Govern-
 19 ment of Burma to take all necessary measures to
 20 end the persecution and discrimination of the
 21 Rohingya population and to protect the fundamental
 22 rights of all ethnic and religious minority groups in
 23 Burma.

24 *That the Senate—*

1 (1) calls on the Government of Burma to develop
 2 a non-discriminatory and comprehensive solution
 3 that addresses Rakhine State's needs for peace, secu-
 4 rity, harmony, and development under equitable and
 5 just application of the rule of law;

6 (2) welcomes the Government of Burma's an-
 7 nouncement that Médecins Sans Frontières has been
 8 invited back to work in Rakhine State and encourages
 9 the Government of Burma to ensure that the organi-
 10 zation is able to resume operations alongside other
 11 humanitarian organizations without undue restric-
 12 tions on their humanitarian operations;

13 (3) calls on the Government of Burma to end all
 14 forms of persecution and discrimination, including
 15 freedom of movement restrictions, of the Rohingya
 16 people and ensure respect for the human rights for all
 17 ethnic and religious minority groups within Burma;

18 (4) calls on the Government of Burma to respect
 19 the Rohingya's right to self-identification, redraft the
 20 Citizenship Law of 1982 so that it conforms to inter-
 21 nationally recognized legal standards, and include
 22 both Rakhine and Rohingya leaders and community
 23 members in the redrafting process;

24 (5) calls on the Government of Burma to support
 25 an international and independent investigation into

1 *the violence that has occurred in Rakhine State since*
2 *June 2012, implement the recommendations put forth,*
3 *and prosecute the perpetrators of violence consistent*
4 *with due process;*

5 *(6) calls on the Government of Burma to con-*
6 *form to international norms on the provision of hu-*
7 *manitarian access by international organizations to*
8 *those in need, without discrimination based on na-*
9 *tionality, race, ethnicity, gender, religious belief, or*
10 *political opinion;*

11 *(7) calls on the regional governments to protect*
12 *the rights of Rohingya asylum seekers and refugees,*
13 *including the principle of non-refoulement; and*

14 *(8) calls on the United States Government and*
15 *the international community to call on the Govern-*
16 *ment of Burma to take appropriate measures to end*
17 *the persecution and discrimination of the Rohingya*
18 *population and to protect the fundamental rights of*
19 *ethnic and religious minority groups in Burma.*

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2^D Session

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RESOLUTION

Calling on the Government of Burma to develop a non-discriminatory and comprehensive solution that addresses Rakhine State's needs for peace, security, harmony, and development under equitable and just application of the rule of law, and for other purposes.

DECEMBER 4, 2014

Reported with an amendment and an amendment to the
preamble