

Mr. Chairman, Members of Congress, thank you for the opportunity to testify before you today about the state of human rights in Southeast Asia.

Southeast Asia is in many ways a far different place than it was a generation or two ago. With the 1993 Cambodian Accords, over fifty years of various wars ended in Indochina. The past few years of opening have eased half a century of oppression in Burma. Further afield, in Indonesia, decades of authoritarian rule ended in 1998, and today the country provides one of the best examples of a Moslem democracy.

Today we are focusing on Burma, Cambodia and Vietnam. In thinking through their problems, and how the US can best approach each country, it is useful to recognize that they are in different stages of political development:

- The surprising and rapid changes in *Burma* leave it on the verge of historic elections in 2015. That said, great problems remain, most obviously including the increasing persecution of the Rohingya minority;
- *Cambodia*, a country that endured horror in many of our lifetimes, had great promise with signing of the 1991 Paris Peace Accords, an extensive UN mission and well conducted 1993 elections, but a 1997 coup led to the return of Hun Sen's seemingly interminable authoritarianism;
- *Vietnam* politically looks much like it has for the last 60 years; the party's tight grip on power so far disproves the idea that economic liberalization leads to political reform.

Let me take these countries on by one, and suggest different achievable, effective measures tailored to these different stages of development that the US can take to better the human rights situation in each.

BURMA

After almost half a century of authoritarian rule, which intensified after the 1988 student riots, Burma began a democratic opening in late 2010. In the three and a half years since Aung San Suu Kyi was released from her latest house arrest sentence, her NLD party swept parliamentary by-elections, thousands of political prisoners have been released, exiled Burmese have been allowed to return, press freedom has been expanded, and public gatherings are again permitted.

Yet large problems remain, the most noted being the issue of amending the constitution to allow Aung San Suu Kyi to run for office in elections scheduled for 2015. Less remarked upon has been the eruption, beginning in mid-2012, of violence between Buddhists and Moslems in Burma's southwestern Rakhine state. The Rohingya Moslems have long been persecuted within Burma, even having their citizenship status revoked by the regime in 1982. Other ethnic groups in Burma of course also have been subject to persecution and have long been attacked by the central regime. The case of the Rohingya is different, however, in that they are suffering persecution widely at the hands of the country's Buddhist majority, including Buddhist

religious figures who themselves worked against the authoritarian central regime. The conflict has religious and even cultural undertones; the Rohingya, regarded as foreign interlopers, are termed “Bengalis” – natives of Bangladesh -- and are deeply unpopular in Burma. Burmese perceptions of the situation are accurate; in a 3000 person nationwide poll conducted by the International Republican late last year, 57 percent of respondents said that during the previous year, ethnic/sectarian violence had increased in the previous year, 17 percent said it had stayed the same, and only 14 percent said it had decreased.

There has been much criticism of President Obama’s foreign policy but our diplomacy in establishing full relations with Burma should stand as an exception. The administration – led by Secretary Hillary Clinton and Kurt Campbell – was attentive to signals that the Burmese government was looking to change its diplomatic orientation and took skillful advantage of the opportunities the Burmese government offered for an internal opening and a warming of relations with the west. That said, it was very much a front-loaded process by the US. By that I mean that US (and European) sanctions were rapidly lifted, and head of state trips occurred, well before the issues such as resolution of the constitutional clauses regarding candidate eligibility and parliamentary composition, not to mention the elections themselves, had occurred. At this point, therefore, Washington and Europe have little in the way of carrots to offer the government in Yangon to encourage better treatment of the Rohingya and a fair and open election. We therefore need to ensure skillful follow up on the diplomacy that led to the breakthrough in relations between Burma and the US.

In looking at how we can influence Yangon, we need to keep in mind the principle reasons why the Burmese government opened to the west and offered internal reform. My own early analysis in 2011 was that it had much to do with Yangon’s desire to take the chairmanship of ASEAN in 2014. On visits to Burma in the years since, in asking high government officials and opposition figures why Burma had changed now -- and not five years ago or hence -- I received a different answer. The unanimous answer, according to the many I asked, was that the regime was tired of China’s close embrace; that Beijing, which was their prime (almost sole) patron, was arrogantly treating them as a vassal state. Burma and China have no island territorial disputes, but Yangon’s complaints echo those of other Chinese neighbors in Southeast Asia. (Chinese officials initially claimed to have facilitated and be pleased by Burma’s opening to the west, but deeper discussion has revealed disappointment, almost embarrassment, at having “lost” an ally. China has since gone to great lengths to try and repair the relationship. For example, Thein Sein received the red carpet treatment in June during his fifth visit as President to China, but so far this has not had an effect on Yangon’s new orientation to the west). The second reason I was given for Burma’s opening to the west and internally was that their new generation of leaders, starting with President Thein Sein, had travelled abroad much more than their predecessors and had seen how far Burma was falling behind economically in a globalized world. Clearly, the amount of investment offered by China during Burma’s years of isolation did not lead to the desired economic growth, and the Chinese market paled in comparison to other markets that would be opened if Burma changed its

orientation. The third reason given for Burma's opening was usually the prestige of holding the ASEAN Chairmanship, which was not assured if Burma continued as it had until late 2011.

Burma's transition is delicate, and as analysts will tell you, the chances of a backlash by those in the power structure opposed to political changes still exists. The longer the reform process goes on, however, the less the chances of backtracking. Clearly, that would lead to a quick re-imposition of tough sanctions by the west; those who would end the reform process therefore must argue that foregoing political and economic ties abroad, and returning to China's suffocating embrace, best serves the country's interests. We should consequently feel confident in looking at and imposing thoughtful measures designed to help ameliorate the situation of the Rohingya and encourage further political reform.

The first measure we should look at is adding those we can identify as responsible for violence against the Rohingya to the State Department's visa ban list and the Treasury Department's Specially Designated and Blocked Person (SDN) list. It is doubtful that many of those responsible for perpetrating/tolerating such violence spend their days pining for trips to the US to visit Disneyland, but adding their families to the list would preclude sending their children to universities or careers abroad. In a country with increasing economic opportunities, cutting off the possibility of relationships with foreign investors could deter those who perpetrate/tolerate violence against the Rohingya. Second, we should limit our contacts with Burma's security forces until they are more clearly committed to ending the violence against the Rohingya. The June visit by US officials paving the way for US training of Burma's military in particular was particularly ill-timed. Such military to military engagement should be put on hold for the moment (in this vein see below my testimony on whether Congressional restrictions on training for Cambodia's security forces are being violated) and existing US sanctions against the Burmese military should be maintained. Third, with the spread of sectarian violence to Mandalay last week, the US also should begin to examine the re-imposition of some sanctions, such as broadening investment measures. Finally, elsewhere in my testimony I note the importance and efficacy of the US working in a multilateral way on human rights problems in the region. In this case we need to help ensure that our European and Australian friends are clearly engaged on visa and SDN-type bans. We should also work closely with ASEAN countries, many of which are beginning to be affected by Rohingya refugee boat people fleeing the violence. In Hard Choices, Secretary Clinton twice notes the encouragement she received from Indonesian President Yudhoyono to begin engagement with Yangon. We should work particularly closely with President Yudhoyono and Foreign Minister Natalegawa, leaders of world's most populous Moslem country, as Indonesia continues its unusually public efforts on behalf of Burma's Rohingyas.

I cannot leave the subject of Burma without again noting a poll conducted by the International Republican Institute before I stepped down as its President earlier this year. Organized by a highly reputable firm that has done accurate polling in countries such as Iraq and Pakistan, its sample was composed of over 3000 people throughout Burma. Many of the results were

surprising; I'll cite just two. While 70 percent of respondents rated the opposition NLD very or somewhat favorably, 74 percent gave the ruling USDP coalition the same rating. The NLD bested the USDP on the question of who would improve education, but scored the same on improving healthcare and lost on ending ethnic conflict, improving the economy, strengthening the nation and improving security. (The poll is available at iri.org) Aung San Suu Kyi's NLD did very well in 2012 by-elections, but we should not assume that the results of the 2015 elections are a foregone conclusion. In a relatively democratic environment, the current Burmese government is proving to be more adept than many had expected in appealing to voters. Combined with the way this transition has been structured by the government, particularly regarding the composition of the parliament and constitution, the political evolution underway in Burma could extend well beyond the 2015 elections. Burma's military has accrued great wealth and privileges during its rule, and having watched the diminution of militaries that ruled other nations, appears loathe to give them up easily.

CAMBODIA

Cambodia's sad recent history continues. After a short, bright period beginning with the 1991 Paris Peace Accords, our reaction to the 1997 coup was muted, and we have done little since to tangibly express displeasure over the course of continued authoritarianism in Cambodia. The country is run in a personalist manner by Hun Sen, who has led the country for in one way or another since 1985. For much of that time, rival political parties have been harassed, press freedoms limited, trafficking in persons tolerated, and corruption rife.

Cambodia is an example of a country trying to reap the rewards of being perceived as democratic without conducting decent national elections (it is true that elections don't equal democracy, but they are an indispensable part of it). Except for the 1993 balloting conducted under United Nations supervision, all of Cambodia's recent elections have fallen short of international standards.

Most recently, the country's July 2013 parliamentary elections were clearly flawed even before they occurred. This is an uncommon occurrence in today's world, similar to situations in countries such as Azerbaijan, Belarus and Zimbabwe. In Cambodia's case, in the months before the election, the voter registry was found to be deeply flawed, with up to a sixth of voters disenfranchised. Conversely, in some competitive constituencies, there were high levels of over-registration. The impartiality and transparency of the National Election Commission was seriously in doubt, there was gross intimidation of opposition Members of Parliament in the months before the election, clear use of state resources by the Cambodian People's Party (CPP), and inordinate media coverage of the ruling CPP compared to the opposition Cambodian National Rescue Party (CNRP).

Both the EU and the US declined to send observation mission; the EU stated that they saw little need given that their suggestions for improving the process from the 2008 elections had been ignored. Traditional US observation groups also saw no need to lend credibility to what

was clearly a flawed process. The only observers attending from abroad, a group from Central Asia and Asia funded by the Cambodian government, declared the elections “free and fair”.

Domestic observer groups reported that on election day, there were widespread reports of voters unable to cast their ballots because they were not on the voter list. In addition, there were significant reports of people casting votes without having their ID checked, voter “indelible” ink being easily washed off, and failure to post voting results after balloting was completed.

After the election the opposition CNRP, claiming widespread fraud, refused to take their seats in parliament and subsequently mounted demonstrations in the capital. In January 2013, demonstrations by garment workers in Phnom Penh over wages were met by gunfire from Cambodian police, resulting in four deaths. The following day police dispersed opposition party demonstrators in Phnom Penh’s “Freedom Park”. The controversy continues to this day, with the opposition continuing to refuse to take its seats in parliament and negotiations between the two sides continuing over arrangements for future elections that would meet international standards.

The opposition’s interest in future elections highlights two important trends obscured by the poorly run elections and subsequent conflict. First, Cambodia’s opposition did remarkably well in the elections, especially considering the obstacles they faced, winning 44 percent of the vote and 55 National Assembly seats compared to 49 percent and 68 seats (a loss of 22) for the CPP. The second notable outcome of the election was a higher youth voter turnout than normal, benefitting the CNRP. Half of Cambodia’s population is under 25, and 70 percent is under 35. About 20 percent of the population is now living in urban areas, and most of Cambodia’s population has access to cellphones and the internet, enabling them to know of political systems in other countries, and outside views of events in Cambodia.

The next National Assembly election will occur in 2018, and the CPP now faces the difficulty of remaking itself to appeal to a younger voting base. The CPP has in the past proven quite capable of rejuvenation, so it is by no means inevitable that their vote share will continue to shrink. Hun Sen, now 61, has said that he intends to stay in power until he is 74, and there is speculation that he is grooming his oldest son, West Point educated Hun Manet, to succeed him. Finally, Hun Sen is said to have followed the Arab Spring closely, making him even less likely to tolerate political competition.

As the US considers responses to Cambodia’s continued authoritarianism, our “pivot to Asia” should not inhibit our actions to support democracy in Cambodia or our frankness with Hun Sen. He may owe his status originally to, and continue to be aligned closely with Vietnam, but his government cultivates a close relationship with Beijing. At a July 2012 ASEAN Foreign Minister’s meeting, for example, Cambodia took China’s side and blocked consensus on including a statement regarding territorial disputes between ASEAN nations and China in the final communique. As a result, the meeting ended without a final statement for the first time in

the organization's 45 year history. For many years, any visit to Phnom Penh has shown the reward for the close relationship with Beijing: a very high level of Chinese investment in the country.

US policy should take into greater account the sad state of Cambodian democracy. For all the talk of a "pivot to Asia" Agency for International Development funding for the region has remained constant. In Cambodia the similarly relatively constant funding is thoughtfully divided between poverty, health, environmental and democracy funding. In looking at the funding, however, more money for youth civic education would not be misplaced. In addition, Congress should ask AID to assess whether it is time to resume political party training, as occurred in Cambodia in the 1990s. Less proficient political parties tend to benefit the most from such training. Third, because Cambodia's security forces are integral to the regime's repressive tactics, a Congressional review of US military training for Cambodia's military is in order. Training for Hun Sen's security forces during the recent "Angkor Sentinel" exercises (headed on the Cambodian side by Hun Manet, Hun Sen's oldest son) appear to be inconsistent with Congressional restrictions on the types of training that may be offered by the US to Cambodia. Fourth, beyond necessary day to day contact, the US should limit contact with Hun Sen's government until negotiations with the opposition and government are successfully concluded. It is almost always necessary to talk to authoritarian governments at some level, but with such widespread human rights violations and internationally substandard democratic practices, and given its international orientation, Hun Sen's government should not be treated as a friend. We should ask that European, Australian and ASEAN governments do the same.

VIETNAM

In the late 1980s and 1990s, many of us hoped that opening diplomatic relations with Vietnam and allowing trade between our two countries would lead to more political openness. We were wrong. We often speak, rightly, about the level of oppression in China. In China, however, the Communist Party has made a bet that without incremental (though often halting) political reform, their rule will end. Vietnam's Communist Party seems to have made the opposite bet, that political reform can only end badly for them.

Vietnam is the most politically repressive of the three countries we are discussing today. It is a one party state that tolerates no organized opposition, bans independent trade unions, and severely limits freedom of religion and freedom of the press.

There have been some minor changes in the last decade. Most remarked upon has been a degree of independence by Vietnam's National Assembly, which has even rejected government proposals. It has been termed the most assertive legislature in the communist world, which encapsulates the distinctiveness and limitations of this development. This is a limited reform within the existing political system, not reform of the system.

Economic reform, Doi Moi, begun in the late 1980s, has made Vietnam a much more prosperous country. GDP has increased from less than \$7 billion in 1990 to about \$150 billion

in 2012. Such change necessarily led to some press freedom for economic purposes, and more recently as a means of rooting out what has become pervasive corruption.

In recent years, however, even that limited freedom has been reduced. Beginning in 2010, and accelerating since 2011, there has been a stream of arrests and trials of journalists, bloggers and other dissidents. Initially this crackdown was thought to be related to the 2011 Communist Party Congress, but, probably because of worries after the Arab Spring, it has continued unabated, facilitated by ever increasing legal limits on freedom of expression and religion. Human Rights Watch estimates that of what it says are 150-200 political prisoners in Vietnam, 63 were convicted in 2013.

For a number of reasons, our approach to Vietnam is more complicated than that towards Burma or Cambodia. First, American policymakers, reporters and others have a tendency to treat Vietnam as a special country, given our involvement there. Rare is the policymaker's speech or newspaper article on Vietnam that does not contain some allusion to the 1964-73 war. This has not escaped the attention of Vietnam's leaders, who use it to their advantage in talks with us. In the run up to 1990s normalization with Hanoi, advocates often said that we needed to think of Vietnam as a country, not a war. In dealing with Vietnam on human rights today, we need to think of it as a country, not a war. That is, we need to deal with it as country with a human rights record among the world's worst.

Second, the "pivot to Asia" has increased Vietnam's strategic importance to the US. There are two aspects of this development worth discussion. First, a nation coming to strategic prominence inevitably leads to a psychology amongst many US Executive Branch policymakers of not wanting to raise "unpleasant" issues such as human rights, believing that it will impede progress on issues judged increasingly more important. President Obama barely publicly raised Vietnam's human rights record during Vietnamese President Truong Tan Sang's visit to the White House a year ago, but is said to have had a "candid conversation" on the subject in private. If quiet diplomacy yields better results in terms of human rights, it should be pursued. Given the worsening human rights situation in Vietnam over the past year, it is difficult to make this case. My own observation from my time in the Executive Branch is that quiet diplomacy only leads to progress if the foreign leader believes that human rights is of great importance to America's leaders, beginning with the President. Clearly, absent results, a different approach is needed. Second, given Vietnam's long history of antipathy towards China, Hanoi must balance US requests on human rights against 2000 years of intermittent conflict with its neighbor to the north, the latest after our departure from Vietnam. This simmering antipathy is heating up again today in the South China Sea. Third and related, we need to remember that in Asia's present strategic environment, Vietnam's leaders need the US more than we need them. Vietnam's proximity to China puts them in a particularly vulnerable position as Vietnam ponders responses to Beijing's actions in the South China Sea. At the moment, the US is not short of allies in the region. We need not make the mistake of trading our interest in human rights for further port visits. We can with some subtlety use our presence

to advantage regarding human rights. As my old boss Colin Powell used to say “American troops come with values”. During my two tours at the State Department -- and time at the National Security Council dealing with this region -- I worked with skillful political and career leaders and diplomats who were carefully able to pursue America’s strategic interests and values in places such as Latin America, China, Central Asia and the Middle East. We can apply the same standard to Vietnam.

Our requests should begin with an end to the campaign against those who peacefully question the Vietnamese leadership’s policy choices. Second, we should seek the release of those individuals already in prison for such activities. Finally, we should seek structural changes in Vietnam’s laws and policies that penalize activities that are tolerated or celebrated almost everywhere else on earth. Again, our approach should be conducted multilaterally with our European, Australian and to the extent possible ASEAN allies.

CONCLUSION

Mr. Chairman, America’s economic and strategic interests are clearly trending towards the Asia Pacific region. Our hope is to continue to shape a peaceful and prosperous future for the region, but increasingly we need to be prepared for other eventualities. As we become more involved in the region, we should seek to repeat our past successes (and not our failures) in other regions as we help those who seek the rights and democratic institutions we have here in the United States. In the long run, this will be indispensable in advancing our interests in the region.

Congress has a vital role in this approach. Resolutions such as the recent legislation regarding the Rohingyas have an enormous impact (far beyond what we realize) in the region. Decisions regarding allocation of aid are also important. Visits by all of you to the countries in question are vital in communicating the interests of the American people. Last but not least, as I learned repeatedly during my time in two administrations, Congressional oversight – hearings, meetings and other communications with Executive Branch officials – is enormously helpful to those seeking to advance human rights abroad, and has a great impact on all those for whom Congressional confirmation is necessary as their careers advance.

Thank you again for the opportunity to testify today. I look forward to continuing to work with you in helping advance human rights in Burma, Cambodia and Vietnam.