OVERSIGHT OF U.S. POLICY TOWARD BURMA

HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA AND THE PACIFIC

OF THE

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HOUSE OF REPRESENTATIVES

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OVERSIGHT OF U.S. POLICY TOWARD BURMA

WEDNESDAY, DECEMBER 4, 2013

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2172 Rayburn House Office Building, Hon. Steve Chabot (chairman of the subcommittee) presiding.

Mr. CHABOT. Good afternoon. The subcommittee will come to order.

I would like to welcome everyone. Our colleagues will be here shortly. We are going to have votes here that is going to interrupt this probably any minute. And then I am going to try to get my statement in and probably the ranking member's as soon as he gets here.

We would like to welcome the folks here, the witnesses, and the members of the Subcommittee on Asia and the Pacific.

The ranking member, Mr. Faleomavaega, is not able to be here today, so Mr. Bera will sit in his place this afternoon. Mr. Bera and I will make opening statements and other members will be recognized for 1 minute, assuming the timing goes right for all of this.

In many ways, the Burma we see today is much different than the one we knew only a few years ago, at least at first glance. The sudden and unexpected democratic transition, which opened Burma's frontier to the world, was welcomed by democracy advocates everywhere. In fact, I traveled to Burma in August of last year and saw a number of these changes.

To be sure, we are all pleased that Nobel Peace Prize winner Aung San Suu Kyi is finally free and a duly elected member of Parliament. The same can be said of the regime's actions to release nearly 30,000 jailed citizens, of which 1,071 were political prisoners.

However, as we have seen, the political and social situation in Burma is extremely fragile, and there is still much work to be done. The escalation of human rights abuses committed by the Burmese military and the civil unrest between Burma's Buddhist majority and Muslim minority is threatening the progression of future political reforms. Regrettably, the rise of anti-Muslim violence has so far displaced over 250,000 individuals, destroyed over 10,000 homes, and killed nearly 300 people. Evidence shows the Burmese military perpetrated some of these attacks directly. In other situa-

tions, the military and police just stood by and watched the violence unfold.

What is not often mentioned is that over the last year or so, nearly 1,000 Rohingya and 200 Kachin prisoners of conscience of have been arrested and detained for their religion or ethnicity, or for practicing their right to freedom of assembly. This, I think, most would agree, is unacceptable.

A year ago, President Obama received 11 commitments from President Thein Sein, which were reaffirmed in May when he made an official visit to the White House. However, those commitments remain largely ignored. These unfulfilled promises include establishing a U.N. High Commissioner for human rights office, allowing international humanitarian access to conflict areas, taking decisive action in the Rakhine State to end discrimination of the Rohingya Muslims, and ending illicit weapons deals with North Korea, among others.

Despite substantial evidence that reforms are languishing behind a corrupt governing system that is still being manipulated by the veiled hands of the military, the Obama administration has moved forward with offers of more rewards, deals, and concessions. Over the last year, the administration has lifted investment sanctions; lifted import bans; allowed Burma's military to observe COBRA GOLD—the largest military exercise in the world; lifted visa bans on top Burmese politicians; hosted President Thein Sein at the White House; signed a Trade and Investment Framework Agreement; began the process of admitting Burma into the Generalized System of Preferences program; and initiated military-to-military engagement.

It is, as a result of these actions, that today's hearing is being called to examine the administration's decision to transition from an "action-for-action" engagement strategy to one that I believe it labels as "proactive." This contrasts with America's longstanding Burma policy that enjoyed support on both sides of the aisle. Years of bipartisan cooperation in Congress, which resulted in the imposition of widespread sanctions on Burma, is now, I am afraid, being overlooked.

As the administration has raced to turn Burma into its success story, I believe its engagement strategy has lost sight of the realities on the ground, and has become hasty and I am afraid also misguided. I do not believe the administration has provided enough time for nascent political reforms in Burma to take route. As a result, it is premature to assess whether the changes we have seen are genuine because Burma has not yet demonstrated it is committed to a long-term path of democratic governance. Constitutional revisions that implement reforms at the central and local levels have not occurred. So until this happens, all the optimism and hope is purely speculation.

Specifically, I want to focus on the administration's unilateral decision to pursue engagement with Burma's military. As we have seen elsewhere in the world, unconditioned military assistance can lead to unanticipated outcomes. Absent any fixed expectations or benchmarks to measure reforms, the U.S. is throwing away what may be, since most sanctions have been lifted, its last point of leverage that could help foster further reforms in Burma.

In early June, then Secretary Leon Panetta stated that the U.S. was interested in improving its military ties with Burma if that country continued implementing democratic reforms and improved its human rights record. Less than 6 months later, reforms have stalled, and the country faces a situation U.S. Ambassador Mitchell calls "two steps forward, one step back," and human rights abuses continue. Nevertheless, the U.S. is still moving forward on a policy fueled by hope.

The administration's decision to pursue a military-to-military relationship with Burma ignores and disregards the concerns of Burma's ethnic minorities who continue to express their opposition. They believe pre-conditions must first be met before these relations progress any further. With that in mind, I hope today's witnesses will finally detail the administration's short- and long-term plans to implement its policy, including how military engagement will end the Burmese military's perpetration of human rights violations, help Burma achieve national reconciliation, reform Burma's Constitution, or create an independent judiciary. I hope we can learn how it plans to proceed in working with military leaders who have not demonstrated a sincere interest in reforms, have not ended violations of human rights laws, have not adhered to ceasefire agreements, and have not held their own accountable for their horrendous crimes. Without such a roadmap, it remains very unclear whether future reforms in Burma will be consistent with goals established under U.S. laws.

Lastly, the reopening of the USAID mission in Burma was an important step in our engagement strategy because there is a critical need for Americans on the ground to assess what is actually happening there. At the same time, with all of these lingering concerns about Burma's future, it is prudent that U.S. assistance is targeting those areas and helping those communities in most need. So I hope today's witnesses can also provide us with more details about the growing foreign assistance budget for Burma, and those areas where additional funding has been requested.

I would also note that we will be welcoming the gentleman from New York, Mr. Crowley, and the gentleman from Arizona, Mr. Franks, this afternoon. They will be joining us. I ask unanimous consent that they be permitted to speak and ask questions after members of the subcommittee have done so. Without objection, so ordered.

Mr. Bera is not here yet this afternoon. Mr. Brooks, would you like to make an opening statement? Okay. We will go into recess here while we go vote. We will be back in a little while. We have two votes, so I am guessing it will be approximately ½ hour. I apologize for any inconvenience to everybody. It is kind of these "hurry up and wait" things, but votes have been called, so we have to go and do our constitutional duty. We will be back shortly.

We are in recess. Thank you.

[Recess.]

Mr. CHABOT. The subcommittee will come back to order.

I have already given my opening statement. I would now like to recognize Ami Bera, who is filling in for Mr. Faleomavaega this afternoon as the ranking member. We have already recognized that Mr. Crowley of New York and Mr. Franks of Arizona will be able

to speak. If they would like to give an opening statement for 1 minute, they have that opportunity as well.

I now recognize Mr. Bera for 5 minutes.

Mr. BERA. Great. Thank you, Chairman Chabot, and thank you for the witnesses on this incredibly important hearing.

Obviously, as we look to Burma as a country and future democratic ally, it is a nation that is at a crossroads, you know, emerging from, you know, what certainly has been a difficult past and hopefully a future filled with promise. But certainly that opportunity is not without challenge, and I certainly look forward to hearing your testimony as witnesses of how we, as a nation that fosters democracy, advance in that challenge.

The last couple of years the Burmese Government has certainly made progress in instituting a number of democratic practices and a number of democratic reforms. Certainly, the release of political prisoners, the inking of a ceasefire agreement, and allowing the opposition to participate in Parliament are noteworthy events that occurred in Burma.

That said, despite this progress, the challenges in building a nation that celebrates its rich and ethnic and religious diversity remain. You know, a few weeks ago, maybe a few months ago, we had a prior hearing on some of the ethnic issues and faith-based challenges that are occurring in the northern part of Burma, and certainly those challenges remain of great concern to most of us on this committee. We certainly are concerned about the ongoing violence and human rights abuses that we see occurring in Burma.

Also, as the world's greatest democracy, you know, we have to have a role, and I do believe our Burmese engagement policy should continue to be committed to seeing national reconciliation, transparency, and ethnic equality. We have also got to send a very clear message that we will not tolerate these human rights abuses and oppression.

In addition, if military engagement continues with Burma, this arrangement must be strategically tailored with firm and clear human rights benchmarks aimed to drive the political reform that we hope to see. The U.S. needs to remain a strong supporter in South Asia and a leader in the global community in order to advance the respect and rule of law and human rights.

I look forward to hearing your positions. I look forward to reviewing our positions and policies on Burma, and, you know, our role as the world's leading democracy and continuing a peaceful transition for the military repression to a country of democratic rule.

Thank you, and I will yield back.

Mr. CHABOT. Thank you very much, Mr. Bera. I appreciate it.

The gentleman from Arizona, Mr. Franks, is recognized for 1 minute.

Mr. FRANKS. Thank you, Mr. Chairman, and I thank you for the opportunity to raise such a critical issue and one here where the United States can have a truly serious impact.

One of the topics of this hearing will be how the Department of State and the Department of Defense are reviewing military-to-military engagement with the Burmese army or the Burmese military. The Burmese military happens to be one of the worst oppres-

sors of human rights in recent history, and I urge the administration work closely with Congress throughout this process.

The U.S. needs a policy response that is more long-term than just lifting military sanctions and setting broad objectives for mil-to-mil engagement, especially if we intend to be a leader in the region and help Burma become a more rights respecting country.

We must have clear benchmarks for the Burmese military before any sanctions on the military are lifted. We know that the Burmese military wants the relationship with our military. Our actions must incentivize the military to reform. Benchmarks should focus on the implementation of constitutional reforms that curb the military's control over the civilian government, transparency and accountability by the military, and to end abuses of ethnic and religious minorities.

I recently returned from a congressional delegation to the Philippines. And among the many things I learned there during that trip was how the U.S. can have extensive impact on these countries in southeast Asia. The U.S. now has an opportunity to make a positive impact in Burma, but we must proceed extremely wisely and leverage the relationship we now have with Burma to encourage the necessary reforms.

I thank you, Chairman Chabot, for the opportunity to speak today, and for addressing this very vital topic in your hearing. And I thank all of you for being here.

Mr. CHABOT. Thank you very much.

The gentleman from New York, Mr. Crowley, is recognized for 1 minute to make an opening statement.

Mr. CROWLEY. Thank you, Mr. Chairman. I also, if I could—if you could pause the clock for a moment, I did note that you referred to me as Mr. Moakley.

Mr. CHABOT. I apologize.

Mr. CROWLEY. If I could be compared to any great Irish-American, it could be Mr. Moakley. So thank you very much.

Mr. CHABOT. That is what I had in mind.

Mr. CROWLEY. I thank you for holding this hearing today, as well as my colleagues for being here, particularly Mr. Ami Bera, Congressman Bera from California, for his interest, and Mr. Faleomavaega from our side as well. Eni Faleomavaega has been a great champion of the U.S.-Asia relations for many, many years. I am sorry he can't be here today.

Many of you know that I am the lead sponsor of legislation that imposed many of the sanctions on Burma, the Block Burmese JADE Act in particular. I worked on this with our then-ranking member Tom Lantos, and fully took the responsibility of the legislation on after his passing. I also worked very closely with Mr. Lantos on the Burmese Freedom and Democracy Act.

He was someone who was a true champion for human rights throughout the world, and Burma was no less a place of interest for Mr. Lantos. We miss him.

As you know, the position of the Special Envoy to Burma, the list of individuals targeted for sanctions called the Specially Designated Nationals, or SDN list, and many other sanctions were created by the JADE Act, which I authored.

All that being said, I have to be honest, I am increasingly concerned about the approach our administration has recently begun to take with respect to Burma, especially our apparent plans for mil-to-mil relations and the furtherance of them. And keep in mind, I am someone who initially supported the administration's policy of action for action, but I think we are going well beyond that now.

I am not opposed to talking to the Burmese regime, but I am against unilaterally lifting all sanctions and pressures and granting much sought after military training, if the situation in Burma is stalled or further rolled back.

I have a more extensive opening statement, Mr. Chairman. I won't read all. But, once again, focusing on I think a premature stage of moving toward more open relations, mil-to-mil relations, really from—going from DIILS to EIMET too soon, in my opinion. There has not been enough action for action.

I look forward to hearing from the witnesses, and I welcome them today. But I look forward also to the question and answer period in which I will be a little bit more direct.

Thank you, Mr. Chairman.

Mr. CHABOT. Thank you very much. And without objection, the gentleman's full statement will be entered into the record.

I would now like to turn to the gentleman from California, Mr. Rohrabacher, who is the chairman of the Europe, Eurasia, and Emerging Threats Subcommittee.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. If there is a message the Government of Burma needs to hear from the Congress, it is you are not ready to be accepted into the family of free nations yet. You have made progress, but not enough, and we expect certain things to be addressed if you are indeed to be accepted as a legitimate democratic government, as with the other democratic governments in the world.

The Burmese military is still conducting brutal and bloody operations against the ethnic peoples on the Thai-Burma border. The Burmese Government is permitting genocidal brutality against the Muslim population living in the western part of their country. And, again, I might add, Mr. Chairman, if indeed the Muslims of the world who are trying to—the moderate Muslims who are opposing radical Islam in this world are to take the West seriously, we must make sure that we are loud and clear when Muslims are being murdered genocidally in countries like Burma.

So we need to step up, and we cannot start treating Burma as, I say, a democratic country where their job is done until we see some progress, especially in those areas. The Burmans—one last point, sorry.

The Burmans were repressed by that horrible government that I was proud to have stood with these people for 20 years. They stood against this brutal dictatorship, but now what we have—see emerging is a country in which the Burmans are free but the Muslims are not, and the ethnic tribal people are not. That is not acceptable to the people of the United States if Burma is to be treated like any other democratic country.

Thank you very much, Mr. Chairman.

Mr. CHABOT. Thank you very much.

I would also like to recognize the presence this afternoon of Congressman Perry from Pennsylvania and I understand that no opening statement is necessary. Thank you very much.

Before I introduce the witnesses, I would also like to recognize that we have a number of Burmese parliamentarians with us here this afternoon. If they want to stand up and be recognized, we would like to welcome you to the Foreign Affairs Subcommittee on Asia and the Pacific. If you would like to stand, we can recognize you. Thank you for being here. Thank you very much. [Applause.]

I would now like to introduce our distinguished panel here this afternoon. We first have Judith Cefkin, who is a career member of the Senior Foreign Service. Prior to assuming her duties as Senior Burma Advisor, she served as Deputy Chief of Mission at the U.S. Embassy in Bangkok, Thailand, from 2010 to 2013. She previously served as the Ambassador's staff assistant and as a political officer. Since entering the Foreign Service in 1983, Ms. Cefkin has had overseas postings in Mexico City, Paris, and in Manila. She has also served as Deputy Chief of Mission at the U.S. Embassy in Sarajevo, Bosnia, and Herzegovina; and as a desk officer for Rwanda, Burundi, and the Central African Republic; Deputy Director of the Office of Western European Affairs; and as Director of the Office of Nordic and Baltic Affairs. She received a B.A. in government from Smith College, and a master's in international relations from the London School of Economics and Political Science. We welcome you this afternoon.

I would also like to welcome Deputy Assistant Secretary Vikram Singh. He is the Assistant Secretary of Defense for South and Southeast Asia within the Office of the Assistant Secretary of Defense for Asian and Pacific Security Affairs. Mr. Singh serves as the principal advisor for all policy matters pertaining to development and implementation of defense strategies for the South Asia, Southeast Asia, and the Pacific. Before his appointment in April 2012, Mr. Singh served as Senior Advisor to the Undersecretary of Defense for Policy on Asian and Pacific Security Affairs. He was the Deputy Special Representative for Afghanistan and Pakistan at the Department of State. Mr. Singh lived and worked in Sri Lanka, where he ran a Ford Foundation program on minority rights and conflict in Bangladesh, India, Nepal, Pakistan, and Sri Lanka, and reported on the Sri Lankan civil war. He holds degrees from the University of California at Berkeley and Columbia University. We welcome you here, Mr. Singh.

Finally, we have Deputy Assistant Administrator Gregory Beck, who serves as Deputy Assistant Administrator for Asia. His management and oversight responsibility includes all USAID programs in East Asia, Southeast Asia, and the Pacific. He has over 15 years of senior-level leadership experience in development and in conflict and post-conflict environments, including in Asia, Africa, and the Balkans, and Caucasus'. He was formerly Director of the Office of Humanitarian Assistance with CHF International and he held a number of positions with the International Rescue Committee, including as Senior Regional Director of Asia and Country Director in Somalia, Kenya, Rwanda, and Croatia. During Mr. Beck's career with the IRC, he led emergency response teams in Somalia, Rwanda, Pakistan, Indonesia, and Burma. Mr. Beck has a master's de-

gree in environmental engineering from the California State University at Humboldt and a bachelor's degree in foreign service and international politics from Pennsylvania State University. He speaks Nepalese and has studied Thai, Kiswahili, Croatian, and Kenya-Rwanda. That is a mouthful. We appreciate your presence and we are looking forward to your testimony this afternoon.

Ms. Cefkin, we will turn to you first. We do have the 5-minute rule in effect here. The yellow light will come on letting you know you have 1 minute to wrap up, and then the red light will come on. We would appreciate it if you would complete your testimony at that time, if at all possible.

Ms. Cefkin, you are recognized for 5 minutes.

STATEMENT OF MS. JUDITH CEFKIN, SENIOR ADVISOR FOR BURMA, BUREAU OF EAST ASIA AND THE PACIFIC, U.S. DEPARTMENT OF STATE

Ms. CEFKIN. Chairman Chabot, Ranking Member Bera, distinguished members of the subcommittee, thank you for the opportunity to testify today about U.S. policy toward Burma and the important transition that is underway in that country.

Members of Congress, and particularly those on this committee, have been powerful proponents of human rights and democracy in Burma over the past two decades. I know that we share the goal of supporting reforms that complete Burma's transition to become a democratic, peaceful, prosperous member of the world community. We tackle this test cheered by the advances that have been made, yet cognizant of the substantial challenges that remain. Thank you for your past and future partnership in supporting Burma's reform progress.

When then-Assistant Secretary Campbell testified before this committee in April 2012, a historic—by election had just brought Aung San Suu Kyi and 42 other members of the opposition, National League for Democracy, into government, but the NLD members had not yet taken their seats in Parliament. Today, they are active leaders there.

Since 2011, the Government of Burma has released over 1,100 political prisoners. It has substantially eased media censorship. Burma has signed the International Atomic Energy Additional Protocol and taken steps toward fulfilling its obligation to implement U.N. Security Council resolutions concerning North Korea. And the government and ethnic armed groups have intensified efforts to achieve peace and national reconciliation.

Nearly 4 years after we started down the path of principled engagement, the culture of reform in Burma is increasingly self-driven, yet Burma's transition remains fragile. The lifting of the authoritarian regime's heavy hand has exposed long-standing challenges, including a struggle to define national identity.

Communal conflict and anti-Muslim discrimination have been unleashed in Rakhine State and across the country. Rule of law, including efforts to promote justice and accountability, continue to be inadequate, and the military remains closely tied to politics and the economy. Power and the benefit of Burma's vast natural resources remain concentrated in the hands of a few.

These challenges will be neither quickly nor easily remedied. Nevertheless, our surest road to helping Burma comes through a strategy of engagement that seeks to assist the country proactively in its transition to democracy and development. This is a unique opportunity in modern Burmese history. The people, the country, are calling for enhanced U.S. engagement in virtually all sectors, and we must work tirelessly to ensure that the reforms become irreversible.

I would like to briefly touch on four key pillars of U.S. policy. The first is promoting national peace and reconciliation. This is Burma's defining challenge, a challenge that has eluded the country since its independence. Without peace and national unity, other reforms will be at risk. To support the peace process, our Ambassador, Derek Mitchell, and his Embassy team meet regularly with the government and with ethnic representatives of all ethnic groups to encourage an inclusive, transparent peace process. We are supporting efforts to rebuild trust, and we continue to urge all parties to respect the human rights of civilian populations.

To counter the disturbing communal violence and anti-Muslim discrimination that has racked Burma, particularly in Rahkine State we are promoting messages of tolerance, and we continue to urge the government to improve security for all vulnerable populations and to ensure unimpeded humanitarian access to conflict areas.

In addition, we are urging efforts to reintegrate communities, and we are pressing the government to implement a path to citizenship for the Rohingya.

Turning to a related area of focus, supporting democracy and human rights remains a critical pillar of our policy. We continue to press for the release of all political prisoners and to advocate for the opening of a U.N. Office of Human Rights. We are implementing programs to strengthen civil society and build a democratic institution. We are also encouraging the revision of laws necessary to protect democratic rights.

The need for constitutional reform to allow citizens to freely elect the leaders of their choice, to recognize the rights of minorities, and to establish civilian control of the military is part of this discussion. And this leads me to mention the importance we attach to promoting security sector reform.

A military under civilian control that protects the people, promotes human rights, and respects international law is a pillar of democracy and essential to the success of the reforms. Our voice must be heard on this critical issue.

We believe that a carefully calibrated military engagement to share lessons of how militaries operate in a democratic framework will strengthen the hand of reformers and is one of the best tools for shaping Burma's most powerful institutions at this juncture.

My colleague, Vikram Singh, will elaborate on this, including the benefit Title 22 authorities would offer to provide Burmese military more consistent and structured exposure to international human rights and military justice standards.

Let me just briefly touch on two other policy areas. one is supporting——

Mr. CHABOT. If you could wrap up, because you are actually over time now.

Ms. CEFKIN. Okay. Supporting Burma's transition to a transparent open market economy that promotes sustainable growth, and the last is also to highlight—I would highlight Burma. We want Burma to be a contributor to regional and global security.

And just to say that our continued engagement to effect positive change in Burma is grounded in our strategic interest and a successful politically, economically progressive Asia Pacific region, and in the fundamental values that go to the core of who we are as a nation.

So to prevail and keep our focus on long-term goals, we feel that we must have a strategic approach that is steady and considered, but flexible in implementation, to keep pace with conditions on the ground.

Mr. Chairman, I look forward to continued consultation and cooperation with you on these important issues. And I want to thank you again for inviting me to testify today, and I will look forward to answering your questions.

[The prepared statement of Ms. Cefkin follows:]

Testimony of Judith Cefkin
Senior Advisor for Burma
Bureau of East Asian and Pacific Affairs
U.S. Department of State

Before the

House Committee on Foreign Affairs
Subcommittee on Asia and the Pacific

December 4, 2013

Oversight of U.S. Policy toward Burma

Introduction

Chairman Chabot, Ranking Member Faleomavaega, and distinguished Members of the Subcommittee, thank you for the opportunity to testify today about U.S. policy toward Burma and the important transition that is underway in that country. Members of Congress, and particularly those on this Committee, have been powerful proponents of human rights and democracy in Burma over the past two decades. I know that we share the goal of supporting reforms that complete Burma's transition to become a democratic, peaceful, prosperous member of the world community. We tackle this test cheered by the advances that have been made, yet cognizant of the substantial challenges that remain. Thank you for your past and future partnership in supporting Burma's reform process.

When then-Assistant Secretary Campbell testified before this Subcommittee on Burma in April 2012, the historic bi-election had just brought Aung San Suu Kyi and 42 other members of the opposition National League for Democracy (NLD) into government. But the NLD members had not yet taken their seats in parliament. Today, they are active leaders in the government. Since 2011, the Government of Burma has released over 1,100 political prisoners. It has substantially eased media censorship. Burma has signed the International Atomic Energy Agency Additional Protocol, which we expect will enter into force for Burma soon. Burma has also taken steps to fulfill its obligation to implement the UN Security Council resolutions concerning the Democratic People's Republic of Korea. Burma has reformed its policies and laws to attract foreign investment. The intensified focus by the government and ethnic armed groups on a process to achieve peace and national reconciliation has been a particularly significant

development. In early November, as I was visiting Burma, ethnic armed leaders held a historic gathering that achieved a common platform for a nationwide ceasefire and political dialogue. In an initial round of negotiations with the government that followed on November 4-5, the parties forged consensus on a general path forward and a commitment to continue negotiations.

Nearly four years after we started down the path of principled engagement, the culture of reform in Burma is increasingly self-driven and self-perpetuating. In this context, we are working to bolster the efforts of those sincere about reform. Yet, Burma's transition remains fragile. The people's cautious hope is still matched by their fear and insecurity. The lifting of the authoritarian regime's heavy hand has exposed long-standing challenges, including a struggle to define a common national identity. Communal conflict and anti-Muslim discrimination has been unleashed in Rakhine State and now across the country. Burma's institutions are just beginning to take on the roles required of a democracy. Rule of law, including efforts to promote justice and accountability, continues to be inadequate and the military remains closely tied to politics and the economy. Burma's constitution and legal infrastructure is not yet fully consistent with those of a modern democratic state, including respect for the rights of minorities, civilian control of the military, and the right of citizens to freely elect the leaders of their choice. Power and the benefits of Burma's vast natural resources remain concentrated in the hands of a few. The country is working to improve its service delivery, but it remains far behind other countries in the region.

These challenges will be neither quickly nor easily remedied. Nevertheless, our surest road to helping Burma comes through a strategy of engagement that seeks to assist the country proactively in its transition to democracy and development. This is a unique opportunity in modern Burmese history. The potential for change is growing by the day, and the people of the country are calling for enhanced U.S. engagement in virtually all sectors of the country. We must also work tirelessly alongside the Burmese people to ensure that reforms generated by the Thein Sein administration become irreversible, entrenched in the institutions of the state, civil society, and the expectations of the Burmese people. Their expectations will guide our engagement during this delicate transition period. Our mission in Rangoon is in close and regular contact with Burmese leaders and people throughout the country, including in states that were inaccessible to us until recently.

The pillars of our policy include: promoting national peace and reconciliation; supporting the development of democratic systems and institutions

governed by rule of law and protecting human rights; helping Burma realize its transition to a transparent, free-market economy that generates growth for all regions and segments of society; strengthening livelihoods and local governance; and improving Burma's ability to become a contributor to regional and global security. Our continued engagement to effect positive change in Burma is grounded in our strategic interest in a successful, politically, and economically progressive Asia-Pacific region and the fundamental values that are at the core of who we are as a nation.

Peace and Reconciliation

The quest for nation-wide peace and reconciliation is the defining challenge of Burma's transformation. Burma is one of Asia's most ethnically diverse countries, with 135 recognized ethnic nationalities and a history of ethnic conflict that pre-dates colonialism. Unless the people of Burma can achieve peace and national unity, based on equal rights and respect for diversity, no other reforms will be sustainable.

The challenge is enormous, but we believe the current time offers the best opportunity since Burma's independence to make genuine headway. Both the Burmese government and armed ethnic groups have demonstrated a renewed commitment to negotiating a nationwide ceasefire and the launching of a formal peace process. Trust remains fragile. The results of existing ceasefires have been mixed. In some states, ceasefires have resulted in a decreased government troop presence and a tangible reduction in human rights abuses. In others, ethnic groups report an increase in government troop levels and continued clashes. The Unlawful Association Act (17.1) outlaws contact with ethnic armed groups and exile groups, complicating political party and civil society efforts to collaborate with these entities due to fear of arrest. Ethnic groups seek a louder voice and improved governance to bring an end to land confiscation, forced labor, environmental destruction, and severe human rights abuses perpetrated on local populations. At the beginning of November, representatives from 16 armed ethnic groups convened in Kachin State – the broadest gathering of ethnic leaders in Burma's history. They reached consensus on a framework for a nation-wide ceasefire and political dialogue. A few days later they met with the Burmese government for an initial round of negotiations. Although they did not conclude a formal cease-fire agreement, they forged consensus on a general path forward and agreed to continue talks.

The United States is supporting the peace process through regular contact with all parties. Our Embassy, under the strong leadership of Ambassador Derek Mitchell, has traveled to every ethnic state multiple times, listening, consulting, and showing that we are interested in their futures and are invested in an inclusive, transparent peace process. We have advocated for broader and deeper inclusion in the peace process, particularly of civil society and women. We have contributed humanitarian assistance and continually pressed all parties to allow full access to all vulnerable populations. We are supporting local efforts to improve public information, incorporating messages of peace and participation in on-going civil society outreach, and training journalists on peace and conflict reporting. We are supporting efforts to rebuild trust within communities, for example, empowering former combatants, survivors, and communities in landmine-affected areas to work together through landmine risk education and assistance to victims. We will continue to urge full implementation of agreements between the government and non-state armed groups, including for all parties to respect the human rights of the civilian population.

While the initiation of a path toward national unity between the government and the ethnic groups is encouraging, a systematic lack of protection for minorities across the country remains. Communal violence is an historic problem in Burma with waves of anti-Muslim/anti-Indian violence occurring at least seven times between 1930 and 2001. In March, at least 44 people were killed in Meiktila, Mandalay Division and more than 6,800 people remain displaced. We continue to make clear to the Thein Sein government that it has a responsibility to uphold international human rights commitments to protect the people, including preventing violence and then responding quickly, responsibly, and effectively when violence breaks out. While the police have responded more quickly in recent cases of violence, developing the culture and capabilities needed to protect the people will be a long-term challenge. We continue to urge the government to improve security for all vulnerable populations, ensure unimpeded humanitarian access to conflict areas, and provide for the safe and voluntary return of displaced persons. Our Mission in Rangoon is also promoting messages of tolerance and diversity through public outreach including exchanges, speakers, and a year-long civil rights program.

One group in particular, the stateless Rohingya population in Burma's western Rakhine State, has been the object of violence, discrimination, and humanitarian crises in Burma and has little recourse for protection. There is a long history of communal conflict between the Rohingya and ethnic Rakhine, but also a long history of coexistence. Rakhine State is the second poorest state in the

country, and along with other factors, this has generated a sense of insecurity for both communities, but poverty does not excuse violence.

After tensions spiraled into violence in June and October 2012, a government-appointed investigation commission completed a report (released in April 2013) on the roots of conflict and suggestions to improve the situation. The national government has worked to address some of those recommendations, but more needs to be done. The violence killed nearly 200 people, and approximately 140,000 people, mainly Muslims, remain displaced. Access to livelihoods and basic services remains limited due to continued high tensions between communities, restrictions on movement for Rohingya, and segregation of the populations. These conditions have led Rohingya to flee Burma. Since June 2012, up to 60,000 Rohingya fled Rakhine State by boat, the largest number in over 20 years.

The U.S. government coordinates closely with the international community to send unified messages to the Government of Burma on Rakhine State. Most recently, Ambassador Mitchell, joined by two Burmese ministers, led a diplomatic mission to Rakhine State to assess the situation. In accordance with their findings, we will continue to advocate for an end to violence, protection of the population, government implementation of a path to citizenship for the Rohingya, and access to services and equitable returns as well as economic development throughout Rakhine State. We will also continue to support community- and government-led efforts to promote dialogue and reintegration.

Continuing our two-decade-long commitment to humanitarian assistance, in FY 2013, the State Department and USAID provided over $51.6 million for displaced persons in Burma and the region through the UN and international non-governmental partners. The signing of a bilateral assistance agreement between the Government of Burma and USAID in June 2013 provides the framework for ramping up programs that promote inclusive economic growth, including through support for agricultural sector reform. My colleague Greg Beck of USAID will talk in more detail about our assistance priorities.

Political Reform

The transition to democracy remains a centerpiece of Burma's reforms. The United States has demonstrated a long-standing commitment to this goal and its components, and this focus remains central to our current policy approach. We are committed to working with the government, Aung San Suu Kyi and the political

opposition, and with civil society to fully implement the commitments announced before President Obama's visit just over a year ago. In particular, we are watching closely the commitment to release all political prisoners by the end of this year. The government-established political prisoner review committee, which includes former political prisoners, continues its work. An estimated 1,100 political prisoners have been released since the reforms began. We are committed to assisting the reintegration of these heroic individuals back into society and ensuring that they are released without condition.

Troubling, though, is the fact that the government has continued to arrest and convict over 200 activists under the 2011 Peaceful Assembly and Processions Act. We are encouraged that Burma's parliament appears serious in working to reform such deficient laws, including the 2011 Peaceful Assembly and Processions Act, and that it has recently shown a willingness to accept public input. For example, the parliament's draft of a new Association Law that governs the status of NGOs threatened to reverse the newfound freedoms of civil society. But, with support from the U.S. Embassy – including a USAID-sponsored workshop on legislative compliance and international standards for rights of association – parliament heeded civil society's call for a consultative process. It is poised to consider a new draft that includes civil society input. We are also supporting the Ministry of Information as it drafts several media laws to ensure the protection of freedom of expression in this new era of media freedom and a proliferation of media outlets.

International humanitarian access to key locations is slowly improving. The International Committee of the Red Cross is conducting regular prison visits. The government has lifted restrictions on access to many conflict areas. Working with the International Labor Organization, the Government of Burma committed to end forced labor by 2015, and the United States' engagement on combating all forms of trafficking in Burma has increased as a result of a joint plan which began in 2012. The government has entered into an action plan with the UN to end the recruitment and the use of child soldiers. The government also remains committed to becoming eligible to join the Open Government Partnership by the end of 2016 and advancing the principles of transparency, civic engagement, anti-corruption, and using technology and innovation to make government more open, effective, and accountable.

A key commitment that remains unsatisfied is Burma's commitment to establish a UN Office of the High Commissioner for Human Rights with a full mandate. Such an office could support government and civil society actors as they

work to advance Burma's reform agenda. We continue to raise these priorities to the highest levels of the government, including through our annual U.S.-Burma Human Rights Dialogue. We welcome parliament's process to consider the changes needed for Burma's constitution to be consistent with international norms of a modern democratic state. In our conversations with Burmese authorities and other stakeholders, we continue to stress the importance of creating a legal infrastructure consistent with the international norms, including respect for the rights of minorities, civilian control of the military, and the right of citizens to freely elect the leaders of their choice. It will be important for constitutional reform to occur in time to ensure that the people of Burma are able to freely choose their leadership in the 2015 election.

Security Sector Reform

Strengthening the rule of law and promoting security sector reform are essential elements of the reform effort. Voices from across Burmese society – including civil society, ethnic minority representatives, and members of the government and political opposition – are urging us to engage with the Burmese military and civilian police force to teach new models of conduct that help make the security services a stakeholder in the success of democratic reform. We have seen the need for police and justice reform clearly from the inadequate response to the violence that has plagued the country. We plan to support the Government of Burma's efforts to improve security through law enforcement capacity-building activities that address the needs of the criminal justice sector and the country's struggle with opium poppy cultivation and narcotics trafficking. USAID is working to support Burma's overall rule of law capacity, and the State Department will continue to advance counternarcotics programming and explore capacity-building activities for law enforcement in Burma.

A military under civilian control that protects the people, promotes human rights, and respects international law is a pillar of democracy and essential to the success of reforms. Our voice must be heard on this critical issue. Even while former military officers are leading Burma's reforms, we continue to see military and security sector abuses, particularly in ethnic areas. There are those within the military who have a vested interest in a system characterized by military dominance of Burma's economy and politics. We believe that carefully calibrated military-to-military engagement to share lessons on how militaries operate in a democratic framework will strengthen the hand of reformers. We believe that articulating a vision and identifying a pathway for the military to uphold Burma's

international obligations and commitments is one of the best tools for shaping Burma's most powerful institution during this critical window.

The participation of Burmese military officers in the October 2012 bilateral Human Rights Dialogue helped us launch this discussion on military respect for human rights and international norms. As a further step, the Defense Department's Defense Institute for International Legal Studies has begun limited exchanges to convey principles of human rights, rule of law, and civilian control of the military to the Burmese military. But, to be more effective in identifying and influencing those in the military most committed to reforms, we would like to use tools such as an Expanded IMET (E-IMET) program for Burma – which would involve a narrow subset of training with IMET funding limited to areas such as international human rights law, international humanitarian law, and rule of law training we seek to undertake. My colleague Vikram Singh will elaborate on the potential use of this tool and on our priorities with regard to Burma's military. And, we look forward to discussing this issue in greater detail in focused discussions with Congress in the next few weeks. Meanwhile, we maintain sanctions on areas of the military that concern us, particularly its outsized role in the economy – U.S. companies remain prohibited from investing in military-owned companies and from making payments in connection with the provision of security services to state or non-state armed groups, including the Burmese military.

Economic Reform

Another pillar of our engagement is supporting Burma's transition to a transparent, open-market economy that promotes sustainable growth benefiting all segments of society. Unless Burma's communities see tangible improvements, the reform effort will be difficult to sustain. The Government of Burma has addressed some of the core structural challenges to the economy, namely by unifying the country's multiple exchange rates and passing a new Foreign Investment Law. The government has also moved to reduce trade restrictions, reform tax policy, and strengthen tax administration. In July 2013, it enacted a law which provides for the Central Bank's autonomy. Burma's macroeconomic outlook is largely positive. Growth rose from 5 percent to an estimated 6.5 percent in 2012/13 and is projected to increase again next year. Inflation rose to 4.7 percent in early 2013, but is expected to remain contained at 6.5 percent or less.

We are working to build the government's capacity to manage its economy in accordance with international best practices. A notable example is the partnership we launched with Burma to improve management of its rich energy

and natural resources. This will help the Burmese people reap the benefits of these resources and help Burma fulfill its commitment to become compliant with the Extractive Industry Transparency Initiative.

The U.S. private sector also has an important role to play in contributing to positive economic change in Burma. In recognition of this, we are encouraging responsible U.S. investment. We believe strongly that American companies set the standard for environmental, social, and labor best practices, as well as good corporate citizenship projects that give back to the communities in which they operate. We wish to see them building local capacity, creating jobs, and contributing to the country's economic development. And that investment is beginning. An American Chamber of Commerce chapter opened at the end of October.

To further reinforce the need for careful due diligence, when the ban on new investment was eased, we instituted a new requirement for U.S. persons with aggregate new investment over $500,000 to report on human rights, labor rights, anti-corruption, local community consultation, and environmental stewardship. The U.S. companies I have spoken to have expressed a strong desire to invest conscientiously because it is the responsible thing to do. Military-owned companies remain off limits for new U.S. investment, and U.S. persons are not authorized to make payments to the military or other armed groups for security services. In addition, U.S. persons generally remain prohibited from dealing with blocked persons, including those on the Specially Designated Nationals (SDN) list administered by the Treasury Department's Office of Foreign Assets Control (OFAC). The SDN list is not static – potential listings under our Burma authorities will be pursued as appropriate to meet changing conditions in Burma, including to sanction individuals or entities that interfere with the democratic transition, abuse human rights, or perpetuate military trade with North Korea. Conversely, those on the SDN list may seek to be delisted by submitting to OFAC evidence that the circumstances resulting in the designation no longer apply. And although the broad ban on imports of products of Burma into the United States is no longer in effect, we still prohibit the import of Burmese jadeite and rubies – industries that are particularly problematic.

U.S.-Burma bilateral economic ties have grown significantly since the start of reforms in Burma. U.S. exports to Burma grew from $25 million in the first nine months of 2011 to $118 million for the same period in 2013, while U.S. imports from Burma have jumped from zero to $17 million in the past year. In May 2013, the United States and Burma signed a Trade and Investment

Framework Agreement to promote dialogue and cooperation on trade and investment issues. A key goal of our trade and investment promotion activities is to contribute to job creation and improved livelihoods for the people of Burma.

Regional and Global Partnership

Burma lies at a crucial crossroads between East and South Asia. Its reforms open an important opportunity for trade and links between India, Bangladesh, Burma, China, and the rapidly expanding economies of ASEAN. It is also a partner in important multilateral fora, and for the coming year is donning the leadership mantle of ASEAN Chair. This highlights the importance of helping Burma become a responsible member of the world community. In his speech in Washington DC last May, President Thein Sein acknowledged that a goal of the reform process is to end the country's isolation and make contributions to regional and global security and development. We seek to promote Burma's reengagement with international partners, and its understanding that acceptance in the global community comes with responsibilities. A key focus will continue to be non-proliferation. We are pleased that, as the government committed to do before President Obama's visit in November, it has signed the International Atomic Energy Agency Additional Protocol; we look forward to its early entry into force and implementation, and encourage Burma to also modify its Small Quantities Protocol. These steps will open a new chapter of Burmese cooperation with the IAEA and commitment to the global nonproliferation regime. We welcome Burma's indication that it will adhere to UN Security Council resolutions prohibiting military trade with North Korea and urge Burma's continued vigilance in their full implementation. The ASEAN Chairmanship is perhaps the most remarkable change in this area. We have provided capacity-building support to help the Burmese government manage the responsibility of hosting the multitude of ASEAN, ASEAN Regional Forum, and East Asia Summit meetings they are charged with organizing and to achieve concrete outcomes that further our regional goals.

Conclusion

The United States remains committed to reinforcing Burma's progress on reform. We remain hopeful, but clear-eyed about the challenges. Burma's road to reform will be a long process. We should anticipate that along with steps forward there will inevitably be setbacks. To prevail and keep our focus on the long-term goals we must have a strategic approach that is steady and carefully considered, but flexible in implementation and keeps pace with conditions on the ground. We

must strengthen our relationships with all sectors in Burma while promoting our common interests and values for a peaceful, prosperous, democratic, and reconciled country. We owe it to the Burmese people, and to ourselves given our long-standing commitment to the country, to continue to support them as a remarkable moment of opportunity dawns.

I would like to acknowledge the tireless efforts of many in Congress who have remained committed to democratic reform, human rights, and the welfare of the Burmese people even when the prospects looked bleak. I encourage you to travel to Burma to see the reforms for yourselves, as I have done, and I look forward to working together to help the Burmese people inherit the future they deserve. I look forward to continued consultation and cooperation with you on these important issues.

I would like to acknowledge the tireless efforts of this Committee and Members of Congress to advance democratic reform, human rights, and the welfare of the Burmese people even when the prospects looked bleak. I look forward to continued consultation and cooperation with you on these important issues.

Thank you again, Mr. Chairman, for inviting me to testify today on our policy toward Burma. I am happy to answer any questions you may have.

Mr. CHABOT. Thank you very much.
Mr. Singh, you are recognized for 5 minutes.

STATEMENT OF MR. VIKRAM J. SINGH, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SOUTH AND SOUTHEAST ASIA, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR ASIAN AND PACIFIC SECURITY AFFAIRS, U.S. DEPARTMENT OF DEFENSE

Mr. SINGH. Thank you, Mr. Chairman, members of the subcommittee. I really want to thank you for inviting me to speak with you today about our engagement with Burma. And I will be summarizing my comments in an effort to stay under 5 minutes.

Congress has been instrumental in shaping U.S. policy with Burma, and the Department of Defense views Congress as a critical partner in developing and implementing a strategy for careful, calibrated reengagement with the military in Burma. The military in Burma remains critical to the ultimate success of reform efforts and a full transition to democracy.

We believe the Burmese military is positioned to continue supporting the government's reform program and is interested in taking steps to modernize, professionalize, and reform itself. At the same time, we are fully cognizant the military in Burma retains a prominent role in political and economic life, faces allegations of ongoing human rights abuses, and retains ties to North Korea. It is very clear that a meaningful and sustainable transition for this country and for its military will take many years.

Given this complex reality of the military's role in Burma, our policy supports two clear goals. First, encouraging the military to continue its support for reforms; and, second, enhancing the military's understanding of and ability to respect human rights and civilian authority and control.

The Department of State has worked closely with—the Department of Defense has worked closely with the Department of State to develop a limited and calibrated set of engagements with the Burmese military in support of these goals. The steps we are taking are in line with the recommendations of a range of Burmese stakeholders, including members of the opposition and ethnic groups, who urge us to carefully engage the Armed Forces to build their support for the reform agenda and to help the military itself modernize and transform.

So far, DoD's only interactions in the last 2 years have been limited diplomatic engagement, including, through the U.S.-Burma human rights dialogue, and pull-asides with Burmese counterparts at multilateral meetings. The resumption of accounting operations for U.S. personnel missing from World War II and unaccounted for in Burma.

Workshops and exchanges by the Asia-Pacific Center for Security Studies on rule of law, civil-military relations, and civilian control of the military. Supporting Thailand's request to have Burmese observers at COBRA GOLD to observe just the staff planning and humanitarian portions of that exercise. Initial exchanges by the Defense Institute of International Legal Studies to share views on human rights law and the law of armed conflict.

These interactions have been largely symbolic. They have not included any training or education. Under current restrictions, we cannot undertake training or education programs, such as DIILS courses on human rights and international humanitarian law. But our limited engagements we feel have begun to expose the military to international norms and behavior and to foster some new trust and understanding.

Mr. Chairman, and members of the subcommittee, the Department does not seek and is not recommending the full normalization of bilateral defense ties with Burma at this time. We are not suggesting the resumption of foreign military financing or full international military education and training, otherwise known as IMET.

Barring significant further progress, the engagement we seek will be limited and calibrated. Over the next year, we hope to continue the existing activities we have started and to expand DIILS's engagement, to include some formal training in human rights and other related areas for Burmese military officials.

We see value in engagement that would support institutional changes required to promote better civil military relations, increased transparency, and greater civilian oversight. We also recommend initiating steps to build Burma's capacity for disaster relief, to deal with things like Cyclone Nargis in 2008.

The Department looks forward to working with Congress to craft these engagements appropriately. All engagements we will do will fully adhere to relevant sanctions, policy restrictions, and vetting requirements. It is important to note that under current sanctions we lack any dedicated mechanism for this kind of reform-oriented engagement with the Burmese military.

The main tool for this kind of process is expanded IMET, which is a scaled and targeted subset of IMET that allows only education and training related to civilian control of the military, improving military justice in accordance with internationally recognized human rights, proper management of defense resources, and cooperation between the police and military for counternarcotics.

We look forward to working with Congress on some version of this kind of programming, so reform-focused engagement can be more transparent and regularized.

I know I am coming to the end of my time, Mr. Chairman. You mentioned examples of benchmarks we would want to see. Those are many of the same things that the administration looks for, humanitarian international—access for international humanitarian organizations, accountability in the Burmese military.

And given that I am coming to the end of my time, I also just want to acknowledge that I recognize there is considerable skepticism about what value this kind of military engagement might provide. We believe that this kind of engagement is part of our principled stance with regard to reform and supporting democracy and reform in Burma, and we know there can be no guarantee that our engagement will bring about the changes we seek.

But we do believe we have an opportunity to engage for the first time in decades with a military and government in Burma open to implementing reforms and accepting U.S. advice to that end. We believe we need to move forward with that opportunity in a careful

way, in close consultation with the Congress and our friends and allies who share these objectives.

Thank you, Mr. Chairman. I look forward to taking questions from you and the subcommittee.

[The prepared statement of Mr. Singh follows:]

EMBARGOED UNTIL DELIVERED

Statement of
Vikram Singh
Deputy Assistant Secretary for South and Southeast Asia
Asian and Pacific Security Affairs
U.S. Department of Defense

Before the

House Foreign Affairs Committee
Subcommittee on Asia and the Pacific

December 4, 2013

Oversight of U.S. Policy Toward Burma

Mr. Chairman and Members of the Subcommittee, thank you very much for inviting me here today to discuss our engagement with Burma. I welcome your interest in this issue. Congress has been instrumental in shaping U.S. policy over the years, and the Department of Defense views Congress as a valued partner in developing and implementing a strategy for re-engagement with the military in Burma.

As Senior Advisor Cefkin has outlined, the Government of Burma has made notable progress in pushing through significant political, economic, and social reforms over the past two years. We in the Department of Defense welcome the many steps the Government has taken and commend the progress made in this short period.

The military in Burma remains critical to the ultimate success of the reform efforts and a full transition to democracy. After decades of tight control of the country and the economy, the military arguably has had the most to lose from the transition to a more open and transparent government. The importance of the military's support of reforms so far should not be underestimated. At this time, we believe the military is positioned to continue supporting the government's reform program and is interested in taking steps to modernize, professionalize, and reform itself as well. At the same time, the Burmese military retains a prominent role in politics and the economy, continues to face allegations of human rights abuses, and

retains some ties to North Korea. It is clear that a meaningful and sustainable transition for the country and for its military will take many years.

Given the complex reality of the military's role, our policy supports two clear goals: encouraging the military to continue its support for reforms and enhancing the military's understanding of and ability to respect human rights and civilian authority and control. The Department of Defense has worked closely with the Department of State and other interagency partners to develop a limited and calibrated set of engagements with the Burmese military in support of these goals. The steps we are taking are in line with the recommendations of a range of Burmese stakeholders, including members of the opposition and ethnic groups, who urge us to engage the armed forces to build support for the reform agenda and help the military itself modernize and transform.

So far, DoD's only interactions with the Burmese military in the last two years have consisted of the following:

- **diplomatic engagement,** including participation in the first annual U.S.-Burma Human Rights Dialogue in Naypyidaw in October 2012 and pull-asides with Burmese counterparts at multilateral forums like the Association of Southeast Asian Nations (ASEAN) Defense Ministers' Meeting Plus Ministerial;
- the **resumption of accounting operations** for U.S. World War II personnel still unaccounted for in the country;
- **Asia Pacific Center for Security Studies-sponsored academic exchanges and workshops** focused on promoting civilian control of the military, rule of law, civil-military relations, understanding of international norms and the law of armed conflict, and the military role in humanitarian assistance and disaster relief;
- support for the Government of Thailand's proposal to include **Burmese observers in the 2013 COBRA GOLD** Exercise Observer Program, during which two officers observed staff planning and humanitarian portions of the greater COBRA GOLD Exercise; and
- **Defense Institute of International Legal Studies (DIILS)-sponsored introductory exchanges** with Burmese military leaders,

judge advocate officers, and professional development staff to share views on our approaches to human rights law and law of armed conflict.

These interactions have been largely symbolic. Under current restrictions, we cannot undertake any training or education programs such as DIILS courses on human rights and international humanitarian law. But our limited engagements have begun to expose the military to international norms of behavior and fostered new trust and understanding. This will help us gain influence with the Burmese military and encourage reform after decades of disengagement.

Mr. Chairman and Members of the Subcommittee, I want to be absolutely clear: the Department does not seek and is not recommending the full normalization of bilateral defense ties with Burma at this time. We are not suggesting the resumption of Foreign Military Financing (FMF) or full International Military Education and Training (IMET) programs now. Barring significant further progress by Burma in various areas of reform, the engagement we seek over the next year would be limited and calibrated to support reforms and help the Burmese military improve its accountability and transparency.

Specifically, we hope over the next year to continue existing activities we have started and to expand DIILS's engagement to include more formal human rights training for Burmese military officials. We also see value in engagement that would support the institutional changes required to promote better civil-military relations, increased transparency, and greater civilian oversight—through the Defense Institutional Reform Initiative, for example, which works to develop effective, accountable, professional and transparent defense establishments in partner countries.

We also recommend initiating steps to build Burma's capacity to provide humanitarian assistance and disaster relief to its population and better respond to catastrophic disasters like Cyclone Nargis in 2008. Initial outreach in this area could include programs such as disaster relief exercises and joint outreach programs like PACIFIC ANGEL or PACIFIC PARTNERSHIP. The Department looks forward to working with Congress to craft these engagements appropriately. All engagements would fully adhere to all relevant sanctions, policy restrictions, and vetting requirements.

It is important to note that under current sanctions we lack any dedicated mechanism for such reform-oriented engagement with the Burmese military. The tool for this kind of process is under expanded-IMET or "E-IMET," which is a scaled and targeted subset of IMET that allows only education and training related to civilian control of the military, improving military justice in accordance with internationally recognized human rights, proper management of defense resources, and cooperation between police and military for counternarcotics. We look forward to working with Congress on this kind of programming so our reform-focused engagement can be more transparent and regularized.

This administration has determined that any expansion of bilateral defense engagement will be contingent upon further progress by the Government of Burma in the areas of democratization, human rights, national reconciliation, and suspending all military ties to North Korea. Examples of steps and initiatives that would signal progress by the Burmese Government include full, open and regular humanitarian access for the United Nations and other non-governmental organizations to vulnerable populations in conflict areas across the country, greater transparency into military command structures and operations, the establishment of an independent internal review mechanism like an ombudsman, continued progress meeting commitment to prevent the use of child soldiers, and strong commitment to an enduring peace process. These examples are by no means exhaustive, and we will continue to work closely with colleagues across the interagency and members of civil society to evaluate progress in these and other areas.

Finally, I want to emphasize that this limited set of activities to reengage the Burmese military is something we look to do because it is in the national interest of the United States. Burma's progress is almost certain to be bumpy, with steps forward and backward. So we will be deliberate and flexible in our reengagement with the Burmese military. Should the reform effort in Burma head the wrong direction or the military stop making progress in the areas I've outlined, the Department of Defense can and will reassess our plan. The Departments of Defense and State both believe that our calibrated approach reinforces the steps the Burmese Government has already taken and recognizes the fragility of this process.

Mr. Chairman, members of the Subcommittee, I realize that there is considerable skepticism about whether increased engagement with the Burmese military will contribute to positive changes in the behavior and policies of the

Burmese military and Government of Burma as a whole. There is also much debate about exactly where the U.S. leverage lies and whether engagement might suggest that the U.S. Government has abandoned our principled stand on human rights, democracy, and other reforms. Quite to the contrary, our careful re-engagement reinforces the principled stance of the United States. There can be no guarantee that our engagement will bring about the changes we seek, but we have a unique opportunity for the first time in decades to work with a government and military in Burma open to implementing reforms and accepting U.S. advice, training, and assistance to that end. We should seize on this opportunity—and are being encouraged to do so by reformers within and outside the government, including former political prisoners and ethnic communities. If we do not engage now, we could undermine the very reformers we seek to support. Reform should offer the Burmese military an avenue towards becoming a modern, professional, and highly respected institution in Burma and internationally. We should be a part of that possible future by being a supportive partner now and only waver if the reform project suffers significant setbacks or the military fails to move forward with reform.

Burma's transformation is a learning process for the government in Naypyidaw, and also for us as we attempt to calibrate our engagement to support reform. After decades of self-imposed isolation, the Government of Burma is tackling a daunting list of challenges as it attempts to reform, and the military is facing an uncertain future. Some in the military may resist changes that affect their primacy and well-being. It is important that the United States be there—in a careful and calibrated way—to help the Burmese military make this transition effectively and envision a new role that adheres to international standards. Today the Burmese military is requesting support for this kind of transformation and we have a chance to help them understand international norms and standards through careful and calibrated military engagement.

Thank you, Mr. Chairman, for giving me the opportunity to testify before your committee today. I look forward to answering any questions you or your colleagues may have.

Mr. CHABOT. Thank you very much, Mr. Singh.
Mr. Beck, you are recognizing for 5 minutes.

STATEMENT OF MR. GREGORY BECK, DEPUTY ASSISTANT ADMINISTRATOR, BUREAU FOR ASIA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. BECK. Mr. Chairman, Ranking Member Bera, and distinguished members of the subcommittee, thank you for the opportunity to testify today on USAID's work in Burma.

I would like to first acknowledge the role that this committee and Congress have played in our engagement and our advocacy of human rights, democracy, national reconciliation, and economic reform. We believe the recent historic reforms can be sustained with continued targeted efforts that support the needs and aspirations of the people of Burma. However, we remain conscious of the fragile state of reforms and reconciliation taking place in the country.

Since the reopening of USAID's mission over a year ago, and under the strong leadership of Ambassador Mitchell, USAID's activities have been focused on supporting the U.S. Government's priority policy objectives in Burma. Specifically, they reinforce the four principles outlined in the U.S.-Burma Partnership for Democracy, Peace, and Prosperity, the principles of inclusivity, transparency, accountability, and local empowerment.

In the spirit of these principles, we are targeting our programming toward four key areas at this critical juncture in Burma's transition—democratic reform, national peace and reconciliation, economic reforms toward inclusive growth, and building healthy and resilient communities.

In partnership with the people of Burma, we are helping to build a foundation for a peaceful and sustained transition to democracy. Our assistance supports strengthening Burma's nascent democratic and political processes and institutions by promoting free and fair elections, supporting political party development, building the capacity of Parliament, and providing broad assistance to civil society.

As an example, a USAID program brought civil society and Parliament together for the first time to draft national legislation. The result of this historic collaboration was a new association law that is more in line with international standards and gives a greater voice and strength to civil society. This process was hailed by both civil society and members of Parliament as a model for the future.

Through direct engagement with the people, USAID is ensuring that Burma adopts legitimate and sustainable processes that enable the pursuit of national reconciliation. For instance, our Project for Local Empowerment is working in conflict-prone regions of Burma to create linkages between local border groups, communities, and government officials that promote trust and cooperation.

We have partnered with over 100 local organizations from human rights groups to humanitarian assistance providers to help them carry out their vision for Burma.

Looking forward, the continued development of the Burmese economy requires responsible foreign and domestic investments. Reforms to the country's legal system are needed to encourage investment that benefits the lives of the people of Burma, protects

their environment, and encourages a transparent land tenure system.

Towards these goals, we have assumed leadership of the donor coordination mechanism for agriculture, contributed significant input into the recently approved Farmer Rights Protection Act, and provided technical expertise on the developing land use policies.

We have also forged milestone public-private partnerships between American universities and companies, such as Cisco, Microsoft, and Hewlett-Packard, and provide leadership training, promote and encourage entrepreneurship, and assist small- to medium-sized businesses.

But for all of our gains to take root, a healthy, resilient population is necessary for sustained economic growth. Over the past few years, USAID has become a leader in the health sector in Burma, making significant contributions toward combatting child and maternal mortality, HIV/AIDS, malaria, and drug-resistant tuberculosis. By focusing in these areas, we are reaching people who were previously unable to access basic health care.

Beyond this, our multi-sector Shae Thot program works in over 1,000 villages, bringing clean drinking water to over 300,000 people. Additionally, over 38,000 people have improved access to health care, 12,000 farmers are using improved agriculture technologies, and over 6,000 community-based organizations and women's groups have received U.S. Government assistance to strengthen their ability to support their communities and to better engage with their governments.

Mr. Chairman, and members of the subcommittee, the USAID mission in Burma is well on its way to establishing a model mission that maximizes our investment by embracing partnerships and alliances in all that we do. Whether it be with the private sector, international organizations, academia, local groups, or civil society, the relationships and partnerships we forge will provide a catalytic platform for continued engagement to improve the lives of the people that live in Burma, and ensure a safer, more prosperous future for all.

I appreciate the opportunity to appear before you today, and I look forward to answering your questions.

[The prepared statement of Mr. Beck follows:]

Statement of Gregory Beck
Deputy Assistant Administrator, Bureau for Asia
U.S. Agency for International Development
House Committee on Foreign Affairs
Subcommittee on Asia and the Pacific

"Oversight of U.S. Policy Toward Burma"

December 4, 2013

Chairman Chabot, Ranking Member Faleomavaega and distinguished Members of the Subcommittee, thank you for the opportunity to testify before the Committee today about the work USAID is doing in Burma during this recent and remarkable period of political and economic reform. Before I begin, I would like to acknowledge the role that this Committee and Congress has played in our engagement with Burma and our advocacy of human rights, democracy, national reconciliation, and economic reform.

The Asia-Pacific has become the most dynamic and promising region for the United States in the 21st century. This promise is clearly apparent in Burma, where we have the opportunity to advance core American values: democracy, respect for human rights, rule of law, inclusive economic growth, and multilateral coordination and cooperation. A Burma that successfully transitions to a free and open society provides a powerful example to others, and it contributes to the security, stability, and economic dynamism of Asia and the United States.

A year ago, President Obama visited Burma, reopened the USAID Mission, and pledged $170 million dollars in development assistance for Fiscal Years 2012 and 2013 in support of the U.S.-Burma Partnership for Democracy, Peace and Prosperity. This has allowed the U.S. Government (USG) to leverage development resources to advance U.S. foreign policy goals. USAID's Bilateral Agreement with Burma, signed in June, provides the framework for key programs that will spur inclusive economic growth, including support for food and nutrition security, and agricultural sector reform. Today our Mission is fully staffed with 24 employees comprised of American and local staff who are poised to respond to the rapidly changing environment and provide oversight to the formulation and implementation of our development programs. We have seen substantive advances in freedom of the press, civil society engagement, and release of political prisoners, among others. We believe the recent historic reforms can be sustained with continued targeted efforts that support the needs and aspirations of the people of Burma; however, we remain vigilant to how fragile stability is, particularly within ethnic minority areas. USAID programs are working to address some fundamental challenges that remain, including promoting national peace and reconciliation, stemming violence targeted at minorities, and ensuring transparent and fair presidential elections.

Under the strong leadership of Ambassador Derek Mitchell, the USG has developed an integrated approach to Burma, and USAID activities support the overall USG Burma policy objectives. USAID activities are also designed to address the dynamic and transitional circumstances in Burma while also effectively advancing USG policy objectives. As such, activities can quickly be adapted to respond to changes in the working environment. We are

continually assessing our programs to nimbly respond to new opportunities, such as the potential for a national ceasefire and legitimate peace processes, the possibility of constitutional reform, and the prospect for a democratically elected government following the 2015 elections.

Consistent with the aspirations of the people of Burma, the U.S.-Burma Partnership for Democracy, Peace and Prosperity guides all U.S. assistance in the country. This framework affirms principles integral to democratic reform and the groundwork for a peaceful and prosperous future, which includes inclusivity, transparency, accountability, and local empowerment. These four principles, jointly agreed to by both the USG and the Government of Burma, are integrated into all of our programs in Burma. Whether through promoting democracy, aiding in national reconciliation, fostering economic opportunity, or building healthy, resilient communities, these four principles tie all of our programming to the common aim of building a democratic, peaceful, and prosperous Burma.

Mr. Chairman, I would like to take a moment to describe some of our current work in Burma in greater detail. While last year was one of historic policy shifts, this year the challenge has been about action—making sure the reforms are felt by everyday citizens.

1. Stronger Democratic Systems and Institutions

In partnership with the people of Burma, USAID is helping to lay the foundation for a peaceful, inclusive, and sustained transition to democracy. USAID's programming focuses on broadening civic participation in the evolving democracy in Burma and ensuring a more transparent process that reflects the will of the people. For example, USAID is facilitating dialogue between Burmese organizations and community leaders, and the Government of Burma to advance civil society-supported reforms. USAID assistance supports and strengthens Burma's nascent democratic and political processes and institutions by promoting free and fair elections, supporting political party development, building the capacity of the Parliament, and providing broad assistance to civil society.

USAID is providing technical assistance to support the Union Election Commission to conduct a full assessment of the electoral legal framework and designing a process that allows civil society to review and provide comments on draft versions of laws. As a part of this assistance, 19 Civil Society Organizations in Burma have received training on international standards for electoral law to assist civil society to engage the government in technical and substantive discussions on law reform. In an effort to support Burma's commitment to meet eligibility requirements for the Open Government Partnership by 2016, USAID, in cooperation with the British Government and Organization for Economic Cooperation and Development, hosted the first orientation workshop for Government of Burma officials in September of this year.

USAID programs are also working to hold the government accountable in the run-up to the 2015 elections by strengthening independent media and improving access to information. Since 2001, USAID has trained over 1,000 journalists, a fundamental key to strengthening Burma's emerging independent media. Additionally, as Senior Advisor for Burma Judith Cefkin mentioned, USAID, in consultation with several USG agencies has developed a rule of law initiative that

will help strengthen justice institutions, citizens' rights, government accountability, and democratic reform.

Although the Government of Burma still has progress to make, with the help of the international community, it is reaching significant milestones as it works to build strong, resilient democratic institutions. Notably, USAID facilitated the convening of members of civil society and Parliament to review the draft Association Registration law and develop language that was less restrictive and mutually agreeable to both parties. The new draft law more closely aligns with international standards and encourages an inclusive approach to the reform process. Parliament characterized the consultations with civil society "as a model for future legislative drafting."

2. National Reconciliation of Burma's Diverse People

Ethnic reconciliation is a critical issue facing Burma during this period of transition and reform. As part of the Embassy team, USAID is assisting Burma to adopt legitimate and sustainable processes which enable domestic stakeholders to pursue national reconciliation resulting in an inclusive, peaceful, and stable society. USAID activities increase communication among all parties through dialogue and improved cooperation which creates confidence in the process. We recognize that inter-communal violence and discrimination are critical threats to a strong foundation in Burma, so USAID activities are designed to build institutions, processes, and mechanisms that are responsive to Burma's diversity and support national reconciliation by strengthening civil society's ability to participate more fully in the reform process.

For almost a decade, USAID has been developing and implementing programs to empower and address the needs of the approximately one million people along the Thailand-Burma border. USAID's support for the communities on the border remains strong today. Currently, the USAID Project for Local Empowerment (PLE) is building the capacity of local groups inside Burma to create the foundations for a safe, voluntary, and dignified return. The PLE program is also creating linkages between local border groups, communities inside Burma, and government officials to promote trust and cooperation in post-conflict areas. For example, the PLE project is working with the Karen Human Rights Group to provide improved humanitarian protection for displaced persons through workshops that teach self-protection strategies and provide planned support for local participation in ceasefire monitoring.

USAID's Office of Transition Initiatives is funding multiple projects in Burma to promote and advance the cause of human rights. One such project funded a conference on the Thailand-Burma border focusing on strengthening the human rights advocacy of the Karenni. Through the participation of local citizens, government officials, political parties, and international donors, this conference increased access to information and expanded the capacity of marginalized youth to more fully participate in the democratic reform process. USAID is also advancing the cause of women's rights in Burma, supporting government-civil society collaboration towards the country's first ever Anti-Violence Against Women legislation.

In addition, USAID is a key provider of humanitarian assistance to conflict-affected communities in Burma, with valuable support coming from the Department of State's Bureau of Population, Refugees, and Migration (State/PRM). In Fiscal Year 2013, State/PRM and USAID provided emergency humanitarian assistance to internally displaced persons (IDPs) and host

community members in Kachin and Rakhine States. This emergency assistance included shelter, water, sanitation, and hygiene interventions; non-food items, such as hygiene kits, plastic sheeting, and water containers; and nutritional supplements for infants and young children to mitigate the effects of acute malnutrition. In addition, USAID contributed toward U.N. World Food Program Emergency Food Operations in Kachin, Rakhine, and Shan states, which included the local procurement of rice and legumes. State/PRM also provided life-saving humanitarian assistance to Burmese refugees and asylum seekers in neighboring countries throughout the region. In Fiscal Year 2014, USAID and State/PRM will continue to assess and respond to urgent humanitarian assistance needs in Burma and to those seeking refuge elsewhere in the region.

3. Economic Reforms that Foster Inclusive Growth and Opportunity

The sustainable, long-term development of Burma's economy requires both responsible foreign and domestic investment. Such reforms to Burma's legal system are also needed to encourage investments to benefit the lives of the people of Burma, protect the environment, and encourage a transparent land tenure system. USAID is providing assistance to the Government of Burma and civil society to support economic reforms and improvements in the commercial law framework that will encourage the growth of small and medium businesses, make it easier to do business, and create inclusive and broad based economic growth. By placing a technical advisor in the Ministry of Environmental Conservation and Forestry, USAID is helping develop a land use policy that is expected to be completed in early 2014.

With Congressional support, USAID plans to collaborate with both the Departments of Commerce and Treasury to strengthen Burma's investment framework and contribute to regional security. Our collaboration with the Department of Commerce will work with the Commercial Law Development Program to support the development of a commercial legal environment that encourages investment and competition, respects intellectual property rights, and ensures fair public procurement practices, particularly for small and medium-sized enterprises. At the same time, our collaboration with the Department of Treasury's Economic Crime Team will help ensure the safety of these financial flows by combating money laundering and terrorist financing.

Additionally, USAID is leveraging the expertise of American universities and the U.S. private sector to help build the capacity of higher education institutions in Burma to address pressing development needs. For example, the University of Washington, Johns Hopkins University, and Indiana University are working with companies such as Exxon, Hewlett Packard, and Microsoft in order to provide leadership training, promote and encourage entrepreneurship, and improve the success of small and medium enterprises through Information and Communication Technology (ICT) led programs. The partnership with Indiana University plans to establish an entrepreneurship center of excellence at the Yangon Institute of Economics in order to broaden and deepen the outreach capacities of the Institute to provide assistance to more students and potential entrepreneurs.

Today the Government of Burma faces important decisions about the future direction of agriculture. With its rich natural resources (especially its major river systems), growing domestic and international markets and strong interest from overseas investors, Burma's agricultural

potential is enormous. For example, a recent analysis by USAID has shown that ethnic coffee growers in Shan State are achieving coffee yields three to five times greater than coffee growers in Central America, demonstrating a clear opening for increased economic opportunity for minority populations.

At the same time, major challenges must be addressed to secure this future. Through USAID supported economic and agricultural sector analysis, we know poor households spend over 70 percent of their income on food and one-third of rural households borrow at some point during the year in order to purchase food. With such large expenditures on food alone, most families lack the resources for basic medical care or education. Low farm productivity is causing high rates of malnutrition and poverty among two-thirds of the population that is employed within the agriculture sector.

Smart investments in food and nutrition security can have significant development impact. For example, USAID's Farmer to Farmer program is designed to take advantage of economic opportunities by partnering U.S. farmers and other agricultural specialists with local communities and organizations to share U.S. expertise in coffee farming, horticulture, fisheries, and animal husbandry. To encourage these types of smart investments, USAID has assumed leadership of the donor coordination mechanism for agriculture. In this capacity, USAID is working with the Government of Burma, other donors, the private sector and civil society to pursue a comprehensive food and nutrition security approach for Burma. For example, we provided significant input into the recently approved Farmer Rights Protection Act, advising lawmakers to include issues such as crop choice, ministry coordination, and a focus on small holder farmers. USAID also supports Feed the Future, the U.S. Government's Global Hunger and Food Security Initiative, through activities in Burma that increase income, reduce hunger, poverty, and malnutrition, and promote inclusive economic growth—particularly for women and small holder farmers.

4. Resilient, Healthy Communities

USAID has quickly become a lead donor in the health sector in Burma. We are working to support four key health priorities: 1) Responding to the burden of tuberculosis; 2) Ending preventable child and maternal deaths; 3) Preventing the spread of HIV while supporting and caring for those living with HIV/AIDS; and, 4) Addressing drug-resistant malaria. To achieve these aims, we have enacted programs that implement behavioral change communication to reduce the risk and vulnerability to infectious diseases. USAID programs also improve supply chain management for effective delivery of life-saving drugs and equipment, provide evidence-based training to birth assistants, and strengthen lab capacity in Rangoon and Mandalay, further supporting these goals. These efforts not only reach the residents in the multiple states and regions within Burma, but also extend to internally displaced persons along the eastern border and to refugees in Thailand.

USAID's Shae Thot program works in over 1,100 villages to improve food security, maternal and child health, and water and sanitation. In just two years of work, the Shae Thot project's accomplishments are impressive. Over 331,000 people now have access to clean drinking water, over 38,000 people have improved access to health care, and more than 12,000 farmers are using

improved agriculture technologies. Additionally, 42,000 community members received financial literacy training, and over 6,000 Community Based Organizations and women's groups have received USG assistance. Shae Thot has now expanded to post-conflict areas of Kayah State, helping vulnerable communities meet their basic needs.

USAID's efforts to improve health and community resiliency in Burma are not only achieved through non-governmental organizations and foreign governments, but also through the private sector, by harnessing its capabilities and innovative spirit. In May 2013, USAID and Proctor and Gamble (P&G) signed a new multi-year public-private partnership aimed at providing clean drinking water, promoting better hygiene behaviors, and improving maternal and child health services. Through this partnership, USAID and P&G will also provide over 200 million liters of safe, clean drinking water using small P&G Purifier of Water packets to communities in Burma, preventing waterborne illnesses and reducing the number of deaths in vulnerable communities.

Closing

Mr. Chairman and Members of the Subcommittee, the USAID Mission in Burma is forging a new way of development and becoming a model mission that builds partnerships and alliances with the private sector, international organizations, academia, and local civil society organizations. USAID has a longstanding commitment to the people of Burma, and we are focused on ensuring that the historic changes happening in Burma become irreversible. The relationships and partnerships we are developing will provide a firm foundation for continued engagement, advocacy for human rights and democratic reform, and inclusive economic growth.

I appreciate the opportunity to appear before you today, and I look forward to answering your questions.

Mr. CHABOT. Thank you very much. We appreciate the testimony of the panel this afternoon and I will recognize myself for 5 minutes for the purpose of asking questions.

Last week, Aung San Suu Kyi gave a speech during her trip to Australia where she said,

> "Those of you who think that Burma has successfully taken the path to reform would be mistaken. If you want to know why you are mistaken, you only have to study the Burmese Constitution. If you read it carefully, you will understand why we can't have genuine democracy under such a Constitution."

Burma's Constitution has many severe flaws—no civilian control of the military, no independence of the judiciary, no protections and rights for minorities, 25 percent of the seats in Parliament are reserved for the military, and it bars Aung San Suu Kyi and others from becoming President. What is the administration doing to support the universal call for Aung San Suu Kyi and the people of Burma to advance constitutional reform before the 2015 elections? Ms. Cefkin, if you would like to take that.

Ms. CEFKIN. Certainly. We very much agree with the priority you attach to that issue. And, first of all, you may be aware that there is a process underway in the country. The Parliament has established a committee to review the current Constitution and to make recommendations as to changes/amendments that should be considered.

As you know, constitutional amendments can be a very challenging process in a number of countries, and in Burma it is no exception. It will require—first of all, changes will require a vote of 75 percent of the members of Parliament, and then many of the issues, probably most of the issues, will have to go national referendum.

We are engaged in the discussion, and we have made very clear our expectation that this has to be a priority, that Burma will not realize its full democratic potential until the Constitution is reformed. And the same issues you cited are issues that we regularly cite, the fact that it is absolutely critical, it will be critical that for the upcoming elections to be seen as credible that the country—the people of Burma are able to freely choose their leadership in free and fair elections.

Of course, it is up to the people of Burma to choose their leadership, but they should have the right to choose their leadership, the candidates that they feel best represent them. There are a number of other issues that are equally important, and a key one is the rights of minorities. That will be part of the discussion that we hope will be launched very soon as part of the political dialogue for a durable peace.

So that—of course there will be many aspects to that that, you know, will take time to determine what changes need to be made, but that is also a priority. And, as you mentioned, the civilian control of the military is another priority.

So we, you know, have made clear our position, our expectations, our hopes for the country, and we are certainly willing to provide them technical assistance, if it is helpful to them as they undergo this very important challenge.

Mr. CHABOT. Let me also ask, what are the implications of statements from the administration saying whatever reforms Burma achieves by the end of this year are the only reforms we are likely to see in Burma until the 2015 elections, because its government will be so focused on chairing ASEAN next year. Is the administration really willing to accept such lack of progress?

Ms. CEFKIN. No, not at all. That is not anything that we would subscribe to. We do recognize there will be challenges, that the government is very focused increasingly on its ASEAN responsibilities, but that does not mean we will in any way flag in our—continuing our dialogue and our encouragement and pressure to them to move forward on the reforms.

Mr. CHABOT. All right. Thank you.

Mr. Singh, I have only about a minute, so let me get quickly to a question. According to the U.S. State Department's 2011 report to Congress on military and intelligence aid to Burma, Burma's primary foreign suppliers of weapons and military-related technologies were state-controlled arms companies from China, North Korea, Russia, and Belarus. There is little doubt North Korean companies are still supporting Burma's efforts to build and operate military-related production facilities. Although Burma signed the IAEA additional protocol on September 17, 2013, there is still no clear evidence that Burma has halted its military relationship with North Korea. A relationship between Burma and North Korea has been, and continues to be, entirely unacceptable. Does Burma intend to completely sever ties with North Korea or not?

Mr. SINGH. Thank you, Mr. Chairman. The Burmese Government has decided to end the military relationship with North Korea. We believe that is the direction they are going. We do not believe that that is complete, and I would be very happy to discuss in more detail what we think to be true about this in a classified setting.

We see of primary importance to us and actually many of our allies and partners the full severing of Burma's ties to the DPRK as really critical to advancing beyond anything other than this initial reengagement we have been talking about.

Mr. CHABOT. I would certainly agree that is critical. My time has expired.

The gentleman from California, Mr. Bera, is recognized for 5 minutes.

Mr. BERA. All right. Thank you, Chairman Chabot.

Let me direct my first question to Mr. Singh. Obviously, Burma sits at a very critical juncture between China—between an emerging relationship with India and offers some critical access to trade routes, and so forth. But from a military perspective, it certainly sits at a critical juncture.

It does look like India is increasing some of its military sales to Burma, as well as, you know, offering assistance, and so forth, at a similar time that China obviously is providing a lot as well. How do you see this playing out in terms of vis-à-vis some of the relationships between India and China as well? Just from your perspective. And then the U.S.'s role.

Mr. SINGH. Thank you, Congressman Bera. I think I should—I need to just very briefly say hello to you from my mother-in-law and father-in-law, who are your constituents——

Mr. BERA. Great. Thank you.

Mr. SINGH [continuing]. In California, Dr. and Mrs. Baumer.

We really welcome the engagement of India with Burma. You know, India and the United States have long had very similar aspirations and goals for Burma, though we have often had very different policy approaches to it. We believe that overall India's reengagement with Burma on a whole host of issues will be positive.

I would say that we will probably have disagreements about specifics about what that looks like, so, for example, moves into arms sales and other things will be things that we might be concerned about. That said, I think it is incredibly important for Burma to start interacting with militaries other than those that have been their traditional partners and suppliers, and with governments that have been other than their traditional partners.

So we welcome that development. We believe China will try to maintain a relationship with Burma, and Burma is finding itself having for the first time in many years to actually figure out where it wants to place its bets, where it wants to put its cards, who it wants to deal with. We would like to shape the kinds of choices that Burma makes through how we go through this delicate process of reengagement with supporting reform at the center of what we—of how we approach things.

Mr. BERA. Great.

Let me ask, Ms. Cefkin, with elections coming up—and the chairman touched on what—you know, how we shape free and fair elections—what would you define in 2015 as being a fair election in Burma, if we were to look for some standards that we would want to shoot for?

Ms. CEFKIN. Yes. And let me also mention, and my colleague Greg Beck may want to elaborate, but part of our assistance actually is also working with the Election Commission in Burma to help approve its efficiency and ability to monitor and to help implement free and fair elections.

We would want to see the ability of all Burmese citizens, obviously, to go to the polls, to register, to vote freely, and, evidence that there is, no fraud or very limited fraud in the conduct of elections, that the campaign was conducted in a free and transparent manner, absent intimidation, that candidates are able to access areas that they represent, and that the citizens of the areas they represent are able to get to the polls.

I think, you know, a lot will depend of course on what changes they decide to advance as far as there has been discussion in the country, do they want to keep the current electoral system, or do they want to go to a proportional system? You know, those kinds of issues are issues for the people to decide. But in accordance with whatever system they do choose, ultimately that everybody is freely allowed to participate.

That is a very broad, general answer to your question.

Mr. BERA. Okay. Mr. Beck?

Mr. BECK. I might add that we do have as part of our rule of law project, we are working with the Union Election Commission, helping to enhance their systems and processes, also to enhance to polling stations, working with civil society to build out on voter education, and also to work as monitors during the elections.

Mr. BERA. Right. In my last 30 seconds, one thing we have talked about on this committee and in the full committee has been one of the core pillars of democracy is within the rule of law property right clause. Could you just briefly touch on, you know, any one of you, what property rights in Burma look like today?

Ms. CEFKIN. That is actually a problem, and a problem that needs to be addressed. We do know that there are senior officials in the government that are grappling with it. My understanding is currently there are not really clear property rights in the country, and the problem of land seizures, land grabs, is a big problem.

But we have heard, and certainly this will very much be tied to our development work in agriculture, that there needs to be clarity and there needs to be reform to provide for clear land rights.

Mr. BERA. Great. Thank you.

Mr. CHABOT. The gentleman's time has expired. I would just note that the witnesses can definitely score points with the panels if they can send greetings from their parents. That definitely is a good move.

The gentleman from Pennsylvania, Mr. Perry, is recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman. I am particularly concerned or interested in the U.S. policy toward Burma. Some of the things I understand it seems like we are relaxing policy a little bit as a way of I guess turning the page. And I see where, at least as it describes in the document that I am looking at, you know, democratically elected civilian government, human rights, and those type of things, especially to ethnic minorities, but it doesn't mention our policy regarding nuclear ambitions.

And if you could, Ms.—I am sorry, Ms. Cefkin, if you can elaborate on that, I would appreciate it.

Ms. CEFKIN. Well, that is—very much remains a very key policy priority area for us. As my colleague Vikram Singh said, we have seen positive steps that have been taken by the government to cut off the trade, the arms trade, with North Korea. But we have not yet—we cannot yet say that that has been completely implemented.

As far as nuclear goes, I think at this point we could certainly, you know, arrange to come back in another setting to discuss in more detail. But the nuclear bit is less the concern than other systems I think at this point.

Mr. PERRY. Okay. So do we have—is their relationship with North Korea, is that a showstopper for the United States?

Ms. CEFKIN. Well, first of all, it is part of their international obligation to adhere to U.N. Security Council resolutions. So——

Mr. PERRY. But we have seen those kind of things erode in the past in other negotiations with other nations where we say "no further than this, unless you want to talk about it." So——

Ms. CEFKIN. Right.

Mr. PERRY [continuing]. What is our position?

Ms. CEFKIN. Certainly, there are many things that we will not be able to do to engage them on absent their full compliance on that issue. And on the issue of military, that is very much true, that we cannot foresee a full normalization absent their having fully complied on that need.

Mr. PERRY. Okay. So under human rights abuses, particularly with the ethnic minorities, the Christians, the Muslims, et cetera, and the military involvement in that, while I understand the increased dialogue, so to speak, as opposed to—you know, the stick as opposed to the carrot, so to speak—I mean, do we trust these folks enough to do that under dialogue as opposed to the boot? I hate to put it that way, but, you know. And do we have quantitative benchmarks, including a timeline, for their compliance with any of those things?

Ms. CEFKIN. Let me start to answer, and I will turn to Vikram perhaps to add a bit more. I guess one thing to keep in mind is that they have been very, very isolated. They have not had exposure to Western ways of thinking of operating. So we do think that their exposure to our military, to see firsthand and to be offered that alternative vision for how militaries operate in a democratic framework will—has the potential to help move them away from their current patterns of behavior.

We can't be absolutely sure that it will succeed. But if we don't try, we can be quite sure that it won't succeed. So we do have obviously a number of changes that we are looking for from them before we would be able to move forward, and these include, obviously, respect for human rights, setting up systems such as ombudsman, inspector generals, mechanisms that would allow to address human rights when they do take place.

We obviously need them to be in support of the reform process, in support of the peace process, to stop use of child soldiers, to—we have talked about North Korea, stop dealings with North Korea, and to develop more transparent systems, budgeting, personnel, and the big difficult issues, tackle the big difficult issues of their role in politics and the economy.

There are a number of issues out there. We do feel that certain issues may be easier to tackle than others, and we do want to retain some flexibility going forward as how we sort of leverage, you know, our requests and what we are able to provide in exchange.

Mr. PERRY. Okay. Thank you. I see my time is about to expire. I am interested in pursuing a further discussion on the previous questions under the appropriate setting.

Mr. Chairman, thank you. I yield back.

Mr. CHABOT. Thank you very much. The gentleman's time has expired.

The gentleman from New York, Mr. Crowley, is recognized for 5 minutes.

Mr. CROWLEY. Thank you, Mr. Chairman. I also want to express I feel—it is a homecoming for me. I served for 12 years on this committee, and I am getting my legs back. It is great to be back here. Thanks again to all of you for participating today.

As you can tell by my opening statement, I am a bit skeptical about the advances that have been made, both on the ground in Burma and our interaction with the junta, the Burmese regime.

Mr. Singh, particularly, do you have plans to proceed to full IMET? I ask this because originally the State Department told us that our involvement would be limited to the DIILS program before it proceeded to IMET. Now, however, I believe you are seeking EIMET funding, which subsequently could change. I can only as-

sume you will be quickly changing to full IMET request. Is that correct? And under what conditions would you consider IMET training?

Mr. SINGH. Thank you, Congressman. We are not seeking full IMET, and we would not seek full IMET. I will——

Mr. CROWLEY. Are you seeking EIMET?

Mr. SINGH. I will defer to my State Department colleagues—this is a Title 22 authority, not a Title 10 authority, for specific details. But EIMET exists simply as a subset of IMET, but some form of IMET authorization is required to have EIMET or anything—you know, anything like that.

What I would like—what I believe is necessary is the ability to engage in some limited amounts of training and education narrowly targeted that are things that are like what we have in other settings used EIMET for. We are not particularly determined to pursue one specific way of doing that. What we would like to do is work with Congress on what the most—you know, most appropriate way would be to ensure that we have clear authority, and that there is transparency, and that there is accountability.

And so that would be one way that that has been—that we have done these sorts of activities, limited scope activities in the past. I would like to assure you that we do not see any danger. There is no one in this administration that is interested in moving down some slippery slope toward fully resuming IMET FMF and fully normalizing ties.

Constitutional reform is out there, elections are out there. There are years between here and there, but we——

Mr. CROWLEY. Well, I appreciate that.

Mr. SINGH [continuing]. Do need to have an ability to engage and talk and help a path.

Mr. CROWLEY. Thank you. Appreciate it. The time is very sensitive. Given the seriousness of the human rights situation in Burma, have you developed genuine benchmarks beyond broad ideas which we are talking about? We are talking about the broad idea of the Constitution.

I know that this a workable Constitution for nascent democracy. You are being very generous, Mr. Beck. I appreciate that. It is very nascent. Can you tell me what—if there are benchmarks, what they are? I ask this because the training of the Burmese military, even if it is on a limited basis, is a huge win public relations-wise for the Burmese military and for the junta.

Mr. SINGH. Thank you again, Congressman. I agree with you that there is a—you know, this is—it is complicated to do this kind of reengagement, and you don't want to inadvertently send the wrong kind of signals.

We believe that the kind of progress we are looking for would be through—to be more specific than these general terms, you know, full, open, regular, humanitarian access for U.N. and other nongovernmental organizations to vulnerable populations in conflicts area, transparency into military command structures and operations and how they work, some kind of independent internal review mechanism for accountability and military justice, so, you know, like an ombudsman, like what—we use inspectors general, those kinds of—something along those lines.

Process to meet the commitment where they have made some progress—they have made progress, but process—progress meeting the commitment to end the use of child soldiers, an enduring commitment to the peace process. What we don't have is sort of we do specifically this and then we expect specifically that. What we are doing is trying to have a very calibrated set of initial engagements, be able to talk about these things, and then be able to evaluate in a—you know, in a robust way what process has been made and whether additional steps should be taken.

Mr. CROWLEY. Mr. Chairman, I appreciate the earnestness of Mr. Singh and all giving testimony today. I have many, many more questions. My time is running out. I personally don't believe that the Burmese military needs to be trained to stop killing and raping and stealing lands from people within their own country.

I do hope that if anything comes from the intersection of both our military and theirs is that they do stop those things, because that is what is happening in that country today, particularly in the Kachin region and, as was laid out earlier by my colleagues, in the Muslim states as well. Some outrageous and terrible and horrible things are taking place in our country.

I have visited Burma, and I have a profound respect for the people in the country, certainly for Daw Aung San Suu Kyi and those who every day sacrifice so much to bring democracy to the country. But I am concerned that our mil to mil is moving too quickly, because they feed off of this prestige. And I want us to not only visually but also in reality slow this down. I think it is important to get the reforms that we want, democratic reforms, constitutional reforms, to allow Daw Suu Kyi and others to run for office, because the Constitution will not be changed if left to the military device.

They control 25 percent of the Parliament. They are in control of the constitutional changes, not the people of Burma.

So, Mr. Chairman, thank you for this opportunity.

Mr. CHABOT. Thank you. The gentleman's time has expired.

The gentleman from California, Mr. Rohrabacher, is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. Let me get straight where we are at, then, with Burma. Are we planning to have a relationship with the Burmese military in which we are providing them with certain weapons systems? No weapons?

Mr. SINGH. No.

Mr. ROHRABACHER. What are we going to be providing them? We want to have transparency, we want to be—accountability and everything. Are we going to give them anything in exchange for this reform?

Mr. SINGH. Congressman, all we are talking about at this point would be continuing the initial engagements which have been conversations about things like civilian control of the military and the importance of that for a modern military, the rule of law, accountability, how we approach these things and how they approach these things——

Mr. ROHRABACHER. So we are asking——

Mr. SINGH [continuing]. We would be looking to move into——

Mr. ROHRABACHER. We are asking them good conversation.

Mr. SINGH. Well, that is all we can do right now, sir, is have conversation. We are not able to even do training. What we would like to be able to do is actually do some training where our experts, like Captain Sanders here, who is the Director of the Defense Institute for International Legal Studies and is sitting behind me, where they could offer training, how does a modern military deal with something like——

Mr. ROHRABACHER. So is there anyone—any of you three that are suggesting that the Burmese military is not now conducting operations against the ethnic tribal people? Have they ceased? Are you trying to tell us that they have ceased in these operations?

Ms. CEFKIN. Congressman, if I may, no, we would not—we would not dispute what you are saying.

Mr. ROHRABACHER. All right.

Ms. CEFKIN. But just to underscore the point that we are not talking about anything that in any way enhances their tactical warfighting ability.

Mr. ROHRABACHER. Well, that is good. I am glad to hear that, because that is being more—that is being realistic. I don't think good conversation accounts for anything, especially—in fact, good conversation with people who are in the process of conducting military operations that cause a great number of innocent civilians to die among the tribal populations, good conversation with those people might be seen as a sign of weakness and not of strength.

Again, we should recognize that there has been progress. It seems to me that we are talking about only progress among the Burman population. And let us remember, Aung San Suu Kyi's father was the President, was he not, and he was murdered by, what, his guards—correct me if I am wrong—when he demanded—when he led the effort to make sure that the Karens, and the Karenees, and the Shan, and the rest of those tribal people weren't going to be able to run their own schools in their own language.

I mean, it seems to me—I hope that we can—and I would—I am sorry that our friends from the Parliament had to leave—there won't be—there will not be peace in Burma, for the Burmans or anyone else, until compromises are reached with living with those tribal people, and this is a 1,000-year-old situation.

I am glad to see that our administration is dedicated to playing a positive role. Even conversation with a great emphasis is a positive role, as long as we don't ignore those violations that are going on.

About Korea, however, I am not quite understanding—they have not ceased their relationship with North Korea?

Mr. SINGH. We believe they have taken steps, but we believe—to end the military-to-military ties. They have a lot of contracts and supplies from North Korea that have been—that they have had over the years. We believe they have decided to end that, but we do not believe they have completed severing that entirely. So——

Mr. ROHRABACHER. Okay. So——

Mr. SINGH [continuing]. And we are watching closely, and we are very happy to discuss this in a classified setting.

Mr. ROHRABACHER. All right. They have given us some good conversation on how they are changing their conversation with Korea.

Of course, maybe their relationship with North Korea goes beyond conversation, which what we are really concerned about.

Well, has there been any—would you—Burma used to be infamous—I have got 30 seconds left—infamous for the drug trade that was coming out of some of the tribal areas in fact, as we know. Has there been any progress in that front?

Ms. CEFKIN. That is still a very big problem. They are still the world's second largest producer of opium poppy. I was in Burma at the beginning of November. I went to Karen State. I heard there some really very disturbing reports about the incidence of drug use among use, methamphetamines coming from the north. So it is a big problem.

We would like—we have done some limited counternarcotics work with the Burmese. We are helping to finance an opium yield survey, and we would like to expand that.

Mr. ROHRABACHER. All right. Well, the second most heroin-producing state is Burma, and I guess the most drug-producing would be Afghanistan. And I guess we have very little influence over there, don't we?

Thank you.

Mr. CHABOT. The gentleman's time has expired.

The gentleman from the Commonwealth of Virginia, Mr. Connolly, is recognized for 5 minutes.

Mr. CONNOLLY. I thank the chair, and welcome to our panel. Forgive me, I am running back and forth, but we have two subcommittee hearings at the same time. I belong to two committees. I believe no human problem or endeavor cannot substantially be improved with another hearing.

Can you talk just a little bit, Mr. Singh, and maybe Ms. Cefkin, about the nature of what seems to be the spreading violence between Buddhists and Muslims in Burma. What is the source of it?

Ms. CEFKIN. Yes, Congressman, it is a historical problem. It has existed—there is based on deep-seated prejudices. There have been waves of violence throughout history in the country, and these latest outbreaks in the past year have been very disturbing.

We very much see this as rooted in popular suspicion and prejudices. And we think with the greater openings some of the authoritarian structures that were in place before were bad, but one thing they did do is tamp down some of these sorts of incidents. And now I think there is—people are searching for what their identity is, and unfortunately it has given rise to bigotry, you know, among certain segments of the population.

But that I don't think represents Burma. I think that there are voices for moderation there, but they have not been sufficiently heard. One thing we are doing is working with civil society to help them—give them more voice to speak up to counter this very xenophobic rhetoric, and we are working very closely with international humanitarian organizations to address the immediate humanitarian needs.

We are working to try to build trust and confidence-building measures between the communities. And with regard to Rakhine State and the plight of the Rohingya specifically, we are pressing the government to move forward expeditiously to create a path to citizenship because we think that once that is established it will

take away some of the underlying root cause that has given rise to the vulnerability of that group of population.

Mr. CONNOLLY. I am glad you brought up the Rohingya, because Aung Sun Suu Kyi's spokesperson recently said that she had little interest in supporting the Rohingya's claims for rights and citizenship. That seems a surprising statement from a Nobel Laureate who was, and is, remains a real symbol of—you know, for democracy and freedom in Burma.

Can you elaborate on our read of that statement?

Ms. CEFKIN. Congressman, I think it does go back to the point I made about there being deep-seated society suspicions and lack of fully embracing the diversity of the country and the strength that that diversity can bring.

And I think, you know, obviously in our conversations with all leaders, both in the government and the opposition, you know, we do urge them to speak up in defense of those rights, those human rights.

Mr. CONNOLLY. The New York Times recently had a story about a Buddhist monk, Ashin Wirathu, and the 969 Movement. And is it our view that the rather inflammatory sermons this Buddhist monk is recording and sharing are in fact incitement for more violence against non-Buddhists?

Ms. CEFKIN. There is that risk. And I think that we have seen incidences where that kind of rhetoric has helped to instigate violence. I do think that we have seen signs more recently that the government is more seized with the importance of tamping down this kind of rhetoric.

In my visit to Karen State, I had the opportunity to meet with religious leaders, including a prominent monk, a prominent imam, and they both told me that in the past months they had formed an interfaith council, that they met regularly, that in any instances of any perceived provocations the government was very quick to call this council to meet.

And it seemed that, at least in that one instance, the situation had improved, and I think that sort of effort has—is taking place in many parts of the country, though it is still not yet sufficient to address the problem.

Mr. CONNOLLY. Do we sense—yes, Mr.——

Mr. BECK. Congressman, I just wanted to add also we are working with youth to build their awareness of the core issue, and using social media, which they are increasingly accessing. So we are working through Facebook and other social media outlets to develop early warning systems, educate to bring people together, especially young people, young leaders, to begin addressing this issue, and to be able—when it becomes inflamed again, to address it and to initiate an early warning system.

So the early warning system is working with faith-based organizations or with other civil society organizations and also working with the President's office. It is becoming increasingly aware and building their capacity also to step in at the early moment.

Mr. CONNOLLY. Is there sufficient appreciation within the government that this violence, left unchecked, could significantly retard the ability of Burma, Myanmar, to reemerge in the family of nations.

Ms. CEFKIN. I do believe there is recognition. Our Ambassador, Derek Mitchell, has been very prominent leading diplomatic efforts in the country. He meets regularly with other international partners to review the situation, discuss what should be done. He recently led a mission to Rakhine State, along with two key Burmese ministers, to get a better handle on the situation, where the problems are, where there are some signs of progress.

I should mention also the State Department has—our Conflict Stabilization Office also has an officer based at the Embassy in Rangoon who is dedicated to this issue.

Mr. CHABOT. The gentleman's time has expired.

Mr. CONNOLLY. I thank the chair, and I thank the panel.

Mr. CHABOT. Thank you.

The gentleman from Arizona, Mr. Franks, is recognized for 5 minutes.

Mr. FRANKS. Well, thank you, Mr. Chairman. And I appreciate you, again, for holding this important hearing, and thank you all for being here.

Among the many challenges that some of us are concerned about, and probably one of the most significant concerns I have, is the Burmese military's continued use of rape as a weapon of war and the recruitment of child soldiers. Despite a 2002 through 2012 U.N. action plan to halt Burma's recruitment of child soldiers, this has continued.

A little over a month ago, our office received yet another report that Burma army soldiers attacked predominantly Christian Kachin villages where they brutally gang raped two young girls. And these are, of course, just a couple of very well-documented patterns of sexual violence by the Burmese army.

And Human Rights Watch has also closely documented how the Burmese military's recruitment and use of child soldiers continues. So I guess I have sort of a series of three main questions, and I will direct them to you, Mr. Singh, if that is all right.

First, how does DoD justify engagement with a military that has a long recent record of committing these what should be called crimes against humanity?

And, second, considering the Burmese military's history of failing to meet its requirements, what reassurances were given to the U.S. that the Burmese military will disband its child soldiers and use of rape as a weapon of war?

And, finally, has the Obama administration implemented any strategies to effectively measure policies intended to decrease the number of child soldiers and the use of rape as a weapon of war?

Mr. SINGH. Thank you, Congressman. I greatly appreciate your interest and your raising of what are among the most fundamental issues that face us and that face all of us as we think about what our policy toward Burma should be and how it should proceed.

There is no doubt that the Burmese military has a long history of substantial abuses, and that human rights abuses continue, including the kinds that you have mentioned, the most disturbing kinds. We absolutely do not believe that it is time now for any kind of comprehensive reengagement beyond the areas that we think will help this military move toward reform.

We do not believe that the military will stop being an important factor in Burmese society. We do believe it needs to find a way out of being in the political and economic life, and it needs to find a way to transform itself into a responsible, credible, accountable institution that will start protecting its people instead of persecuting and threatening its people.

And it is our considered view that very limited, calibrated, engagement is actually better than non-engagement, with a clear sense that normalization would require a lot of things to happen, some of which I mentioned in earlier question and answer and in my earlier testimony.

I would like to turn to——

Mr. FRANKS. Before you shift, but would those engagements consider implementing strategies to effectively measure policies that were intended to decrease the number of child soldiers and the use of rape as a weapon of war?

Mr. SINGH. That would be—actually, I think I will turn to Judith for precisely that piece, about how we and the State Department together are looking at that exact issue.

Ms. CEFKIN. Very much. That is very much, yeah, at the forefront, one of the conditions that are looking at. I will tell you possibly some glimmers of hope, that the government has signed up to a U.N. Action Plan to cease the use of child soldiers.

Under that plan, there has been some limited progress of releases of child soldiers, and one of the sticking points has been allowing international access to military facilities to be able to verify whether or not there are child soldiers. That has been somewhat stalled, but just recently there was some limited progress of allowing international observers into some facilities.

Possibly one thing worth mentioning, it is not only the Burmese military, but also some of the armed ethnic groups that have also been guilty on child soldiers, so that is another problem that needs to be tackled.

Mr. SINGH. The only thing I would add to that, and USAID has programming that is also aimed at helping with this issue—and Greg might want to speak to it—but I want to also add that the government in Burma has taken a very strong stance, saying that they are going to address this problem. And then we want to help them live up to that commitment.

They are going to address the problem of violence. They are going to address the problem of child soldiers.

Mr. FRANKS. Well, Mr. Chairman, I would just hope that these things could be kept in mind because, you know, America's perspective if it is not clearly elucidated in these areas, then we really—you have got to wonder why we are doing any of this.

Mr. CHABOT. I thank the gentleman. His time has expired.

The gentleman from Georgia, Mr. Collins, is recognized for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman. I want to—we are just going to continue down this line. I think it is a line worth continuing. And you had—basically, the comment was just made, and one of the things I want to go back and frame just a little bit, I have listened in part of this, and I have been, like Mr. Collins, bouncing with a couple of other subcommittees.

But one of the things that I have heard since I have been here, and also reading through testimony before, was—is we are engaging them. We are doing these things. It might be just a basic question, maybe it is just too basic, but what is their willingness to actually be engaged? And I think that is maybe a base question we need to ask here. Anybody want to try that one?

Mr. SINGH. If we are focusing on military to military, I will certainly—I can certainly start with that.

Mr. COLLINS. Try that. And then we will go to this——

Mr. SINGH. More broadly. So actually, you know, this is a very interesting moment. I mean, honestly, with many countries the kind of programming that I am talking about, starting some initial engagements and some initial trainings on things like the rule of law, human rights, and other things, those are often not very welcomed.

And I would say, having joined the State Department for the first human rights dialogue in Burma a year ago or so, I was really surprised by the interest and almost enthusiasm about understanding what it is the United States is wanting to talk to them about in these areas.

There are certainly going to be Burmese military officers who don't want to reform and will cease a lot to lose. But we believe there will be those Burmese military officers and leaders who want to reform and see a path toward being a respected institution. And right now, there is an eagerness, a welcoming of this kind of engagement, and we believe that is an opportunity we should take advantage of.

Mr. COLLINS. And before we—is that an eagerness on a lower—being in the military, is it—I mean, is this a lower officer level, or a leadership level? Really, where was the engagement there?

Mr. SINGH. I would say it has been both. We probably engaged more with some leadership, but the fact is this is an institution we hardly know. We have had no engagement for so long that we are in early days. And so leadership and sort of that middle and upper tier, we are definitely seeing indications that there is an interest in this kind of engagement, and we should—we believe we should see where it goes, but be—you know, one thing I would stress is be able to calibrate. We can do a little more, but if things don't go right we can do a little less.

Mr. COLLINS. Okay. Well, if we—or go ahead.

Ms. CEFKIN. Certainly. No, I just—I was also going to make the point that the human rights dialogue was actually quite successful in terms of the candor of the discussion, including with the military. And we do sense, as Vikram Singh said, that there is certainly some quarters that are very receptive to the messages we have.

I think it may be worth noting that those—many of those in the government leading the reforms currently are former military officers. So it seems to indicate that even before there were some beginning to think about the need to do things differently. And I think, you know, we shouldn't underestimate their desire for international respect, which some realize requires a completely different mode of operation and behavior.

Mr. COLLINS. Well, and I think the other thing here is we are dealing with a country that has had to deal—or has worked, you know, through many situations which are outside what I will call international norms, international—you know, of standing within the community. They may see it, but they see it from a different perspective than we do, as far as, how do you live among an international community, and what are those standards? Because of the violence, because of the drug trades, everything, and also just a part of the world that is very difficult.

That is the concern that I have, and it is not to belabor this point, and I think what you—the only concern that I have in what I have heard is laying out—because undoubtedly if there is some interest to talk about these things—and, again, we can get into several that my friend from Arizona and others talked about—is having more tangible, as it gets to that point, benchmarks to say, "If we come to here, then we can offer this."

And as we go forward—and I think that is because it did say when they joined the U.N. plan on this—you know, child soldiers is—I think your comment was is that, you know, limited progress, but yet what you said was is they really didn't get on to verify.

So my concern will be how we define "limited progress." Does that mean we have got to go to the gate and look through the gate? Or do they actually let somebody in unfiltered? So, again, I appreciate your work there. This is not an easy part of the world. I am not saying there is an easy solution.

And, really, that willingness to communicate sometimes is more—at this stage, may be more than what we can hope for. But I am sure we will do this, and, Mr. Chairman, I know you have been diligent in this category and will continue to look at this part of the world.

Thank you very much for being here.

Mr. CHABOT. Thank you very much. The gentleman's time has expired.

We are going to have votes here in just a minute, so I just have a couple more questions and then we will wrap it up.

This summer, during a trip to Europe, President Thein Sein promised to release all political prisoners by the end of the year. Subsequently, some—but not all—political prisoners have been conditionally released. At the same time, there has been a significant rise in political prisoners in the months following President Thein Sein's pledge. More than 200 activists are now currently facing trial under old restrictive laws in the new Peaceful Assembly Act. In addition, more than 1,000 Rohingya have been unlawfully detained since mid-2012, and subjected to cruel and degrading treatment, in many instances. Well over 500 farmers face trespassing charges for their "plowing protests" over government confiscation of their land.

Given that the release of political prisoners was a key factor in the decision to suspend sanctions against Burma, and increase our economic relationship with the Burmese Government, what changes, if any, will the administration make to address this troubling trend and double-talk by the Burmese Government? Ms. Cefkin?

Ms. CEFKIN. Yes, Mr. Chairman. Let me just make a few brief comments, and I think my colleague, Greg Beck, may be able to add more. But you really hit the nail on the head when you talked about the arrests being made under old deficient laws.

Fortunately, there is a recognition that those laws are deficient. There is an effort underway by Parliament to amend these laws to change—revise these laws, and we have some indications that there is progress being made on the assembly law that is the cause or the basis for many of the arrests you just cited.

Mr. Beck already mentioned success that our USAID mission was very instrumental in facilitating, working toward a much better assembly law. So those are a couple of points.

One other point I would make briefly is that one of the things the government has done is established a mechanism, a committee that is reviewing those currently incarcerated to determine which are prisoners of conscience, and that committee does include former political prisoners on the committee.

We think it is a good mechanism, we think it is making progress, and we want to see it continue to operate and make progress.

Mr. CHABOT. Thank you.

Mr. Beck, did you want to add to that?

Mr. BECK. Yes, Mr. Chairman. I would just add that, as part of the U.S. mission, USAID is pursuing a calculated policy engagement that really test the political will of the Government of Burma.

So targeting these key areas that will affect the people in the most impactful way—agriculture, economic reform, media—we have been working very closely with the Parliament to draft laws of association, the Farmer Protection Act, land use policies that really rise to international standards.

When they initially were drafted, they were horrible, but we have seen a willingness from some of the key reformers to listen and to engage with their citizens, and the end result has been a fairly significant and positive advancement on those particular laws that we think will be most effective in really addressing the priority issues of the people of Burma.

Mr. CHABOT. Thank you. The bells you hear are the votes being called but I have two more questions.

The State Department June 2013 report on human trafficking showed that in 2012 alone, Burma's Department of Social Welfare received 195 repatriated victims. In addition, there are reports that the unofficial count could be higher, with UNICEF placing the estimated number of Burmese girls trafficked to the Thailand brothels at 10,000 every year. In light of this information, could you please outline the impact that existing initiatives have had on human trafficking in Burma? What does the State Department hope to see from the next anti-TIP dialogue? Ms. Cefkin?

Ms. CEFKIN. Yes. I would say that somewhat in line with the human rights dialogue that we referenced a few moments ago, we actually were quite gratified by the level of the discussion that took place at the last TIP, Trafficking in Persons dialogue. And I think actually the ball is a bit in our court right now to follow through on some commitments that we made to identify funding necessary to help support the action plan that they derived to begin to seriously tackle this problem.

Mr. CHABOT. All right. Thank you. Then one more question and we will let you go. In 2011, the GAO reported that U.N. and U.S. agencies assisted Burma after a devastating cyclone with about $335 million in assistance, but that U.S. agencies needed to strengthen their monitoring of assistance. The report detailed that USAID took actions to help ensure U.S. funds were used as intended and did not benefit sanctioned entities, but that it had some monitoring weaknesses. In light of the ongoing concerns with rampant corruption and efforts taken by the military to benefit from Burma's new-found investment wealth, what actions has USAID taken to monitor its assistance to ensure it is reaching the intended recipients? Also, what effect, if any, has having an in-country presence had on USAID projects and programs aimed at addressing human rights issues? What progress have you achieved so far?

Mr. BECK. Thank you, Mr. Chairman.

Mr. CHABOT. Thank you.

Mr. BECK. As an aside, I did want to say that while I didn't have an opportunity to present a welcome from my parents to my Congressman, I did want to introduce my daughter Tona, who is here with us today who has traveled——

Mr. CHABOT. That is even better.

Mr. BECK. She has traveled to Burma, and she lived on the Thai-Burma border for 4 years. So this is an important issue for——

Mr. CHABOT. Excellent.

Mr. BECK [continuing]. Our family.

Mr. CHABOT. Well, we welcome her today as well.

Mr. BECK. Thank you. And thank you for raising this point. It is very important. Dr. Shah has been relentless in focusing on monitoring and evaluation of our programs for results as regards to Burma.

We have actually increased our staffing from what we previously, 2½ years ago, one personal service contractor. We now have 24 staff on the ground, foreign service officers and national staff. Allows us the ability to have much more access, to have the ability to be out there to monitor our programs, to build the capacity of both our international NGOs.

But as part of USAID forward, we are also building the capacity of local organizations who have the contextual understanding, who understand the dynamics of the community, also are able to identify where those sort of rent-seeking opportunities are, and to be able to address those, recognizing what our regulations are.

And so we really do monitor very closely—it is built into our grants, it is built into our contracts. So I think we have made tremendous progress since that report came out.

Mr. CHABOT. Thank you very much.

Just a little aside, for many years—I have been in Congress quite a few years and other offices prior to that. Sometimes I would speak at schools, and sometimes it was my kids' schools, where I would recognize my daughter or son in the audience. Whenever I did, it was always, "Dad, why did you embarrass me like that?" So your daughter was blushing and very embarrassed, I am sure. Anything you want to say about your dad? [Laughter.]

We do appreciate the panel's testimony. It was very helpful this afternoon. I know some of the members were fairly aggressive, but that is the nature of the committee, as you probably know. I think you all handled yourselves very well.

All members will have 5 days to supplement their statements or to submit additional questions, should they wish to do so.

If there is no further business to come before the committee, we are adjourned.

Thank you.

[Whereupon, at 4:09 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Asia and the Pacific
Steve Chabot (R-OH), Chairman

November 26, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Asia and the Pacific in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov):

DATE: Wednesday, December 4, 2013

TIME: 2:00 p.m.

SUBJECT: Oversight of U.S. Policy Toward Burma

WITNESSES: Ms. Judith Cefkin
Senior Advisor for Burma
Bureau of East Asia and the Pacific
U.S. Department of State

Mr. Vikram J. Singh
Deputy Assistant Secretary of Defense for South and Southeast Asia
Office of the Assistant Secretary of Defense for Asian and Pacific Security Affairs
U.S. Department of Defense

Mr. Gregory Beck
Deputy Assistant Administrator
Bureau for Asia
U.S. Agency for International Development

By Direction of the Chairman

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COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Asia & the Pacific* HEARING

Day *Wednesday* **Date** *12/4/13* **Room** *2172*

Starting Time *2:00 pm* **Ending Time** *4:09 pm*

Recesses [*1*] (*2:09pm* to *2:37pm*) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Steve Chabot (R-OH)

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Oversight of Us Policy Toward Burma

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Mo Brooks (R-AL), Rep. Ami Bera (D-CA), Rep. Gerald Connolly (D-VA), Rep. Scott Perry (R-PA), Rep. Dana Rohrabacher (R-CA), Rep. Doug Collins (R-GA), Rep. Matt Salmon (R-AZ)

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Rep. Trent Franks (R-AZ), Rep. Joseph Crowley (D-NY)

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:09 pm*

Subcommittee Staff Director

Questions for the Record Submitted to
Senior Advisor Judith Cefkin by
Representative Steve Chabot (#3)
House Committee on Foreign Affairs
December 4, 2013

Question:

The State Department June 2013 report on human trafficking showed that in 2012 alone, Myanmar's Department of Social Welfare received 195 repatriated victims. In addition, there are reports that the unofficial count could be higher with UNICEF placing the estimated number of Burmese girls trafficked to Thailand brothels at 10,000 every year. Recent reports also show Rohingya Muslims being trafficked to Thailand and held for ransom. In light of this information, could you please outline the impact that existing anti-trafficking initiatives have had on human trafficking in Burma? What is the Administration doing to address these ongoing concerns? What does the State Department hope to see as deliverables from the next anti-TIP dialogue with Burma?

Answer:

The State Department remains very concerned about human trafficking related to Burma. The Government of Burma has shown commitment to these issues and taken a number of steps to improve the situation. While some progress already has been made, we expect these investments and initiatives will bear fruit in the coming years, with particular focus on reduced numbers of those trafficked, better investigation of and punitive measures against traffickers, and additional assistance to victims.

In November 2012, the Governments of the United States and Burma entered into a joint plan to enhance cooperation to combat human trafficking. The U.S.-Myanmar Joint Plan on Trafficking in Persons can be found at this website: http://www.state.gov/r/pa/prs/ps/2012/11/200675.htm. U.S. and Burmese officials held a constructive bilateral trafficking in persons (TIP) dialogue in Nay Pyi Taw in August 2013. In fulfillment of the plan, the U.S.

government is providing technical assistance to support the Burmese government's efforts to combat TIP. These programs concentrate on helping responsible Burmese authorities to:

- establish and institutionalize a TIP data collection and reporting method;
- develop standard operating procedures for identifying, interviewing, and referring TIP victims to service providers;
- build collaborative relationships with civil society;
- build skills for case management, analysis, and tracking;
- develop training materials and a training plan for Burma's anti-trafficking in persons division; and,
- conduct anti-TIP training sessions and capacity building workshops.

The 26-member Central Body for the Suppression of Trafficking in Persons (CBTIP), chaired by the Minister of Home Affairs and including representatives from the military, police, and Ministry of Social Welfare and Labor, is the central government coordination mechanism for trafficking issues. In line with suggestions from the U.S. government's 2013 Trafficking in Persons Report for Burma, the CBTIP made a concerted effort to improve victim services. During 2013, the Government of Burma increased the number of Anti-Trafficking Task Forces to expand investigation and prevention efforts, and plans to strengthen their capacity by improving training in 2014. While expenditures do not match the scale of the problem, the Burmese government has steadily increased funding for trafficking in persons, growing from $6,500 in 2007 to $8 million in 2011. (Note: 2012 data is not yet available).

On December 16, 2012, MTV EXIT hosted a concert to raise awareness of human trafficking in cooperation with the Government of Burma and with support from the U.S. government. Approximately 70,000 people attended the Rangoon-based concert, remarkable in part because such a large gathering of individuals was previously illegal. The program encouraged people to make smarter decisions when taking a work opportunity away from home, and organizations distributed thousands of leaflets and posters with tips on safe migration. The Government of Burma held its first annual Anti-Trafficking in Persons Day in Nay Pyi Taw on September 13, 2013. MTV EXIT participated in that event and produced a documentary and music video to raise awareness of human trafficking and exploitation. To date, over 100 young people have participated in training sessions organized by MTV EXIT and its partners. The Government of

Burma reported that it distributed 1 million pamphlets in multiple languages on the elimination of forced labor and used radio and TV to educate the population on how to report cases of forced labor. These activities are a major step toward furthering anti-trafficking education in Burma.

On December 18, 2013, the Government of Burma formally ratified International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor. In doing so, the government committed to improve both its policy and its capacity to protect child laborers from slavery, trafficking, use in armed conflict or hazardous work, and from use for prostitution, pornography or illicit activities. This requires the government to make significant changes to bring Burmese law into line with stipulations of the Convention in the next year.

On December 22, 2013, the State Department's Trafficking in Persons office finalized a $500,000 grant agreement with the Warnath Group, a Washington D.C.-based consulting firm with regional anti-trafficking experience, to help implement the United States' commitments under the joint plan. Specifically, the funding will boost the capacity of Burmese government officials and civil society partners in jointly identifying cases of forced labor, illegal recruitment of child soldiers, and sex trafficking, including the sharing of best practices.

We remain deeply concerned about the safety of and humanitarian conditions for vulnerable communities in Burma, including Rohingya refugees and asylum seekers on Burma's borders and elsewhere in the region. We have urged the Burmese government to work in close coordination with affected governments in the region to develop durable solutions to address the plight of the Rohingya and other vulnerable populations. We also have urged the Thai government to conduct a serious and transparent investigation into reports alleging that Thai officials have been involved in selling Rohingya migrants to human traffickers. The Government of Burma initiated a Geographic Information System mapping pilot of trafficking routes to Thailand in an effort to better understand the origins of trafficked individuals, transit patterns, and end destinations, and ultimately to identify vulnerable populations.

We recognize that an important element of this issue is to improve the living conditions and protection of rights for Rohingya inside of Burma. Continuing our two-decade-long commitment to humanitarian assistance, in FY 2013, the State Department and USAID provided over $51.6 million for displaced persons in Burma and the region through the UN and international non-governmental partners. We continue to urge the Government of Burma to work with the international community to achieve a long-term solution

that addresses citizenship for members of the Rohingya population with claims as well as to end racial and religiously motivated discrimination.

We anticipate that the next U.S.– Burma TIP Dialogue will be held after the release of the 2014 TIP Report. The TIP Report is the Department's primary diplomatic tool to make recommendations to foreign governments to improve their fight against human trafficking. The goals of the second TIP dialogue will be largely informed by the assessments made in the 2014 Report, and will likely include continued commitment to preventing trafficking in persons, stronger monitoring and data gathering activities, and increased participation from the military, particularly to address the use of forced labor and child soldiers. We will likely also suggest the Government of Burma develop a plan to advance investigation and prosecution of offenders and to increase capacity to address internal trafficking and sex trafficking.

Questions for the Record Submitted to
Senior Advisor Judith Cefkin by
Representative Steve Chabot (#5)
House Committee on Foreign Affairs
December 4, 2013

Question:

What challenges and difficulties do U.S. agencies continue to face in implementing measures to restrict trade in Burmese-origin rubies, jadeite, and related jewelry in the context of the broader U.S. sanctions provisions?

Answer:

In 2003, Congress passed legislation banning the importation of any article that is a product of Burma, including rubies and jadeite. In 2008, this import prohibition was expanded to include Burmese-origin jadeite and rubies that have been substantially transformed in third countries. U.S. agencies continue to face difficulties in implementing measures to restrict trade in Burmese-origin rubies, jadeite, and related jewelry including both curbing the export of related items from Burma into third countries and restricting the importation into the United States. The large and porous border that Burma shares with China, as well as China's rapidly growing wealth and demand for Burmese jadeite, make the monitoring of jadeite trade difficult. Smuggling of rubies into Thailand and subsequent importation of these rubies into the United States likely still occurs, though at lower levels than in the past as Chinese buyers increasingly dominate Burma's market for precious gems as well.

Determining the origin of products brought into the United States is difficult and inefficient. Heat treatment can erase the geographic characteristics of Burmese rubies, making it complicated to trace the unique signature that would indicate the origin of the stone. Further, the cost of chemically testing the origin of the average ruby entering the U.S. market makes screening impractical. In addition, once the gems enter the United States, dishonest importers can claim that these stones were in the country before the ban was put in place.

Despite these difficulties in implementation of the sanctions, the sanctions raise awareness of the continued concern of the U.S. government over the state of the gem sector in Burma, including with respect to labor and human rights. The sanctions are part of a larger U.S. government effort to reduce exploitation of Burma's natural resources.

CHARRTS No.: HFAC-04-001
U.S. House of Representatives Foreign Affairs Committee
Hearing Date: December 4, 2013
Subject: U.S. Policy Toward Burma
Witness: DASD(South and Southeast Asia) Singh
Representative: Steve Chabot
Question: # 1

Question 3:
What effort is DoD making to encourage the Tatmadaw to follow through on its promise to release child soldiers? Considering the Burmese military's history of failing to meet its commitments, what reassurances have been given to the U.S. that the Tatmadaw will disband its use of child soldiers? Has the Obama Administration implemented any strategies to measure the effectiveness of policies intended to decrease the number of child soldiers? If so, what are they?

Answer 3:
Department of Defense (DoD) efforts to address the child soldier issue have been limited to expressing our concern and our expectation for a complete, verifiable end to the use of child soldiers in diplomatic meetings with Burmese officials. Under current legal restrictions, DoD is unable to deploy programs or technical assistance to help the Tatmadaw address this issue. Such programs could include formal training by the Defense Institute of International Legal Studies (DIILS) on compliance with international law on this matter or deploying Defense Institution Reform Initiative (DIRI) experts to help the Burmese Government develop institutional mechanisms to investigate, report, and decommission these children. DoD will continue to underscore the importance of following through on commitments to release all child soldiers in bilateral meetings with Burmese officials and will continue to view the fulfillment of this pledge as a key condition for greater defense engagement beyond human rights training, disaster relief, and promoting international norms for a professional military.
In addition to DoD efforts, U.S. Government officials from the U.S. Embassy and Departments of State continue to press the Government of Burma on the importance of ending the use of child soldiers in meetings with Burmese officials, including the bilateral Human Rights Dialogue. Burmese officials have repeatedly underscored to U.S. and other international representatives their commitment to address this issue. The U.S. Government measures the effectiveness of Burma's policies to decrease the number of child soldiers by progress on the identification, demobilization, and rehabilitation of child soldiers as described in the UN-Myanmar Action Plan on child soldiers. The State Department reports on progress and concerns regarding child soldiers through its annual Trafficking in Persons report for Burma. The U.S. Government recognizes that Burma still has many steps to take before this problem is fully resolved and will continue to press the Government of Burma and Burmese military on this matter.

The UN Security Council Working Group on Children and Armed Conflict, including a

representative from the U.S. Government, visited Burma in December 2013. It reported that the Government of Burma has demonstrated a "strong commitment" to implementing the UN-Myanmar Action Plan, which will likely be extended beyond its scheduled conclusion in December 2013 in order to reinforce Burma's efforts to combat unlawful recruitment and use of child soldiers. The Government of Burma has recently allowed international monitors to access battalion-level military installations to evaluate compliance with the procedures and directives outlined in the action plan, albeit with several days advance notice. The military has released 176 children since the signing of this plan, but it is not yet clear if the GOB is proactively working to identify and demobilize children in the armed forces or simply responding to cases once they have been identified by third parties. In November 2013, the Government of Burma launched a national public campaign to raise awareness about the use and recruitment of child soldiers in the armed forces which includes a phone line to which the public can report cases of children recruited in the Tatmadaw. It also includes 330 billboards, TV, radio, and newspaper announcements and posters and stickers. On December 18, the Government of Burma formally ratified International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor. In doing so, the government committed to improve both the policy and its capacity to protect child laborers from slavery, trafficking, use in armed conflict or hazardous work, and from use for prostitution, pornography or illicit activities. This commits the government to make significant changes to bring Burmese law in line with stipulations of the Convention in the next year.

Questions for the Record
Submitted by Chairman Steve Chabot for
Deputy Assistant Administrator Gregory Beck
House Committee on Foreign Affairs
Asia and the Pacific Subcommittee Hearing
"Oversight of U.S. Policy Toward Burma"
December 4, 2013

Question:

According to the Congressional Notification sent to Congress on November 15, USAID requires an additional $872,000 humanitarian assistance funding to be appropriated to existing programs in Burma. Over $18.3 million is already established for the Protection, Assistance, and Solutions component of Humanitarian Assistance funding. Of these funds, a portion is to be directed to food and cash distribution and advocacy for positive change for displaced Burmese. **Exactly how much is to be allocated for food and cash distributions? What measures are in place to determine the positive or negative results of this kind of aid? Will the food and cash distribution to these displaced Burmese be monitored and regulated by USAID? Considering the gross intervention and tactics practiced by the Burmese military, how does the Administration plan to guarantee the aid reaches these populations?**

Answer:

In FY 2012, the U.S. Government provided $22.2 million in humanitarian assistance to support approximately 850,000 vulnerable people of Burma, including refugees; internally displaced persons (IDPs); migrants along the Thailand-Burma border and Southeast Burma; and impoverished communities in Burma's central dry zone. During FY 2013, the number of beneficiaries nearly doubled to 1.6 million as once restricted areas became accessible by USAID and partners, and programs reached key productive periods of the programming cycle.

The additional $872,000 in humanitarian assistance funds, notified in the FY 2013 Congressional Notification (CN), aims to alleviate the impact of the steep $4.8 million reduction from FY 2012 actual humanitarian assistance levels to the $17.4 million request in the FY 2015 Congressional Budget Justification (CBJ). The increase will provide funding to USAID's two key humanitarian assistance programs, the Project for Local Empowerment (PLE) along the Thailand-Burma border, and Shae Thot (The Way Forward) inside Burma. Of the two programs, PLE is the only program that allocates funds for food and cash distributions.

Through PLE, $1.5 million of the FY 2013 humanitarian assistance funds will be used for food and cash distributions for displaced and vulnerable communities in Southeast Burma, including those in Shan, Kayin/Karen, Mon, and Kayah/Karenni States. This component of the program, which has been ongoing since 2006, works with communities in areas controlled by ethnic armed groups inside Burma, beyond the reach of the Burmese military.

To identify recipients of such aid, communities identify families who have been impacted by conflict or natural disaster shocks, such as the loss of assets through a fire or flood, displacement due to fighting, or death of a family member. Following the submission of the required

application form, which indicates the intended use of the cash transfer, the transfer is provided to the family to help them re-establish their livelihoods and assets. In the coming years, while cash transfers will continue to respond to chronic vulnerability and livelihood shocks, this relief assistance will decrease as more resources are allocated towards supporting community-driven recovery and development projects.

Following the political reforms in Burma, which began in 2010 and led to the gradual opening of the country, USAID began to enable staff to travel to previously inaccessible areas to monitor humanitarian assistance programs. Now with a fully staffed mission, USAID/Burma staff are regularly conducting field monitoring visits and regularly meet with a broad cross section of stakeholders to design and adjust programs as needed. Programs facilitated by USAID/Burma follow strict monitoring and evaluation guidelines in addition to the USG-wide guidance on focus and selectivity from the President's Policy Directive on Global Development (PPD). For PLE specifically, in order to determine the effectiveness of the assistance and to ensure that aid reaches the most vulnerable populations, surveys of conditions in rural areas of Southeast Burma have been conducted. The program is planning to carry out more regular assessments of sentinel sites.

Question:

According to the 2013 Trafficking in Persons Report, trafficking within Burma is a large problem both with government officials and private actors. The Burmese government has taken initial steps to comply with the minimum standards to eliminate trafficking, but this is hindered by corruption and a culture of impunity. In August 2013, the first U.S. – Burma Trafficking in Persons dialogue was held in Napiydaw, which was cited as very productive. Burma pledged continued commitment to enhanced cooperation in addressing this issue. **The State Department June 2013 report on human trafficking showed that in 2012 alone, Myanmar's Department of Social Welfare received 195 repatriated victims. In addition, there are reports that the unofficial count could be higher with UNICEF placing the estimated number of Burmese girls trafficked to Thailand brothels at 10,000 every year. Recent reports also show Rohingya Muslims being trafficked to Thailand and held for ransom. In light of this information, could you please outline the impact that existing anti-trafficking initiatives have had on human trafficking in Burma? What is the Administration doing to address these ongoing concerns? What does the State Department hope to see as deliverables from the next anti-TIP dialogue with Burma?**

Answer:

USAID provides regional support to Burma through the MTV-EXIT program. MTV-EXIT's people-centered activities demonstrate a major step toward furthering anti-trafficking education in Burma by increasing awareness and education to those who are the most vulnerable to human trafficking. Funded by USAID since 2006, with over $9 million to date, the program delivers key messages to the public, such as empowering people to make smarter decisions when it comes to taking a work opportunity away from home and informing them of the TIP hotline number. MTV-EXIT also gives its partners and stakeholders a platform to join the fight against human trafficking and exploitation.

In FY 2012, MTV-EXIT secured approval to hold a free open-air concert in front of the Shwedagon Pagoda in Rangoon. The December 2012 concert had over 70,000 attendees and marked Burma's first-ever large-scale international concert. This concert not only showcased Burma's increasing openness but was also a step forward in peaceful assembly, occurring soon after the government lifted the ban on public gatherings.

- The concert raised awareness of human trafficking and exploitation by providing vulnerable communities with key information on safe migration and the resources available to them. Local and international organizations–including Walk Free, World Vision, the Anti-Trafficking Task Force, the International Organization for Migration, the International Labor Organization, and Save the Children–set up information booths at the concert venue and distributed thousands of leaflets and posters to concert-goers with tips on safe migration.
- The Government of Burma hosted the concert and spoke strongly to the crowd with messages against human trafficking. Representatives included Brigadier General Khin Maung Si and other senior officials from the Ministry of Home Affairs, Chief of Police Office, Myanmar Police Force, Burma's Central Body for Suppression of Trafficking in Persons, and the Yangon Municipality. The U.S. Ambassador also spoke to the crowd.

- The program was broadcast on Burma's Channel 7 and was made into an MTV World Stage program, and has been aired multiple times, going out to over 300 million people.

MTV-EXIT has continued to make an impact in Burma by producing the documentary "Enslaved" in Burmese and five other ethnic languages, followed by the music video "Traps of Life" by R Zarni. Both productions raise public awareness of human trafficking and exploitation. On September 13, 2013, MTV-EXIT also participated in the Government of Burma's (GOB) first-ever annual Anti-Trafficking in Persons day in Nay Pyi Taw.
Due to the lack of knowledge of the extent of human trafficking in Burma, USAID is also providing funding to the International Labor Organization to conduct a survey in over 200 villages. The survey results will provide detailed information about the nature and magnitude of human trafficking in key sectors of the private economy. The results will be translated into recommendations for the GOB, donors, and civil society on ways to address human trafficking.

In addition to programmatic funding via USAID, the U.S. Department of State engages the Central Body for Suppression of Trafficking in Persons (CBTIP) to encourage implementation of Burma's Second Five-Year National Plan of Action to Combat Human Trafficking and annual work plans. These activities have raised greater public awareness of the dangers of trafficking via newspaper, television and radio.

In 2013, International Narcotics Control and Law Enforcement funds in the amount of $500,000 were awarded to support technical assistance for capacity building of the GOB's newly established anti-human trafficking division. Expected assistance includes data collection, developing standardized and modern operating procedures and protocols for identifying and interviewing victims, and referring survivors to service providers. In addition, the project will create training materials and training plans to build skills for case management, analysis and trafficking and will conduct anti-trafficking training sessions and capacity building workshops. The GOB has also increased the number of shelters in country, built the capacity of social service providers, and improved efforts to recognize male victims of trafficking.

The United States also provides support to the International Labor Organization (ILO) to combat the usage of child soldiers. The United States is urging Thailand to investigate reports that Thai immigration officials channel Rohingya refugees into human-trafficking rings. The Government of Thailand states that it will help in the investigation.

Expected outcomes from the 2014 U.S.-Burma anti-TIP dialogue would ideally include greater commitment to preventing trafficking of persons, stronger monitoring and data gathering activities, a transparent and clearly defined anti-trafficking budget with sufficient resources for survivor reintegration and service provision, and increased participation from the military particularly on addressing the use of forced labor and child soldiers. The GOB would also ideally have a clear plan to show progress on investigating and prosecuting offenders and to build capacity on internal trafficking and sex trafficking.

Question:

USAID recently stated that it plans to "work with the Burma government, civil society, the private sector and other key stakeholders to sustainably reduce hunger and poverty through targeted investments in agriculture and nutrition." Additionally, USAID's food security program aims to strengthen partnerships and build the capacity of public and private institutions. Undoubtedly, food security is a very important issue in Burma and should certainly be addressed by USAID. **How does USAID plan to coordinate its food security efforts with the Burmese government, which should certainly be making greater investments in agricultural production for the sustainability of its own people? How is the Administration working to ensure that support provided by USAID's food security programs is effectively reaching those most in need?**

Answer:

USAID is co-leading the newly formed Agriculture and Rural Development Sector Working Group with the Government of Burma's Ministry of Agriculture and Irrigation. The working group, comprised of over twenty development partners, five ministries, and a representative from civil society, meets once a month to discuss the details of both government and donor plans and budgets to ensure alignment, cooperation, and complementarity.

Over the past year USAID has invested in analysis to help direct our programming using evidence-based findings from assessments, conducting consultations from inside and outside Burma, and incorporating lessons learned from effective rural development in similar contexts, especially in the region. Our rural and agricultural development strategy is built on three components designed to engage all sectors of society, including the Government of Burma and the people. These areas are: **policy and evidence-based analysis** to lay the foundation for a sustainable capacity to design, debate, and implement sound food security policies, including agriculture, rural development, and land; **technology** designed to introduce and scale proven agricultural technologies that will increase smallholder farmer productivity and earnings, while promoting climate-friendly and economically viable agronomic practices, and; **private sector engagement** that will create expanded opportunities for private sector actors, from smallholders to village input suppliers to international agribusinesses, to work together along the value chain, moving products from the farmer's field, pond, and orchard to the consumer's table.

Question:

In 2009, GAO reported that U.S. agencies have taken some steps to restrict trade in Burmese rubies and jadeite, but serious impediments remain. Since then, U.S. agencies seem to have implemented many of GAO's recommendations to strengthen its control of this trade, but still face obstacles. **What challenges and difficulties do U.S. agencies continue to face in implementing measures to restrict trade in Burmese-origin rubies, jadeite, and related jewelry in the context of the broader U.S. sanctions provisions?**

Answer:

USAID complies with and supports U.S. Government policies related to the JADE Act and coordinates closely with the U.S. Department of State and other Agencies on policy issues. The stated objective of the Burmese JADE Act of 2008, which bans the import of Burmese jadeite, rubies, and related jewelry to the United States, is to prevent the Burmese military from profiting off of trades in precious gems. The JADE Act has been effective in preventing the import of jade products into the United States, where there is currently little demand for such products. However, Burma's military continues to reap significant revenues from the gemstone industry. Burma's export, both legal and illegal, of rubies and jadeite remains strong, in particular because China's domestic market for jadeite and related jewelry is on the rise. One of the challenges for the United States is to find ways to work with China and other countries in the region on this issue.

CHARRTS No.: HFAC-04-001
U.S. House of Representatives Foreign Affairs Committee
Hearing Date: December 4, 2013
Subject: U.S. Policy Toward Burma
Witness: DASD(South and Southeast Asia) Singh
Representative: Trent Franks
Question: # 1

Question 1:
Can you give a thorough description of the purposes and strategy of any ongoing engagement with Burma's military and any potential future engagement or assistance by the U.S. government to Burma's military, including a description of why such engagements are necessary to U.S. national defense and security strategies?

Answer 1:
We have designed our bilateral defense engagement to incentivize the Burmese military's continued support for democratic reforms and improve its ability to institute greater respect for human rights, adhere to international standards of behavior, and submit to civilian control. We continue to be concerned about the Burmese military's dominance over Burmese politics and the economy and feel strongly that calibrated and conditional engagement is the best tool for galvanizing the change we seek. A military under civilian control that protects the people, promotes human rights, and respects international law is a pillar of democracy and essential to the success of reforms. The U.S. Government has an important role to play in communicating and demonstrating these principles to the Burmese military, including through engagement with members of the U.S. Armed Forces who embody the best of these values.
Through diplomatic engagement with the Burmese military by both U.S. civilian and military officials, the U.S. Government has been able to inform the Tatmadaw of our policy goals and expectations. These engagements have included regular meetings between Burmese officials and Ambassador Mitchell, the Burmese military's participation in the first U.S.-Burma Human Rights Dialogue in October 2012, and pull-asides at multilateral forums like the Association of Southeast Asian Nations (ASEAN) Defense Ministers' Meeting Plus ministerial. In these engagements, we have made clear to the Burmese military leaders that substantial reforms will be required before Burma can enjoy full military-to-military relations with the United States.
We have designed engagement by the Defense Institute of International Legal Studies (DIILS), which so far has included two trips to Burma in 2013, to discuss obligations to protect human rights and adhere to international law as well as to share U.S. views on best practices for instituting changes to meet these obligations. Our academic outreach via the Asia Pacific Center for Security Studies (APCSS) and other Department of Defense (DoD) academic institutions offer an additional avenue to provide the Burmese military with more information about how to transition to an institution governed by democratic processes, rule of law, civilian control, and adherence to international norms, including the law of armed conflict and the military's role in humanitarian assistance and disaster relief.
The Obama Administration will continue to evaluate Burma's progress in addressing our concerns. We will look to provide training and education on human rights, the rule of law, and adherence to international norms. Any expansion of defense engagement beyond these areas—

including a full International Military Education and Training (IMET) program and the provision of defense articles—will not be considered until Burma makes substantial progress in every area, including on constitutional reform and holding free and fair elections. We will consult with Congress as we evaluate whether Burma has made necessary progress in these areas.

CHARRTS No.: HFAC-04-001
U.S. House of Representatives Foreign Affairs Committee
Hearing Date: December 4, 2013
Subject: U.S. Policy Toward Burma
Witness: DASD(South and Southeast Asia) Singh
Representative: Trent Franks
Question: # 2

Question 2:
What requirements or benchmarks does the Obama Administration have in place to ensure that the Burmese military is making necessary reforms? Will the State Department and the Department of Defense focus on the following benchmarks before engagement with Burma's military takes place: the Burmese military is no longer committing widespread human rights abuses and violations of the laws of war in Burma and is cooperating in good faith with civilian judicial and parliamentary authorities to investigate human rights cases; the Government of Burma has amended its constitution to ensure civilian control of the military and increased the transparency and accountability of the military's budget and operations; and, the Government of Burma is allowing free and unfettered access to all areas in Burma, including any conflict areas?

Answer 2:
The Obama Administration is committed to linking ongoing and future engagement to the Burmese military to specific, measurable, and meaningful progress by the Government of Burma and the Burmese military in the areas of democratic reform, respecting human rights, promoting national reconciliation, and suspending defense ties to North Korea. The Department of Defense (DoD) and the Department of State view carefully calibrated military-to-military engagement to share lessons on how militaries operate in a democratic framework as critical to strengthening reforms. Articulating a vision and identifying a pathway for the military to uphold Burma's international obligations and commitments is one of the best tools for shaping Burma's most powerful institution during this critical period. Reformers and opposition leaders inside Burma have called for and welcomed this calibrated engagement, and we will continue to seek their input as engagement continues.
The Administration will apply this flexible, principled, and calibrated approach to implementing and expanding defense engagement. We will not consider more significant engagement--including a full International Military Education and Training (IMET) program and the provision of defense articles--or the normalization of defense ties until Burma takes more comprehensive steps to address human rights concerns, support full democracy, suspend military ties to North Korea fully, and promote lasting national reconciliation. Recognizing that this transformation must be Burmese led and will be fragile, we will continue with limited and calibrated engagement focused on the specific benchmarks you note. We will not adopt a strict quid-pro-quo approach in order to maintain the flexibility to respond to opportunities and the needs of Burmese reformers as they navigate this uncertain and difficult path.

○