

**Statement of
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**Before the
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Subcommittee on East Asia, the Pacific, and International Cybersecurity
Policy**

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

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

Rebalance to Asia and the Pacific Region

The U.S. government's "rebalance" to Asia and the Pacific region recognizes that our future prosperity and security are inextricably tied to the region. Over the past three decades, the region has experienced an unprecedented period of prosperity, lifting hundreds of millions out of extreme poverty. A growing middle class has

expanded business and trade opportunities and driven reciprocal growth in countries around the world, including the United States.

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

Promoting democracy and human rights, in Asia and around the world, is the right thing to do. It also strengthens our strategic presence and advances our strategic interests. It helps build more stable societies by encouraging governments to give people peaceful outlets for expressing themselves and to seek the most enduring and reliable source of legitimacy: the consent of the governed. It supports our economic goals by promoting laws and institutions that secure property rights, enforce contracts, and fight corruption. It empowers citizens to hold their governments accountable on issues like protecting the environment and ensuring product safety, which are important to the health and well-being of our own people. It aligns American leadership with the aspirations of everyday people in the region.

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

Advancing Democracy: Civil Society, Transparent and Responsive Governance, and Access to Information

As we continue to deepen our engagement in Asia and the Pacific region, the promotion of democracy, human rights, and good governance is front and center

—in private and public diplomacy. Our engagement is focused in three key areas: strengthening civil society, encouraging transparent and accountable governance, and increasing access to information.

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

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

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

In some Southeast Asian countries, new tools have enabled governments to be more open and to make data about governance more accessible, which has resulted in a better informed and empowered citizenry. And we know that open and transparent government is the best route to advancing both democracy and development. For example, in the Philippines, the government required grassroots participation in the planning and budgeting of poverty-reduction programs in every one of its municipal and provincial governments. That requirement has resulted

not only in greater citizen involvement in the creation, implementation and evaluation of programs, but also bettered tailored policies for communities.

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

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

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

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

which Prime Minister Najib publicly committed to eliminating only three years ago.

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

Civil society, government transparency, and access to information are a three-legged stool upon which strong democracies are built. In addition to our diplomatic efforts to bolster these foundations, we also provide grass-roots, results-oriented programming. Across the region, we support dozens of innovative programs that increase the effectiveness of local civil society organizations to improve their communities on their terms. Our programs have trained labor activists, brought human rights principles to security forces, strengthened election mechanisms, and enabled citizen journalists to connect, share, and publish their work. Our rapid response mechanisms have enabled us to provide immediate relief and help activists and civil society leaders and their organizations when their governments respond negatively to their insisting on having a voice in the decisions that most affect their lives.

Overview of the Region

The experience of democracy in Southeast Asia ranges from vibrant democracies in the Philippines, Indonesia, and Timor-Leste, to one-party states like Vietnam and Laos, where citizens do not have the right to determine their form of government. The countries we are focusing on today represent some of the diversity we see in the region, and each requires a separate and unique response.

Burma

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

International and domestic observers closely monitored the electoral process, and their analyses confirmed the conduct of the elections was largely peaceful, transparent, and credible. We continue to encourage Burma's Union Election

Commission to investigate any irregularities and to take every step necessary to ensure they are resolved promptly, transparently, and appropriately.

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

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

The United States believes a peaceful post-elections period is critical to maintaining stability and the confidence of the people of Burma in the credibility of the electoral process. It will be important for all political leaders to work together as the new government is formed and to engage in meaningful dialogue. The statements from Burma's President Thein Sein and Commander-in-Chief Min Aung Hlaing reiterating their commitment to honor the results of the election are encouraging; we also welcomed Aung San Suu Kyi's call for calm and acceptance of the elections results.

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

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

In October, the Government of Burma concluded a multi-party cease-fire agreement with eight ethnic armed groups. We hope the signing of this agreement serves as the important first step in the process of building a sustainable and just

peace in Burma. Several ethnic armed groups did not sign the agreement, however, and the United States respects their decisions—and welcomes their commitment to continue discussions within their own communities about the necessary conditions for signing at a future date. Follow-through on cease-fire agreement provisions, restraint on military operations, and unfettered access for humanitarian assistance are now key.

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

Cambodia

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

The “Culture of Dialogue” was meant to replace the rancor that had characterized past political discourse. It has apparently failed, as party leaders increasingly trade insults and threats. The use of violence as a political tool also has returned. On

October 26, two opposition members of parliament were severely beaten following a government-orchestrated demonstration that called for the ouster of CNRP deputy Kem Sokha from his position as National Assembly vice president. The government officially condemned the violence, but then granted the request of the “demonstrators,” removing Sokha in a controversial vote. The Cambodian government’s subsequent issuance of an arrest warrant for CNRP President Sam Rainsy, followed by his ouster from the National Assembly and consequent loss of parliamentary immunity, only made matters worse. These actions recall a more authoritarian period in Cambodia’s recent past and raise serious doubts about the government’s commitment to the reforms undertaken in 2014.

In the last year, the Cambodian government also enacted a series of laws that substantially limit fundamental freedoms and undermine Cambodia’s democracy. The Law on the Election of Members of the National Assembly (LEMNA) penalizes NGOs that criticize political parties during the 21-day period set for campaigning. Meanwhile, other provisions allow security forces to take part in political campaigns. Yet other provisions make it easier for the government to strip parliamentarians of their seats—a power which the government has proven very willing to use. Similarly, the vaguely-worded Law on Associations and Non-Governmental Organizations (LANGO) imposes onerous registration requirements on any “group” undertaking any “activity,” potentially subjecting all social activity to regulation. It is unclear how strictly the Cambodian government will enforce the law, though early indications are not encouraging.

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

Looking ahead, we are very concerned that the 2017 local and the 2018 national elections will not be free or fair and could include violence. We have strongly voiced our concerns about intimidation of the opposition, noting that the Cambodian people continue to express a preference for greater freedom and accountability from their government. We have repeatedly stressed the need for the government to allow sufficient political space for the opposition. U.S. programs will play an increasingly vital role in promoting democracy in a country

where democratic values are under threat. We will support efforts to improve the electoral process, including ensuring reliable voter registration through assistance to Cambodia's NEC. We will maintain support for Cambodia's vibrant civil society, enabling it to continue playing its crucial role in Cambodia's democracy.

Thailand

The United States has a long history of friendship and shared interests with Thailand over the course of our 182-year-old relationship. We want Thailand to emerge from the current period as a strengthened democracy, not only for its own future but also for our bilateral relationship, which can only fully resume with the restoration of elected government.

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

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

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

Due to the Thai military's intervention, we immediately suspended certain assistance when the coup occurred, as required by law. We will not resume this

type of assistance until a democratically-elected government takes office. In addition, we continue to review, case-by-case, whether to proceed with certain high-level engagements, military exercises, and training programs with the military and police.

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

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

Indonesia

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

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

Malaysia

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

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

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

We frequently engage Malaysian government officials at the highest levels about the most significant human rights problems, especially government restrictions on freedom of expression and the continued imprisonment of Anwar. Secretary Kerry raised these concerns directly with Prime Minister Najib in August and again with

Deputy Prime Minister Zahid in October. Our Ambassador and Embassy personnel are in regular contact with Anwar's family and senior Malaysian officials to ensure Anwar receives proper treatment—and to reinforce our ongoing opposition to his politically-motivated imprisonment.

Despite significant concerns about the trajectory of human rights—especially in the past several months—our bilateral relationship with the Malaysian people is important in its own right. Malaysia is our second-largest trading partner in ASEAN, and Malaysia has been a global leader in efforts to stem the flow of terrorist fighters and counter violent extremism. We have engaged extensively with the government of Malaysia on human trafficking, including forced labor, which continues to be a serious problem. Our cooperation on issues of mutual interest, such as trade and security, provide a foundation for us to raise our concerns frankly and frequently with our Malaysian counterparts. In addition, we will continue to meet regularly with civil society organizations representing all viewpoints, and provide support where possible, in order to encourage freedom of expression in Malaysia.

Philippines

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

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

TPP and Democratic Values

Above, we have argued that promoting democracy and human rights and deepening our strategic presence in Asia are mutually reinforcing goals. This is also the case with respect to our pursuit of the Trans-Pacific Partnership (TPP) trade agreement. Our ability to advance democratic values in Asia depends on reassuring friends and allies that we are committed to the region's security and prosperity. It depends on the United States maintaining a leading role in shaping the development of the region's institutions and norms. The TPP will enable us to continue playing that role. If we do not, others will and they will not use their leadership to promote universal values of democracy and human rights. In addition, the prospect of participation in a completed TPP encourages countries in the region to make progress in human rights and labor rights.

Conclusion

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

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