

***Principles for U.S. Engagement of Asia***

Testimony by

**Dr. Robert Herman**

**Director of Programs, Freedom House**

to the

Subcommittee on East Asian and Pacific Affairs

Senate Foreign Relations Committee

January 21, 2010

Chairman Webb and Members of the Subcommittee, thank you for calling this important hearing today and for inviting Freedom House to testify. Since President Franklin Roosevelt's famous "Four Freedoms" speech on the eve of American entry into the Second World War, the United States has consistently espoused certain principles in its engagement with countries around the world. The U.S. is not only a signatory of the Universal Declaration of Human Rights; the UDHR is itself a reflection of the vision set out by Roosevelt's "Four Freedoms" speech; indeed, American diplomatic efforts, in the person of Eleanor Roosevelt, were instrumental in the UN General Assembly adoption of that historic document more than sixty years ago. Since that time, America has supported the rule of law, freedom of thought, representative government, and respect for individual rights as a key part of our foreign policy agenda.

The United States has not always applied these principles uniformly. Frequently, democracy and human rights priorities are overtaken by pursuit of economic or security interests. Different challenges and opportunities naturally require different strategies. The United States' engagement in the East Asia-Pacific region must be nuanced, adaptive, and commonsensical, while maintaining our commitment to core values. We at Freedom House believe that diplomatic engagement should be shaped by the realities on the ground, and that a policy that is effective in one country or region may need to be altered to be effective in another. At the same time, we believe that supporting human rights and promoting democratic institutions must be a vital part of the American agenda in every country.

Any evaluation of the effectiveness of U.S. policy needs to be grounded in an accurate assessment of the state of human rights and freedom within a country. That assessment needs to look at the treatment of individuals, and the laws and practices that undergird fundamental human rights, but also include an analysis of how the political system and regime actually operate. Freedom House has been producing reports analyzing the state of political rights and civil liberties in every country around the world for close to 40 years.

**The World as it is: Political Trends of 2009**

On January 12, Freedom House released the findings of *Freedom in the World 2010*, the latest edition of its annual assessment of political rights and civil liberties covering every country and territory in the world. We found that 2009 is the fourth consecutive year in which setbacks have outnumbered gains, the longest such pattern of overall decline in the nearly four decade history of *Freedom in the World*.

In 2009, declines for freedom were registered in 40 countries, representing 20 percent of polities and occurring in most regions in the world. In 22 of those countries declines were significant enough to merit numerical Rating declines in political rights or civil liberties. Six countries moved downward in their overall Status designation from either Free to Partly Free or from Partly Free to Not Free. This year also saw a decline in the number of electoral democracies—from 119 to 116— now back down to the lowest figure since 1995.

Forty-seven countries were found to be Not Free in 2009, representing 24 percent of the total number of countries. The number of people living under Not Free conditions stood at 2,333,869,000, or 34 percent of the world population, though it is important to note that more than half of this number lives in just one country: China. The number of Not Free countries increased by five from 2008.

By absolute historical standards the overall global state of freedom in the world has actually improved over the past two decades. Many more countries are in the Free category and are designated as electoral democracies in 2009 than in 1989, and the majority of countries that registered democratic breakthroughs in the past generation continue to perform well, even under stress such as the present global economic crisis.

However, over the past four years, the dominant pattern has been that of growing restrictions on fundamental freedoms of expression and association, and the failure to secure the primacy of the rule of law and to reduce corruption, stalling or reversing democratic progress in a number of countries. Unfortunately, these patterns have taken hold in, and sometimes been set by, countries in the East Asia-Pacific region and in 2009 we saw five particularly troubling trends:

- Government efforts to restrict freedom of expression and press freedom were expanded to include restrictions on and control of the use of new media as a tool to facilitate citizen activism or social networking considered to be a threat to incumbent regimes. This effort was exemplified by China, which remained at the forefront of efforts to develop and deploy new forms of internet control. Additionally, China's tactics to curtail new media have significantly influenced other authoritarian states with Vietnam, Burma, and Malaysia adopting measures in 2009 to monitor and crackdown on internet users.
- We saw regimes undertake repressive campaigns against ethnic and religious minorities in 2009. Additionally, the plight of many refugees in the region has worsened due to troubling developments where governments forcibly returned countries to regimes where they face persecution, prison, and torture.
- The overall trend in 2009 was one of decreasing respect for the rule of law, including in countries deemed Partly Free such as the Philippines.
- Our 2009 assessment illuminates a disturbing pattern of growing restrictions on freedom of association by regimes worldwide, a response to the demands of citizens for accountable governing institutions that respect human rights.

The global trends away from freedom are also evident in declines in a number of countries in the Asia-Pacific region, although there was less movement there this year than in other parts of the world.

### **East Asia and Pacific Trends**

As the world's most populous region, Asia is home to both some of the globe's largest democracies and to its most populous authoritarian regimes, presenting distinct challenges for democratic development and for the United States.

The East Asia and Pacific region experienced some modest gains in 2009. Indonesia held competitive and fair general elections in 2009 and polls in Mongolia contributed to improvement in the realization of political rights. Japan experienced a significant transfer of authority when the Democratic Party of Japan took control after 50 years of nearly continuous rule by the Liberal Democratic Party. Additionally, some of the world's most stable democracies can be found in important regional partners such as South Korea, Taiwan, New Zealand, and Australia. Unfortunately, these positive developments occurred against a backdrop of declines in a number of countries in the region, and continued repression and persecution by some of the world's worst human rights violators.

East Asia is home to four of the world's most repressive regimes. Burma and North Korea have consistently received Freedom House's lowest possible ranking on political rights and civil liberties, that of a 7,7. Faring only slightly better are Laos and China which each received a 7 for political rights and a 6 for civil liberties in 2009. In North Korea, already the world's most repressive country, conditions deteriorated further during the year.

There were negative political developments in many countries in the region in 2009. In the Philippines, the massacre of civilians in connection with a local candidate's attempt to register his candidacy, and the government's subsequent declaration of martial law in the area, were indicative of heightened political violence in the run-up to 2010 elections. In Burma, the military junta continues to cling to the promise of elections in 2010 despite the absence of a date and the continued incarceration of much of the opposition party leadership, including the obsessive harassment of Nobel Peace Prize laureate Aung San Suu Kyi.

Among civil liberties, particular pressure was placed on the rule of law and respect for freedom of expression, with reversals noted in both authoritarian and democratic societies. In Cambodia, the government recriminalized defamation and then used the new legislation to intimidate independent journalists. In Vietnam, a prominent independent think tank was shut down and pro-democracy civic activists were imprisoned. Even in a promising democracy like Indonesia there remain concerns; in 2009 top law enforcement officials were implicated in efforts to undermine anti-corruption bodies. And in China, Communist Party leaders sought to tighten control over judges, while embarking on a sweeping crackdown against leading human rights lawyers and nonprofits offering legal services.

Indeed, as China's leaders showed greater confidence on the world stage, their actions at home demonstrated continued insecurity and intolerance with respect to citizens' demands for legal

rights and accountable governance. The authorities' paranoid handling of a series of politically sensitive anniversaries—such as the 60-year mark of the Communist Party's time in power— included lockdowns on major cities, new restrictions on the internet, the creation of special extralegal taskforces, and harsh punishments meted out to democracy activists, petitioners, Tibetans, Falun Gong adherents, and human rights defenders. Separately, long-standing government policies of altering demography and repressing religious freedom in the Xinjiang region came to a head in 2009, when an eruption of ethnic violence was followed by forced “disappearances” of Uighur Muslims, a series of executions, and tightened internet censorship.

Often at great personal risk, many of China's bloggers, journalists, legal professionals, workers, and religious believers nevertheless pushed the limits of permissible activity in increasingly sophisticated ways. They managed to expose cases of official corruption, circulate underground political publications, and play a role in forcing the government's partial retraction of a policy to install monitoring and censorship software on personal computers. Growing labor unrest and better organized strikes reflected workers' ability to bypass the party-controlled union, sometimes resulting in concessions by employers.

Taiwan in 2009 registered progress and decline. Despite promising improvements in anti-corruption enforcement, there were some troubling developments including new legislation that restricts the political expression of academics and an influx of Chinese investment that may stifle freedom of expression.

### **Principles for U.S. Engagement in the Asia-Pacific Region**

In order to successfully engage countries in the Asia-Pacific region while maintaining our commitment to human rights and democracy, U.S. foreign policy should be guided by the following principles:

#### *Be Present and Active*

The relationship with the Asia-Pacific region is one of the United States' most important; it is imperative that the United States continue to play an active role in the region. The Obama Administration has already clearly articulated this as a core element of its current foreign policy agenda, most recently with Secretary of State Clinton's January 12<sup>th</sup> speech on U.S.-Asia relations at the East-West Center, in which she said, “America's future is linked to the future of the Asia-Pacific region; and the future of this region depends on America.” The prominence of Asia in U.S. foreign policy is evidenced by high-profile trips to the region by the President and Secretary of State during the Administration's first year.

#### *Develop Both Bilateral and Multilateral Relationships*

Our regional relationships are just as important as our bilateral ones. President Obama's participation in the APEC Summit last year and his attendance of the first-ever U.S.-ASEAN Summit in November show renewed U.S. commitment to involvement in regional issues. Multilateral institutions in the region have been, and will continue to be, a vitally important tool for engaging those countries with which the United States may not have such close relationships. We should intensify our participation in Pacific institutions.

Regional mechanisms can be a vehicle for promoting the values the United States seeks to prioritize, such as human rights and robust democratic institutions and processes. For example, the United States should strongly support the newly created ASEAN Intergovernmental Commission on Human Rights (AICHR). This is after all, the product of several years' effort by civic leaders and diplomats from a number of countries, including Indonesia, Thailand, and the Philippines. However, it is important to note, as Secretary Clinton did when discussing AICHR in her speech on Asia-Pacific policy earlier this month that, "our institutions must be effective and focused on delivering results." Freedom House hopes that with the United States' cooperation, ASEAN can use AICHR to promote fundamental freedoms as universal pan-Asian principles.

### *Support Friends and Allies*

The United States' ties to the countries of the Asia-Pacific region are complex; we have strong economic partnerships with many countries in the region, as well as long-standing alliances with countries including Japan, South Korea, Australia, Thailand, and the Philippines. Our friends and partners in the region live in the shadow of the wealth and influence of China as well as the constant threat of a nuclear North Korea. Through diplomacy and policy-making we must reinforce our commitments to our allies and be a strong and consistent counterpoint to the increasing economic and political influence of China.

### *Engage all Governments while Promoting American Values*

In order to be an effective influence in the region the United States must make attempts to engage every government and their people. The idea that certain governments' policies preclude all diplomatic, economic, or other engagement with the United States is at odds with our goals of being a primary actor in the region. We at Freedom House believe that while policies must be tailored to the specific situation in each country, some level of engagement is necessary and should be pursued with every government. A willingness to dialogue with a repressive regime does not imply approval for its policies, but it matters what is said in these dialogues, in private as well as in public.

### *Foster Relationships with Civil Society*

Equally important, the United States should engage with and support elements of civil society across the region, especially in those countries where activists face intense repression. By engaging civil society the United States can also gain greater insight into the dynamics driving possible change in the country. In some cases U.S. support may be financial, but many times it involves providing training or access to new media. Other times it's as simple as making a public statement to let the world, and target governments, know that those who are struggling for human rights and democratic reform do not stand alone. The United States can make unequivocally clear that we support those who advocate and work for peaceful democratic change.

Regimes opposed to promoting political freedom and human rights in the region often cite a difference in "Asian values" to justify the subordination of human rights and democracy to economic and strategic factors. While poverty rates are down throughout the region and many countries are succeeding economically, democratic gains have not necessarily followed, and indeed have stagnated in some once-promising countries. However, Asia is home to a number of

strong, vibrant democracies, and across the region, millions of people engage daily in an effort to expand freedom and justice in their societies, sometimes at great personal risk. The existence and actions of these successful democracies and democratic activists belie the “Asian values” argument, and it is encouraging to see regional agreements and mechanisms such as AICHR, along with an increasingly vocal and technologically savvy activist community, to demonstrate that Asian values can, and do, include democracy and human rights.

### **Pragmatic Idealism**

Any discussion of U.S. efforts to help support democratic political reform in Asia or elsewhere should be imbued with an appropriate degree of modesty and humility. The fate of freedom and democracy in other countries, has always primarily been determined by those within these societies. The ability of the U.S. government -- or U.S. NGOs -- to influence the course of events abroad is limited. We are usually the supporting actors in dramas that are being played out by others. How well we play our roles, of course, occasionally matters a lot, and often depends on how well we are listening and responding to the voices of democrats and human rights advocates in those countries.

That being said, Freedom House was founded on the premise that the U.S. government – and increasingly, other democratic governments – can make a difference. Finding the right way forward and the appropriate balance in our relations with other countries has been a challenge for successive U.S. administrations, especially over the last twenty years. But in dealing with these countries on security, trade, environmental, or other important interests, Freedom House believes that the U.S. should never retreat from its role as a defender and protector of human rights, whose political, diplomatic, moral, and material support struggling democratic activists around the globe have looked to for decades.

### **Conclusion: How Can the U.S. and Congress Better Promote Democracy and Human Rights in the Region**

In addition to holding the purse strings and overseeing the executive branch, members of Congress and their staffs should also play an active role in supporting human rights and civic activists abroad. Hearings like this are important. Frequent travel to these countries and meeting with courageous civil society, human rights and political party activists struggling to realize fundamental political rights and civil liberties is a critical signal of the support of the American people for their struggle.

In its relations with other countries, the U.S. must at times have the courage of inconsistency. We will never be able to adopt uniform approaches to human rights with regard to every country around the world, nor should we. Each country requires a specific tailored strategy based on a detailed assessment of the realities and dynamics within a particular society, and the leverage that the U.S. government can use to bring about change. However, in our dealings with foreign governments and their citizens, we should never allow our core values of human rights and democracy to fall off the table. Human rights activists have come to rely on our commitment to their cause, though they may not be able to always say so publicly. Instead of ignoring this

commitment because it may be too difficult, we should redouble our efforts and consider new and innovative ways to help those who need it most. I again thank the subcommittee for asking me to testify at this hearing and look forward to your questions.