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DEMOCRATIC TRANSITIONS IN SOUTHEAST ASIA

HEARING

BEFORE THE

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

OF THE

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DEMOCRATIC TRANSITIONS IN SOUTHEAST ASIA

THURSDAY, NOVEMBER 19, 2015

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND
INTERNATIONAL CYBERSECURITY POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:57 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Cory Gardner (chairman of the subcommittee) presiding.

Present: Senators Gardner and Cardin.

OPENING STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO

Senator GARDNER. This hearing will come to order. We are doing something entirely unique in the Senate, and that is actually starting on time and maybe even a little early. So this may be a historic first occasion. As a new member, at least, this seems to be something that is of a historic nature.

Senator CARDIN. You just violated a tradition of the United States Senate. Senator Byrd would not be happy. [Laughter.]

Senator GARDNER. Let me, again, welcome all of you to the fifth hearing of the Senate Foreign Relations Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy. Thank you very much for being here, and thank you to Senator Cardin for his cooperation and work and support for holding this very important hearing.

The purpose of the hearing is to examine the trajectory of democracy in Southeast Asia. This region is critical to U.S. strategic and economic interests but has for decades been ruled by authoritarian regimes, often creating tensions for U.S. policymakers between advancing key national security objectives and pursuing our fundamental values of freedom and democracy in the region.

In 1967, when the Association of Southeast Asian Nations, or ASEAN, was formed, none of its six original members—Thailand, Singapore, Malaysia, Indonesia, the Philippines, Brunei—were democracies. Democracies started to take root in the region only in the 1980s and 1990s, following the example of democratic transitions elsewhere in East Asia, most notably South Korea and Taiwan.

According to the Council on Foreign Relations, by 2008, a region that was dominated by authoritarian regimes throughout the cold war now looks significantly different. In its report on Global Free-

dom in 2009, Freedom House ranked the Philippines, Thailand, Singapore, Malaysia, and Timor-Leste as partly free nations, and ranked Indonesia as free.

While since there have been significant setbacks as well in the region's democratic path, most notably the return of the military rule in Thailand last year, there are also seemingly emerging success stories as well.

On November 8, 2015, just earlier this month, there were elections in Myanmar or Burma, where Suu Kyi's National League of Democracy party has swept to an overwhelming victory. It gives us hope that democracy is still on the march in Southeast Asia.

However, we should never overlook or oversimplify these challenges. Democracy is not only about the process of holding elections. It is about instituting the rule of law, enshrining checks and balances, and respecting fundamental freedoms of assembly and human rights.

Burma as well as other countries in the region have a long way to go before that is the case.

So while we look to the elections in Burma with hope, we must also ask the question of whether a genuine democratic system can exist when the military has just simply reserved 25 percent of Parliament seats without competition, has instituted blatantly discriminatory laws, or has disenfranchised whole segments of the population.

So it is my hope that as we approach the ASEAN summit this weekend, this hearing can provide a thorough overview of the state of democracy in Southeast Asia and how U.S. policy can best encourage our partner nations in this critical region to follow the democratic path.

With that, I will turn to Senator Cardin for his opening remarks.

Senator Cardin.

OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

Senator CARDIN. Mr. Chairman, thank you very much for your leadership on this subcommittee. We know that the pivot to the Asia-Pacific region is critically important to our global strategy. This hearing is particularly important as we talk about democratic transitions in Southeast Asia.

During the past few decades, we have seen an incredible change in Southeast Asia, from poverty and civil war and authoritarian governments to now tens of millions of people having opportunity. So we have seen a trajectory that has been very positive over the last several decades.

But having said that, there has been a concern of late that maybe that momentum is being lost. Perhaps there is even some backtracking on the progress that has been made for democracy and opportunity in Southeast Asia.

I think all of us have to be concerned when we take a look at the Freedom House 2015 publication, "Freedom in the World." The organization ranks six Southeast Asian countries—Brunei, Cambodia, Laos, Burma, Thailand, and Vietnam—as "not free"; and five countries—East Timor, Indonesia, Malaysia, the Philippines, and

Singapore—as only "partly free." Notably, not a single Southeast Asian country was characterized as "free."

So clearly, we have a challenge. There is a question as to how we are progressing. It is clearly in the U.S. interests, and it is a strong component of our foreign policy objectives, to ensure that democracy and human rights are key factors in the countries that we have relations with.

I take you back to the principles of Helsinki. I served many years and am now the ranking Democrat in the Senate for the Helsinki Commission. But the principles of the Organization for Security and Cooperation in Europe is based upon stability. How can we maintain stability among countries? Countries have to be able to defend their borders. They have to have the capacity to do that. Countries need economic opportunity for their citizens. An economic future is one of the key ingredients for stability in a country.

But basic human rights—how a country deals with the right of expression, how a country deals with corruption, how a country deals with free and fair elections—are very much a part of whether there will be stability. You cannot have a military state and expect to have stability. It is not just because you have resource wealth that you will become a stable country, as we have seen in too many countries around the world.

So the attention on good governance and on human rights, must remain a key focus of our foreign policy.

Now, it is hard to generalize. It is not fair to compare one country to another. So I think each country is, indeed, unique. But clearly, there are countries that require our close attention.

Burma, on November 8 held its first contested national election since 1990. Arguably, the country has come a long way from the outright military dictatorship it was under for nearly 50 years. More than 90 political parties were registered to take part in the most recent elections—but just how transparent, inclusive, and credible were they? What can we expect in terms of transition in Burma over the next few months? Over the long term. Is there anything more the United States can do for a smooth democratic transition in Burma, as opposed to one in which it chugs along in fits and starts?

Second, I would like to hear from our witnesses the prospect for democracy in Thailand. We have had a long relationship with this country. It is a longtime friend, a U.S. treaty ally for more than 60 years. This is a country that, since 1932, has experienced 19 coups, 12 of them successful.

Over a year has passed since the military overthrew their elected government. The country continues to be ruled by junta.

With the military-appointed National Reform Council rejecting their own draft constitution in early September, elections have again been postponed until early 2017. And we do not even know if they are going to make the early 2017 date.

Third, I would like to hear about Indonesia, Southeast Asia's largest country, the world's third-largest democracy, and the world's most populous Muslim-majority country. It is often one that has been heralded as having successfully transitioned from an authoritarian regime to one led by a directly elected president. Is this country one that we should look to as a model? Or is it too besieged

by stalled reforms and continued interference in politics by the military?

I am hopeful that this hearing can shed some light on how the United States can use the tools that we have to encourage and hopefully accomplish a smooth transition in Southeast Asia to democratic institutions.

Senator GARDNER. Thank you, Senator Cardin.

With that, we will turn to our first panel.

Our first witness is Mr. Scott Busby, who serves as the Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights, and Labor, where he oversees the Bureau's work in East Asia and the Pacific, as well on multilateral and global issues, including U.S. engagement on human rights. Most recently, he served as director for human rights on the National Security Council in the White House from 2009 to 2011, where he managed a wide range of human rights and refugee issues.

Welcome, Mr. Busby. Thank you very much. We look forward to your testimony.

STATEMENT OF SCOTT BUSBY, DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. BUSBY. Thank you, Chairman Gardner, and thank you, Ranking Member Cardin, as well, for this opportunity to appear before you today to testify on the very important and timely issue of democratic transitions in Southeast Asia. Let me thank the subcommittee for its continued leadership in advancing U.S. interests and values and promoting overall engagement with the Asia-Pacific region. Your work serves as another high-profile demonstration of the expanded involvement of the United States in the region, and an important reminder that human rights and democracy are universal values, not just American ones.

The U.S. Government's rebalance to Asia and the Pacific region recognizes that our future prosperity and security are inextricably tied to the region. It reflects the importance we place on our economic and strategic engagement, as well as our strong support for advancing democracy, good governance, justice, and human rights. These goals, in our view, are mutually reinforcing elements of a unified strategy that at its core is about strengthening our relationships with the people of the region and their governments.

When assessing democratic transition in the region, I think we agree with the assessment that both of you offered, that there is some good news and there is some bad news. There are now more Southeast Asians living under democratic rule than was the case 30 years ago. Democracy is taking root in countries like the Philippines and Indonesia. And in countries like Burma, there have been important steps toward full democratic rule.

At the same time, there is not so good news in countries like Thailand, Cambodia, and Malaysia. We have seen backsliding of late. Of course, millions of others Southeast Asians in countries like Laos and Vietnam continue to live under repressive and authoritarian governments.

So the democratic picture in the region is mixed. Nevertheless, we remain committed to the notion that effective and accountable

governance and respect for the rule of law and human rights provide the foundation for long-term political stability and sustainable development. Thus, they are a cornerstone of our approach to the region as a whole, just as they are in the rest of the world.

Our democracy engagement in Southeast Asia is characterized by three key objectives: first, the strengthening of civil society; second, encouraging government transparency and accountability; and third, increasing access to information.

First on strengthening civil society, in his remarks before the U.N. General Assembly in September, President Obama noted, "When civil society thrives, communities can solve problems that governments cannot necessarily solve alone."

Southeast Asia is home to a vibrant and active civil society with which we work closely through efforts like the Young Southeast Asian Leaders Initiative. We also employed grassroots, results-oriented programming across the region to empower local civil society organizations. Our programs have trained labor activists; brought human rights principles to security forces; strengthened election mechanisms; and empowered citizen journalists to connect, share, and publish their work. And our rapid response mechanisms have enabled us to provide immediate relief and assistance to both individual activists and civil society organizations when they are under threat.

Still, the region has not been immune to the worldwide crackdown on civil society.

In Thailand, for instance, the military regime has restricted civil liberties, including freedom of association, since seizing power in May 2014.

In Cambodia recently, the government adopted legislation limiting the ability of nongovernmental organizations to operate freely.

Despite these tightening restrictions on civil society, new tools have enabled governments to become more open and accountable in the region, which is our second goal for our engagement there.

In the Philippines, for instance, grassroots participation in the planning and budgeting of poverty-reduction programs in every one of its municipal and provincial governments has resulted in greater citizen involvement and better tailored policies for communities. The Philippines undertook this effort as a founding member of the Open Government Partnership, a multilateral initiative in which the United States and Indonesia were also founding members. We will continue to push to expand participation in the OGP initiative throughout the region.

Nevertheless, we recognize that initiatives like OGP only work if citizens are able to share information openly and freely. This is why increasing access to information is the third element in our democracy strategy for the region.

We believe that access to information and freedom of expression are important indicators of a democracy's health. A free and open Internet as well as an independent press are instrumental to, for example, rooting out corruption and increasing government accountability.

Governments in Southeast Asia are grappling with how to manage the flow of information with the explosive Internet growth, as

well as new communication tools. We are troubled by what appears to be backsliding in some countries on these issues.

In Malaysia, for instance, approximately 30 government critics have been charged under its sedition law, a law, by the way, which Prime Minister Najib once publicly committed to eliminating.

So we face challenges and opportunities in this area as well.

In conclusion, Mr. Chairman, the region encompasses a range of countries at different places in the transition to democracy, some moving in the right direction, others not. A common thread between them, though, is that their people are increasingly demanding more from their governments, better services, more transparency, and a greater role in the fundamental decisions that shape their lives. The Department of State will continue to support these aspirations. And backed by congressional support, we believe that democracy can further take root and expand throughout the region. Thank you very much.

[The joint prepared statement of Mr. Busby and Mr. Carouso follows:]

PREPARED JOINT STATEMENT OF SCOTT BUSBY AND JAMES CAROUSO

Chairman Gardner, Ranking Member Cardin, 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 Southeast Asia. We would also like to thank the subcommittee for its continued leadership in advancing U.S. interests and supporting and promoting engagement with Asia and the Pacific region. Your work, including recent visits by committee members and staff, 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 core American principles, but also universal values.

Viewed from a long-term perspective, we can say that significantly more people in Southeast Asia are living in democracies than 30 years ago, although we of course want to see more and faster progress, and millions still live under repressive and authoritarian governments. In some countries we have seen recent backsliding in democratic governance and respect for human rights. In Southeast Asia and around the world, we remain committed to the notion that effective and accountable governance, the rule of law, and respect for human rights provide the foundation for long-term political stability and sustainable development.

REBALANCE TO ASIA AND THE PACIFIC REGION

The U.S. Government's "rebalance" to Asia and the Pacific region 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, lifting hundreds of millions out of extreme poverty. A growing middle class has expanded business and 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 Asia and the Pacific region, 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 with the people of the region and their governments. It is about protecting and promoting fundamental human rights, such as the freedoms of expression, association and assembly, all prerequisites to a "government by the people." It is about citizens having 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 the top down.

Promoting democracy and human rights, in Asia and around the world, is the right thing to do. It also 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 govern-

ments 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.

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 present and principled at the same time.

ADVANCING DEMOCRACY: CIVIL SOCIETY, TRANSPARENT AND RESPONSIVE GOVERNANCE, AND ACCESS TO INFORMATION

As we continue to deepen our engagement in Asia and the Pacific region, the promotion of democracy, human rights, and good governance is front and center—in private and public diplomacy. Our engagement is focused in three key areas: strengthening civil society, encouraging transparent and accountable governance, and increasing access to information.

In his remarks before the U.N. General Assembly in September, President Obama noted, "When civil society thrives, communities can solve problems that governments cannot necessarily solve alone." History has shown that durable change is most likely to come from within. That means to be truly effective, we must stand up for civil society, give civil society actors a lifeline of support when they need it, and help preserve space for them to make the case for change in their own societies.

Southeast Asia is home to a vibrant and active civil society that we work closely with through initiatives like the Young Southeast Asian Leaders Initiative. Countries like Indonesia, the Philippines, and Malaysia have some of the most vibrant and diverse civil society organizations in the world. However, the region has not been immune to a worldwide trend of government restrictions on civil society. One example is Thailand, where the military regime has restricted civil liberties since seizing power in May 2014. Next door, the Cambodian Government has also pushed through legislation restricting the ability of nongovernmental organizations to operate freely.

Some have argued that these crackdowns are a rejection of democracy, but in fact, these repressive policies are the result of democracy's powerful appeal. Democratic movements raise citizens' expectations and empower them to demand basic rights. Last year, Indonesia hosted the largest single-day elections in the world. During that election, citizen-activists built a web app that crowd-sourced a parallel vote tally and helped increase the Indonesian electorate's confidence in that historic day. Similarly, the recent elections in Burma enjoyed the participation of the vast majority of Burma's citizens, marking another important step in its democratic transition.

In some Southeast Asian countries, new tools have enabled governments to be more open and to make data about governance more accessible, which has resulted in a better informed and empowered citizenry. And we know that open and transparent government is the best route to advancing both democracy and development. For example, in the Philippines, the government required grassroots participation in the planning and budgeting of poverty-reduction programs in every one of its municipal and provincial governments. That requirement has resulted not only in greater citizen involvement in the creation, implementation, and evaluation of programs, but also bettered tailored policies for communities.

The Philippines undertook this initiative as a founding member of the Open Government Partnership (OGP)—a multilateral initiative that includes governments and civil society from around the world working together on good governance reforms. The United States was also a founding member of this effort as was Indonesia, which chaired the OGP in 2014. This partnership allows the U.S. Government to promote democracy and good governance through practical cooperation with governments such as the Philippines and Indonesia to improve governance by making it more open and more transparent.

We will continue to push to expand participation in the OGP in Southeast Asia. OGP members are required to construct national action plans in consultation with civil society and to agree upon reforms in the areas of transparency, anticorruption, good governance, and citizen participation. This structure ensures that governments make transparent aspects of their decisionmaking and activity, and it preserves an open society in which citizens are free to scrutinize and criticize government and identify opportunities for improvement. This can be an uncomfortable process for

governments, but it is a critical piece of what makes it possible for citizens to hold their leaders accountable.

As we push for this government-to-government cooperation, we also realize that initiatives like OGP only work if they are supported by an open and active civil society that is able to express itself openly and share information freely. This is why access to information is the third element in our democracy promotion strategy. In Southeast Asia, we have seen explosive growth in Internet access and usage, sometimes catching governments in the region by surprise, even, as they grapple with how to manage this flow of information. We believe access to information and freedom of expression are important indicators of a democracy's health. A free and open Internet as well as an independent press are instrumental in rooting out corruption and increasing government accountability.

At the same time, we also are troubled by what appears to be backsliding in recent months with respect to restrictions on both traditional and online media around the world, including in the region. In some countries, defamation and national security laws have been used to harass, intimidate, and silence journalists and bloggers. In Malaysia, officials have tightened restrictions on freedom of expression, and government critics are now victims of charges under Malaysia's Sedition Laws, which Prime Minister Najib publicly committed to eliminating only 3 years ago.

And in countries like Vietnam—which has an impressive level of Internet penetration and has made modest improvement in human rights over the last few years—many journalists and online activists continue to suffer harassment or remain in prison for peacefully expressing their views.

Civil society, government transparency, and access to information are a three-legged stool upon which strong democracies are built. In addition to our diplomatic efforts to bolster these foundations, we also provide grassroots, results-oriented programming. Across the region, we support dozens of innovative programs that increase the effectiveness of local civil society organizations to improve their communities 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 and their organizations when their governments respond negatively to their insisting on having a voice in the decisions that most affect their lives.

OVERVIEW OF THE REGION

The experience of democracy in Southeast Asia ranges from vibrant democracies in the Philippines, Indonesia, and Timor-Leste, to one-party states like Vietnam and Laos, 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 the region, and each requires a separate and unique response.

Burma

November 8 elections in Burma were competitive, with more than 90 political parties campaigning. Millions of people voted for the first time, seizing this opportunity to move one step closer to a democracy that respects the rights of all. The people of Burma have struggled for decades and made tremendous sacrifices for this moment to happen.

International and domestic observers closely monitored the electoral process, and their analyses confirmed the conduct of the elections was largely peaceful, transparent, and credible. We continue to encourage Burma's Union Election Commission to investigate any irregularities and to take every step necessary to ensure they are resolved promptly, transparently, and appropriately.

We congratulate the National League for Democracy on its victory in an overwhelming number of elected union-level Parliament and state and regional Parliament seats; the results are a testament to Aung San Suu Kyi's decades-long commitment to democracy in Burma and the Government of Burma's commitment to furthering its democratic transition.

While the elections were an important step forward, they were imperfect due to structural and systemic impediments: the reservation of 25 percent of the seats in Parliament for the military; the disenfranchisement of people who had been able to vote in previous elections, including most of the Rohingya; and the disqualification of candidates based on the arbitrary application of citizenship and residency requirements.

The United States believes a peaceful post-elections period is critical to maintaining stability and the confidence of the people of Burma in the credibility of the electoral process. It will be important for all political leaders to work together as the

new government is formed and to engage in meaningful dialogue. The statements from Burma's President Thein Sein and Commander in Chief Min Aung Hlaing reiterating their commitment to honor the results of the election are encouraging; we also welcomed Aung San Suu Kyi's call for calm and acceptance of the elections results.

Burma's next government will face huge challenges, including completing the national reconciliation process with various ethnic groups, reforming the constitution, strengthening respect for and protection of human rights and fundamental freedoms, and addressing the situation in Rakhine State.

We continue to closely monitor the situation in Rakhine State and the vulnerable Rohingya population. We are deeply concerned by reports of ongoing human rights abuses, religious freedom violations, and exploitative conditions. We have raised our concerns at the most senior levels with Government of Burma officials, and continue to emphasize Burma's previous commitments to improve the lives and livelihoods of all those affected by Rakhine State's humanitarian crisis.

In October, the Government of Burma concluded a multiparty cease-fire agreement with eight ethnic armed groups. We hope the signing of this agreement serves as the important first step in the process of building a sustainable and just peace in Burma. Several ethnic armed groups did not sign the agreement, however, and the United States respects their decisions—and welcomes their commitment to continue discussions within their own communities about the necessary conditions for signing at a future date. Follow-through on cease-fire agreement provisions, restraint on military operations, and unfettered access for humanitarian assistance are now key.

The United States remains committed to supporting democratic reform in Burma, and the continued engagement of senior-level U.S. officials has reflected this belief. In May, Deputy Secretary Blinken visited Burma and other countries in Southeast Asia to raise issues related to democratization, human rights, and irregular migration. In October, Deputy National Security Advisor Rhodes traveled to the region to meet with senior Burmese Government officials, opposition party leaders, and civil society representatives to emphasize the importance of the upcoming elections and continued democratic reform. His trip followed East Asian and Pacific Affairs Assistant Secretary Russel's visit to Burma in September. Assistant Secretary Russel's October 21 joint testimony with USAID Assistant Administrator Stivers on the United States Burma policy to the House Foreign Affairs Committee also served to underscore high-level U.S. Government attention on Burma's progress toward democratic and economic reform.

Cambodia

The July 2014 political agreement followed closely contested elections in 2013 and a long standoff between the government and opposition. This agreement between the ruling Cambodian People's Party (CPP) and the opposition Cambodia National Rescue Party (CNRP), and the subsequent "Culture of Dialogue" between the parties' leaders, brought hope that Cambodia's democracy was on a positive trajectory. In order to secure more transparent elections, the two parties reformed the National Election Law and overhauled the National Election Committee (NEC). Recent events, however, including beatings, arrests, imprisonment of opposition supporters, and the removal of opposition MPs, have severely limited political space and are a cause for grave concern. Free and fair elections cannot happen in an environment where peaceful expression and activity by government opponents is subject to arbitrary limitations.

The "Culture of Dialogue" was meant to replace the rancor that had characterized past political discourse. It has apparently failed, as party leaders increasingly trade insults and threats. The use of violence as a political tool also has returned. On October 26, two opposition members of Parliament were severely beaten following a government-orchestrated demonstration that called for the ouster of CNRP deputy Kem Sokha from his position as National Assembly vice president. The government officially condemned the violence, but then granted the request of the "demonstrators," removing Sokha in a controversial vote. The Cambodian Government's subsequent issuance of an arrest warrant for CNRP President Sam Rainsy, followed by his ouster from the National Assembly and consequent loss of parliamentary immunity, only made matters worse. These actions recall a more authoritarian period in Cambodia's recent past and raise serious doubts about the government's commitment to the reforms undertaken in 2014.

In the last year, the Cambodian Government also enacted a series of laws that substantially limit fundamental freedoms and undermine Cambodia's democracy. The Law on the Election of Members of the National Assembly (LEMNA) penalizes NGOs that criticize political parties during the 21-day period set for campaigning.

Meanwhile, other provisions allow security forces to take part in political campaigns. Yet other provisions make it easier for the government to strip parliamentarians of their seats—a power which the government has proven very willing to use. Similarly, the vaguely worded Law on Associations and Non-Governmental Organizations (LANGO) imposes onerous registration requirements on any "group" undertaking any "activity," potentially subjecting all social activity to regulation. It is unclear how strictly the Cambodian government will enforce the law, though early indications are not encouraging.

The opaque legislative process that passed LEMNA and LANGO with limited public involvement continues, allowing the government to rush through other controversial laws with little stakeholder consultation. The National Assembly is set to vote on a draft Trade Union Law that includes very little input from independent labor unions and may not be compliant with International Labor Organization standards on freedom of association. The U.S. Government will continue to urge transparency and accountability in the legislative process, starting with making draft laws publicly available.

Looking ahead, we are very concerned that the 2017 local and the 2018 national elections will not be free or fair and could include violence. We have strongly voiced our concerns about intimidation of the opposition, noting that the Cambodian people continue to express a preference for greater freedom and accountability from their government. We have repeatedly stressed the need for the government to allow sufficient political space for the opposition. U.S. programs will play an increasingly vital role in promoting democracy in a country where democratic values are under threat. We will support efforts to improve the electoral process, including ensuring reliable voter registration though assistance to Cambodia's NEC. We will maintain support for Cambodia's vibrant civil society, enabling it to continue playing its crucial role in Cambodia's democracy.

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 want Thailand to emerge from the current period as a strengthened democracy, not only for its own future but also for our bilateral relationship, which can only fully resume with the restoration of elected government.

Since the military-led coup in May 2014, the government's timetable for returning Thailand to democratic governance has slipped several times. The military-appointed National Reform Council on September 6 rejected a controversial draft constitution written by a separate, military-appointed committee. A new committee now is working on another draft charter for approval by public referendum; if it passes, elections would take place in mid-2017.

We continue to advocate for the full restoration of civil liberties in Thailand, which we believe is a prerequisite for an open and robust debate about the country's political future, something particularly critical now. A year-and-a-half after the coup, the military-backed government continues restricting civil liberties, including limiting fundamental freedoms of expression and peaceful assembly, and trying civilians in military courts. Media restrictions remain, and journalists, politicians, and activists have been summoned for criticizing the regime. We encourage the ruling National Council for Peace and Order to engage directly with political parties and civil society, allowing all Thais to express their views without retaliation, and to take those views into account.

We are not advocating for a specific constitutional or political blueprint. Those are questions for the Thai people to decide. Rather, we seek an inclusive political process so that the Thai people have a meaningful say in the outcomes and accept the results. We are concerned that, without such a timely, transparent, and inclusive reform process, it will be difficult for the Thai Government to enjoy the public support necessary to build lasting institutions.

Due to the Thai military's intervention, we immediately suspended certain assistance when the coup occurred, as required by law. We will not resume this type of assistance until a democratically elected government takes office. In addition, we continue to review, case by case, whether to proceed with certain high-level engagements, military exercises, and training programs with the military and police.

We remain committed to maintaining our enduring friendship with the Thai people and nation, including our long-standing and important security alliance. We continue to cooperate closely on issues such as public health, law enforcement, counternarcotics, trafficking in persons, counterterrorism, refugees and displaced persons, climate change, and maritime security to benefit both our countries, the region, and beyond.

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. As Thailand rebuilds democratic institutions of governance and reconciles competing political factions, we are confident that the country will continue to be a crucial partner in Asia in the decades to come.

Indonesia

Indonesia began its transition to democracy 17 years ago, after more than 40 years of authoritarian and military rule. Now, as the world's third-largest democracy, it is a success story and a model for other emerging democracies. This accomplishment is all the more impressive for taking place in the world's fourth-largest country. The scale of its 2014 Presidential election was remarkable: almost 125 million voters at 550,000 polling stations across the 3,000-mile width of the Indonesian archipelago. This was the largest single-day election in the world and voter turnout was almost 70 percent.

Despite these successes, Indonesia still has work to do consolidating its democratic gains. For example, corruption is widespread and protection of minority rights is sometimes inconsistent in practice. Political decentralization has been a major step in democratization, but also has highlighted the need to improve governance at all levels. However, these concerns should not obscure the remarkable progress Indonesians have experienced over the last 17 years. They enjoy more freedom and prosperity than at any other time in their history; civil society is blossoming, the press is free, and women have an influential voice. Indonesia is both the world's largest Muslim-majority country and its third-largest democracy, and so serves as an example to many other countries.

Malaysia

Malaysia has a parliamentary system of government and holds multiparty elections. Nevertheless, the United Malays National Organization (UMNO), together with a coalition of political parties known as the National Front (BN), has held power since independence in 1957. The ruling coalition lost the popular vote to the opposition in May 2013 general elections, but was reelected in Malaysia's first past-the-post system. Opposition gains came despite electoral irregularities and systemic disadvantages for opposition groups due to lack of media access and gerrymandered districts favoring those in power.

The United States consistently advocates for free and fair elections in Malaysia. While we were pleased to see Malaysians across the political spectrum engaged in the electoral process in large numbers with unprecedented enthusiasm in 2013, we publicly noted our concerns about opposition access to the media. Just 3 weeks after the elections, the government arrested several opposition leaders under the Sedition Act, a law Prime Minister Najib had publicly promised to repeal. In March 2014, opposition leader Anwar Ibrahim was convicted of politically motivated sodomy charges levied against him in 2008. A federal court reaffirmed his conviction in February of this year, raising serious questions regarding rule of law and judicial independence. Anwar remains imprisoned today, effectively removing him from politics.

Since June 2015, when Prime Minister Najib became embroiled in allegations of corruption regarding his ties to state-owned development company 1Malaysia Development Berhad (1MDB), the human rights situation has trended downward quickly. We are increasingly troubled—and have been increasingly vocal—about the continued use of the Sedition Act and other laws to harass, detain, and imprison government critics, including Anwar. Despite changes to the law, the government still uses the Sedition Act to silence its critics. The government has charged dozens with sedition, including opposition members of Parliament, state assemblymen, community and NGO activists, Internet bloggers, academics, and artists. It has used national security laws to detain members of the ruling party who had called for investigations into the Prime Minister's ties to 1MDB and $700 million in deposits to his personal bank account.

We frequently engage Malaysian Government officials at the highest levels about the most significant human rights problems, especially government restrictions on freedom of expression and the continued imprisonment of Anwar. Secretary Kerry raised these concerns directly with Prime Minister Najib in August and again with Deputy Prime Minister Zahid in October. Our Ambassador and Embassy personnel are in regular contact with Anwar's family and senior Malaysian officials to ensure Anwar receives proper treatment—and to reinforce our ongoing opposition to his politically motivated imprisonment.

Despite significant concerns about the trajectory of human rights—especially in the past several months—our bilateral relationship with the Malaysian people is important in its own right. Malaysia is our second-largest trading partner in

ASEAN, and Malaysia has been a global leader in efforts to stem the flow of terrorist fighters and counter violent extremism. We have engaged extensively with the Government of Malaysia on human trafficking, including forced labor, which continues to be a serious problem. Our cooperation on issues of mutual interest, such as trade and security, provide a foundation for us to raise our concerns frankly and frequently with our Malaysian counterparts. In addition, we will continue to meet regularly with civil society organizations representing all viewpoints, and provide support where possible, in order to encourage freedom of expression in Malaysia.

Philippines

Since its independence from the United States in 1946, and particularly since the ouster of Ferdinand Marcos in 1986, the Philippines has advanced into a durable and vibrant Southeast Asian democracy. While corruption and poverty continue to plague the country, President Benigno Aquino III has pursued a successful reform-minded agenda that has delivered tangible results for the Filipino people. Extrajudicial killings, while still a problem, have become less common under the Aquino administration.

As we noted above, the Philippines is a founding member of the Open Government Partnership and a leader in the development of transparency and good governance tools. Our wide range of official assistance through USAID in support of the Open Government Partnership with the Philippines further strengthens the country's democratic institutions by fostering broad-based economic growth, including through strengthening the protection of labor rights; improving the health and education of Filipinos; promoting peace and security; advancing good governance, and human rights; and strengthening regional and global partnerships.

TPP AND DEMOCRATIC VALUES

Above, we have 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. 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. In addition, the prospect of participation in a completed TPP encourages countries in the region to make progress in human rights and labor rights.

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 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 congressional support, we are confident that democracy will continue to take root and expand in Southeast Asia.

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

Senator GARDNER. Thank you, Mr. Busby.

Our next witness is Mr. James Carouso, who serves as Acting Deputy Secretary of State at the Bureau of East Asian and Pacific Affairs. Most recently, Mr. Carouso served as the counselor for economic affairs at the U.S. Embassy in Jakarta and as Director of the State Department office responsible for relations with the Philippines, Indonesia, Malaysia, Brunei, Singapore, and East Timor.

Mr. Carouso, thank you. We look forward to your testimony.

STATEMENT OF JAMES A. CAROUSO, ACTING DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. CAROUSO. Thank you very much, Chairman Gardner, Ranking Member Cardin. It is a real pleasure to be here to have the privilege to testify before you today.

Promoting democracy and human rights is an integral part of our daily diplomacy in Southeast Asia, particularly, of course, in countries that are either not democracies or where democracy is fragile.

Thirty years ago, as you mentioned, democracies were few and far between in Southeast Asia. But now, a majority of Southeast Asians live in democracies in places like the Philippines, Indonesia, and Timor-Leste. Others have made the progress toward the democratic path.

In all these places, the people of those nations, of course, deserve most of the credit. They are the ones who ousted the authoritarian regimes. But the United States strongly supported all of these democratic transitions. At all of our embassies, it is one of the things we do and take pride in. I will talk briefly about what we are doing in some very different places that you asked about—Burma, Thailand, Malaysia, and the Philippines.

In Burma, as you mentioned, millions of people voted for the first time in the November 8 elections, seizing the opportunity to move one step closer to a democracy that respects the will and rights of all. International and domestic observers confirm the conduct of the elections were largely peaceful, transparent, and credible. While the elections were an important step forward, they were imperfect due to structural and systemic impediments.

Looking ahead, we believe a peaceful, post-election period is critical to maintaining stability and the confidence of the people. It will be important for all political leaders to work together as a new government is formed and to engage in meaningful dialogue as they tackle the huge challenges that face the country.

We remain committed to supporting democratic reform in Burma and our continued senior-level engagement has reflected this.

In Thailand, a longtime friend and treaty ally, we have stood for democracy there throughout the past decade of political turmoil. Our message to the government since the coup just over 1.5 years ago has been clear. We are eager to see our bilateral relationship restored to its fullest potential, but this can only happen when democratic civilian government is restored. Until then, we will hold back certain assistance that has been suspended since the coup.

However, we will continue to cooperate with the Thai on regional and global issues that serve U.S. interests, such as health, law enforcement, trafficking, climate change, and regional security. In our interactions with the Thai, we have repeatedly stressed that it is vital for Thailand to have an inclusive political process and to fully restore civil liberties. This is essential to the open debate the country needs to have about its political future.

In my third example, Malaysia, we were pleased to see Malaysians across the political spectrum engaged in the 2013 electoral process in large numbers with unprecedented enthusiasm, but we publicly noted then about our concerns about opposition access to the media. Soon after the elections, the government arrested sev-

eral opposition leaders under the Sedition Act, a law the prime minister publicly promised to repeal.

Since June 2013 when the Prime Minister became embroiled in corruption allegations, the human rights situation has rapidly trended downward. We are increasingly troubled and have been increasingly vocal about the continued use of national security laws to harass and occasionally imprison government critics, including Anwar Ibrahim, the leader of the opposition.

Finally, in the Philippines, corruption and poverty continue to be major concerns. President Aquino has pursued a reform agenda that has delivered tangible results for the people. Our wide range of official assistance to the Philippines further strengthens the country's democratic institutions.

Mr. Chairman, we admire all that so many people in Asia have done to promote democracy and good governance, while recognizing there is so much that remains to be done. In our everyday diplomacy, we will continue to do all we can as a friend and reliable partner to support efforts to build and strengthen democracy. We appreciate the work of this committee in supporting these efforts.

Finally, let me emphasize that trade and investments, especially TPP, are important both to support the U.S. economy and to our efforts to promote democracy in the region. Thank you very much, and I look forward to your questions.

Senator GARDNER. Thank you, Mr. Carouso. Thank you again, Mr. Busby, as well. We will proceed to questions now.

Mr. Busby, as the lead of the Bureau for Democracy and Human Rights at State Department, the elections in Burma, how do you think that affects the path to democracy? What happens over the next several months? What do you anticipate over the next year? What do you anticipate the U.S. reaction to these elections being?

Mr. BUSBY. We thought the elections were a significant, meaningful step forward. That does not mean we thought they were fully free and fair. As you yourself noted, 25 percent of the seats in the Parliament are still reserved for the military. Many citizens—not citizens. Many residents in Burma were prevented from voting, most of them Rohingya, which is very problematic for us and for the international community. And many would-be candidates for Parliament were disqualified under opaque and seemingly arbitrary procedures.

So there were significant problems with this election. That said, the Burmese people turned out in great numbers with great passion and returned a resounding victory for the National League for Democracy.

We think this is a significant step forward. Obviously, there is a lot more to be done in terms of the negotiations between the NLD and the military and the other political parties in Burma. But we think it is a significant step forward.

Senator GARDNER. What do you think needs to happen in Burma over the next month, as these transitions take place, or maybe perhaps what we do not want to see out of Burma in the next month as they proceed to the selection of the President?

Mr. BUSBY. I think we need to first ensure that the military and the powers that be in Burma do allow the NLD to take power in the Parliament. We need to ensure that no irreversible decisions

are made by now the lame-duck Parliament that ties the hands of the incoming Parliament. And I think we need to see progress on addressing some of the key human rights challenges in the country, including the release of political prisoners, addressing the situation of the Rohingya, and trying to broaden the ceasefire that has been negotiated with some of the ethnic armed groups, but not all.

Senator GARDNER. In terms of human rights issues, the Rohingya, has the U.S. policy effectively—we have about 140,000 estimates in these camps, refugees—has U.S. policy been effective in addressing this issue?

Mr. BUSBY. We continue to be concerned about the number of Rohingya who remain in camps. That said, a process for resettling some of those people has begun quietly, which we think is a positive development. But the fact that so many remain in camps continues to be of great concern to us.

We raise the Rohingya at every opportunity and at the highest level, from President Obama on down. Deputy National Security Adviser Ben Rhodes was there a month or so ago. He raised the issue. Assistant Secretary Russell was there before him. He raised the issue. And my boss, Assistant Secretary Malinowski, has raised the issue on several occasions during his trips there, including during the human rights dialogue.

We also support efforts by the multilateral community to highlight our concern about the issue and address the issue.

So we are doing what we can, but it is a tough, tough issue within Burma. But we continue to press them.

Senator GARDNER. At the ASEAN summit coming up, will this be addressed? If so, what do you anticipate the outcome?

Mr. BUSBY. I cannot speak for the President in advance of meetings that he will have there, but our concern about this issue has been one that he has repeatedly raised. He is personally seized with it, and I would be very surprised if he does not take the opportunity to raise it again with Burmese and other counterparts.

Senator GARDNER. Given the outcome of the election, at the monsoon season's ending last year, we saw a number of refugees fleeing, the Rohingya taking the refugee approach and fleeing in boats. Do we anticipate that perhaps again at the end of the monsoon season? If so, what leverage can the United States exercise to try to address that, given the outcome of the elections?

Mr. BUSBY. After the end of the last sailing season, the U.S. Government has undertaken a concerted effort with partners in the region, other governments as well as civil society, to do what we can to address this problem. We have sought to identify and target smugglers and traffickers engaged in this trade. We have pressed the Burmese Government to address the root causes of the Rohingya problem. And we have pressed other governments in the region to open their doors to those migrants who may leave Burma.

It is hard to predict with any certainty what will happen this sailing season. But it is an issue we are very seized of and very much involved in trying to address.

Senator GARDNER. Mr. Carouso.

Mr. CAROUSO. If I could, we just got a report today that at this time last year about 13,000 Rohingya and other refugees, mainly Bangladeshi, had sailed to the south. This year, International Or-

ganization for Migration estimates only about 1,000. This is in part because of the attention that was focused on it last year, but most especially the pressure we have put on the Thai to close these crossings, the pressure we put on the Thai, Burmese, and the Bangladeshis to crackdown on the smugglers. So clearly it is having some effect.

I would also note that in Thailand, there is going to be a second conference on irregular migration. I believe it is in the first week of December. So it is also critical that the ASEAN nations have recognized the problem and are trying to work together to address it.

Senator GARDNER. On the second panel, in the testimony from Mr. Hiebert, he talks about the impact of U.S. pressure versus U.S. corporation, how that can change the direction or how that can influence nations in Southeast Asia, in the sense that was used in the statement that will be coming up, it says, "Generally, the United States has the most impact as a champion of democracy in the region when it leads by example rather than by carrying a stick."

I was just wondering if you would want to comment on that and how we use that, perhaps, if that is, indeed, the case, if you agree with it or not, but what that means for Thailand and other nations that seem to be heading in the wrong direction?

Mr. BUSBY. I mean, I would say, globally, serving as an example is the best way to spark change on human rights or on other issues around the world.

I am hesitant to generalize about what policies have been most effective in what countries. I mean, I think in the case of Burma, for instance, the fact that there were sanctions there, a significant sanctions regime, did play a significant role in helping to spark change there.

But I would be hesitant to say, as a general matter, that carrots or sticks have been more effective than one or the other.

Senator GARDNER. Thank you, Mr. Busby.

Mr. Carouso, do you care to comment on that?

Mr. CAROUSO. Each country situation really is different. In Thailand, for instance, very clearly we have taken action that focuses on the military since the military is the source of the problem. But we want to maintain the incredibly close ties we have with the people of Thailand, the business community of Thailand, so we are trying to organize ourselves to have the most influence without affecting our long-term relationships.

Senator GARDNER. Thank you, Mr. Carouso.

Senator Cardin.

Senator CARDIN. Let me again thank both of you for not only being here today, but for your work in this field.

It would be wonderful if just the U.S. example would be enough to change behavior among those who have power. In Burma, of course, there was such obvious oppression in a military state that it was pretty easy for Congress to identify progress that had to be made in order to get to any type of a normal relationship with the country. The elections were pretty clear mandate, and Burma is making progress. We hope we will see the day where we will not need any of those types of sanctions.

Corruption is a little bit more difficult. You have countries that have basically been built on corruption under totalitarian, authoritarian states. Corruption is so widespread that it is very difficult to figure out how you can identify a solution, when people think it is a way of life to pay off someone in order to go to school, to pay off someone in order to go a job.

The United Nations has now established in their sustainable development goals a goal of good governance, at the leadership of the United States, in order to promote that particular objective.

What more can we do to enforce anticorruption initiatives among the Southeast Asian countries? There is not one that does not have a significant problem with corruption. We seem to always put that last on our agenda. What more can we do to fight corruption in that region?

Mr. CAROUSO. You know, Senator, my father is an immigrant from Greece. The reason he left Greece was because corruption was so bad. So 2,000 years after founding democracy, inventing it, he could not get past the corruption there. So it is a problem throughout history, and it is, certainly, a problem in these emerging democracies.

In Indonesia, I spoke to a university. There must have been 500 people in the audience, students. I asked them what the biggest problem in the country was. They said corruption. They asked me what they could do about it. I said, "Do not pay. Take a picture of someone who asks for a bribe and put it on the Internet. Do whatever you need to do." I am afraid the answer was that they laughed, because that is the way things are done.

So the question is how you change a culture of corruption. One thing we have been trying to do is to talk about our FCPA and how it works and why it is important and why doing business with American companies will protect its bureaucrats who sign contracts with us, because we say we will protect you by making sure our companies abide by your laws against corruption.

It is a long-term process of changing expectations. While the United States as an example may not be sufficient, in this case I think it is probably the best tool we have while we encourage these countries to reform their judiciary to try corrupt practices, encourage participation in open governance programs, and other things. But it is going to be a long haul, I am afraid.

Senator CARDIN. I would point out that one thing you could do at State is work within the bureaucracies of the Department of State to put a higher priority on the damage of corruption. We have been urging working with Transparency International to develop standards where we can report on the status of anticorruption in the countries of the world. We do that with trafficking in persons. We think we need to have an index where when an ambassador comes and meets with me, I always have the TIP report in front of me so I can go over what they are doing on trafficking. We should have a similar effort on corruption.

I agree with you. We are never going to totally eliminate trafficking. We are never going to totally eliminate corruption. But we can to a much better job on both.

There are universal standards. We know that an independent judiciary, an independent prosecutor, having laws against bribery, fi-

nancing these operations so that they have adequate resources—we know that all of these are indications that a country is serious about fighting corruption.

We also know that corruption is a global problem. What happened in Ukraine was very much aimed at people who were very angry and as frustrated as your father was in Greece as to what they were seeing from their government. They wanted an honest opportunity in Ukraine. It was not so much Russia versus Europe. It was that their country was not giving them the services that they wanted. They decided they had had enough.

But back to my original point about security—you are not going to have security unless you deal with these issues. But I really do not think the State Department has put a priority on this. Am I wrong?

Mr. BUSBY. I mean, there is a lot of work going on at the Department on corruption, Senator. My boss, as you may know, is quite seized of the issue as well and recognizes that for the purpose of democratization, as Jim has also mentioned, corruption is often at the top of the list of issues that citizens want to be addressed.

One thing we are doing at the State Department is sanctions vis-a-vis corruption. There is an Executive order that authorizes us to sanction individuals who we believe are engaged in corruption. There is an active process of trying to identify individuals who can be sanctioned under that executive order.

And to go back to the issue of transparency I mentioned earlier, one of the things that can be done through the Internet and through other information-sharing devices is to shine a light on corruption where it occurs. There is a wonderful app, I think you call it, called I Paid a Bribe. I do not know how popular it is in Southeast Asia, but I know that in India, Kenya, and places like that, it allows citizens who, when they experience corruption, to immediately publicize it. I know that that has had an impact in some countries around the world. It is something that I think we should continue to support and encourage.

Senator CARDIN. There are good people at the State Department trying to do the right thing. I would just urge that we have to figure out a way to break through the bureaucracy of the State Department to make this a much higher priority than it is today.

Mr. Chairman, I would like to ask one other question, if I might, as it relates to do Thailand.

How much patience do we have here? This is a country where we have a long relationship. We have a strategic partnership. Every country in the world, we have some degree of strategic partnership—with the exception of perhaps North Korea and Iran. But just about every country, we have reason to want to have a good relationship with them.

Thailand is, certainly, a country that we want to have a good relationship with. But how can we condone the lack of progress in this country toward democratic rule? It has been the policy of United States for a long time that we do not acknowledge coups. But it has been a long time now.

The progress seems to be moving at a snail's pace. So why are we not more aggressive with our friends in Thailand?

Mr. CAROUSO. It has been incredibly frustrating working with our Thai friends. As you noted before, they said they had a roadmap and a new constitution, and they scrapped it. On the other hand, from what they wrote, it was worth scrapping.

They are also negotiating these new rules without reference to civil society. We keep telling the government, unless you bring in all parts of the country and have this understood by all, it is not going to be what you want.

As I mentioned before, we are trying to target the pressure, and it is having an effect in terms of seeing the Thai leadership now almost begging for our understanding. Of course, unless they do something about it, so what?

We continue to pressure them. We continue to encourage them. We continue to reach out to civil society and the political leadership from the civilian days. We have regular meetings. Our new Ambassador there met with the leader of the Democrat Party, with the Thai party. A group of former parliamentarians was just here a couple weeks ago from all parties on one of our IVLP programs, and it was great because they said it was their only opportunity to get together and talk about politics.

So we are trying to build up civil society, and we are trying to create an environment where change can be made. But the Thai polity is in a state of stasis, and we are finding it hard to convince them to take the courageous step for them of writing a new constitution and letting the people's will decide the future.

Senator CARDIN. That sounded like a good diplomatic answer. You are well-trained in diplomacy. When you run for the Senate, you give up diplomacy. I know it is tough, but I think Thailand is just too important of a country and too close to us to allow this to just sort of meander without a clear path forward. I do not see a path forward at this particular moment. That is very frustrating.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you. I think we will go for maybe 10 more minutes or so on this panel, if we could, and then go to the second panel.

Just to pick up where Senator Cardin left off on that, I mean the constitution that was written was scrapped. It was, of course, written by a group of people who were appointed by the junta to put it together. The new draft is being written by somebody who has also been appointed by the junta to do it, I believe chairing the committee to do it.

You cannot have a constitution written that is effective at that point, can you?

Mr. CAROUSO. The theory is that at the end of whatever they write, it will be put to a referendum. I guess there is a certain hope that if it is not truly a democratic piece of paper, the people will vote against it.

Senator GARDNER. Then the rule continues as it is.

Mr. CAROUSO. And that is exactly our concern, that they keep rolling this down the road, which is why our main ask of them right now is to keep to the schedule and bring in civil society to help write the document. Otherwise, it is not going to stand the smell test, and they hear us and nod.

Senator GARDNER. So the conversation we had about sort of the carrots and sticks and the leverage that I asked about in Burma and others, looking at Thailand, either from leverage or from a carrot and stick point of view, if we start asserting leverage, if we start asserting sticks in terms of trying to sway behavior, what impact does China have on that relationship with Thailand right now? And how does that affect the usefulness of carrots and sticks or leverage?

Mr. CAROUSO. Well, Thailand tries to use the leverage of China on us, saying do not push us too hard. But there are two things. One, we have our principles. Two, we have an understanding that the long-term stability of Thailand depends on democratic rule, regardless of any short-term shift to China. Third, we have historical context, which is Thailand has always played its role as setting off regional powers against each other, which is how they stayed independent during the colonial period.

So we listen with some concern to their statements about China, but I do not think it changes our policy a whole lot.

Senator GARDNER. So right now, in terms of looking out, the scenario for military rule, is it indefinite in the point of view right now? By 2017, 2018, 2019, we think things will change, the constitution is approved?

Mr. CAROUSO. We are trying to take them at their word that 2017 is the next date. We keep telling them that you cannot keep delaying that date indefinitely because your people will not accept it over time.

But you know the society is going through transition, and that is what they keep telling us. It is partially an excuse, but having lived in Thailand, there is a certain truth to it. As society developed, as rural Thais demanded a voice in their country and their economy, the elite urban Thais resisted. They are going through dealing with this.

This is not to condone it. It is to try to tell you what they see as their problem.

Senator GARDNER. Thank you, Mr. Carouso.

Senator Cardin.

Senator CARDIN. Again, thanks. Let me turn to Malaysia, if I might, for one moment. I do not want to lose this opportunity with the two of you before our committee.

Malaysia has been elevated in its relationship with the United States as a TPP partner. They got a rather generous evaluation in the Trafficking in Persons report, being taken off of Tier 3. They have a very serious problem with trafficking, which is acknowledged in the Trafficking in Persons report, the TIP report. Corruption is still a major, major problem in Malaysia. Now we are talking about having a trade agreement with Malaysia.

What should we be expecting during the next 6 months in Malaysia? That is the period of time that many of us will have to evaluate the TPP before we vote on it. It will be a period of time in which we have, I think, maximum leverage.

So what do we expect? Give me a roadmap of what I should be asking for in regard to changes in Malaysia.

Mr. CAROUSO. Thank you, Senator.

Malaysia has been, from Najib's election, a disappointment, because we expected so much from him. But especially since charges of corruption against Prime Minister Najib about 6 months ago, they have been really going downhill on civil rights.

We have told him this repeatedly from the highest levels, and President Obama is going to tell the Prime Minister about our concerns again this weekend when he meets with him.

I would argue that TPP is actually a very useful tool for TIP because under the labor standards chapter of TPP, they have to rewrite laws and ensure they have new rules for labor, including trafficking in persons, to comply with the rules for TPP. Until they get those passed and implemented, TPP will not apply to them. So that is within the next 6 months on the TIP aspect.

As far as the political situation, we will continue to keep meeting with the Government of Malaysia and encouraging them to not use sedition and antiterrorism laws against political opponents, to stop violating free speech, and to open up to society.

Senator CARDIN. And if they do not, what should we do?

Mr. CAROUSO. All I can say is that we will continue to encourage them, sir.

Senator CARDIN. You've got the diplomacy down so well.

Mr. CAROUSO. I used to be a banker, so I had to be retrained.

Senator CARDIN. Thank you, Mr. Chairman.

Mr. BUSBY. I would point out as well that there is a specific consistency plan as to Malaysia, as there is to Brunei and Vietnam as well, that lays out the very specific commitments or very specific things that the Government of Malaysia has to do in order for TPP to come into effect. So I think we have taken account as to some of the specificity in the Malaysia context to try to deal with that through TPP.

Senator CARDIN. There are many aspects to the TPP. We are not going to get into a debate about that. But I do agree with you that I think Ambassador Froman did do a good job on enforcement issues in Malaysia and Vietnam, in regard to the implementation and the failure to do so, the specific trade relief that will not be granted. So I did note that.

But having said that, there is a lot more to dealing with a country that lacks the same degree of democratic institutions to make sure that good governance issues are embedded before the TPP goes into effect.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you.

Just one last question for this panel from me, and if you have one too. This will be quick.

Can you talk a little bit about Southeast Asia, the region, South China Sea?

Mr. Carouso.

Mr. CAROUSO. In very general terms.

Senator GARDNER. Please.

Mr. CAROUSO. Well, this is, of course, the big geostrategic issue of the region. What we have been working on is trying to unify ASEAN as a collective to push back against Chinese expansionism. We have been trying to get China to agree to a halt with ASEAN

claimant states to no more reclamation, no more construction, and no militarization.

In fact, when President Xi was in the Rose Garden, he announced there would be no militarization of the features that they have established. Now the Chinese have, unfortunately, walked that back. But we keep citing that. We keep encouraging our ASEAN friends to keep reminding the Chinese of that commitment. But it is an issue we take very, very seriously and work literally every day.

Senator GARDNER. And with the meetings this weekend, you anticipate what outcome on the South China Sea?

Mr. CAROUSO. I can tell you it will be discussed.

Senator GARDNER. Thank you.

Thank you to the first panel for your participation today. I truly appreciate your time and your work. Thank you.

Mr. CAROUSO. Thank you, Mr. Chairman.

Mr. BUSBY. Thank you.

Senator GARDNER. If we could be joined now by the second panel?

Our first witness is Ambassador Mark Green, who serves as the president of the International Republican Institute. Ambassador Green served as U.S. Ambassador to Tanzania from 2007 to 2009. Prior to serving as U.S. Ambassador, Mr. Green served four terms in the U.S. House of Representatives, representing Wisconsin's Eighth District.

Welcome, Ambassador Green. Thank you very much for your time, your service, and our opportunity to learn from you today. Thank you.

STATEMENT OF HON. MARK GREEN, PRESIDENT, INTERNATIONAL REPUBLICAN INSTITUTE, WASHINGTON, DC

Ambassador GREEN. Thank you, Mr. Chairman and members of the committee.

The International Republican Institute is a nonpartisan, nonprofit organization that works in about 90 countries around the world promoting democracy. Eight of those countries are in Southeast Asia. I think it is safe to say that no region of the world these days is at once more challenging and more promising than that region, Southeast Asia. In my brief remarks this morning, and I obviously have a more extended written testimony, I would like to discuss very briefly those countries where challenges remain, and then point to a few countries where there is progress and there is hope and some reason for optimism.

To begin with, unfortunately, there are countries, as the previous panel alluded to, that are suffering from constricting civil society space and democratic backsliding. Perhaps the clearest example, as you yourself have alluded to, is Thailand where a May 2014 military coup has severely curtailed the space for civil society and for political discourse. What had been a strong flame for democracy and liberty sadly is reduced to just a few embers.

The highly antidemocratic process the government is using to draft a new constitution is very troubling. The first drafting committee whose members were handpicked by the military submitted a draft charter, which was rejected in September, meaning that they will have military rule until at least 2017. The Prime Min-

ister, a former general who helped to orchestrate that 2014 coup, has appointed a new drafting committee, which is being led by a figure who himself was instrumental in that coup. It is hard to be optimistic about the results of the new constitution drafting committee.

Thailand currently bans international assistance to political parties. I think it is shortsighted, and I think it serves to stunt democratic progress. We would strongly urge that the United States press for an end to this ban at once.

Thailand is not alone, as you noted, in repressing or attempting to weaken democratic institutions. Malaysia has seen new infighting among opposition coalition parties and the ruling coalition has sharply reduced opportunities for compromise. Worse yet, it has taken steps to restrict the movement of democracy activists.

Again, Mr. Chairman, we strongly urge the State Department to make this a central part of diplomatic discussions. Malaysia must ended these restrictions on democracy activists as soon as possible and make it very clear that these activists are not a threat to the Malaysia Government. Instead, they are resource to the government and an opportunity to advance democratic norms.

Cambodia is another country that is missing opportunities to foster democracy. The longtime ruling Cambodian People's Party has used the legal system to stifle dissent from opposition lawmakers, including the recent issuance of an arrest warrant for longtime opposition leader Sam Rainsy.

The opposition finds itself struggling to consolidate its own message and to leverage its modest political powers in the face of these actions. It needs help from an active and organized civil society.

The United States should stand ready to help with strong democracy assistance to support these institutions, to strengthen these organizations. Again, it should be a central part of our diplomatic engagement.

As to Laos, Mr. Chairman, while that government has long been repressive and hostile to democratic engagement, in 2009, the Lao Prime Minister issued a decree permitting nonprofit associations to exist. We at IRI have been working closely with several of them.

Given that next year President Obama will be traveling to Laos when it hosts the ASEAN summit, it seems that this is an opportune moment for the administration to push for a stronger role for groups like IRI and others to foster democracy and to strengthen civil society.

Again, there are reasons for hope. Interestingly, with respect to both of the countries which I do think provide reasons for hope, the most recent major elections were conducted at a time when many outside observers were skeptical. Yet they showed that people do want a voice in their own future and that civil society, when given a chance, can play a constructive role in and create real hope and promise and opportunity.

Indonesia, as was mentioned in the previous panel, is still battling issues of corruption. The United States should stand at Indonesia's side and should promote assistance that helps to empower local NGOs to take on the issue of corruption.

We should also, as we do with the Millennium Challenge Corporation, make it clear that we view corruption as a central part of any assistance relationship that we are going to have.

Finally, Mr. Chairman, with respect to Burma, while there is a long way to go, I think the words of Aung San Suu Kyi were quite fair with respect to this election. She said that these elections were fair, but they were certainly not free. They were fair in the sense that they probably expressed the view of most Burmese. Now we see that the NLD has the majority it needs to make a real difference. Of course, they face tremendous challenges, and I think, again, one more time, that we should stand with them to help build the capacity to take on those challenges and to be far more inclusive in the society that they foster and forge going forward.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Green follows:]

PREPARED STATEMENT OF AMBASSADOR MARK GREEN

Chairman Gardner, Ranking Member Cardin, members of the committee, I am honored to have this opportunity to appear before you today. By way of background, the International Republican Institute (IRI) is a nonprofit, nonpartisan organization working in some ninety countries around the world, including eight in Southeast Asia. For over 30 years, our broad mission has been to advance democracy; well, it is safe to say that no region of the world these days is at once more challenging—and more promising—than Southeast Asia.

In my brief remarks this morning, I hope to discuss the state of democracy in some countries where important challenges remain, such as Thailand, Malaysia, Cambodia, and Laos. On the encouraging side, I will point to several countries that give reason for optimism and a renewed faith in the growth of democratic ideals in Southeast Asia, such as Indonesia and Burma.

CHALLENGES AND SETBACKS TO DEMOCRACY

Unfortunately several countries in Southeast Asia, countries of importance to the U.S., are suffering from constricting space, civil and democratic backsliding. There is no clearer instance of this phenomenon than in Thailand, where the May 2014 military coup severely curtailed space for civil society and political actors to operate freely. What had been a strong flame for democracy and liberty has been reduced to just a few warm embers.

Thailand is America's oldest treaty ally in Asia and was once seen as a democratic beacon in the region. The democratic regression manifested by the coup and subsequent manipulation of the constitutional reform process is of serious concern for the democracy community as well, of course, as Thai citizens themselves. On a recent trip to Bangkok, I met with a group of women civil society activists. They were clear and passionate in their belief that the space for civil society to bring opinions, concerns, and priorities to the military-controlled government is shrinking rapidly and dangerously.

The highly antidemocratic process the government is using in drafting a new constitution is particularly troubling. The first Constitutional Drafting Committee, whose members were handpicked by the military, began working on a new constitution in January 2015 and submitted a draft charter to the military-appointed legislature in September. The legislature has rejected the charter, thus ensuring continued military rule until at least 2017. Prime Minister Prayut, the former general who orchestrated the 2014 coup, has since appointed a new drafting committee, naming a figure who was instrumental in the coup to be the committee's new chairman.

The military leadership's official line is that a new constitutional reform is required to rid the political system of the hyperpartisan factionalism that has caused corruption and political violence in the past. Given the tightly controlled nature of the reform process, it is hard not to be very skeptical of whether any government that emerges can be a credible representative of the people. In order to restore a political system based on leadership emerging from responsive political parties, the Thai military government must lift the ban on international organizations providing technical assistance to Thai parties. Making political party support available to all Thai parties will transfer skills promoting modern, issue-based platforms and party operations. More professional and responsible political parties will allevi-

ate the acrimonious political environment and remove the rationale for the military to interfere in politics.

Mr. Chairman, as you well know, Thailand is not the only country in the region going through challenges and government repression. Malaysia, has recently seen new infighting among opposition coalition parties, and the ruling coalition has sharply reduced opportunities for compromise in meeting the country's important political, economic, and social challenges. Given increased ethnic tensions and shrinking space for dissent, we at IRI worry that both the opposition and ruling coalition have diminishing interest in building better democratic governance.

All is far from lost, however, and IRI remains committed to increasing the capacity of party leaders and elected representatives to speak to priority issues of concern to their electoral base. Additionally, to counteract divisiveness in Malaysia, IRI is providing opportunities for the growing youth demographic in Malaysia to engage in inclusive and moderate policymaking and advocacy. Mr. Chairman, if there is an urgent recommendation we can make regarding Malaysia, it is that the U.S. pressure the government to end its policy of restricting freedom of movement for democracy activists. These individuals are not a threat to the Malaysian Government, rather an important resource to further advance democratic norms in that beautiful and important country.

Not unlike recent setbacks in Thailand, Cambodia's volatile democratic development recently took a turn for the worse. The longtime ruling Cambodian People's Party (CPP) has used Cambodia's legal system to stifle dissent from opposition lawmakers, including the arrest and indefinite imprisonment of an opposition Member of Parliament and the recent issuance of an arrest warrant for longtime opposition leader Sam Rainsy. What appear to be determined efforts by Prime Minister Hun Sen and his party to fragment the opposition severely threaten Cambodia's hopes for democratic growth and progress ahead of crucial 2017 commune council elections and 2018 national elections.

To make matters more complicated, IRI's local sources report the opposition finds itself struggling to consolidate its own message and to leverage modest political powers. It is incumbent upon the opposition, bolstered by an active and organized civil society, to hone its message and challenge the decades-long rule of the CPP with valid, constructive critiques and clear alternative proposals. Given the rapid deterioration of the legal and political environment and the deliberate dismantling of the opposition by the CPP, IRI urges the United States to bolster its democracy and governance assistance to Cambodia and use every diplomatic opportunity to express deep concern where the ruling government engages in illegal and undemocratic acts.

Mr. Chairman, I have just spoken of countries where democracy is facing great challenges. Now I would like to point to a country—Laos—where the situation remains dire, however, recent events demonstrate a small window of opportunity for activists engaging in civic life. Last week, Deputy National Security Advisor Ben Rhodes announced that in 2016, President Obama will become the first U.S. President to visit Laos to attend the Association of Southeast Asian Nations summit. In light of the changing dynamics of our bilateral relationship, now seems an opportune moment to consider the role we can play in promoting democratic reform and development in that nation.

Laos is a single-party authoritarian political system that rates poorly on indicators of government transparency, civic participation, and freedom of expression. Civil society in Laos was virtually nonexistent until 2009, when in response to international pressure, the Lao Prime Minister issued a decree with the first ever process for independent civil society organizations (called nonprofit associations, NPAs) to register. IRI has been a leader in training many of these new independent Lao civic associations. Lao civil society activists face daunting challenges; nevertheless, new NPAs are applying for registration and established NPAs are ramping up their important work. Though the pace of reform is still very slow, with additional resources and technical support from the United States, IRI contends the Lao civic movement will expand, strengthen, become more independent and will increasingly provide feedback to public officials—all important benchmarks in a gradual evolution to a more democratic society.

REASONS FOR OPTIMISM

The political developments in Southeast Asia are far from all negative. Democratic regression in Thailand, Cambodia, and Malaysia should not distract us from the positives gains in other parts of the region, such as in Indonesia and Burma.

Indonesia's 2014 national legislative and Presidential elections were unquestionably an encouraging new chapter in the country's democratic progression. Consid-

ering Indonesia's checkered past with authoritarianism, the successful transfer of power from one political party to another—its first peaceful Presidential level transfer via the ballot box—was a significant advancement in the consolidation of Indonesia's transition to democracy. With the election of President Joko Widodo, the public sent a clear statement about its desire to address pervasive problems of economic stagnation and corruption. Recognizing the importance of combating nepotism and political malfeasance, IRI has launched an innovative program to empower women across the country to take the lead on fighting corruption in politics and to increase their participation at the subnational level. Much more needs to be done. We recommend ramping up support for anticorruption measures with a focus on the subnational level. By most measures, corruption remains by far Indonesia's biggest impediment to progress.

Perhaps the most consequential democratic breakthrough in Southeast Asia has come in Burma, a nation few would have expected to be in this position only a few short years ago. In my recent trip to the region I witnessed the increasingly restrictive democratic environment in Thailand. But in the second part of my trip, in Burma, where I served as a credentialed observer for their historic parliamentary elections, I observed the seriousness and enthusiasm with which its citizens peacefully went to the polls for the country's first competitive election in 25 years. Though glaring gaps remain in the country's reform trajectory remain, including rising religious and sectarian conflict and a flawed constitutional foundation, Burma represents the most positive democratic shift in the region right now and a real opportunity for uplifting progress.

IRI formally began implementing programs inside Burma in 2013. We have engaged more than 200,000 individuals from 340 organizations, from national political parties to local civil society organizations. Thanks to the generous support of USAID, as well as the Canadian Government and working closely with our fellow nonprofit organizations the National Democratic Institute and the International Foundation for Electoral Systems, we are proud of the role IRI and the democratic community have played in fostering new hope in that country.

On November 8 in Burma, with dedication, patience, and a firm belief in democracy, millions of voters exercised their right to vote, often under difficult conditions. The ruling party exercised commendable restraint—something that surprised many observers. With the results indicating the National League for Democracy now controls a two-thirds majority of seats in the lower and upper Houses of Parliament, these bodies will now represent a clear expression of the desire for continuing democratic reform in Burma. Of course, the elections serve as only one element of an ongoing and long-term political process that is now unfolding in the country. As the dust settles from the elections, this important work will continue in earnest. As we have seen in many countries around the world, including in Southeast Asia, successful transitions take persistence, time and patience. It will be important for the United States to support a long-term view while insisting in the short-term on maintaining momentum for reform.

As experience has shown us, the period after elections is when the hard work truly begins. Voters' faith in these new democratic processes will only be as strong as the capacity of elected officials to effectively respond to voters' needs and to adapt accordingly. When—or even before—the new Parliament convenes next year, newly elected legislators will need critical skills, and developing their capacity to engage with citizens and providing them with independent data to make evidence-based decisions will be critical.

As the dust settles from these elections and Burma navigates the uncharted territory of becoming a representative democracy, IRI recommends that international support should be boosted significantly to strengthen and consolidate democratic institutions. The United States Government should provide technical support to the newly elected legislature, including on budgeting, legislative drafting, ethics, and constituent outreach to provide many first-time officials with the skills to effectively represent their constituents. IRI also recommends the U.S. continue its vocal support of the peace process in Burma to be inclusive of ethnic minority political parties, civil society organizations and other marginalized groups. A peace process that leads to a comprehensive and lasting ceasefire and political dialogue will make an important contribution to democratic consolidation in Burma as it could remove the rationale for the oversized role of the military in Burmese politics.

GENERAL RECOMMENDATIONS

With respect to the administration's policies in promoting democracy and governance in Southeast Asia, I am grateful to USAID and the State Department for their support, and urge continued funding in each of the countries discussed today. To

be honest, I am concerned by the analysis conducted by InterAction that shows that funding for democracy and governance programs worldwide is down 38 percent since 2010. Further, history shows that these cuts are often made worse by "raids" in these funds for other new priorities and initiatives. During these consequential times in Southeast Asia and around the world, now is not the time to cut funding, but rather to double down on our investment in democracy and governance programming.

Finally, IRI recommends the committee consider the importance of a regional approach to democracy development in Southeast Asia. The U.S. should continue to support the Association of Southeast Asian Nations (ASEAN) as a unifying regional body and should encourage ASEAN and its individual member states to prioritize development of transparent and inclusive democratic governance both within the individual states and in ASEAN's regional mechanisms. In addition, the U.S. should engage in and support regional initiatives like the ASEAN Civil Society Conference/ASEAN People's Forum that amplify civil society voices in the region, create strong networks among the region's diverse civil society organizations, and ensure marginalized groups can provide input and raise concerns about developments in the region.

CONCLUSION

Mr. Chairman, the United States has long-standing economic, political, and cultural ties to this region that should not only continue, but be deepened at every possible turn. Home to 625 million people, Southeast Asia as a market is the fourth-largest export destination for the United States after Canada, Mexico, and China. Half of the world's trade passes through its sea lanes.

The countries throughout Southeast Asia remind us that nothing about advancing democracy should be taken for granted; indeed, cases such as Burma vividly illustrate that democracy must be fought for each and every day, and that it can only succeed with a strong commitment from all stakeholders. We in the United States are a leading stakeholder in this effort in Southeast Asia. By sharing our resources, experience, and technical expertise, we align ourselves with the words of Ronald Reagan in his 1982 speech to the British Parliament: "We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings."

Senator GARDNER. Thank you, Ambassador, for your testimony.

Our next witness is Mr. Murray Hiebert, who serves as senior fellow and deputy director of the Sumitro Chair for Southeast Asia Studies at the Center for Strategic and International Studies. Prior to joining CSIS, he was senior director for Southeast Asia at the U.S. Chamber of Commerce, where he worked to promote trade and investment opportunities between the United States and Asia.

Welcome, Mr. Hiebert.

STATEMENT OF MURRAY HIEBERT, DEPUTY DIRECTOR AND SENIOR FELLOW, SUMITRO CHAIR FOR SOUTHEAST ASIA STUDIES, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Mr. HIEBERT. Thank you, Chairman Gardner and Ranking Member Cardin. It is a real privilege to be here to talk about the most important region of the world, Southeast Asia.

If you are the fourth speaker, I think all of us are probably going to roughly conclude that Southeast Asia has a very mixed picture on the human rights front. I think over the last 2 weeks, we have had a lot of excitement coming out of Myanmar-Burma. But of course, the election was flawed, and the biggest challenges are yet before us. We played one inning of the game and we have eight innings to go in terms of seeing how the military responds to Aung San Suu Kyi's election, how they move forward with ethnic minorities, treatment of the Rohingya, and a raft of other problems.

As the previous speakers also said, Indonesia is a pretty good story. Over the last decade, it has moved forward with becoming a model in the region for orderly transfers of power and multiparty democracy. That does not mean it does not have rafts of problems. You earlier talked about corruption. There are minorities facing discrimination and those kinds of things.

The other pretty good story is the Philippines, which I guess I called in my report a middling democracy. Their elections are fairly fair and free, but vote-buying is pretty widespread. A lot of the politics is run by political dynasties, and they have a very poor regulatory environment, widespread corruption, et cetera.

Vietnam, it is still run very much by an authoritarian communist party but yet the situation probably has eased over the last decade or so. And interestingly, this year, no bloggers seem to have been arrested. The national assembly plays a bigger role. And we saw in the negotiations for the TPP that Vietnam agreed to allow a free labor union. If they do not, they are not going to get the benefits of tariff reductions.

We have talked quite a bit about Thailand already. Obviously, that country has slipped back miserably and so has Malaysia, as our previous speaker said. The differences on Thailand and Malaysia, two countries I have actually lived and worked in, the differences now between previous authoritarian times is that the population just demands so much more. In the long run, Thailand, the junta in Thailand and Najib and the ruling coalition in Malaysia, are really going to have nothing but grief if they do not respond to the demands for more freedom, less corruption, as people are much more aware, much more educated. So I have to be hopeful there, in the long run, not tomorrow.

On United States, specifically, to talk about policy toward Thailand, and some of this has already been addressed, State really cut back on military assistance but kept a lot of the other engagement. I would argue that is roughly the right mix for Thailand. You can only push them so hard. They are really important to the United States on all kinds of levels. There is a lot that happens with Thailand in terms of Cobra Gold. It is one of the biggest embassies, a lot of health cooperation, a lot of cooperation within ASEAN. And the United States really risks damaging some of its strategic interests, if it pushes Thailand too hard, because pushing harder is not going to get us any further.

You also asked me to talk a bit about pressure versus cooperation, and you quoted me earlier. I guess what I would say on pressure, on Myanmar-Burma, I think the sanctions, certainly, pushed them, but had the United States insisted on keeping the sanctions in place that were in place until 2011, 2012, the elections would not have been possible. What made it possible is the beginning of engagement. And so they realized they were being left behind and really to benefit from global integration, they had to move. So I think obviously a lot of domestic stakeholders were important, but the United States played some role by starting to engage them.

The same is actually true of Vietnam. They are moving, liberalizing, not democratizing but liberalizing, thanks to increased engagement.

And then finally on the U.S. approach in the region, I think some of the aid that Jim Carouso and Mr. Busby alluded to earlier in terms of USAID projects in Burma, on building capacity in developing rule of law, in transparent governance, robust civil society, played a significant role. The same in Vietnam. We are now starting to see the Vietnamese National Assembly be open to having advisers in the National Assembly on revising the country's criminal code.

You asked also if there are any final recommendations of change of policy. I guess one thing I would say is, if the military keeps moving in Myanmar—and that is an "if"; I would really emphasize the "if"—if it keeps moving and cooperating with Aung San Suu Kyi and with minority groups, at some point we have to consider letting the military see the benefits of longer-term cooperation and starting to talk to them, not giving them IMET, but beginning to talk to them more.

Thank you very much.

[The prepared statement of Mr. Hiebert follows:]

PREPARED STATEMENT OF MURRAY HIEBERT

Some observers argue that the process of democratic reform in Southeast Asia has been thrown into reverse gear over the past decade or so. Of course, there are many examples of backsliding and setbacks, but at a macro level, the general trend is toward improving democracy in the region, even if fitfully. Generally, we see the region's growing middle class, as it acquires more education and money along with increased access to technological innovations and social media, clamoring for increased freedoms, more transparency, access to decisionmaking, stronger institutions, and accountability by its leaders. This is a change from the bad old days when most of the region was ruled mainly by strong men.

The most exciting story at the moment is occurring in Myanmar/Burma, where opposition leader Aung San Suu Kyi last week scored a landslide victory over the party of the generals that ran the country for 50 years, despite flaws in the voting process. In the weeks ahead, observers will be watching how the military handles the transition to a democratically elected leader. The election was the culmination of a 4-year reform process under which most political prisoners were freed, journalists were given considerable latitude to operate, and the Parliament began debating and passing laws and legislation which sometimes bucked the wishes of the ruling elite.

Of course, huge challenges remain going forward including relations between the military and the civilian government, the peace process with the armed ethnic groups, treatment of the Muslim Rohingya who were disenfranchised under the outgoing government, and the need to build the rule of law and tackle economic reforms and development. Nonetheless, Myanmar/Burma today is a much different country than it was a few years ago. Some analysts even wonder if the military's acceptance of the election results in Myanmar/Burma could serve as a role model for its neighbors at a time when their leaders are pulling back from democracy.

In Indonesia, by far the largest Southeast Asian country, a new President was sworn in in October 2014 following a highly competitive election that could have turned out quite differently. Less than two decades after authoritarian President Suharto was forced to step down, Indonesia has over the past decade emerged as a model for orderly transfers of power and multiparty democracy in Southeast Asia. Within ASEAN, Indonesia had an important role to play in gradually nudging the former military government in Myanmar/Burma to adopt democratic reforms.

To be sure, problems remain. The anticorruption agency, a well-respected institution in Indonesia, has lost ground over the past year amid political disputes. Religious minorities, particularly Shia Muslims and Christians, often face discrimination. State security forces still get away with "widespread impunity"for human rights abuses, particularly in the western province of Papua, where a low-level proindependence insurgency remains active, according to Human Rights Watch.

A large literary festival in Bali was recently forced by authorities to remove a program discussing the 1965 mass killings. Two British filmmakers were recently sentenced to 2 months in jail for attempting to make a film about piracy in the Strait of Malacca. Widespread corruption remains a problem within the government, the

judiciary, and among security forces. At the same time, the army appears to be regaining some political clout and is working to retain its role in internal security.

The Philippines, which is preparing for another round of elections next year, might be labeled a "middling" democracy. The 2013 mid-term elections were regarded as generally free and fair by most outside observers, although vote buying was widespread. Political dynasties are thoroughly entrenched in Philippine politics, with the President and three top candidates for the 2016 Presidency all part of well-established political families.

Governance remains hobbled by a relatively poor regulatory environment, widespread corruption, and weak rule of law. President Benigno Aquino has made anticorruption a priority and it has born some fruit. Arrests of some high-profile individuals, including his predecessor Gloria Macapagal-Arroyo, have been touted as evidence of a commitment to tackle corruption, but not all offenders have been brought to justice. Many observers are uncertain whether the Philippines will stay on the path of greater governance reforms after Aquino steps down in mid-2016.

Extrajudicial killings are perhaps the biggest human rights issue in the Philippines. Political rivals are the usual targets, but journalists face serious danger, too. The Philippines is the third most dangerous country in the world for journalists, behind Iraq and Syria.

Vietnam, meanwhile, remains an authoritarian state headed by the Communist Party. Elections are held every 5 years for the National Assembly, but competition is limited to candidates vetted by bodies affiliated with the ruling party. Human rights organizations are concerned about Vietnam's detention of peaceful activists (often on charges of "abusing democratic freedoms to infringe upon the interests of the state"), strict controls of the press, and the frequent arrests of bloggers. That said, no arrests of bloggers have been reported arrested this year.

While politics is tightly controlled in Vietnam, society is much more open than it was 10 years ago. Unlike in China, the Vietnamese Government does not try to control social media discussions or block Facebook. The National Assembly, Vietnam's lawmaking body, plays an increased government oversight role, frequently calling in ministers for questioning about their policies and requesting government-drafted laws to be amended, rather than merely serving as a rubberstamp for party and government decisions. Most notably, Vietnam has agreed to allow labor unions to form and operate freely from government control under the Trans-Pacific Partnership (TPP) trade agreement.

Thailand is one country that has slipped backward on the democracy scale over the past decade. In May 2014, the military ousted the civilian elected government for the second time in 8 years, following 6 months of disruptive political protests. Once home to the most vibrant media landscape in Southeast Asia, journalists in Thailand were ordered not to publish articles critical of the military, and public gatherings of more than five people were banned. Scores have been detained for participating in illegal gatherings or staging peaceful rallies.

The military considers comments critical of the monarchy (lèse-majesté) to be a criminal offense, and has brought more than a dozen cases to the courts, which impose sentences of up to 15 years for offenders. At least two suspects in an ongoing, high-profile lèse-majesté case have died in police custody in recent weeks. In September, a journalist was pressed to resign from an English-language paper after he had been detained in a military camp for "attitude adjustment" for critical reporting about the government.

The first attempt by a military-appointed committee to draft a new constitution was rejected by a reform council that was appointed by the military. A second draft is expected by January 2016. If it is approved in a subsequent referendum, elections for a new government could be held around mid-2017.

Malaysia is also in a slide toward authoritarianism. Early this year, former opposition leader Anwar Ibrahim was imprisoned for a second time on sodomy charges in an apparent attempt to sideline the charismatic leader. Between February and July, over 150 lawmakers, lawyers, journalists, academics, and activists were detained on charges of sedition or for violating the Peaceful Assemblies Act. Two publications were shut down for several months in July for reporting on apparent mismanagement in the state investment fund 1Malaysia Development Bhd (1MDB). A Deputy Prime Minister and the attorney general were ousted in July for comments critical of Prime Minister Najib Razak's handling of the 1MDB scandal.

U.S. POLICY TOWARD THAILAND

After the coup in Thailand, the U.S. Government faced two-competing challenges: support electoral democracy and maintain diplomatic relations with a treaty ally.

The State Department announced immediately that it was reviewing all U.S. assistance to the country, and suspended $3.5 million in unspent military assistance for training and education programs. It also suspended funds for International Military Education and Training (IMET) that have totaled about $1.3 million in recent years, and cancelled several military exercises. Washington also scaled back the annual Cobra Gold exercises held in February 2015.

But the United States continued most other engagement and cooperation with Thailand, while urging the military to restore democracy as soon as possible. At the same time, Washington continued to press the military to lift its orders restricting freedom of expression, peaceful assembly and other civil and political rights, and end the use of military tribunals to try civilians.

In responding to Thailand's political crisis, the U.S. Government implemented roughly the right policy mix of balancing consistency in U.S. foreign policy supporting democracy and human rights with a focus on sustaining a strong and unified ASEAN as the core of regional and security architecture. U.S.-Thai cooperation runs deep, and to damage these ties risks harming U.S. strategic interests in Southeast Asia. Beyond the annual Cobra Gold exercises and long-standing cooperation on military health research such as drug resistant malaria, the U.S. Embassy in Bangkok is one of the largest in Asia and serves as the base for a raft of U.S. activities in the region, including as the regional headquarters for the U.S. Agency for International Development (USAID), narcotics interdiction, and the Federal Bureau of Investigation.

The United States risks losing geopolitical ground in the region if it fails to manage this difficult patch in Thailand's political development. The military has assumed political control in order to ensure it manages the royal succession after the ailing king dies. More than a few observers say it is unlikely that we will see real democratic elections in Thailand until the succession takes place.

Thailand's relations with China have steadily expanded over the past two decades, and it seems that Beijing incrementally steps up its ties with the Thai military every time Washington pulls back. The United States needs to find ways to demonstrate that it remains a friend of Thailand, one of its longest treaty allies in Asia, and not be seen as turning its back on the country when politics enter a rough patch, while still remaining true to U.S. democratic ideals.

IMPACT OF U.S. PRESSURE VERSUS COOPERATION

It is of critical importance that the United States makes its views on democracy and human rights known to governments in Southeast Asia. But there are few, if any, examples where pressure and sanctions have had the desired effect of pushing a regime to reform, unless it has begun moving in that direction due to internal pressures. Generally, the United States has the most impact as a champion of democracy in the region when it leads by example rather than by carrying a stick.

The junta in Burma/Myanmar refused to budge in the face of years of sanctions from the United States and other Western countries until it came to the realization on its own that it was being left far behind by its neighbors. The regime started its reforms by releasing political prisoners and freeing up the media when it recognized it would reap strategic and economic benefits through international engagement. The country's recent elections, which saw the election of Aung San Suu Kyi's party, would have been impossible if the military-backed regime felt it faced pressure and isolation rather than engagement and support from the United States.

Vietnam also stepped up its reforms and eased its tough political controls in the mid-1990s as the United States prepared to lifts its trade embargo and normalize relations. Since then, Vietnam has released more political prisoners (it still holds around 100), and has eased its restrictions on religious groups and the media. Washington got a dividend in its relations with Hanoi from the collapse of the Soviet Union and more recently from China's assertiveness in the South China Sea, which pressed the ruling party to look to expand its foreign relations, including with the United States. Similarly, Vietnam's leadership decided to join the TPP negotiations and agreed to reform its legal system out of its recognition that the government would face greater internal challenges if it does not reform itself and respond to the needs of its citizens.

CURRENT U.S. APPROACH IN THE REGION

Of course, there were many stakeholders in Myanmar/Burma who deserve credit for working hard to make the recent elections as free and inclusive as they were. But foreign players such as the United States also warrant credit for working hard on a broad range of assistance programs over the last 3 or 4 years. USAID played a critical role in building capacity and awareness through its projects targeted on

developing rule of law, transparent governance, robust civil society, a vibrant parliamentary system, an independent media, and preparations for elections.

In Vietnam, the United States provided assistance to help the government implement the massive legal and regulatory changes needed to implement the bilateral trade agreement between the two countries and Vietnam's accession to the World Trade Organization. U.S. programs helped train judges and develop the legal system for commercial dispute settlement and protecting intellectual property rights. These programs laid the foundation for the U.S. Embassy to begin advising the National Assembly on revising the country's criminal code.

Similarly, in the Philippines, the USAID has launched a Partnership for Growth program, which seeks to address governance problems, strengthen rule of law and anticorruption measures, and spread the benefits of fast economic growth to ordinary Filipinos.

These U.S. assistance programs have been highly effective in promoting democracy among countries in the region and could be expanded to include other countries.

Assuming the transition in Myanmar/Burma proceeds relatively smoothly over the next few months, one issue the U.S. Government will have to address is military-to-military ties. To be sure, the Myanmar military has been involved in many serious abuses over the past few decades, and reports indicate that it continues to launch air and ground offensives against armed ethnic groups in areas bordering China, even as most of the country held peaceful elections. But if it continues to cooperate with a new civilian government, Washington may want to give the U.S. military a green light to increase contacts with the Myanmar military to ensure that it feels engaged in the transition and sees potential benefits down the road of continuing to support the democratic transition.

Senator GARDNER. Thank you, Mr. Hiebert.

Our final witness on the second panel is Ms. Kelley Currie, who serves as the senior fellow with the Project 2049 Institute. Ms. Currie is also the founding director of the institute's Burma Transition Initiative. She has previously served as Asia policy adviser to the Under Secretary for Democracy and Global Affairs and as foreign policy adviser for then-Representative John Porter from Illinois.

Welcome and thank you for your testimony today.

STATEMENT OF KELLEY CURRIE, SENIOR FELLOW, PROJECT 2049 INSTITUTE, ARLINGTON, VIRGINIA

Ms. CURRIE. Thank you, Chairman Gardner and Ranking Member Cardin, for giving me the opportunity to come to speak at this important and timely hearing today.

I am going to focus my remarks on Burma, since I just returned from there, and do a little bit of a deeper dive on that country since Murray did such a great job covering the waterfront in the region. But I would be happy to address other countries and the broader region during the Q&A.

After working in support of democracy and human rights in Burma for much of the past 20 years, including as a young congressional staffer, it was profoundly affecting for me to be in Burma for the November 8 elections. It is hard to overstate the NLD's accomplishment in achieving a governing majority, despite all the barriers that were erected to keep them from doing so. It is something for which the NLD, its leader Daw Aung San Suu Kyi, and the Burmese people deserve tremendous credit.

It has been a source of constant amusement and frustration to me how many outside and internal observers within Burma have consistently underestimated how strong the NLD is in Burma, how well-organized it was at the grassroots level, and deeply integrated

into the communities they were, and how well they knew their electorate.

It also has been a source of frustration how the experts have completely underestimated just how frustrated the Burmese people were with living under the rule of the military government, both direct and indirect.

I think that these election results are a clear repudiation of the military's rule in Burma for the past 60 years, and the role that they have played in destroying a once thriving and potentially very wealthy country in the region.

But I have to say we are not out of the woods yet. The NLD and others have filed complaints about large and suspicious tranches of out-of-constituency advance votes in Shan and Kachin states. Yesterday, there was an announcement by the union election commission or by someone in the senior ranks of the USDP that they could be filing complaints against up to 100 NLD candidates to try to disqualify them from the election.

So I do not think we can give the union election commission a passing grade, which some have already done, with regard to these elections without credible investigations into both the serious allegations on the out-of-constituency advance voting and how they dispose of these potential complaints against NLD candidates, which are likely to be quite specious.

The other dark cloud that hangs over this election is the legacy of disenfranchisement of Burma's Muslim population, both as candidates and voters. The USDP's despicable effort to use anti-Muslim sentiment as a political weapon seems to have backfired in the near term, but let us not fool ourselves that the sentiments that they tapped into or hoped to tap into have disappeared.

The situation remains very tense in Burma, and it will be a generational project to build a more tolerant society. The forces of intolerance, such as Ma Ba Tha, the Association for the Protection of Race and Religion, will regroup and adapt. Leadership that seeks to heal divisions rather than exploit them will be critical in stemming the influence of these forces going forward.

While the Tatmadaw and the USDP leadership have repeatedly stated their commitment to turn over power to the NLD in accordance with the law—and these are the key words, "in accordance with the law"—exactly how this will happen remains to be seen. President Thein Sein and the commander in chief, Min Aung Hlaing, have delayed meetings with Aung San Suu Kyi to discuss the transition until the end of the year.

We have seen little in the way of conciliatory behavior up till now. Political prisoners continue to be held. Offenses against ethnic nationalities continue. Humanitarian access continues to be problematic in Shan, Kachin, and Rakhine states.

In the near term, we need to express our clear expectation to the lame-duck government that they should immediately take steps to address these three issues. It is within their power, and they can do this very easily in the next 4 months before they give up power in April, if they do.

Looking ahead to April 2016, I think we need to think about how U.S. policy should be adjusted to account for Burma's evolving political situation. But I think we also need to consider the problems

that were created by our own moves away from a principled approach toward a more pragmatic approach in Burma.

I frequently heard from civil society and political democratic friends how frustrated they were with the United States appearing to move so close to the Thein Sein government over the past 5 years and how they felt often abandoned by the United States as a result.

They were also deeply concerned by the way the United States carried out its assistance programs in Burma, appearing to have privileged relationships with the government and with large NGOs rather than working to support real civil society at the grassroots levels.

These are serious issues that we need to think about going forward as we try to help consolidate democracy in Burma.

Thank you.

[The prepared statement of Ms. Currie follows:]

PREPARED STATEMENT KELLEY CURRIE

Thank you Chairman Gardner, Ranking Member Cardin and other members of the subcommittee for the opportunity to testify before you today on the state of democracy in Southeast Asia. This is an important and timely hearing, and I am privileged to be able to share some thoughts on this subject today.

After working in support of democracy and human rights in Burma for much of the past 20 years, including as a young congressional staffer, it was profoundly affecting for me to be in Burma for the November 8, 2015, elections. I watched this historic event from one of the most remote, poorest parts of the country: Falam township, in Chin State, on the Burma-India-Bangladesh border. When the early unofficial results in Falam showed an NLD landslide, it seemed likely to me the NLD would do very well in the elections, including in at least some ethnic areas. But I will happily admit that I was as surprised as anyone else at the scope and depth of the NLD's victory. I knew the NLD should win a majority of the popular vote, but was concerned about the substantial structural barriers and institutional biases that the ruling party and military had set up to keep the NLD from achieving a governing majority of not less than two-thirds of the elected seats in Parliament. It is hard to overstate the NLD's accomplishment in achieving a governing majority, and it is something for which the NLD, its leader Daw Aung San Suu Kyi, and the Burmese people themselves deserve tremendous credit.

While Daw Suu's star power was the major factor in the NLD's ability to pull off such an overwhelming victory, there were a few other things that jumped out at me over the course of the elections. The NLD was by far the most organized party in Falam, and apparently nationwide: their observers had tally sheets, their local office was taking in results from the field systematically and knew where things stood all day. In Falam, they were still getting out the vote when other parties had given up on that, and they knew their vote totals for Falam well before preliminary consolidation at the township office. I understand that the situation was much the same across Burma. By the time I arrived at the NLD's Rangoon headquarters on the day after the elections, the party knew they had locked in a governing majority well before the official count made that clear. As someone who used to work on these things for a living, I was particularly impressed by their parallel vote count operation, very little of which had been telegraphed beforehand. It was top notch and its organizers deserve huge credit.

Second, I suspect that Burma's schoolteachers may have been among the NLD's most powerful secret weapons at the grassroots level. As government employees, they were forced to join the ruling Union Solidarity and Development Party (USDP) and its predecessor mass organization, the Union Solidarity and Development Association (USDA). Successive military-led governments forced them to work in an anti-intellectual climate that intentionally sought to keep the population ignorant. But it turned out that many of these teachers were secret (or maybe not so secret) NLD supporters. Given their central role as Election Day workers, they likely helped to keep the vote clean and more credible than it otherwise might have been.

Further to this point, many outside observers underestimated how well integrated the NLD was into the local communities and how well they knew their electorate. In conversations with some of the more educated and "higher information" voters

in this small ethnic mountain township, it was interesting to see how they viewed the regional parties and the NLD. The young Chin pastor of the largest church in town, whose family members are heavily involved in one of the ethnic parties told me he personally was voting NLD because he did not think it made sense for the future of Chin State to have such regional parties but rather it would be better to support the NLD and help them to wrest control of the government for the greater good. While this level of analysis may not have been typical of the average voter in Falam, I often I heard this sentiment in various forms.

One of the biggest lingering questions about the elections is, given the many tools at its disposal, how and why the ruling USDP allowed itself to get beaten so soundly? My personal view is that the USDP believed they would do well enough, without engaging in massive fraud, to peel off the 80 or so seats they needed in conjunction with the military's 25 percent block to keep the NLD from forming a governing majority in Parliament. Therefore, they calibrated their manipulation of the process in the expectation of nudging a much closer vote in their direction. However, in the face of such a massive NLD landslide, these manipulations were clearly insufficient. In fact, I believe that if the USDP had been aware of just how badly they were doing, we would have seen far more of the kind of manipulation that characterized USDP victories in heavily militarized areas of Kachin and Shan states. As it is, the NLD and others have filed complaints about the large and suspicious tranches of out-of-constituency advance votes in Shan and Kachin states. I do not believe that the Union Election Commission can receive a passing grade for these elections without a credible investigation into the serious allegations of fraud around these votes.

The other dark cloud that hangs over this election is the legacy of disenfranchisement of Burma's Muslim population, both as candidates and voters, and the USDP's despicable effort to use anti-Muslim sentiment as a political weapon. As many have noted, this will be the first time in Burma's history that its Parliament will not include Muslim members. I hope the NLD will take steps to address this problem going forward, and ensure that future elections are not likewise marred by such discriminatory practices. Further, I am hopeful—but not convinced—that those who believed this tactic would be effective have been persuaded from using it in the future. The sentiment that they hoped to tap into has not disappeared. It will be a generational project to build a more tolerant society in Burma and the forces of intolerance, such as MaBaTha, will regroup and adapt. Leadership that seeks to heal divisions rather than exploit them will be critical in stemming their influence going forward.

Beyond these issues, the NLD and Daw Suu will inherit a country that has been severely damaged by nearly six decades of brutal, incompetent, and venal military rule. The problems she faces as leader are well known, including but not limited to: an entrenched military ruling class that is both philosophically and personally opposed to her leadership; long-running and brutal conflicts in Burma's ethnic periphery which have only partially been addressed by the so-called "peace process" led by Thein Sein's government; massive social, educational, economic and health deficits wrought by misgovernment and misallocation of resources; a low-trust society riven with cleavages that were only partially masked by the elections; an economy that is just starting to heal itself from decades of plunder and bizarre policies; and growing drugs and related public health problems that have mutated as they spread from Burma's borderlands. The NLD must attempt to manage these problems while the military and its allies who perpetuated them retain substantial means to thwart improved governance: a veto on change to Burma's deeply undemocratic constitutional framework; more than a quarter of the seats in the Parliament; deep penetration into the country's bureaucratic and governance structures; and a monopoly on the legal use of coercive force.

The NLD will also have to contend with voters' expectations and the inherent dangers of such huge majorities operating within such a confined political space. Given the decades of misrule that got Burma into its current condition, it would be difficult for anyone or any party—no matter how spectacularly gifted or qualified—to meet the Burmese public's expectations. The NLD is lucky, however, that they benefit from enormous good will; as long as they do not abuse it, they should be given a relatively long leash by the people. Among those who have ridden the NLD wave to victory are a new generation of leaders. They are young, smart and diverse people who represent the future of the party and I hope they will be given opportunities to lead. For example, the new Parliament will include at least 80 former political prisoners in its ranks. Their voices will be important ones in pursuing justice and legal reform—two areas where the NLD seems likely focus early on—and they know well that despite the overwhelming electoral victory, the Tatmadaw will not give up any ground easily. I have also had long discussions with NLD economic pol-

icy advisors and am confident that they are working on policy prescriptions that will stabilize and promote cleaner, more broad-based and equitable growth.

One of the biggest and most urgent challenges for the NLD will be its strategy for peacemaking and political dialogue with Burma's ethnic nationalities. The so-called Nationwide Ceasefire Agreement (NCA) signed by the government and eight ethnic armed groups in October is a potential platform for further efforts, but many parties on all sides have concerns about both the process and substance that underpinned that effort. The perhaps biggest challenge is the level of cooperation the NLD can expect from the Tatmadaw. On this front, the picture is worrying, given how the military has launched several major new offensives in Shan and Kachin states since November 8. Likewise, the NLD does not have substantial technical expertise in negotiations, but seems unlikely to retain much of the infrastructure that the USDP developed for that purpose given its close association with the outgoing President Thein Sein. The NLD majority will include a cadre of newly elected representatives drawn from nearly all of Burma's ethnic nationalities, as well as a number of new Burman MPs with strong backgrounds working in multiethnic coalitions in civil society and other forums. The NLD's somewhat "scorched earth" strategy toward the regional ethnic parties left substantial hurt feelings in its wake, and the party's relationships with other ethnic leaders are wildly variable. The NLD will need to reach out to ethnic leaders who were not part of its winning coalition, including political party and armed group leadership. So far, Daw Suu and the NLD has called for her party to be magnanimous in victory, but there is little indication this has been operationalized on any meaningful level with regard to ethnic leaders.

Further to this, one of my biggest worries is that because the USDP and Tatmadaw will represent its only functional parliamentary opposition, the NLD will become entrenched in oppositional politics with the military and unable to break free of structural constraints on policymaking and implementation. What will happen to the USDP as a party is also an interesting question. The party was decimated: it appears to have won only 10 percent of seats nationwide, and many of its top leaders lost their constituencies. While the Tatmadaw and the USDP leadership have repeatedly stated their commitment to turn over power to the NLD, exactly how this will happen remains to be seen. President Thein Sein and Commander in Chief Min Aung Hlaing have delayed a meeting with Daw Aung San Suu Kyi to discuss the transition, and we have seen little else in the way of conciliatory behavior up to now. In the past, the Tatmadaw has used its institutional position to manage situations into its favor. They have shown they are not above provoking societal conflict or sacrificing societal goods in order to maintain their prerogatives. There is no indication this institutional posture has been changed as a result of elections that really did not alter their status quo from a legitimacy perspective, and have yet to alter it from a functional one.

Since the election results became clear, there has been a flood of expert commentary questioning how well Daw Suu and the NLD will be able to govern, given their lack of experience. On this point, I would note her response to these questions: "We could hardly do worse." While Burma's problems do seem overwhelming, it is important to note how consistently many Burma "experts"—both international and domestic—have underestimated Daw Suu and the NLD over the past 25 years. I cannot count the number of times I have been told that the NLD is a "spent force"; that the Burmese people are "over the Lady"; and that what "average Burmese" are really interested in is economic development. The election results were a stunning rebuke to much of this thinking, and I hope will lead some commentators to be a little more humble in assuming they know what the Burmese people believe based on their discussions with government officials, Yangon-based diplomats and Burmese elite intellectuals. I would also caution against the kind of pearl-clutching some analysts have indulged in over Daw Suu's dismissive attitude toward the junta's antidemocratic constitution. Her choice of phrase in explaining how she would lead the NLD government from "above the President" may have sounded inartful to outsiders, but Burmese voters found it reassuring and seem to hold the junta-drafted 2008 constitution in the same low regard she does. In any event, I hope that the NLD will continue to defy their skeptics' expectations.

As the media caravan moves on to the next shiny object and the country enters this interregnum, we cannot forget that the current government will remain largely in place until April 2016. I know the Burmese people will keep demanding accountability and democracy, but I am less confident about how principled the international community will be in doing so for the next few months. This is especially true given how eager it was to engage with the USDP over the past 5 years. In the near term, we need to express our clear expectations to the lame-duck government that they should immediately take steps to address the following in order to indicate

their seriousness in continuing the reform process and effecting a smooth transfer of power to the NLD:

- Unconditional release of all political prisoners, including those awaiting trial;
- Halt offensives against ethnic nationalities area—particularly indiscriminate airstrikes in Kachin and Shan states; and
- Removal of current barriers to humanitarian access and space, including in Rakhine state.

On the evening of November 9, I was standing with thousands of NLD supporters on of all ages, madly screaming their heads off when returns were announced from the balcony of the party headquarters in Rangoon. There was not a policeman of any kind in sight; NLD youth managed traffic as the crowds spilled into and across the busy roadway in front of the building. Every new announcement of an NLD sweep brought massive celebrations. One rarely gets the opportunity to live history in that way, and being there with Min Ko Naing announcing official results from Pegu division was like a dream. But the reality was that I had gone to this party with my friend May Sabe Phyu, a prominent Kachin activist whose husband Patrick was arrested a month ago over a Facebook posting and remains in jail. This past Tuesday he was again denied bail apparently on orders from the military. In addition to keeping me updated about her husband's absurd imprisonment, Phyu Phyu was sending me harrowing reports of the latest military assaults in her homeland and the worsening humanitarian situation for the thousands of IDPs in Kachin state who currently are receiving little international assistance. Neither political prisoners nor Kachin and Shan IDPs should have to wait until April to get relief.

Likewise, the situation of the Rohingya remains abominable, and there is very little hope that it will improve during this interregnum period. While the USDP's electoral imperative to use them as a scapegoat may have subsided, their potential utility as a spark for creating violence and instability remains a tool the authorities are all to willing to deploy. The monsoon season is now over, and while we are unlikely to see a repeat of the horrors of the mass migration of this past spring, many Rohingya will doubtless take to the seas out of hopelessness and despair. The NLD has indicated a willingness to address the citizenship problem at some point, but right now this is a mess that the current regime made and should be held responsible for addressing in a meaningful way in its waning days. The U.S. and international community should push hard for the outgoing regime to open humanitarian space in Rakhine state and pull back on enforcement of both new and long-standing racist policies that serve as push factors for migration of Rohingya. The NLD will inherit enough negative legacies of military rule without also having deal with the immediate consequences of the USDP's demonization of the Rohingya.

Looking ahead to April 2016, as we think about how U.S. policy should be adjusted to account for Burma's evolving political situation, it is important that we consider the problems that were created by our move away from a principled approach, and toward a more pragmatic approach to Burma. Following the April 2012 by-elections in which Aung San Suu Kyi was elected to Parliament, the U.S. began a process of rapidly normalizing relations with the USDP-led government despite the fact that key fundamental aspects of Burma's political environment either remained unimproved or began to worsen. The U.S. did not self-correct and slow down its engagement until earlier this year, and our brand in Burma was clearly damaged by this overly optimistic policy. Democratic civil society, ethnic nationalities leaders and NLD leaders at various times expressed their concerns that the U.S. was too close to the Thein Sein government and had abandoned Burma's democratic movement.

By this summer, it had become clear to many on the ground that the U.S. and other former supporters of democracy in Burma were willing to accept something that fell far short of democracy, as long as the elections were not openly stolen or subject to widespread violence. This lowering of the bar also had troubling implications for democrats struggling in Thailand, Cambodia, China, and other countries around the region. Civil society on the ground viewed negatively much of the U.S. assistance provided to and through Burmese Government entities, especially when the coupled with a tendency on the part of USAID and other large donors to funnel most of the remaining funds through its usual cadre of contractors. We need to examine how our assistance programs may have undermined our stated objective of supporting democracy in Burma.

The NLD's landslide has now gotten much of the international community off the hook for its questionable behavior heading into the elections, as they are not forced to deal with the prospect of an illegitimate minority government comprised of the USDP and the military. It remains to be seen how the NLD will reflect on this short-sighted, transactional approach by its erstwhile supporters. I encourage the

U.S. to enter a period of strategic pause and reflection until we see a real transfer of power, meaning April 2016 at the earliest. In the meantime, we should undertake serious work to engage actors on the ground beyond those who seem to have guided us into our previous policy cul-de-sac. If they are still willing to work with us and accept our support in building a brighter future for their country, then we will once again be the fortunate partners of Burma's long-suffering and potentially victorious democrats.

Senator GARDNER. Thank you, and thanks again for all of your testimony.

Ms. Currie, I will just start where you left off on Burma. I asked the first panel what needs to happen, what does not need to happen over the next several months as Burma moves forward through this election process to finalize the selection of a President. What do you see happening? What needs to happen? And what are you concerned could happen?

Ms. CURRIE. I would like to see us have very clear demands with the lame-duck government over the next 4 months that they immediately release all political prisoners, including those awaiting trial and have yet to be sentenced.

This includes two people who have recently been arrested just in the past month for postings on Facebook who have been denied bail, who are sitting in prison because they put pictures up on Facebook that were mildly satirical. This is absurd.

This also includes student groups, student demonstrators, who were arrested in February and still have not been sentenced. Many of them have been on hunger strikes. They were tortured and abused very badly when they were arrested. Their immediate release would send a very strong signal that the regime is committed to moving forward with Burma's democratic transition.

Second, the offensives in Shan and Kachin states, which have actually escalated since Election Day, need to be stopped immediately. They are targeting civilian populations, or at least indiscriminately attacking minority positions in these areas, and causing massive civilian displacement and casualties. This needs to be halted, and it is fully within their power to do that.

The third issue, as I mentioned, humanitarian access has been spotty in Kachin and Shan. You have thousands of IDPs in Kachin state in particular who have no access to humanitarian assistance because they are outside of government controlled areas. And the United States has not done enough to get basic humanitarian assistance to these people.

Likewise, the situation of the Rohingya in Rakhine state is just deplorable. It continues to deteriorate. While the numbers of people taking to the sea this year have not been as inflated as they were last year, the situation there has not materially improved for them.

There is plenty of space to open the aperture on humanitarian assistance there and to allow greater humanitarian access.

Again, these are all things that are fully within the control of the authorities and would go a long way to helping us be comfortable that they are sincere.

Senator GARDNER. Thank you.

Mr. Hiebert.

Mr. HIEBERT. Could I just add one thing?

Senator GARDNER. Yes.

Mr. HIEBERT. I agree with most of what Kelley said. I would just like to add, yesterday or the day before, Thein Sein, the President, and the military commander also said they would not meet with Aung San Suu Kyi until the 100 or so areas in which they are going to contest the election—something that happened in the election.

Once they initiate the appeal, there is no deadline by when the union election commission has to resolve the issue. So if they are going to keep delaying, as they can with the terms that they have set out, it is a recipe for unending dispute and just no transition by the April 1 deadline that Kelley laid out.

Senator GARDNER. What do you think we ought to be doing? How should we respond to that? What message should we be sending? What actions should we be taking?

Mr. HIEBERT. I think we need to suggest to them that they should meet at a decent interval, whether they have to meet this week or next, I do not know. But to wait until everything is resolved when it is very clear who won this election is kind of crazy, and it is going to just leave the country in limbo. They are lame ducks and not ruling. Aung San Suu Kyi cannot rule the country. You are going to have the military doing the offensives that Kelley talked about in Kachin and Shan states.

So I think we need to put a little pressure on them, the United States has quite a bit of clout with them in terms of pressing them to try to live up to some of what they said earlier they would do.

Senator GARDNER. The State Department is obviously aware of this. Have you seen any actions that they have taken so far? Or do they need a little push on this?

Mr. HIEBERT. I do not know.

Ms. CURRIE. There has not been any comment yet out of the State Department regarding the announcements yesterday that this was the tactic that the authorities seem to be taking.

And it is a very worrying sign. The delay in meeting and the sudden appearance of a 100 complaints against 100 candidates, which would clearly be enough to undermine the ruling majority of the NLD and tip things back toward the military.

Senator GARDNER. Ambassador Green, I do not know if you want to add anything to that or not?

Ambassador GREEN. I agree with what you just heard. I think also part of that is to significantly weigh in with the positives, the carrot of what can be possible should these steps be taken.

Burma, obviously, in the days immediately after the election, enjoyed praise from many quarters and well-deserved for the technical challenge of administering four different ballots in many places. But it also has to be clear that that can go away rather quickly if they do not follow through with the promises that have been made and the promise of democracy.

So I think it is engagement and clarity and making it clear what expectations are and what the possibilities are, as long as they follow through with the significant commitments that have been made.

Senator GARDNER. Thank you. Obviously, as we discussed prior to the hearing, we talked about the concern throughout the region

of Paris-type terrorist acts spreading to places around the world, including Southeast Asia.

I guess the question I have is, what accelerator is there? Is there an accelerator in Southeast Asia? As we talk about the struggles that some are having toward democracy, maybe some are slipping away from democracy or freedoms, and more corruption, is there an accelerator in the region that would either amplify the direction, the speed of the direction they take for the direction of good, pro-democracy efforts, and conversely the direction that it could take in the wrong direction? What could speed up more government control, less freedom, less opportunity for the reforms to corruption and transparencies that we talked about today?

Is it terrorism? Is it financial? Is it natural disaster? What is the big accelerator in the region that could either, good or bad, speed the direction?

Ambassador GREEN. Do you want to?

Mr. HIEBERT. I was going to just talk a little bit about Indonesia and Malaysia, that had—estimates are between 800 and 1,000 or so fighters, though some are family members. You maybe saw this more earlier today, the deputy prime minister and home affairs minister in Malaysia signed an agreement with Ambassador Joe Yun on increased access to U.S. databases on bad actors, "terrorists."

That kind of thing is in the U.S. interests, as well as in their interests. I am not sure that those kind of agreements make much difference as accelerators.

At the same time, the United States is working with Malaysia on maritime domain awareness for the South China Sea, which is in Malaysia's interest and in the United States interest. So they are sort of happening on a parallel track.

How you press Malaysia, it is really tough. Some of it can be done in the TPP. The United States has given them many warnings or urged them to get going and abandon the Sedition Act and things like that. But now Najib, the Prime Minister, is fighting for his political life. It is going to be tough to turn this around.

Ms. CURRIE. With Prime Minister Najib and Burma as well as in other places, I think that appeals to sectarianism are a danger. And in Malaysia, in particular, it could be potentially a dangerous situation. As we have seen in Burma, it was not necessarily productive politically but it is dangerous to the society, which will have long-term effects. I think that is true in Malaysia because of the structural ways that Malaysia's governance system is set up, as well as its economic and more general system, and how certain groups are privileged and others are not. And the appeal to the Bumiputera in Malaysia is one of Najib's last tools that he has at his disposal.

Ambassador GREEN. If I can, in a slightly longer term view, one of the most important accelerators of democratic transition is success. So I think pushing and reinforcing success in Indonesia to help them take on their great challenges, and the same thing is true with a Burma depending upon how these next several months go, those countries succeeding in their democratic transition, that is one of the most important things and one of the most important messages that we can send throughout the region.

Remember, there is a counternarrative in that region that comes from China, that democracy cannot work in this continent, in this region. There is this constant refrain that what we are talking about are merely Western ideas and they do not work in Asian societies.

Success in Indonesia, hopefully the beginning of success in Burma, that is what we need to be thinking about, making significant investments in the NLD so they have the governing capacity to take on the significant challenges that they face.

Remember, there is an entrenched bureaucracy there that grew up and operated in an entirely different mindset. They are going to need a lot of assistance and help from friends like the United States of America to help them. Their success is the most important thing that we can see.

Senator GARDNER. Mr. Hiebert, I saw you raise your hand.

Mr. HIEBERT. I realized one other thing that I should have added and that is Senator Cardin talked about the TPP lever. With Malaysia, the TPP is really important because they want to get out of the middle-income trap. They see this as more access to the United States and Japan markets. It gives them a bounce versus the China market.

The United States had some leverage using the TPP and the TIP. On the trafficking issue, they did not do enough, I would argue, but maybe as Senators start dealing with passing the TPP to raise concerns about human rights and democracy issues in Malaysia, at least the bells will go off that maybe they will not be included. So that is another lever that you guys might be able to use.

Senator GARDNER. Thank you.

Senator Cardin.

Senator CARDIN. Again, let me welcome our three members of the panel, but particularly I want to welcome Ambassador Green, my former colleague in the House of Representatives. Ambassador Green had an incredible reputation in the House in regards to the Millennium Development Act and the PEPFAR program, so it is good to see there is life after Congress, so it is nice to have you here. [Laughter.]

You mentioned, Mr. Ambassador, Western ideas. In 1975, the Soviet Union, in order to show that they were truly a democratic state in the eyes of the globe, joined us in establishing the Commission for Security and Cooperation in Europe, now the OSCE, the implementing arm being the Helsinki Commission.

And when one mentions Helsinki, they think human rights. It is broader than human rights, but they do think human rights. And there are global standards that were agreed to by all nations by consensus—human rights, good governance, religious tolerance—all the good universal values that we hold so dear.

These are not Western values. These are universal values. So no one is trying to import Western values to Southeast Asia. We want respect for universal values.

The OSCE is a consensus organization, so there is no ability to enforce other than through putting a spotlight on problems and using conciliatory tactics to try and make progress. It would seem to me that such an organization would be very helpful in Southeast Asia.

I know Southeast Asia has organizations, such as ASEAN. ASEAN is taking on an ambitious project on the Code of Conduct for the China Sea. If it works, it will be an incredibly valuable contribution to regional stability.

But it would seem to me that it would be advantageous for us to try to strengthen either ASEAN or a regional organization to judge each other's conduct by universal values, including good governance.

Is this possible? Would it make sense if we can get it done?

Ambassador GREEN. Senator, I could not agree more. I think one of the successes that we have seen for the Millennium Challenge Corporation, which is primarily for economic reasons applicable to Africa, much more so than perhaps this region, is the fact that we have clear objective indicators that we have indicated we believe are essential for prosperity and stability in the long run.

When you take a look at the discussions that take place in regional settings on that continent, there is a great deal of looking around to see how one's neighbor is doing, good and bad.

I think that strengthening regional approaches, which will require assistance from us to get going, I think is a very important idea. I think it is a good one. It reinforces what you said to begin with. These are obviously not Western ideals, and we should push back forcefully anybody who tries to say otherwise.

Working to strengthen regional institutions, peer-to-peer organizations, organizations in which leaders and former leaders can come and meet and help build capacity in emerging governments and talk about challenges they face, it is a very important idea. And I think it is one worth pursuing.

Senator CARDIN. Ms. Currie.

Ms. CURRIE. Thank you for raising this issue, Ranking Member Cardin, because it is an important issue. There have been several efforts over the past several decades to try to build organizations along the lines of the Helsinki Process in Asia. They have never really gotten very far.

I think that probably the biggest barrier is China and the role that they play in constraining organizations from forming a democracy-focused grouping at the official level. And the governments of even Indonesia, South Korea, Japan, even our most democratic long-standing allies, can be reluctant to be seen as bandwagoning against China in that way in the region. And unless and until we can get China to agree in the way that the Russians agreed as part of the OSCE process, it will be very challenging to do that.

But in the absence of official entities that have been created in the region, civil society has really raced ahead. So you have seen regional civil society build up their own kind of networks and their own kind of institutions that are really shaping how the region responds to these challenges.

Developmental authoritarian narratives still have a lot of credence at the elite level across the region, and China certainly promotes that. But at the grassroots level, that narrative is not nearly as popular. And when people are given the opportunity to reject it and vote for democratic systems, they inevitably largely follow that path.

So I think we are in evolutionary period there. The opportunity is not yet ripe for that kind of regional organization because of China's role, but I think it is good to keep thinking about how we build that kind of cooperation.

Senator CARDIN. In 1975, the Soviet Union was the dominant factor on the OSCE. It included Canada and the United States, and we are not necessarily considered part of Europe.

So it seems to me, even if you look just at Southeast Asia, dominant players in the development of Southeast Asia include the United States and China and Russia, by the way. They are certainly dominant players. It has to be part of the equation.

We do have a seat at the table of ASEAN. It is not a full seat, but we have a seat. And we have a full mission there, because we recognize the importance to the United States.

Ambassador GREEN. Senator, if I can add on to what Kelley has said, which I agree with, two other factors.

On the positive side, South China Sea and some of the issues that have been raised, they are also serving as a reminder to some of these nations about the high price of China's expansionist philosophy and ideology. It has also caused some of these nations to have conversations with us on a number of fronts that maybe would have happened a little more reluctantly.

Secondly, she makes a very good point about civil society, the role civil society is playing and seeking to play, which is why looking at the enabling environment, the regulations, the registration requirements, in each of these countries is terrifically important. We should make it a central part of our diplomatic push to ensure that there is an opening for civil society to speak with citizens and to act as a link between citizens and their government.

We are seeing in too many places in the world and in this region where central governments are seeking to close down civil society, which is one of the greatest threats to any democratic progress.

Senator CARDIN. Yes?

Mr. HIEBERT. I just want to throw out that the two bodies that are actually active on human rights within ASEAN. ASEAN itself has a human rights organization that it set up, but like everything else in ASEAN, it is consensus-driven. So Cambodia can stop some of the more interesting discussions that Indonesia, the Philippines would have liked to have had.

And then the second organization is the Bali Forum, which has annual meetings in Bali bringing people from around the region. But that is Indonesia-driven.

Some countries like the Philippines are encouraging, are supportive. But everybody else is basically holding off.

So there are forums that we maybe could consider working with and encouraging, but the consensus nature of ASEAN makes some of this stuff tough.

Senator CARDIN. It is interesting, because consensus, certainly, presents a challenge, there is no question, when one country can prevent action from being taken. It was the reason why the Soviet Union went forward with the Helsinki final accords.

On the other hand, it does allow you to bring everyone together in a less intimidating setting. Putting a spotlight on a country could be a pretty strong way to make progress.

The other thing about the process is that it gives legitimacy to any of the participating countries to raise questions in other countries. You have the right to do that. That is a powerful right, even in a consensus organization.

So I think there are some major benefits to be had, if we could set up that type of structure.

My recommendation is—do not try to reinvent the wheel. Just use the Helsinki model. We have looked at that in other regions. We looked at in the Middle East. We looked at it in Asia. We are challenged in our own hemisphere.

So there are ways of trying to improve regional cooperation by recognizing universal values—again, not Western values, but universal values.

I do not want this panel to go without raising the Burma election issue and the Rohingya being disqualified from voting. How do you even give a stamp of approval on the elections when so many people were denied the opportunity because of their ethnic backgrounds?

To me, you can never put a stamp of approval on this election under those circumstances.

Ms. CURRIE. I would agree with you wholeheartedly, Mr. Cardin, that the disenfranchisement of the Rohingya, the fact that there will not be a Muslim Member of Parliament for the first time in Burma's history, these are serious societal problems. They are not just political problems.

The failure—it was not even a failure, the intentional effort to disenfranchise the Rohingya people.

It was troubling, actually, with your previous panel to have Mr. Busby self-correct and not refer—he initially called the Rohingya "citizens" and then self-corrected and referred to them as "residents." I hope that that is not the position of the United States Government, that the Rohingya are mere residents of Burma. Maybe it is not for us to decide, but we certainly should not be sitting up here making that decision ad hoc on a congressional panel.

This is something that I would like to see the lame-duck government address in their time in office and not dump on Aung San Suu Kyi's plate.

But given the way that they have politicized this issue and attempted to turn it into a political wedge issue to make things difficult for her, I do not see that happening.

Senator CARDIN. I appreciate you correcting the record here. I agree with your statement.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you.

I want to thank you all for being here today and for appearing before us and providing your testimony and responses.

For the information of members, the record will remain open until the close of business next Monday, November 23, including for members to submit questions for the record.

We ask the witnesses to respond as promptly as possible. This is your homework assignment. Your responses will also be made part of the record.

With thanks of the committee, both Senator Cardin and I do deeply thank you.

This hearing is now adjourned.
[Whereupon, at 11:27 a.m., the hearing was adjourned.]

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