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Democracy and Human Rights In the Context of the Asia Rebalance

Chairman Cardin, Ranking Member Rubio, and distinguished Members of the Subcommittee, thank you for inviting me to testify today with my good friend and colleague, Acting Assistant Secretary Joe Yun.

The Obama Administration's "rebalance" is a purposeful, strategic move in our foreign policy. It is motivated by opportunity to develop deeper and more wide ranging partnerships in a part of the world that is increasingly important to American interests. The region includes the second and third largest economies in the world and some of the fastest growing ones, economies with enormous future potential; the vast majority of U.S. cross-ocean trade passes through the region's shipping channels; and regional security in Asia has a direct effect on U.S. interests as the recent actions and threats by the North Korean regime underscore. The rebalance offers an opportunity to build resilient networks of cooperation, trust, and stable expectations that will protect U.S. interests and help us remain prepared to tackle shared challenges in the years to come.

Headline news coverage of the Obama Administration's rebalance or "pivot" to the Asia-Pacific region often focuses on questions of hard security, military dispositions, and trade agreements. The role of political progress – in particular, of the advance of human rights and democracy—is less frequently a strand in the public discourse about the pivot. So the topic of this hearing helps fill a gap, and gives us an opportunity to consider important questions: Does the "rebalance," as a purposeful addition to U.S. foreign policy, include progress on human rights and democracy as part of its objectives? And does progress—or lack thereof—on human rights and democratic governance affect the prospects of achieving the full range of objectives that motivate the broader "rebalance"?

The questions are related, of course, and the answer to both is a firm yes.

The advance of human rights and democracy has long been an established objective of U.S. foreign policy through administrations of both parties. In the second half of the 20th century,

human rights were a clear pillar in our regional foreign policy with respect to Europe—we recognized that it was not only our moral convictions but our economic and security interests that would best be met by a democratic Europe. The underlying truths haven't changed: human rights and democracy are foundational to our foreign policy because they are foundational to our polity; and because U.S. national interests will be most durably met by a world in which states are part of a stable rules-based order. That stable order can only be grounded on the durable peace that human rights and democratic governance deliver.

That's why our 2010 National Security Strategy unambiguously declares that, "the United States can more effectively forge consensus to tackle shared challenges when working with governments that reflect the will and respect the rights of their people, rather than just the narrow interests of those in power." That belief animated President Obama's 2011 speech to the Australian parliament announcing the rebalance, and the necessity of U.S. leadership in support of human rights as a central element of it. Because while, as I've said, the region includes big and fast-growing economies, as well as opportunities for more effective partnerships in tackling transnational security issues, and while there are many opportunities for mutually beneficial cooperation in the years ahead, we cannot forget that the region also includes many hundreds of millions of people who have yet to experience protections for their universal human rights. It includes strongmen who manipulate flawed elections and suppress speech and expression in order to stay in power, and it includes places where the "rule of law" is notably absent and where members of religious and other minorities suffer abuses with impunity. It includes governments that treat the Internet as a new threat to be regulated and controlled rather than as a platform for free expression and opportunity. For as long as these conditions remain, both the region's potential progress and the potential dividends of our engagement, will be hampered. There is still much to gain, in my view, but achieving the full potential return on our investment—both for our citizens and for the people of the region—depends on political progress.

In this respect, in his speech in Canberra, President Obama spoke specifically to three ways in which we are exercising leadership. I want to touch on each of them—and briefly offer a few concrete examples.

First, President Obama declared that "We help strengthen civil societies, because they empower our citizens to hold their governments accountable." We are well aware of the need for political change in many places, and we are also well aware that durable change is most likely to come from within. That means we can be effective by standing up for civil society, throwing civil society actors a lifeline of support when they need it, and helping to preserve the space for them to make the case for change in their own societies.

Burma's budding democratic transition will succeed only if the country's civil society is strong and can help drive it. That's why we continue to press the Burmese government to ensure that the political leaders recently released from Burmese prisons return to society with their full civil rights restored and with their academic and professional credentials recognized. These men and women will be critical building blocks of a new, robust civil society in Burma and we must support them.

We have encouraged the government of Burma to engage civil society directly to chart a new course and to find ways of working in partnership. One timely example of this is the recently formed committee—chaired by the government and including civil society, opposition party representatives and the new national human rights commission—that is charged with working through remaining political prisoner cases. This is a great opportunity—not only to free remaining political prisoners and contribute to broader national reconciliation, but also to provide a concrete example of how government and civil society can work together to tackle a tough issue.

We have kept civil society in mind as we have eased sanctions. The Administration's reporting requirements will ask U.S. investors whose aggregate new investment exceeds $500,000 to report to the State Department on a number of issues, including how they have conducted human rights due diligence, by, for example, complying with international standards and engaging civil society and others on potential impacts of business investments.

We also have also supported the emergence of enabling environment for civil society in Burma. Because the existing civil society law in Burma is highly restrictive, we have encouraged civil society and the government to work together to change it so that NGOs are able to freely operate and so that the country's protection of the fundamental freedoms of assembly and association are consistent with international best practices.

Twenty-one years after the accords that ended the horrors of war, Cambodia has a vibrant civil society that remains a strong, independent force able to push for accountability and improvements from the Cambodian government. Several years ago, the Cambodian government sought to push through laws aimed at weakening civil society by stifling human rights non-governmental organizations (NGOs) and trade unions. Cambodian civil society organized and led a campaign to resist these laws. We supported their efforts, and former Secretary Clinton repeatedly urged the Cambodian government to scrap the proposed NGO law. We were pleased when Prime Minister Hun Sen announced at the end of 2011 that the NGO law would be shelved and would not be brought forward again without civil society's support. The trade union law, though much improved after receiving civil society input, has yet to be adopted. Needless to say, civil society and the international community remain on guard.

Other challenges remain. We were deeply disturbed to see independent broadcaster Mam Sonando jailed last July on charges of insurrection, and the re-arrest of Born Samnang and Sok Sam Oeun, who are widely viewed as scapegoats in the case of the 2004 murder of union leader Chea Vichea. Opposition leader Sam Rainsy remains in self-imposed exile to avoid imprisonment on politically motivated charges. In his visit to Cambodia last November, President Obama underscored our concerns about human rights and democracy directly to Prime Minister Sen. We welcomed Mam Sonando's release last week as a positive step, but the charges continue to hang over his head, and several others remain in jail or under threat for protesting seizure of their land or for reporting on the destruction of Cambodia's forests.

The second element I'd like to highlight from President Obama's speech in Canberra is his commitment of U.S. leadership to—quote— "advance the rights of all people -- women,

minorities, and indigenous cultures – because when societies harness the potential of all their citizens, these societies are more successful, they are more prosperous and they are more just."

Members of this Subcommittee know that there are parts of the region where not only are members of minority groups not protected, but also their rights are actively targeted for repression. These policies don't just violate those individuals' rights, they exacerbate tensions and can lead to the kind of social instability that challenges political and economic structures. The United States remains deeply concerned about repressive Chinese policies that threaten the distinct cultural, linguistic, and religious heritage of Tibetans, and that have contributed to a climate of increasing desperation in which more than 100 Tibetans have resorted to self-immolation. In Xinjiang, where I visited in late 2011, members of the Uighur population continue to face discrimination, arbitrary detention, and restrictions on religious freedom and freedom of movement. Unsurprisingly, social tensions remain high.

Elsewhere in the region, where democracy is taking root and democratic gains are undeniable, building strong democracies that hold fast to protections for all citizens, even when they are unpopular with the majority, is an ongoing challenge. Indonesia's democratic progress in the last 15 years has been truly remarkable. While the vast majority of Indonesians freely practice their religious beliefs, some religious minorities have found themselves the victims of terrible violence and abuses, and the government will have to work to do more to protect all citizens.

And even in addressing particularly difficult situations like North Korea, the United States has continued, with our international partners, to demonstrate our concern about the regime's abuses and our compassion for the North Korean people. Just this week, the United States is supporting efforts at the United Nations Human Rights Council's 22nd session in Geneva to urge adoption of a Commission of Inquiry into the systematic and widespread abuses committed by the regime.

Finally, in Canberra the President said that, "we encourage open government, because democracies depend on an informed and active citizenry."

Open government requires affirmative efforts to make transparent aspects of government decision-making and activity, and to preserve an open society in which citizens are free to scrutinize and criticize government and identify opportunities for improvement. The Open Government Partnership (OGP) – a multilateral initiative that now includes governments and civil society from around the world – is now being co-chaired by Indonesia and offers opportunities for practical cooperation among governments in making governance better and more transparent.

But initiatives like OGP only work if they are supported by an open and active civil society, so the United States will continue to press for progress to ensure protections for freedom of expression, association, and assembly. One area where this is particularly important, and where there are worrying trends in some parts of the region, is with regard traditional media, as well as the Internet and new connection technologies.

Whereas a few years ago, governments were taking a technical approach to Internet repression—using filters, surveillance, malware, and other techniques, we now see increasingly that they are pairing ever more sophisticated technical attacks with a regulatory approach, where governments

also utilize legislation to limit Internet freedom. In countries like Vietnam—which has an impressive level of Internet penetration but a large number of bloggers and others who have been imprisoned for what they've said online—we must continue to make the case that human rights apply online as they do offline. We need to underscore that it's no coincidence that Silicon Valley is in a country where ideas are exchanged freely, and that Vietnam's Steve Jobs or Mark Zuckerberg won't be able to contribute to the growth of the country if he or she is sitting in a prison cell because of something she/he wrote on a blog.

The Asia-Pacific region today is more free, more prosperous, and more respecting of internationally recognized human rights than at any point in history. Mongolia, South Korea, Japan, Taiwan, Australia, New Zealand and many Pacific Island nations form an arc of democracy and freedom that, while far from perfect, serves as a model and a beacon of hope. Younger democracies, most notably Indonesia, have emerged to give voice to their people and to promote democratic practices in the region, even while they engage in the difficult work of creating durable institutions, reforming the security services, and delivering on the promise of human rights for all people. And longstanding allies like Thailand and the Philippines continue to work to strengthen their democracies so that they can deliver for a new generation.

The U.S. rebalance to the Asia-Pacific region builds from that base, bringing new American commitment and resources to bear in supporting the peoples of the Asia-Pacific who are constructing strong civil societies and transparent, accountable governments that respect and support the rights of all of community members. As former Secretary Clinton has said, that is the right thing to do, and it is the smart thing to do, and I know that Secretary Kerry, who has long maintained a deep personal interest in the region is committed to carrying forward the work of leading the rebalance in a way that advances all of the interests of the United States, including a strong rule-based global order, grounded in respect for human rights, that enables durable economic prosperity and peace.

Within ASEAN, our initial optimism at the formation of the Intergovernmental Commission on Human Rights (AICHR) in 2010 has not materialized. AICHR's human rights declaration of 2012 did not commit the organization or any ASEAN state to actually improve its human rights record, nor did it create a meaningful complaints mechanism. We continue to engage AICHR and its commissioners on ways to move the organization towards becoming a genuine regional human rights protection body. And we have made clear that there is an opportunity to revise the declaration to bring it in line with internationally recognized universal human rights standards.

In some areas, we see backsliding. In North Korea, religious freedom is not a reality. In Vietnam the right to religious freedom, which seemed to be improving several years ago, has been stagnant for several years. In Burma, a Country of Particular Concern, churches in Kachin state are used as military garrisons and centers for sexual violence and torture. Too many governments still favor one religion over others or pursue policies to thwart religion and belief altogether. Even in Indonesia, where in law and practice the right to believe is enjoyed, the government does not take effective steps to protect members of religious minorities or the right not to believe.

Workers in East Asia have not enjoyed the benefits they should in light of the economic growth globalization has brought to the region, but there are some promising opportunities, and we have used these openings to advance workers' rights. New laws in Burma have led to the registration of over 400 enterprise-level unions and a budding institution for dispute resolution, which we support through grants to the International Labor Organization; in China, regulations have put in place new resources for mediation and conciliation, and we are working cooperatively with the Chinese government to promote these positive developments. The U.S. has made respect for fundamental labor rights a key element of negotiations of the Trans-Pacific Partnership. Still, workers in the formal sector face challenges to exercising labor rights due to a casualization of work and a shift towards short-term or temporary contracts. Workers in the informal sector, including in construction and domestic work, do not generally receive the same protections under labor law, and migrant workers remain marginalized, vulnerable to harassment, abuse, exploitation, and human trafficking. These are the kinds of challenges we seek to address through both policy and programs.

The State Department and our partners use two primary tools to bring about a more democratic and more rights-respecting Asia-Pacific: honest dialogue with governments, civil society organizations and people; and grass-roots, results-oriented programming. From Burma to Cambodia, Mongolia to Papua New Guinea, we support dozens of innovative programs that increase the effectiveness of local CSOs to improve their local environments on their terms. Our programs have trained labor activists, brought human rights principles to security forces, strengthened election mechanisms, and enabled citizen journalists to connect, share, and publish their work. Our rapid response mechanisms have enabled us to provide immediate relief and help activists and civil society leaders when their governments respond negatively to their insisting on having a voice in the decisions that most affect their lives. We are working with our international partners to sustain and expand the Lifeline NGO Fund and other funds stewarded by DRL so that embattled organizations have the resources they need to continue their vital work.

In this constrained funding environment, our programs reap large dividends as we support people and organizations that preserve the fundamentals of an accountable and rights respecting society. The new Under Secretary for Civilian Security, Democracy and Human Rights coordinates and integrates the activities and programs of eight functional bureaus and offices, addressing the full spectrum of "hard" and "soft" security threats that are fundamental to building more democratic, secure, stable and just societies that protect and empower the people within them. To maximize the use of resources, we also closely cooperate with other parts of the USG, such as USAID on strengthening civil society, free media, rule of law and human rights in the region. In Burma, we just concluded a joint rule of law and human rights assessment with USAID, which will allow the USG to have a more targeted program approach when it comes to rule of law programming.

The Asia-Pacific is in a period of unprecedented political and economic change. The region's people, who have been for too long held back by poverty and oppression, are seeking out freedom and democracy in unprecedented numbers. But those changes have also highlighted that significant work remains to be done. If the United States and its partners – likeminded governments, civil society organizations and ordinary people – lessen their efforts now, the precious gains made towards democracy and human rights will be compromised. Even in the

region’s bona fide democracies, backsliding and regression are still very real possibilities. Strong regional initiatives and continued, serious engagement with regional goverments will be key to ensuring a democratic, secure and stable Asia-Pacific.

I thank the Chairman, the Ranking Member, and the subcommittee’s distinguished Members, for the opportunity to testify, and I welcome your questions.