



House of Commons
Foreign Affairs Committee

Violence in Rakhine State and the UK's response: Government Response to the Committee's First Report

**Fourth Special Report
of Session 2017-19**

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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.

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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

Fourth Special Report

On 11 December 2017 the Foreign Affairs Committee published its First Report of Session 2017–19, on Violence in Rakhine State and the UK's response.¹ The response from the Government was received on 20 February 2018. The detailed response is appended below.

Appendix: Government response

This Government notes the Foreign Affairs Committee's report 'Violence in Rakhine and the UK's response', published on 11 December 2017.

This report sets out the Government's response to each of the Committee's conclusions and recommendations. The Committee's text is in bold and the Government's response is in plain text. Paragraph numbers refer to the Committee's report.

Summary

The Foreign Secretary's visit to Bangladesh and Burma on 9–11 February brought into stark relief the unimaginable devastation inflicted upon the Rohingya Muslims. We are clear that the Burmese military bears primary responsibility for these abuses, and that ethnic cleansing cannot be allowed to stand.

Since her election in 2015 the Government has consistently raised with State Counsellor Aung San Suu Kyi the serious risks in Rakhine State. The latest violence is the culmination of decades of discrimination and violence against the Rohingya.

The UK Government responded swiftly to the violence in August. DFID led the humanitarian response, committing £59 million to support refugees in Bangladesh, plus £3 million of additional funding for northern Rakhine. The FCO demonstrated policy leadership in international fora, generating the highest tempo of activity on Burma in a decade, while working with Burma's neighbours, many of whom share our concerns, to reinforce messaging to the Burmese authorities.

The Government's priorities are to ensure that displaced people within Rakhine State and refugees in Bangladesh receive the support they need, and that conditions are put in place which will allow them, in time, to return home voluntarily, in safety, with dignity and with international oversight. In parallel, we will work to ensure that those responsible for the abuses are held to account, recognising this is likely to be a long process.

The Government will continue to use international pressure, co-operation with Burma's neighbours and other influential countries, and dialogue with the Burmese authorities to make progress on these priorities. Our relationship with Aung San Suu Kyi, Burma's first elected leader in decades, allows us to have the necessary frank conversations, including during the Foreign Secretary's recent visit.

The Government will also continue to look for pragmatic ways to support the longer-term transition towards democracy and civilian rule in Burma, the promotion of freedom,

tolerance and diversity, and the peace process with the armed ethnic groups. It is only in a democratic, peaceful and developing Burma that the Rohingya, and other minority groups, are likely to find the long-term future they seek there.

Violence in Rakhine State

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)

The Government agrees with the Committee's assessment of Bangladesh's generosity in receiving over 688,000 (at 25 January 2018) additional Rohingya refugees who have fled Rakhine State since 25 August 2017. The UK welcomes Bangladesh's response and will continue to work with the Government of Bangladesh to provide support to the refugees and host communities.

The UK was providing support to the Rohingya long before the current crisis began. Since 2014, the Government has provided nearly £8 million to address the humanitarian needs of Rohingya refugees and the vulnerable communities that host them in Bangladesh. Before the latest influx, the UK had already committed a further £5.9 million to address the needs of refugees and host communities in Bangladesh between 2017 and 2021.

The UK was the first to respond with humanitarian support and is one of the biggest donors to the Rohingya refugee crisis in Bangladesh. DFID has stepped up efforts with an additional £59 million to support the latest influx of refugees.

UK funding is being channelled through the UN-led humanitarian response plan, which addresses needs during the first six months of the crisis. The plan is being funded by a wide range of donors and the Government is pushing others to contribute. A revised version of the plan is expected to be launched in February 2018.

UK aid is making a difference on the ground. The first tranche of UK funding is providing food to 174,000 people, safe water and sanitation for more than 138,000 people and emergency shelter for over 130,000 people. The UK Emergency Medical Team (EMT) has been deployed to save lives at risk from a rapid and deadly outbreak of diphtheria in the camps.

The UK Government has also provided £1 million to the Red Cross and £2 million to the World Food Programme (WFP) to provide assistance in northern Rakhine. The Government continues to press the Burmese authorities for greater access to other humanitarian organisations.

Does the violence in Burma amount to atrocity crimes?

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. (Paragraph 16)

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. (Paragraph 17)

The Government has been clear in its condemnation of the terrible atrocities that have occurred in Rakhine State. We have stated, clearly and without equivocation, that we recognise that there has been ethnic cleansing. Any determination that atrocity crimes have been committed would be a matter for judicial authorities having considered all of the evidence available in the context of a credible judicial process. The FCO is not a judicial authority and is not qualified to make this determination.

The Government agrees that the violence against the Rohingya and the effects of displacement must not be forgotten when the Rohingya are able to return to Burma. It is important that ethnic cleansing is not allowed to stand, and refugees must be able to return to Burma safely, voluntarily and in dignity, with international monitoring. At present, conditions in northern Rakhine are not suitable for returns. The Government is encouraging the international community to make clear to the Burmese authorities that they need to improve these conditions urgently, that we cannot support returns until suitable conditions are in place, and that any returns process will require international access and oversight.

The Government's response throughout the crisis has been informed by legal advice and by our analysis of the situation on the ground.

The FCO should immediately undertake to: (Paragraph 17)

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

The Government has been shocked by the reports of widespread sexual and gender-based violence against the Rohingya people. Our response has been both political and practical. Lord Ahmad of Wimbledon, the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, has raised our concerns with the Government of Bangladesh and in frequent discussions with the UN Secretary General's Special Representative on Preventing Sexual Violence in Conflict (SRSG), Pramila Patten. Lord Ahmad also participated in the Human Rights Council (HRC) Special Session on Burma on 5 December 2017—the only ministerial representative among HRC member states.

While it is not the Government's role to gather evidence of possible crimes, it can help ensure that qualified agencies have the necessary access and support to allow them to do this. The Government continues to press the Burmese Government to provide full access to such qualified agencies to northern Rakhine.

The FCO maintains a network of professionals with expertise relevant to tackling sexual violence; the Team of Experts (ToE). The ToE currently totals 38 external professionals ranging from police advisers, criminal lawyers, psychosocial experts, doctors, international investigating officers, training experts, gender-based violence experts, social workers, sexual offences examiners and experts in the care and protection of survivors and witnesses. It is important to appreciate that the ToE do not collect evidence or investigate sexual violence. Their role is to support and reinforce the work of others, including through training on gathering and preserving evidence of sexual violence in line with the International Protocol on Investigation and Documentation of Sexual Violence in Conflict and the primary guideline of Do No Harm.

The Head of the FCO's PSVI Unit joined the UN SRSG on a fact-finding visit to Dhaka and Cox's Bazar in early November 2017. Following close consultation with the UN, ToE and civil society, the Government deployed two experts to build on their initial analysis. This coordination with international partners is essential in avoiding duplication of work. This is especially important when working with victims to prevent any additional harm caused through repeated approaches from different organisations. The experts visited Dhaka and Cox's Bazar in November and provided recommendations on how the government could further support the response. Of the ten recommendations made, seven are already in hand and the remaining three are being developed with relevant partners and members of the ToE.

The Government will provide capacity building to Bangladeshi stakeholders on gathering and preserving evidence of sexual violence, in line with the International Protocol on Investigation and Documentation of Sexual Violence in Conflict. The government will also consider how it can ensure psycho-social support and interpreters with the relevant skills to support evidence gathering work, creating a more sustainable capacity within Bangladesh on the issue. The FCO has also continued to work closely with DFID in its response, which includes providing support to address sexual and gender based violence among Rohingya refugees in Bangladesh.

- 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;**

The Government has been clear in its condemnation of the terrible atrocities that have occurred in Rakhine State. We have stated, clearly and without equivocation, that we recognise that there has been ethnic cleansing.

The Government has considered the serious allegations of elements of other atrocity crimes reported by NGOs and International Organisations. The Government assesses that there is credible evidence of widespread abuses, directed overwhelmingly against Rohingya civilians and carried out by the Burmese military and ethnic Rakhine militias. The acts

of ethnic cleansing taking place in Burma may amount to crimes against humanity as defined by the Rome Statute, in particular acts of 'forced displacement', but any such determination is a matter for judicial authorities having considered all of the evidence available in the context of a credible judicial process.

- 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.**

Under international law, Burma has the primary responsibility to investigate alleged crimes. In November, the Burmese military concluded an internal inquiry which found that its forces had done no wrong. We have made clear to the Burmese authorities that we do not believe this inquiry has any credibility. On 10 January, the Burmese military released a statement on their investigation into a mass grave discovered in Inn Din village in December. It admitted that members of the military were involved in the unlawful deaths of ten Rohingya, and that further action would be taken. The Government is pressing the Burmese authorities to take action against all those who have committed abuses. We have also repeatedly pressed them to allow access for the UN Fact-Finding Mission so that the truth can be established. We deeply regret their continuing refusal to do so.

Burma is not a party to the Rome Statute of the International Criminal Court (ICC). Consequently, the ICC would only have jurisdiction over the alleged crimes if Burma referred itself to the Court, or there was a referral by the UN Security Council. At the present time, Burma is extremely unlikely to make a self-referral, and there is no consensus in support of an ICC referral within the Security Council. This makes it unlikely that there will be an international judicial process on Burma in the short or medium term.

The UK will continue to work with our international partners to explore other ways to assist the victims and to bring those responsible to justice. The immediate task is to support those building evidence and testimony. This will be important for potential future trials. A number of organisations are already collecting testimony in Bangladesh. The Government is considering how to support effective co-ordination, through an international or local mechanism.

The UK's multilateral and bilateral response

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)

The Government believes our strategy is credible and that we have, through our diplomatic activity, set a clear sense of direction. We have ensured the international community has set out its expectations of the Burmese authorities, building on the Foreign Secretary's five-point plan. The UN Security Council Presidential Statement of 6 November called on the Burmese authorities to end the violence and ensure security for all communities in northern Rakhine; to provide full access to northern Rakhine for humanitarian agencies and for the UN Fact-Finding mission; to ensure that refugees are able to return to their homes voluntarily, in safety and with dignity; and to implement the recommendations of the Rakhine Advisory Commission rapidly and in full.

The Government's strategy is to use a combination of pressure and private dialogue to encourage the Burmese authorities to implement these actions. Pressure has included sustained engagement by the UN Security Council and resolutions in the UN General Assembly and Human Rights Council; and practical measures, including the suspension by the EU — at our urging — of senior military visits, and consideration of additional measures to persuade the military to change their behaviour. We are working with the UN Secretariat on the appointment of a new Special Representative on Burma. Private messaging has included frequent, robust discussions with Burmese leaders including, most recently, the Foreign Secretary's visit to Burma on 10–11 February. We have also encouraged other countries and influential individuals to convey their concern.

In parallel, we are working with Bangladesh to support the refugees, and working to find ways to bring those responsible for the atrocities to account. We also continue to look for pragmatic ways of supporting progress on the ground, as well as continuing to support the broader transition towards democracy and civilian rule in Burma and the peace process with the armed ethnic groups.

We are under no illusions that it will be easy to achieve our desired outcomes. We have limited levers to effect change in Burma; the Burmese military have a long history of resisting external pressure; and we recognise that the civilian authorities in Burma do not control the military.

Our analysis suggests that our strategy has had some effect. We have helped channel international outrage towards specific demands. We have succeeded in keeping the issue high on the international agenda, helping, in turn, to persuade the Burmese authorities of the seriousness of international concern about abuses in Rakhine. International pressure has prompted some limited Burmese responses. These have included: a clear statement from State Counsellor Aung San Suu Kyi on the right of return of refugees; an agreement with Bangladesh on 23 November on returns; some limited opening of northern Rakhine to selected international humanitarian agencies; the establishment of a ministerial committee to oversee the implementation of the Rakhine Advisory Commission's recommendations, with a joint Burmese-international advisory board; and acknowledgement by the military of culpability in the massacre in Inn Din village.

These steps, though welcome, remained wholly inadequate, and we will continue to press for much more urgent and meaningful action, through a combination of pressure and private messaging.

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);**

See the response to the Committee's recommendation on atrocity crimes. The Government deeply regrets the continuing restrictions on access into northern Rakhine which makes it extremely difficult for credible bodies to gather evidence in Burma. NGOs and charities have initiated evidence gathering in Bangladesh.

On the 24 March 2017, the UK co-sponsored a UN Human Rights Council resolution to dispatch a UN Fact-Finding Mission to establish the facts and circumstances of the alleged recent human rights violations and abuses, in Burma, in particular in Rakhine State. The Government fully supports the work of the Fact-Finding Mission. In December, Minister Field met two members of the Mission, including the head. The Government is disappointed that Burma disassociated itself from the resolution which established the Fact-Finding Mission and that they continue to deny it access to Burma. We have repeatedly urged Burma to cooperate with the Mission. The Fact-Finding Mission has had excellent access in Bangladesh, allowing it to gather much information, which should be reflected in their report.

The Fact-Finding Mission will issue their initial oral report in March, and final report in September of this year. Their report will serve as the universal record of events, despite only capturing facts and circumstances. The Mission does not have a mandate to collect and preserve evidence, or make a judicial determination.

The Government regrets there are no immediate prospects for prosecutions. Nonetheless, the Government is considering how to support effective evidence collection co-ordination, through an international or local mechanism. Lord Ahmad was able to discuss this with UN High Commissioner for Human Rights Prince Zeid bin Ra'ad Zeid al-Husseini when he attended the UN Human Rights Council Special Session on Burma in Geneva on 5 December.

As a practical contribution to the overall effort to set out what has happened in northern Rakhine, the Government is supporting a project that aims to provide a detailed understanding of the patterns of violence, its causes, dynamics and effects, in the state. This project could provide a narrative to support future advocacy efforts, improve our understanding of the context in Rakhine and help generate ideas and lessons for future truth and reconciliation initiatives or peacebuilding exercises. We are also aware of a range of other relevant work being carried out by civil society organisations in Bangladesh and Burma, as well as by international NGOs, media and the UN. For example on his visit to Burma, the Foreign Secretary raised the case of the two recently arrested Reuters journalists with State Councillor Aung San Suu Kyi. This underlines the importance of their work to uncover the truth.

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;

The Government agrees with the Committee's recommendation. We co-sponsored a resolution in the UN General Assembly on 24 December on the situation of human rights in Burma. This called for the appointment of a Special Envoy on Burma. The UN Security Council Presidential Statement, initiated by the UK, contained a similar call. The Government fully supports the work of the UN Secretary-General's office to take forward this appointment.

The Government made clear in its intervention at the 13 February UN Security Council session that the UK sees a continued role for the Council in addressing this crisis. The UK will continue to play a leading role to encourage UN activity which shines a spotlight on the situation. Among other things, this can increase pressure on the Burmese military, and ensure better coordination of international support for longer term solutions.

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:

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

The Government is working in various international forums with partners to maintain pressure on the Burmese authorities. This has included:

- Working with the OIC and EU to secure a Special Session of the UN Human Rights Council on Burma in December and to pass resolutions at the Human Rights Council and UN General Assembly;
- Using our bilateral contacts with Burma's neighbours and other influential countries to encourage them to raise concerns about the situation in Rakhine with Burma. In particular, we urged ASEAN countries to raise concerns at the ASEAN Summit in Manila in November, and have taken advantage of recent visits to the region by the Minister for Asia and the Pacific and by the Foreign Secretary to discuss Burma with governments there;
- Persuading EU partners at the October Foreign Affairs Council to suspend senior military visits and to consider additional measures if the situation did not improve.

The Government is discussing with partners further options for UN Security Council action on Rakhine, following the open briefing by the Secretariat and the High Commissioner for Refugees on 13 February. Russia and China have said that external pressure on Burma is likely to be unproductive in the long-term. This does not mean that we have reached the high water-mark of international unity; however, it does support our assessment that currently there is insufficient support amongst UN Security Council members for a global arms embargo, UN sanctions or a referral to the International Criminal Court.

The Government is assessing, with EU partners, whether targeted EU sanctions against individual military officers would be effective in changing the behaviour of the Burmese military. Achieving this form of sanctions depends on achieving EU consensus and collecting sufficient open-source evidence against named individuals. The Government is also preparing for the Human Rights Council in March where the UN Fact-Finding Mission will present its interim report. The Minister for Asia and the Pacific recently met with members of the Fact-Finding Mission. The Government continues to call on the Burmese to allow the Mission access.

The Government notes that the United States has imposed a travel ban on one Burmese officer. We also note that other countries, beyond the EU, including some of our close partners, do not appear to be considering such measures and are continuing their defence engagement with Burma.

The Government will continue to look at other ways of influencing the behaviour of the Burmese military. We do not support a ban on business with military-controlled companies. As discussed in the Committee's report, the effect of the previous EU sanctions regime from 1991 to 2013, which targeted sectors where the military was involved, remains a source of expert debate. Some analysts argue that there is a risk that a return to this approach may set back Burma's democratic transition and the opening up of the Burmese economy, without changing the behaviour of the Burmese military.

The Government judges that that the best way of encouraging systemic change, including the eventual withdrawal of the military from the economic sphere, is by promoting transparency in business. Previous economic sanctions encouraged opaque ownership of businesses, black market activity and the strengthening of economic and commercial ties with other states which were similarly lacking in transparency, including China and North Korea. Since economic sanctions were lifted, global integration has required Burmese businesses to adapt to and adopt international practices.

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)

The Government believes that the multilateral and international attention we have brought to bear on Burma constitutes a form of pressure. The more countries make representations to the Burmese on the treatment of the Rohingya, the greater the pressure. Burmese uncertainty about its political and economic engagement with the rest of the world may influence its choices. We believe that Burma's neighbours, including China, India and ASEAN, can be particularly influential. The UK will continue to encourage

lobbying of Burma by countries from its region and across the world. Continuing UN Security Council and Human Rights Council scrutiny also puts pressure on the Burmese authorities.

The UK has few bilateral levers with which to put pressure on the Burmese military. We have already suspended our programme of defence education and imposed a moratorium on visits by senior military officers. We are a leading advocate for retention of the EU Arms Embargo and are examining ways of strengthening its enforcement. We are also discussing other possible targeted measures with EU partners. We are conscious, however, that such measures may have a limited impact on senior Burmese military figures, who rarely travel to the EU and are unlikely to have significant assets here. Nearly two decades of Western sanctions have led the Burmese military to look elsewhere for its main defence and economic ties.

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)

Under Burma's constitution, the civilian Government does not control the security forces. We also recognise that State Counsellor Aung San Suu Kyi faces difficult political challenges as she seeks to consolidate democratic and civilian rule in Burma, pursue the peace process with the armed ethnic groups and modernise the Burmese economy. The Government does not agree that its relationship with Aung San Suu Kyi is distant. The Foreign Secretary and other Ministers have been able to have regular and frank exchanges with her. During his meeting with Aung San Suu Kyi on 11 February, the Foreign Secretary underlined the depth of the international community's concerns about the situation in Rakhine. He also raised the security of the Rohingya, underlining that refugees must be able to return home voluntarily, safely, and with dignity, and that the repatriation process should be supervised by UNHCR.

The Government will continue to maintain its relationship with Aung San Suu Kyi as the democratically elected leader of Burma. We welcome her commitment to the return of the Rohingya refugees and her support for greater tolerance of diversity in Burma. However, we believe she could and should have spoken out to condemn the atrocities in Rakhine and to press for accountability. We call on her to speed up implementation of the recommendations of the Rakhine Advisory Commission. We also call on her to make progress on her stated commitment to the rule of law, including building on the military's admission of culpability for the killings of 10 Rohingya in Inn Din to ensure accountability for all abuses. We continue to support her commitment to the nationwide peace process, which seeks to end the sixty years of conflict that have bedevilled her country.

Repatriation of Refugees to Burma

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)

The Government agrees with the Committee's recommendations. We are clear that we cannot support refugee returns until conditions on the ground are right. The UK led efforts at the UN Security Council to secure the 6 November Presidential Statement clarifying that refugee returns must be safe, voluntary and dignified, and calling for the involvement of UNHCR in the returns process. We called a session of the Security Council on the 13 February specifically to discuss the returns process. In his remarks, the UK representative underlined that we cannot countenance returns taking place until appropriate conditions are in place.

On 23 November, the Governments of Burma and Bangladesh signed an agreement for the repatriation of Rohingya refugees, with more detailed arrangements for its implementation announced on 19 December and 16 January. We have encouraged the governments of Bangladesh and Burma to continue working together to create the conditions which would allow safe, voluntary and dignified return of the Rohingya to Burma. We agree with the UNHCR's assessment that these conditions are not yet in place. The Foreign Secretary hears from refugees in Cox's Bazar that they want to return to Burma, but are afraid to do so. The UK continues to urge both governments to ensure that any returns are in line with UN principles, and to agree to international oversight on both sides of the border.

The UK Government believes that full implementation of the Rakhine Advisory Commission (RAC) recommendations are the best chance to achieve a long-term and sustainable settlement in Rakhine State. The Foreign Secretary met the Chair of the new Advisory Board to the Committee for Implementation of the RAC Report during his visit to Bangkok on 12 February, to urge quick progress.

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 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 Government believes that ethnic cleansing cannot be allowed to stand and that we must insist on the right of Rohingya refugees to be allowed to return home if they wish

to do so, in safety, with dignity and with international monitoring. We agree with the Committee that there are serious risks if returns begin before these conditions are in place. We recognise that large-scale returns are unlikely to be possible in the near term, and that some — possibly many — Rohingya may no longer wish to return.

The Government continues to support Bangladesh's efforts to provide Rohingya refugees with acceptable living conditions. The UK is one of the largest donors to the refugee crisis in Bangladesh, giving £59 million as of January 2018. We are concerned by the diphtheria outbreak in refugee camps, which is why the UK deployed an Emergency Medical Team of over 40 specialists. The Foreign Secretary, during his visit to Bangladesh on 9–10 February 2018, thanked Foreign Minister Ali, and Prime Minister Sheikh Hasina for their generous support and encouraged them to ensure that conditions would be right before refugees returned. These are messages the Minister of State for Asia and the Pacific has regularly communicated to Bangladeshi leaders since the crisis began, including to the Foreign Minister and the Minister of State for Foreign Affairs.

On 16 January, Bangladesh and Burma announced they had agreed a timeframe for repatriating the refugees. Burma had agreed to accept 1,500 Rohingya each week, with an aim to return all of them to Burma within two years. We have spoken repeatedly to both governments to raise concerns about premature or forced returns whilst the underlying conditions in Rakhine remain largely unchanged. The Government welcomes the government of Bangladesh's public commitment to work with UNHCR, and continues to press the government of Burma also to accept UNHCR assistance in the return process.

On longer-term support, any meaningful returns process will take time to implement and DFID has started planning for a protracted refugee crisis in Bangladesh. Even if safe, voluntary and dignified returns begin, the Government judges that there will be many thousands of Rohingya in Cox's Bazar for a protracted period. DFID are liaising with the government of Bangladesh and other international development partners to identify acceptable solutions that protect and respect the rights and freedoms of refugees.

The UK's Future Relationship with Burma

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)

The Government rejects the criticism in the Committee's report that we failed to anticipate the crisis or to make the treatment of the Rohingya a sufficient priority in our approach to Burma. We have been warning the civilian government of the risks in Rakhine since they came to power in April 2016 and urging them to give them greater priority. We were encouraged when State Counsellor Aung San Suu Kyi established the Rakhine Advisory Commission to look at the underlying issues, and have supported the work of the Commission. However, we were dismayed at the outbreak of violence in October 2016.

In response, we co-sponsored a resolution at the UN Human Rights Council in March 2017 which expressed concern at the treatment of the Rohingya and established a Fact-Finding Mission.

During his visit to Burma in January 2017, the Foreign Secretary met with Rohingya leaders. During Aung San Suu Kyi's visit to the UK in May 2017, ministers including the Foreign Secretary raised concerns about the treatment of the Rohingya with her. The Government has consistently raised the need to address underlying drivers of conflict with the Burmese government at all possible levels.

The tensions in Rakhine State are deep-seated and long running. The UK has invested £30 million in Rakhine State since 2012 to provide basic services, improve nutrition and livelihoods and to strengthen mechanisms for community dialogue and representation. The Government has worked more widely in Burma to support peace and a more inclusive political settlement. However, the Government is aware that there is no simple solution and that it will take time to address the underlying causes of the conflict.

The Government agrees with the Committee that it is vital to address the deep-seated prejudice against the Rohingya in Burma and to promote tolerance of diversity. Before the outbreak of violence, the British Embassy was already supporting local projects in Burma addressing the drivers of prejudice and inter-communal violence. In 2017, the Embassy delivered a two-day inter-faith dialogue in partnership with the Myanmar Institute of Theology, and a workshop for civil servants, parliamentarians and NGOs as part on tackling hate speech. The Government will maintain and look to extend support from the UK – both Government and non-Government sources - for those in Burma looking to promote diversity and harmony and marginalise those promoting prejudice and hatred against the Rohingya. The Government is conscious that it will take a considerable amount of time to change the prejudicial attitudes towards the Rohingya in Burma.

The Government remains committed in its support for mass atrocity prevention and for the principle of the Responsibility to Protect (R2P). The Government collaborates closely with a range of international partners to drive international policy on atrocity prevention, and has provided funding for the United Nations Joint Office on Genocide Prevention and the Responsibility to Protect, and for the Global Centre for the Responsibility to Protect. This funding has helped to strengthen international understanding of the issues, raise awareness of countries at risk, and support programmes in regions at risk of, or suffering from, mass atrocities.

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)

The Government notes the Committee's comments on State Counsellor Aung San Suu Kyi. We will maintain our relationship with her as Burma's democratically elected leader — the first in decades.

The Government agrees with the Committee that General Min Aung Hlaing and his senior military colleagues bear ultimate responsibility for the appalling abuses against Rohingya civilians.

The Government continues to take a hard-headed approach to Burma. We are not starry-eyed about individuals. We deliver tough messages where these are needed. On a number of occasions since 25 August, the Foreign Secretary has pressed the Burmese government on the treatment of the Rohingya, for improved humanitarian access, for access for the UN Fact Finding Mission and for the implementation of the long-term solutions laid out by the Rakhine Advisory Commission. The Government has not shied away from expressing our differences of opinion with Aung San Suu Kyi over the Rakhine crisis, including in the Foreign Secretary's meeting with her on 11 February.

The UK Government should conduct an internal review of its overall Burma policy in light of the recent events, including:

- (1) **its assessment of Burma's political trajectory and the state of its democratic transition and leadership;**
- (2) **the UK's place and influence in Burma; and**
- (3) **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)

The Government has kept its overall approach to Burma under close review since the start of the current crisis on 25 August 2017. We are clear that the overriding priority is to help resolve the Rohingya crisis, ensuring that displaced people within Rakhine State and refugees in Bangladesh receive the support they need, and that conditions are put in place which will allow them, in time, to return home voluntarily, in safety, with dignity and with international oversight. In parallel, we will work to ensure that those responsible for the abuses are held to account, recognising this is likely to be a long process.

We do not believe this focus on Rakhine is fundamentally in tension with our long-standing objectives of promoting democracy and civilian rule in Burma, supporting the peace process with the armed ethnic groups, and promoting poverty reduction and economic modernisation. Indeed, it is only in a democratic, peaceful and developing Burma that the Rohingya are likely to find a long-term future.

Democracy in Burma remains a goal worth pursuing. It is important to recognise the significant strides the country has made even in the past few years. But the democratic transition remains incomplete, and the positive trajectory has stalled. The Government is carrying out a deep and expert study into the drivers of conflict in Burma, and the obstacles to democratisation. The military has reasserted itself through its actions in Rakhine, and it has won public support for what it has presented as a defensive counter-

terrorism campaign. The ethnic cleansing of the Rohingya in northern Rakhine State underlines the urgency of continuing the transition to full democracy and removing the military from Burmese politics.

While our long-term goals remain valid, the crisis has changed the context and we recognise the need to adjust our approach. We have already suspended defence engagement: a valuable way of helping change the military in the long-term, but insupportable in the light of their behaviour in Rakhine. The Government has strong safeguards in place to ensure that our work and programming does not support the Burmese military and will continue to be vigilant in this respect. We will further emphasise work to support peace, strengthen economic and political inclusion, improve the quality of basic services for the poorest and meet humanitarian needs.

The UK has, for many years, been the leading international advocate of democracy in Burma. The Government will continue to support the democratic transition and look for ways to strengthen civilian rule. The Government will be clear with civilian leaders that they must stand up for key elements of democracy, including minority rights, a free press and the rule of law. The Government will work with pro-democracy voices within Burma to promote these principles, and with international partners to ensure the Burmese authorities understand what is required for them to be accepted in the wider international community.

The Government recognises the limits of the UK's influence in Burma. We will continue our engagement with Burma's Asian neighbours, many of whom share our concerns about instability and potential refugee flows, so we can reinforce each other's messaging to the Burmese. We will also encourage China, which has considerable influence in Burma, to add their weight to efforts to respond to the crisis.