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REBALANCE TO ASIA: WHAT DOES IT MEAN FOR DEMOCRACY, GOOD GOVERNANCE AND HUMAN RIGHTS?

HEARING

BEFORE THE

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AND PACIFIC AFFAIRS

OF THE

COMMITTEE ON FOREIGN RELATIONS
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REBALANCE TO ASIA: WHAT DOES IT MEAN FOR DEMOCRACY, GOOD GOVERNANCE AND HUMAN RIGHTS?

THURSDAY, MARCH 21, 2013

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:33 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Benjamin L. Cardin (chairman of the subcommittee) presiding.

Present: Senators Cardin, Udall, Murphy, Rubio, and Johnson.

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

Senator CARDIN. Good morning, everyone. Let me welcome you to the first hearing for the Senate Foreign Relations Committee Subcommittee on East Asian and Pacific Affairs. I want to thank Senator Menendez, the chairman of the committee, for his cooperation as the subcommittee is starting its important responsibilities here in the 113th Congress.

I also want to thank Senator Rubio, who I believe will be here shortly. Senator Rubio and I have met in order to plan a mutual agenda for the subcommittee during this Congress. We both thought that starting with the Rebalanced to Asia policy was the right way for the subcommittee to get the background we need in order to carry out the very important work of the subcommittee.

Just by way of background, for those who are familiar with my own congressional career, I spent a good deal of time working on the Organization for Security and Cooperation in Europe, and had the opportunity of chairing the United States Helsinki Commission. We have many Asian partners that are in the OSCE, which is an indication of their willingness to look at the framework that we have used for security in Europe. Of course, we have full membership from those countries of the former Soviet Union in Central Asia.

So we have had experience in dealing with some of the partner countries as it relates to security issues, which I think will be helpful to me as I take on the responsibility of the chair of this subcommittee.

This will be the first of a series of hearings examining different elements of the administration's rebalanced Asia policy. This policy realigns U.S. diplomatic, economic, and military resources toward

the Asia-Pacific region to help create a regional set of norms that lead to greater peace, stability, and economic growth in Asia.

The rebalance to Asia is not about containing China but rather includes building a constructive relationship with China. It is not just about our military presence. When we take a look at our security interests in Asia, we look at three baskets, as we did in Helsinki. We look at, yes, the military aspects, and there have certainly been a lot of challenges in Asia as it relates to military threats. But we also take a look at the economic opportunities to build bridges in Asia, as well as our values and human rights. We think all three are extremely important as we try to rebalance our policies in Asia itself.

In recent weeks, President Obama has reaffirmed the U.S. commitment to rebalancing to Asia and underscored the region's critical importance to U.S. prosperity and security. He understands, as do we, that the United States and Asian economies are tied together and that as they grow, our opportunities do, too. Asia accounts for more than a quarter of the global GDP, and over the next 5 years nearly half of all growth outside the United States is expected to come from Asia. Therefore, we have a direct interest in being involved from an economic point of view.

Southeast Asia, in particular, has a rapidly expanding middle class and a highly educated labor pool. It is a largely untapped market which includes the world's fourth most populous country, Indonesia. It is estimated that by 2025, Asia will account for almost half of the world's economic output.

We must also engage with Asia to protect our security interests. The threat of nuclear proliferation lingers over the Korean Peninsula. Disputes over territorial and historical claims persist. And ensuring free navigation along the critical maritime trade routes and the peaceful resolution of territorial disputes in the south and east China seas is in the national interest of the United States. These are all good reasons for us to pay more attention to the East Asia-Pacific region.

But we must remember as we rebalance to Asia that the fundamental respect for the human rights of every person, every woman, man, and child, is the underpinning to security and prosperity. Good governance which includes a respect for human rights is the key to economic growth. As President Obama has said, "History offers a clear verdict: Governments that respect the will of their people, which govern by consent and not coercion, are more prosperous, they are more stable, and more successful than governments that do not. Prosperity without freedom is just another form of poverty."

Rule of law, a fair system of justice, and transparent governance which allows for a strong civil society are the basic structures which allow a nation's citizens to have a voice, to live in freedom and to build their prosperity. We must strengthen these elements for our rebalance policy to succeed.

Combating corruption and fostering good governance with respect to human rights and the rule of law is a daunting task, but we have made good progress, and we continue to work with our partners and allies in the region both on a bilateral basis and with regional organizations such as the Association of Southeast Asian

Nations, known as ASEAN, and the Pacific Island Nations Forum, to institute and strengthen reform.

ASEAN has taken first steps toward recognizing the importance of protecting human rights with the formation of the Intergovernmental Commission on Human Rights and the 2012 ASEAN Human Rights Declaration. But, as I know many of our ASEAN partners themselves recognize, these first steps are just that, first steps. I think we need to look at what these commitments are about, whether they need to be strengthened and how we can make sure that there is a way to hold countries accountable to basic human rights.

And by way of comparison, I once again bring up what we have done in Helsinki. Helsinki is not a treaty. There is no formal way of enforcing the commitments that have been made. And yet I think history has shown that those commitments made in 1975 by the member states have been very much in the forefront, very much in the spotlight, and countries that have not adhered to those principles have been held accountable, not by formal means, but it starts with commitments that meet international norms. It is important that we review what has been done in ASEAN countries in this declaration as to whether they reach the international norms and whether there is a mechanism that will allow for accountability for those countries that need to do better.

The signs of progress are encouraging. The number of democratic countries in the world has expanded from 30 in 1974 to 117 today. Over the past 30 years the East Asia-Pacific region has become more democratic, with the Philippines, South Korea, Thailand, Mongolia, Taiwan, Indonesia, and Timor-Leste joining the family of democracies. The past 2 years have seen moves toward greater political freedom in Burma, long one of the region's most authoritarian systems. Helping Burma have free and fair elections in 2015 will be a top U.S. Government priority.

Helping democratic states build institutions that deliver effective governance and deepen the legitimacy of their democratic systems is critical. We will continue to encourage free and fair elections throughout the region as Malaysia and Cambodia hold parliamentary elections this year and Indonesia holds its third direct democratic Presidential and parliamentary elections in 2014.

But elections alone are not enough. We must make sure that the institutional structures that underpin a successful democracy are strengthened, from the judiciary to the bureaucracy to the legislature.

To build momentum for democratic reform, it is critical to end subnational ethnic conflicts. Peace and stability are essential to democratic progress, for protecting human rights, for safe migration, and for combating trafficking in persons. The peace process in the Philippines is a good example, where a longstanding conflict in Mindanao now has a peaceful settlement and path forward following negotiations which Malaysia facilitated between the parties, civil society, and government monitors.

As we encourage peaceful, democratic reform, and good governance, we must continue to push for protecting universal human rights by combating child labor and trafficking in persons, protecting religious freedoms, and empowering women. U.S. efforts to

work with allies and friends in east Asia and the Pacific to prevent trafficking in persons in the region are beginning to pay off. In 2012, four EAP countries were moved off the State Department's Tier 2 Watchlist as a result of these efforts. That is an impressive improvement. We acknowledge that. But we must keep up these vigorous efforts to protect human rights. Trafficking in persons has been a top priority of the United States in foreign policy considerations, and a lot of progress has been made. But in Asia, there is still a lot more that needs to be done.

We must remember that women's rights are human rights. Women are the barometer of a nation's success and its stability. In my previous role as chairman of the Subcommittee on International Development and Foreign Assistance, the successful integration of gender equity into our foreign aid programs was one of our top priorities, and we made progress. I welcome President Obama's March 19 nomination of Kathy Russell, former Chief of Staff to Dr. Jill Biden, to the important post of Ambassador at Large for Global Women's Issues at the Department of State. I look forward to her confirmation hearings. The Obama administration and the State Department have done a good job of promoting gender equity issues, and this will be one of our top priorities of this subcommittee.

Senator Rubio, before you arrived I pointed out that you and I have had a chance to talk about the subcommittee and the importance of the subcommittee, and I very much appreciate the fact that we are working together on the agenda of our subcommittee hearings in order to focus the proper attention of the U.S. Senate to the challenges that we have in Asia and the Pacific. So I very much appreciate that, and I look forward to working with you in this Congress, and I thank you for your help and cooperation.

Senator Rubio.

OPENING STATEMENT OF HON. MARCO RUBIO, U.S. SENATOR FROM FLORIDA

Senator RUBIO. Thank you, Mr. Chairman, and let me take the opportunity to thank you and your staff for how open they have been in engaging in this issue, which I think is an extraordinary opportunity to work on one of the most exciting regions in the world, and at a very exciting time in world history. I, too, look forward to working on a very robust agenda to ensure that the subcommittee plays a strong role within the foreign policy community in ensuring that our nation's policies in East Asia and the Pacific region further both our national interests and the goal of a better world.

I said at the outset, Asia is incredibly vibrant, and it is also diverse ethnically, politically, economically, and the home of half the world's population. That alone is a reason to be paying a lot of attention. It has the second- and third-largest economies in the world, and two out of our five largest trading partners. Clearly, a prosperous, democratic, and stable East Asia is crucial to our own national security, to our own safety, but also to our own prosperity.

The administration has openly discussed an American pivot or rebalance toward East Asia, and at a future hearing I hope that we will more carefully explore exactly what this rebalance means

in light of America's commitments in other parts of the world as well. But nevertheless, it is clear, and therefore I think worrisome to several Asia observers whether there is a comparable commitment to promoting democracy and respect for human rights as part of that rebalance.

There is no doubt in my mind that a robust U.S. defense and economic presence in East Asia is a source of stability, but what is at stake in the region goes beyond just our ability to deploy sophisticated weapons to counter immediate and emerging threats. What would set us apart from authoritarian competitors and lay the groundwork for a truly American legacy in East Asia is also a strong commitment to advancing individual freedoms, as the chairman has discussed.

The Republic of Korea, Japan, and Taiwan, those are just three examples of what Asian societies can accomplish by embracing individual freedom, free markets, and independent institutions that provide real checks and balances to political authority.

At the other end of the spectrum stands ghastly regimes like the Kim family in North Korea, where for more than six decades the people have been enslaved, and it has caused untold suffering. This tyrannical regime systematically denies its citizens even the most basic personal freedoms, and it is estimated to hold up to 200,000 human beings, 200,000 human beings in political internment camps under gulag-style conditions.

I am also concerned about China and to some extent Vietnam, with the myth of authoritarian capitalism and modernization, as well as authoritarian Burma, which we hope is in the process of a real transition, and I hope we will talk a little bit about that today.

More broadly, the region has the largest number of human trafficking victims in the world. The chairman also pointed to that, at a rate of 3.3 victims for 1,000 people. That is shocking. These victims are enslaved in labor trafficking, as well as sex trafficking across the region. I hope the United States will continue to address the challenge of human rights and democracy with boldness and clarity and consistency.

History has shown that there simply is no substitute for transparent, accountable, and responsive government, whether it is responding to citizens' calls for greater economic opportunity, ensuring their safety, aiding those affected by natural disasters. A government's ability to earn the trust of its citizens is absolutely essential to its long-term legitimacy, and therein lies the importance of this hearing and hearings like that.

I hope that by holding this hearing we are sending a signal to the region and to the administration and to our partners here in the Senate and in the House that there is a bipartisan commitment to ensure the promotion of human rights and democratic governance all over the world, but especially at this time in East Asia and the Pacific. If we stick to these principles, if we stick to these principles and follow through on our promises, we have the opportunity to help produce long-lasting democratic stability, human rights, and prosperity in the region, a legacy that I think we will all be proud of; a legacy that our children will be proud of us for.

So, thank you for holding this hearing, and I look forward to many more like this.

Senator CARDIN. Thank you, Senator Rubio.

On our first panel we are very pleased to have the Acting Assistant Secretary of State for the Bureau of East Asia and Pacific Affairs at the Department of State, Mr. Joseph Yun. It is a pleasure to have you with us today.

Mr. Yun is a career diplomat, and we thank you very much for your long service to our country. You come to this post with a great deal of practical background, considering that you have had assignments in South Korea, Thailand, France, Indonesia, and Hong Kong.

You are joined by Mr. Daniel Baer, Deputy Assistant Secretary for the Bureau of Democracy, Human Rights and Labor at the Department of State. His portfolio includes the Office of East Asia and Pacific Affairs, and the Office of Multilateral and Global Affairs, so is a key person on the subjects that we want to talk about today.

We welcome both of you. Your full statements will be made part of the record.

We will start with Mr. Yun.

STATEMENT OF JOSEPH Y. YUN, ACTING ASSISTANT SECRETARY FOR EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. YUN. Thank you very much, Mr. Chairman, and thank you, Ranking Member Rubio, and members of the committee, for having me here today. I am here with my friend and colleague, Dan Baer, with whom I have worked very closely over the past several years in promoting democracy and human rights issues in Asia and Pacific.

Mr. Chairman, as you and Ranking Member Rubio mentioned, the United States is bound to Asia-Pacific through geography, history, alliances, trade, and people-to-people ties, and those will only grow in importance over the next decade and beyond. Over the past 4 years, the U.S. Government has made a deliberate strategic effort to broaden and deepen our engagement in the region in what has come to be known as rebalance to the Asian-Pacific. This strategic rebalance is based on the recognition that the Asia-Pacific's political and economic future and the future of the United States are deeply linked.

The rebalance to the Asia-Pacific region covers a broad range of strategic objectives: Deepening our alliances in the region; boosting economic growth and trade; strengthening our relationships with emerging powers such as China, Indonesia, Vietnam, and India; expanding good governance; developing energy efficiency and environmental protection; and especially expanding people-to-people ties.

While the rebalance reflects the importance the U.S. Government places on a strategic and economic engagement in the region, the dimension that binds the entire strategy together is our strong support for advancing democracy and human rights, what I would call our value issues. Democracy and respect for human rights are increasingly part of the fabric of the Asia-Pacific. In fact, according

to Freedom House's most recent "Freedom in the World" report, during the past 5 years the Asia-Pacific region has shown the greatest progress in the world in achieving steady gains in political rights and civil liberties.

Mr. Chairman, as you mentioned, several examples come to our mind as well, Indonesia being one of them, so is Timor-Leste, Thailand, Taiwan, and more. Most recently, we have seen very positive developments in Burma that have allowed us to open a new chapter in bilateral relations. In November last year, President Obama became the first sitting United States President to visit Burma. During his visit, he emphasized that the United States would help Burma solidify the progress it has made, especially in addressing human rights challenges, and also we would help them strengthen the hand of those seeking further reform.

At the same time that we have seen these positive developments, we have continued to press for improvements with those governments that fall short on human rights and whose democratic institutions remain weak. As Ranking Member Rubio mentioned, North Korea is a case in point. North Korea's nearly 25 million people are in dire need of improvement in their welfare, protection of human rights, and that remains an essential goal of our overall North Korea policy.

The United States also remains deeply concerned about the continued deterioration in the human rights situation in China. We will continue to discuss human rights issues frankly with our Chinese counterparts and press them to respect the rule of law and protect the human rights and fundamental freedoms of all of its citizens.

Mr. Chairman, we recognize that there is much more work that needs to be done, especially in the countries I have just mentioned, as well as in countries like Cambodia, Laos, and Vietnam, to ensure that all citizens enjoy media freedom and freedom of expression, and that there is space for civil society to have their voices heard. We remain quite concerned about the disappearance of Lao civil society activist Sombath Somphone. In Cambodia, we have consistently raised our concerns about the case of exiled opposition leader Sam Rainsy.

Clearly, there is a significant amount of work still to be done, but there are also many examples of areas where we have worked very closely with our partners in the region to promote a variety of human rights and democracy issues. We emphasize the dependence of democratic institutions on a strong rule of law. We make it a priority to protect the rights of women around the world and empower them economically and politically. We also promote the protection of the human rights of lesbian, gay, bisexual, and transgender persons around the world.

We have joined with Indonesia, the Philippines, and five other founding governments to launch a global forum, the Open Government Partnership, where governments work closely with civil society to develop action plans with concrete commitments to improve transparency of governments and how they serve the people. These are just a few examples of many ways in which we actively support democracy and human rights in the region.

Mr. Chairman, thank you for giving me the opportunity to testify today. I am pleased to answer any questions you may have. Thank you.

[The prepared statement of Mr. Yun follows:]

PREPARED STATEMENT OF ACTING ASSISTANT SECRETARY JOSEPH Y. YUN

Chairman Cardin, Ranking Member Rubio, and distinguished members of the subcommittee, thank you for the opportunity to appear before you today with my colleague, Dan Baer, to testify on the important issues of democracy and human rights in the context of the rebalance to Asia. I would also like to thank the committee for its leadership in supporting and promoting engagement with the Asia-Pacific region and advancing U.S. interests there. I look forward to working further with you and other Members of Congress to continue to expand our involvement in the region.

The United States is bound to Asia through geography, history, alliances, trade, and people-to-people ties, which will continue to grow in importance over the next decade and beyond. Over the last 4 years, the U.S. Government has made a deliberate, strategic effort to broaden and deepen our engagement in the region in what has come to be known as the "rebalance" to the Asia-Pacific. This strategic rebalance is based on the recognition that the Asia-Pacific's political and economic future and the future of the United States are deeply and increasingly linked.

The rebalance to the Asia-Pacific region covers a range of strategic objectives: deepening our alliances in the region; boosting economic growth and trade; strengthening our relationships with emerging powers; expanding good governance, democracy, and human rights; shaping a regional architecture; and deterring conflict.

And while the rebalance reflects the importance the U.S. Government places on our strategic and economic engagement in the Asia-Pacific, the dimension that binds the entire strategy together is our strong support for advancing democracy and human rights.

Democracy and human rights give people the chance to live with dignity and to achieve a better future. Good governance is critical to reducing poverty, building rule of law, and allowing for open discussion of ideas in civil society. Strong democratic institutions increase transparency and ethics, which help to combat corruption. Democracies give people a way to devote energy to productive political and civic engagement and reduce the allure of extremism. And open societies offer more opportunities for economic, educational, cultural, religious, and people-to-people exchanges, which are part of the foundation for peace. It is for these reasons that the U.S. Government places so much importance on democracy and human rights and works with governments, civil society activists, journalists, and human rights organizations around the world. It is not only the right thing to do; it is also the strategically smart thing to do.

Democracy and respect for human rights are increasingly part of the fabric of the Asia-Pacific. In fact, according to Freedom House's most recent "Freedom in the World" report, during the past 5 years, the Asia-Pacific region has shown the greatest progress in the world in achieving steady gains in political rights and civil liberties. There are numerous examples that immediately come to mind in the Asia-Pacific that have demonstrated profound progress in respecting human rights and good governance. In just 15 years, Indonesia has transitioned rapidly from an authoritarian regime to a thriving democracy. Timor-Leste, Southeast Asia's youngest democracy, is already a leader in injecting the concerns of fragile and post-conflict countries into discussions of aid effectiveness and the post-2015 development agenda for other post-conflict countries. Thailand has overcome sharp political differences and military rule to restore democratic governance. Taiwan's voters have twice changed their ruling party through the power of peaceful balloting, and Taiwan was awarded the highest rating for political rights and the second-highest rating for civil liberties in the 2013 "Freedom in the World" report. And perhaps the most striking example of all in recent history is Burma, where positive developments on a range of concerns of the international community have allowed us to open a new chapter in bilateral relations.

At the same time that we have seen positive developments, we continue to press for improvements with those governments that fall short on human rights and whose democratic institutions remain weak. Improving the welfare of North Korea's nearly 25 million people, who live under conditions which, as described by U.N. Special Rapporteur on Human Rights in North Korea Marzuki Darusman, may constitute crimes against humanity, is an essential goal of our overall North Korea policy. We have cosponsored a resolution at the U.N. Human Rights Council to estab-

lish a Commission of Inquiry, building on Special Rapporteur Darusman's work, to investigate systematic, widespread, and grave human rights violations. With our nongovernmental organization (NGO) partners, we continue to support programs that document and raise awareness about human rights conditions, promote rule of law and lay the foundation for civil society, and promote the flow of outside information to the North Korean people.

Human rights issues continue to be a central element of the U.S.-China bilateral relationship. We continue to discuss human rights frankly with Chinese counterparts and to press China to respect the rule of law and protect the human rights and fundamental freedoms of all its citizens. But we remain concerned about the continued deterioration in the human rights situation in China. The use of forced disappearances, extralegal detentions, and lack of due process in judicial proceedings are troublesome, particularly when such practices target public-interest lawyers, writers, artists, intellectuals, bloggers, religious figures, and activists in China for exercising their internationally recognized human rights. Authorities continue the severe cultural and religious repression of ethnic Uighurs and Tibetans, and China's response to self-immolations by Tibetans has been harsh, including using criminal penalties to punish the relatives and associates of those who self-immolated.

We recognize that there is much work to be done in countries like Cambodia, Laos, and Vietnam to ensure that all citizens enjoy media freedoms and freedom of expression and that there is space for civil society to have their voices heard. We remain concerned about the disappearance of Lao civil society activist Sombath Somphone. As a respected figure who could work with activists, the government, and the international community alike, his disappearance 4 months ago has sent a chill through the activist community. We urge the Lao Government to redouble their investigation efforts and to be transparent about information they may have about his whereabouts and well-being. In Cambodia, we have consistently raised our concerns about the cases of independent radio operator Mam Sanando, recently freed from detention, and exiled opposition leader Sam Rainsy. We were encouraged by the release of Mam Sonando, but will continue to urge Cambodia to improve its record on the issues of resolving land rights and tolerance of dissent, and to fulfill its pledge to genuine multiparty democracy, particularly in the runup to critical national elections in July.

We also have more work to do in engaging the Association of Southeast Asian Nations (ASEAN) in their historic attempt to address the importance of promoting and protecting human rights in Southeast Asia as a region. In November 2012, ASEAN announced the adoption of the ASEAN Human Rights Declaration. As we noted in November 2012, we are deeply concerned that many of the Declaration's principles and articles could weaken and erode universal human rights and fundamental freedoms as contained in the Universal Declaration of Human Rights (UDHR). We urge ASEAN, in consultation with civil society, to amend and strengthen its Declaration to reflect a commitment to protect and advance fully the fundamental freedoms of its people and to bring the document in line with the standards embodied in the UDHR and the International Covenant on Civil and Political Rights.

Clearly, there is a significant amount of difficult work still to be done, but there are also so many examples of areas where we work closely with our partners in the Asia-Pacific region to promote a variety of human rights and democracy issues. We are committed to working with countries across the region to strengthen judicial systems and rule of law. In the Philippines, for example, through USAID's Judicial Strengthening to Increase Court Effectiveness (JUSTICE) program, the U.S. Government is playing an important role in the Philippines' effort to help transform its judicial system. JUSTICE, an approximately $20 million program, focuses on improving court efficiency, primarily through docket decongestion and reduction of trial delays, strengthening contract and intellectual property enforcement, and building confidence in the integrity of courts.

We are also focused on protecting the rights of women throughout the region and on empowering them economically and politically. In keeping with this goal, we have directed our embassies and consulates in the Asia-Pacific region to promote women's rights and equality through policy development, programming, monitoring and reporting, management, and training. We have invested in programs for ASEAN that directly address women's issues through support of "Track II" civil society programs such as the Human Rights Resource Center and consultations with the ASEAN Commission for the Protection of the Rights of Women and Children. The efforts of our regional USAID office in Port Moresby to empower women and strengthen democratic institutions in Papua New Guinea were a crucial component of that country's successful election in July 2012, which witnessed the election of three female Members of Parliament.

We are also proud of our leadership in the Equal Futures Partnership, a multi-stakeholder initiative developed by the White House after President Obama's 2011 U.N. General Assembly address. The partnership consists of a core group of member states, working with civil society, private sector organizations, and other multilateral stakeholders, including the World Bank and U.N. Women working together to identify key barriers to women's political and economic empowerment and address them with specific new commitments. Founding members include Indonesia and Australia; Thailand and New Zealand have declared their intent to join. We hope to enlist the participation of other Asian-Pacific countries in the future.

In July 2012, the U.S. and Cambodian Governments convened the first-ever Gender Equality and Women's Empowerment Policy Dialogue as part of the Lower Mekong Initiative (LMI). Delegations from LMI countries (Thailand, Cambodia, Laos, Vietnam, and Burma) and from Australia, New Zealand, and Japan attended the conference. The more than 150 representatives discussed integration of women into policy planning, gender equality and women's empowerment, and increased participation by women in economic and political development. As a result of this conference, the Department of State and USAID are coordinating several new initiatives that empower women from LMI countries in the fields of science and technology, as well as in areas such as natural resource management.

We also take very seriously the goal of advancing the human rights of lesbian, gay, bisexual, and transgender (LGBT) persons around the world. On International Human Rights Day, December 6, 2011, former Secretary Clinton famously declared in Geneva that "gay rights are human rights and human rights are gay rights." On that same day, President Obama signed a Presidential Memorandum directing all Federal agencies engaged abroad to ensure that U.S. diplomacy and foreign assistance promote and protect the human rights of LGBT persons. Through our missions abroad we are working to fulfill this directive by engaging actively with civil society groups and governments. Highlights include Mission China's engagement with a federation of LGBT NGOs to support more than 33 rights events held across six provinces, and the "Proud to be Us" event supported by the U.S. Embassy to Laos.

In terms of promoting transparent and inclusive governments that provide a strong foundation for democracy, we joined with Indonesia, the Philippines and five other founding governments to launch a global forum, the Open Government Partnership (OGP) in 2011. OGP aims to secure concrete commitments from participant governments in order to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Under this initiative governments are working in close consultation with civil society to develop country action plans with concrete innovative commitments to improve how governments serve their people. There are currently 58 countries in OGP, including the Republic of Korea. Indonesia is currently a cochair of the initiative.

Before I conclude my testimony, I would like to make special mention of Burma, a country in which we are seeing a great shift with regard to respect for human rights and good governance, and a country that demonstrates the possibility for change that exists in the Asia-Pacific region. In November 2012, President Obama became the first sitting U.S. President to visit Burma. He affirmed U.S. support for democracy, civil society, and freedom and noted the centrality of human rights to our bilateral relationship. Recognizing the progress that Burma has made across a wide range of areas, he expressed our country's unwavering support for the aspirations of all the people of Burma. Last year, we reestablished our USAID Mission in Rangoon, and over fiscal years 2012 and 2013, we will provide $170 million to strengthen democracy, human rights, and the rule of law; promote transparent governance; advance peace and reconciliation; meet humanitarian needs; and enhance economic development that can improve the health and livelihoods of the Burmese people. We supported an expanded U.N. Development Program mandate in Burma to address inclusive community development, poverty reduction, and local governance capacity-building programs, among other areas. We agreed upon a joint plan to combat human trafficking. We have also restarted the Fulbright program and held the first U.S. university fair in Rangoon last month. However, as the President also made clear, there is still a long road ahead. That is why we are focused on helping Burma solidify the progress it has made so far and strengthen the hand of those seeking further reform, so that that process becomes irreversible.

We recognize that much of the history of the 21st century will be written in Asia, and we are working to ensure that it is a century in which economies grow, conflicts are avoided, and security is strengthened. Supporting democracy and human rights across the region will be a central component of our efforts.

Thank you for giving me the opportunity to testify today. I am pleased to answer any questions you may have.

Senator CARDIN. Thank you.
Mr. Baer.

STATEMENT OF DANIEL B. BAER, DEPUTY ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. BAER. Thank you very much, Chairman Cardin and Ranking Member Rubio and Senator Johnson, for being here. Thank you to the committee for hosting this hearing and inviting me to testify with my good friend and colleague, Joe Yun. As Joe has said, we have had the opportunity to work very closely together, and it has been a great professional joy for me.

The Obama administration's rebalance is a purposeful, strategic move in our foreign policy. It is motivated by the opportunity to develop deeper and more wide-ranging partnerships in a part of the world that is increasingly important to American interests.

Headline news coverage of the pivot often focuses on issues of hard security and trade agreements. The role of political progress, and in particular the advance of human rights and democracy, is less frequently a strand in the public discourse. So the topic of this hearing fills a gap and gives us an opportunity to consider important questions.

Does the rebalance, as a purposeful addition to U.S. foreign policy, include progress on human rights and democracy as part of its objectives? And does progress, or lack thereof, on human rights and democratic governance affect the prospects of achieving the full range of objectives that motivate the broader rebalance? The questions are related, of course, and the answer to both is a firm "Yes."

In the second half of the 20th century, human rights were a clear pillar in our regional foreign policy with respect to Europe. We recognize that it was not only our moral convictions but our economic and security interests that would be best met by a democratic Europe. The underlying truths haven't changed. Human rights and democracy are foundational to our foreign policy because they are foundational to our polity, and also because U.S. national interests will be most durably met by a world in which states are part of a stable rule-based order. That stable order can only be grounded on the durable peace that human rights and democratic governance deliver.

That belief animated President Obama's 2011 speech to the Australian Parliament announcing the rebalance, and the necessity of U.S. leadership in support of human rights as a central element of it. Because while the region includes big and fast-growing economies and opportunities for more effective partnerships, we can't forget that the region also includes many hundreds of millions of people who have yet to experience protections for their human rights. It includes strongmen who manipulate flawed elections and suppress speech in order to stay in power. It includes places where the rule of law is notably absent and where members of religious and other minorities suffer abuses with impunity. It includes governments that treat the Internet as a new threat to be regulated and controlled, rather than as a platform for free expression and opportunity.

For as long as these conditions remain, both the region's potential progress and the potential dividends of our engagement will be hampered. There is much to gain in my view, but achieving the full potential return on our investment, both for our citizens and for the people of the region, depends on political progress.

In his speech in Canberra, President Obama spoke specifically to three ways in which we are exercising leadership. First, he said that we have strengthened civil society because it empowers citizens to hold their governments accountable. Burma's budding democratic transition will succeed only if the country's civil society is strong and can help drive it. That is why we continue to press that the political leaders recently released from Burmese prisons return to society with their full civil rights restored. It is why we have encouraged the government to engage civil society directly, including the recently formed committee that is charged with working through the remaining political prisoner cases. It is why the administration's reporting requirements will ask U.S. investors how they have conducted human rights due diligence.

In Cambodia, civil society organized and led a campaign to resist a menacing proposed NGO law. We supported their efforts, and former Secretary Clinton repeatedly urged the Cambodian Government to scrap the law. Prime Minister Hun Sen eventually announced that the NGO law would be shelved and would not be brought forward again without civil society support.

Other challenges remain, of course, in Cambodia. We were deeply disturbed to see the re-arrest of Born Samnang and Sok Sam Oeun, who are widely viewed as scapegoats in the 2004 murder of union leader Chea Vichea. Opposition leader Sam Rainsy remains in self-imposed exile to avoid imprisonment on politically motivated charges. While we welcomed Mam Sonando's release last week as a positive step, the charges continue to hang over his head, and others remain in jail.

The second element President Obama committed us to was advancing the rights of all people, including women, religious minorities, and other vulnerable populations. Members of this subcommittee know that there are parts of the region where not only are members of minority groups not protected, but their rights are actively targeted for repression. The United States remains deeply concerned about repressive Chinese policies that threaten the distinct cultural, linguistic, and religious heritage of Tibetans and that have contributed to a climate of increasing desperation in which more than 100 Tibetans have resorted to self-immolation. In Xinjiang, where I visited in late 2011, members of the Uighur population continue to face discrimination, arbitrary detention, and restrictions on religious freedom and freedom of movement. Unsurprisingly, tensions remain high.

Almost everyone is vulnerable to abuses and violations in North Korea. Just this week, the United States is supporting a resolution at the Human Rights Council to create a commission of inquiry into the systematic and widespread abuses committed by that regime.

Finally, in Canberra, the President said we encourage open government because democracies depend on an informed and active citizenry. The Open Government Partnership is being chaired by

Indonesia this year, but initiatives like the OGP only work when they are supported by an open and active civil society. So the United States will continue to press for progress to ensure protections for freedom of expression, association, and assembly.

One area where this is particularly important, where there are worrying trends in some parts of the region, is with the Internet and new connection technologies. In countries like Vietnam, which has an impressive level of Internet penetration but a large number of bloggers and others who have been imprisoned for what they said online, we must continue to make the case that human rights apply online as they do offline. We need to underscore that it is no coincidence that Silicon Valley is in a country where ideas are exchanged freely and that Vietnam's Steve Jobs or Mark Zuckerberg will not be able to contribute to the growth of their country if he or she is sitting in a prison cell because of something written online.

I know that Secretary Kerry, who has long maintained a deep personal interest in the region, is committed to carrying forward the work of leading the rebalance in a way that advances all of the interests of the United States, including a strong rule-based global order grounded in respect for human rights, that enables durable economic prosperity and peace.

Thanks very much for having me, and I will be happy to take your questions.

[The prepared statement of Mr. Baer follows:]

PREPARED STATEMENT OF DEPUTY ASSISTANT SECRETARY DANIEL B. BAER

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

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

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

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

The advance of human rights and democracy has long been an established objective of U.S. foreign policy through administrations of both parties. In the second half of the 20th century, human rights were a clear pillar in our regional foreign policy with respect to Europe—we recognized that it was not only our moral convictions but our economic and security interests that would best be met by a democratic Europe. The underlying truths haven't changed: human rights and democracy are foundational to our foreign policy because they are foundational to our polity; and because U.S. national interests will be most durably met by a world in which states

are part of a stable rules-based order. That stable order can only be grounded on the durable peace that human rights and democratic governance deliver.

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

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

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

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

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

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

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

Twenty-one years after the accords that ended the horrors of war, Cambodia has a vibrant civil society that remains a strong, independent force able to push for accountability and improvements from the Cambodian Government. Several years ago, the Cambodian Government sought to push through laws aimed at weakening civil society by stifling human rights nongovernmental organizations (NGOs) and trade unions. Cambodian civil society organized and led a campaign to resist these laws. We supported their efforts, and former Secretary Clinton repeatedly urged the Cambodian Government to scrap the proposed NGO law. We were pleased when Prime Minister Hun Sen announced, at the end of 2011, that the NGO law would be

shelved and would not be brought forward again without civil society's support. The trade union law, though much improved after receiving civil society input, has yet to be adopted. Needless to say, civil society and the international community remain on guard.

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

The second element I'd like to highlight from President Obama's speech in Canberra is his commitment of U.S. leadership to—quote—"advance the rights of all people—women, minorities, and indigenous cultures—because when societies harness the potential of all their citizens, these societies are more successful, they are more prosperous and they are more just."

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

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

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

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

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

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

Whereas a few years ago, governments were taking a technical approach to Internet repression—using filters, surveillance, malware, and other techniques, we now see increasingly that they are pairing ever more sophisticated technical attacks with a regulatory approach, where governments also utilize legislation to limit Internet freedom. In countries like Vietnam—which has an impressive level of Internet penetration but a large number of bloggers and others who have been imprisoned for what they've said online—we must continue to make the case that human rights apply online as they do offline. We need to underscore that it's no coincidence that Silicon Valley is in a country where ideas are exchanged freely, and that Vietnam's

Steve Jobs or Mark Zuckerberg won't be able to contribute to the growth of the country if he or she is sitting in a prison cell because of something she/he wrote on a blog.

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

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

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

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

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

The State Department and our partners use two primary tools to bring about a more democratic and more rights-respecting Asia-Pacific: honest dialogue with governments, civil society organizations and people; and grassroots, results-oriented programming. From Burma to Cambodia, Mongolia to Papua New Guinea, we support dozens of innovative programs that increase the effectiveness of local CSOs to improve their local environments on their terms. Our programs have trained labor activists, brought human rights principles to security forces, strengthened election mechanisms, and enabled citizen journalists to connect, share, and publish their work. Our rapid response mechanisms have enabled us to provide immediate relief and help activists and civil society leaders when their governments respond nega-

tively to their insisting on having a voice in the decisions that most affect their lives. We are working with our international partners to sustain and expand the Lifeline NGO Fund and other funds stewarded by DRL so that embattled organizations have the resources they need to continue their vital work.

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

The Asia-Pacific is in a period of unprecedented political and economic change. The region's people, who have been for too long held back by poverty and oppression, are seeking out freedom and democracy in unprecedented numbers. But those changes have also highlighted that significant work remains to be done. If the United States and its partners—likeminded governments, civil society organizations and ordinary people—lessen their efforts now, the precious gains made toward democracy and human rights will be compromised. Even in the region's bona fide democracies, backsliding and regression are still very real possibilities. Strong regional initiatives and continued, serious engagement with regional goverments will be key to ensuring a democratic, secure, and stable Asia-Pacific.

I thank the chairman, the ranking member, and the subcommittee's distinguished members, for the opportunity to testify, and I welcome your questions.

Senator CARDIN. Let me thank both of you for your testimony. It was by design that we have our first hearing on the rebalance to Asia, and it is also by design that our focus on this hearing deals with good governance and human rights. I say that because there is a concern as to whether that aspect of the relationship will get the type of attention and priority that it needs.

Senator Rubio mentioned North Korea. We are all very concerned about North Korea. Its nuclear threat is of paramount importance and we must deal with that threat. If we are successful in dealing with that threat, and I expect that we will be, long-term stability depends upon North Korea changing its political system to respect the human rights of its citizens. It is the worst country as far as respecting the rights of its citizens under any international norm, and its economic system is starving its own people.

So, long term, we need to deal with those issues. As countries are becoming democratic or transitioning into democracy in Asia, it is so important that good governance and human rights be a key part of it, because other countries are looking at what is happening with countries that have transitioned into democratic states.

Which leads me to my question. This Asian Regional Bureau at the State Department is in the bottom half as far as the number of staff people and resources that it has. The military issues will always have high visibility and priority. How can we, this committee, help to make sure that the good governance and human rights dimension receives the kind of support and attention by staff and by action that we believe is necessary? How can we hold you accountable—your statements were excellent, and I know that they are heartfelt.

What can we do as a committee to make sure that good governance and human rights gets the type of attention in the State Department that it needs to get?

I have been through this many times, and I have seen many agendas set for bilateral meetings that I was extremely disappointed that good governance and human rights, if it was on the agenda, was a footnote rather than a priority. How can we help make this a priority in our State Department strategies?

Mr. YUN. Mr. Chairman, I will have a crack, and then I will let my colleague also.

I think it is really a matter of two things, I would say. Foremost, it is a matter of high-level engagement. If you, for example, as well as senior officials from U.S. Congress engage in these issues, they will pay attention. They will pay attention when we have hearings such as these. They will pay attention when you travel out to the region and raise these issues. And, of course, it is also true that we, in the administration, have to do the same. So I would say it is a matter of engagement, high-level engagement.

Second, it is also a matter of resources, because after you and senior officials engage, we have to have resources to implement them, and there are a variety of ways currently that we spend those resources. One, of course, we have some funds that come out through USAID in the form of assistance. I would say there is a specific pillar called democracy and good governance that we tap into to promote civil society, to promote parliamentary exchanges, and that is a very, very important program for us to preserve.

Also, it is a matter of having adequate personnel in the field. We have in many places a designated human rights officer, but not in all places, and in some places we need more than one. So for us to have a designated human rights officer who interacts with political prisoners, with civil society, is very important.

So I think it is a matter of high-level engagement, implementation for us, and also means resources.

Thank you, sir.

Senator CARDIN. Thank you.

Mr. Baer.

Mr. BAER. Thank you. In addition to the kind of institutional setup that Joe talked about, I think part of what we need to do is that all of us need to keep it clear in our approach that human rights is not only one of the outcomes but actually part of the strategy. It is part of the comparative advantage that we have as a country, anywhere where we are engaging, is that our military and our economy are strong, the strongest in the world, but they are even stronger because they are ours, and people look to us for leadership because of the values we represent. So as we push for these changes, this is something that we can do that augments our influence in a good way and in a way that helps people on the ground, and I think we need to keep that in mind.

I think one of the things that we have tried to do in the last few years is really also take advantage of the fact that people in the region, if we widen our scope, and I am just thinking about the government-to-government conversations where it is important to raise these issues, but taking our cue from people on the ground, we see increasingly that people in China, for example, and Vietnam are themselves discussing issues of fairness that they see in their society. They are discussing concerns about lack of transparency over everyday issues like pollution or food safety, et cetera, and we

can take a cue from them in raising our concerns with governments and say, you know, this isn't just a United States talking point. This is something that millions of your own people are talking about, and for your own good, you need to figure out a way to deal with these conversations about fairness.

I think with respect to programming, as Joe said, obviously our assistance can be vital in many parts around the world to supporting civil society, and we believe change comes from within and will be sustained from within in that respect, and so it is critically important. It is important also that we preserve what has been a U.S. tradition of being willing to support civil society even where host governments are not terribly crazy about that. So we need to be able to do the edgy kind of programming that is often needed in the toughest places.

Senator CARDIN. Let me ask you specifically to help us on the declaration on human rights as to where it needs to be strengthened. We don't want to just see a fig leaf effort to deal with human rights. We want to see whether we can't institutionalize within the region a mechanism that has confidence among a significant number of Asian countries that are dealing with these challenges.

So I would like to put special focus on where that needs to be strengthened and trying to learn from some good practices as to how you can use that to really make progress on human rights. While all of the basic internationally recognized human rights standards are important, this committee will want to have special emphasis placed on the trafficking issues, not just origin countries and countries that are transmitting individuals, but also destination countries, and we should also discuss gender issues. Gender equity issues are a matter that has been of direct interest. I will want to follow up on all of those specific issues.

Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman.

Mr. Secretary, let me just begin with this question regarding North Korea and China. What is the current state of that relationship? Do we believe that the Chinese Government and Chinese authorities are reevaluating their relationship with North Korea vis-a-vis recent behavior on the part of the North Korean Government?

I have seen some journals speculate that perhaps North Korea has outlived its utility in its current form and the way they act toward China, and the way they view the world. What is the nature of that relationship today, and have we noticed a shift on the part of the Chinese Government with regard to North Korea over the last few months?

Mr. YUN. Thank you, Senator Rubio. I think perhaps some of the discussion I would hope to take place in a classified setting and where we can go into a lot more in-depth on some of the information that we can share with you.

Of course, China has always said, and they are, in fact, threatened by increasing rhetoric and also nuclear weapons in North Korea. I would say that it has never been in the Chinese interest to have a nuclear North Korea. However, the Chinese have always stated that they rely on friendly relations with North Korea, and

they would want the rest of the parties, especially the United States, to have a dialogue engagement strategy.

Our view is that North Korea must commit itself to denuclearization, which they, in fact, did in 2005 in the joint statement that was the heart of the six-party talks. Our view is that only on that basis, only if they have credible and authentic commitment to denuclearization can we even consider engagement.

As you know, Mr. Chairman and Ranking Member Rubio, this has been a problem for decades, and we are working very closely with China, as well as other parties. There have been a number of phone calls between President Obama and Chinese leadership, and Secretary Kerry will be in China in about 2 weeks' time. So we will have a good discussion.

But, Senator Rubio, we would like to give you a more comprehensive briefing in a classified setting.

Thank you.

Senator RUBIO. This question may fall in the same purview, but I will ask it anyway. I have noticed in recent speeches a reference to something called the "China Dream." The "China Dream," of course, is not just a throwaway line. It references a book that was published in China a few years ago, I believe, by, I believe, an Army general, and the premise of the book is basically that the goal of the Chinese Government should be to displace the United States. The goal of the book, called the "China Dream," is that the Chinese Government's goal should be to displace the United States as the world's predominant both economic and military power.

So in the framework of that, what is our sense? Obviously, I think that a more prosperous China is a positive development, and certainly a very positive development for the people of China, and I believe personally that it holds potentially great promise. On the other hand, I think we have always grappled here in the West to fully understand what are China's ambitions, stated ambitions for its future vis-a-vis the United States, vis-a-vis global dominance and global power.

What can you share with us with regard to, or what insight could you give us? Is that an active debate that is going on today among those in China? I know that some in the military in China are pushing for a much more nationalistic view. Those debates happen in all countries all over the world. But what is the state of that internal debate, in your opinion, with regards to what these global ambitions are in the big picture?

Mr. YUN. China, of course, wants to play a global role. There is no question about it. We do believe that it should play a responsible global role. I believe that the most important debate, that is going on in China now, is how should a rising China that is a rising power globally, as well as regionally, interact with an established power, that is the United States? How do they interact with other regional powers?

Senator RUBIO. Do they view us as an established power or a declining power?

Mr. YUN. I would say they view us as an established power. In fact, the current President and the U.S. Vice President last year in February, Xi Jinping, when he came to Washington, that was at

the heart of his agenda, to have a discussion on how a rising power should interact with an established power.

We welcome that discussion, Mr. Chairman. We welcome the discussion, and these are the discussions we will be having with Chinese leadership. On our part, we have stressed to them that, yes, we want this discussion, but we are also mindful that a rising power has a global responsibility not just in the region and beyond, in places like Iran, Syria, and elsewhere.

One area where we have worked well and consistently over the past decades, though, is actually in North Korea, where they realize this is a tremendous regional threat, and those discussions have been very helpful. But we would, of course, want China, which has so much leverage vis-a-vis North Korea, to exercise it more.

Thank you.

Senator RUBIO. Well, I guess that is a starting point for my final question for both of you, and that regards the repatriation of North Korean refugees. The Chinese Government routinely repatriates these refugees despite knowing the serious consequences that they face when they are returned to North Korea. We have discussed those earlier today. I think there is an actual legal problem with this as well. In particular, I would like your opinion on the following statement I am about to make, and that is that I think these forcible repatriations of North Korean refugees from China violates their international obligations, and in particular under the 1951 convention related to the status of refugees and its 1967 protocol.

I guess my question is what views do we have on that? Because if we are talking about a rising power in the region who we are encouraging to assume the role that rising powers have traditionally assumed in the world when the world has been safe and the world has been stable, returning political prisoners to a country where they are going to be treated in the most horrifying conditions is not necessarily the behavior of a country like that and, in fact, violates their existing international obligations.

Have we stated this to them? Have we expressed this in any form? What is your opinion in that regard?

Mr. YUN. We have stated on a number of occasions that repatriation of refugees, as well as peoples who are seeking asylum for political reasons, should not happen. They should go through the internationally acknowledged rules on those. Mr. Chairman, we have made these points in regard to North Korea as well as other refugee issues that surround the Chinese region. I would say this is a very serious problem whether it happens in China or in other countries in the region because, as you have noted, there has been a flood of refugees coming out and they seek——

Senator RUBIO. Have we taken a position that this is in violation of their international obligations? Have we taken that as an official position?

Mr. YUN. We have taken that position, that this is a violation of international obligations.

Thank you.

Senator CARDIN. Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman, and I would like to thank the witnesses for your testimony.

As long as we are talking about China and North Korea, we just witnessed what we believe I think is probably a North Korean-directed attack at South Korea in terms of cyber security. I do quite honestly appreciate the fact that this administration has started conveying to the American public and making public some of the threats that China poses, where an awful lot of these cyber security issues are emanating from.

I guess I just want to ask, are we getting a reaction from the Chinese Government in terms of the fact that we are raising this issue? Have they made any assurances in terms of what they are going to do in terms of cracking down on some of the cyber threats, some of the industrial espionage that is probably coming from China?

Mr. YUN. Thank you, Senator Johnson. This again, I would very much like to give you a classified briefing on this, on the exchanges we have had. As you can imagine, this is quite a sensitive issue. We have discussed it with our Chinese counterparts, and President Obama has raised it.

This is becoming an increasing issue, which is why we now have gone public with so many of our statements on this issue. I believe this will also be very much discussed when Secretary Kerry is in Beijing in mid-April. So I do look forward to a classified briefing on cyber security issues.

Senator JOHNSON. OK. Well, I will not go down that path any further because I will probably get the same type—and I understand that. I respect the sensitivity of that.

If we are really concerned about human rights, human rights violations, information is powerful, and it is not a good sign, the result of the international telecom union, that conference or meeting in Dubai. We went backward in terms of Internet freedom and that free flow and dissemination of information.

Can either one of you speak to how that is harming our efforts, and is there a way to repair the damage or overturn the results of Dubai?

Mr. BAER. Thank you, Senator Johnson. Thank you for your attention to Dubai because it was an important meeting, and sometimes it seems like there was not enough attention that got paid to it. So I appreciate that you are watching so closely.

As you said, it was a crucial moment. I think there was clear organizing on the part of a group of states who want to create international standards that would allow them to control content online, and that is clearly not in the interest of U.S. business or in the interest of human rights and Internet freedom.

I think this is part of our broader project. What we are seeing increasingly is that threats to Internet freedom that a few years ago was largely a technical exercise on the part of governments, putting up filters, hacking into e-mail accounts, et cetera, they have moved to a regulatory approach. They have not ceased the technical attacks, but they have moved to a regulatory approach that is happening both at a local, sometimes, and at a national level, and then now at an international level, trying to affect international regulations that would allow them to limit the openness of the Internet.

It is something that we are going to have to continue to work against in multiple fora. China and Russia have put forward, a year and a half ago, a so-called code of conduct about the Internet in the first committee in New York, in the U.N., and we have made clear that that code of conduct is not the right approach because it is all about controlling the information rather than preserving an open, interconnected Internet that can be a platform for prosperity and growth for everyone. It is going to be an ongoing conversation, and we will continue to push with others.

I think one of the things about Dubai, if you look at who agreed and who did not, the countries that have benefited from the Internet, who represent Internet companies and startups that are adding to prosperity, et cetera, all of those countries were on the side of preserving openness, by and large, and one of the things we have to do is make the case, particularly to less developed countries, that if they want to enjoy the prosperity that the Internet can be a platform for, they have a stake in preserving the openness of the Internet, too. It is something we are working to coordinate diplomatically so that as we go into fora like Dubai, we are not just the United States and the Europeans making the case but we have a coalition that includes Kenya and Costa Rica and Mongolia and others, so that there is a group of like-minded states making the case for openness as we go into more of these fora.

Senator JOHNSON. Specifically, what do you think the result was of Dubai? And I have heard that there is a second step where we maybe can roll it back and stop the damage. I mean, can you speak specifically to your evaluation of what happened in Dubai and what we can do?

Mr. BAER. I think that Dubai was—well, first of all, there could have been a very bad result of Dubai that would have placed the Internet officially under an intergovernmental body without input from the private sector and civil society, et cetera, and that did not happen. I think the conversation in Dubai was multifaceted. We had a huge delegation, et cetera, that had representatives from businesses and civil society. We made the case for openness. Some states lined up behind a convention that would have been damaging for the future of the Internet.

There is an ongoing conversation. There will be an ongoing conversation. We have the opportunity to make the case for openness going forward, but it is going to be a heavy lift and we need to stay focused on it.

Senator JOHNSON. OK. But you are making a very concerted effort to make sure that we go into the next round and try and roll this thing back. And is there a pretty good chance that we can roll back the damage, or are we on an inevitable path here now?

Mr. BAER. In many of the areas that I work in for human rights, the overlap between the business case and the human rights case, while I believe it is always there, is not as obviously there as in this one, and I think that gives me some degree of optimism that we will be able to make the case. In many cases, it is the fact that this is technical stuff that a lot of governments have not had the opportunity to come up to speed on, and that we need to figure out how to break it down and make sure that the implications of bad decisions, bad regulations are fully clear to the governments that

are participating, and I think that we do have a chance, and certainly there are a good number of us who are very focused on what is at stake here, and we will do our best to make sure that we are, at each turn, making sure that we tilt the balance toward openness.

Senator JOHNSON. OK. Well, thank you very much.

Thank you, Mr. Chairman.

Senator CARDIN. Secretary Yun, you mentioned the foreign international development assistance and its role in dealing with good governance and human rights. I would like to pursue that further, not necessarily in response to a specific question to be answered today but how we can weigh in on the use of those tools to promote more effectively good governance in the countries under the jurisdiction of your portfolio in this subcommittee.

We know that we have two countries that are a part of the Millennium Challenge grants, and in Indonesia that is being used very aggressively to deal with the issue of budget accountability, which is certainly an important subject. We have other tools available in international development assistance, and we want to make sure that they are used effectively. We have very tight dollars. We know that. This subcommittee wants to advocate for the use of the resources in the most effective way as possible to advance U.S. interests.

So if you could help us sort through the priorities in that area, I think that would be helpful. If you have a comment about that now, fine, but I would like this to be a working relationship as to how we can better fine-tune the use of that tool. We work very closely with the Appropriations Committee. Senator Leahy, I know, is very interested in this area also. So we would try to work with you to use this tool more effectively in carrying out good governance and human rights.

Mr. YUN. We would very much like to do that. I think that is a great idea. As you mentioned, we have USAID funds, as well as some Millennium Challenge accounts. I would say on the Millennium Challenge, you mentioned some of the budget issues. On the Philippines side, there is also one that aims to have essentially tax collection more clear. They are not collecting enough taxes. According to their tax rate, there should be more. So there is a lot of underreporting going on. So on those two, we are happy to work with you, sir, and also on overall democracy and governance side of our USAID funds.

Senator CARDIN. And there is one other aspect. We had a meeting with Administrator Shah of USAID this week, and he is promoting more direct contact, people-to-people business by American individuals, American businesses, American universities. In Asia, that is particularly valuable. As we pointed out, the market is expanding for American businesses to work with us to help in good governance and human rights development. It also means better markets for their products as they move down the road.

So the people-to-people programs are also of great interest. As we can leverage all the tools to get more involvement, I think it would be helpful in carrying out our objectives. I welcome your thoughts in those areas.

Senator Rubio.

Senator RUBIO. Before we leave, I just wanted to talk about the state of progress with regards to Burma and what is going on there. It is a very interesting case as we see this kind of transition. I think it actually could potentially, one day in the future, serve as a model to some other authoritarian countries who we may want to examine changing relationships with, even when they change their model of governance.

What is the status of that? How is that going in terms of the carrot-and-stick approach where incremental changes in governance and human rights space is being met with incremental changes, potentially or supposedly incremental changes in our policy toward them? How would you judge the progress of that? Are we moving forward? Are we moving backward? Has there been a lull in action? It does not get the attention it deserves, but I would love to hear a status report.

Mr. YUN. Thank you, Senator Rubio. I would say we are very optimistic, and the progress that has been made over the past 2 years has been more than anyone would have expected. I don't want to go through a list of everything, but even in our last round of discussions with the Burmese officials, they have made it clear that they are going to account for the remaining political prisoners. They have already released quite a lot, and they will account for that.

We have also had in-depth discussions with Aung San Suu Kyi, the Nobel laureate, and she is pleased, and she is active. She is a member of their national assembly and working quite well as head of one of the committees in the national assembly.

Still, there are some serious challenges, and one of them is the difficulty between the government and ethnic minorities. There are two ethnic minority groups that are posing huge, enormous challenges. One is the continuing fight with the Kachins up in the north, on China's border. The other one is the Rohingyas down in the south. So I think until the ethnic situation settles down, I think it will be very difficult for the government as a whole.

So we are expanding in many types of engagements. We have increased our development assistance there. We have begun very small steps on military-to-military exchanges, and also we will be doing a lot more in terms of general exchanges, having their students over here, and we would like to invite their parliamentarians over here to discuss their role with our parliamentarians.

So I would say we are very optimistic. Regarding your thought, Senator Rubio, of this as a demonstration project, I think that is very important. We talk a lot about North Korea, and in some sense it is a demonstration project for North Korea if they are willing to change. We do not have hostile intent. If they are willing to change, we will change our posture and our policy, and we will help them get there.

Thank you.

Mr. BAER. If I could just add, I think I agree with what Joe has said, and I think what has been most striking is at a macrolevel the military has been in control for so long there that as they make this transition, there are an enormous number of laws that they need to change, and the good news is that they have started to change those laws. There is a great legal reform project that lies

ahead of them, but they have made initial changes to some of the most crucial laws.

There is institution-building that has to happen. There need to be institutions that are able to take on the role that the military has played for so long. So there is a real massive project that is going on. I think as we look, as the chairman said, to 2015 and the elections there, there will be bumps in the road but we are hopeful that 2015, as a kind of next major milestone, that in the lead-up to those elections we will see something different than in 2010. We will see free and fair campaigning. We will see open and free expression. We will see people able to assemble, et cetera, and I think we will continue to stay engaged with them going forward.

My former boss, Secretary Posner, testified last month about the progress here, and I know he has met with you, Senator Cardin. As Joe said, we will continue to work together, and this is one of the places where Joe and I have worked most closely.

Senator RUBIO. My last question is about South Korea. There is all the attention to the north and not enough, I guess, to the south. In so many ways, we like to hold up South Korea as an example of progress. I mean, a country that was at one time a recipient of aid is now a donor. It is a country we now have a robust trade relationship with and really is a graphic example in that famous Google Earth picture of North Korea and South Korea where one has lights and trees and the other doesn't. It is just a reminder of two very different systems, the same people living under two different governments, heading in two very different directions.

I am curious about the mood in South Korea given all the recent events. There is some reporting about—in essence, I think the relationship is at a critical point, is it not, where they look at us for continued assurance of this military stability, continued assurance of this economic relationship that allows them to continue to progress? I mean, one thing is to analyze what is going on in the peninsula from abroad. Another thing is to be living there where every single day you are being threatened with these sort of attacks and you really do not have the capabilities to directly respond without help from others.

What is the political mood given the recent elections? What is the direction of the South Korea Government? What is their mindset, not just vis-a-vis North Korea, but vis-a-vis the United States commitment to them and to the region?

Mr. YUN. I think you said it just right, sir. I think South Korea is a case in point of what openness can achieve in terms of both economic strength and the freedoms that go with it. As you know, we have had a very, very strong alliance relationship, perhaps second to none in the world, with South Korea, and a big part of that is what we call extended deterrence. That is, we are committed to defending South Korea against all external attacks, and our commitment is there through about 29,000 troops who are still stationed in South Korea. So there is no uncertainty with regards to our commitment to defend South Korea, and I believe that has gotten through completely to South Koreans. If you look at the polling data and so on, there is a very strong support for the alliance. There is a very strong relationship with the United States.

Senator Rubio, we will soon have very high-level engagement with South Korea. The newly elected President of South Korea, Park Geun-hye, will be visiting Washington in May and, of course, Secretary Kerry will be going to Seoul in early April. So we have an enormous amount of consultation at every level, and please be assured that South Koreans completely understand our commitment, and they rely on it, and we are, of course, totally committed.

Thank you.

Senator CARDIN. Senator Udall.

Senator UDALL. Thank you, Chairman Cardin, and thank you for holding this hearing, I think a very good hearing on human rights and governance over in Asia. I wanted to focus a little bit on—and thank you both for your service, I really appreciate it—focus a little bit on Vietnam, Cambodia, and Laos. Are human rights conditions in those three countries worsening? What approach should the United States take toward these countries in light of reports that freedom of expression and the role of the NGOs are being curtailed?

Mr. BAER. Thank you, Senator, for calling attention to the human rights issues in these three countries. I think that certainly in Vietnam we have been disappointed in recent years to see backsliding, particularly on freedom of expression issues. I mentioned in my testimony the approach to the Internet. While it has great penetration in Vietnam and they are rightly proud of that, people are being prosecuted for what they say online under really draconian national security laws, et cetera, and that is an issue that we continue to raise both in our human rights dialogue with the Vietnamese as well as in other bilateral engagements.

In Cambodia, you mentioned civil society.

Senator UDALL. Is that worsening even though we have put a push on that in the last——

Mr. BAER. I would say it has not gotten better. I mean, we were seeing some progress in religious freedom issues in Vietnam a few years ago, and that too seems to have stagnated. It is unfortunate, and to be honest, I think the government needs to come around to seeing that the Internet penetration that they are proud of is not fully valuable without having people be able to exchange ideas and say, hey, I have this idea for a company, or post a song on YouTube, which somebody has been prosecuted for, without being worried that they are going to get thrown in jail.

So we will continue to make the case firmly to them, not only in the context of the human rights dialogue but also in the context of TPP negotiations. We talk about Internet issues, we talk about labor issues and concerns over labor conditions, et cetera. And so we have a range of conversations with the government. It is a strong relationship in many ways, and we can raise this in a number of different conversations and highlight our concerns.

I think your drawing attention to the condition of civil society, I think that is something that, around the world, there has been in the last 10 years this kind of global trend of governments realizing that civil society can, in fact, hold them accountable, and many of them deciding that they do not want to be held accountable, and therefore taking both legal and extralegal measures to curtail the activities of civil society.

There was an NGO law that was proposed in Cambodia a few years ago. Cambodian civil society rallied together to campaign against it. We lent a strong hand of support. Secretary Clinton herself was engaged several times, and Hun Sen eventually announced that he was going to shelve that pending consensus from civil society.

But this is something that we are working on in many countries. In Burma right now, we are encouraging them to revise an old civil society law that was from the SLORC era that bans organizations larger than five people and things like this. So this is a kind of regional trend.

In Laos, I was there last month where we raised concerns. If you follow Laos, you may know that one of the kind of key figures in civil society in Laos, which is really quite nascent in many ways, Sombath Somphone, disappeared in December, and his case has not turned up any new information. For some time now, the government has told us that they are investigating, but I went there to deliver the message that we want to know more about what they are finding or not finding. It has really had a chilling effect on the broader civil society in Laos because this was a guy who was not seen as a particularly radical guy. He was friends with a lot of folks in the government. He worked with them, et cetera. So the fact that he could suffer consequences was of grave concern to everybody on the ground in Vientiane and beyond.

So I think this will remain a set of issues that we will have to continue to raise in all three of the countries that you listed.

Mr. YUN. I very much agree with Dan's characterization, but I would say that our rebalance, there is also a bit of rebalance within Asia, and that is we are also concentrating substantially more than we did in Southeast Asia. These are countries we believe that we have enormous economic interests. They are the fastest growing region. So we put in a lot of effort, especially in Southeast Asia, and I think the chairman mentioned, for example, the ASEAN Declaration on Human Rights. While the substance of the Declaration on Human Rights is not what we would wish, I would say that Southeast Asians doing it is an important fact. They have never agreed among all of them what are their human rights and that they ought to have common human rights goals.

So I agree with you, the substance is lacking, but at the same time doing it is important.

Also for us, I believe when have a forum like the ASEAN East Asian summit, that is multilateral, just as the chairman raised the OSCE, for example. These become forum where we can share and raise issues. And frankly, human rights is one of the more difficult issues we raise with our partners, but we must raise them, and having this multilateral avenue is a great, great help.

Senator UDALL. Thank you very much. Thanks.

Senator CARDIN. It is interesting to point out that my two colleagues that are here are also commissioners on the Helsinki Commission. So we have a heavy dose of the Helsinki Commission here on the Asian subcommittee.

With my colleagues' indulgence, I want to just put one more quick question forward. Dealing with good governance, particularly in Asia as it relates to the military. The military has such a domi-

nant role that they can play a key position as far as reforms toward democracy. Can you just give me quickly your status update as to what reforms are taking place within the military in this region that we should be concerned about or encourage?

Mr. YUN. I think this points to the importance of a mil-mil relationship. We have, for example, the Pacific Command that visits there often, as well as relationship with the Pentagon. When these guys go out, when our defense experts and uniformed officers go out, they can really talk to them soldier to soldier, and I have seen that. For them it is really, No. 1, how to respect human rights. When you do an operation, how do you make sure civilians—damage to civilian populations is minimized? What should be the rules of operation? That, I believe, is where our own soldiers can really point the way.

Second is the good governance side, as you mentioned. How much military role should there be? And there have been, of course, a lot of reforms, and as I mentioned from the beginning, you can see it. Really, the number of military coups that are happening in the region are way, way down. In fact, I do not really remember the last one. Maybe it was Fiji. So we are seeing far less military intervention than we ever did, which is very, very good news. But we still have situations, the prime example being Burma, where 25 percent of their legislature is appointed by the military. So it is not a sustainable long-term situation.

We had a similar situation in Indonesia. They got rid of it some time ago.

And then, of course, there is also the business side. In many of these countries, the military runs and operates their businesses, and that is not a good situation either.

Mr. BAER. If I may, I think Joe is absolutely right. I mean, you are right to focus on the reform aspect, and the toughest aspects of reform are where the military is involved in government and in business, and when it is involved in both, it is particularly tough, and there is no easy recipe for persuading a bunch of guys who have had a lot of power and gotten a lot of money for a long time to give that up. It is predictably challenging.

I think our own military is our best messenger in many respects on this. We brought the commander of the Army in the Pacific, Frank Wiercinski, to the Burma human rights dialogue that we held last October, and I got to watch him engage with his counterparts and talk about what civilian control meant to him and why he appreciated it, and why it was part of being a professional 21st-century military. Having that come from a guy with three stars on his shoulder and deliver that message, it was certainly more powerful than had it come from me, but even more valuable than had it come from any civilian.

I think that one of the things I saw in General Wiercinski the week before last and one of the things we talked about was the ability, the opportunities that we have to work together more often. He actually went to Laos right before me and we had communicated on that trip. So making sure that we are delivering one message as a government in terms of the importance not just to our civilian side of civilian leadership but to our military side of

being able to work with professional forces that are under civilian control in the region.

Senator CARDIN. Well, I appreciate that answer. I have noticed under the Obama administration, under Secretary Clinton and now Secretary Kerry, a much closer relationship between State and Defense. Engaging the Pacific Command on these issues I think makes a great deal of sense, and we will follow up from our committee with Pacific Command on some of these issues as well.

So, thank you both for your testimony. We appreciate it very much.

We will now go to our second panel, and let me welcome Mr. Steven Rood, who is the country director of the Philippines and Pacific Island Nations at Asia Foundation. As regional advisor for local governance, he helps build local government decentralization and municipal government programs throughout the region.

Mr. Rood, I saw in your background something I found to be pretty fascinating. You are the only foreign faculty member with tenure at the University of the Philippines. I take it you accomplished that recognizing that sequestration could have a problem for your U.S. support. That was well thought out and well planned.

We are also pleased to welcome Ellen Bork. Ms. Bork is the director of Democracy and Human Rights at the Foreign Policy Initiative. Before FPI, Ellen worked at Freedom House, where she directed projects assisting activists and dissidents around the world.

Let me just offer our condolences on the loss of your dad, Judge Bork, a distinguished jurist. Our deepest condolences. He had incredible accomplishments in the legal field.

Both of you, we are pleased to have you here, and your statements will be made part of our record. You may proceed as you wish, starting first with Mr. Rood.

STATEMENT OF STEVEN ROOD, COUNTRY FIELD REPRESENTATIVE FOR THE PHILIPPINES AND PACIFIC ISLAND NATIONS, THE ASIA FOUNDATION, SAN FRANCISCO, CA

Mr. ROOD. Thank you, Mr. Chairman, Ranking Member, and members of the subcommittee. I am pleased to be asked to testify on behalf of my organization, the Asia Foundation, on the issues of democracy and human rights in Asia. Thank you for the invitation.

The Asia Foundation is a private, nonprofit organization that was founded nearly 60 years ago. Through its programs, the foundation has helped build democratic institutions, reform economies, support civil society, and empower women throughout Asia. These investments in local partnerships have helped to support more politically and economically stable Asian countries that are important and reliable allies and partners for the United States.

The foundation has 17 country offices in Asia. I head our Philippines office, where we opened our doors in 1954. Throughout the region, the foundation works with hundreds of Asian partner organizations and identifies reform-minded individuals and future leaders. The foundation also facilitates regional exchanges to share experiences among Asian countries, recognizing both the diversity and the local context of shared development challenges.

For those of us who have worked in Asia for a long time, increased attention to the region is always welcome. The rebalance to Asia policy will help reinforce U.S. commitments on all fronts.

Despite the economic and political advances of the past decade, many countries in Asia continue to face challenges. Even countries which have made important progress continue to struggle in delivering on democracy's promise on a daily basis. Assistance programs have contributed to Asia's democratic development and economic well-being and represent an important aspect of American soft power. It is the United States that has led the way through its sustained commitment to the expansion of democracy and human rights.

This is not true of all donors, and the donor world is changing. In addition to the traditional bilateral donors such as USAID, and multilateral organizations such as the World Bank, there are a wide range of emerging Asian donors who look at development in an entirely different manner. Since 2001, the foundation has held a series of donor dialogues with these emerging donors from Korea, Thailand, China, Indonesia, Malaysia, Singapore, and India to share their views on development cooperation.

What we are learning is that the approaches, focus, and effectiveness of providing assistance differ between the emerging and the traditional donors. As countries turn to these new donors, who often offer unconditional aid, there is concern that the influence of established donors, particularly on sensitive topics, might be reduced. Nongovernmental organizations represent important partners in this context. The Asia Foundation's engagement in Asia might be helpful in assessing the effectiveness of democracy and human rights programs.

Our approach examines the interrelated interests of government, the private sector, and the NGO communities, and focuses on problem identification, local knowledge, and flexible mechanisms to achieve successful outcomes. Examples of programs include countertrafficking in Vietnam, where we work with both civil society and government to improve standards for the treatment of victims, and a program in the Philippines, with USAID funding, which has resulted in a remarkable increase in land title registration for tens of thousands of Filipinos who otherwise would have no rights to the public land that they had lived on and in some cases paid taxes on for decades. Further examples are included in my written testimony.

These programs rely on an ability to work with all stakeholders involved in the reform process. Where space might be shrinking for civil society, it is critical to try to build local organizational capacity and cooperation. Preserving an enabling environment for civil society, interacting with governments to the extent possible, and accepting the inevitable twists and turns of democratic development can require patience and new modes of thinking.

The foundation defines civil society broadly. It includes human rights and women's rights groups, health and education NGOs, but also business and trade associations, bar associations, women's groups and religious organizations, journalists and media groups, and civic and charitable organizations of all kinds. These groups all

have an important role to play and help to expand the space for reform.

There are many examples of how civil society has played a large role in democratic development, often with U.S. assistance through the Asia Foundation. For instance, in countries like Indonesia, it was civil society and religious organizations working together under the Suharto regime which provided not only service delivery but, in the post-1999 era, the creative ideas and the basis for legal reforms, women's rights, human rights advocacy, countercorruption and watchdog functions, and important economic reforms. Many were supported by the Asia Foundation with USAID funding.

The Philippines is another good case in point where, under the Marcos era, civil society actors were key in the country's political and economic development, and remain so to this day. We see real opportunities for the United States to support democracy and human rights advancements in the rebalancing toward Asia by making a long-term commitment to the region in terms of investing in relationships and resources, understanding the uncertain path toward democracy and a willingness to continue pressing forward, and building relationships with other donors, including Asian donors, to coordinate our mutually beneficial goals and objectives.

The Asia Foundation's experience in Asia shows that such long-term commitments, local partnerships and relationships with other donors can advance democracy and the protection of human rights in the region, thereby advancing the mutual interests of the United States and Asia.

Thank you again for the opportunity to testify before the subcommittee, and I am pleased to respond to questions.

[The prepared statement of Mr. Rood follows:]

PREPARED STATEMENT OF STEVEN ROOD

Mr. Chairman, Ranking Member and members of the subcommittee, I am pleased to be asked to testify on behalf of my organization, The Asia Foundation, on the issue of democracy and human rights in Asia. Thank you for the invitation to speak before the subcommittee on a very important topic.

The Asia Foundation is a private, nonprofit organization that was founded nearly 60 years ago. Through its programs, the Foundation has made sustained investments to build democratic institutions, reform economies, support civil society capacity, and empower women throughout Asia. These investments have helped to support more politically and economically stable countries throughout the region that are important and reliable allies and partners for the United States.

The Foundation has 17 country offices in Asia, and works with hundreds of established and emerging Asian partner organizations and identifies reform-minded individuals and future leaders. We accomplish this through grants to local organizations and through our staff and experts on the ground across Asia. The Foundation's grantees can be found throughout the public and private sectors in Asia, and are leaders of government, industry, and a diverse civil society. Over our long history in Asia, at the heart of The Asia Foundation's mission has been advancing democratic institutions and expanding civil society to protect human rights, improve governance, and promote economic reform and growth.

For those of us who have worked in Asia for a long time, increased attention to the region is always welcome. The "Rebalance to Asia" will help to reinforce U.S. commitment to the region on all fronts.

Despite the economic and political advances of the last decade, many countries in Asia continue to face challenges in democracy and governance, adherence to the rule of law, elimination of corruption, decreasing religious tolerance, political volatility and, in some cases, armed conflict. In fact, even many countries who have made important progress in democracy continue to struggle in making democracy meaningful beyond periodic elections, and delivering on democracy's promise on a daily basis.

In this context, assistance programs have made an important contribution toward Asia's democratic development and economic well-being, and can continue to do so. But there have been concerns over the impact of these programs. How do we know they are effective? How do we measure success? This is a challenge not only for the United States but for other donors as well, and there are growing efforts by donors to coordinate and harmonize their programs in order to avoid duplication and increase impact. The extent to which U.S. programs are coordinated with other donors always depends on the scope and focus of the assistance, but there is clearly more of an effort in this direction and progress is being made to refine and develop measures for evaluation.

The development cooperation landscape is changing. In addition to the traditional donors such as USAID, there are a wide range of emerging Asian donors who look at development in an entirely different way. Asian countries have emerged as game changers in the aid arena, challenging traditional notions of aid, reshaping global aid architecture, and placing new challenges on the global development agenda. As countries turn to these new donors, who often offer unconditioned aid, there is concern that the influence of established donors, particularly on controversial topics, might be reduced.

Recognizing the importance of these new actors to future development policy and practice, since 2011 the Foundation has provided a platform for emerging donors from Thailand, Korea, China, Indonesia, Malaysia, Singapore, and India to share their views on development cooperation and international development challenges alongside traditional donors. Following the Foundation's side event on Asian Approaches to Development Cooperation at the High Level Forum for Aid Effectiveness in Busan, Korea, in 2011, the Foundation has held several dialogues in Asia on Asian perspectives on international development cooperation and strategies on issues such as pro-poor growth and climate. We have also expanded our work facilitating south-south cooperation between emerging donors and other countries in Asia on issues such as disaster risk management.

This and similar engagement also provides an opportunity for the United States to work with countries like Thailand, as emerging donors in their own right, but who continue to face certain democracy and governance challenges domestically, as well as issues that are rooted in broader East Asian regional issues like economic integration and environment. This could also be an important model for partnership in Burma and other East Asian countries.

What we are learning from this series is that the modalities, focus, and effectiveness of providing assistance differ between the emerging and traditional donors. While it is true that the United States has sustained a long-term commitment to the expansion of democracy, human rights, women's rights and civil society, this is not true of all donors. To date, the focus of these new donors has been more on traditional infrastructure, economic growth, and development.

At the same time, nongovernmental organizations like The Asia Foundation are able to contribute to the protection of women's rights, advance the rule of law, promote greater public security, expand transparency, and counter corruption through work with both government and local civil society partners. Effective programs require committed partners and adequate and stable funding, as well as the right mechanism and approach in executing the assistance.

The Asia Foundation's approach takes into consideration both political and economic factors in looking at the incentives for reform, and has a few dimensions that might prove helpful in assessing the effectiveness of programs and their linkages to progress on democracy, governance, and human rights issues. Our holistic approach looks at the interrelated interests of government, the private sector, and the NGO communities to identify whose interests are most served by the desired changes. Then, by working with local partners, the Foundation acts as an honest broker to support strategic inputs, whether they are technical assessments, training, strategic design, or even seed funding for pilot projects, and support and enable local partners to take the lead in achieving more sustainable solutions to national and regional challenges. In this context, focused problem identification, local knowledge, and flexible mechanisms contribute to successful outcomes. In addition to country specific investments, the Foundation also facilitates regional exchanges to share experiences among Asian countries and local partners in many of the countries where we work.

In the Philippines for example, one success that touched on increased transparency, countercorruption and increased rights for citizens relates to land titling. The right to land title and therefore access to credit is tremendously important to millions of Filipinos. Many people have lived on their land for decades, have built homes, opened businesses and even paid taxes on the land but don't have the documentation to pass along to their children, to sell it or use it as collateral to get a

bank loan, or sleep at night knowing that their property rights are secure. Property rights reform in the Philippines, as outlined in our recent book "Built on Dreams, Grounded in Reality" (2012), was the result of an approach that consisted of analyzing the problem, pursuing a strategy that identified the incentives and motivation for reform, and developing an action plan. With USAID assistance, The Asia Foundation and its local partner, the Foundation for Economic Freedom designed a program that helped to pass the Residential Free Patent Act of 2010, which increased the registration of land titles 1,420 percent in 2011, the first full year of implementation, from approximately 6,600 in 2010 to 55,300 in 2011, and 65,600 in 2012.

In Vietnam, working with local partners, programs to support women victims of trafficking have been highly successful. The Foundation just completed a 3-year antitrafficking program that delivered safe migration education to over 62,000 people. We provided technical assistance and held extensive consultations with NGOs and other service providers working with trafficking victims to provide inputs into the government's development of the National Minimum Standards for the treatment of victims of trafficking.

In Thailand, there is a continued need to enforce human rights protections. The Foundation's Department of State funded forensics project advances human rights protection by strengthening the capacity of formal justice agencies, forensic pathologists, university medical faculties, human rights NGOs and human rights lawyers associations, and the print and broadcast media to apply forensic investigative techniques. The same approach has been utilized in the Philippines, again with funding from the Department of State, to help end a culture of impunity by going beyond reliance on testimony to scientific evidence.

In the context where space might be shrinking for civil society, it is important to try to identify effective ways to achieve increased public participation and citizen involvement. In such restrictive environments, it is critical to try to support local organizations to have the space to continue to do their work and carry out dialogues about the issues that matter to them and to society. Civil society in these contexts are also quite weak and atomized, so building their organizational capacity is important for the long term, as well as an opportunity for different groups within civil society to work together. Preserving an enabling environment for civil society, interacting with governments to the extent possible, and accepting the inevitable twists and turns of democratic development can require patience and new modes of thinking.

One way is to define civil society broadly. We are not only talking about political parties and advocacy groups, just as we are not defining democratic progress only by free and fair elections. The Foundation defines civil society to include not only these groups, but also business and trade associations, bar associations, women's groups, religious organizations, journalists and media groups, health and education NGOs, and civic and charitable organizations of all kinds. These groups all have an important role to play and help to expand the space for reform. We have seen this unfold over time throughout Asia. The Foundation, often with U.S. Government funding and support, has invested significantly in civil society organizations, broadly defined, building their capacity and identifying individuals who are working toward reform.

For instance, in the post-World-War-II era, the Asia Foundation's programs in countries where democratic traditions were weak, like Korea, Japan, and Taiwan, supported a wide range of civil society groups. They provided education, health, and other important social services, as well as advocacy and the generation of new ideas, and thus became important contributors to economic development and growth. Today, these countries stand as models of stability and democracy in the region, bolstered by increased public participation and expanded opportunities made possible through the inclusion of civil society organizations in policymaking.

More recently in countries like Indonesia, it was civil society and religious organizations working together under the Suharto regime, which provided not only service delivery, but in the post-1999 era, the creative ideas and basis for legal reforms, women's rights, human rights advocacy, counter corruption and watch dog functions, and important economic reforms which drew on broad consultations with the public. We should continue to take stock of the fruit of the long-term U.S. investments—many in leadership in post-reform institutions are people with whom the Foundation partnered with in the past as part of Foundation civil society partnerships with USAID funding. For instance, this includes leadership in the Election Commission, Corruption Eradication Commission, Committee for Free Information, Press Council (which existed in New Order but revamped post-reformasi), Judicial Commission, National Committee of Human Rights, and National Commission on Women's Rights.

The Philippines is another good case in point, where under the Marcos era, civil society became an important contributor to the country's political and economic development and remains so to this day. Civil society organizations have contributed to more transparency and accountability in governance, expanded press freedom shone the light on human rights abuses, and worked to develop political will for economic reform.

Another example is in Thailand, where the Foundation supported the 1997 People's Constitution, the first of its kind to be informed by the inputs of women and other citizen stakeholders. We also provided followup support for public institutions like the Constitutional and Administrative Courts that were created under the Constitution and continue today.

In Vietnam, where the Foundation works with a broad range of civil society, we seeded an initiative with the Vietnam Chamber of Commerce and Industry. USAID viewed the program as important, and has continued to support the Provincial Competitiveness Index (PCI), a survey of small and medium enterprises. PCI was just released for the 8th time to tremendous public and media interest in Vietnam, having established itself as a respected national instrument measuring provincial economic governance and allowing the voice of the private sector to reach policymakers.

We see real opportunities for the United States in the rebalancing toward Asia in:

(1) Making a long-term commitment to the region, in terms of relationships and resources;

(2) Understanding of the uncertain path toward democracy, and a commitment to continue pressing forward; and

(3) Building relationships with other donors, including Asian donors, in coordinating on mutually beneficial goals and objectives.

The Asia Foundation's experience in Asia shows that such long-term commitments, local partnerships and relationships with other donors can advance democracy and protection of human rights in the region, thereby advancing the mutual interests of the United States and Asia.

Thank you again for the opportunity to testify before the subcommittee and I am pleased to respond to questions.

Senator CARDIN. Thank you, Mr. Rood.

Ms. Bork.

STATEMENT OF ELLEN BORK, DIRECTOR, DEMOCRACY AND HUMAN RIGHTS, THE FOREIGN POLICY INITIATIVE, WASHINGTON, DC

Ms. BORK. Thank you, Mr. Chairman, and I would like to thank the committee for inviting me today. It brings back lots of good memories to be in the committee room where I worked as a staffer for Senator Helms and Senator Thomas in the late 1990s. I would like to thank you also for mentioning my dad. Your condolences are greatly appreciated. Thank you.

You convened this hearing to address this democracy issue and its role in the rebalance or the pivot, which President Obama launched in late 2011. I know a lot of military experts have criticized whether it is adequately resourced on military terms. From a democracy and human rights point of view, I think the jury is out, which is not to say that the administration has not laid a very strong rhetorical case. President Obama himself, when he initiated it in Canberra, really spoke very powerfully of the Asian region's democracy struggles and linked his leadership to pursuing democracy, freedom, and prosperity. Secretary Clinton also did the same. However, I noticed that National Security Advisor Thomas Donilon gave a little bit less emphasis to that recently when he spoke; I think it was last week.

This comes against a backdrop of a record on support for democracy and human rights that is mixed at best from the Obama administration. There are a number of disappointments to mention,

the response to the Iranian elections and the Green Movement, the rise of authoritarian regimes in Russia and Venezuela, and later on I will mention also China.

I certainly want to acknowledge Burma as a very positive development, and that is very exciting to all of us. I am happy to give credit wherever credit is due, mostly, of course, to the Burmese people. In the last couple of years, Aung San Suu Kyi has been able to emerge from house arrest to lead her party in sweeping by-elections. President Thein Sein, a former general, certainly gives very good indications of being interested in long-term reform. At the same time, there is a lot about it that we do not understand, and we can't quite tell how committed people around him are; such as some of the major business figures and the military.

I should mention also that the President's not clearly in control of the military. How serious that is or how permanent that is, I don't know. But the ongoing violence in Kachin, for example, is something that gives rise to some doubt about his commitment or ability to resolve that conflict and to human rights in general.

Despite the fact that Burma is something that we are optimistic about, I am worried that the administration has moved rather quickly in removing its sources of leverage, lifting sanctions well before national elections or a constitutional amendment that would reduce the role of the military or enable Aung San Suu Kyi to run for President.

At the same time, I do think Burma—and I think this came up from the previous pane—Burma has the potential to be a demonstration case or to be a model for the pivot or for the rebalance. It showed that the United States could pursue a policy over decades of supporting a democratic opposition and really lead the rest of the world in maintaining that course, and not wavering in that course when others decided to depart from it. I think that that has paid off enormously in Burma and that it is a major factor why Burma is moving in the right direction.

And I would just like to mention that when I visited Burma last August, I heard from ordinary Burmese, including many people who were former political prisoners, that their ability to go forward, but also their ability to resist Chinese influence, depends on a strong relationship with the United States and Europe.

We all know that the administration is careful not to present the rebalance as a challenge to China, and that is understandable. On the other hand, the rebalance in my view cannot proceed effectively if we do not address China as a major democracy and human rights problem.

China presents itself as an alternative governance model throughout the world, and particularly in the region, and even as its own human rights record is deteriorating by the administration's own account. The administration's human rights policy is lacking in a number of ways. I simply think that engagement without consequences for rights abuses is not very effective. There is a great emphasis on things like the human rights dialogue with Beijing, which is not a very serious way to advance human rights.

Not only should the United States be pursuing a more serious human rights policy toward China, it also needs to join with other democracies in the region to advance democratic principles and find

a way to coordinate in a multilateral way on such things. That kind of coordination needs to look forward toward developments that we are all going to face, like the selection of Hong Kong's chief executive in 2017. We would be naive if we did not think that China might decide to come up with an undemocratic way of selecting that post.

The Burma elections are another matter the United States must prepare for, and I would like to emphasize that Tibet also requires our attention. The Dalai Lama's devolution of his political power to an elected leader, Lobsang Sangay, is a major development that has not gotten enough attention from the international community or the United States.

Asia's existing multilateral fora are not well-suited to building support for democracy and human rights. Now would be a very good time for the United States to explore the creation of a multilateral forum of Asian democracies. Democracy and human rights as a criterion for membership and as a top priority. That, I think, would be a major and admirable outcome of the rebalance.

Thank you.

[The prepared statement of Ms. Bork follows:]

PREPARED STATEMENT OF ELLEN BORK

Mr. Chairman and members of the committee, it's an honor to testify before you and a pleasure to return to the Foreign Relations Committee where I served as a staffer for Chairman Helms and Senator Thomas in the late 1990s.

Mr. Chairman, you convened this hearing to address the democracy, good governance, and human rights elements of the "rebalance to Asia," a policy President Obama launched in late 2011. That policy has come in for criticism from military experts who believe it is not adequately resourced. As for democracy and human rights, it remains to be seen whether the administration's stated commitment to values as the "heart" of the rebalance will be fulfilled.

Rhetorically, the administration has laid out a strong case for the importance of values to the rebalance. When President Obama spoke to the Australian Parliament in 2011 he linked the policy to Asia's most dramatic struggles for freedom and to the pursuit of "free societies, free governments, free economies, [and] free people."

However, as the President begins his second term, his record of support for democracy and human rights is mixed at best. His weak response to the Iranian elections and the Green movement, failure to challenge the rise of authoritarianism in Russia and Venezuela and lack of leadership in supporting Democrats in Arab Spring countries are all worrisome signs that the President may not follow through on his own words when it comes to Asia.

The administration can of course point to Burma as an exciting development under its watch. Aung San Suu Kyi, released from many years under house arrest led her National League for Democracy Party in by-elections, sweeping almost all the available seats. Significant easing of repression has occurred under Burma's President, the former general Thein Sein. However, much remains to be done and much remains opaque. At times Thein Sein has seemed not to control the military—or if he does, he has been unwilling to rein in those forces as they wage war in Kachin.

Indeed, there is reason for concern about the haste with which the Obama administration is lifting sanctions and pursuing ties with Burma's unreformed military even before Burma has held nationwide elections or changed the constitution to diminish the role of the military and allow Aung San Suu Kyi to be a candidate for President.

Nevertheless, the lesson of Burma must be that a policy that placed support for democracy over purely strategic interests can succeed. In Burma, the United States supported a democratic movement for 25 years, applied sanctions and political leverage and persevered even when other countries followed other paths. That was the right thing to do, and the Burmese people know it. Burma's people "want very much to be associated with the United States," the journalist and former political prisoner Maung Wuntha told me in August 2012. "They believe that the ability to resist China depends on strong relationships with the United States and Europe."

Of course, the rebalance is inspired by China, whether the administration says so explicitly or not. The administration simply cannot advance the rebalance's democracy component without a better human rights stance toward China, because the challenge China presents is not simply its growth in economic and military power but also its example as an alternative political system. Even as the administration cites continuing deterioration in China's human rights situation, it insists that abuses are best addressed in private with Chinese officials, or sometimes obliquely, as Secretary Clinton did in Mongolia last summer.

In keeping with an "engagement" policy that has prevailed since the adoption of PNTR for China, there is no serious threat of consequences for abuses. Washington's human rights dialogues with Beijing are the embodiment of "de-linkage." At last year's dialogue, the administration explicitly rejected the idea that the dialogue is a forum for obtaining releases of political prisoners or for negotiating systemic change. More generally, the United States undermines its stated commitment to human rights by carrying on business as usual and failing to integrate these vital topics into the centerpiece of U.S.-China relations, the Strategic and Economic Dialogue.

To build on the progress in Burma, the United States must shape the political environment in Asia. Both bilateral and multilateral diplomacy are necessary. This administration is joining the region's existing institutions. President Obama participates in the East Asia summit, for example. However, once inside organizations with broad agendas and no political criteria for membership, the United States frequently runs up against Chinese influence that may run counter to those of America and its allies.

If the administration is serious about pursuing democratic values and objectives as part of the rebalance, some new thinking is in order. A forum for Asian/Pacific democracies would be useful. While many Asian countries are pleased to see the U.S. participating in fora with China, those fora are often inhospitable to an agenda based on democratic values. "Chinese multilateralism," Gary J. Schmitt has written "is not driven by some new commitment to liberal internationalism, but by old-fashioned realpolitik and China's desire to stem interference in its own domestic rule."

Greater coordination among the region's democracies would enable effective responses to crises or other events and could also prevent the backsliding that occurs without such bulwarks in place. A forum of Asian democracies might consider: preparations for the 2015 Burma elections and the 2017 date for a change in the way Hong Kong's chief executive is chosen. Tibet is another issue that would benefit from coordinated action among the democracies. The United States and its allies must consider the momentous changes that have taken place in the Tibetan leadership, that is, the Dalai Lama's handover of political power to an elected leader of the exile government and the Dalai Lama's plans for his succession.

Asia is undergoing a wave of leadership transitions. Presidents Shinzo Abe and Park Geung Hye have just taken office in Japan and South Korea respectively. Indonesia is having an election next year. Now is a good time to consider greater coordination among the region's democracies. Although China would certainly object to such a group, the alternative will be to struggle with China's growing assertiveness in the organizations it dominates.

Democracy has made strong gains in Asia over the past few decades. The United States should build on that foundation with an institutional, multilateral framework that would help sustain and make permanent this progress and the peace and prosperity that comes with it. That would be a great outcome of the rebalance policy and an excellent legacy for President Obama.

Senator CARDIN. Well, thank both of you for your testimony.

We get some of our best information on evaluating human rights progress from the NGOs. Can you just give us a status as to how well the NGO community is able to operate in countries like Burma, Cambodia, or Vietnam, or Laos, which are countries in transition where we have had inconsistent progress on the human rights front, and how helpful the United States interest has been in promoting the access and strength of the NGOs in these countries?

Mr. ROOD. Thank you, Mr. Chairman. I think I would begin by stressing that there are a wide variety of situations that you just canvassed. Many of the different groups have different experiences. The Cambodian civil society is considerably more robust, for

instance, than is the Laotian civil society, which is very much more fragile. So one needs to take into account the differing abilities of the civil society organizations themselves.

Second, I would say that the United States interest is crucial in this, because without the ability to point to the domestic developments, but also the international developments, these civil societies, nascent as they might be, are very much handicapped.

Third thing I would say is that my experience—and I first got to the Philippines back under the Marcos dictatorship—my experience has been that there are always people that you are able to begin to lever relationships with, within the government, within the private sector, and so on. So one of the abilities of international NGOs is to help local civil society move toward a more enabling environment.

Senator CARDIN. Mr. Rood, I want to ask you your advice. You have been very much involved in the Philippines, in the southern Philippines. Mindanao has made progress in a longstanding conflict. We are not quite complete yet. There is a process moving forward. Could you just share with us what lessons are learned and how that conflict has been recently handled that could help us with ethnic problem resolutions in Burma or in Thailand or in other countries where we still have conflicts that are far from being as advanced as we hope is happening in the southern Philippines?

Mr. ROOD. Yes, Mr. Chairman. I attend the peace talks in Kuala Lumpur as an official member of the International Contact Group and have considerable interaction with the people working on peace movements in both southern Thailand and Myanmar, Burma.

It seems to me that there are a number of different lessons to be learned. The first is that one needs to have leadership from the executive branch of the government. That is, the President or the Prime Minister needs to be engaged.

Second, there does need to be a long process of change in the military mindset. One of the things that we have been able to do in the Philippines is send people from the Philippines, generals from the Philippines who have become more aware of the importance of relating to communities, avoiding human rights violations and winning that way, sending them to places like southern Thailand and Burma so that generals on those sides begin to see the utility of other ways of undertaking this activity.

Third, one needs to build linkages both between international civil society and domestic civil society, but also among domestic civil society and the media there so that the citizens of the country, the broader citizenry both understand how these minority issues affect them rather than being some far-off problem that need not concern them, and help them bring the national government along.

Senator CARDIN. Ms. Bork, we have invested a lot in Burma recently. It has gotten a lot of attention from the United States. We have seen some progress being made. What is your confidence level that there really is a path that will lead in a reasonable period of time to a democratic country that respects the rights of its citizens?

Ms. BORK. My confidence on that goes up and down. I think it depends on a lot of things. I am not always clear that the leadership in Burma is—it is not so much that I don't think it is committed to reform. I think, having been under such incredible isola-

tion and following such a different route for a long time, it would be understandable that reaching a result that we would approve of or see as a real achievement of democracy will be very difficult.

It will take more than the 3 years between now and elections for that to happen. I am optimistic, if everyone does their part, that we can get to the right place. I think the Burmese people are very resilient and have done an extraordinary job of maintaining this cause this long. I am worried about corruption and rule of law. I am worried about those actors that have influence using it for the wrong purposes, and I am worried about reengagement with the Burmese military in ways that are not helpful to a transformation of that military into a civilian, democratically supervised military.

Senator CARDIN. Is there a further role for the United States in regards to those concerns to help give us a better chance toward progress?

Ms. BORK. Absolutely. I think that we have very talented diplomats working on all of this. I think there is a role for Congress to remain engaged, because Congress played an extremely important role by maintaining this cause over such a long period of time and by having very high standards. There are always people who would like to engage more, so to speak, not that that word really is very helpful all the time, or to engage without high standards, let's say.

Senator CARDIN. When you refer to Congress, or are you referring to the sanction part of it, or are you referring to the tools for progress, or all of the above?

Ms. BORK. Well, all of the above. I think Congress' role in helping to reach this point is huge. So I think Congress needs to remain engaged. I think that it is understandable that as Aung San Suu Kyi has emerged and indicated her willingness to move forward and change our policy, that people have wanted to do that. But I think there is momentum in moving away from the policy we held, and we have to be a little careful about that and just be nimble about remaining engaged and finding the right moments to continue to use our leverage and express ourselves in principled terms.

Senator CARDIN. Thank you.

Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman. I am sorry I was not here for the first panel, and welcome to our second.

I really just had one subject to explore, and that is to go a little bit more deeply into the leverage that comes through military cooperation. We are clearly going to be more tempted during this pivot to engage in joint exercises to provide training, and to link ourselves with the various militaries of the region, and you have seen that already in a place like Cambodia, where we still know that there are 300 political murders over the last 20 years. We are providing military training to an elite unit commanded by a member of the ruler's family.

In Burma, of course, we have a temptation to engage in increased military cooperation given the recent events.

My question, I guess, is this. What do we know about the leverage that comes with military cooperation? What opportunity does that offer, present us in terms of trying to push societies to take on issues of human rights, and where are some instances in coun-

tries where you think we maybe have gone too far already, where we have engaged in a way that would send the opposite message, that our willingness and our interest in moving military operations into the region has maybe sent a signal that we are going to jump before they have done the things necessary that historically we have looked to to comply with the Leahy law?

Ms. BORK. Thank you for that question, Senator. I worked here a long time ago when there was a desire to engage with the Indonesian military, and it gave me a skepticism about military training that is seen as the vehicle for bringing about democratic transition. It seems to me that any military engagement that we proceed with on the Burmese side—which I am not sure should be happening, or if it is, it should be happening in a very limited way, and I think Acting Assistant Secretary Yun said it was—it needs to remain at all times as the instrument of the larger policy.

In Indonesia, there were times where it seemed that, because it was an authoritarian regime, that we needed to engage with them and that we could get close to leaders of that regime, and that this would have its own sort of momentum toward reform and serve our interests. But it did not, and that caused a lot of problems.

As any engagement with the Burmese military goes forward, it would be very useful for Senators to ask about the lessons learned from these previous occasions. You mentioned the very troubling example of Cambodia. I remember also in the late 1990s that after a coup in Cambodia, Hun Sen's son continued to attend West Point, which seemed to me to send a really weird signal. That kind of thing happens too often and such mixed signals can be reduced only so long as there is a very coherent policy that extends to the military and it is not operated in a separate way.

I did like that Dan Baer said that democracy is not just the result of the rebalance; it should be a means of achieving the rebalance. He really sees it as an integrated element. So that applies to military training as well.

It seems to me that I think the Burmese Government very much wants the opening to the United States for strategic reasons of their own. That provides the United States with leverage to seek serious reform in the Burmese military in order to have the relationship with us that they want.

Senator MURPHY. Mr. Rood.

Mr. ROOD. Yes. As you can imagine, I have been observing the Philippine mil-mil relationship with the United States as it revived after the expulsion from the bases, and it has been long term, and it has been gradual, and on the whole it has been very positive. The human rights violations by the Philippine military have declined, and the ability to achieve security gains without using actual violent deadly force has been very much improved, and they now have a new internal security plan which puts human rights at the center of it, and they are retraining their entire people.

However, during that time, there were times when it was clear that there was backsliding. There were times when the extra-judicial killings skyrocketed. So in that process, one needs to be continually evaluating whether or not we are achieving these goals that we are setting both in terms of security, of course, but in terms of democracy and human rights through that activity.

Senator MURPHY. One additional question. Ms. Bork, maybe you can take this. Last summer, many people were gripped by the exodus of ethnic Muslims out of several regions in Burma. What do you sense is the seriousness of the new government to tackle that issue moving forward?

Ms. BORK. The Rohingyas' plight is very serious, and it is striking to me that there is intolerance throughout Burmese society on this. It is not confined to the military although the military, of course, is in a position to behave worse than civil society. But it seems to me that there needs to be greater leadership by Burmese leaders to change decades-long discrimination and racism toward the Rohingya, and it has been disappointing that leading Burmese human rights activists have not been at the forefront of efforts to do that. At times, it has seemed that the President himself has done a bit better.

A lot of things need to change in order for that problem to be resolved. I am worried about the deep-seated prejudice and laws and attitudes that have not yet been changed about the Rohingya. So that should be a top priority.

Senator MURPHY. A top priority for us, as well.

Ms. BORK. Yes.

Senator MURPHY. Thank you, Mr. Chairman.

Senator CARDIN. Thank you.

As I said in my opening statement, one of the major barometers on good governance is how countries deal with and treat women. It is critically important not just for advancing human rights. It is economic issues, whether you will have sustainable economies, and I would say it also is very much related to the military security of a country, the way that it involves and gives rights to women.

Can you just give us your assessment as to what countries we should be concentrating on in order to advance gender equity issues, which you think are the most problematic at this point?

Mr. ROOD. Thank you, Mr. Chairman. The foundation considers the issue of gender equality and women's empowerment very deeply indeed. It seems to me that we have, again, a range of countries where sometimes the social structure is relatively egalitarian, as it is in the Philippines, for instance, where women on the average are better educated than men and they have, except for politics, pretty equal opportunities. However, they still suffer disproportionately from the victimization of trafficking. So even in an area where you have got good social equality, there are women's issues to be addressed.

It seems to me that in any country, there are issues that need to be brought up with respect to property rights, with respect to the ability to obtain an education, with respect to access to health. So I think that in any particular country, there would be issues that we would need to push forward with respect to women, rather than singling out any particular country.

Senator CARDIN. I appreciate that. We will be looking country-specific and would appreciate your guidance as we do that.

Ms. Bork, in any of the countries that you have been involved with, is there some specific issues that you would want us to deal with and concentrate on? Let us start with Burma, since you were recently in Burma. What is the status of women in Burma?

Ms. BORK. I am not a sociologist on that point. I have to say that in every country in Southeast Asia, there seems to me to be reasons to work very hard on gender equality. I do not have anything else to add to that.

Senator CARDIN. That was a diplomatic answer but one that is accurate. There is a problem in every country.

I think, Mr. Rood, your point about the Philippines is a good point, that even a country that does protect in its legal structure and in practice opportunity for women, that there are major areas of concern. Trafficking is a huge issue in Asia, so we are going to spend some time on trafficking. We have made a lot of progress because it is no longer accepted, and therefore we need to root out those who are facilitating it, whether they are origin countries or destination countries or transit countries. We really do need to have a game plan to rid us of this modern form of slavery, and we will continue to do that.

The gender equity issues have been a very high priority of the Obama administration and will be a very high priority of this committee.

Mr. ROOD. If I may, Mr. Chairman, one of the issues you raised in your opening statement about subnational conflict, ethnic conflict, is a contributory factor to the issues of trafficking, because women in those situations are terribly vulnerable to being trafficked. So even in a place like the Philippines, much of the trafficking takes place out of the southern Philippines because of the displacement caused by the conflict. Similarly in Burma, the ethnic minority areas and southern Thailand, and so on. So conflict is one of those issues that disproportionately falls on women.

Senator CARDIN. There is no question about the interrelationship of these issues, you are absolutely right. Conflict areas are areas where there is going to be horrible tragedies in many different ways.

Let me thank you again for your testimony. I think this is the first of a series of hearings that we will be holding on the rebalancing, so we will be spending other attention to it, maybe specific countries, maybe other general areas. I will review that with Senator Rubio. But again, thank you for your testimony.

With that, this subcommittee will stand adjourned.

[Whereupon, at 12:20 p.m., the hearing was adjourned.]

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