

Statement of

**Assistant Secretary Tom Malinowski
Bureau of Democracy, Human Rights, and Labor
U.S. Department of State**

**Principal Deputy Assistant Secretary Scot Marciel
Bureau of East Asian and Pacific Affairs
U.S. Department of State**

**Assistant Administrator Jonathan Stivers
Bureau for Asia
United States Agency for International Development**

Before the

**House Foreign Affairs Committee
Subcommittee on Asia and the Pacific**

June 11, 2015

Retreat or Revival – A Status Report on Democracy in Asia

Chairman Salmon, Ranking Member Sherman, and distinguished Members of the Subcommittee: Thank you for the opportunity to appear before you today to testify on the very important and timely issue of democracy in Asia. We would also like to thank the Committee for its continued leadership in advancing U.S. interests and supporting and promoting engagement with the Asia-Pacific region. Your work, including recent visits, serves as a high-profile demonstration of the expanded involvement of the United States in the region, and an important reminder that human rights and democracy are not only universal values but also core American values.

Thirty years ago Southeast Asia did not have a single democracy. Yet today, despite significant challenges and setbacks, the majority of Southeast Asians now live in democracies. The overall trajectory is positive, with the Asia-Pacific region including established, fledgling, and growing democracies, and the argument that Asian values are at odds with universal values and democracy has been disproven. At the same time, millions in the region still

live under repressive and authoritarian governments, and democracy in some countries remains fragile and in need of consolidation.

Rebalance to the Asia-Pacific

The U.S. government's "rebalance" to the Asia-Pacific recognizes that our future prosperity and security are inextricably tied to the region. Over the past three decades, the region has experienced an unprecedented period of prosperity, propelling hundreds of millions out of extreme poverty. A growing middle class has expanded trade opportunities and driven reciprocal growth in countries around the world, including the United States.

The rebalance reflects the importance we place on our economic, security, public diplomacy, and strategic engagement in the Asia-Pacific, and our strong support for advancing democracy, good governance, justice, and human rights. These goals are mutually reinforcing elements of a unified strategy that, at its core, is about strengthening our relationships not just with the governments but also with the people of the region. It is about protecting and promoting fundamental human rights, such as the freedoms of expression and assembly, both prerequisites to a "government by the people" which we know offers the best chance for freedom and prosperity. It is about citizens having a voice and the ability to choose their own leaders and influence the decisions that affect their lives, because solutions to the challenges facing Asia need to come from the bottom up, not just the top down.

Promoting democracy and human rights in Asia is not just the right thing to do — it strengthens our strategic presence and advances our strategic interests. It helps build more stable societies by encouraging governments to give people peaceful outlets for expressing themselves and to seek the most enduring and reliable source of legitimacy: the consent of the governed. It supports our economic goals by promoting laws and institutions that secure property rights, enforce contracts, and fight corruption. It empowers citizens to hold their governments accountable on issues like protecting the environment and ensuring product safety, which are important to the health and well-being of our own people. It aligns American leadership with the aspirations of everyday people in the region, and with values that they admire, thus distinguishing us from other great powers.

By the same token, our strategic presence in Asia — our alliances, our trade agreements, our development initiatives and partnerships, our ability to provide security and reassurance to our friends — enables us to promote democracy and human rights more effectively. Our partners in the region are more likely to work with us on these issues if they know that the United States remains committed to maintaining our leadership in the region and that we will stand by them in moments of need. To advance the vision we share with so many of the region’s people, we must be principled and present at the same time.

Diplomacy and Development Both Essential to Advancing Democracy

As we continue to deepen our engagement in the Asia-Pacific, the promotion of democracy, human rights, and good governance is front and center — in private and public diplomacy that is further amplified through U.S. development assistance, and where necessary, in targeted use of economic and security leverage.

Efforts not necessarily branded as “democracy promotion” help advance that goal. This is especially evident as both State and USAID deepen our engagement with emerging economies in a rising Asia-Pacific. We are leveraging our alliances and partnerships to strengthen democratic governance, and we continue to advocate respect for human rights and justice, which underpins economic development.

U.S. development assistance is integral to ensuring sustainability of our investments by focusing on the *quality* of economic growth — that it is widely shared and inclusive of all ethnic groups, women and other marginalized groups; that it is compatible with the need to reduce climate change impacts and to manage natural and environmental resources responsibly; that it ensures markets function properly, complies with rules-based, transparent frameworks, and improves the well-being of all members of society.

U.S. development initiatives in global health, for example, have long made significant contributions to improving governance of the health sector by improving the policy and legal environment for health; strengthening the government’s capacity to plan, execute, and monitor health programs; and increasing accountability. These programs have also worked with civil society to build policy advocacy skills, as well as the capacity to take part in

decisions that affect local and national health. These programs directly lead to improved health outcomes and also contribute to promoting democracy, human rights, and good governance overall.

Overview of the Region

Democracy in Asia runs the gamut from long-standing democracies in Japan, Korea, and the Philippines to newer democracies in Indonesia, Mongolia, and Timor-Leste, to one-party states like China and Vietnam where citizens do not have the right to determine their form of government. The countries we are focusing on today represent some of the diversity we see in Asia, and each requires a separate and unique response.

Next, we will describe our democracy, human rights, and governance engagement and programming in the region, beginning with Burma, where we see the beginnings of what we hope is a transition from a dictatorship to a government that represents the aspirations of all of its people. Cambodia has regularly run elections over the past two decades, though those elections have raised questions about level playing fields and equal access to vote in truly representative elections. In Thailand, we see a country with strong democratic traditions with an almost equally strong tradition of military interference in democratic governance. And in Hong Kong, people are engaged in an impassioned debate over the implementation of universal suffrage for the election of the Chief Executive in 2017.

Burma

Burma has come a long way in the last four years, when reforms long urged by its democratic opposition — and supported by the United States through Republican and Democratic administrations — got under way. We fully recognize how much more remains to be done and how difficult the path ahead is likely to be. Burma is undergoing an evolution, not a revolution — with each step carefully negotiated between representatives of its old and new orders. It is still dealing with the multiple legacies of its former dictatorship — one of the world's longest running armed conflicts, a constitution that grants the military extraordinary powers, and ethnic and religious tensions that cannot be addressed in a closed society and that irresponsible political forces can exploit in a society that is opening. The critical choices must be made by the government and people of Burma. But our engagement remains indispensable. And that engagement is driven by

the same objective we have pursued in Burma for the last 25 years: a desire to help the country's people achieve a peaceful transition to civilian-led, democratic government that respects human rights.

This is a pivotal year in Burma with national elections scheduled for November, peace negotiations ongoing between the government and ethnic armed groups, and humanitarian and human rights concerns in Rakhine State. A successful transition will depend on the government's continued dialogue with civil society, ethnic groups, and the political opposition to build trust and foster national reconciliation; constitutional amendments to reduce the military's role in the civilian government and improve the people's ability to elect the leaders of their choice; and additional measures to protect the rights of members of ethnic and religious minorities. This is an opportunity for Burma to set an example of peaceful transition to democracy for other countries in the region.

Our diplomatic engagement and programmatic assistance is focused on supporting further progress on the elections, constitutional reform, the peace process, and human rights. U.S. Embassy Rangoon and every senior U.S. government official who visits Burma — including President Barack Obama, Secretary John Kerry, and Deputy Secretary Antony Blinken — have raised these issues with the Government of Burma.

During his trip to Burma in November 2014, President Obama underscored the high priority the United States places on Burma's elections in 2015, the need for constitutional reform to remove provisions in conflict with basic democratic principles, and our concerns about the situation in Rakhine State, calling the issue Burma's "most urgent matter."

During his visit in May, Deputy Secretary Blinken reiterated the U.S. commitment to support Burma's democratic transition and stressed that the protection of human rights and fundamental freedoms, regardless of race and religion, is a critical component of Burma's reform process and essential for national security, stability, and unity.

In January, senior U.S. civilian and military officials, including Ambassador Derek Mitchell; Department of State's Bureau of Democracy, Human Rights, and Labor Assistant Secretary Tom Malinowski, Department of State's Bureau of Population, Refugees, and Migration Assistant Secretary Anne Richard, and Deputy Commander of the Pacific Command Lt. General

Anthony Crutchfield, pressed the U.S. government's agenda at the second U.S.-Burma Human Rights Dialogue. U.S. officials emphasized that progress on human rights remained fundamental to Burma's democratic transition and the advancement of relations with the United States.

Burma's 2015 parliamentary election will shape our engagement with the Government of Burma in 2016 and beyond. The credibility of the elections will be determined by the extent to which all the people of Burma have confidence in the fairness of the electoral process, and believe the election results accurately reflect their collective will. The credibility of Burma's overall political transition will also depend on what happens after the elections, including on whether elections can lead to constitutional change and a truly civilian-led government.

The Government of Burma has repeatedly expressed a commitment to hold elections on schedule and receptiveness to assistance to meet the enormous technical challenges given its limited experience with democracy. U.S. election assistance is intended to strengthen the institutions and systems of democracy. With USAID playing a key role, we are building capacity among all key stakeholders in advance of the 2015 elections, including the Union Election Commission, domestic election observers, political parties, civil society, voters, and the media.

We remain deeply concerned about the discriminatory conditions facing members of religious and ethnic minorities, especially continued persecution of Burma's Muslim Rohingya population. We have urged the government to provide full access to humanitarian organizations serving all the people of Rakhine State, to allow freedom of movement, security, and a non-discriminatory path back to citizenship for the Rohingya population, many of whom have lived in Burma for generations. Despite these many challenges, we continue to provide humanitarian assistance to vulnerable communities in Rakhine State — which includes significant assistance for Rohingya — along the Thailand-Burma border, and other conflict affected areas in Burma. Over the past two years, the U.S. government has provided more than \$109 million in humanitarian assistance to vulnerable people in Burma and the region. These programs continue to provide life-saving humanitarian assistance to internally displaced persons, refugees, and asylum seekers in the areas of health, nutrition, water, sanitation, and hygiene.

We welcome news that representatives of the Government of Burma and 16 ethnic armed groups signed a joint declaration stating that they finalized a draft nationwide ceasefire agreement in March. It is an important step toward the completion of a final nationwide ceasefire agreement, which, if signed, would mark a historic milestone toward achieving the peace that has eluded Burma for decades. At the same time, the military has continued to engage in operations, including against the Kachin in northern Burma, and unfettered humanitarian access to people in the conflict zones remains a problem. If these problems are resolved, then as the next step, and a core requirement for lasting peace in Burma, it is critical that the parties engage in an inclusive, transparent, and meaningful political dialogue that addresses long-standing differences. The United States, in coordination with other members of the international community, will continue to support the peace process going forward.

The United States Government has made a long-standing commitment to the people of Burma — particularly to civil society, which is critical to the durability of democratic reforms — a commitment which will continue, regardless of the outcome of the election. An emphasis on civil society is prevalent throughout all of our work — from media freedoms to land policy to health and agriculture. We are supporting organizations that are holding the government accountable to continued reform, advocating for local needs and priorities, and resisting discrimination and violence. To date, USAID has supported over 300 local civil society organizations who are empowering ordinary citizens to bring change to their country. We are also supporting national reconciliation and inclusive and transparent peace processes that increase access to populations in need and lay the foundation for political resolution to long-standing conflicts and durable peace. Continued U.S. assistance will be essential to support national reconciliation, democracy-building, economic development, social cohesion, and regional integration.

The U.S. government is encouraging responsible U.S. business and investment in Burma, which will help raise standards and transparency. With support from the International Labor Organization (ILO) and Japan, the European Union, and Denmark, we also have launched an initiative to help the Government of Burma modernize its labor code while empowering unions, the private sector, and civil society to help influence the country's labor reform process to the unique context of Burma's quickly-evolving economy.

Cambodia

In Cambodia, promoting democratic governance and human rights continues to be our top priority. U.S. and international pressure contributed to the Cambodian government allowing the Cambodian opposition and its leadership more freedom to participate in the July 2013 parliamentary election. While the 2013 election was the most peaceful in Cambodia's history and produced a large increase in opposition seats, there were procedural irregularities and allegations of fraud and flawed voter registration. The opposition boycotted parliament while demanding electoral reforms and investigations into the irregularities.

Throughout the year-long political standoff that ensued, the U.S. government, especially through our Embassy in Phnom Penh, advocated tirelessly and effectively for nonviolence and direct dialogue between the Cambodian government and the opposition. These efforts were diplomacy at its best, with the U.S. government serving as a critical interlocutor and bridge, while consistently advocating democratic principles both privately and publicly in Phnom Penh and from Washington. U.S. government support and assistance to human rights non-governmental organizations (NGOs) have strengthened their skills necessary to advocate effectively for change while avoiding the widespread violence that had marked previous political transitions in Cambodia. In July 2014, the two parties peacefully reached a political agreement, and the opposition took its seats in parliament. The two parties subsequently agreed to reform the National Election Law and overhaul the composition of the National Election Committee.

The new Law on the Election of Members of the National Assembly and Law on the National Election Committee were passed in 2015. While the Cambodian government and the opposition party have praised the new laws, they were drafted without sufficient public consultation and civil society leaders have criticized some of the laws' shortcomings, including restrictions on NGO activities and other provisions that threaten to restrict the rights to freedom of expression, association, and assembly during election campaigns.

A separate, potentially restrictive draft Law on Associations and Non-Governmental Organizations that may be imminently passed could also threaten civil society. Although the Cambodian government first released

this draft law in 2011 and subsequently held four public consultations until it was shelved later that year, all of the proposed drafts contained provisions that could limit civil society's ability to operate freely. The Cambodian government has stated its intention to move forward with passing the law — perhaps as early as this month — without further consultations. With strong, public support from the U.S. government, civil society is demanding that the Cambodian government disclose the contents of the draft and hold substantive consultations. The U.S. government and many in Cambodian civil society do not see a need for such law, and share the view that any such draft law must encourage and facilitate NGOs' work and respect the freedoms of speech, association, and assembly. The United States continues to advocate for dialogue and calls for transparency in the legislative process — sending the important reminder that democracy is about more than ability to vote freely at the ballot box; it is also about citizens' ability to hold their government accountable on a daily basis.

While still not fully respected by the Cambodian government, Cambodia's civil society has grown in strength and inclusiveness. Since the 1990s, USAID and the Department of State have supported civil society and continue to prioritize assistance to this sector. With U.S. support, civil society has pressed for action on key policy issues, for example demanding improved government service delivery. Civil society has advocated for amendments to proposed laws to protect the rights and fundamental freedoms of Cambodian citizens, as well as monitored and pushed for revisions to proposed cybercrime, telecommunications, and trade union draft legislation. While the government is now making some efforts to improve its labor laws and wage settlement process, it is moving forward with a draft Trade Union Law that contains very little input from independent labor unions and may not be compliant with ILO conventions on freedom of association. As with the NGO and cybercrime bills, the U.S. government is urging transparency and accountability in the legislative process.

In addition to efforts that directly support the democratic process, other U.S. programs strengthen key political and civil liberties, increase citizens' participation in the political process, and combat human trafficking. Training on advocacy and democracy increased the participation of Cambodian women, including female political party youth activists, in their country's political and electoral processes. U.S. public outreach to Cambodian youth — which make up the majority of Cambodia's population — through the Young Southeast Asian Leaders Initiative (YSEALI), social

media, and other means is also an essential way to spread the values of a democratic society. As a part of these efforts, we have supported civic education through broadcast media that directly engaged more than 22,000 young Cambodians, sharing information and empowering them to be catalysts for positive change.

The U.S. government also supports union leaders, activists and workers to improve working conditions and protect freedom of association for vulnerable Cambodian workers in a variety of sectors, including the garment, hotel and hospitality, and construction industries. In part due to advocacy by the U.S. Embassy in Cambodia, garment worker unions negotiated a 28 percent increase in the minimum wage that was approved in November 2014.

Our ongoing training with the Cambodian police and military aims to build professionalism and respect for human rights within the security services. Justice sector assistance seeks to improve the predictability and independence of the Cambodian court system. The United States is also helping civil society provide legal assistance to people imprisoned for political or labor demonstrations, and those who have been evicted or had their land taken from them. USAID has provided legal representation, trial monitoring and advocacy support to 1,154 jailed activists, and U.S. government assistance was instrumental in securing the release of dozens of activists.

Looking ahead, we hope that political dialogue with civil society participation continues as Cambodia lays the groundwork for the 2018 general election. We have seen some progress in parliamentary reform and structural changes to the National Election Committee, which now mandates equal participation between the two main political parties, as well as a designated neutral seat for a member of civil society. Continued U.S. support will be vital to help Cambodia demonstrate electoral fairness through additional reforms, including reliable voter registration processes.

Thailand

The United States has a long history of friendship and shared interests with Thailand over the course of our 182-year-old relationship. We are eager to see our relationship restored to its fullest potential, but this can happen only when a democratically-elected government is in place.

Since Thailand became a constitutional monarchy in 1932, democratic governance has waxed and waned, with the country experiencing over two dozen general elections, 12 successful military-led coups, and several other attempted coups. Over the past 10 years, Thailand's internal political debate has become particularly divisive, increasingly polarizing not only the political class but society as a whole. Thai economic growth slowed to just 0.7 percent in 2014, partly due to political unrest. The most recent coup in May 2014, although non-violent, came at the end of six months of intense political struggle between rival groups that included months-long demonstrations in the streets of Bangkok.

During the past decade of turbulence, the U.S. government consistently stressed our support for democratic principles and commitment to our relationship with the Thai people.

On numerous occasions, we have publicly and privately stated — to high-level Thai officials through our Embassy in Bangkok and during the visits of senior State Department officials to Thailand — our opposition to a coup or other extra-constitutional actions, stressing that democracy requires the people of Thailand selecting the leaders and policies they prefer through free and fair elections. As Assistant Secretary Daniel Russel stated during his January 2015 visit to Thailand, we continue to advocate for a broader and more inclusive political process that allows all sectors of society to feel represented.

Since the military-led coup in May 2014, the interim government has largely followed its publicized roadmap for returning Thailand to democratic governance, including forming an interim law-making body and other institutions. It has also completed a draft of the country's next constitution. The interim government has indicated that it may hold a public referendum on the draft constitution, which, if conducted in an inclusive and consultative manner, with improved civil liberties, could be a positive step to ensure that the voices of the Thai people are heard. However, the interim government has not established a clear timeline for this referendum, and there are signs that parliamentary elections — once tentatively scheduled for fall 2015, then early 2016 — could slip even further. We are concerned that without a timely, transparent, and inclusive reform process, the Thai government will never enjoy the public buy-in necessary to build lasting institutions.

We continue to advocate for the full restoration of civil liberties in Thailand, which would allow for an open and robust debate about the country's political future, something particularly critical now. On April 1, the interim Prime Minister lifted martial law. However, security provisions included in the interim constitution essentially continue many of the same restrictions on civil liberties, such as limits on fundamental freedoms of expression and peaceful assembly, as well as retaining the practice of trying civilians in military courts. We have repeatedly emphasized that suppression of public dissent in the short term will not promote long-term stability. We encourage the National Council for Peace and Order to engage directly with civil society, to allow them to express opposing views, and to take those views into account.

Because of the coup, the U.S. government has not allowed longstanding relations with Thailand to proceed and expand as usual. As required by law, we immediately suspended certain assistance when the coup occurred. We will not resume this type of assistance until a democratically-elected government takes office. In addition, we continue to carefully consider through a case-by-case interagency vetting process whether to proceed with high-level engagements, military exercises, and training programs with the military and police.

At all levels, from Washington and our Embassy in Bangkok, we have consistently called for the restoration of civilian rule, a return to democracy, and full respect for human rights, including the freedoms of expression and peaceful assembly.

We are not advocating for a specific constitutional or other political blueprint. Those are questions for the Thai people to decide. Rather, we are calling for an inclusive political process so that the Thai people feel they have a hand in the outcomes and are comfortable with the results. Mindful of our long-term strategic interests, we remain committed to maintaining our enduring friendship with the Thai people and nation, including our security alliance. We continue to cooperate closely on regional and global issues such as public health, law enforcement, counter-narcotics, trafficking in persons, counter-terrorism, climate change, and regional security.

U.S. assistance focuses on peace-building activities in southern Thailand to address the longstanding conflict there between ethnic groups. USAID assistance over the years has supported increased citizen engagement in

governance. With USAID support, Southeast Asia's first Center for Civil Society and Non-Profit Management was created at Khon Kaen University, which responds to the need for stronger civil society organizations and recognizes the opportunity for universities to play an instrumental role in strengthening civil society in Thailand.

The United States continues to emphasize our support for a return to democracy and respect for human rights, while also working to ensure we are able to maintain and strengthen this important partnership and security alliance over the long term.

Our objective is that Thailand's transition to civilian rule be inclusive, transparent, and timely and result in a return to democracy through free and fair elections that reflect the will of the Thai people. We are hopeful that if Thailand creates democratic institutions of governance and reconciles competing political factions, the country will continue to be for the United States a crucial partner in Asia for decades to come.

Hong Kong

The United States enjoys a strong relationship with Hong Kong based on cultural, economic, and financial ties. For Hong Kong's continued stability and prosperity, an open society, with the highest possible degree of autonomy, is essential. We have strongly supported Hong Kong's autonomy under "One Country, Two Systems" and the Basic Law.

Although Hong Kong has maintained a high degree of autonomy since reversion, it has done so without universal suffrage for the selection of the chief executive — something Hong Kong has in fact never had. We believe that the legitimacy of Hong Kong's Chief Executive and its overall governance would be greatly enhanced if the people of Hong Kong were given the opportunity to select their Chief Executive through a competitive election featuring a meaningful choice of candidates who represent the voters' will, and we have consistently called for an electoral process that would produce that result.

Over the course of more than a year, we have seen an impassioned debate in Hong Kong over the implementation of universal suffrage for the election of the Chief Executive in 2017. This debate results from a provision of Hong Kong's Basic Law that states: "*The method for selecting the Chief Executive*

shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures. ” It also stems from a 2007 decision made by China’s National People’s Congress Standing Committee (NPCSC) that the Chief Executive election “may be implemented by the method of universal suffrage” in 2017.

We expect Hong Kong’s Legislative Council to vote this month on the Hong Kong government’s reform package, which conforms closely to Beijing’s restrictive framework as defined by the August 31, 2014 National People’s Congress Standing Committee (NPCSC) decision on universal suffrage for the 2017 Chief Executive election. Hong Kong’s pan-democratic legislators have vowed to veto the bill, which we believe could have gone further in providing Hong Kong’s five million potential voters with a meaningful choice of candidates. If they do so, the current Chief Executive electoral system, in which the Chief Executive is both nominated and selected by a 1,200-person Election Committee, would remain in place. We do not take a position on how Legislative Council members should vote. This is a decision for the legislators, after hearing and considering the views of the people of Hong Kong. Our hope is that the elections in Hong Kong in 2017 are competitive and feature a meaningful choice of candidates reflecting the people’s will.

It is unfortunate that, throughout discussions of universal suffrage in Hong Kong, there have been efforts to falsely attribute developments in Hong Kong to “foreign forces.” These tactics seek to misrepresent, as unpatriotic or worse, the views of the many Hong Kong people who either disagree with the Hong Kong government’s universal suffrage package or have other concerns about Hong Kong’s future. If the goal of these tactics is to cause us to turn a blind eye to developments in Hong Kong, they will not succeed.

We will continue to voice our belief that an open society that respects the rights of its citizens and fundamental freedoms — with the highest possible degree of autonomy and governed by the rule of law — is essential to Hong Kong’s continued stability and prosperity, and we will stand up for Hong Kong’s autonomy under “One Country, Two Systems” and the Basic Law. We will continue to place great importance on our relationship with Hong Kong — a relationship that rests on our shared values, economic and cultural

relations, and people-to-people ties. Hong Kong has long reflected and protected fundamental freedoms: freedom of expression, freedom of peaceful assembly, a strong independent legal system, rule of law, a free media, and an active civil society – all values shared with the United States. And as we continue to follow developments closely, we will voice our support for universal suffrage in Hong Kong in accordance with the Basic Law and the aspirations of the Hong Kong people, and stand up for universal human rights and fundamental freedoms.

TPP and Democratic Values

At the outset, we argued that promoting democracy and human rights and deepening our strategic presence in Asia are mutually reinforcing goals. This is also the case with respect to our pursuit of the Trans-Pacific Partnership (TPP) trade agreement.

First, our ability to advance democratic values in Asia depends on reassuring friends and allies that we are committed to the region's security and prosperity. It depends on the United States maintaining a leading role in shaping the development of the region's institutions and norms. The TPP will enable us to continue playing that role. If we do not, others will and they will not use their leadership to promote universal values of democracy and human rights.

Second, the prospect of participation in a completed TPP encourages countries in the region to make progress in human rights and labor rights. This is especially true in the case of Vietnam.

Vietnam is still a one-party state, with laws that criminalize political dissent. At the same time, there is a high stakes debate underway in Vietnam about whether and how to build a more democratic society under the rule of law. That debate is being driven by civil society, but has also been joined by many within the government who do not want changes in their society to leave them behind. The reformers' most powerful pragmatic argument is that reform is necessary to secure something everyone in Vietnam, from Communist Party hardliners to democracy activists, say the country needs and wants — a closer economic and security partnership with the United States.

Under the spotlight of the TPP negotiations, Vietnam has released prisoners of conscience, bringing the total number down to around 110 from over 160 two years ago. In 2013, Vietnam convicted 61 people for peaceful political expression; thus far in 2015, there has only been one case in which activists were convicted under statutes criminalizing peaceful expression. It has recently ratified the Convention Against Torture and the UN Convention on the Rights of Persons with Disabilities, and promised to bring its domestic laws – including its penal and criminal procedure codes – into compliance with its international human rights obligations. This will be a long and hard process, which some in the Vietnamese government will resist. But the government has been sharing drafts of new laws with its public and with others, including the United States, inviting our input, which would have been unthinkable a few years ago.

What's more, the TPP agreement will include a requirement that Vietnam guarantee freedom of association, by allowing workers to form genuinely independent trade unions. Allowing workers for the first time under their system to organize unions of their own choosing would be an historic breakthrough in a one party state. Vietnam will have to make the necessary legal reforms or miss out on the agreement's benefits.

These developments do not by themselves guarantee full respect for human rights and labor rights in Vietnam, but are necessary and significant steps in that direction. Without the chance to join TPP, it is not likely Vietnam would have taken any of them at all. Passage of trade promotion authority (TPA) legislation gives us bargaining power to keep pushing Vietnam for more progress. And if Vietnam then meets the conditions for TPP itself, we will still have leverage, including via its desire for a full lifting of restrictions on the transfer of lethal defense articles, which we have also linked to human rights progress.

Members of Congress concerned about human rights in Vietnam are right to actively probe its government's intentions. Congress should keep demanding more progress. But Members should also recognize the importance of TPA and TPP in sustaining a process that facilitates securing more progress. TPP is not a leap of faith; it is an instrument of leverage. It has already empowered those in Vietnam seeking a more open society, and it enables us to help them as well.

Conclusion

In conclusion, Mr. Chairman, we continue to implement our strategic rebalance, within which democracy, human rights and good governance play a central role. The region encompasses a range of countries in democratic transition. A common thread between them is that their people are increasingly demanding more from their governments — better services, more transparency, greater tolerance for and protection of religious and ethnic diversity, and expanded opportunities to participate in and benefit from economic growth. The Department of State and USAID have and will continue to support these countries and their people as they seek to strengthen and sustain democratic governance and protect and promote universal human rights. With continued U.S. engagement backed by bipartisan Congressional support, we are confident that democracy will continue to take root and expand in the Asia-Pacific.

Thank you for the opportunity to testify today. We are pleased to answer any questions you may have.

###