

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. Res. 34

Expressing the sense of the Senate that the Governments of Burma and Bangladesh ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military and to immediately release unjustly imprisoned journalists, Wa Lone and Kyaw Soe Oo.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MERKLEY

Viz:

- 1 Strike all after the resolving clause and insert the fol-
- 2 lowing: "That the Senate—
- 3 (1) condemns the violence and displacement in-
- 4 flicted on Burma's Rohingya and other ethnic mi-
- 5 norities;
- 6 (2) urges the Secretary of State—
- 7 (A) to make a determination of whether
- 8 the actions by the Burmese military, including
- 9 Senior General Min Aung Hlaing, Vice-Senior
- 10 General Soe Win, Brigadier-General Aung

1 Aung, and Brigadier-General Than Oo, con-
2 stitute gross violations of human rights, war
3 crimes, crimes against humanity (including sexual
4 or gender-based violence), or genocide; and

5 (B) to work with interagency partners to
6 impose targeted sanctions through existing au-
7 thorities, including under the Global Magnitsky
8 Human Rights Accountability Act (subtitle F of
9 title XII of Public Law 114–328; 22 U.S.C.
10 2656 note) and Executive Order 13818 (50
11 U.S.C. 1701 note; relating to blocking the prop-
12 erty of persons involved in serious human rights
13 abuse or corruption), on Burmese military offi-
14 cials that have knowingly played a direct and
15 significant role in the commission of acts that
16 constitute gross violations of human rights, war
17 crimes, crimes against humanity (including sexual
18 or gender-based violence), or genocide;

19 (3) condemns the attacks by the Arakan
20 Rohingya Salvation Army militant group;

21 (4) expresses support for potential account-
22 ability mechanisms for Burma, including an ad hoc
23 tribunal, in consultation with the Rohingya commu-
24 nity;

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

10 (6) commends the positive role to date of the
11 Government of Bangladesh in receiving nearly
12 1,000,000 Rohingya refugees and urges the Govern-
13 ment of Bangladesh to continue allowing the full
14 participation of UNHCR and human rights organi-
15 zation in accessing refugee camps;

16 (7) calls on UNHCR and international non-
17 governmental organizations to continue their impor-
18 tant roles in monitoring repatriation efforts by the
19 Governments of Bangladesh and Burma to ensure a
20 process that meets international norms for vol-
21 untary, safe, and dignified repatriation;

22 (8) agrees that any agreement on repatriation
23 of Rohingya should include guarantees that any re-
24 turns will be voluntary and dignified, that there will
25 be no threats to protection or security upon return,

1 that refugees will be able to return to their places
2 of origin or other locations as desired, and be able
3 to enjoy equal rights with others in Burma, includ-
4 ing the restoration or granting of full citizenship,
5 freedom of movement, and access to basic services;

6 (9) recognizes that any forced relocation of
7 Rohingya refugees into temporary settlements, IDP
8 camps, or “model villages” is unacceptable;

9 (10) calls on the Government of Burma to allow
10 for a flexible and practical approach to dealing with
11 evidence of Rohingya residence in Burma, recog-
12 nizing both that Rohingya refugees in Bangladesh
13 possess a wide range of documents and that some
14 refugees have no documents and will need to estab-
15 lish their residence by other means;

16 (11) calls on the Government of Burma to ad-
17 dress root causes consistent with the Rakhine Advi-
18 sory Commission recommendations and fully imple-
19 ment all of the recommendations of the Commission,
20 including providing for the restoration or granting of
21 full citizenship to the Rohingya population;

22 (12) calls on the Government of Burma to ac-
23 knowledge, address, and implement sustainable solu-
24 tions regarding statelessness for Rohingya, the dep-

1 rivation of rights, and institutionalized and pervasive
2 discrimination against the Rohingya population;

3 (13) calls on the Government of Bangladesh to
4 ensure all refugees have freedom of movement and
5 under no circumstances be subjected to unsafe, in-
6 voluntary, precipitous, or uninformed returns to
7 Burma;

8 (14) calls on international organizations and
9 the Government of Bangladesh to ensure access for
10 Rohingya to basic services, education, and livelihood
11 opportunities;

12 (15) welcomes the release of Wa Lone and
13 Kyaw Soe Oo;

14 (16) calls for similar charges against other
15 journalists currently awaiting trial to be dropped,
16 and for the immediate and unconditional release of
17 these journalists;

18 (17) expresses concern about the Government
19 of Burma's crackdown on journalists and press free-
20 dom throughout the country;

21 (18) reaffirms the central role that independent
22 and professional journalism plays in strengthening
23 democratic governance, upholding the rule of law,
24 mitigating conflict, and informing public opinion
25 around the world;

1 (19) calls upon the United States Government
2 to ensure the United States continues to be a top
3 global donor nation to the humanitarian response in
4 Burma and Bangladesh, and for the fiscal year 2020
5 appropriation for State, Foreign Operations, and
6 Related Programs to reflect that longstanding
7 United States commitment;

8 (20) calls on the United States Government to
9 develop a more robust diplomatic strategy to engage
10 regional partners, including the Association for
11 Southeast Asian Nations (ASEAN), to press the
12 Government of Burma to—

13 (A) improve humanitarian access in
14 Rakhine state;

15 (B) discourage involuntary returns of
16 Rohingya refugees back to Burma; and

17 (C) ensure perpetrators of attacks against
18 the Rohingya population in 2016 and 2017 are
19 held accountable;

20 (21) calls on the United States to regularly
21 support the funding and resourcing of the United
22 Nations Independent Investigative Mechanism for
23 Myanmar; and

24 (22) calls on social media companies, including
25 Facebook, to take greater steps to mitigate the risks

1 of their platforms being used for the promotion of
2 violence and discrimination against Rohingya and
3 other ethnic minorities in Burma.