



House of Commons
Foreign Affairs Committee

Violence in Rakhine State and the UK's response

First Report of Session 2017–19

*Report, together with formal minutes
relating to the report*

*Ordered by the House of Commons to be printed
6 December 2017*

HC 435

Published on 11 December 2017
by authority of the House of Commons

The Foreign Affairs Committee

The Foreign Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Foreign and Commonwealth Office and its associated public bodies.

Current membership

[Tom Tugendhat MP](#) (*Conservative, Tonbridge and Malling*) (Chair)

[Ian Austin MP](#) (*Labour, Dudley North*)

[Chris Bryant MP](#) (*Labour, Rhondda*)

[Ann Clwyd MP](#) (*Labour, Cynon Valley*)

[Mike Gapes MP](#) (*Labour (Co-op), Ilford South*)

[Stephen Gethins MP](#) (*Scottish National Party, North East Fife*)

[Ms Nusrat Ghani MP](#) (*Conservative, Wealden*)

[Ian Murray MP](#) (*Labour, Edinburgh South*)

[Andrew Rosindell MP](#) (*Conservative, Romford*)

[Royston Smith MP](#) (*Conservative, Southampton, Itchen*)

[Nadhim Zahawi MP](#) (*Conservative, Stratford-on-Avon*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/facom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Chris Stanton (Clerk), Zoe Oliver-Watts (Second Clerk), Dr Ariella Huff (Senior Committee Specialist), Ashlee Godwin, Dr Eoin Martin and Nicholas Wade (Committee Specialists), Clare Genis (Senior Committee Assistant), James Hockaday and Zara Wootton (Committee Assistants), and Estelle Currie (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Foreign Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6105; the Committee's email address is fac@parliament.uk

Contents

| | |
|--|-----------|
| Summary | 3 |
| 1 Introduction | 5 |
| 2 Violence in Rakhine State | 6 |
| Humanitarian response | 7 |
| 3 Does the violence in Burma amount to atrocity crimes? | 9 |
| 4 The UK's multilateral and bilateral response | 14 |
| UK response | 16 |
| Bilateral action | 19 |
| 5 Repatriation of refugees to Burma | 21 |
| Risk of permanent camps | 22 |
| 6 The UK's future relationship with Burma | 24 |
| The UK's past approach and failure to prevent | 24 |
| The UK-Burma relationship in future | 25 |
| Conclusions and recommendations | 27 |
| Annex: Definition of terms | 31 |
| Formal Minutes | 33 |
| Witnesses | 34 |
| Published written evidence | 35 |

Summary

The violence against the Rohingya in Northern Rakhine in Burma amounts to ethnic cleansing, and may also constitute crimes against humanity and even genocide. The displacement of over 600,000 people to Bangladesh is a compelling sign of a desperate population, and the traumatic experiences they have described are reminiscent of infamous atrocities elsewhere. The definition of the violence is important, because it can invoke the Responsibility to Protect, requiring states to act. The UK Government's equivocation over classifying this violence has therefore been frustratingly confusing. It has also failed to undertake its own legal analysis. This was not befitting its leading international role, and it should immediately investigate and conduct its own assessment of the situation.

International action has also been inadequate given the gravity of this charge, and as the 'penholder' on Burma in the UN Security Council, the UK bears some responsibility for failing to turn international outrage into tangible action and improvements on the ground. The Government achieved a surprisingly strong UN Presidential Statement, but this did not impose any measures or deadlines on Burma. It should not be further hamstrung by China's veto in the UNSC and should focus on regional forums and allies to achieve results. Although sanctions are an imperfect tool, it is wrong for the UK to continue engagement with Burma with no demonstration of censure. If substantial improvement is not achieved soon, the Government should pursue sanctions on senior military figures and businesses.

Commander in Chief of the Burmese security forces General Min Aung Hlaing bears ultimate responsibility for the violence. The UK Government has continued to support the Burmese civilian Government led by Aung San Suu Kyi, though the UK-Burma relationship does not seem to be a close one, and continued UK support seems in part because of a lack of alternatives. Aung San Suu Kyi is constrained by a lack of control over the military and strong domestic public opinion, but we were disappointed that the State Counsellor has not shown the leadership that was hoped for and needed. She remains a better option than the alternatives, and perhaps the only hope for the future, but she is now a compromised one.

Bangladesh deserves praise and material support for accommodating over half a million new refugees, and the UK Government also deserves credit for its quick and generous provision of aid. It will be a great challenge to secure a future for this displaced population. Any repatriation must be safe and voluntary and the UK should make clear that it will not support a deal that does not have the confidence of UN agencies. Meanwhile, the UK should be realistic about the prospect of permanent camps and the danger of leaving people without hope and vulnerable to radicalisation. It should begin to make a long-term plan.

This crisis was sadly predictable, and predicted, but the FCO warning system did not raise enough alarm. There was too much focus by the UK and others in recent years on supporting the 'democratic transition' and not enough on atrocity prevention and delivering tough and unwelcome messages to the Burmese Government about the Rohingya. The UK Minister was commendably candid about the FCO's need to reflect, and the FCO must now learn lessons on atrocity prevention from the crisis to apply to

Burma and elsewhere. In Burma, the UK Government should take a more hard-headed approach based on the new understanding of the political trajectory in the country and the limits of Aung San Suu Kyi's leadership or ability, or willingness, to speak out.

1 Introduction

1. In response to serious concern about the situation in Burma¹ in August 2017, the Committee started our work this Parliament with a short inquiry into the violence in Rakhine state. Our report focuses almost exclusively on the foreign policy aspects of the crisis and the work of the FCO. In particular, we wanted to examine whether the FCO was living up to the UK Government's role as a leading voice on Burma, particularly in relation to the Responsibility to Protect, in the UN and elsewhere, and if the UK's own policy toward Burma merited an internal review given recent developments. We thank all of those who participated in this inquiry and provided invaluable information. We have not attempted to cover every topic or quote at length in this report, but the high quality of written evidence informs it throughout, and is published alongside. We note also the International Development Committee's investigation into DFID's work on Bangladesh, Burma and the Rohingya crisis and have taken account of its work in this report.

2. The Rohingya crisis in Burma has complex historical, political, social, and religious elements.² It is also part of a wider story of Burma, which is undergoing a complicated political transition from decades of military rule to a form of democracy, while continuing to struggle with multiple armed movements representing various ethnic groups, some of whom are seeking independence. This cannot all be adequately covered in a short report. Instead, in this report we set out the grave situation in Northern Rakhine as it has been reported to us, and then focus on four issues which are either urgent or have a particular UK responsibility:

- a) Whether the crisis should be understood as ethnic cleansing, crimes against humanity, or genocide;
- b) Whether the UK's bilateral and multilateral approach has been effective and commensurate with the situation;
- c) The challenges ahead in terms of repatriation of refugees and the risk of the creation of permanent camps;
- d) The extent to which the crisis was predictable, and even preventable, and how the UK's future relationship with Burma should be conducted.

1 The then-ruling military junta changed the country's name to Myanmar in 1989. There is mixed practice on which name is used. In accordance with the FCO approach, Burma has been used throughout this report.

2 For background, see, for example: "[Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine](#)", Advisory Commission on Rakhine State, 23 August 2017

2 Violence in Rakhine State

3. The Rohingya are a mostly Muslim ethnic minority living mostly in the north-western Rakhine State in Burma. There were until recently an estimated 1–1.5 million Rohingya living in Burma, of a total population of around 53 million,³ as well as several thousand living in Bangladesh and other neighbouring states.⁴ The history and naming of this minority is disputed and controversial in Burma.⁵ The Rohingya are not recognised as citizens or as one of Burma's ethnic minorities, and are often referred to as 'Bengalis' in official Burmese Government statements and news reports.⁶ Our witnesses told us that although many ethnic groups in Burma have been subject to repression, this statelessness is unique to the Rohingya and means they "face a particular, virulent form of discrimination".⁷ Tensions between the Muslim Rohingya and the Buddhist Rakhine majority in Rakhine state have existed for decades and there have been several outbreaks of serious violence in Rakhine, including most recently in 2012 and 2016, both of which resulted in the displacement of tens of thousands of people.⁸

4. Burma has suffered from multiple armed insurgencies involving different ethnic groups, but the Rohingyas in northern Rakhine have not historically been one of the major armed groups. However, on 25 August 2017, a small and relatively unknown armed group called the Arakan Rohingya Salvation Army (ARSA)⁹ attacked thirty police outposts in northern Rakhine State, killing 12 soldiers. The attacks came amid increased tension in the state, following earlier ARSA attacks in October 2016 and a subsequent security campaign that had already been strongly criticised by the UN.¹⁰ The August 2017 attacks were acts of terror but this cannot justify the unprecedented response from Burmese security forces who launched "clearance operations" against the terrorist group and the Rohingya villages where they were believed to live.¹¹

5. Numerous accounts have emerged from NGOs and within the press about the ARSA attacks and the Burmese army's offensive, and their consequences for the civilian population. We received from NGOs and UN agencies deeply distressing reports of human

3 World Bank, '[Country Profile: Myanmar](#),' accessed 30 November 2017

4 Numbers are unclear in part because they were excluded from the latest census. See also: The Republic of the Union of Myanmar, '[The 2014 Myanmar Population and Housing Census: Highlights of the Main Results](#),' accessed 30 November 2017; United Nations Population Fund [Press Release](#), 23 November 2017 (note on '*non-enumeration*'); Guardian, [Burma census is not counting Rohingya Muslims, says UN agency](#), 2 April 2014; Burma Campaign UK, ([BUR0022](#)) para 26.

5 See, for example: Mr Derek Tonkin, ([BUR0009](#)); [Correspondence from the Ambassador of the Republic of the Union of Myanmar](#), dated 6 October 2017, page 3; Myanmar Institute of Strategic and International Studies, ([BUR0006](#))

6 The Rohingya were rendered stateless by a 1982 citizenship act, which did not recognise them as an official ethnic group of Burma. See, for example: Q18; Financial Times, [Pope avoids word 'Rohingya' as he calls for peace in Myanmar](#), 28 November 2017; Time Magazine, [Why Burma Is Trying to Stop People From Using the Name of Its Persecuted Muslim Minority](#), 9 May 2016

7 Q34 [Dr Champa Patel]. See also: Q33 [Dr Lee Jones]; Christian Solidarity Worldwide, ([BUR0014](#)) para 5; Middlesex University (Prof Brad Blitz), ([BUR0021](#)) para 34; Dr Eglantine Staunton ([BUR0015](#)) para 4.5.2.

8 See, for example: Middlesex University ([BUR0021](#)) para 9–19; Dr Lee Jones ([BUR0027](#)) para 2. International State Crime Initiative School of Law Queen Mary University of London ([BUR0010](#)). See also: Wade, Francis, Myanmar's Enemy Within: *Buddhist Violence and the Making of a Muslim 'Other'* (Croydon, 2017), pp 98–122, 262–6

9 Also known as Harakah al-Yaqin.

10 See, for example: "[UN report details 'devastating cruelty' against Rohingya population in Myanmar's Rakhine province](#)", UN News Centre, 3 February 2017

11 See, for example: "[Myanmar army battles Rohingya insurgents; thousands flee](#)", Reuters, 28 August 2017. We note also allegations that the operations began before this date [see: Q4; Burma Campaign UK ([BUR0022](#)) paras 4-15; Dr Eglantine Staunton ([BUR0015](#)) para 2.4]

rights violations, including allegations of murder, sexual violence and rape (including of children), indiscriminate and devastating violence against civilians, the destruction of hundreds of villages and placement of landmines along the border.¹² These were based on refugee accounts, medical personnel testimony and satellite imagery. Burma Rohingya Campaign UK Director, Tun Khin, attended the Committee having just returned from Bangladesh and told us that the refugees he had met had “seen whole villages burned down and hundreds of people being killed in front of them”.¹³ NGO and media reports have since provided further accounts of such mass violence.¹⁴

6. Over 620,000 refugees have fled to Bangladesh since 25 August, most of whom have sought shelter in established refugee camps along the border and makeshift camps near the border town of Cox’s Bazar.¹⁵ This constitutes more than half of the Rohingya population in Burma, which is a compelling sign of a desperate population. November appears to have seen a decrease in the number of new arrivals but at its height Bangladesh received more refugees in three weeks than mainland Europe received from across the Mediterranean in the whole of 2016.¹⁶ In addition to the 300,000 Rohingya refugees that had already sought shelter across the border before August 2017, this makes almost one million Rohingya displaced to Bangladesh. There are also thought to be tens of thousands more displaced within Rakhine State.¹⁷

Humanitarian response

7. The situation in the camps is reportedly very poor. The UNHCR told us this was “the fastest growing refugee emergency in the world, and the humanitarian needs of those displaced in the Cox’s Bazar region of Bangladesh are overwhelming.”¹⁸ There are multiple humanitarian organisations providing vital food, sanitation and medical support in the camps, several of which gave valuable evidence to this inquiry.¹⁹ They told us that there are growing fears of a disease epidemic; and inadequate safeguarding of vulnerable people. Save the Children described the situation as “primarily a children’s emergency”, noting that almost 60% of Rohingya who have fled to Bangladesh are under 18.²⁰ More than half of Rohingya refugees reaching Bangladesh are women and children, including newborn babies.²¹ Several organisations also highlighted that UN agencies and other humanitarian

12 See: Human Rights Watch ([BUR0024](#)) paras 2–41; Save the Children ([BUR0025](#)) paras 2.1–2.8; UNHCR, The UN Refugee Agency ([BUR0016](#)); ActionAid UK ([BUR0031](#)); Fortify Rights ([BUR0026](#)) paras 8–23; Christian Solidarity Worldwide, ([BUR0014](#)) para 4. See also [Mission report of OHCHR rapid response mission to Cox’s Bazar, Bangladesh](#) 13–24 September 2017

13 Q4 [Tun Khin]

14 See Fortify Rights ([BUR0026](#)) paras 14–16; Human Rights Watch ([BUR0024](#)). See also Amnesty International, ‘[My World is Finished’: Rohingya targeted in crimes against humanity in Myanmar](#); BBC News, [Rohingya Muslims: Tales of horror from Myanmar](#), 7 September 2017; Guardian, [Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack](#), 7 September 2017.

15 Inter Sector Coordination Group, [Situation Update: Rohingya Refugee Crisis](#), 23 November 2017

16 [UNHCR figures](#) state that 362,753 people arrived by sea in 2016. Between 25 August and 15 September, 409,000 were estimated to have arrived in Bangladesh from Burma ([Inter Sector Coordination Group, Situation Report: Influx \(August 2017\)](#), 15 Sept 2017). See also: HL Deb 26 October 2017, cols 1035–6

17 HL Deb 26 October 2017, col 1040

18 UNHCR, The UN Refugee Agency ([BUR0016](#)) para 3

19 Including Save the Children ([BUR0025](#)), and UNHCR, The UN Refugee Agency ([BUR0016](#))

20 Save the Children ([BUR0025](#)) para 2.6

21 UNHCR, The UN Refugee Agency ([BUR0016](#)) para 13. See also ActionAid UK ([BUR0031](#)) para 7

aid organisations have been forced to stop humanitarian aid to northern Rakhine. We understand that this is causing severe suffering in Burma, in an area that was already dependent upon humanitarian aid.²²

8. An international pledging conference in Geneva in October was relatively successful; substantial pledges were made of \$360m, but this falls short of the full call of \$434m. The UK was by far the largest donor, pledging \$63m.²³ The Government has since pledged a further £12 million, warning that international funding will start to run out in February 2018.²⁴ Save the Children told us that “The UK can be proud of its humanitarian response to this crisis, showing global leadership in providing rapid humanitarian aid, complimented by significant public generosity”.²⁵ **Bangladesh has acted responsibly and with generosity in opening its border to hundreds of thousands of refugees. Its actions thus far should be supported with rapid and sustained help from the international community for both the refugees and the local population. The UK Government deserves credit for its own quick and generous provision of humanitarian support.**

22 See, for example, Fortify Rights ([BUR0026](#)) para 20; Overseas Development Institute ([BUR0019](#)) para 7; Save the Children ([BUR0025](#)) para 2.1-2.14; and Médecins Sans Frontières, [Myanmar: International humanitarian access to Rakhine State must urgently be permitted](#), 18 September 2017.

23 United Nations Office for the Coordination of Humanitarian Affairs, [Pledging Conference for the Rohingya Refugee Crisis](#), accessed 4 December 2017

24 Department for International Development, [Penny Mordaunt: Extra UK aid gives a future to persecuted Rohingya](#), 27 November 2017

25 Save the Children ([BUR0025](#)) para 3.1. . See also ActionAid UK ([BUR0031](#)) para 9

3 Does the violence in Burma amount to atrocity crimes?

9. There appears to be widespread agreement that grave human rights violations have occurred during this crisis, but we heard a variety of views on how this violence should be understood and defined, with some suggesting that the security forces' abuses against the Rohingya amounted to ethnic cleansing, crimes against humanity, or even genocide. These three terms have important distinctions between them, as set out below.²⁶ They are defined not only by the acts of violence themselves (many of which are shared and may be equally grave in fact) but also by the intentions of the perpetrators and the identities of the victims. Genocide and Crimes Against Humanity are 'atrocity crimes', which are considered by the UN to be "the most serious crimes against humankind".²⁷ While not defined as an independent crime under international law, 'ethnic cleansing' includes acts that may themselves amount to one of the recognised atrocity crimes. As such, it has been considered alongside the other atrocity crimes under the principle of states' "responsibility to protect".²⁸ We will refer to all three as atrocity crimes in this section.

For crimes to constitute **genocide**, the victims must be targeted because of their membership of a particular group, and the perpetrators must intend to destroy, in whole or in part, a national, ethnical, racial or religious group.

Crimes against humanity encompass acts that are part of a widespread or systematic attack directed against any civilians. The UN states that "for an act to be considered a crime against humanity, the ultimate target of the attack must be the civilian population."

Ethnic cleansing is not defined as an independent crime under international law, but is understood to involve "[...] rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area," and "[...] a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas".

10. Not all of our evidence agreed with the use of such terms. In a letter to the Committee, the Myanmar Ambassador to the UK, H.E. Kyaw Zwar Minn, said that accusations of ethnic cleansing and genocide were "totally false" and argued that "Misinformation and disinformation are written and published in order to generate problems between different communities, with the aim to promote the interests of the terrorists." He added:

26 See also Annex for a fuller explanation of terms.

27 United Nations, [Framework for Analysis for Atrocity Crimes \(2014\)](#), p 1

28 United Nations [Framework for Analysis for Atrocity Crimes](#) p 1 states: "In the 2005 World Summit Outcome Document (paragraphs 138 and 139), United Nations Member States made a commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, a principle referred to as the "Responsibility to Protect". In this context, the term "atrocity crimes" has been extended to include ethnic cleansing which, while not defined as an independent crime under international law, includes acts that are serious violations of international human rights and humanitarian law that may themselves amount to one of the recognized atrocity crimes, in particular crimes against humanity[...]."

I can assure you that the leaders of Myanmar, who have been struggling so long for freedom and human rights, will never adopt a policy of genocide or ethnic cleansing and the government will do everything to prevent it.²⁹

Dr Lee Jones did not agree that no crimes were taking place, stating that “To say that there are no atrocities and no crimes and so on is clearly false”. However, he argued that the Burmese Government was not trying to exterminate an entire population, nor had it cleansed the ethnic group from all parts of Rakhine State. He said this was more “classic incompetent, heavy-handed brutal counter-insurgency operations from the Myanmar military.”³⁰

11. More of our evidence, however, suggested that atrocity crimes had taken place in Rakhine State.³¹ Many submissions highlighted a long history of persecution of the Rohingya ethnic group as a background to the current events and evidence of a long-term policy of discrimination against the Rohingya.³² Some also contained accounts of the most recent violence, which was described by some as ethnic cleansing,³³ and by some as crimes against humanity.³⁴ Human Rights Watch considers that crimes against humanity have taken place and told us that it had documented crimes that were committed against a civilian population that did not include ARSA terrorists:

The perpetrators were the Burmese military, on occasion accompanied by local security forces or ethnic Rakhine villagers. The victims were ethnic Rohingya Muslims [...] Specific criminal acts included large-scale and widespread assault, murder and attempted murder, rape and other sexual violence, looting, and arson.³⁵

Three of our submissions considered that genocide has possibly occurred,³⁶ and we note that this allegation has also been made by others in the media and among our colleagues in the House.³⁷ Evidence from the International State Crime Initiative at the Queen Mary University School of Law was particularly striking, alleging “compelling evidence of state-led policies, laws and strategies of genocidal persecution stretching back over 30 years” and that the Rohingya had been subject to “invidious campaigns of race and religious hatred reminiscent of those witnessed in Germany in the 1930s and Rwanda in the early 1990s.”³⁸

29 [Correspondence from the Ambassador of the Republic of the Union of Myanmar](#), dated 6 October 2017, p 3. See also: Myanmar Institute of Strategic and International Studies ([BUR0006](#)); Organizations Representing the Myanmar Community in the United Kingdom ([BUR0018](#))

30 Q34 [Dr Lee Jones]

31 United Nations Association UK ([BUR0013](#)) para 2; and below footnotes 32,33 & 35

32 See, for example: International State Crime Initiative School of Queen Mary University of London ([BUR0010](#)) paras 2–7; Dr Eglantine Staunton ([BUR0015](#)) para 2.1; Mr Justin Wintle ([BUR0011](#)) para 2; Overseas Development Institute ([BUR0019](#)) paras 3–5; Protection Approaches ([BUR0023](#)) para 6; Middlesex University ([BUR0021](#)) paras 9-15; [Christian Solidarity Worldwide](#), ([BUR0014](#)) paras 5-6

33 Dr Eglantine Staunton ([BUR0015](#)) para 2.2; Middlesex University ([BUR0021](#)) para 38; Burma Campaign UK ([BUR0022](#)) para 31; Human Rights Watch ([BUR0024](#)) para 1

34 Middlesex University ([BUR0021](#)) para 40; Protection Approaches ([BUR0023](#)) para 6; Human Rights Watch ([BUR0024](#)) para 2; Fortify Rights ([BUR0026](#)) para 6

35 Human Rights Watch ([BUR0024](#)) para 3

36 Q12 (Tun Khin); International State Crime Initiative School of Law Queen Mary University of London ([BUR0010](#)); Fortify Rights ([BUR0026](#)) para 6

37 For example: HC Deb 21 November 2017, col 839; HC Deb 28 November 2017, [col 69WH](#) and [col 72WH](#) and [col 76WH](#)

38 International State Crime Initiative School of Law Queen Mary University of London ([BUR0010](#)) summary, para 32

12. We note in this context that UN experts have also made strong statements on the matter. Much of the commentary on the definition of the violence in Burma has focused on remarks by the UN's High Commissioner for Human Rights Zeid bin Ra'ad al-Hussein on 11 September 2017:

Last year I warned that the pattern of gross violations of the human rights of the Rohingya suggested a widespread or systematic attack against the community, possibly amounting to crimes against humanity, if so established by a court of law. Because Myanmar has refused access to human rights investigators the current situation cannot yet be fully assessed, but the situation seems a textbook example of ethnic cleansing.³⁹

Since then, Adama Dieng, United Nations Special Adviser on the Prevention of Genocide and Ivan Simonovic, United Nations Special Adviser on the Responsibility to Protect, made a joint statement saying that they had previously identified very deeply rooted and long-standing discriminatory practices and policies against the Rohingya Muslims population, and a failure to stop acts of violence against that group but “Despite warnings issued by us and by many other officials, the Government of Myanmar has failed to meet its obligations under international law and primary responsibility to protect the Rohingya population from atrocity crimes [...]”.⁴⁰ We note also that several other states have called the situation ethnic cleansing, most recently the US, with Secretary of State Rex Tillerson saying on 22 November: “After a careful and thorough analysis of available facts, it is clear that the situation in northern Rakhine state constitutes ethnic cleansing against the Rohingya”.⁴¹

13. We asked the Minister in October how the UK Government defined the current situation in Burma. Mr Field was clearly sincere and personally affected by the matter, but he was reluctant to use any of the suggested definitions, telling us that that the term ethnic cleansing “has in mind the idea of finality”, whereas there had been “slow movement” in the Burmese government toward returning the refugees to Burma.⁴² He also later said:

the voluntary and safe return of refugees is a central part of those ongoing discussions. If that is achieved, then the issues of discussion about ethnic cleansing, genocide and other crimes will disappear more into the background, but I accept that it will be an ongoing live debate.⁴³

However, he said that “unless we see action on that in very quick order, then I think the phrase ‘ethnic cleansing’ should and does apply.”⁴⁴ Asked to clarify, he said: “The UK Government’s position is that this is now a situation of ethnic cleansing, yes.”⁴⁵ However, the following week, the Foreign Secretary again seemed to suggest that the UK’s understanding of the violence as ethnic cleansing was conditional, and would depend upon the potential repatriation of refugees in future, stating: “Of course it is ethnic cleansing if those people

39 See: United Nations Human Rights: Office of the High Commissioner, *Opening Statement by Zeid Ra'ad Al Hussein*, 11 September 2017. In October 2017, the House of Commons debated and resolved a motion agreeing with this statement. See: HC Deb 17 October 2017, [cols 764–812](#)

40 “*Statement by Adama Dieng*”, United Nations, 19 October 2017

41 US Department of State, ‘*Efforts to Address Burma's Rakhine State Crisis*’, 22 November 2017

42 Q69

43 Q73

44 Q69

45 Q70

are not allowed to return to their homes. That is clear.”⁴⁶ On 28 November, the Minister made a clearer statement that “the inexcusable violence perpetrated on the Rohingya by Burmese military and ethnic Rakhine militia appears to be ethnic cleansing.”⁴⁷

14. Whether actions are defined as ethnic cleansing, crimes against humanity and genocide has important consequences: such a definition invokes the Responsibility to Protect on the state involved and on the international community. The Government's hesitation would therefore be understandable if the FCO was waiting for the results of its own analysis, but when we asked the Minister what legal assessment had been conducted by the FCO, the Minister said that none had taken place.⁴⁸ He explained that the FCO was focused on the political and humanitarian situation and that the UN and International Criminal Court was the correct decision-making body to consider allegations of crimes against humanity and genocide.⁴⁹

15. The FCO's apparent lack of application or urgency in conducting its own analysis of what is happening appears to extend to a failure to mobilise people to collect evidence. When questioned in October on why the Government had not sent its team of police and forensic experts on sexual violence in conflict,⁵⁰ the FCO replied that it was still assessing the need for a team.⁵¹ The Government has since said that the head of the Preventing Sexual Violence Initiative team recently visited Bangladesh, and that the FCO was deploying two civilian experts to conduct a needs assessment.⁵²

16. We were surprised that the UK Government's response to questions about this violence were not clear and the FCO was reluctant to commit to a definition. **The evidence we have received suggests that the violence in Burma does amount to ethnic cleansing, and may well constitute crimes against humanity and even genocide. The Government's hesitation and equivocation over defining the violence has made its statements frustratingly confusing. We do not agree that these issues will disappear into the background if the refugees are able to return. If atrocity crimes have taken place, these certainly cannot be redressed through repatriation and must be addressed in court to ensure perpetrators are held to account.**

17. We are seriously concerned to find that the FCO has not undertaken its own analysis of the situation, nor committed its own expert team to gather evidence. The Minister said that its effort was focused on addressing the humanitarian situation, but it is unclear why humanitarian support and legal analysis cannot go hand-in-hand. The FCO's political and diplomatic response should be informed by a legal opinion on what is happening. *The FCO should immediately undertake to:*

- a) *send an expert team to gather evidence on sexual violence in conflict and other possible atrocity crimes;*

46 Oral evidence taken on 1 November 2017, [HC \(2017–19\) 538, Q37](#)

47 See: Department for International Development and Foreign and Commonwealth Office, ‘[The Rohingya people of Rakhine State: UK government actions update, 28 November 2017](#)’, 29 November 2017. See also: HC Deb 28 November 2017 [col 78WH](#), HC Deb, 21 November 2017, [col 839](#); and Department for International Development, ‘[Penny Mordaunt: Extra UK aid gives a future to persecuted Rohingya](#)’, 27 November 2017

48 Q74

49 Qq 74–76

50 HL Deb, 26 October 2017, [col 1030](#)

51 ‘[UK drags heels on sending mass rape investigators to Myanmar](#)’, Guardian, 5 November 2017

52 [PQ HL2848](#) [on Burma: Rohingya], 16 November 2017

- b) *conduct a review of the situation based on NGO and International Organisations' reports and its own findings, and provide the Committee with a summary of its findings, including a clear statement on whether it judges that, based on the evidence available, the actions of the Burmese security forces constitute ethnic cleansing, crimes against humanity, and/or genocide;*
- c) *respond to the Committee as to how it will use this designation to guide its policy on the Rakhine crisis, including in assessing whether to pursue a referral to the International Criminal Court.*

4 The UK's multilateral and bilateral response

18. We heard widespread disappointment and frustration from our witnesses and written evidence about a perceived lack of decisive action or international pressure on the crisis in Rakhine State. Mark Farmaner from the Burma Campaign UK told the Committee:

there has been the worst human rights crisis I have ever seen in the country. We have never seen human rights violations on a scale like this at any point in Burma's past, perhaps since world war two, and there has not been a significant international response.⁵³

Save the Children agreed that there had been a “lack of concerted international action”, and “a failure of international institutions, particularly the UN Security Council, to agree a united response”.⁵⁴ This was echoed in much of our written evidence.⁵⁵ The UN Association UK compared the situation to others in Sri Lanka and Syria, in which the world was standing by once again.⁵⁶ UN Special Advisers on the Prevention of Genocide and the Responsibility to Protect said that while the Burmese Government had failed to protect its civilians from atrocity crimes, “The international community has equally failed its responsibilities in this regard”.⁵⁷

19. It is difficult to assess the extent to which international pressure has had any effect in Burma. The Burmese Government states that military operations ceased on 5 September 2017. However, Fortify Rights told us that “Attacks including killing and arson, although more sporadic, continue”,⁵⁸ and this was recently confirmed by the UK Government, which said there were worrying accounts of violence not only by the military but also by armed ethnic Rakhine communities.⁵⁹ Humanitarian access in northern Rakhine is still not possible; and representatives of the Burmese military and civilian government have made repeated statements indicating that they do not agree with the assessment or criticism of Burmese action.⁶⁰ In fact earlier this month the Burmese military said its own internal investigation had exonerated security forces of all accusations of atrocities.⁶¹ State

53 Q14 [Mark Farmaner]

54 Save the Children ([BUR0025](#)) paras 1.3, 3.3

55 See, for example: Human Rights Watch ([BUR0024](#)); International State Crime Initiative School of Law Queen Mary University of London ([BUR0010](#)); Dr Eglantine Staunton ([BUR0015](#)) para 6; United Nations Association UK ([BUR0013](#))

56 United Nations Association UK ([BUR0013](#)) para 2

57 “*Statement by Adama Dieng*”, United Nations, 19 October 2017

58 Fortify Rights ([BUR0026](#)) para 20; See also: Dr Lee Jones, ([BUR0027](#)); ; Dr Eglantine Staunton ([BUR0015](#)) para 2.6. See also [Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh](#) 13–24 September 2017

59 Oral Evidence taken before the International Development Committee on 22 November 2017, [HC \(2017–19\) 504, Q86](#)

60 See: [Correspondence from the Ambassador of the Republic of the Union of Myanmar](#), 6 October 2017; U Thaung Tun, National Security Advisor, Myanmar comments to UN Security Council on [27 September](#); Senior General Min Aung Hlaing, [Facebook Statement](#), 1 November 2017; Senior General Min Aung Hlaing, [Facebook Statement](#), 10 November 2017. See also [Rohingya crisis: Suu Kyi says 'fake news helping terrorists'](#), BBC News, 6 September 2017

61 See: [Rohingya abuses: Myanmar army report clears itself of blame](#), BBC News, 14 November 2017

Counsellor Aung San Suu Kyi has established a 'Committee for the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine'; but it is not yet clear when this will begin or how it will work.⁶²

20. As a result, many of those who provided evidence wanted further measures to be taken to exert pressure on the Burmese government and military. Human Rights Watch said:

None of the obvious tools to end or mitigate mass atrocities have been used. No Security Council delegation sent to Burma; no resolution demanding an end to the military's abuses; and no threat of targeted sanctions and an arms embargo.⁶³

Our evidence indicated that there is substantial agreement on the measures NGOs and others wish to see. These include measures to exert pressure and improve monitoring, such as:

- Reinstatement of a UN Special Rapporteur on Burma;⁶⁴
- Reinstatement of the annual UNGA resolution on Burma;⁶⁵
- Measures to collect evidence in order to hold individuals accountable for crimes.⁶⁶

Some witnesses also made suggestions for international pressure and sanctions, such as:

- A UN Security Council Resolution condemning the violence;⁶⁷
- A global arms embargo;⁶⁸
- Targeted travel bans and asset freezes on senior military figures;⁶⁹
- A suspension of all military assistance programmes;⁷⁰

62 The Republic of the Union of Myanmar: State Counsellor Office, [Establishment of the Committee for the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine](#), 17 October 2017. See also: [PQ 110159](#) [on Burma: Politics and Government], 2 November 2017

63 ["How Long Will UN Security Council be Missing in Action on Burma?"](#), Human Rights Watch, 1 November 2017

64 Those calling for this include: Save the Children ([BUR0025](#)) para 3.4; United Nations Association UK ([BUR0013](#)) para 8; See also: United Nations, [Statement by the President of the Security Council](#), 6 November 2017, p3

65 Those calling for this include: Middlesex University ([BUR0021](#)) para 5; Christian Solidarity Worldwide ([BUR0014](#)) para 11

66 Those calling for this include: Christian Solidarity Worldwide ([BUR0014](#)) para 12–13; Save the Children ([BUR0025](#)) para 3.7; ActionAid UK ([BUR0031](#)) para 22

67 Those calling for this include: Protection Approaches ([BUR0023](#)) para 35; Christian Solidarity Worldwide ([BUR0014](#)) para 10; United Nations Association UK ([BUR0013](#)) para 10; Dr Eglantine Staunton ([BUR0015](#)) para 6.3.2; Fortify Rights ([BUR0026](#)) para 26

68 Those calling for this include: Human Rights Watch ([BUR0024](#)) para 53; Burma Campaign UK ([BUR0022](#)) para 43; Middlesex University ([BUR0021](#)) para 5; Protection Approaches ([BUR0023](#)) para 35; Christian Solidarity Worldwide ([BUR0014](#)); Dr Eglantine Staunton ([BUR0015](#)) para 6.3.2; Fortify Rights ([BUR0026](#)) para 7; ; Save the Children ([BUR0025](#)) para 3.7

69 Those calling for this include: Protection Approaches ([BUR0023](#)) para 35; Save the Children ([BUR0025](#)) para 3.7; Fortify Rights ([BUR0026](#)) para 7; Christian Solidarity Worldwide, ([BUR0014](#)) para 10; Dr Eglantine Staunton ([BUR0015](#)) para 6.3.3; Human Rights Watch ([BUR0024](#))

70 Those calling for this include: Middlesex University ([BUR0021](#)) para 40; Save the Children ([BUR0025](#)) para 3.1; Human Rights Watch ([BUR0024](#)) para 53;

- An end to all training and co-operation;⁷¹
- A ban on investment in and business with military-controlled companies;⁷²

21. However, sanctions are controversial and not universally supported. Dr Lee Jones told us that sanctions, including by the US, were not useful in the Burmese context, stating:

The reality is that two decades of western sanctions have essentially removed any leverage that the West had over Myanmar. So if they want to re-impose sanctions now, very little US investment exists in the country to cut off. There is no relationship to sever.⁷³

Trade statistics indicate that western countries indeed have relatively little trade to cut off unless China were to agree, which is seen as unlikely. The majority of Burma's trade is conducted with other Asian countries: China accounts for 41% of all the country's goods exports, while the UK accounted for 0.6%, and the European Union for 5%. The numbers for imports are similar.⁷⁴ Dr Champa Patel was also sceptical, commenting that: "Sanctions from the West will be seen as largely symbolic. They may serve to make the West feel better, but they will not change realities on the ground."⁷⁵ We also note that the International Crisis Group has warned that "travel bans and asset freezes may not be helpful in achieving concrete progress, and risks constraining future policy options as well as sending unintended signals to investors that could impact on the economy, to the detriment of ordinary Myanmar people."⁷⁶ US Secretary of State Rex Tillerson has also said that the US does not support sanctions at this time.⁷⁷

UK response

22. With this criticism and disagreement in mind, we examined the Government's response to this crisis. The UK has a particular responsibility for the international response; it traditionally leads international response on Burma as the so-called 'penholder' for Burma in the United Nations Security Council. The Government told us that it has been leading the international response to Burma and galvanising the community around its Five Point Plan, which says that:

- i) the security forces must stop the violence;
- ii) there must be full humanitarian access within Burma;
- iii) refugees must be allowed to return to Burma in a voluntary, safe, and dignified manner;

71 Those calling for this include: Human Rights Watch ([BUR0024](#)); Middlesex University ([BUR0021](#)) para 5; Save the Children ([BUR0025](#)) para 3.7

72 Those calling for this include: Middlesex University ([BUR0021](#)) para 5; Human Rights Watch ([BUR0024](#)) para 49. See also Dr Eglantine Staunton ([BUR0015](#)) para 6.3.5

73 Q60. See also: Q63 and Dr Lee Jones, ([BUR0027](#)) para 9

74 China was also Burma/Myanmar's largest source of imports, accounting for 34% of all the country's goods imports. The UK accounted for 0.2%, the European Union for 3%. All data taken from the [United Nations Conference on Trade and Development \(UNCTAD\) statistics database](#), accessed 6 December 2017

75 Q61 [Dr Champa Patel]

76 International Crisis Group, [Rohingya Crisis: A Major Threat to Myanmar Transition and Regional Stability](#), 27 October 2017

77 US Department of State, ['Efforts to Address Burma's Rakhine State Crisis'](#), 22 November 2017

- iv) the recommendations of the Advisory Commission on Rakhine state,⁷⁸ chaired by Kofi Annan, must be implemented rapidly and in full;
- v) Burma must grant access to, and fully co-operate with, the UN Human Rights Council's fact-finding mission.⁷⁹

23. To this end, the UK has raised Burma in three UN Security Council Meetings and one briefing; hosted a meeting of Foreign Ministers at the UN; and secured a Press Statement in September 2017, and a Presidential Statement on 6 November 2017. It participated in four meetings of the UN Human Rights Council and supported the extension of the UN's fact-finding mission to Burma (a mission which has not yet been able to visit).⁸⁰ The subject was also raised in six meetings of the European Council, resulting in agreed Conclusions on 16 October that expressed serious concern and suspended invitations to military figures in Burma.⁸¹

24. The UN Presidential Statement of 6 November is, so far, the pinnacle of international agreement on Burma. While it fell short of the full UN Security Council Resolution that the UK and France had reportedly originally proposed,⁸² it was nonetheless a strongly worded and lengthy statement expressing "grave concern" over reports of human rights abuses and "alarm at the significantly and rapidly deteriorating humanitarian situation", and requiring the Burmese government to halt violence and take action to redress the issues.⁸³ However, it did not impose any measures or deadlines on the Burmese government, and it was reported that certain measures were removed from the draft resolution in order to gain agreement.⁸⁴ Speaking before the statement was agreed, Minister Mark Field defended the UK's work, telling us that the UK's multilateral efforts had been "reasonably successful" though he noted that "Diplomacy can be painstakingly slow", and said: "I don't think there is any lack of urgency on these matters. It is frustrating that we have not been able to achieve more; I don't deny that".⁸⁵

25. We asked the Minister for the UK Government's position on further means to exert pressure and sanctions, as suggested by the NGOs. The answer was unclear, though the Minister did not reject the idea of sanctions in principle. When asked to comment on particular measures, he expressed doubt that a global arms embargo was achievable; said a travel ban "might provide a certain amount of leverage"; and said he would "consider" banning investment on business with military controlled companies. He was, perhaps surprisingly, open to the UK leading a call for an international neutral body to monitor and perhaps even provide security under a UN or ASEAN umbrella, which would be a major initiative.⁸⁶ However, he emphasised the need for all of these to be done in unison with other partners.⁸⁷ FCO minister Alistair Burt has since echoed this open-minded but vague position: "If sanctions were possible that would achieve an effect and demonstrate a

78 ["Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine"](#), Advisory Commission on Rakhine State, 23 August 2017

79 HC Deb, 17 October 2017, [cols 807–11](#); HL Deb, 26 October 2017, [cols 1040–43](#)

80 United Nations Human Rights: Office of the High Commissioner, [Independent international fact-finding mission on Myanmar](#), accessed 5 November 2017

81 European Council, ['Myanmar/Burma: Council adopts conclusions'](#), 16 October 2017

82 ["Myanmar: Adoption of a Presidential Statement"](#), What's in Blue, 6 November 2017

83 United Nations, [Statement by the President of the Security Council](#), 6 November 2017

84 ["Myanmar: Adoption of a Presidential Statement"](#), What's in Blue, 6 November 2017

85 Qq91, 132

86 Qq128–129. . See also HC Deb 28 November 2017, [col 85WH](#)

87 Qq 91–92

determination by the international community to bring about a result, I would always be interested. Sanctions as a gesture may not be right, and I can understand where Secretary of State Tillerson is coming from”⁸⁸

26. International action on this crisis has been inadequate, and though the UK has been active in international forums, it bears some responsibility for this. As the country with the diplomatic lead in international forums, the UK should define clear and ambitious goals and channel the moral outrage that atrocity crimes elicit into tangible action and changes on the ground. The UK Government has demonstrated diplomatic skill in its UN negotiation, and its 5-point plan correctly identifies the desirable outcomes, particularly the need rapidly and comprehensively to implement the recommendations of the Advisory Commission on Rakhine State, which provide for an acceleration of citizenship verification and note the need to review the 1982 citizenship law. However, this so-called plan does not offer a roadmap for getting from the current situation to those outcomes. Though the UK Government has said sanctions may be hard to achieve, it has set out no other suggestions for getting results on the ground. The situation is undoubtedly difficult, but given that the charge is one of atrocity crimes, we are disappointed to see that the UK's diplomatic leadership has struggled to achieve a clear sense of direction and has so far had such meagre results.

27. Given the difficulty of securing and making sanctions effective, a fitting response would be the collection of evidence for the preparation of trials against the perpetrators. However, if there is no clear sign of change in the medium-term, we believe sanctions would also be appropriate as a sign that it is unpalatable and wrong for the international community to continue to engage with Burma in the same way as before. *We suggest the Government adopts an overall response that involves immediate action and then can be scaled up. This could involve:*

- a) *Immediately providing better and more systematic support for collecting evidence in Bangladesh, Burma and elsewhere, for eventual justice (building on the current UK deployment of two civilian experts);*
- b) *Lobbying now for achievable UN action including the reinstatement of a UN Special Adviser on Burma and the reinstatement of the annual UNGA resolution on Burma;*
- c) *The Government should also make clear now to Burma and other international actors that if there is no shift in Burma's position, including the facilitation of immediate access for humanitarian agencies and independent international monitors to Rakhine province, it will begin pursuing sanctions in the UN and other forums. Unless the Government has reason to believe that the UN Presidential Statement is the start of a change of policy by China and Russia and that they would in the near future consider imposing measures on Burma, it would be reasonable to conclude that this may be the high-water mark of international unity on this issue. The UK Government should therefore prioritise working with its partners in other forums such as ASEAN, the Organisation of Islamic Cooperation, and the European Union to achieve more tangible results. These could include:*

88 Oral Evidence taken before the International Development Committee on 22 November 2017, HC (2017–19) 504, Q91

- i) *Targeted travel bans and asset freezes on senior military figures;*
- ii) *A ban on investment in and business with military-controlled companies.*

In response to this Report, the Government should set out the measures which it considers to be potentially effective as sources of pressure on the Burmese military and government, and how it intends to gain agreement in different forums on imposing them. If it does not intend to exert pressure through any measures because it believes this would be counter-productive, it should say so.

Bilateral action

28. The UK has also taken limited bilateral measures: following public pressure and a sustained lobbying campaign in the House, the UK Government suspended classroom-based training that it had offered to members of the Burmese military.⁸⁹ It has otherwise pursued a policy of continued engagement with the civilian government: in September, the Minister Mark Field was the first foreign minister from outside the region to visit Rakhine state in Burma since the crisis there escalated. He has since returned to Burma, as we urged, in November to attend the Asia-Europe Summit Foreign Minister's meeting.⁹⁰ The Foreign Secretary has spoken by phone to the State Counsellor on three occasions since 25 August to discuss the situation in Rakhine State.⁹¹ In statements to the House and this Committee, the Government has acknowledged disappointment in the administration of Aung San Suu Kyi, but has pledged to support her, noting that she has said she wishes to see the Rohingya people return to Burma (she does not use the term 'Rohingya', though Mark Field told us she referred to the refugees as "our people").⁹²

29. In part, this continued support for Aung San Suu Kyi appears less about continued faith in her, and more about a lack of alternatives: Minister Alistair Burt told the International Development Committee that "someone has got to take Burma forward, and if Aung San Suu Kyi is clear about the role of the Rohingya people in Burma in the future and can lead that, that is important, and it is important to make a comment about it."⁹³ We also note that the UK's attachment to her is not obviously reciprocated: while the UK Government seemed keen to emphasise its continued engagement, there have been only three phone calls between the Foreign Secretary and Aung San Suu Kyi in three months during this time of crisis, and on 30 November there had been no phone call for over 6 weeks; the Minister Mark Field was not afforded a second meeting with Aung San Suu Kyi on his visit to Burma in November,⁹⁴ though Pope Francis was greeted by the State Counsellor. **It is concerning to see that after years of diplomatic effort, the UK has secured only an apparently distant relationship with a leader whose ability and willingness to influence these events is not as great as hoped. Like many others,**

89 HC Deb 11 October 2017, [col 331](#). Note: It provided details of the training to the Committee as part of this inquiry, see: [Correspondence from the Foreign and Commonwealth Office regarding the violence in Rakhine State](#), 10 October 2017.

90 Foreign and Commonwealth Office, ['Mark Field's speech at the Asian-European Meeting, Burma'](#), 20 November 2017

91 On 7 and 14 September and on 21 October. Source: [PQ 115184](#) [on Aung San Suu Kyi], 27 November 2017

92 Q90

93 Oral Evidence taken before the International Development Committee on 22 November 2017, [HC \(2017–19\) 504, Q85](#)

94 [PQ 115791](#) [Aung San Suu Kyi], 5 December 2017

including the domestic population, we have limited options: Aung San Suu Kyi remains far better than the alternatives and appears to be the only hope of improvement, but she is now a compromised one.

5 Repatriation of refugees to Burma

30. In addition to supplying the immediate humanitarian need, an even greater challenge lies ahead of securing a future for the Rohingya refugees who have fled to Bangladesh. The international community, and particularly Bangladesh, is insisting upon their right to return to their home. State Counsellor Aung San Suu Kyi has recently committed her government to the repatriation of those who have crossed the border, and their “resettlement and rehabilitation”.⁹⁵ Bangladesh and Burma have held several bilateral meetings and on 22 November announced that they had signed an agreement to begin returning refugees within weeks.⁹⁶ However, the terms of the agreement are as yet unclear and have already been the subject of concern.⁹⁷ In principle, repatriation is a welcome measure that honours refugees’ right to return, but our evidence suggests that there are several obstacles to a safe and voluntary repatriation process into Burma, including:

- a) The need to abide by the principle of *non-refoulement* (no forced return to torture or ill-treatment);⁹⁸
- b) homes and villages no longer exist, or may not be able to be claimed without papers;
- c) a need to ensure that refugees are not returned into Burmese Government camps, which were referred to variously by our witnesses as “internment camps”⁹⁹ or “concentration camps”;¹⁰⁰
- d) a lack of verification and identity papers among the stateless population;
- e) The need for monitoring and humanitarian access to the state;
- f) Continued and even increased local hostility toward Rohingya;
- g) agreement to allow security, possibly provided by UN or ASEAN authorities.

Several NGOs expressed serious concern that such issues had been ignored in the past in the rush to repatriate, with terrible consequences for the Rohingya, many of whom remain today in the camps into which they were repatriated.¹⁰¹

31. ***The UK Government should state clearly to both Bangladesh and Burma that it will not support a repatriation deal that does not include comprehensive safeguards and***

95 The Republic of the Union of Myanmar: State Counsellor Office, [Aid, Rehabilitation, Resettlement to be Speeded up for N-Rakhine](#), 12 October 2017

96 See HC Deb 28 November 2017 col 84WH. See also Embassy of the Republic of the Union of Myanmar ([BUR0017](#))

97 “[UN questions Myanmar’s Rohingya repatriation pledge](#)”, Financial Times, 30 November 2017; “[Myanmar, Bangladesh ink Rohingya return deal amid concern over army’s role](#)”, Reuters, 23 November 2017. See also: “[Repatriation, Statelessness and Refugee Status: Three Crucial Issues in the Unfolding Rohingya Crisis](#)” Institute on Statelessness and Inclusion, 10 October 2017

98 Article 33(1) of the [1951 United Nations Convention](#) relating to the Status of refugees provides that: “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

99 Fortify Rights ([BUR0026](#)) para 20;

100 Q65 [Dr Lee Jones]. . See also Burma Campaign UK ([BUR0022](#)) paras 38-39

101 Q65; Fortify Rights ([BUR0026](#)) para 20; International State Crime Initiative School of Law Queen Mary University of London ([BUR0010](#)) paras 18–20; Burma Campaign UK ([BUR0022](#)) para 27; Middlesex University (Prof Brad Blitz), ([BUR0021](#)) paras 20-22

does not have the confidence of relevant UN agencies. The Government should lobby for humanitarian agencies to be represented at bilateral talks, with a view to ensuring they are given access to Rakhine province to assist with and monitor the repatriation of Rohingya refugees, and for any agreement on repatriation to include references to the implementation of the Rakhine Advisory Commission Report. The Government should be ready to intervene strongly with Bangladesh if repatriation is begun before humanitarian access is allowed in Rakhine and other minimum guarantees are provided by the Burmese government.

Risk of permanent camps

32. Dr Champa Patel raised with us the need to confront the possibility of a failure to repatriate refugees, stating: “This may be unpalatable, but if we are to learn from the history of displaced populations that lacked citizenship, there must be some thinking done about what happens if that population becomes semi-permanent, if not permanent, in Bangladesh.” She cited the example of Palestinian refugees.¹⁰² We heard from others who agreed that full repatriation was unlikely,¹⁰³ and one who suggested that the Rohingya should be settled elsewhere.¹⁰⁴ The Minister himself has referred to the safe return of Rohingya as possibly “a forlorn hope”,¹⁰⁵ but he was reluctant to consider anything other than repatriation, telling us:

The worst case of all, in my view, would be this: if we do our best to work with the Bangladeshi authorities to build ongoing, long-standing, sustainable settlements on the Bangladesh side of the border, in a sense the [Burmese] military Government will have got their own way.¹⁰⁶

33. The prospect of long-term camps is concerning not only for humanitarian but also security reasons. We received several warnings about the risk of radicalisation in refugee camps. At present, there appear to be minimal links so far between the Rohingya cause and an international extremist threat, and our witnesses did not consider the Arakan Rohingya Salvation Army to be well-connected to international terrorist groups.¹⁰⁷ However, worrying signs were already emerging that the Rohingya cause was becoming internationalised, and amongst some communities there was a risk that it could be seen as an attack on Islam. We were warned that the cause may become a lightning rod for Islamist extremist movements, and they might not wait for an invitation from ARSA.¹⁰⁸ The Minister agreed that the camps were “a ticking time bomb,” in terms of their potential for radicalisation.¹⁰⁹

34. The safe and voluntary repatriation of refugees is an ideal. However, we believe it is unlikely that all Rohingya refugees will wish to return following their traumatic experiences, and there are serious risks if any return happens without proper safeguards,

102 Q65 [Dr Champa Patel]

103 See, for example: Mr Justin Wintle ([BUR0011](#)); Dr Lee Jones ([BUR0027](#)); HC Deb 28 November [col 73WH](#)

104 Mr Justin Wintle ([BUR0011](#)) para 4

105 HC Deb, 17 October 2017, [col 808](#)

106 Q87

107 Q46. However, see also: [Correspondence from the Ambassador of the Republic of the Union of Myanmar](#), dated 6 October 2017, Myanmar Institute of Strategic and International Studies ([BUR0006](#))

108 Qq 46–47; Q89. See also: Dr Eglantine Staunton ([BUR0015](#)) para 3.3; “[Rohingya plight in Bangladesh raises fears of radicalisation](#)”, Financial Times, 6 December 2017

109 Q123

including some element of independent international monitoring and oversight. The Government's reluctance to envisage long-term displacement is understandable, but it is mistaken about its views as to the worst-case scenario. The prospect of long-term, well-resourced, and sustainable camps is far better than the prospect of temporary housing that is permanently extended, in squalid, poverty-stricken camps which offer no hope for the future to their inhabitants, and which make them vulnerable to radicalisation. *The UK must now start work with its UN allies to agree a plan for long-term displaced people offering them safety, education, and employment prospects, on the understanding that the international community will be working towards the safe return of Rohingya refugees to their homes in Burma. The understandable fear of camps becoming permanent must not lead to under-resourcing of the humanitarian effort in the short to medium term.*

6 The UK's future relationship with Burma

The UK's past approach and failure to prevent

35. It was striking how much of our evidence agreed that problems with the Rohingya were evident and foreseeable and that the warnings about atrocity crimes were clear.¹¹⁰ Many submissions said the UK and others did not do enough, and instead engaged with Burma's leadership and focused on what one witness called "the so-called democratic transition in the country at the expense of other issues."¹¹¹ Mark Farmaner of Burma Campaign UK argued that everyone knew the crisis would happen and that the international community had consistently ignored discrimination and continued to engage with the Government: "Consistently, we sent a signal to the military and the Government in Burma that we were prepared to compromise when it came to the human rights of the Rohingyas, as long as the general direction of travel was considered to be good."¹¹² Protection Approaches, an organisation that works on prevention of identity-based violence, told us that the UK was particularly poor in recognising and tackling the issue, and that:

the absence of a policy mechanism charged with predicting and responding to threats of mass atrocities had led to an incoherent and ineffectual UK policy on Myanmar. Concern expressed by the UK office at the UN was not matched in the UK's trade policy, in its international development focus, or in its wider diplomatic efforts. This hindered earlier, more effective protective interventions.¹¹³

36. Mr Field was admirably candid about the need for the FCO to reflect on these points, stating: "Consistently [...] we have sent a signal to the military in Burma, particularly in relation to the relationship with the Rohingya, that somehow the Rohingya were, at very best, second-class citizens. That is something that we will need to reflect on".¹¹⁴ He also stated:

I think all of us bear responsibility. The international community as a whole wanted to see Burma coming away from the decades of military dictatorship, with Aung San Suu Kyi regarded as a leader rather like, as I say, Nelson Mandela and Martin Luther King: someone, in the international community's view, of unimpeachable ethics who alone would be able to lead this. [...] We do need to look back at precisely the way in which, in the midst of that move towards any sort of democracy, a blind eye was turned to the ongoing plight of the Rohingya, of which we were aware some time before.¹¹⁵

110 Q14; Protection Approaches ([BUR0023](#)) para 18; International State Crime Initiative School of Law Queen Mary University of London ([BUR0010](#)); Burma Campaign UK ([BUR0022](#)) paras 32-34; Q33 [Dr Champa Patel]; Q34 [Dr Lee Jones]. See also: International Crisis Group, [Watch List 2017: Crisis Group Special Report N°3](#), 24 February 2017

111 Q64 [Dr Lee Jones]. See also: Middlesex University (Prof Brad Blitz), ([BUR0021](#)) paras 26-32; Burma Campaign UK ([BUR0022](#)) paras 17-31

112 Q14 [Mark Farmaner]

113 Protection Approaches ([BUR0023](#)) para 24. See also: Middlesex University ([BUR0021](#)) paras 29-30

114 Q79

115 Q87

The UK was not alone in this approach. We note in this context ongoing criticism of the UN's recent policy on the Rohingya and its engagement with the Burmese government.¹¹⁶

37. The Minister was commendably candid about the need for reflection over the widespread failure to challenge long-standing discrimination against the Rohingya. This process should include the FCO as a whole as there is a clear need for the institution to learn lessons from the recent events in Burma about responding to signs and prioritising atrocity prevention in political and diplomatic conversations. In its response, the FCO should set out what lessons it has learned regarding atrocity prevention from these events and how these lessons will be applied in Burma and elsewhere in future. In particular, it should provide details of what, if any, policies it is putting in place to change, over the longer term, the poisonous narrative about the Rohingya in Burmese press and online sources.

The UK-Burma relationship in future

38. The reputation and good faith invested in both Burma's young democracy and its civilian leader Aung San Suu Kyi have been dealt a heavy blow by these events. Burma's democratic transition has been demonstrably shown to be incomplete: its military have shown both their continued power and their disinclination to abide by international standards; and its civilian government has not responded to the crisis with the speed and leadership required. There appears to be a worrying gulf between the scale of transformation now required in Burma (and Rakhine State in particular) and the domestic political capacity and willingness to achieve it.

39. The reputation of State Counsellor Aung San Suu Kyi has been particularly damaged. As the de-facto leader of the civilian government, she was slow to speak about the crisis in public, and her subsequent statements were considered by many to be too supportive of the military line.¹¹⁷ The initiatives she has announced are currently unclear.¹¹⁸ All of the Committee's witnesses expressed disappointment in Aung San Suu Kyi's role during the crisis. Mark Farmaner of the Burma Campaign UK was strongly critical, claiming that she had lied while "actively defending and acting as a human shield for the military", and added:

Aung San Suu Kyi is the one person in the country who could start to change hearts and minds on this issue. She has the love and support of people in a way that no one else does, but instead of supporting the issue and trying to challenge prejudice, she is playing to it, encouraging it, and whipping it up.¹¹⁹

116 See, for example: United Nations Association UK (BUR0013) para 4-6; Middlesex University (Prof Brad Blitz), (BUR0021) paras 20-25; "Rohingya crisis: UN 'suppressed' report predicting its shortcomings in Myanmar" Guardian, 5 October 2017; "For Years, U.N. Was Warned of Threat to Rohingya in Myanmar", Foreign Policy, 16 October 2017. . For criticism of other states' approach, see Q25.

117 See, for example: Q12 & Q 20-21; Human Rights Watch (BUR0024); Burma Campaign UK (BUR0022) para 16. See also "Myanmar: Aung San Suu Kyi "burying her head in the sand" about Rakhine horrors" Amnesty International press release, 19 September 2017; "Aung San Suu Kyi says Myanmar does not fear scrutiny over Rohingya crisis", Guardian, 19 September 2017

118 Though some details can be found in [Correspondence from the Ambassador of the Republic of the Union of Myanmar](#), dated 6 October 2017 and Myanmar Institute of Strategic and International Studies (BUR0006)

119 Q17 [Mark Farmaner]

40. The Minister provided us with insights into his meeting with Aung San Suu Kyi on 27 September. He was concerned that “her room for manoeuvre is very, very limited.”¹²⁰ He said she did not easily show emotion, but he understood that she was “appalled by what is happening”.¹²¹ However, he said that in September she had been “pretty dismissive of the whole idea that there was any ethnic cleansing happening”, but “My own view, from diplomatic telegrams from our ambassador there, and from conversations the Foreign Secretary has had with Aung San Suu Kyi, is that she has [since] moved away from that hard-line position”.¹²² In November, the Foreign Secretary took a firmer line in the House, stating that “We still salute her struggle for democracy in the face of the generals, but it is vital now that she stands up to condemn what is happening and brings the nation together. I am sorry to say that so far the Burmese Government have failed to do that.”¹²³ **We recognise that State Counsellor Aung San Suu Kyi is constrained by the autonomy of the military and the strength of domestic public opinion against the Rohingya. We are also clear that the Commander in Chief of the Burmese Army, General Min Aung Hlaing, bears ultimate responsibility for the violence. We are nonetheless disappointed in Aung San Suu Kyi’s failure of leadership. The UK Government is right to focus on what is best for Burma, and Aung San Suu Kyi may remain its best hope, but admiration for her should be tempered by a more hard-headed approach based on a new understanding of the political trajectory of the country, and an increased willingness to deliver tough messages and take a firm stand on principles even when the messages are unpopular and unwelcome.**

41. This recommendation has obvious implications for the UK-Burma relationship, which has in recent years been one of increasing support and engagement. The FCO was not unaware of problems: Burma has long featured as one of the FCO’s countries of concern in its human rights report.¹²⁴ However, the UK Government has now admitted that it needs to reflect on its previous work on the Rohingya. This is welcome, but the events of the last two months are serious enough to put in question the nature and scale of the UK’s overall bilateral relationship with Burma, and its diplomatic approach. ***The UK Government should conduct an internal review of its overall Burma policy in light of the recent events, including:***

- a) ***its assessment of Burma’s political trajectory and the state of its democratic transition and leadership;***
- b) ***the UK’s place and influence in Burma; and***
- c) ***the UK’s scope to encourage regional states with an interest in Burma to assist in its response to the crisis.***

In its response to this Report, the FCO should provide a summary of its conclusions and planned actions.

120 Q81

121 Q82

122 Q88

123 HC Deb, 21 November 2017, [col 839](#)

124 Foreign and Commonwealth Office, *Human Rights and Democracy (2016 Report)*, (July 2017), p33–4; Foreign and Commonwealth Office, *Human Rights and Democracy (2015 Report)*, (April 2016), p36–7; Foreign and Commonwealth Office, *Human Rights and Democracy (2014 Report)*, (March 2015), p115–8

Conclusions and recommendations

Violence in Rakhine State

1. Bangladesh has acted responsibly and with generosity in opening its border to hundreds of thousands of refugees. Its actions thus far should be supported with rapid and sustained help from the international community for both the refugees and the local population. The UK Government deserves credit for its own quick and generous provision of humanitarian support. (Paragraph 8)

Does the violence in Burma amount to atrocity crimes?

2. The evidence we have received suggests that the violence in Burma does amount to ethnic cleansing, and may well constitute crimes against humanity and even genocide. The UK Government's hesitation and equivocation over defining the violence has made its statements frustratingly confusing. We do not agree that these issues will disappear into the background if the refugees are able to return. If atrocity crimes have taken place, these certainly cannot be redressed through repatriation and must be addressed in court to ensure perpetrators are held to account. (Paragraph 16)
3. We are seriously concerned to find that the FCO has not undertaken its own analysis of the situation, nor committed its own expert team to gather evidence. The Minister said that its effort was focused on addressing the humanitarian situation, but it is unclear why humanitarian support and legal analysis cannot go hand-in-hand. The FCO's political and diplomatic response should be informed by a legal opinion on what is happening. *The FCO should immediately undertake to:*
 - a) *send an expert team to gather evidence on sexual violence in conflict and other possible atrocity crimes;*
 - b) *conduct a review of the situation based on NGO and International Organisations' reports and its own findings, and provide the Committee with a summary of its findings, including a clear statement on whether it judges that, based on the evidence available, the actions of the Burmese security forces constitute ethnic cleansing, crimes against humanity, and/or genocide;*
 - c) *respond to the Committee as to how it will use this designation to guide its policy on the Rakhine crisis, including in assessing whether to pursue a referral to the International Criminal Court.* (Paragraph 17)

The UK's multilateral and bilateral response

4. International action on this crisis has been inadequate, and though the UK has been active in international forums, it bears some responsibility for this. As the country with the diplomatic lead in international forums, the UK should define clear and ambitious goals and channel the moral outrage that atrocity crimes elicit into tangible action and changes on the ground. The UK Government has demonstrated diplomatic skill in its UN negotiation, and its 5-point plan correctly identifies the

desirable outcomes, particularly the need rapidly and comprehensively to implement the recommendations of the Advisory Commission on Rakhine State, which provide for an acceleration of citizenship verification and note the need to review the 1982 citizenship law. However, this so-called plan does not offer a roadmap for getting from the current situation to those outcomes. Though the UK Government has said sanctions may be hard to achieve, it has set out no other suggestions for getting results on the ground. The situation is undoubtedly difficult, but given that the charge is one of atrocity crimes, we are disappointed to see that the UK's diplomatic leadership has struggled to achieve a clear sense of direction and has so far had such meagre results. (Paragraph 26)

5. Given the difficulty of securing and making sanctions effective, a fitting response would be the collection of evidence for the preparation of trials against the perpetrators. However, if there is no clear sign of change in the medium-term, we believe sanctions would also be appropriate as a sign that it is unpalatable and wrong for the international community to continue to engage with Burma in the same way as before. *We suggest the Government adopts an overall response that involves immediate action and then can be scaled up. This could involve:*
 - a) *Immediately providing better and more systematic support for collecting evidence in Bangladesh, Burma and elsewhere, for eventual justice (building on the current UK deployment of two civilian experts);*
 - b) *Lobbying now for achievable UN action including the reinstatement of a UN Special Adviser on Burma and the reinstatement of the annual UNGA resolution on Burma;*
 - c) *The Government should also make clear now to Burma and other international actors that if there is no shift in Burma's position, including the facilitation of immediate access for humanitarian agencies and independent international monitors to Rakhine province, it will begin pursuing sanctions in the UN and other forums. Unless the Government has reason to believe that the UN Presidential Statement is the start of a change of policy by China and Russia and that they would in the near future consider imposing measures on Burma, it would be reasonable to conclude that this may be the high-water mark of international unity on this issue. The UK Government should therefore prioritise working with its partners in other forums such as ASEAN, the Organisation of Islamic Cooperation, and the European Union to achieve more tangible results. These could include:*
 - i) *Targeted travel bans and asset freezes on senior military figures;*
 - ii) *A ban on investment in and business with military-controlled companies.*

In response to this Report, the Government should set out the measures which it considers to be potentially effective as sources of pressure on the Burmese military and government, and how it intends to gain agreement in different forums on imposing them. If it does not intend to exert pressure through any measures because it believes this would be counter-productive, it should say so. (Paragraph 27)

3. It is concerning to see that after years of diplomatic effort, the UK has secured only an apparently distant relationship with a leader whose ability and willingness to influence these events is not as great as hoped. Like many others, including the domestic population, we have limited options: Aung San Suu Kyi remains far better than the alternatives and appears to be the only hope of improvement, but she is now a compromised one. (Paragraph 29)

Repatriation of refugees to Burma

4. *The UK Government should state clearly to both Bangladesh and Burma that it will not support a repatriation deal that does not include comprehensive safeguards and does not have the confidence of relevant UN agencies. The Government should lobby for humanitarian agencies to be represented at bilateral talks, with a view to ensuring they are given access to Rakhine province to assist with and monitor the repatriation of Rohingya refugees, and for any agreement on repatriation to include references to the implementation of the Rakhine Advisory Commission Report. The Government should be ready to intervene strongly with Bangladesh if repatriation is begun before humanitarian access is allowed in Rakhine and other minimum guarantees are provided by the Burmese government.* (Paragraph 31)
5. The safe and voluntary repatriation of refugees is an ideal. However, we believe it is unlikely that all Rohingya refugees will wish to return following their traumatic experiences, and there are serious risks if any return happens without proper safeguards, including some element of independent international monitoring and oversight. The UK Government's reluctance to envisage long-term displacement is understandable, but it is mistaken about its views as to the worst-case scenario. The prospect of long-term, well-resourced, and sustainable camps is far better than the prospect of temporary housing that is permanently extended, in squalid, poverty-stricken camps which offer no hope for the future to their inhabitants, and which make them vulnerable to radicalisation. *The UK must now start work with its UN allies to agree a plan for long-term displaced people offering them safety, education, and employment prospects, on the understanding that the international community will be working towards the safe return of Rohingya refugees to their homes in Burma. The understandable fear of camps becoming permanent must not lead to under-resourcing of the humanitarian effort in the short to medium term.* (Paragraph 34)

The UK's future relationship with Burma

6. The Minister was commendably candid about the need for reflection over the widespread failure to challenge long-standing discrimination against the Rohingya. *This process should include the FCO as a whole as there is a clear need for the institution to learn lessons from the recent events in Burma about responding to signs and prioritising atrocity prevention in political and diplomatic conversations. In its response, the FCO should set out what lessons it has learned regarding atrocity prevention from these events and how these lessons will be applied in Burma and elsewhere in future. In particular, it should provide details of what, if any, policies it is putting in place to change, over the longer term, the poisonous narrative about the Rohingya in Burmese press and online sources.* (Paragraph 37)

7. We recognise that State Counsellor Aung San Suu Kyi is constrained by the autonomy of the military and the strength of domestic public opinion against the Rohingya. We are also clear that the Commander in Chief of the Burmese Army, General Min Aung Hlaing, bears ultimate responsibility for the violence. We are nonetheless disappointed in Aung San Suu Kyi's failure of leadership. The UK Government is right to focus on what is best for Burma, and Aung San Suu Kyi may remain its best hope, but admiration for her should be tempered by a more hard-headed approach based on a new understanding of the political trajectory of the country, and an increased willingness to deliver tough messages and take a firm stand on principles even when the messages are unpopular and unwelcome. (Paragraph 40)
8. *The UK Government should conduct an internal review of its overall Burma policy in light of the recent events, including:*
 - a) *its assessment of Burma's political trajectory and the state of its democratic transition and leadership;*
 - b) *the UK's place and influence in Burma; and*
 - c) *the UK's scope to encourage regional states with an interest in Burma to assist in its response to the crisis.*

In its response to this Report, the FCO should provide a summary of its conclusions and planned actions. (Paragraph 41)

Annex: Definition of terms

The below definitions are taken from *Framework of Analysis for Atrocity Crimes*, produced by the United Nations Office on Genocide Prevention and the Responsibility to Protect, United Nations, 2014

Genocide

Genocide is defined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and has become a norm of customary international law. The same definition can be found in other documents of international law: Article 6 of the Rome Statute of the International Criminal Court; Article 4(2) of the Statute of the International Criminal Tribunal for the former Yugoslavia, and Article 2(2) of the Statute of the International Criminal Tribunal for Rwanda.

Convention on the Prevention and Punishment of the Crime of Genocide, Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

Crimes against Humanity

Crimes against humanity have not been codified in a treaty, similar to genocide and war crimes. However, the definition has developed under customary law and through the jurisdiction of international courts. Article 7(1) of the Rome Statute of the International Criminal Court; Article 5 of the Statute of the International Criminal Tribunal for the former Yugoslavia and Article 3 of the Statute of the International Criminal Tribunal for Rwanda, include definitions of crimes against humanity, even though they do not totally coincide.

Rome Statute of the International Criminal Court, Article 7

42. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

43. For the purpose of paragraph 1: (a) “Attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

Ethnic Cleansing

Ethnic cleansing has not been recognized as an independent crime under international law. In the context of the war in former Yugoslavia, a United Nations Commission of Experts defined it as:

Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. SCOR, U.N. Doc. S/25274 (26 January 1993), at 16 “... rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area,” Final Report of the Commission of Experts Established Pursuant to United Nations Security Council Resolution 780 (1992), U.N. SCOR, U.N. Doc. S/1994/674 (27 May 1994), Annex, at 3, 33 “... a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”

The same Commission of Experts stated that the coercive practices used to remove the civilian population can include: murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assaults, severe physical injury to civilians, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, use of civilians as human shields, destruction of property, robbery of personal property, attacks on hospitals, medical personnel, and locations with the Red Cross/Red Crescent emblem, among others. The Commission of Experts added that these practices can “... constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention.”

Formal Minutes

Wednesday 6 December 2017

Members present:

Tom Tugendhat, in the Chair

| | |
|--------------|-----------------|
| Chris Bryant | Ms Nusrat Ghani |
| Ann Clwyd | Ian Murray |
| Mike Gapes | Royston Smith |

Draft Report (*Violence in Rakhine State and the UK's response*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 41 read and agreed to.

Annex agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 12 December at 2.15pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 10 October 2017

Question number

Mark Farmaner, Director, Burma Campaign UK, and **Tun Khin**, Burmese Rohingya Organisation UK

[Q1–32](#)

Dr Champa Patel, Head of Asia Programme for Chatham House and **Dr Lee Jones**, Associate Professor in International Politics, Queen Mary, University of London

[Q33–67](#)

Wednesday 25 October 2017

Rt Hon Mark Field MP, Minister of State for Asia and the Pacific, Foreign and Commonwealth Office

[Q68–137](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

EDU numbers are generated by the evidence processing system and so may not be complete.

- 1 ActionAid UK ([BUR0031](#))
- 2 Burma Campaign UK ([BUR0022](#))
- 3 Christian Solidarity Worldwide ([BUR0014](#))
- 4 Dr Eglantine Staunton ([BUR0015](#))
- 5 Dr Lee Jones ([BUR0027](#))
- 6 Fortify Rights ([BUR0026](#))
- 7 Human Rights Watch ([BUR0024](#))
- 8 Interfaith Dialogue Group Myanmar ([BUR0028](#))
- 9 International State Crime Initiative, School of Law, Queen Mary University of London ([BUR0010](#))
- 10 Justin Wintle ([BUR0011](#))
- 11 Middlesex University ([BUR0021](#))
- 12 Mr Derek Tonkin ([BUR0009](#))
- 13 Myanmar Buddhist Monasteries in the United Kingdom ([BUR0020](#))
- 14 Myanmar Institute of Strategic and International Studies (Myanmar-ISIS) ([BUR0006](#))
- 15 Organisations of the Myanmar Community in the United Kingdom ([BUR0018](#))
- 16 Overseas Development Institute ([BUR0019](#))
- 17 Protection Approaches ([BUR0023](#))
- 18 Save the Children ([BUR0025](#))
- 19 The Embassy of the Republic of the Union of Myanmar, London ([BUR0017](#))
- 20 UNHCR, The UN Refugee Agency ([BUR0016](#))
- 21 United Nations Association - UK ([BUR0013](#))