

Written Testimony Submitted by
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Subcommittee on Asia and the Pacific hearing:
“Retreat or Revival: A Status Report on Democracy in Asia”
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Mr. Chairman, Mr. Ranking Member and members of the Committee:

Thank you for giving me the opportunity to speak to today about the state of democracy in Asia, specifically with regard to the situation in Burma.

There is no denying that there have been changes in Burma over the past five years. When I started working on human rights and democracy in Burma 20 years ago, as a young Hill staffer in the mid-1990's, I could not have imagined that I would be sitting before you today having met Min Ko Naing and others whose release I was working for then. Likewise, when I was running the International Republican Institute's Burma programs with shoestring funding, operating out of safe-houses on the Thai-Burma border in the late 90s, it would have been difficult to foresee that IRI – and NDI - would today be operating with the permission of the government, from an office in downtown Rangoon full of expatriate staff and local Burmese, working openly with political parties.

And while relative political and economic liberalization certainly has taken place, it is tempting after so many years of brutally repressive military rule to use the negative standards of the “bad old days” to judge the current situation. But doing this communicates to the Burmese that they don't deserve the same kind of real democracy, real economic opportunity or real human rights that we take for granted. Instead, we must measure Burma's progress both against the democratic aspirations of the Burmese people – flagrantly denied since 1990 – and against objective standards of genuine democratic governance. Unfortunately, the same countries that spent more than two decades supporting those democratic aspirations and standards seem to have decided that the reforms to date are good enough, despite how far they fall short of what we would accept for ourselves.

And let's be clear: they have fallen short. This week marks the fourth anniversary of the renewal of hostilities in Kachin State, and even as the authorities tout the March 31 signing of a draft nationwide ceasefire agreement as a major success, fighting was ongoing in Kachin and had recently reignited in Kokang and Shan areas. Moreover, key groups were intentionally kept out of the talks by the military and government side, including Kokang. This effort to divide and rule appears to have backfired, however, as key ethnic armed groups have refused to sign an agreement that is not nationwide and does not include the organizations represented in the United Nationalities Federation Council (UNFC).

Last month marked the third anniversary of the attacks on Rohingya Muslims in Rakhine State, which continue to bear bitter fruit today as thousands of Rohingya remain trapped

in grim camps with no employment, health care or education. This dire situation, in turn, led many thousands to take flight from Rakhine State, which precipitated the recent refugee crisis in the Andaman Sea and Bay of Bengal. While the immediate humanitarian emergency is largely being addressed through regional cooperation, Burma remains outside the regional effort to resolve this problem and those Rohingya who remain in Burma are as unwanted and persecuted as ever.

Just one month prior to the outbreak of violence in Rakhine state, the Burmese nation and the world had celebrated the sweeping victory of Daw Aung San Suu Kyi and the NLD in the April 2012 by-elections. In the wake of this historic event, the US lifted sanctions on Burma and President Obama made the first visit to Burma by a sitting president. Yet since the November 2012 Obama visit, reforms have stopped cold and the situation has steadily worsened for civil society, political activists and those who refuse to accept the government's terms for the "transition to discipline-flourishing democracy." Prior to President Obama's visit, Burmese President Thein Sein committed his country to taking to eleven specific steps, including such no-brainers as allowing the Office of the High Commissioner for Human Rights to open an office in Burma. Yet none of these commitments have been completed in the years since, and there has been backsliding on some – including a growing number of political prisoners. And there was no mention of these commitments during President Obama's second visit to Burma in November 2014. In hindsight, it is clear that the April 2012 by-elections elections were the high water mark for Burma's political reforms.

As we look to the elections planned for this fall, there is no prospect that they can be genuinely free and fair. Because the constitutional and bureaucratic framework under which they are being held is so heavily tilted toward the military and the incumbent regime, even if the NLD "wins" – i.e. captures the majority of votes -- they will not be able to form a government and take political control of the country, and their party leader cannot be elected president. Regardless of the election results, the military will remain in control of Burma's political, bureaucratic and economic reins of power. This is why the country's democratic forces have been so focused on reform of the anti-democratic 2008 constitution, but to little practical result. The parliament, where the NLD and its allies represent approximately 7% of the seats, remains a tool of Burma's vested interests, regardless of the charisma and efforts of the NLD. This is unlikely to change as long as the constitution is not amended.

When Burma began liberalizing in 2010, many thoughtful Burmese democrats expressed concerns about becoming "another Cambodia": a donor (and/or China) dependent, electoral authoritarian backwater. Today, these same people are equally concerned about not emulating Thailand: a country with the superficial trappings of economic development and democracy, but which is actually controlled by an elite with shallow commitments to liberal values. (There is also a different, darker fear put forward by Burma's Buddhist nationalists, that democracy and liberalism will cause Burma to follow Thailand in debasing its Buddhist culture.) Among Burmese democrats, the seemingly cyclical military interventions to "fix" Thailand's democratic failures point up the dangers of contemplating a similar long-term role for Burma's military.

Since the 2012 by-elections, the Burmese military, or Tatmadaw, has resisted relinquishing further political and economic prerogatives to nascent democratic institutions. This resistance has manifested itself in a number of ways, including: blocking constitutional reform, instigating or expanding conflicts that reinforce its self-styled role as national savior, and securing economic interests via interlocking relationships with the business elite. Likewise, the military has continued its patronage of senior Buddhist monks and is believed to provide sustenance to nationalist Buddhist networks -- such as the 969 Movement and the Association for the Preservation of Race and Religion or Ma Ba Tha -- that have operated since 2012. Finally, the military has at times given the impression it might be politically up-for-grabs. This has led to awkward and unsuccessful attempts by Aung San Suu Kyi and the democratic opposition to cultivate the military as an ally, despite its role as the democrats' tormentor from 1988 to 2010. The National League for Democracy (NLD) and other democratic forces explain this strange courtship by pointing out that, given its predominant role, they can ill-afford to isolate or provoke the military if they hope to push a democratic transition forward.

When Burma joined the Association of Southeast Asian Nations (ASEAN) in 1997, Thailand was the most democratic country in the regional grouping and its argument at the time was that ASEAN membership could be a means to help moderate the Burmese junta's behavior and encourage reform. Instead, the absence of consistent, liberal Thai leadership within ASEAN over the ensuing 18 years impaired ASEAN's development as an organization and weakened the influence of its "democratic caucus." The recent Rohingya crisis—which saw three founding ASEAN states yield on an issue that directly impacted them in order to pacify immoral behavior by one of its weakest members—clearly exposed the ongoing dysfunction at the heart of ASEAN. The Rohingya crisis also again laid bare the pathologies currently impeding Burma and Thailand on their paths toward stability and democracy. In the case of Burma, the underlying political pathology is the military's dominant role in the country's politics, governance, economy, and culture. In Thailand, it is the monarchy's continued role in stunting the country's democratic development.

All aspects of Thai society have become increasingly polarized along political lines and this polarization is directly related to the role that the institution of the monarchy has played in stunting Thailand's democratic development. The palace has warped Thailand's democratic institutions through what scholar Duncan MacCargo calls "network monarchy": a complex, deeply rooted web of power that maintains and legitimizes the country's institutional monarchy as the key mediator in society. This network monarchy has fused itself to all aspects of Thai society, occupying a unique and unrivalled position. As part of the self-perpetuation imperative, it has made a state project of entrenching its values. This process has crowded out key democratic tenets, particularly freedom of expression, as anyone who has fallen afoul of Thailand's regressive *lèse-majesté* laws knows. In this way, the monarchic institutions have undermined both official and societal institutions that democratic societies utilize to mediate conflict.

Thailand's current political polarization takes the form of a Bangkok-centered elite that is fluent in the language of liberalism, but has largely ignored the country's vast majority of lower income citizens, versus a neo-populist movement helmed by Thaksin Shinawatra, a leader with clear authoritarian tendencies. Both sides rely on patronage, corruption, and emotional cultural appeals to energize their supporters, but the populist movement has the numbers to ensure electoral success in any fairly run contest. This has placed it in conflict with the Thai military, which has historically represented the interests and acted at the behest of the palace. There have now been 12 coups in Thailand since 1932, with 2014's coup representing the second in less than a decade. Even though the military has consistently returned power to civilian officials, each coup has deepened the polarization.

But the ability—if not the intention—of the monarchy to intervene in Thai politics has weakened over time. As the revered but dying King Bhumibol gives way to a successor with considerably less legitimacy, the underlying political polarization in the country is increasingly likely to come to a head. The conflagrations between the two main political camps have grown more violent and the resulting periods of military rule less liberal. Because the monarchy's role as mediating institution has stunted the growth of more democratic mediating institutions, Thai political observers are understandably terrified about what happens after the king's death.

When it announced the “pivot” to Asia, the Obama administration declared its intent to strengthen U.S. ties with all the countries of the region. The 2010 reforms in Burma created new opportunities to fulfill that rhetoric. Meanwhile, Thailand's 2014 military coup complicated efforts on that front. In both cases, however, the Obama administration has de-emphasized democratic values in its policy approach in the misguided belief that this will facilitate improved relations.

In Burma, the Obama administration replaced a policy of principled dissociation with one of unprincipled engagement. This pragmatism in the service of a transactional relationship may seem rational in the short term, but the situation in Thailand's shows that ultimately there is no shortcut. Our largely transactional relationship with Thailand left us blind (in some cases willfully) to the underlying rot in Thai political institutions and dependent on a dying institution for stability. Declaring premature victory in Thailand's democratization process facilitated the larger failure to deepen democracy beyond the Bangkok façade. Allowing the Tatmadaw to brand itself as the protector of a self-styled “discipline flourishing democracy” would likewise be a disastrous outcome for Burma and our long-term engagement with it. In Thailand, mediating societal institutions – while weak and underdeveloped -- can at least counterbalance the military just enough to keep it from seriously abusing its power. The same cannot be said of the comparable institutions in Burma.

In the interim period needed for these institutions to develop in Burma, the U.S. and other partners should reinvigorate their principled stance on democratic values, institutions, and practices. This does not mean reimposing suspended sanctions, but rather utilizing existing mechanisms to isolate bad actors. The U.S. should lead in rebuilding the old coalition that long pushed for democracy and human rights in Burma. At a minimum,

western countries should stop putting a thumb on the authorities' side of the scale through the false equivalency of "neutral" engagement that privileges government-to-government interaction. Better still, we should be unequivocal about expectations, and tie them to objective standards of democratic self-governance, international law, and human rights. This means holding the Burmese government accountable for its policies and actions and creating space for democrats to find their way forward. It also means standing firm on the imperative of an appropriate role for the military in a democracy, rather than trying to sweet talk the Tatmadaw into incrementally ceding power. We should put commercial and security engagement on the backburner until the reform process is moving toward a more genuinely democratic outcome and take a more circumspect approach on bilateral aid and engagement by international financial institutions and other diplomatic tools.

On the democracy programming side, we need to rethink the current strategy and reallocate resources to those interventions that are working, and away for cost-intensive ones that are having minimal positive effects. US assistance in the D&G sector in Burma suffers from same problems that USAID suffers from sector wide: over reliance on a small number of large contractors who are given multi-million dollar multi-year contracts to work in areas where they have little institutional knowledge or experience – locking in an approach that is somehow both inflexible and overly susceptible to short-term US priorities. These contractors apply cookie cutter approaches, cannibalize local organizations, flood some local groups with too much money too fast while starving others who they are unaware of or nervous about funding. After you take away the overhead expenses, indirect costs and money spent on expat salaries and benefits over and above those two slush funds, only a small fraction makes it to the local organizations that are actually taking the risks and doing the work. And that which does go to them is often programmed according to the donor's priorities, and spent in an overly prescriptive manner that does not really meet the needs of those organizations.

In light of this, it is unhelpful to use the amount of money spent on D&G as a metric for how committed the US is to promoting democracy and human rights. Rather, we should be taking a more critical look at the content and results. There are USG funded D&G activities that are having a positive impact, and many of them have roots well before the 2010 elections. These tend to be small, long-term focused, informed by experience in the country, flexible, and benefitting from dynamic engagement with and deep trust of local partners. I would point the Committee to the work that the National Endowment for Democracy and the State Department's Democracy, Human Rights and Labor bureau have been doing in Burma, as well as USAID's Office of Transition Initiative's programming (which unfortunately will be coming to a close over the next year).¹ Congress has directed that DRL should have a leading role in shaping the democracy strategy, but unfortunately USAID has repeatedly worked to diminish DRL's role in this regard and attempted to deprive it of Economic Support Funds for Burma work.

Finally, the failure to integrate democratic values and privilege engagement with democracies into the Asia "rebalance" seriously undermines our country specific

¹ Disclosure: Project 2049 currently receives funding from both NED and DRL.

interventions, whether with Burma, Thailand or Cambodia. The fact that we don't really engage China on democratization or political reform is not lost on other countries in the region. Likewise, our privileging economic and security ties over our concerns about democracy and human rights clearly signals that engagement with the US on those priorities provides countries a work around to avoid serious political reforms. Obviously the United States has to make its policy on the basis of American interests, and this has often meant sublimating our values to economic and security agendas, but we should not ignore the long-term costs of doing so. Thailand is a clear case in point. Across the region, unless policymakers at the domestic, regional and international level are prepared to deal with uncomfortable truths and shape their policies accordingly, the long-term situation is unlikely to improve on its own. It is not too late for a course correction in the "rebalance"—one that places support for genuine democracy at the center or at least on a genuinely equal footing with other pillars. While this may lead to some short term awkwardness in our relationships with Asian partners, the long-term stability of the region and our own relationships with the countries in it will be better for it.