



Statement before the
Senate Committee on Foreign Relations
Subcommittee on East Asia, the Pacific, and
International Cybersecurity Policy

***“AMERICAN LEADERSHIP IN THE ASIA-
PACIFIC, PART 3:
PROMOTING DEMOCRACY, HUMAN RIGHTS
AND THE RULE OF LAW”***

A Testimony by:

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Congratulations to the committee for holding this hearing on the important issue of promoting democracy, human rights, and the rule of law in the Asia-Pacific.

1. *Why is it important to promote American values of democracy, human rights, and the rule of law as part of comprehensive U.S. policy toward the Asia-Pacific?*

For starters, the promotion of U.S. values of democracy, human rights, and the rule of law has long been part of the U.S. national identity. Promoting these values sends a clear signal to authoritarian governments that the United States is watching how they treat their citizens, while defenders of human rights and democracy are assured that they will not be abandoned by Washington.

U.S. support for these principles can help serve as a brake on the worst inclinations of authoritarian leaders. Because these values are at the core of U.S. foreign policy, many regimes are more cautious in committing abuses and flouting power.

Second, democratic and human rights respecting governments often make the most reliable and stable partners for the United States overseas, while authoritarian governments often mistreat their citizens in their effort to cling to power. Democracies do not go to war with each other, create refugees, have more open and successful economies, and respect international law, Ted Piccone argued in a recent Brookings blog.

Third, the United States has been a major beneficiary of the liberal world order and the institutions built on the principles of democracy, human rights, and the rule of law since World War II. The U.S. promotion of human rights and democracy has often made a difference when government officials, members of Congress, and human rights organizations have launched concerted efforts to promote increased political space, says CSIS colleague Shannon Green.

U.S. policy toward Myanmar/Burma played a critical role in promoting reforms when the ruling military junta realized that this was the only way it could end decades of sanctions and isolation. U.S. promotion of human rights has played a role in getting political prisoners and imprisoned religious leaders, political activists, and bloggers released in Vietnam as the government has sought to deepen ties with Washington as a hedge against increased assertiveness from China.

2. *What are the main challenges of adhering to these values and where should U.S. efforts and resources be better focused to achieve most effective outcome?*

Support for human rights and the democratic reform in Southeast Asia appears to have slipped in recent years even as the region's growing middle class, thanks to increased education, money, and technological innovation, is hankering for more freedom, more transparency, and a greater role in decision-making.

Some examples:

- In the **Philippines**, since the election of Rodrigo Duterte a year ago, police and vigilantes have killed more than 9,000 suspected drug dealers and users as his

government has pursued a policy aimed at eradicating illegal drug activity. This has added to the problem of extra-judicial killings, which have been a concern in the country for years. Duterte has sharply rejected any criticism of these killings from foreign governments, including the United States, and has said the authorities would investigate any actions taken outside the law. Other human rights and rule of law problems in the Philippines include corruption, abuse of power, abuse of prisoners by security forces, harassment of political activists, and the killing and harassment of journalists.

- One of the most exciting developments in Southeast Asia in recent years was the 2015 elections in **Myanmar** that were widely viewed as a credible reflection of the wishes of the people. Aung San Suu Kyi's National League for Democracy took office in March 2016 and soon began releasing hundreds of political prisoners remaining from the previous military government. Although there has been a general improvement in freedom of speech in the country, Myanmar still faces three major human rights problems. First, the abuses against and restrictions on the Rohingya Muslim population of which over 120,000 remain in austere camps in Rakhine State. Second, human rights problems continue in ethnic minority areas still wracked by conflict with the military. Third, many political prisoners continue to face restrictions following their release and, at the end of 2016, some 66 political detainees were facing trial on various charges. The authorities also continue arresting and detaining some citizens for expressing political views critical of the government.
- Numerous decrees in **Thailand** by the military government installed after a 2014 coup have limited civil liberties, including restrictions on freedom of speech, assembly, and the press. The military gave itself sweeping powers to limit "acts deemed harmful to national peace and stability." The government continues to restrict and censor online content, and it monitors and blocks thousands of websites critical of the monarchy. Dozens of people have been charged and sentenced to long prison terms under Thailand's strict lese-majeste laws designed to protect senior members of Thai royal family from insult or threat. Separately, abuses by government security forces continue against the Malay-Muslim insurgency in the south. In the most recent State Department Trafficking in Persons report, Thailand was upgraded from tier 3, the lowest ranking on the list, to tier 2, prompted by what the report says were "significant efforts" made by the Thai government to eliminate human trafficking. The report cited increased investigations, prosecutions, and convictions as reasons for Thailand's improved status.
- In **Vietnam**, the most serious human rights problems are severe restrictions on citizens' political rights, including arbitrary arrests of political activists and bloggers. The U.S. government estimated at the end of 2016 that Vietnam was holding 94 political prisoners. In 2016, the government sentenced an estimated 12 activists for exercising their internationally recognized human rights. The government restricts speech criticizing the ruling Communist Party, limits some internet access, and blocks some websites such as Radio Free Asia and Voice of America. Facebook is generally not blocked, except when activists are using it to organize protests.

- **Cambodia** under Prime Minister Hun Sen has increased restrictions on the freedom of speech and press freedom in recent years. Violence and intimidation are used to silence civil society and political opponents of the ruling Cambodia People's Party. From time to time, political motivated killings are used to silence critics as happened in July 2016 when commentator and activist Kem Lay was gunned down at a convenience store.

3. *What tools are available to U.S. to incentivize governments to adhere to these values and principles? Has the Trump administration used these tools effectively?*

In a phone call in April, Trump congratulated Duterte of the Philippines for his “unbelievable job on the drug problem” and invited him to visit the White House. In another call around the same time, Trump lauded Thai Prime Minister Prayuth Chan-ocha for restoring order following the 2014 coup that toppled a democratically elected government after months of disruptive protests. Trump's goal in both cases was to mend fences with two U.S. allies in Southeast Asia that had been alienated from Washington following human rights and democracy criticisms and had moved closer to China in the process. Deteriorating U.S. relations with Bangkok and Manila were undermining the U.S. position in Southeast Asia and opening the door to an increased Chinese role among traditional American friends.

The Trump administration has made clear that it intends to downplay the promotion of human rights, democracy, and rule of law as tools of U.S. foreign policy. Secretary of State Rex Tillerson has said that when it comes to foreign policy, national interest and economic interests trump human rights, adding that promoting values are often “an obstacle” to advancing other interests.. The Trump administration's views on human rights have disrupted a bipartisan consensus favoring the promotion of rights and democracy that has dated back at least to the end of the Cold War.

The U.S. government has a vast array of tools to promote human rights and democracy:

- One U.S. tool was on display in Myanmar ahead of the 2015 elections. To be sure, the leaders and people in Myanmar deserve the credit for pulling off reasonably free and inclusive elections. But aid by foreign partners, including the United States, was also critical. The U.S. Embassy and USAID played key roles through projects targeting rule of law, transparency, civil society, the media, and preparations for elections. Even before the military launched reforms, the United States helped keep the flame alive by training Myanmar civil society organizations outside the country. (Since the new U.S. administration took office in January, Myanmar has largely fallen off the U.S. radar, opening the door to stepped up Chinese engagement, although there are efforts underway to bring Aung San Suu Kyi to Washington in September).
- My CSIS colleague Shannon Green has recommended that the U.S. government create an interagency decision-making process, perhaps housed in the National Security Council, to overcome tensions that arise between U.S. short-term security interests and longer-term human rights goals. This process could help ensure that security cooperation resources and training bolster democratic institutions, civilian protection, and the professionalism of security forces.

- The so-called Leahy amendment of 1997 that prohibits U.S. aid to military forces that violate human rights is another useful vehicle. Under this legislation, the Indonesian army special forces (Kopassus) were barred from receiving U.S. training and equipment due to their abuses in East Timor in 1999. Over the years, these forces were somewhat reformed leading to a lifting of the ban on one counter-terrorism unit in 2011. Interestingly, the Philippine Armed Forces have stayed out of Duterte's war on drugs despite his frequent calls for the military to aid the police. It's not clear if the Leahy amendment has played a role in the generals' thinking, but clearly many Philippine officers, many of whom have trained in the United States, recognized that they need U.S. intelligence sharing, equipment, and advice in dealing with threats like the Islamic militant uprising that erupted in May.
- Another tool is the annual Trafficking in Persons report. Frustration with being relegated to the last tier prompted the Thai military government to step up its investigations, prosecutions, and convictions of traffickers to the point where it was elevated to tier 2 in this year's report.
- Trade negotiations can also provide an opportunity to promote human rights reforms. Under the Trans-Pacific Partnership (TPP), which was jettisoned by the Trump administration, U.S. negotiators were able to press Vietnam's Communist Party, which has long viewed itself as the patron of laborers, to grant workers freedom of association through independent labor unions in exchange for increased access to the attractive U.S. market.
- One of the oldest human rights debates in Washington swirls around private diplomacy versus public criticism for violations of human rights. In the case of both Thailand and the Philippines, U.S. public criticism raised hackles among leaders creating anger and rejection of the message and the messenger, and prompted moves to deepen ties with China. More recently, U.S. officials have switched to private diplomacy in the Philippines. Although so far we have not seen much change in the levels of violence in the drug war, Duterte has drastically toned down his anti-American rhetoric and is looking for U.S. support in the battle against Islamic militants in the southern province of Mindanao. At the same time, Washington even when it uses private diplomacy needs to ensure that Filipinos are aware that the U.S. government is not embracing Duterte's policies uncritically.
- In Vietnam, U.S. aid to help develop a legal system and train judges as Vietnam joined the World Trade Organization a decade ago laid the cornerstones to open the door for Washington to provide advisers to the National Assembly on revising the country's criminal code. U.S. relations with Vietnam are an example that it is possible for Washington to deepen trade relations and security cooperation while at the same time keeping a focus on human rights problems.
- Because the administration seems to have largely abandoned its important role in human rights promotion, it might mean that the United States will have to look to Congress to promote democracy and human rights overseas in the next few years.