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RELIGIOUS FREEDOM, DEMOCRACY, HUMAN RIGHTS IN ASIA: STATUS OF IMPLEMENTATION OF THE TIBETAN POLICY ACT, BLOCK BURMESE JADE ACT, AND NORTH KOREAN HUMAN RIGHTS ACT

HEARING

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

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RELIGIOUS FREEDOM, DEMOCRACY, HUMAN RIGHTS IN ASIA: STATUS OF IMPLEMENTATION OF THE TIBETAN POLICY ACT, BLOCK BURMESE JADE ACT, AND NORTH KOREAN HUMAN RIGHTS ACT

THURSDAY, JUNE 2, 2011

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. For opening statements, I will recognize the chairman and ranking member of the Subcommittee on Africa, Global Health, and Human Rights Subcommittee for a 3-minute speech. We will then hear from our witnesses, and I would ask that you summarize your prepared statements in 5 minutes each before we commence with the question and answers from members under the 5-minute rule.

Without objection, the witnesses' prepared statements will be made a part of the record, and members may have 5 days to insert statements, questions and additional material for the record, subject to the length limitations in the rules.

The chair now recognizes herself for 7 minutes.

Today we are here to discuss the dark clouds of oppression that hang ever heavier over the peoples of Tibet, Burma, and North Korea.

I was proud to be a co-sponsor with our late chairman and strong human rights advocate, Tom Lantos, of the Tibetan Policy Act, and an original co-sponsor of the Block Burmese JADE Act. I was also privileged to author the reauthorization of the North Korean Human Rights Act, which was enacted into law in 2008.

Congress has long sought to address the suffering of the people of Tibet, Burma, and North Korea through legislation to ease, to some degree, their pain. Let us now examine the executive branch's track record in implementing these Acts.

There is a common thread that leads to a massive spider web of human rights and religious freedom violations. At the core sits China. As we commemorate the 22nd anniversary of the Tiananmen Square massacre on Saturday, we must never forget those who fell as the tanks crushed the democratic aspirations of the Chinese people.

We must never forget that the heirs to this shameful Tiananmen legacy and their comrades in blood lust continue to subjugate by the sword not only the Chinese people but also the people of Tibet, Burma and North Korea. Whatever the motive, a rising China is at the center of this trio of tyranny which casts a dark shadow over the otherwise optimistic projections for Asia's future.

Turning to the three laws that we are examining today, since 2002 when the Tibetan Policy Act first called for the establishment of a U.S. official presence in the capital of Tibet, there has been absolutely zero diplomatic progress. The State Department must make it perfectly clear to China's diplomats that there will be no more Chinese consulates opened in the U.S., not in Atlanta, not in Boston, not in Honolulu, until the stars and stripes are flying proudly over a U.S. diplomatic facility in Tibet.

It is also regrettable that the Special Coordinator for Tibetan Issues, a position created by the Tibetan Policy Act, could not appear as a witness today to address the oversight concerns of Congress with regard to this act.

I now would like to turn to the Block Burmese JADE Act. I understand that the administration has finally put forward the name of Derek Mitchell to serve as the Special Representative and Policy Coordinator for Burma, a position created by the act, and that he is awaiting Senate confirmation.

I would like our administration witnesses to explain why it took almost 2½ years to name this official to a key position legislatively mandated by Congress. I would also ask the administration witnesses to elaborate on the administration's approach to the Burmese junta and if the administration remains committed to pursuing what it calls a policy of pragmatic engagement, a policy I strongly disagree with.

Another key component of the Burma law was the prohibition on the import of Burmese gemstones, rubies and jade. A Government Accountability Office GAO report on September 30, 2009, stated, "U.S. agencies have taken some steps, but have not shown that they are effectively restricting imports of Burmese origin rubies, jade and related jewelry, while allowing imports of non-Burmese origin goods."

If we could work so effectively with the African countries and our allies to ensure that we could block the importation of blood diamonds during the conflicts in Africa, one has to question why it would seem that we have not made the same efforts with blocking imports of Burmese rubies.

Finally, let me address the North Korean Human Rights Act. It is especially appropriate that the Special Envoy for North Korean Human Rights Issues, a position created by the act, is here today. We welcome Dr. Bob King, a long-time trusted advisor to Chairman Lantos and former Democratic Chief of Staff for this committee.

The North Korean Human Rights Act specifically clarified any confusion on the eligibility of North Koreans for refugee or asylum consideration in the United States. While the vast majority of North Korean refugees will continue to be resettled in South Korea for historic, linguistic, and cultural reasons, the Act spells out that the U.S. doors remain open to North Koreans fleeing savage oppression.

Only about 120 North Korean refugees have made it to the United States in the 7 years since enactment of this legislation. That raises questions about the State Department's purposefulness.

Another issue addressed in the act is food assistance to North Korea. The act is clear in stipulating that "such assistance should also be provided and monitored so as to minimize the possibility that such assistance could be diverted for military or political use."

I share the concerns of my Senate colleagues in their May 20 letter to Secretary Clinton that any food aid provided would most likely be used for propaganda purposes to mark the hundredth anniversary of the North Korean founder. It should be clear that there should be strong opposition in the Congress to any attempt to provide food assistance paid for by the American taxpayer for more bread and circuses in Pyongyang.

I now turn to the distinguished ranking member, my friend Mr. Berman, for his opening remarks.

[The prepared statement of Chairman Ros-Lehtinen follows:]

CHAIRMAN ILEANA ROS-LEHTINEN
Opening Statement
Hearing on "Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korean Human Rights Act."
June 2, 2011

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Let us now examine the Executive Branch's track record in implementing these Acts. There is a common thread that leads to a massive spider web of human rights and religious freedom violations. At the core sits China. As we commemorate the twenty-second anniversary of the Tiananmen Square Massacre on Saturday, we must never forget those who fell as the tanks crushed the democratic aspirations of the Chinese people. We must never forget that the heirs to this shameful Tiananmen legacy, and their comrades in bloodlust, continue to subjugate by the sword not only the Chinese people, but also the peoples of Tibet, Burma and North Korea. Whatever the motive, a rising China is at the center of this trio of tyranny which casts a dark shadow over the otherwise optimistic projections for Asia's future.

Turning to the three laws we are examining today, since 2002, when the "Tibetan Policy Act" first called for the establishment of a U.S. official presence in the capital of Tibet, there has been absolutely zero diplomatic progress. The State Department must make it perfectly clear to China's diplomats that there will be no more Chinese consulates opened in the U.S. – not in Atlanta, not in Boston, not in Honolulu – until the stars and stripes are flying proudly over a U.S. diplomatic facility in Tibet.

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It should be clear that there would be strong opposition in the Congress to any attempt to provide food assistance paid for by the American taxpayer for more bread and circuses in Pyongyang.

I now turn to the distinguished Ranking Member, Mr. Berman, for his opening remarks.

Mr. BERMAN. Well, thank you, madam chairman, and thank you for convening this very timely hearing focused on the human rights situation in Tibet, Burma, and North Korea.

Nearly 84 million Tibetans, Burmese, and North Koreans cannot speak freely, worship how they choose, or elect their own government leaders. There are few places in the world where people have endured as long under the yoke of oppression with little hope of a better life. In Tibet, the uniqueness of Tibetan culture is being slowly extinguished, strangled by Han, migration, and Chinese policies that restrict religion association and movement.

As the State Department notes in its recent human rights report, government authorities continue to commit serious human rights abuses, including extra judicial killings, torture, arbitrary arrests, extra judicial detention, and house arrest. Hundreds of Tibetans, especially monks, remain incarcerated for their role in the 2008 protests.

Under the Dalai Lama, who will be in Washington this summer, Tibetans have sought to overcome adversity and hardship. Exiled communities have been established in India, the United States, Europe, and elsewhere to preserve Tibetan cultural identity, language, and religion. It is a tribute to the Dalai Lama's moral leadership that the diaspora has remained strong, but he knows, and we know, that in the future this strength could be threatened with his eventual passing.

China has long feared and sought to undermine the transition to the Panchen Lama, the second highest lama in Tibetan Buddhism. He has been held captive for 16 years, since he was 6 years old, and during that time has not been seen by the outside world. It is a sad commentary that Beijing felt it necessary to imprison a child for so long.

In Burma, the leaders of the country fear their own people, and thousands have been imprisoned. Last November Burma held elections for the first time in 20 years. Regrettably, what should have been an important milestone for the people of that impoverished country turned out to be more of the same. The ruling military dictatorship fixed the process to ensure its continued dominance, and the vote was marred by widespread fraud and intimidation.

I am pleased the Obama administration has put forward a nomination for the Special Representative and Policy Coordinator for Burma, as required by the Tom Lantos Block Burmese JADE Act of 2008. I hope the Senate will confirm him quickly. It is important that we redouble our efforts to pressure the government to end its repression. The economic and diplomatic sanctions the United States has imposed since the 1990s have too often been undermined by Burma's neighbors.

North Korea's status is unique, a nation ruled absolutely by one family, in which millions live in desperate conditions, impoverished, often starving, living in constant fear of arbitrary arrest and possible torture or execution. According to Human Rights Watch, hundreds of thousands live in prison camps, with some children growing to maturity, if they are lucky, while imprisoned.

In 2004, Congress passed the North Korean Human Rights Act with overwhelming bipartisan support to focus U.S. attention on the plight of the North Korean people. The Act provided new re-

sources to assist North Korean refugees, supported democracy and human rights programs, and improved access to information through radio broadcasts and other activities.

It also required the President to appoint a Special Envoy on North Korean Human Rights, which is now filled, I am happy to say, by Ambassador King who, as the Democratic staff director of this committee, worked on the passage of this milestone legislation. We are fortunate to have Ambassador King with us today, and eager to hear about his recent trip to North Korea. We also welcome the other distinguished witnesses, and look forward to hearing their suggestions as to what we should be doing to help more effectively human rights in Asia. Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, Mr. Berman. Pleased to yield 3 minutes to Chairman Smith, chairman of the Subcommittee on Africa, Global Health, and Human Rights.

Mr. SMITH. Thank you very much. Thank you, Madam Chairman. As you know, I had the privilege of working with Congressman Frank Wolf on the passage of the International Religious Freedom Act in 1998, which includes several important tools for ensuring religious freedom and that religious freedom is an essential component of U.S. foreign policy.

I would note my subcommittee will hold a hearing tomorrow morning to examine IRFA and proposed amendments to strengthen our diplomatic efforts in this critical human rights area.

In the context of this hearing, I would note that the People's Republic of China remains a country of particular concern, so designated by the act and by the administration in official recognition that the government engages in systematic, ongoing, and egregious violations of religious freedom.

I personally know scores of religious leaders who have been, and still are, suffering religious persecution in China. One of those individuals is Bishop Su of Guangdong Province, who I met back in 1994. He was rearrested in 1997. Prior to that arrest, he had been jailed five times, spent a total of 20 years in jail, and had been beaten so savagely that he suffered extensive loss of hearing.

I would also point out that Gao Zhisheng, a great man who several of us nominated for the Nobel Peace prize along with Liu Xiaobo—here is a man who disappeared, and he did provide, when he was out briefly, a detailed account of the torture that he had suffered, just like Tibetan Buddhists, just like the Uighurs, where cattle prods were put into his mouth and on his genitals, and was almost killed as a result of that torture.

This is how the Chinese Government mistreats. The cruelty that is meted out against those who try to practice their faith, be they Falun Gong, Tibetan Buddhists, Christians as part of the underground church, or other people who are just trying to practice their faith.

Vietnam, of course, remains an egregious violator of human rights and already designated CPC. We welcome Dr. Bob King, our Ambassador, and I look forward to hearing his insights and recommendation as to how we might better implement the North Korean Human Rights Act.

It seems to me that the time has come not just to promote aggressively our efforts to mitigate the nuclear threat on the Korean

Peninsula in North Korea, but also to engage as robustly on the human rights violations committed by the dear leader in North Korea. So I look forward to their testimony. Thank you for this hearing.

Chairman ROS-LEHTINEN. Thank you so much, Chairman Smith. Mr. Payne is not here. So we will recognize Ms. Wilson for 1 minute for any opening remarks she would like to make.

Ms. WILSON OF FLORIDA. I thank Chairman Ros-Lehtinen and Ranking Member Berman for holding this hearing today, and thank you for this opportunity.

Human rights, democracy, and freedom have eluded the people of Tibet, Burma, and North Korea for decades. In Tibet, the Chinese Government continues with policies that undermine the proud culture and religion of the people. Although elections were held and the theoretical transition to a civilian government has happened, human rights is a foreign word in Burma, and in North Korea, the most hidden country in the world, the majority of the people face daily power outages, no food, and no human rights.

I am interested in hearing how effective have American tax dollars been in helping the people of Tibet with projects supported by the United States. I need to know if there has been any significant improvement for the human rights in Burma, and if any sanctions need to be removed or renewed.

I hope that we have a better understanding of the current security situation along the North Korean border for North Koreans trying to cross to and from China. Most importantly, we have to do what we can to ensure that all human beings have the basic human rights that we all deserve.

The religious ethic that we are supposed to help the least of our brothers and sisters seems to be lost in the countries of Tibet, Burma, and North Korea. It is the job of this committee to help them find it.

Again, I thank the chair for this time.

Chairman ROS-LEHTINEN. Thank you so much, Ms. Wilson. The chair is now pleased to welcome our witnesses.

Ambassador Robert King became the Special Envoy for North Korean Human Rights Issues on November 2009 following his confirmation by the United States Senate. Bob is an old friend of the committee due to his quarter-century of work on Capitol Hill—you are an old guy—serving for 2 years as staff director of this committee.

Bob's legislative work, including in support of the North Korean Human Rights Act, took root as he helped shape Congressman Tom Lantos' excellent human rights agenda as his chief of staff for 24 years. Ambassador King holds a PhD in international relations from the Fletcher School of Law and Diplomacy, and he has just recently returned from a fact finding mission to North Korea. Welcome back, Bob. Thank you.

We will also then hear from Joseph Yun, who was appointed Deputy Assistant Secretary of State for East Asian and Pacific Affairs in August 2010. Mr. Hun's portfolio is focused on Southeast Asian issues. Since last summer, he has been closely involved in the implementation of the administration's pragmatic engagement

policy directed toward the junta in Burma, and he, in fact, just returned from a trip to that area.

His overseas Foreign Service postings include South Korea, Thailand, France, Indonesia, and Hong Kong. He holds degrees from the London School of Economics and the University of Wales. We look forward to your testimony, Mr. Yun.

Finally, we have Deputy Assistant Secretary of State for Democracy, Human Rights and Labor, Mr. Daniel Baer, who will address human rights and religious freedom issues in Tibet. Prior to assuming his position at the State Department in November 2009, Mr. Baer was an assistant professor in Georgetown University's McDonough School of Business where he taught business ethics. Daniel holds a Bachelor's degree from Harvard and a Doctoral degree from the University of Oxford. He could not get into my college, Miami Dade community College. So you had to go to Harvard and Oxford. So welcome back, Mr. Baer.

I would like to kindly remind our witnesses to keep your oral testimony to no more than 5 minutes. You know this drill well, Dr. King. Oh, Mr. Berman is recognized.

Mr. BERMAN. I thank you very much, Madam Chairman. Just as so often happens around here, the Judiciary Committee is marking up four bills at the same time as this is going on. So if a couple of us—I know Mr. Deutch is also on both committees—are running in and out, it is not because you said something that offended us or bored us. It is because we had to cast a vote over there. Thank you.

Chairman ROS-LEHTINEN. Thank you so much. Dr. King is recognized. Mr. Ambassador.

STATEMENT OF THE HONORABLE ROBERT KING, AMBASSADOR, SPECIAL ENVOY FOR NORTH KOREAN HUMAN RIGHTS ISSUES

Ambassador KING. Madam Chairman, I won't mention your comment about my age, but I do want to thank you for my job. If it hadn't been for you and Mr. Berman, I wouldn't be in this position. So I appreciate that. Thanks also for the invitation to testify today.

Your letter raised five questions with regard to North Korea, and I would like to talk a little bit about those. First, the implementation of the North Korean Human Rights Act.

A couple of weeks ago, I sent to you and to Mr. Berman copies of a report, the annual report, of the Special Envoy on the North Korea human rights dealing with the implementation of the North Korean Human Rights Act. It is unclassified. It is available. If there are any questions, if you want additional information than what I have done there, I would be happy to do that.

The one thing I do want to say in terms of implementation of the North Korean Human Rights Act: One of the things the act specified is that the Special Envoy should participate in formulation and implementation of activities carried out under the act.

My office and the State Department is in the same suite of offices that Ambassador Steven Bosworth and Ambassador Sung Kim have, and we speak every day on issues. We have meetings together. We confer. So I think there is not a problem at all in terms

of my being a participant in what happens in terms of State Department policy on North Korea.

The second issue that you raised in your invitation was a question about programs to resettle North Korean refugees in the United States and to assist North Korean refugees in China. You mentioned the problems of North Koreans choosing to settle in South Korea rather than the United States.

Over the lat decade there have been some 21,000 North Koreans who have settled primarily, as I said, in South Korea. Because of the unique situation and problems for these refugees, Assistant Secretary of State for East Asia Kurt Campbell has discussed the concerns with his particular group, with all of our ambassadors in East Asia. The Bureau on Population Refugees and Migration has had special sessions to train and instruct staff that deal with those issues.

So I think we have made a conscious effort to try to deal with the problem of these refugees. We work very closely with our ally, South Korea, in dealing with these refugees, and work to allow them to get out as quickly as possible when that is the case.

You asked about the issues of what we are able to do in China to assist these refugees. If you would like to go into detail in terms of that issue, I would be happy to come up, but I would prefer to do it in a classified session because of the sensitivity of some of the issues involved there.

The third issue you mentioned was broadcasting information to North Korea. That is a particularly important element in terms of opening North Korea to outside news and information.

Under the Broadcasting Board of Governors, we provide broadcasting assistance for Voice of America and for Radio Free Asia to broadcast. Under funding that is provided to the State Department, we have provided funds for so called defector radio, radio operations that are primarily staffed by North Korean refugees, primarily in South Korea, and those are also broadcast. So we have continued to put major efforts into the broadcasting area.

On the human rights situation in North Korea, the State Department puts out a series of reports annually on these kinds of issues. One of them is the country reports on human rights conditions. The last report calls the human rights conditions in North Korea deplorable. Mr. Smith mentioned the International Religious Freedom report, and mentioned that North Korea is a country of particular concern, then identifies a particular problem in terms of religious liberty.

The Trafficking in Persons report identifies North Korea as a tier three country, a country whose government does not fully comply with the minimum standards and is not making significant efforts to do so. There is no question that North Korea has serious problems in terms of dealing with those issues.

The fifth question that you asked about was the food situation in North Korea. As you know, North Korea has serious problems in terms of providing food for its population. Under average conditions, it provides enough food for about 80 percent of the population.

This year, the government of the DPRK has requested assistance from a number of governments, private institutions, the World

Food Program. There have been assessments conducted by American NGOs, by the World Food Program, and as you mentioned last week, I led a team to Pyongyang to analyze the food situation in North Korea where we were able to have a field team that is out in the field analyzing what the circumstances and conditions are. I had the opportunity of discussing with North Korea leaders the requirements that we would have in terms of monitoring what goes on, if we are to provide food aid.

I want to emphasize, first of all, that we have not made a decision on providing food. Our field team will be back from Pyongyang later this week, and sometime in the future we will be making a decision on that issue, but I would emphasize that the consideration that is most important in making a decision on food will be the need. We will not take political considerations into account in deciding whether to provide aid.

We will also have to look at competing requirements for our resources, and we will have to be assured that we have the ability to monitor the delivery of the food aid.

I want to mention one last comment in terms of my visit to Pyongyang. During the last meeting we had with the First Vice Foreign Minister, during the dinner he commented that my title caused them some problems. That became an occasion where we had an exchange on human rights that lasted some 20 minutes.

The conclusion of that was they were willing to talk about human rights. They are willing to look into some of the issues that we are interested in raising with them. He invited me back to Pyongyang to have discussions on human rights, and I am looking forward to possibly having that opportunity.

Thank you very much. I hope I didn't take too long.

[The prepared statement of Ambassador King follows:]

Statement of
Ambassador Robert R. King
Special Envoy for North Korea Human Rights Issues

Before the

House Committee on Foreign Affairs

June 2, 2011

Chairman Ros-Lehtinen, Representative Berman, and Members of the Committee, thank you for inviting me to testify today on the implementation of the North Korean Human Rights Act. The United States remains committed to a denuclearized North Korea that respects the rights of its citizens. Advancing human rights is a top U.S. priority in our North Korea policy and is among the primary factors that will determine if any long-term improvement between the United States and the Democratic People's Republic of Korea (DPRK) will be possible.

Congress has been a consistent supporter of efforts to ensure that U.S. policy toward North Korea promotes respect for the human rights of the North Korean people. The North Korean Human Rights Act of 2004 and its reauthorization in 2008 demonstrates Congress' commitment to ensuring that the well-being of the North Korean people remains an important foreign policy priority. This legislation created the position that I hold, the Special Envoy for North Korean Human Rights Issues, and the 2008 reauthorization made the position full-time with Ambassadorial rank. Since receiving Senate confirmation in November 2009, I have engaged with international organizations, our bilateral partners, and NGOs, to identify concrete ways to improve human rights conditions inside the DPRK and encourage the DPRK government to respect the rights of its citizens.

In my recent trip to Pyongyang, I engaged directly on human rights issues with Kim Kye-gwan, First Vice Minister of Foreign Affairs, and other high-level officials in the Ministry of Foreign Affairs. Engaging with DPRK officials is a key requirement of the position of the Special Envoy for North Korean Human Rights, which, until last week, the DPRK refused to accept outside of the UN context. This was the first time the United States' Special Envoy for North Korean Human Rights Issues was granted entry to the DPRK and the first time we were able to engage in a direct dialogue about ways in which North Korea can improve its human rights record. This is a significant first step and I believe we can build up

on this foundation with our partners who share our deep concerns about the North Korean people. The DPRK continues to deny the entry requests made by the U.N. Special Rapporteur on the human rights situation in the DPRK, Mr. Marzuki Darusman of Indonesia, just as they denied his predecessor, Professor Vitit Muntarbhorn of Thailand.

Under the Obama Administration, the Special Envoy position is situated in the Office of North Korea Policy within the State Department to ensure that human rights remains an integral part of our North Korea policy. I work directly with Secretary Clinton and Deputy Secretary Steinberg and cooperate closely with the other members of the North Korea policy team, Special Representative for North Korea Policy, Ambassador Stephen Bosworth, and Special Envoy for Six Party Talks, Ambassador Sung Kim, and participate in all relevant policy discussions, in accordance with Congressional intent. In close consultation with the Bureau of East Asian and Pacific Affairs (EAP), particularly the Office of Korean Affairs, as well as the Bureau for Democracy, Human Rights and Labor (DRL), including the Office of International Religious Freedom, the Bureau of Population, Refugees, and Migration (PRM), the Bureau of International Organization Affairs (IO), the Office to Monitor and Combat Trafficking in Persons (G/TIP), the United States Agency for International Development (USAID), and the independent Broadcasting Board of Governors (BBG), the State Department works diligently to implement the North Korean Human Rights Act.

In support of international efforts to promote human rights and political freedoms in North Korea, my office and the Department coordinate regularly with the United Nations, the European Union, and with countries that share our concerns for the North Korean people. At the UN Human Rights Council in Geneva and the Third Committee of the UN General Assembly in New York, I represented the United States, including delivering our intervention during the Universal Periodic Review of the DPRK in December 2009 when the international community presented North Korea with 167 recommendations to improve its human rights record. Since I took office, three strong resolutions have been adopted in UN bodies by large margins:

- UN Human Rights Council resolution 16/8 "The Situation of human rights in the Democratic People's Republic of Korea" was adopted on March 24, 2011 by a vote of 30 in favor, 3 against, and 11 abstentions.

- UN General Assembly resolution 65/225 "The Situation of human rights in the Democratic People's Republic of Korea" was adopted on December 21,

2010, in the General Assembly by a vote of 106 in favor, 20 against, and 57 abstentions.

- UN Human Rights Council resolution 13/14 "The Situation of human rights in the Democratic People's Republic of Korea" was adopted on March 25, 2010 by a vote of 28 in favor, 5 against, and 13 abstentions.

We have also encouraged our partners to include human rights in their North Korea policy. I have engaged with our ally the Republic of Korea (ROK), meeting with officials at high levels in the President's Office, the Ministry of Foreign Affairs and Trade, and the Ministry of National Unification. In visits to North Korean resettlement and assistance centers in the ROK, including Hanawon, I have seen the extent to which the ROK has invested in providing opportunities to the 21,000 North Koreans they have resettled. I have learned from North Korean refugees themselves, about the grim conditions inside the DPRK and their often perilous journey in seeking a better life in the ROK.

In Japan, I have met with senior Japanese government officials at the Ministry of Foreign Affairs dealing with Northeast Asia issues and human rights. I have also engaged with Japanese Cabinet officials responsible for the issue of Japanese abductees taken by the DPRK and met with family members of abductees in Geneva, Tokyo, and Washington. We have assured them the United States will never forget the suffering of the abductees or their families.

In addition to consulting with other governments, I have met with over 90 organizations that deal with North Korea human rights issues – think tanks and academic institutions that analyze human rights issues; advocacy organizations that call attention to human right abuses; humanitarian assistance organizations that provide food, medical aid, and other assistance to the DPRK; educational, cultural, and scientific organizations that seek to engage the DPRK; churches and religious organizations; and Korean-American organizations that are interested in family reunions with relatives living in the DPRK.

My position exists because North Korea remains one of the worst human rights violators in the world. The Department of State assesses that the human rights situation in the DPRK remains deplorable.

- The U.S. Department of State's 2010 annual *Human Rights Report* documents NGO reports of a number of serious problems with the DPRK's human rights record. State security forces reportedly commit severe human

rights abuses and subject political prisoners to brutality and torture. Elections are not free or fair; the judiciary is not independent; and citizens are denied freedom of speech, press, assembly, and association. In addition, the DPRK imposes severe restrictions on freedom of religion and freedom of movement. Finally, we hear continuing and widespread reports of severe punishment of repatriated asylum seekers and of trafficking of women and girls across the border into China.

- The U.S. Department of State's *2010 International Religious Freedom Report* documents the denial of religious liberty. Under the terms of the International Religious Freedom Act of 1998, the DPRK is designated a "Country of Particular Concern."

- The U.S. Department of State's 2010 *Trafficking in Persons Report* states that the North Korean regime continues to use forced labor as part of an established system of political repression.

To ameliorate these conditions, the North Korea Human Rights Act authorized funding to support programs which promote human rights, democracy and rule of law in the DPRK. Between FY 2008-2011, the Department received $9.5 million in ESF funds within the Governing Justly and Democratically objective to promote rule of law and human rights, increase media freedom, and build civil society in North Korea. These funds also support efforts to build the capacity of the defector and NGO community in the ROK to better advocate for improved conditions inside the DPRK.

Since 2004, the United States has resettled 120 North Korean refugees and their families. We remain actively committed to ensuring that each North Korean refugee who is interested and eligible gains access to the U.S. Refugee Admissions Program. We continue to coordinate closely with host governments in the region to pursue every possible viable avenue to facilitate the admission of refugees from North Korea. For many individuals from North Korea, where to resettle is one of the first meaningful choices they are able to make, and the United States respects their decision on resettlement.

The United States remains deeply concerned about the plight of North Korean refugees and asylum seekers. Reports of the involuntary return of North Koreans from China to the DPRK, including victims of human trafficking, remain deeply disturbing, as these returnees often face serious consequences, including the possibility of imprisonment, torture, and even execution. We continue to urge

China to adhere to its obligations as a party to the 1951 Refugee Convention and its 1967 Protocol, including by not expelling or forcibly returning North Koreans who should be protected under those treaties. The United States is further troubled by the lack of access afforded to the United Nations High Commissioner for Refugees (UNHCR) to North Koreans, particularly in Northeast China, and we continue to urge the Chinese to cooperate with UNHCR in exercising its functions, including allowing access to North Korean asylum seekers. We regularly engage with other governments, NGOs and private groups who share our concerns.

Given the closed nature of North Korean society, broadcasting is one of the more effective means of sharing information about the outside world with residents of the country. To increase the flow of independent information into, out of, and within the country, the U.S. government funds Korean-language broadcasting into North Korea by the Broadcasting Board of Governors (BBG) and supports independent and defector-run broadcasts through the Bureau for Democracy, Human Rights and Labor . In FY 2010, the BBG expended $8.5 million for a ten-hour-daily schedule of Voice of America (VOA) and Radio Free Asia (RFA) broadcasts, transmitted via shortwave and medium wave during peak listening hours. RFA broadcasts 3.5 hours of original programming and 1.5 hours of repeat programming; VOA broadcasts four hours of original and one hour of repeat programming with daily news updates. With the FY 2009 ESF appropriation, the Department of State provided approximately $1 million from the Human Rights and Democracy Fund to support independent broadcasts into North Korea. These broadcasts are produced by North Korean defectors, now living in South Korea, and provide news and information with a more authentically North Korean voice. The BBG continues to explore avenues to expand broadcast capability into North Korea, and the Department of State is exploring opportunities using new media to reach North Koreans. Reports indicate that North Koreans are listening to foreign broadcasts in increasing numbers, even at serious risks to their personal safety.

Pursuant to our goal of promoting increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea, I traveled to North Korea last week to assess the food situation and need. I candidly discussed the monitoring terms that would be necessary for the United States to provide food assistance to the DPRK. Our delegation met with DPRK officials in Pyongyang and the food security specialists that accompanied me on the trip traveled throughout the country, visiting schools, clinics, orphanages, and hospitals to evaluate firsthand the food security situation.

Although we have made no decision on whether we will provide food aid to North Korea, obtaining a better understanding of the true food situation in the DPRK is a necessary first step towards making this decision. We are carefully reviewing our findings and coordinating closely with our partners and the donor community in advance of a decision. If the team determines there is a legitimate humanitarian need, the DPRK must first address our serious concerns about monitoring and outstanding issues related to our previous food aid program, which North Korea abruptly suspended in March 2009 and our humanitarian personnel were ordered to leave the country and forced to leave behind approximately 20,000 metric tons of U.S. food items, before any decision can be considered.

The U.S. government's policy on the provision of food assistance is based on three factors: 1) the level of need in a given country; 2) competing needs in other countries; and 3) our ability to ensure that aid is reliably reaching the people in need. This policy is consistent with our long-standing goal of providing emergency humanitarian assistance to the people of countries around the world where there are legitimate humanitarian needs. However, consistent with our practices worldwide, the United States will not provide food aid without a needs assessment and adequate program management, monitoring, and access provisions in place to ensure that food reaches the intended beneficiaries.

Since the late 1990s, as the world became increasingly aware of the terrible conditions inside the DPRK, the State Department has actively worked to promote respect for and protection of fundamental human rights in North Korea, durable humanitarian solutions to the plight of North Korean refugees, the free flow of balanced information into, out of, and within North Korea, increased monitoring, access and transparency in the provision of humanitarian assistance to North Korea, and progress towards the peaceful reunification of the Korean Peninsula under a democratic system of government, in accordance with the wishes of the Korean people.

Thank you for the opportunity to appear before you today. I welcome any questions you may have.

Chairman ROS-LEHTINEN. Thank you, Dr. King. Thank you so much.

Mr. Yun.

STATEMENT OF THE HONORABLE JOSEPH Y. YUN, DEPUTY ASSISTANT SECRETARY OF STATE, EAST ASIAN AND PACIFIC AFFAIRS

Mr. YUN. I thank you, Madam Chairman and Mr. Berman and members of the committee. Thank you for the invitation to testify today. As you requested, I am very pleased to discuss the central aspects of our Burma policy, recent developments, and the implementation of the JADE Act.

We are pursuing a dual track approach, combing pressure with principled engagement. The goals of this policy are to achieve the unconditional release of all political prisoners, respect for basic

human rights, an inclusive dialogue with Nobel Laureate Aung San Suu Kyi and others that would lead to national reconciliation, and adherence to U.N. Security Council resolutions on nonproliferation. I would say the last is especially relevant to North Korea and Burma military trade.

The U.S. plays a leading role in shining a light on the Burmese regime's dismal human rights record. We maintain extensive, targeted sanctions against the regime and its key supporters. We work closely with the European Union and its member states, Canada, Australia, Japan, Korea, Southeast Asian nations and others to press the regime to undertake genuine reform.

U.S. sanctions are based on a series of executive orders and key legislation passed over the past 20 years. The most recent Burma-specific legislation, the Block Burmese JADE Act of 2008, helps to ensure that we do not allow the use of our resources to perpetuate authoritarian rule. The JADE Act includes provisions for financial and travel sanctions that target former and present leaders of the Burmese Government, officials involved in the repression of human rights, other key supporters of the government and their immediate family members.

As you mentioned, Madam Chairman, the JADE Act requested the appointment of a special representative and policy coordinator for Burma to ensure high level focus on improving the situation in Burma and promoting democratic reform in human rights.

As you mentioned, we are very pleased that the President has nominated Derek Mitchell for this position. He brings a wealth of the Asia experience and senior government experience to the table. If confirmed, Mr. Mitchell will carry out his mandate to advance all aspects of our Burma policy.

The JADE Act also bans the import of Burmese jade, rubies and related jewelry to the United States. This aspect of the Act is effective, although Burma's regime reaps significant revenues from its tightly controlled gemstone industry and exports to neighboring countries.

Recognizing that sanctions alone have failed to produce significant reform, we have engaged in direct dialogue with senior officials over the past 18 months. Assistant Secretary Kurt Campbell traveled to Burma in 2009 and 2010. I have also made two visits to Burma, one in December 2010 and, more recently, 2 weeks ago.

Burmese authorities expressed the desire for improved relations with the United States, but to date have failed to address our core concerns. We are disappointed by the lack of results, although from the outset we expected that real change would be a long, slow process. We will continue to urge the regime in private and in public to engage constructively and undertake meaningful reform.

Burma's 2010 elections, its first in 20 years, were based on a fundamentally flawed process with restrictive regulations that excluded Burma's largest pro-democracy party, the National League for Democracy. These elections were neither free nor fair.

The regime's proxy political party, the Union Solidarity and Development Party, won the majority of contested parliamentary seats, while 25 percent of all seats were reserved for military appointees. Members of opposition and ethnic minority parties won a negligible number of seats.

Subsequently, the ruling authority, the State and Development Council, officially dissolved, and President Thein Sein, the former prime minister and a retired general, assumed power. His government comprises almost all active or former military leaders of the regime.

Following the election, the regime released Aung San Suu Kyi from 7½ years of house arrest, the end of an unjustified sentence.

Currently, members of the international community, when allowed to visit Burma, are able to consult with her, as is our Embassy in Rangoon. I had the opportunity to discuss a wide range of issues with her during my own visits.

We are committed to supporting Aung San Suu Kyi's efforts to seek reinstatement of the NLD and to hold a meaningful dialogue with the senior government authorities.

Our challenges in Burma remain daunting, and the human rights situation remains deplorable. The U.S. alone cannot achieve progress in Burma, and we are working very closely with our European allies and our Asian and regional partners to urge the Burmese Government to engage constructively with the international community and address longstanding concerns.

Thank you for inviting me to testify before you today. I welcome any questions you may have. Thank you.

[The prepared statement of Joseph Yun follows:]

Testimony of Joseph Yun
Deputy Assistant Secretary
Bureau of East Asian and Pacific Affairs
U.S. Department of State

Before the

House Committee on Foreign Affairs

June 2, 2011

"Block Burmese JADE Act and Recent Policy Developments"

Chairman Ros-Lehtinen, Mr. Berman, and Members of the Committee, thank you for inviting me to testify today. I am pleased to have the opportunity to discuss the central aspects of our Burma policy, including elements of our two-track approach that comprises pressure coupled with principled engagement. In light of my recent visits to Burma in December 2010 and again two weeks ago, I would also like to provide an overview on the Administration's efforts to promote democracy and human rights in Burma and on key recent developments in Burma including the release of Aung San Suu Kyi from house arrest, the 2010 elections, and the formation of a government headed by former top regime general and now President Thein Sein.

After a comprehensive policy review, which Assistant Secretary of State Kurt Campbell outlined for your Committee in October 2009, the United States launched a dual-track Burma policy, combining pressure with direct dialogue with the regime. We are currently pursuing these parallel and complementary tracks in a full-scale effort to advance progress on core concerns of the United States and the international community, including the unconditional release of all political prisoners, respect for human rights, and an inclusive dialogue with the political opposition and ethnic groups that would lead to national reconciliation. We also urge the Government of Burma to respect its international obligations, including adherence to all UN Security Council resolutions on nonproliferation. We have made these representations repeatedly in the context of Burma's nontransparent

relationship with North Korea. Although meaningful progress remains elusive, I believe we must continue to bring the full range of diplomatic tools to bear and use both dialogue and pressure to promote positive change in Burma.

First, let me start with the pressure side of our policy. We play a leading role in the international community in shining a light on the regime's dismal human rights record and signaling to Burmese authorities that the world is watching. We support an annual resolution at the UN General Assembly on Burma that draws attention to human rights abuses and calls for cooperation with the international community to achieve concrete progress with regard to human rights, fundamental freedoms and political processes. In 2010, this resolution passed by a higher vote margin than in any previous year. More recently, in March of this year, we supported the annual resolution on Burma at the UN Human Rights Council to renew the mandate of the UN Special Rapporteur on the situation of Human Rights in Burma, Mr. Tomas Ojea Quintana. We continue to call upon the Burmese government to fully cooperate with Mr. Quintana, including by allowing him to visit the country again, which authorities are refusing. Secretary of State Clinton has also expressed our commitment to pursuing accountability for human rights abuses through establishing a commission of inquiry for Burma in close consultation with our friends, allies, and partners at the United Nations.

Coupled with this international pressure, we maintain extensive, targeted sanctions against senior leaders of the Burmese government and military, their immediate family members, their key supporters, and others who abuse human rights. We work closely with our key allies such as the European Union (EU) and its member states, Canada, Australia, Japan, Korea, Southeast Asian nations and others to encourage them to impose sanctions and to press the regime to make meaningful changes. We were pleased that in April 2011, the EU renewed its Common Position on Burma, which authorizes EU sanctions on key regime officials. U.S. sanctions are based on a series of executive orders and key legislation passed over the past 20 years, including the Burmese Freedom and Democracy Act of 2003 and the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008. Successive Administrations have cooperated closely with Congress to ensure that these restrictions, whether economic, financial or travel related, have the same purpose: that the United States will not allow the use of its resources to perpetuate abusive, authoritarian rule.

The Block Burmese JADE Act of 2008 is the most recent piece of Burma-specific legislation and it constitutes an important component of the U.S. sanctions regime. There are several key aspects of the JADE Act, which is more than a ban

on Burmese jade: it focuses on stopping anti-democratic activities in addition to preventing the regime from profiting from trade in precious gems.

The JADE Act includes provisions for financial sanctions and bans the issuance of visas for travel to the United States by former and present leaders of the regime, officials involved in the repression of human rights, other key supporters of the regime, and their immediate family members. These provisions complement already existing economic sanctions and travel restrictions.

The JADE Act also required the appointment of a Special Representative and Policy Coordinator for Burma to ensure high-level, dedicated focus on improving the situation in Burma and promoting genuine democratic reform. I am very pleased to highlight that on April 14, the President nominated Derek Mitchell for that position. He is the right candidate for this tough job. He brings a formidable blend of Asia expertise and senior government and civil society experience to the table. If confirmed, we have every confidence that Mr. Mitchell will fully carry out his mandate to advance all aspects of our Burma policy, pursuing both pressure on and engagement with Burmese authorities as warranted by their actions. If confirmed, he will further strengthen ties with key Burmese stakeholders in civil society, including the National League for Democracy (NLD) and ethnic groups, and coordinate our efforts with Congress, allies, and the NGO community for the benefit of the Burmese people. We look forward to his leadership and hope that his Senate hearing and confirmation will take place as soon as possible.

Finally, the JADE Act bans the import of Burmese jadeite, rubies, and related jewelry into the United States, even if transformed in a third country. The first line of defense is our Customs and Border Patrol certification requirements, issued through a joint DHS/Treasury final rule. We have been very successful in enforcing this prohibition through the final rule, which requires every importer to have written certification at the time of import from the exporter affirming that none of the imported jewelry contains jadeite or rubies mined or extracted from Burma. Our prohibition has been most effective for Burmese rubies and jewelry, as the demand for jadeite in the United States is virtually nonexistent. The second line of defense is the jewelry industry itself; industry sources note that the most valuable rubies from Burma are high quality and very distinctive and that no one in the United States is importing rubies or related jewelry from Burma. The Jewelers Vigilance Committee has conveyed to us its confidence that no rubies imported into the United States were mined or extracted from Burma and that no importer in

the U.S. would want to risk losing their goods or reputation by violating what they refer to as a well-known ban.

Burma's regime continues to reap significant revenues from its tightly controlled gemstone industry, and the JADE Act does not cut off all international trade in Burma's gemstones. Burma's export of rubies and jadeite is doing well, in particular because China's domestic market for jadeite and related jewelry is on the rise. We will continue to call on China and India and other neighboring countries to cooperate with us on this issue.

Before I turn to the engagement track, I would like to note that we regularly hear claims from neighboring countries and a variety of other partners that our sanctions negatively affect the Burmese economy and help to impoverish the Burmese people. Following Burma's elections, some Southeast Asian nations as well as some political parties in Burma called on the United States to ease or remove sanctions. The Administration firmly believes that easing sanctions at this time is premature, absent fundamental reform or other regime actions to address core international concerns, and that Burma's poor economic performance is primarily due to the regime's gross economic mismanagement and pervasive corruption.

While sustaining pressure on the Burmese regime, we have initiated efforts to engage in direct dialogue with senior leaders in the Burmese government over the past 18 months. Assistant Secretary of State Campbell traveled to Nay Pyi Taw, Burma's capital, in October 2009 and May 2010 to meet with senior officials and demonstrate our willingness to embark on this new path of principled engagement. He also met with Burma officials on the margins of UN General Assembly sessions in 2009 and 2010 and in several forums held by the Association of Southeast Asian Nations (ASEAN). During every visit to Burma, we always consult Aung San Suu Kyi, leaders of the NLD, and other civil society leaders.

Building on the dialogue Assistant Secretary Campbell began, I have also made two visits to Burma: one in December 2010 and one more recently, in May 2011. In those meetings, Burmese authorities continue to express a desire for improved relations with the United States and identified several confidence-building measures that they would like from the United States, including our use of "Myanmar" instead of Burma as the official name of the country and our direct assistance toward achieving the country's Millennium Development Goals. The Government of Burma, however, has been opposed to taking any of the steps we, the UN, and others have raised to address core human rights concerns and to begin

an inclusive dialogue leading to national reconciliation and real democratic reform. The regime continues to insist that all of these issues are "internal issues."

We are disappointed by the lack of any results from our repeated efforts at dialogue. When we embarked on our dual-track policy, we went in with our eyes wide open and we expected that efforts on engagement and real reform would be a long, slow process. We will continue to try, while also seeking concrete ways to ramp up pressure on the Burmese government both in private and in public, to undertake genuine reform. We expect that the Special Representative and Policy Coordinator for Burma will play an essential role in furthering all aspects of our policy and determining if there is a viable way forward.

Against this policy backdrop, I will briefly provide an update and assessment on the political dynamics in Burma, highlighting the government's election process and its results, the future role of former regime leader Senior General Than Shwe, and the release of leading opposition figure Aung San Suu Kyi.

Burma's 2010 elections were its first in 20 years. These elections were based on a deeply and fundamentally flawed process with highly restrictive regulations that excluded Burma's largest pro-democracy party, the National League for Democracy (NLD). They took place while Aung San Suu Kyi, the NLD's key leader, remained under house arrest, and many other NLD leaders were in prison. The regime cancelled voting in several ethnic minority areas and heavily skewed the playing field in favor of the regime's proxy Union Solidarity and Development Party (USDP). The few pro-democracy and ethnic political parties that did compete won only a small number of parliamentary seats and mostly at the regional level. Amid widespread media and well-substantiated claims of vote rigging and manipulation, the regime's USDP won the majority of contested Parliamentary seats, while 25 percent of all seats were reserved for military appointees. The United States clearly and consistently condemned the elections as neither free nor fair.

Not surprisingly, the elections resulted in a government comprised almost entirely of either active or former military members of the regime. Together with military appointees, regime-affiliated members occupy 89 percent of all seats in the legislative bodies. This legislature convened in Nay Pyi Taw to rubber stamp approval of Burma's President, two Vice Presidents, and key Presidential appointees. With few exceptions, all of those positions were filled by former military leaders and members of the government's proxy party. The formal regime

State Peace and Development Council (SPDC) dissolved and President Thein Sein, the former Prime Minister within the SPDC structure and a top regime military leader, assumed power on April 1, 2011.

The convening of Parliament and the formation of a so-called "civilian" government marked the completion of what the regime refers to as its seven-step roadmap to a "disciplined and flourishing democracy." We strongly disagree with this assessment and believe that many questions remain. Specifically, the extent of Senior General Than Shwe's influence is still an important question. He previously held simultaneous titles as Chairman of the State Peace and Development Council, Commander in Chief of the Armed Forces, and Minister of Defense. In the government announced on April 1, he no longer holds any official title. Some observers believe he will still control the political sphere from behind the scenes while others claim that he has truly retired. Therefore, a significant degree of uncertainty exists regarding Than Shwe's role and the respective power of the various institutions that emerged such as the Presidency and cabinet, the Parliament, the United Solidarity and Development Party and the military.

With former regime officials occupying most key positions in all branches of government, the United States is not optimistic that we will see any immediate change in policies or progress on our core concerns. There has been some positive rhetoric but it has not translated into concrete action or changes by the regime. In his inaugural address, President Thein Sein used terms such as good governance, transparency, and economic development, a departure from the regime's typical focus on stability and security and threats posed by opposition figures and entities. President Thein Sein's statements have addressed the need for economic reforms and his economic advisors recently organized a National Poverty Alleviation Seminar. Whether any of this seemingly positive rhetoric will eventually transform into concrete action toward poverty reduction and a free, open society is deeply uncertain.

There is also the noteworthy development of Nobel Laureate Aung San Suu Kyi's release on November 13 from seven-and-one-half years of house arrest. Though welcome, her release came only at the end of a sentence that we always maintained was unjustified. She has spent 15 of the past 23 years in detention or under house arrest. We have pressed the Government of Burma to ensure it provides adequately for Aung San Suu Kyi's safety and security as well as for all residents of Burma. Members of the international community, when allowed to visit Burma, are now able to consult with her on a regular basis, as is our Embassy

in Rangoon. I have had the opportunity to discuss a wide range of issues with her during my own visits to Rangoon.

Burmese authorities have dissolved Aung San Suu Kyi's political party, the National League for Democracy, for refusing to re-register as a political party under Burma's restrictive electoral laws. Although officially disbanded, NLD headquarters remains open and activities continue. Recently, the NLD has become more involved in social welfare activities such as HIV/AIDS support and care, education, and provision of clean water to address humanitarian needs. We are committed to fully supporting Aung San Suu Kyi's efforts to seek reinstatement of the NLD as a legal, political party and to hold a direct, meaningful dialogue with senior government authorities.

I would also like to highlight the range of humanitarian assistance activities that we are undertaking inside Burma, which have been authorized consistent with or are exempted from JADE Act sanctions. Managed by USAID and the State Department, we support health and education projects targeting Burma's most vulnerable populations and initiatives to strengthen civil society and promote democracy. Assistance includes livelihoods, water and sanitation projects, a teacher training program and activities to combat infectious diseases and grave public health threats, such as avian influenza, HIV/AIDS, tuberculosis, and malaria.

It is important to mention the effects of the ongoing civil conflict in Burma between government forces and ethnic armies that are fighting for greater autonomy. In the conduct of these wars, the military has destroyed thousands of villages and subjected civilians in these areas to pillage, forced labor, killing and rape. This ongoing internal conflict and the regime's repression have created significant refugee flows and serious burdens on neighboring countries that are hosting Burmese refugees.

While regime-created humanitarian crises, large-scale displacement and human suffering will only come to end through political change that promotes genuine democracy and respect for human rights, we must do what we can in the meantime to provide humanitarian assistance and protection to those who have had to flee their country of origin. For more than 20 years, we have provided crucial support to UNHCR and NGOs for humanitarian assistance and protection to Burmese refugees who have fled from persecution and violence to neighboring countries. Since 2005, the United States has resettled approximately 70,000 Burmese from Thailand, Malaysia, Bangladesh, and India, almost 50,000 of whom

were from the Thai-Burma border region. Later this month, the Department of State's Assistant Secretary for Population, Refugees and Migration will be in Bangladesh to address serious issues of Burma's ethnic Rohingya refugee population in that country. We also support the International Committee of the Red Cross, which facilitates family member visits to political prisoners and provides orthopedic and prosthetic services to landmine victims. These initiatives enable us to tackle immediate humanitarian issues that affect some of the most vulnerable people in Burma.

Our challenges in Burma remain daunting and the human rights situation deplorable. Though Aung San Suu Kyi is free, over 2,000 political prisoners languish in detention, the conflicts and the attacks against civilians continue in the ethnic minority areas, and millions of Burmese citizens are denied basic rights including freedom of speech, assembly, and association. The United States alone cannot achieve progress in Burma, and as I noted at the outset of my testimony, we are tirelessly working with our European allies and our ASEAN and regional partners to urge the Burmese government to constructively engage with the international community and address these long-standing issues. India and China remain important to this issue and we regularly discuss our concerns with them about the Burmese regime. We are in complete agreement with the JADE Act's call for a unified and comprehensive approach to promote long-overdue change for the Burmese people aspiring for genuine and meaningful progress.

Thank you for inviting me to testify before you today. I welcome the opportunity to answer your questions.

Chairman ROS-LEHTINEN. Thank you so much.

I am going to break protocol a second, and I would like to recognize Mr. Connolly for 1 minute, because he was not there for the opening statements, and you had 3 minutes—1 minute.

Mr. CONNOLLY. I thank you, Madam Chairman and, forgive me, I have another hearing in another room. So that is why I was absent.

I just want to welcome our witnesses and, thank you, Madam Chairman, for holding this hearing today. Very important, and we are delighted to have a special guest, Richard Gere, to talk about Tibet as well.

Highlighting the human rights issues in all three of these countries, I think, is very important to the United States Congress to send an unadulterated message that this congress is committed to the pursuit of human rights in every country in the world. We believe that human rights is a universal aspiration, not just an American value, though an important American value, and hopefully, this hearing will further that cause.

Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, Mr. Connolly.

Mr. Baer is recognized.

STATEMENT OF THE HONORABLE DANIEL B. BAER, DEPUTY ASSISTANT SECRETARY OF STATE, DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. BAER. Thank you very much, Madam Chairman.

Before we begin, I ant to thank you also, not only for inviting me, but also for inviting the second panel, the citizen experts and advocates that are part of that panel are an important part of this conversation, and I am very grateful. I am also very grateful that the person whose Tibet testimony will be a focus today will not be my own. So thank you very much for inviting Richard as well.

More seriously, before we begin, I want to say how much being in this chamber reminds me of how proud I am to be an American and how proud I am that our Government is so deeply and thoroughly committed to advancing the cause of human rights. Your holding this hearing today, the members of this committee holding this hearing today is an example of that commitment, and I am honored to be here to speak with you, and I am honored to do the work that I get to do at the State Department every day.

It is my pleasure to be here on behalf of Under Secretary Maria Otero, the Special Coordinator for Tibetan Issues, to report that the Department of State is aggressively implementing the provisions of the Tibetan Human Rights Act—Policy Act of 2002.

The administration's goals in implementing this act are twofold: First, to promote a substantive dialogue between the Chinese Government and the Dalai Lama or his representatives; and, second, to sustain Tibet's unique religious, linguistic, and cultural heritages.

The administration, including the President, Secretary Clinton, Deputy Secretary Steinberg, Under Secretary Otero, Assistant Secretaries Campbell and Posner and myself, has urged the Chinese Government to engage in a dialogue with the Dalai Lama or his representatives and, through dialogue, to seek results. Regrettably, the Chinese Government has not engaged in such a dialogue since January 2010.

We continue to remind the Chinese Government that the vast majority of Tibetans advocate, not for independence, but rather for genuine autonomy in order to preserve Tibet's unique culture, religion, and fragile environment.

We believe that the Dalai Lama can be a constructive partner for China. His views command the respect of the vast majority of Tibetans, and he has consistently advocated nonviolence. Engagement with the Dalai Lama or his representatives to resolve problems facing Tibetans is in the interest of the Chinese Government and of the Tibetan people.

In addition to pressing for results based dialogue, we are implementing the act with Congress' support by helping nongovernmental organizations that work in Tibet and assist Tibetan refugees in the region. Through numerous programs, the State Department and the U.S. Agency for International Development support cultural and linguistic preservation, sustainable development, and environmental preservation in Tibet and Tibetan majority areas, as well as Tibetan refugee communities in other countries.

Under Secretary Otero recently visited programs in India and Nepal where we assist Tibetan refugees and where we are actively

seeking ways to strengthen Tibetan refugee settlements. Next month USAID's India mission expects to issue an award for a new $2 million, 2-year program to support Tibetan settlements in India, Nepal, and Bhutan.

Of course, our own efforts continue against a backdrop of continuing repression. We are extremely concerned about the deteriorating human rights situation in China and, in particular, in the Tibet autonomous region and other Tibetan areas. Recent regulations restricting Tibetan language, education, strict controls over the practice of Tibetan Buddhism, and the arrests of prominent nonpolitical Tibetans reflect the troubling human rights situation there today.

Religious restrictions in Tibetan areas have dramatically worsened in recent years. Discriminatory religious policies have exacerbated tensions between Han Chinese and Tibetan Buddhists, and triggered the 2008 riots that claimed the lives of Han and Tibetan civilians and police officers.

Chinese authorities control Tibet's monasteries, including the number of monks and nuns, and interfere in the process of recognizing reincarnate lamas. Monks and nuns are forced to attend regular political patriotic education sessions, which sometimes include forced enunciations of the Dalai Lama.

As Secretary Clinton has said, we were deeply concerned when we received reports in mid-March of this year that a young Tibetan monk at the Kirti monastery in Sichuan self-immolated in protest over the removal of monks from the monastery following the 2008 riots. Reports state that as many as 300 monks were forcibly removed from Kirti again in April of this year, and paramilitary forces still have the monastery on lockdown.

The State Department's international freedom and human rights reports state that the Chinese Government represses freedom of speech, religion, association and movement within Tibet, and routinely commit serious human rights abuses, including ex judicial killings, detentions, arbitrary arrests, and torture.

President Obama and Secretary Clinton have raised Tibet human rights concerns directly with Chinese officials multiple times, including with President Hu during his January 2011 visit to Washington. The President and Secretary Clinton met with the Dalai Lama in February 2010, and the Secretary raised Tibetan issues directly and at length in the 2010 and 2011 strategic and economic dialogues with China.

Under Secretary Otero has met with the Dalai Lama four times since October 2009, and with his special envoy, Lodi Gyuari, nine times in the last 12 months. In April at the human rights dialogue in Beijing, Assistant Secretary Posner and I raised our concerns about China's counterproductive policies in Tibetan areas of China, and reiterated our call for resumption of dialogue, and also raised specific cases.

We were joined in that effort by then Ambassador Huntsman, who visited the Tibetan autonomous region last fall. We also met with the United Front Work Department which handles Tibetan policy for the Chinese Government, and pressed the Chinese to set a date with Lodi Gyuari for the next round of talks.

We again raised concern about Tibetan religious freedom with Minister Wang Zuo'an from the State Administration of Religious Affairs. Separately, we have provided to the Chinese authorities a comprehensive list of individuals from across China who have been arrested or are missing, and that list included many Tibetans, including six cases that we specifically raised during our meetings.

As I said when I began, I along with the rest of the administration share the goals that Congress expressed through the Tibetan Policy Act. We will continue to press the Chinese Government to respect internationally recognized human rights in Tibetan areas and throughout China, and we will continue to support efforts to help Tibetans maintain their cultural, linguistic, and religious heritage.

Thank you again for inviting me today.

[The prepared statement of Mr. Baer follows:]

Testimony of Deputy Assistant Secretary Dr. Daniel B. Baer
For the House Foreign Affairs Committee hearing on
"Religious Freedom, Democracy and Human Rights in Asia: Status of Implementation of the Tibetan Policy Act of 2002, Block Burmese JADE Act and North Korean Human Rights Act"
June 2, 2011

Thank you, Madam Chairwoman and members of the House Foreign Affairs Committee, for inviting me today. It's my pleasure to be able to testify today on religious freedom, democracy and human rights as embodied in the Tibetan Policy Act of 2002. On behalf of Undersecretary of State Maria Otero, the Administration's Special Coordinator for Tibetan Issues, I can tell you that the Department of State is aggressively implementing the provisions of the Act.

The Administration's goals are twofold: to promote a substantive dialogue between the Chinese Government and the Dalai Lama or his representatives, and to help sustain Tibet's unique religious, linguistic, and cultural heritages. The Administration at all levels – from the President, Secretary, Deputy Secretary, Under Secretary Otero, Assistant Secretaries Campbell and Posner, to myself – has urged the Chinese Government to engage in a dialogue with the representatives of the Dalai Lama that will achieve results. We remind the Chinese government that the vast majority of Tibetans advocate non-violent solutions to Tibetan issues and genuine autonomy – not independence or sovereignty – in order to preserve Tibet's unique culture, religion and its fragile environment. Regrettably, the Chinese government has not engaged in a substantive dialogue with the Tibetans since January 2010.

The U.S. government believes that the Dalai Lama can be a constructive partner for China as it deals with the challenge of overcoming continuing tensions in Tibetan areas. The Dalai Lama's views are widely reflected within Tibetan society, and command the respect of the vast majority of Tibetans. His consistent advocacy of non-violence is an important factor in reaching an eventual lasting solution. China's engagement with the Dalai Lama or his representatives to resolve problems facing Tibetans is in the interests of the Chinese government and the Tibetan people. We believe failure to address these problems could lead to greater tensions inside China and could be an impediment to China's social and economic development.

Another critical avenue for implementing the Act is our support for non-governmental organizations that work in Tibet and assist Tibetan refugees in the region. Both the State Department and the U.S. Agency for International

Development (AID) support cultural and linguistic preservation, sustainable development and environmental preservation in Tibet and Tibetan majority areas, as well as Tibetan refugee communities in other countries, through numerous programs. In addition, the State Department's Bureau of Population, Refugees, and Migration continues its long-standing support for Tibetan refugees through ongoing support to non-governmental organizations as well as the United Nations High Commissioner for Refugees (UNHCR). In fiscal year 2010, $3.5 million was provided to support reception services, education, healthcare, and water and sanitation for Tibetan refugees in South Asia, including new arrivals from China. Under Secretary Otero recently visited our programs in India and Nepal where we assist Tibetan refugees, and where we are actively seeking ways to strengthen Tibetan refugee settlements.

The U.S. Agency for International Development's India Mission expects to issue an award for a new $2 million, two-year program to support Tibetan settlements in India, Nepal, and Bhutan in July 2011. The new program will support the development of organic agriculture for selected Tibetan settlements in India, Nepal, and Bhutan; and build a workforce among Tibetan youth remaining in the settlements. USAID anticipates the program will result in increased economic opportunities which will encourage youth to remain in the settlements, strengthen community ties, and preserve cultural and linguistic traditions.

We are extremely concerned about the deteriorating human rights situation in China and in particular in the Tibet Autonomous Region and other Tibetan areas. Recent regulations restricting Tibetan language education, strict controls over the practice of Tibetan Buddhism and the arrests of prominent non-political Tibetans reflect the difficult human rights situation there today.

Religious restrictions in Tibetan areas have dramatically worsened in recent years. Discriminatory religious policies exacerbated tensions between Han Chinese and Tibetan Buddhists and triggered the 2008 riots that claimed the lives of Han and Tibetan civilians and police officers. Chinese authorities control Tibet's monasteries, including the number of monks and nuns and interfere in the process of recognizing reincarnate lamas. Monks and nuns are forced to attend regular political "patriotic education" sessions which sometimes include forced denunciations of the Dalai Lama. . Reports state that as many as 300 monks were forcibly removed from Kirti again in April of this year, and paramilitary forces still have the monastery on lockdown. To date, we have no further information about the welfare and whereabouts of those monks that were removed.

The effects of China's Tibet policies are well-documented in the separate Tibet sections of the State Department's 2010 International Religious Freedom

Report and the 2010 Country Report on Human Rights Practices in China, released by Secretary Clinton on April 8. Our reports state clearly that the Chinese government represses freedom of speech, religion, association and movement within Tibet and routinely commits serious human rights abuses including extrajudicial killings and detentions, arbitrary arrests and torture. Our reports also reference the forcible return of three Tibetans to China from Nepal in June 2010, the first confirmed case of forcible return of Tibetans from Nepal since 2003.

The Administration's engagement on human rights issues in Tibet is high-level and consistent. President Obama and Secretary Clinton have spoken on these points directly to Chinese officials many times, including to President Hu during his January 2011 visit to Washington. The President and Secretary Clinton met with the Dalai Lama in February 2010, and the Secretary raised Tibetan issues directly and at length during the 2010 and 2011 Strategic and Economic Dialogues with China. Undersecretary Otero has met with the Dalai Lama four times since October 2009, and with his special envoy, Lodi Gyari, nine times in the past twelve months. Other senior officials have engaged Mr. Gyari as well.

During the April 2011 Human Rights Dialogue in Beijing, Assistant Secretary Posner and I raised our concerns about China's counterproductive policies in Tibetan areas of China, reiterated our call for a resumption of dialogue, and raised specific cases. We were joined in that effort by then-Ambassador Huntsman, who visited the Tibetan Autonomous Region in September 2010. The U.S. Mission in China has made visiting Tibetan areas and engaging on human rights and religious freedom in Tibetan areas a top priority. While in Beijing in April, we met with United Front Work Department, which handles Tibet policy for the Chinese Government, and pressed the Chinese to set a date with Lodi Gyari for the next round of talks. We also met with Minister Wang Zuo'an [WONG ZHUO AHN] from the State Administration of Religious Affairs. Separately, we provided to Chinese authorities a comprehensive list of individuals from across China who have been arrested or are missing; that list included many Tibetans, including six cases that we specifically mentioned in our meetings.

Our goals – to promote a substantive dialogue between the Chinese Government and the representatives of the Dalai Lama, and to help sustain Tibet's unique religious, linguistic and cultural heritages – are designed to further the intent of the Tibetan Policy Act of 2002 and create a more stable and more prosperous Tibet where Chinese authorities recognize and foster internationally recognized human rights. In furtherance of our goals, we have, since 2005, made the establishment of a consulate in Lhasa a priority. We continue to press the Chinese government to answer our request, while we reiterate our long-standing interest in regular and comprehensive access to Tibetan areas for international

diplomats, journalists and non-governmental organizations. The State Department offers Tibetan language courses at our Foreign Service Institute and our staff at Consulate General Chengdu includes Tibetan speaking staff. In addition, we are working to translate our human rights and religious freedom reports into the Tibetan language. These measures reflect the Administration's continuing commitment to fully and effectively implement the Act, so that Tibet's unique culture and environment are preserved and allowed to prosper in the 21st century.

Chairman ROS-LEHTINEN. Thank you very much.

Thank you trio for excellent testimony.

I would like to ask about the Dalai Lama's upcoming visit, as you related the meeting that had taken place. But during the Dalai Lama's October 2009 visit to Washington, he was not invited to meet with President Obama at the White House. The President then had a state visit to China just 1 month later, and prior to that the Dalai Lama had met with every President during every visit to Washington since 1991.

The Dalai Lama, as you pointed out, did meet with President Obama in February 2010, but was escorted out a back door, blocked by snow drifts and garbage bags. We have all seen that disrespectful image. His Holiness, the Dalai Lama, is coming back to Washington this July, next month. Do you see any reason why the White House would not invite the Dalai Lama to meet with the President next month?

Mr. BAER. Thank you, Madam Chairman. As you said, every President for the last 20 years has met with the Dalai Lama as an internationally recognized religious leader and a Nobel laureate, and including President Obama. I don't know the specific plans for the upcoming visit, but I know that he met with him in February 2010, and we are aware that the upcoming visit is planned for July.

Chairman ROS-LEHTINEN. I would strongly encourage the President to pay the proper respect that this leader deserves, and that that sad escort out the back door was shameful. He deserves better treatment than that. So we hope that they have a productive meeting, and we also hope that he is treated with the respect that he has earned.

On Burma, I would like to ask about the administration's pragmatic engagement policy, whether it is principled engagement, pragmatic engagement, with the junta in Burma. It is a test case for President Obama's statement that he made, his inaugural pledge to "extend a hand, if you are willing to unclench your fist." However, this engagement policy appears to have borne little fruit.

Since its adoption, we have seen an American citizen imprisoned and tortured, Burmese generals engaged in possible nuclear proliferation with North Korea, a flawed election last year, and the continued imprisonment of over 2,000 political prisoners, with only one, Aung San Suu Kyi, released. Can you please comment on what, if anything, has actually been gained from over 2 years of this pragmatic engagement with the generals in Burma?

Mr. YUN. Thank you, Madam Chairman. I would agree with you that the engagement side of our dual-track policy has yielded very, very limited, if any, gains so far. I wouldn't like to point any items as having made progress.

I think there are a number of enormous challenges there. Number one, what do we do about political repression, as you mentioned, represented by over 2,000 political prisoners?

What do we do about ethnic minority groups that are especially on the border area that continues to be deprived of some of the basic rights; and then, number three, the economic backwardness and lack of basic health care, basic education, and so on. While we do very much admit that engagement has made very little traction,

I think our overall assessment is we got to continue the dual track side, both engagement as well as pressure track.

We would say that one of the more bright aspects is our effort to engage ASEANs, especially neighbors such as Vietnam, Indonesia, Thailand, and other countries, and I think they are coming around to having a discussion with us. If anyone has leverage over Burma and the government, we believe it is the neighbors in ASEAN. So working with that side, the regional side, multilateral side, we believe very important, and we are having some traction there. Thank you.

Chairman ROS-LEHTINEN. Thank you, sir. Ambassador King, congratulations on gaining the release of U.S. citizen Eddie Jun. As you know, many of us have been worried about any quid pro quo about food aid in exchange for his release. I know that you spoke about it in your statements, but we worry that, if there had been any discussions about an exchange for someone's life, that that only encourages these hostile regimes to take further hostages so that they can get something in return. But my time is up, and I will be glad to yield now to my friend, Mr. Berman, for his questions.

Mr. BERMAN. Thank you very much, Madam Chairman. I have 5 minutes for both question and answers. We have three countries, three witnesses. So I will try to keep myself under control and ask three questions, and then—ask questions to each of you, and then, hopefully, enough time for you to answer.

North Korea: Ambassador King, assuming a decision is made to provide food aid based on this need criteria, what can we realistically do to ensure there is no diversion of that food assistance?

Mr. Baer, we now give assistance, about $16 million a year, helping Tibetan refugees who cross the Himalayas, helping Tibetans preserve their cultural identity, giving political support to the Dalai Lama in negotiations with Beijing. How would cuts to these programs affect the Tibetan refugee population in India and Nepal as they seek to preserve their culture? Would the Chinese Government see or portray such cuts as diminishing support for Tibet in the U.S.? Would this action undermine—not that I see great hope for it—the Tibetan-Chinese dialogue that the U.S. has promoted?

Mr. Yun, on Burma: The chair asked a question that I was going to ask regarding what we are getting. I supported the decision to go to a principled and pragmatic engagement with Burma, but 2½ years later, one asks, other than Aung San Suu Kyi, what we have gotten for it. What role will the special envoy play on things like the Burmese regime's refusal to release all political prisoners? Play that out for us, what do we do now?

Ambassador KING. Do I get to go first?

Mr. BERMAN. 3 minutes left.

Ambassador KING. I will take one. With regard to monitoring and being certain that food is not being diverted, if we provide food aid to North Korea, there are a number of things that we have done in the past that we continue to work on with the North Korean Government now. First of all, we would provide monitors who would be on the ground in North Korea, who would have access to the delivery of the food, who would follow its delivery and make sure that the food that is allocated would be delivered to places where it is supposed to arrive.

We would make sure that those monitors are Korean language speakers or that there are Korean language speakers there, so that we will be able to follow it fairly closely.

The kinds of food we provide would be the kinds of food that are less desirable for the elite, for the military. For example, we would not provide rice. We would focus on some kind of a nutrition program that would provide other kinds of food that would be harder to divert, and we would also bring the food in at a very deliberate pace rather than having a large amount come in at one time that would have to be delivered in large quantity.

So it is a process that we have developed over time that, I think, would be——

Mr. BERMAN. I can't control myself. Let me add a question to this mix. What would a decision to provide food aid—how would that affect South Korea? What would their reaction be to that decision?

Ambassador KING. We have had lengthy discussions with South Korea about providing food assistance. They would prefer that we not provide food assistance. On the other hand, they have allowed NGOs in South Korea to provide on their own.

Mr. BERMAN. Mr. Baer?

Mr. BAER. Thank you, Mr. Berman. You asked about the $60 million a year of programming support that we provide both within and to Tibetans outside of Tibet. One way to look at that is, depending on how you count, it is about $2 a person for Tibetans, and I think those investments are very well made in terms of supporting the sustaining of linguistic, cultural, religious culture as well as in providing support, particularly for the refugee communities in neighboring countries.

You asked what the impact would be. The impact would be significant of reducing that, I think, both the direct impact on the people who benefit from that support and, as you rightly put, we can't control the way that a cut like that would be perceived, and we can predict that it would likely be perceived as a weakening of our commitment in a political sense.

So we very much support continuing that support for the Tibetan people.

Mr. BERMAN. Mr. Yun, you got 20 seconds.

Mr. YUN. Thank you, Mr. Berman. We cannot do this alone. We have to have the international community with us to bring about any significant change in Burma. That means especially the Asians, Southeast Asians, Europeans. They have to be with us. We cannot do it alone, and that will be the main job, I believe, of the special envoy.

Chairman ROS-LEHTINEN. You did a good job of controlling yourself. Thank you. Mr. Smith, the subcommittee chairman on Africa, Global Health, and Human Rights.

Mr. SMITH. Thank you again, Madam Chair. Let me just ask Mr. Baer. I guess my question would be to you. Mr. Gere in his testimony notes that the Chinese Government has intensified its already restrictive policies that undermine Tibetan culture and religion, increasingly so since the 2008 uprisings in Tibet.

Tibet remains largely sealed off to the outside world, and he goes on to talk about how hundreds of Tibetans, including monks and

nuns, remain imprisoned for engaging in nonviolent dissent, and are subjected to torture or reeducation.

He concludes in his testimony that China, again, is intensely focused on debate for rational and irrational reasons, and obviously makes a strong appeal and admonishes all of us to push for the autonomy issue as a win-win situation.

My question is: What role, in your opinion, does Hu Jintao, the man who, when he was deployed to Tibet in 1989, even before that—he met with the Panchen Lama mysteriously, the Panchen Lama, we believe, was murdered. Nobody knows for sure, and it was Hu Jintao who ordered, as we all know, martial law and a crackdown in the immediate aftermath when the Dalai Lama got the Nobel Peace prize, all of this immediately prior to the Tiananmen Square massacre. Then all of a sudden, Hu Jintao is on a meteoric rise, a vertical rise, in the government, obviously landing where he is today.

So my question is the Hu factor. Do we fully appreciate the bias, the, I would call it, hatred that Hu Jintao has toward the Tibetan people, the monks, the Dalai Lama in particular, and when President Obama did meet with him, many of us were profoundly disappointed that, when he had his press conference with Hu Jintao at the White House followed by a state dinner with all the flourishes, that human rights were not addressed by the President of the United States publicly.

It was so bad that the Washington Post editorial the next day noted that President Obama defends Hu on rights, and President Obama went on to say that they have a different culture, they have a different political system. Yet the culture is one that desperately desires freedom and democracy, and the political system happens to be a brutal dictatorship. Don't offer a defense for that, President Obama. And yet he did.

So my question is—and I know you can say how many times we have dialogues and this and that, but it seems to me that, if there is not a focused, concerted, consistent, predictable, absolutely transparent statement from the President of the United States to his counterpart unelected dictator, Hu Jintao, much of what we are trying to do collectively on both sides of the aisle to help the Tibetan people and all those who are suffering in China goes and is laid aside.

The Hu factor, the autonomy—was autonomy raised by the President in his visit with Hu Jintao at the White House or at any other meetings, and again that press conference will long live in my memory and many others' as a grotesquely missed opportunity. He could have done it in very diplomatic tones, but he didn't. So if you could.

Mr. BAER. Thank you, Congressman. First of all, I agree with you that President Hu's record on Tibet is not a good one. President Obama engaged him directly on the autonomy issue on his visit, and he also called for him, publicly, to meet with the Dalai Lama in February of this year.

I agree that we need to maintain a focused, concerted effort. We need to not lose focus, and we need to not let things fall by the wayside. We need to continually raise these issues. When I was in Beijing in April with assistant Secretary Posner for the Human

Rights Dialogue, this was raised repeatedly in many meetings with different parts of the Chinese Government.

I think that Secretary Clinton and Vice President Biden, most recently when the Chinese were here for the strategic and economic dialogue, made clear that not only the issue of Tibet, which the Secretary raised at length in her meeting with her counterpart but also the broader issue, the broader repression in China right now is a serious, serious concern.

It is problematic for the U.S.-China relationship. As Vice President Biden said, we can't have a firm foundation for that relationship——

Mr. SMITH. On that point, if I could, because I am almost out of time: Sophie Richardson asks—she has a number of urges to the committee and to the administration—that there needs to be an ask for the release of Tibetan prisoners prior to Vice President's visit to China later this summer. Will Vice President Biden ask for the release of those prisoners before his visit, and insist upon it?

Mr. BAER. We routinely ask, and I expect that we will continue to routinely ask for the release of not only Tibetan prisoners but other prisoners. We raised the case of Gao Zhisheng, who you raised. The Secretary has raised his case several times, and we will continue to do that. Yes.

Chairman ROS-LEHTINEN. Thank you very much. Thank you, Mr. Smith. Mr. Connolly is recognized for 5 minutes.

Mr. CONNOLLY. Thank you, Madam Chairman. Mr. Baer or Mr. Yun, with respect to Burma, the administration announced back in the fall of 2009 a shift in policy toward—we characterized as pragmatic engagement. In the ensuing 20 months, are there things we can point to that we think show positive development from a shift in that policy to pragmatic engagement?

Mr. YUN. Thank you very much. As previously mentioned, I think the key item, the key gain from principled engagement is our ability to have meaningful exchanges with neighbors, ASEAN countries as well as the regional countries. I would agree with Madam Chairman's assessment that, in terms of concrete gains coming out of Burma, we have had very few.

Mr. CONNOLLY. Not much.

Mr. YUN. Yes.

Mr. CONNOLLY. In terms of human rights, good for them in positively engaging with their neighbors, but what about internally in terms of the plight of Burmese citizens who are still incarcerated, detained, and abused?

Mr. YUN. That remains the same and deplorable. There are still about 2050 political prisoners there.

Mr. CONNOLLY. One likes the idea of pragmatic engagement, but one wonders whether that policy is working.

Mr. YUN. I think, having said that, we have had this policy for now about 2 years, and I think we should give it a chance. In order for any policy to work, we have to bring along the international community. We cannot do it alone, and how do you bring along the international community? I think that is the key question.

Right now, you have heard ASEANs saying that, in January, that sanctions ought to be lifted. So we need to engage them saying that we need to go the same direction. As you know, what has hap-

pened in Burma is that it has turned increasingly to China, and how do we manage that in terms of their less dependence on other countries and more dependence on China?

So I think all these things have to be taken into account, and to say that right now the engagement policy has had limited gains, I don't think it translates into we should not pursue it.

Mr. CONNOLLY. Yes, although it is your own testimony you just gave that said it was limited gains.

Mr. Baer, speaking of China, you cited the fact that Secretary Clinton brought up the issue of the Dalai Lama and the need for the Chinese to meet. How is that going?

Mr. BAER. The Chinese have not offered dates for another round of that dialogue since January 2010. That is the longest gap since the dialogue started in 2002.

We will continue to raise, as we have several times in recent months, the fact that we think that it is, as Richard Gere's testimony says, a win-win, that the dialogue can be a fruitful way of finding solutions to problems facing the Tibetan people, that raise tensions that are problems for the Chinese Government, and that they should not shy away from the dialogue. They should embrace the dialogue, that the Dalai Lama is a good interlocutor for them, and that the dialogue can be productive, if they will engage.

Mr. CONNOLLY. No, I understand our message, Mr. Baer. The question is results. Have the Chinese responded positively to that importuning from the Secretary of State?

Mr. BAER. They have not.

Mr. CONNOLLY. They have not. Do we have any reason to believe they are going to?

Mr. BAER. I hesitate to make predictions about the decisions of the Chinese Government. We will continue to raise it. I think that we will continue to press the point that it is in the pragmatic interest of the Chinese Government.

Mr. CONNOLLY. Well, as the chairman said, perhaps one way to do that is to make sure he is fully welcome at the White House. That might be an interesting symbol for the Chinese to underscore the point you are making.

Mr. King, Ambassador King, I have only 36 seconds, but don't we need, speaking of the Chinese, the Chinese, frankly, to use their leverage with the North Koreans if we are going to ever get behavioral changes in Pyongyang?

Ambassador KING. Definitely, and we are working with the Chinese. I think the Chinese find some of the same frustrations working with the North Koreans that we do.

Mr. CONNOLLY. There was just a visit by the North Korea leader to China. Do we have reason to believe that the Chinese sort of sat him down and a Chinese uncle talk with him?

Ambassador KING. We have reason to believe that they raised the issue of resuming the Six-Party Talks and more cooperative response on the part of the North Koreans, yes.

Mr. CONNOLLY. Thank you.

Chairman ROS-LEHTINEN. Thank you so much. Mr. Rohrabacher, the Subcommittee on Oversight and Investigations chair, is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, and especially greetings to Ambassador King on having him back with us.

One of the proudest moments I have had in my 22 years in Congress was when your former boss dragged up corporate leaders here to this hearing room to demand that they explain their complicity with the repression of the Chinese people, and I will never forget that, and I am very proud to have known Tom Lantos and served with him.

China has allied itself with the world's worst human rights abusers, and is itself one of the world's worst human rights abusers; and you find a rogue regime murdering its people, you will find an alliance with China in that equation.

We are trying to figure out why our protests haven't had any impact, why when Mr. Hu gets invited to the White House, he doesn't change his policies after something is mentioned somewhere to a Chinese official that we don't like repression.

This is nonsense. This is total nonsense. We have built the economy of China. We have created a Frankenstein monster. It has been American businessmen making profit off dealing with that repressive, corrupt regime that is the real message that America is sending to China. As long as we are sending technology and capital investment, building their economy, permitting them the technology they need to repress their own people, they are not going to take any protest from us seriously. What is this win-win?

The Chinese policy we have had has been a lose-lose, not only are the people of China losing and the people of Tibet and the other repressed groups there, the Uyghurs, and the people who want freedom of religion and democracy, the Falun Gong. Yes, they have all lost.

America has lost at the same time. We have our corporate leaders over there transferring all of our technological jobs and our basic industry to China, strengthening their dictatorship.

As long as we permit that to happen, don't think they are ever going to take us seriously about our protests that they put the Dalai Lama's next successor in prison, and we don't know where he is. Why should they? Why should they take us seriously, if there is no price for them to pay at all?

Madam Chairman, I think we need to call corporate America here, the way Tom Lantos did, and put them on record, because these guys are obviously giving the right message, but America by our policy and by our building up of their economy is sending the wrong message to the dictators in China as well as in Burma and North Korea and elsewhere.

One note. I would like to ask about Korea. There is a free trade agreement going through now with South Korea. Does that free trade agreement permit goods that are being built in that zone in which North Koreans can come down and work in that zone so that they don't have to pay them as much as they pay them in South Korea? Are we going to permit items from that zone to be exported into the United States under that free trade treaty?

Ambassador KING. I am sorry, Congressman. You are getting beyond my level of expertise on that. I know there has been concern about it.

Mr. ROHRABACHER. Well, I can tell you this much. We end up with a free trade treaty with South Korea that permits their business elite, of course, cooperating with our business elite, to sell products that were made basically by slave labor, people coming down from North Korea into that zone, working at wages that then go to North Korea—and they pay them a pittance, Madam Chairman, a pittance of that, and the rest of it will go to North Korea.

If we permit that to happen, how could anybody take us seriously that we believe that there should be sanctions on North Korea or that we are opposing the dictatorship in North Korea, when we are financing them, and we have been financing them for 15 years.

I think that the world, and especially these poor people who are repressed in these various countries—they can't hear what we say, because our actions are too loud. Our actions speak louder than our words, and they know when we are serious, and so do their oppressors.

We will have progress in this world when people know that America is serious about liberty and justice and who we are supporting, but we haven't been serious. Thank you very much, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Rohrabacher. Mr. Sires of New Jersey is recognized for 5 minutes.

Mr. SIRES. Thank you, Madam Chairlady. I think there are a lot of things that haven't been said here that should be said. One of them is the fact that I don't think the Chinese are ever going to take us seriously as long as we turn around, we say to them, look, we are worried about human rights, and at the end of the conversation say, look, we need another $100 billion. How can anybody take us seriously when we complain about human rights, when they go into a State Department, they hack our computers, they steal our technology, we protest, and they ignore it?

How can anybody take us seriously? We have the issue with bin Laden. We have the stealth helicopter. We had to blow it up. We were worried that the Chinese were going in there to steal the technology.

The relationship that we have with China is too uneven, because every time we turn around, we are borrowing money from China. So I think that is a factor that has to be taken into consideration every time we make a case for human rights. They are just not going to take us seriously.

They don't care. They are moving forward. We are moving backward. They just do not care about human rights. I guess we do have to make the efforts, but sooner or later, it has got to change.

I was just wondering, how would the election of a Tibetan prime minister affect the relationship between Tibet and China? Can anybody answer the questions? If we have an election where we have a prime minister, can you tell me, Mr. Baer, and the relationship between Tibet and the United States?

Mr. BAER. I am not sure how the recent election of the prime minister of the government in exile will affect the relationship with China. We continue to support Chinese engagement with the Dalai Lama and his representatives.

Mr. SIRES. That's it?

Mr. BAER. It has been the longstanding policy through a number of administrations to continue to see the positive benefits that are available to the Chinese of engagement with the Dalai Lama, because of the moral authority that he commands within Tibet and outside of Tibet, and to believe that that is the best path forward for political dialogue.

Mr. SIRES. Well, I am certainly of the opinion, as Mr. Connolly was, that I think the President should invite him and should meet with him. He is a world leader. He is someone who represents millions of people, and to have him to go through the back of the White House, that is just not acceptable.

We are supposed to be the leader in the world of human rights. We stand up for something. So for whatever it is worth, you might just want to relate to the President that there are a lot of people in this Congress that feel that he should receive and give him the honors that he deserves. Thank you very much.

Chairman ROS-LEHTINEN. Thank you, Mr. Sires. Judge Poe, the vice chair of the Subcommittee on Oversight and Investigations, is recognized for 5 minutes.

Mr. POE. Thank you, Madam Chair. Thank you, gentlemen, for being here.

I think the overall picture should be addressed, and the overall focus should be on China. China is the culprit everywhere in the world. No matter where we are, China is snooping around causing trouble, and it is not good for the United States, and it is certainly not good for people around the globe.

Human rights: China doesn't believe in humans or rights. It is an organized, criminal activity that is the government. They steal American trade secrets. They steal our products. They use slave labor, and yet they own most of our debt, and we seem to have, in my opinion, a little cozy relationship with the Chinese and don't take them for what they are.

North Korea: Human trafficking, engaged in human trafficking into China. I think China is in on it and, when you have people escaping from North Korea to China—not necessarily the greatest stellar rights organization in the world found in China—you know things are bad in North Korea as far as human rights go.

China gives a wink and a nod to the human trafficking of women into China. Probably goes back to their one child philosophy. I don't know, but it is going on, and that is just one of the many problems in China, besides Tibet, that is taking place as well.

Burma: Once again, you got the Chinese nose in Burma doing what it can to prevent, I think, human rights in that nation.

So I don't know if it is because they own our debt, if it is because we ignore the fact they are stealing all our products, then they reproduce them and then sell them back to the United States, whether they are a trade partner with us, but do we have as a nation a policy dealing with the human rights violator, China?

Their tentacles are through the world, North Korea, Burma, China, but as opposed to looking at each country by itself, do we have a policy of dealing openly and honest with the world and Americans about the Chinese tentacles of consistently violating the rights of people throughout the world? Mr. Baer, do you want to weigh in on that?

Mr. BAER. That is a big question. Look, I appreciate and agree with the fact that China, both domestically and as an international actor, has a very deeply disappointing record on human rights.

I think that one of the things that will define our engagement with China on human rights in the years ahead is the increasing degree to which we recognize that, when we advocate for human rights and when we raise it, as we do and as we should and as Secretary Clinton did publicly during the strategic and economic dialogue, as Vice President Biden did, as President Obama did a few months earlier, as we continue to do that, it is not really about us.

It is about us in that our commitment to human rights is deeply a part of who we are, but what we are advocating for is that the Chinese Government should recognize that people want to be treated with dignity. people everywhere want to be treated with dignity, and it is not sustainable to deprive them of that.

The desire of the Chinese people and the people in other countries with which the Chinese have relations, including North Korea and Burma, to voice their own view of their futures, to have a say in how they are governed, to be able to freely assemble and associate and express themselves online—that is a right, a universal human right that will not be denied. It will not be denied forever.

Mr. POE. Let me reclaim my time. But do we have a policy of dealing with China, not just with the human rights violations in their own country, but the fact that they are snooping around all over the world violating human rights of other people in their country? Do we have a plan?

China ignores us. They don't take us seriously. Is it because they control our debt, because of the balance of trade? They just ignore what we have to say. Do we have a plan? I guess that is what I am asking. Then I will ask Mr. King to weigh in on that or Ambassador King to weigh in on the remaining of my time.

Mr. BAER. Sir, yes, we do engage with them on their engagement outside of China. It is an issue that I myself raised during the human rights dialogue and that the Secretary and others have raised in our engagement with them, because, obviously, China's influence is not just within the context of our bilateral relationship but also as a rising player in the globe.

So we certainly engage them, and we certainly engage them not only on their economic and military influence, but also on their influence on human rights conditions.

Chairman ROS-LEHTINEN. Judge, we are going to hold Dr. King. Maybe someone will follow up. Thank you.

Mr. POE. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Mr. Burton, the chairman of the Subcommittee on Europe and Eurasia, is recognized for 5 minutes.

Mr. BURTON. Thank you, Madam Chairwoman. There is an estimated 8–10 million people in reeducation camps or gulags in China, and I would like to follow up just briefly on what Mr. Smith was talking about, that we rolled out the red carpet for the head of the Chinese Government, and at the press conference there was no mention about the human rights violations that are taking place there and in the other countries that surround China. Do you have any idea why this administration and why the President hasn't been very public about these horrible human rights abuses?

I would really like to know. Mr. Poe just mentioned, is it because of the debt that we have with them, the $1 trillion-plus debt, or what is the reason the administration in a diplomatic way can't be very, very strong in expressing our concern about the horrible human rights situation that the Chinese have and use in that part of the world?

Mr. BAER. I share your view that it is critically important to make it clear to the Chinese Government that their human rights practices, including the reeducation through labor camps, etcetera, are not satisfactory, are intolerable, and that they are a serious issue to the United States Government and an impediment to our bilateral relationship. But I believe that they know that.

Mr. BURTON. Well, when the head of the Chinese Government comes here and gets the red carpet treatment, and they have a state dinner for him and they then have a press conference with the President of the United States, it seems to me that there should have been some mention of the human rights atrocities that are taking place over there and in the surrounding countries.

Mr. BAER. I believe that President Obama did raise human rights concerns publicly with President Hu, and I can tell you that, from the way that the Chinese Government reacts when we raise human rights, that they are aware that this is a serious concern and that it is a serious concern to them that we are concerned.

Mr. BURTON. Well, if that is being done or if that has been done, I am not aware of it. I have been on the Foreign Affairs Committee now for a long, long time, and since this administration took place, I have heard nothing from the White House about the human rights violations and atrocities that are taking place in that part of the world.

I would like to also ask Ambassador King. South Korea opposes giving food aid to North Korea. They are closer to the problem and know more about the problem of North Korea than probably anybody, because they are threatened by North Korea all the time.

You said that there are monitors that go in when we send food aid, and obviously, we want to feed starting people. But I remember Mengistu in Ethiopia, and Mengistu was taking millions of dollars worth of food and the trucks to deliver the food to the starving masses in Ethiopia, and he was selling it to italy and to other countries.

So I would like to know how we monitor that and, if we are monitoring that and it is helping the North Korean people, why is it that South Korea is opposing it? There must be some reason, because they are at loggerheads with North Korea all the time.

Ambassador KING. We have a particularly close relationship with South Korea. We work with them very carefully, very closely. We consult with them on issues that relate to North Korea and that relate to regional security issues.

We agree with them on many issues. There are some issues that we disagree. We have not made a decision to provide food. We are considering the possibility, and we have sent a team to determine whether there is a need that would justify it.

Mr. BURTON. Well, you said you were in Pyongyang, and you met with them, and you anticipate going back, and you have a fairly good relationship with them. I would hope that the President of

South Korea would be included in your discussions, not necessarily with the North Koreans, but that you would have the opportunity to sit down with him and find out in detail the reasons why they think this is a mistake, number one; and number two, I think it is extremely important, if the administration goes ahead with this humanitarian aid, that it gets to the people who are starving to death there.

Like money, like gold, you can move it around to the benefit of the government in question, and I certainly wouldn't like to see 20 percent of the people in North Korea continue to starve while this food aid or the money from the food aid goes to the Government of North Korea so that they can further their Communist ideology.

Ambassador KING. I have spent more time—a lot more time in South Korea than I have in North Korea, and I have met with very senior government officials, and we have had long conversations about the food aid situation.

In terms of the monitoring, we have experience in the past. We have provided some food aid to North Korea in 2008, 2009. We had a letter of understanding in terms of how the aid would be monitored, and we think we were reasonably successful in terms of assuring that the aid that we provided was going to those who were most in need, to children, to nursing mothers, to the elderly, and we have ways of monitoring to make sure that it does.

Mr. BURTON. Well, I hope that is the case. I remember when we had the nuclear issue, we thought they were going to be trustworthy, and they weren't then as well.

Ambassador KING. Well, that is why we verify.

Chairman ROS-LEHTINEN. Thank you very much. Congresswoman Schmidt of Ohio is recognized for 5 minutes.

Ms. SCHMIDT. Thank you, Madam Chair, and I first am going to direct my attention to Mr. Baer.

Last fall I had the rare opportunity, quite by accident, to have a private meeting with the Dalai Lama for almost 30 minutes, and I found him to be a remarkable, honest, holy man, somebody that exudes peace and tranquility, and there were a few messages that he gave to me, one being to make sure that you take care of your family, but he also wanted me to understand that the family extended beyond the borders of those that are in my own home.

So now I feel a little bit of a responsibility toward my extended family in Tibet and the human rights atrocities that are occurring because of the Chinese Government.

First, a simple little question, because I don't know whether this reflects the attitude of the administration or we just haven't gotten around to it, but I understand that today, and much of 2010 as well, there has only been one permanent staff member in the Tibet Coordinator's office in this administration. Yet under the appropriations legislation, the Tibet office has been given a $1 million annual budget for three staff members. Can you tell me why the Tibet Coordinator's office is not fully staffed? That is just a simple question.

Mr. BAER. Thanks very much. You are right. There is one permanent staff member currently in that office.

Ms. SCHMIDT. But it has been over a year. Why don't we have three? Why aren't we working harder?

Mr. BAER. The transition in the last 6 months—the current occupant of the permanent staff member sitting is directly behind me right now, and the former occupant is now working for Senator Kirk. So there is only one permanent staff member. You are right.

Since the coordinator is in the Under Secretary's office, there are a number of us who work on a daily basis——

Ms. SCHMIDT. Mr. Baer, we appropriated money for this particular office to focus on this particular issue, and while we can talk about all the other reasons why China is acting in the way that it is, this is just one little thing that is a simple fix. If we gave you the appropriations for three staff members, maybe we can do a better job resonating the problems that Tibet is undergoing if we had it fully staffed.

So it has had well over a year. Why isn't it fully staffed?

Mr. BAER. I understand, Madam Congressman. We have been trying to bridge the gap with visiting fellows, etcetera, and we will have—assuming the final security clearance goes in, we will have the second full staff member in the next few weeks.

Ms. SCHMIDT. Moving on, I can see we are not going to be doing this in a quick time frame, and I have only a few seconds left.

In eastern Tibet, sir, the Kirti Monastery is under siege by the Chinese security forces. Following the self-immolation by a Tibetan monk in April who was protesting Chinese policies, policies that he could no longer tolerate, the police descended on the monastery, and some 300 monks have been taken away for "patriotic education." I fear what that means to them.

Two townspeople were killed trying to protect the monks from being taken away. What has this administration, albeit limited with only one person on board, done to protest the crackdown on the Kirti monastery? Was it brought up in the recent U.S.-China human rights dialogue and strategic and economic dialogue, and have you as diplomatic personnel sought to visit Kirti Monastery to assess this situation?

Mr. BAER. Thank you. I will try to be expeditious in my reply. Yes, as soon as we heard about the reports about the events at Kirti, starting with the self-immolation on March 16 and the crackdown following, we immediately engaged, but we raised this incident at length, particularly, in a meeting with United Front Work Department in Beijing.

Ms. SCHMIDT. Have we visited the monastery?

Mr. BAER. We have not visited the monastery.

Ms. SCHMIDT. Why haven't we visited the monastery?

Mr. BAER. We have requested a visit to the monastery. We requested that several times during the course of the humans right dialogue, both with our interlocutor at the MFA, as well as the State Administration for Religious Affairs, as well as the United Front Work Department. We have made it clear that, if the Chinese Government would—if the reports of the Chinese Government are accurate, they should not——

Ms. SCHMIDT. What would happen if we just showed up at the door and said I want to look?

Mr. BAER. My understanding is that it would be very difficult for us to get to the door.

Ms. SCHMIDT. Have we ever tried?

Mr. BAER. I do not know the answer to that question.

Ms. SCHMIDT. Thank you.

Chairman ROS-LEHTINEN. Thank you very much, Ms. Schmidt. I am very pleased to recognize Ms. Buerkle, the vice chair of Subcommittee on Terrorism, Nonproliferation, and Trade, for 5 minutes.

Ms. BUERKLE. Thank you, Madam Chairman. Quite honestly, I am sitting here listening to China's record, the concern that we have, whether it is that they own our debt, the abysmal human rights record that they have and they continue to perpetuate, and as I listen to you all, it is a pretty tepid response we are getting here today. There doesn't seem to be a sense of urgency.

So with that, I want to follow up with my colleague, Judge Poe. He talked about a plan and understanding and appreciating—making sure this administration understands and appreciates what is going on.

We didn't get to Ambassador King about his thoughts. If you can articulate for us, what is this administration's plan that illustrates to us an appreciation of what is going on?

I guess I would ask all of you, why the tepid response? There doesn't seem this sense of urgency. Is it because they own our debt? Is it because we—you know, we are tiptoeing around here.

Mr. Baer, you mentioned that—this is when you were asked by Judge Poe about the plan, you said it is not about us; China should recognize that people wanted to be treated with dignity.

Well, guess what? They don't, and they won't unless the United States of America stands for and sends a clear message to them that we are protectors and preservers of human rights. That is what the United States of America stands for, and that should be the message that they get from us.

So I will just give you an opportunity to respond to that, and I want to save to 1 minute to yield to my colleague, Mr. Smith from New Jersey.

Mr. BAER. Let me be brief, and then my colleagues can weigh in. I appreciate very much your comments, and I share with you the sense of urgency about the condition of human rights in China. There has been a backsliding in recent months.

It is of deep, deep concern, and I don't believe that either—speaking for myself or for Secretary Clinton, that there is any tepidness in our response. I think the comments of Secretary Clinton starting in January on the eve of President Hu's visit, her comments at the rollout of the human rights reports, her comments at the recent strategic and economic dialogue have made it very clear that we see this as an urgent concern, that we see it as China not acting in China's interest, but as Secretary Clinton said, through the arc of history countries that disrespect human rights will be less likely to be stable, prosperous and successful.

So we have made it very clear, I think. It hasn't been tepid at all, and I would say to you today, I certainly—for my own part, in my work within the department and when I travel to Beijing, Ambassador Huntsman was engaged. I expect Ambassador Locke to be deeply engaged in these issues.

These are an urgent concern for the United States Government.

Ms. BUERKLE. If I could just interrupt here, why then—how do you account for the backsliding that you just referred to?

Mr. BAER. Well, the backsliding has to do with decisions made by the Chinese Government, and it is true that we, the United States Government, are not the only lever that affects how the Chinese Government makes their decisions, but we are taking a number of actions to make clear to them that, from our perspective, this is not in their interest, and it is also inconsistent with what we need to see in order to have a positive bilateral relationship in the future.

Ms. BUERKLE. Thank you. I have 30 seconds left before I yield to the gentleman.

Ambassador KING. I will be quick. One of the difficulties with our relationship with China is that it involves not only human rights but a whole range of other issues.

We depend on the Chinese in terms of dealing with Iran. We depend on the Chinese in terms of dealing with North Korea. The Chinese are a major player economically. The Chinese are a major player in the United nations, and we have things we would like them to do in the Security Council.

Human rights is one of many issues, and we don't have the luxury of being able to concentrate just on human rights. Human rights is important. We try to put our efforts into it, and we, I think, have made some progress in that area.

Ms. BUERKLE. Thank you, Ambassador King. I yield my time.

Mr. SMITH. Thank you, Ms. Buerkle. I appreciate you yielding. Let me just ask Mr. Baer a brief question.

Since Nuremberg war crimes tribunal and Tokyo as well, it has been very clear that there is no statute of limitations on either genocide or crimes against humanity. A few days ago Bosnian Serb Miladic was found and will face trial at The Hague for genocide at Srebrenica and crimes against humanity for the bombing of Sarajevo.

As we all know, Hu Jintao ordered the murder of Tibetans in 1989. It began his rise to power where he now metes out terrible human rights abuse on a daily basis. My question is: I believe it is time for an emphasis not just on government responsibility, but on holding individuals personally responsible.

So my question would be: Do you believe, does the administration believe that Hu Jintao and others who are committing crimes against humanity and genocide, especially in Tibet, each and every day should be held accountable at The Hague or any other venue like it?

Chairman ROS-LEHTINEN. Thank you, Mr. Smith. That is an excellent question.

Mr. SMITH. That is a yes or no question.

Chairman ROS-LEHTINEN. I am very sorry, but we are out of time, and I thank the panelists for appearing before us, and we hope that you come back again with more concrete answers.

Chairman ROS-LEHTINEN. Now I would like to introduce our second witness panel. The chair is pleased to welcome our witnesses.

Mr. Richard Gere really needs no introduction. While Richard is celebrated throughout the world for his impressive career in film,

he is here today in another role of equal importance as an advocate for His Holiness, the Dalai Lama and the people of Tibet.

Richard's interest in Buddhism in Tibet traces back to a trip he made to Nepal in 1978. He is co-founder of the Tibet House, the creator of the Gere Foundation, and the chairman of the board of directors of the International Campaign for Tibet. He has previously appeared before this committee as a witness in March 2007 under the chairmanship of Tom Lantos. We are very glad to have you back, Richard, and I thank you for being always so gracious as we line up our summer interns, and you are very kind to take a photo with each and everyone of them.

Next we have Mr. Aung Din, who also previously testified before this committee in October 2009. Aung Din not only talks the talk, but he has walked the walk. Why do I say this? He has served over 4 years behind bars as a political prisoner in Burma. His arrest resulted from his political activities in 1988 when he helped lead the country's nationwide pro-democracy uprising as vice chairperson of the All Burma Federation of Student Unions.

After Amnesty International adopted him as a prisoner of conscience and helped gain his release, Aung Din came to Washington, DC. Here, he founded the U.S. Campaign for Burma, an umbrella group of Burmese dissidents in exile and American activists.

He has received a degree in master of international service from American University's School of International Service in 2007, as well as degrees from the Singapore Institute of Management and Rangoon Institute of Technology. Welcome back, Mr. Aung Din.

We also would like to welcome Mr. Chuck Downs, the executive director of the Committee for Human Rights in North Korea. He gave us a copy of his latest publication, "Taken: North Korea's Criminal Abduction of Citizens of Other Countries: A Special Report by the Committee for Human Rights in North Korea."

His career in defense and national security issues has spanned more than two decades. He previously served as Deputy Director for Regional Affairs and Congressional Relations in the Department of Defense's East Asia Office.

As a senior fellow at the National Institute for Public Policy, he chaired the North Korea Working Group, which provided policy recommendations to the Office of the Secretary of Defense.

He has published numerous articles in the New York Times, the Washington Post, and the Wall Street Journal, and is the author of a celebrated work on North Korean diplomacy, "Over The Line: North Korea's Negotiating Strategy."

He graduated with honors in political science from Williams College. Glad to have you, Mr. Downs.

Finally, the committee welcomes Sophie Richardson, the advocacy director of Human Rights Watch's Asia Division.

Ms. Richardson has conducted research and published articles in such publications as the Far Eastern Economic Review and the Wall Street Journal on democracy and human rights in China, Hong Kong, Cambodia and the Philippines. She is also a commentator on Asian human rights issues, having appeared on CNN, the BBC and the National Public Radio.

Ms. Richardson is a graduate of the University of Virginia and Oberlin College and speaks Mandarin Chinese. Welcome, Ms. Richardson, to our committee.

I kindly remind our witnesses to keep your oral testimony to no more than 5 minutes, and without objection your written statements will be made as a part of the record. So we will start with Mr. Gere. Thank you, Richard.

STATEMENT OF MR. RICHARD GERE, CHAIRMAN OF THE BOARD OF DIRECTORS, INTERNATIONAL CAMPAIGN FOR TIBET

Mr. GERE. How are you all doing, by the way? Everyone awake?

Madam Chairman, thank you so much for having this testimony today. This hearing is very important, and I, for one, am so extraordinarily moved by the words I hear but, even more so, the passion in the voices and the hearts of all of you on this committee. You are educated. You are feeling. You are committed people, and as a U.S. citizen we couldn't ask for more than that of you. So I thank you very much for bringing that with you today.

I have a long written statement. I think you all have that. I am not going to go through that, but I hope you would look at that later, because I spent a lot of time working on that. I will read the first few pages just for context, and I want to have more of a lively dialogue between us. I think it will be more fruitful.

Much has been covered, by the way, so many excellent questions and excellent responses. I felt a little sorry for Mr. Baer who, obviously, is a working stiff and is defending a lot of things that he probably personally doesn't want to defend, but he did a very good job at that. I want to thank him for being here and taking minimal abuse today.

As chairman of the Board of the International Campaign for Tibet, I appreciate the opportunity to testify here on an issue that challenges our moral compass and our ability to settle fundamental differences between people without resorting to violence.

There are few international issues that have remained unresolved as long as Tibet has, nor one that has so intensely engaged the emotions of the American people. We Americans care about Tibet. As Senator Daniel Moynihan once said, "The Chinese invasion of Tibet in 1949 does not become less criminal because it has remained in place over such a long period of time. The Chinese have been brutal. They have made no bones about it and have made no apologies."

The question of Tibet's incorporation into the People's Republic of China and the status of the Tibetans impacted by Chinese rule in an issue that continues to create obstacles in the U.S.-China relationship, and for good reason. China resolutely refuses to recognize the Tibetans' basic rights as defined not only by the Universal Declaration of Human Rights but also by the Chinese constitution that contains clear protections for national minorities, whether they are Uyghurs, Mongolians or Tibetans.

I would like to note that, more recently, we have begun to witness the same intensified persecutions against Chinese citizens also, artists, writers, poets, lawyers, free thinkers, even simple farmers who have been aggressively pursued, in some cases dis-

appeared, imprisoned or even tortured, all outside the framework of law. The vast apparatus of the People's Republic of China moves against any expression of free thinking that is perceived as challenging the authority of the Communist party, no matter how nonviolent or benign, which sounds suspiciously like North Korea, Burma and any other authoritarian regime on the planet.

I think we should view the subject of today's hearing, North Korea, Burma and Tibet, as case studies that are not dissimilar to failed systems where long simmering tensions have erupted into violence elsewhere in the world, cases we have seen today where legitimate grievances are left unattended, and fundamental freedoms are violently suppressed, where the voice of the people is stifled, and the rule of law fails to protect chronically and systematically.

Now to quote Secretary Clinton, Beijing is on a "fool's errand" to think it is immune to change or that it can continue to suppress the will of its people to communicate freely as human beings on this small interconnected planet.

If the concept of the will of the people is meaningful to us at all, as many of us believe—I think everyone in this room does—then we need to look very carefully at how we engage the People's Republic of China vis a vis Tibet. We can do, and we must do much, much better.

Just something I would like to offer before I finish this part of my discussion is that neither the International Campaign for Tibet nor the people of Tibet are interested in China bashing. We have no interest in China failing. We would like to see a successful China, but one that is worthy as being, as the Dalai Lama says, an older brother to the other nations of Asia, a kind, generous, open, beneficent entity in Asia, and for it to be that is a success, truly a success.

I think, if we follow our own hearts as Americans, and as we have evolved our own system and insist that all of our decisions vis a vis China come from that place, we can help them to become truly successful, and in that process, of course, Tibet will prosper. I have no doubt about that. Thank you all very much.

[The prepared statement of Mr. Gere follows:]

Testimony of

Richard Gere
Chairman, Board of Directors, International Campaign for Tibet

before the

House Foreign Affairs Committee
"Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korean Human Rights Act"

June 2, 2011

Madam Chairman, Congressman Berman, Members of the Committee:

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The question of Tibet's incorporation into the People's Republic of China and the status of the Tibetans impacted by Chinese rule is an issue that continues to create obstacles in the U.S.-China relationship, and for good reason. China resolutely refuses to recognize the Tibetans' basic rights as defined not only by the Universal Declaration of Human Rights but also by the Chinese Constitution that contains clear protections for national minorities whether they are Uyghurs, Mongolians or Tibetans. I would like to note that more recently, we have begun to witness the same intensified persecutions against Chinese citizens also. Artists, writers, poets, activists, lawyers and free thinkers -- even simple farmers have been aggressively pursued, in some cases "disappeared," imprisoned and even tortured – all outside of the framework of law. The vast apparatus of the People's Republic of China moves against any expression of free-thinking that is perceived as challenging the authority of the Communist Party -- no matter how nonviolent and benign -- which sounds suspiciously like North Korea, Burma and any other authoritarian regime on the planet.

We should view the subjects of today's hearing – North Korea, Burma and Tibet – as case studies that are not dissimilar to failed systems where long-simmering tensions have erupted into violence elsewhere in the world. Cases where legitimate grievances are left unattended and fundamental freedoms are violently suppressed where the voice of the people is stifled and the rule of law fails to protect, chronically and systematically.

To quote Secretary Clinton, Beijing is on a "fool's errand" to think it is immune to change or that it can continue to suppress the will of its people to communicate freely as human beings on this small, interconnected planet.

If the concept of the will of the people is meaningful to us at all -- as many believe it should be -- then we need to look very carefully at how we engage the People's Republic of China vis-a-vis Tibet. Here we can do and must do better.

We cannot engage the Chinese Government while forgetting our foundational principles of democracy and human rights. We cannot disconnect from people's quest for happiness -- therein lies the stability and international security for the whole planet. The more we create policies driven by a sustainable, long-term commitment to universal values, the less vulnerable our societies will be to sudden -- and often violent -- shifts in global dynamics.

Recent events throughout the world remind us that policies designed to maintain the status quo -- when the status quo is against the will of the people -- have failed. This is morally wrong and puts us on the wrong side of history.

President Obama has rightly championed the universality of human rights, and the Administration seems to have found a voice in discussing universal rights: "We support a set of universal rights. Those rights include free speech; the freedom of peaceful assembly; freedom of religion; equality for men and women under the rule of law; and the right to choose your own leaders." These rights are also the rights of Tibetans and Chinese, and as the US-China relationship evolves, we must define policies with China that uphold the moral framework of who we are as a people and advance the strengths of our bilateral relationship.

Congress understands this imperative. For years, you wrestled with the annual debate over Most Favored Nations trade status for China, weighing China's human rights record against the potential for U.S. business investment in China. I believe you eventually came down on the wrong side of this argument, granting China permanent MFN status, but in the debate, Congress wisely identified policies and resources to try to move China towards a more progressive political system, a system that would provide protections for the human and civil rights of its people and encourage the development of a vital civil society. In fact, if not for Congressional initiatives, I believe Tibet might not have survived, given the urgency and complexity of the U.S.-China relationship.

Now, I am no stranger to Capitol Hill. I know many of you well but many of you are new to this Committee and were not here for His Holiness the Dalai Lama's first congressional audience in 1987 or the Tibetan Policy Act in 2002, or the Congressional Gold Medal presentation in 2007 or the Committee's last hearing on Tibet in 2007.

I can tell you that you inherit an important legacy. Republican and Democratic Chairmen of this Committee and its Senate counterpart, Jesse Helms, Claiborne Pell, Ben Gilman

and Tom Lantos led their colleagues in a strong bipartisan response to the outrages in Tibet. I ask you to carry this legacy on.

Why has Congress acted so deliberately to help save Tibet? In March 2008, Democratic Leader Nancy Pelosi visited Dharamsala as protests against Chinese misrule spread across the Tibetan plateau. She poignantly described the human rights situation in Tibet as "a challenge to the conscience of the world." Speaker John Boehner, standing next to the Dalai Lama in the Capitol rotunda said, "the people of Tibet have become well-acquainted with brutality and cruelty…we will never forget the people of Tibet."

But much has changed since the Committee's last hearing on Tibet.

First, the Chinese government has intensified its already restrictive policies that undermine Tibetan culture and religion, increasingly so since the 2008 uprisings in Tibet. Tibet remains largely sealed off to the outside world. Tibetans' language has been downgraded, their economic resources appropriated by the state and the people have very little freedom of expression. Hundreds of Tibetans, including monks and nuns, remain in prison for engaging in nonviolent dissent and are subjected to torture or 'reeducation.' The Chinese Communist Party has even gone so far as to say that the reincarnation of Tibetan lamas cannot be recognized without the permission of the Party. This is a distinct violation of a religious and cultural tradition that has been in place for a thousand years. This from a communist government that is by its own definition atheistic.

There are also now more Chinese than Tibetans living in Tibet's capital, Lhasa while other areas remain under a form of military occupation. In Ngaba county, eastern Tibet, a young monk named Phuntsok recently set himself on fire in protest of the harsh reality Tibetans inside Tibet continue to endure. His death prompted prayers – not revolt – but the Chinese authorities fearing the spread of a jasmine-like revolution in already restive Tibet – locked down Phuntsok's monastery, no food, no communication, no prayers -- and relocated some 300 monks to unknown locations for enforced "patriotic reeducation."

Second, His Holiness the Dalai Lama has fully devolved his responsibilities in the Tibetan exile government to a democratically elected Prime Minister who will serve as the Tibetan people's head of government. This is the culmination of the Dalai Lama's decades-long effort to build a genuine democracy for his people. Today, this exile government does function democratically with three distinct branches, the Central Tibetan Administration, the Parliament in Exile and the Supreme Justice Commission.

The new popularly-elected prime minister, or *Kalon Tripa*, is Dr. Lobsang Sangay. This remarkable new leader was born a refugee in India. His parents, originally nomads, sold a cow to pay for his education. He seized the opportunity -- provided by the Untied States Congress -- to study in America under the Tibet Fulbright Program, which has brought more than 300 Tibetans to American universities since 1993. Lobsang Sangay earned his law degree from Harvard University and was serving as a Research Fellow at Harvard's East Asian Legal Studeis Program at the time of his election. He now returns

to India to guide the Tibetan people through this unprecedented transition.

I urge the Committee to hear directly from Tibetan leaders who represent the views and priorities of their own people. His Holiness the Dalai Lama will be in Washington for 10 days in July. Lobsang Sangay will be here as well. Mr. Lodi Gyari, the Special Envoy of His Holiness the Dalai Lama, is a Washington resident.

Third, as China expands economically, it has assumed a far more self-confident posture. I imagine that the Committee and the Administration may be familiar with this dynamic in many areas such as currency, intellectual property, and the South China Sea. Anyone, anywhere who voices concern for China's policies in Tibet are met with shrill and dismissive attacks. China now includes Tibet as a "core issue" of sovereignty and territorial integrity- along with Hong Kong and Taiwan- effectively taking them off the table for discussion. Tibet has not been afforded the privileges of autonomy that Hong Kong enjoys under the 'one party, two systems' rubric although, ironically, the "17 point agreement" signed by the Chinese and Tibetan governments in 1951 was the first instance of this system. The agreement faltered and ultimately failed and was renounced by both sides following the 1959 escape of the Dalai Lama into exile.

The fact is that the cycle of uprising and repression will continue in Tibet unless China deals with the legitimate underlying grievances of the Tibetan people. This is as clear today as it was in 1959. His Holiness the Dalai Lama, who seeks a negotiated solution for Tibet based on the needs of both Tibetans and Chinese within the Constitution of the People's Republic of China, is facing a Chinese system that in practice pits Chinese interests against Tibetan interests and seeks assimilation rather than protection of Tibetan identity. It's a Chinese policy planned by technocrats in Beijing who are thousands of miles and thousands of years distanced from the Tibetan experience. Stability achieved through the will of the people, not through force or coercion is the answer for Tibet. The Dalai Lama is the strongest influence in the Tibetan psyche. Tibetans may live in the People's Republic of China, but they are not Chinese -- not to themselves nor to the Han Chinese who treat them as third-class citizens. The inability to recognize or change this, which in context is a genuine civil rights issue, will never allow the Chinese to equitably resolve and prevent the unending cycle of repression, uprising, and more repression.

The Tibetan Policy Act is a cornerstone of the U.S. approach toward Tibet. I thank the preceding witness from the Administration for his testimony on implementation of the Act. I regret that the U.S. Special Coordinator for Tibetan Issues, Under Secretary for Democracy and Global Affairs Maria Otero, was not able to be here today. She has not yet publicly testified on Tibet. Undersecretary Otero is an expert on development among disadvantaged populations, among other things, and has much to bring to her Tibet portfolio. I urge the Committee to seek her input as the Committee gives further review to the Tibetan Policy Act.

Oversight of the Act is warranted. For example, Congress has directed the establishment of a U.S. consulate in Lhasa. Lhasa has been on the top of the State Department's priority list for consulates in China. The Committee should require that the Department not

consent to another Chinese consulate in the U.S. until the Chinese agree to open one in Lhasa. This is an on-going issue but a rather important one that should be moved to the top of the priority list and frankly is, something I addressed in my previous testimony in front of this Committee.

A central tenet of the Tibetan Policy Act is to promote dialogue between Chinese officials and the Dalai Lama's envoys. There have been nine rounds of this dialogue since 2002. The most recent was in January 2010, now leaving the longest gap between rounds since the dialogue began. The dialogue has not lead to a breakthrough, as each side basically remains at first principles. The Chinese see it only as regarding the personal future of the Dalai Lama while the Tibetans see it as addressing longstanding, legitimate grievances and the survival of six million Tibetans inside Tibet.

Under the Act, the State Department is required to report on the status of the dialogue. The report is not public, and last year's edition was late. I urge the Committee to ask that the report be made public, and recommend that the Committee hear from Lodi Gyari, the Special Envoy of His Holiness the Dalai Lama and the key Tibetan Representative in the dialogue, on ways in which the United States can move this dialogue forward.

The stated purpose of the Tibetan Policy Act is to "support the aspirations of the Tibetan people to safeguard their distinct identity." Language is a key factor in shaping identity, and Tibetan language is actively under threat in the People's Republic of China. Last year, Chinese authorities announced plans to restrict the use in schools of "minority" languages like Tibetan in favor of instruction in Mandarin. Tibetan school and college students protested against these plans. The scale of the protests across Tibet at a time of already intense political repression reflects the desperation of Tibetans about the marginalization and erosion of their language, the bedrock of the Tibetan identity, religion and culture.

The Committee should urge the Administration to make bilingual education a central component in the U.S.-China education dialogue. The "100,000 Strong" educational exchange initiative should be broadened beyond just Mandarin so that American students can study in Tibet, East Turkestan and Inner Mongolia and learn their languages, and that students from those regions, not just Chinese students, can study in the U.S.

The Tibetan Policy Act calls for advocacy for political prisoners. The International Campaign for Tibet monitors the status of Tibetan political prisoners, as does the Congressional-Executive Commission on China. I encourage the Committee to avail itself of these resources, and to request regular briefings from the State Department on the status of its advocacy with their Chinese counterparts. No Tibetan political prisoner has been released into the care of the U.S. since the first term of the George W. Bush Administration. This is clearly a result of the hardening of the Chinese position, the inadequacy of the U.S.-China human rights dialogue, and the failure to demonstrate a consistent human rights policy into the breadth of U.S. engagement with China.

Perhaps the most notable political prisoner is the 11th Panchen Lama, Gedhun Choekyi

Nyima, possibly the second-most important religious leader in Tibet who was abducted at the age of 6 after being recognized by the Dalai Lama. The Panchen Lama and his family were then abducted by Chinese authorities. He has not been seen for 16 years. The Tibetan Policy Act requires that the U.S. Ambassador meet with him. I have been asked to provide an update on the Panchen Lama's whereabouts but redirect the question to the panel and ask, when was the last time such a request was made by the US Ambassador and what does the U.S. intelligence community have to say in regards to his the Panchen Lama's whereabouts?

Let me cite two other cases. Tenzin Delek Rinpoche, a highly respected senior lama from Eastern Tibet, was initially given a suspended death sentence in early 2002 on highly dubious charges of involvement in a series of bomb attacks on Chinese government targets. There are very strong grounds for claiming his confessions were extorted through torture amid suspicions that the real reasons for his incarceration were his popularity among both the local Chinese and Tibetan communities -- the Chinese authorities regarded him as a challenge to their demand for absolute authority -- and he was an active campaigner against corruption in local government. Despite the obvious risks, tens of thousands of people from his local area signed petitions this year calling for his release or retrial, and there are serious concerns for his health.

Karma Samdrup, a high-profile Tibetan businessman and philanthropist, who had previously been embraced by Chinese authorities. He was sentenced to 15 years in prison in June of last year on charges of "grave robbing" dating back over 10 years, for which he had already been investigated and cleared at the time. Karma Samdrup provided funding for an environmental NGO run by his two brothers in Eastern Tibet, and was imprisoned when his brothers challenged illegal poaching by police and government officials. His brothers were also consequently sentenced to prison or "re-education through labor" -- one brother was sentenced to 5 years in prison on charges relating to an oblique reference to the Dalai Lama posted onto his environmental NGO's website. The imprisonment of the three brothers cast a profound chill across a globally critical environmental movement on the Tibetan plateau.

I would ask Congress to return to the days when every member who visits China raises a case of a political prisoner in a coordinated strategy with the end goal of their release. If the Chinese refuse to discuss the status of these cases, we need to attach some value to their decision.

The Tibetan Policy Act also includes "Tibet Policy Principles" that govern U.S. support for development projects on the Tibetan plateau. The Tibet-Qinghai railway, completed in 2006, has facilitated an unprecedented wave of migration of Chinese laborers into Tibet, who have benefitted from the employment and income generation provided by the railroad -- far more than local Tibetans. This railway gives merely a glimpse of the potential impact of the half dozen railway lines planned by the central government to link the Tibetan plateau with mainland China. They will open Tibet up to new levels of migration, tourism, and international trade, which of course, is not necessarily a bad thing but counter to Chinese propaganda, the Tibetans will not be the ones who "prosper".

Because of short sighted policies born in Beijing without proper Tibetan input, Tibet appears ill-prepared and ill-equipped to deal with these plans. This deserves much greater attention from the U.S. government. For example, the Committee should study how Hong Kong limits in-migration from mainland China. This can and should be a model for Tibet.

The Tibetan Policy Act requires that Tibetan language training be available to Foreign Service Officers. I understand that this is provided for.

Many points about the Tibetan Policy Act are properly addressed to the Administration. But Congress can do its part. The Committee should take a fresh look at how the nearly decade-old Act can be strengthened. As a first step, I recommend you review, and re-approve, amendments that were adopted as part of the Foreign Relations Authorization Act, H.R. 2410, which passed this Committee and the full House in 2009. I note that the companion measure, introduced by then-Ranking Member Ileana Ros-Lehtinen, contained the same Tibet provisions as the bill drafted by then-Chairman Howard Berman. This is a testament to the underlying bipartisan support for the Tibet issue.

These amendments would strengthen inter-agency coordination and encourage multilateral cooperation on the Tibet issue, authorize appropriated programs and achieve a U.S. consulate in Lhasa.

The Committee can also ensure that Tibet programs are properly funded. I know that budgets are tight, but U.S. government Tibet programs are as small as they are effective. For example, because of congressional initiative, the Tibetan language services of Radio Free Asia and the Voice of America broadcast information every day into Tibet. This is almost the only source of independent news available on the Tibetan plateau, and it works. When the Dalai Lama met President Obama in the White House in February 2010, monks in Amdo lit off fireworks to celebrate that the world's greatest democracy still cared for the plight of Tibet. How did they know the new President would be meeting with their revered spiritual leader? By listening to the Voice of America.

American aid helps hundreds of Tibetan refugees survive the dangerous crossing over the high Himalayas. We provide aid to Tibetans inside Tibet through grants to American NGOs that promote sustainable development, environmental conservation and cultural preservation on the Tibetan plateau. This is sensitive and often difficult work, and those who dedicate themselves to its success must navigate carefully with partners on the ground to advance Tibetan priorities within a Chinese system suspicious of outside interest. The office of U.S. Special Coordinator for Tibetan Issues ensures that congressional intent in its various legislative and policy expressions -- including the Tibetan Policy Act -- is understood and respected. With proper oversight, this Committee can ensure that the office of the Tibet Coordinator remains funded, staffed and accountable to law and congressional directive.

These are all examples of concrete measures that Congress takes to ensure the survival of the Tibetan people and their ancient, unique and sublime traditions while China continues

to press with obvious advantage against them. The two-pronged approach authored in Congress – policy and programs – has advanced the American values of self-reliance, dialogue, democracy, freedom and most of all hope– in the heart of Asia. It has also served to institutionalize the Tibet issue within the long-term U.S. China policy construct. I've seen the critical impact of congressionally appropriated funds for Tibetans. They are meaningful. With a vision for a positive outcome in Tibet, we can do more. There are hundreds of thousands of Americans who partner with Congress every day in supporting this cause. Once again, we can do more, however, we need to be more strategic.

With the world changing as quickly as it is, with the internal pressures that are mounting not only in the ethnic minority regions of China but within the core of Chinese society and in its largest cities, there is an extraordinary opportunity, now, to resolve the issue of Tibet. We at the International Campaign for Tibet have never given up on the belief that Tibet can be saved with nonviolent resolution.

With the right attention from the United States – the most critical force for Tibet – there can be a resolution – without bloodshed. But stability in exchange for human and civil rights becomes an untenable situation for any regime and is certainly untenable for the Chinese Communist Party in Tibet. John F. Kennedy once said, "Those who make peaceful revolution impossible make violent revolution inevitable."

Madame Chairman, Members of the Committee, we cannot be daunted by the steep incline in the road ahead. You have created much to build on and there are tangible steps going forward we must believe are possible.

I am grateful to you all and close with the hope that the Committee will find adequate time for discussions with His Holiness, His Representatives and Prime Minister-elect, Dr. Lobsang Sangay in July.

This is what I would like to leave you with. China is intensely focused on Tibet -- for rational and irrational reasons -- believing it can move quickly to checkmate. At the same time, there is, I'm certain, a genuine and heartfelt understanding among world leaders of what is at stake here. Most of them have met His Holiness – and while facing very serious Chinese pushback, recognize that the Dalai Lama's position – genuine autonomy *within* the People's Republic of China is attainable and win-win for all players involved.

Thank you for your time Madam Chairman and Members of the Committtee.

Chairman ROS-LEHTINEN. Thank you very much.
Mr. Downs.

STATEMENT OF MR. CHUCK DOWNS, EXECUTIVE DIRECTOR, COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

Mr. DOWNS. Thank you, Madam Chairman. It is a great pleasure for me to be here today. As some of you may recall, I spent a few years working on Capitol Hill for the Policy Committee. I have the greatest respect for this particular committee and everything you have done for North Korea.

I appear before you today as the executive director of the U.S. Committee for Human Rights in North Korea, and my statement goes through a number of issues relating to North Korea, all of which you are familiar with. But you have asked me to focus on the North Korean Human Rights Act today, which this committee sponsored in 2004, and Madam Chairwoman, you reauthorized as recently as 2008. It is a great piece of legislation, one that stands as a hallmark of the American people's interest in the human rights of the people of North Korea. You are to be commented for that incredible achievement, and it gives us a roadmap from which we can look at a number of issues relating to North Korean human rights.

Bob King, whose excellent appearance today, his fine testimony, and his recent trip to North Korea, is a living example of how wise it was to create a position of Special Envoy for North Korean Human Rights.

My organization had the pleasure of having as its distinguished co-chair for many years the late Congressman Stephen Solarz. I actually remember helping people prepare for testimony before Congressman Solarz when he was the chairman of one of your subcommittees. His death is a great loss, as is that of former Congressman Lantos, he is with us in spirit today.

Two thousand and four was an extremely interesting year for human rights in North Korea. You will all immediately think that that was the year that the North Korean Human Rights Act was passed. I believe it was passed on July 21st of 2004. The same year, a former U.S. military defector, Charles Jenkins, managed to put the North Korean Government in a position of having to release him so that he could join with his wife, a former Japanese abductee, in Japan. He left North Korea on July 12th.

There was another big event also in July. Some 468 North Korean refugees who had made it through China, went through Yunnan Province, made it to Vietnam, and were sent back to South Korea with the approval of the government and the cooperation of the Government of Vietnam, socialist Vietnam, and the Government of the Republic of South Korea.

These actions, starting with the North Korean Human Rights Act, infuriated North Korea, and North Korea said in a formal statement issued by KCNA, the North Korean mouthpiece, "The DPRK will certainly make NGO organizations in some countries pay for the North Korean Human Rights Act."

On August 14, an American citizen, a young man from Utah, 24 years old, decided to travel by himself in Yunnan. He said goodbye to his friends who went back to Beijing, and he decided to go up

the Leaping Tiger Gorge to a place called Zhongdian. He visited a restaurant there, a Korean restaurant, three times, and disappeared.

Our organization is looking very closely at the possibility that this American citizen, who spoke perfect Korean because he had been a Mormon missionary in Korea, and he spoke Chinese very well and, of course, he spoke English very well with a Midwestern standard dialect—he may, in fact, have been abducted by North Korea.

This would make the United States the 14th country to have lost an individual to North Korea. We quite often think that the Japanese were the only ones abducted from seaside resorts along the coast of Japan, but that is not, in fact, the case—the North Koreans have abducted four Lebanese, people from the Netherlands, people from France, and a Romanian.

The Romanian was lured to Hong Kong, found herself in Pyongyang. Malaysians and Singaporians were also lured to what they thought were job offers from people they thought were Japanese, and they ended up in Pyongyang. Many of these people were never heard from again except that they had made it into the notes of other abductees and other defectors and agents who eventually defected.

So thank you, Madam Chairwoman. I appreciate the opportunity to be here and to focus on the wide range of crimes that North Korea commits against human rights.

[The prepared statement of Mr. Downs follows:]

COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

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STATEMENT

OF

CHUCK DOWNS
EXECUTIVE DIRECTOR
COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
U. S. HOUSE OF REPRESENTATIVES

JUNE 2, 2011

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I thank the Committee for its invitation to testify on the implementation of the North Korean Human Rights Act of 2004, re-authorized in 2008. I represent, as Executive Director, the Committee for Human Rights in North Korea, a bi-partisan, Washington-based research and advocacy organization devoted to the advancement of the human rights of the people of North Korea. I should add that my views in all likelihood do not reflect the views of every member of the Board.

I speak here today as an individual who has spent many years working on this issue, including service here in the House of Representatives over ten years ago as the senior defense and foreign policy advisor of the Policy Committee, during which time I worked with this Committee on a number of matters relating to North Korea. This included the DoD Authorization Act which established the role of North Korea Policy coordinator in 1998, the report of the Speaker's Special Advisory Group on North Korea in 1999 (available at: http://www.fas.org/nuke/guide/dprk/nkag-report.htm), and the first steps that were taken toward the enactment of the North Korean Human Rights Act which became law in 2004. I know from first-hand experience the deep interest and profound dedication of members and staff of this Committee, on North Korean human rights issues, and applaud your consistent efforts to protect the people of North Korea from the human rights abuses afflicted on them by their own regime.

In 2009, our co-chair the late Stephen J. Solarz, a distinguished former member of Congress and chairman of an important Subcommittee of this Committee, convened a group of human rights specialists in Washington to discuss priorities for addressing the human rights crisis in North Korea. Under his leadership, we developed a set of ten policy recommendations, a key one of which was to enhance the implementation of the North Korea Human Rights Act. We recommended that the administration establish a specific office with the responsibility for implementing the NKHRA refugee resettlement mandate. We advised that it was critical for the State Department to better educate embassy personnel in countries of asylum for North Korean refugees to understand the circumstances facing these refugees and the nature of the North Korean regime. We also recommended an increase in the staffing levels of U.S. personnel, particularly Korean speakers, in the region's embassies and consulates to handle North Korean refugee resettlement issues. Further, we recommended that the State Department establish a hotline in coordination with the UNHCR and the Republic of Korea, so that North Korean refugees in danger would have ways to contact those who can offer them immediate protection.

The Enforcement of the North Korea Human Rights Act

Madame Chairman, in your letter of invitation, you specifically requested that I address the number of North Korean refugees that have been resettled in the United States, and certain questions regarding the implementation of the NKHRA. Regarding the number of refugees, I must rely on figures from the Department of State and information from other organizations, but I am informed that 120 individuals have been given asylum in the United States since the enactment of the NKHRA.

This number seems very small, and of course it remains very difficult for North Korean refugees to gain access to any American or international official who could hear their requests for permission to come to the United States. The number of refugees who have made it to South Korea in recent years has been growing and is very encouraging. The government of the Republic of Korea is to be commended for their attention to the plight of these people and its efforts to help them adjust to South Korean society. The problem, of course, is China's policy of repatriating North Koreans without giving them access to a screening procedure to determine whether they are refugees. Increasingly, we hear reports of Chinese officials turning a blind eye toward North Korean attempts to recapture North Korean escapees in China, and in fact, there is growing evidence of Chinese complicity in these North Korean violations of Chinese jurisdictional sovereignty. Changing China's attitude toward North Korean refugees should be an important objective of U.S. policy toward China.

Persuade China to Respect the Rights of North Korean Refugees

North Koreans who attempt to move about *inside* their own country in search of food, medicine and jobs have often been arrested and detained. At the same time, their government refuses to acknowledge the fundamental right of people to leave their country and return to it. For more than two decades, North Koreans have been fleeing their country because of economic deprivation and political persecution. Whether they are forced back to North Korea or return voluntarily, they are subjected to detention, punishment, imprisonment, and sometimes execution.

Because of their reasonable fear of persecution on return to North Korea, **all** of the people who flee North Korea may well qualify as *refugees sur place* and warrant the protections that international law requires for refugees. International law, particularly the 1951 UN Refugee Convention, strictly and specifically prohibits forced repatriation of a person to another state where there are substantial grounds for believing that they would be in danger of being subjected to torture or persecution.

Yet China repatriates North Koreans without affording them any access to a screening process whereby their claims for refugee status could be assessed. The United Nations High Commissioner for Refugees (UNHCR) has often requested to have access to North Koreans in order to determine their status, but China has restricted UNHCR's access and North Koreans' access to UNHCR's offices in Beijing. The United States should lend its full support to UNHCR's appeals and mobilize other governments to do likewise in order to make sure that the provisions of the 1951 Refugee Convention are upheld and the work of this important UN agency enhanced. The United States should also raise with China the need to respect the rights of North Korean women who stay in China to raise their families, and afford these residents legal status for themselves and their children. Repatriation of North Koreans not only leads to their imprisonment and other abuses, it also encourages trafficking, forcing North Korean women who fear repatriation into forced marriages, prostitution, and physical and psychological abuse.

Establish a First Asylum Program for North Korean Refugees

There is no reason for China to have to bear the burden of resettling all North Korean refugees. The United States should work with South Korea and countries around the world to establish multilateral First Asylum arrangements, as was done for the Vietnamese boat people in the late 1970s. Arrangements should be negotiated with countries in the region which will provide temporary asylum to these refugees with the assurance that the refugees will be permanently resettled elsewhere.

South Korea should be supported in its efforts to grant asylum to North Korean refugees who reach its embassies and consulates abroad since it is the country whose Constitution protects the rights of North Koreans fleeing abroad. Given the special connections between Mongolia and the Koreas, the government of Mongolia should be encouraged to play a more active role in providing asylum and facilitating resettlement to a third country.

The United States should also initiate the development of an international plan with UNHCR for a potential refugee crisis in the event of political destabilization in North Korea.

Recognize the Need to Develop Policies To Attract Critically Important High-Level Defectors from North Korea

The vast majority of refugees from North Korea are clearly victims of an oppressive state—they are poorly-educated, under-nourished, impoverished, and in many cases, psychologically broken. They may well choose to restart their lives among their kinsmen in South Korea where they have some common understanding of the language and culture, and where government programs are in place to facilitate their assimilation. Yet there are tremendous success stories—people who have emerged from their circumstances to be leaders in their new surroundings.

It is very difficult for American policy to fine-tune is an approach that allows people who would like to come to the U.S. at some later point if they so desire, but such policies would reap tremendous benefits.

My organization had the honor of hosting a very well-educated high-level North Korean defector, Mr. Kim Kwangjin, who used his English language fluency to explain the regime's corrupt financial practices and provide advice on how U.S. policies could influence the regime's behavior for the better. He was able to publish two major reports on political transition and wrote very valuable reports on how information is shared in North Korea, and how North Korea's banking system operates during his short two years with us. We would have liked to have seen this incredible national asset to have been given citizenship and a permanent position in the United States, but he had no choice but to return to Seoul this past March to resume his position at a think-tank the South Korean government operates for high-level defectors. There ought to be a better organized effort on the part of the United States to attract defectors of interest and give them an opportunity to speak openly about what they know about the inner workings of the regime.

No one knows better how to bring about reform in North Korea than the defectors from North Korea. Since the election of President Lee Myung Bak, many of them have been given new freedom to share their information and insights. They should are an excellent resource for learning more about how the military, party, security services and government work, current human rights conditions in North Korea, including in prisons, and how to bring about reform.

The United States should also help develop an educated cadre of experts and potential leaders who might later return to North Korea. It should create a scholarship program for study in the United States for North Koreans who have departed, and in some cases expand it to include North Koreans who may be permitted to travel abroad for schooling. Congressman Solarz felt particularly strongly that a program adopted by the United States during the period of Apartheid in South Africa produced a generation of leaders who were prepared to take over the reins of leadership when the opportunity arose.

Provide Essential Information Directly to the People of North Korea

Because the North Korean people are so restricted in the information they receive about their own country and the world outside, the United States should continue to expand radio broadcasting into North Korea and encourage other efforts that provide information directly to the North Korean people in accordance with the NKHRA. The United States should also make known to the North Korean people that their welfare is of great concern to the American people and that the U. S. and other nations are regularly restricted by the North Korean government from providing food aid and other supplies to them. The United States government should use its good offices to persuade neighboring countries to provide locations and assistance for transmission facilities for Radio Free Asia, Voice of America, and defector organizations.

I recommend that the Congress direct the Department of State to provide additional funding and if necessary, technical assistance in financial management, to permit Free North Korea Radio to expand its excellent broadcasts into North Korea. Independent surveys have identified Free North Korea Radio as the most effective way to get information into North Korea. Run by defectors under the leadership of Kim Seong Min, it has produced the most hard-hitting and effective broadcasts into North Korea, even while facing North Korean assassination attempts targeted against its personnel, political badgering in South Korea, having to move offices repeatedly, and shoe-string budgets with strenuous financial reporting requirements.

Stop the Flow of North Korea's Ill-gotten Wealth

In order to finance its military programs, security services and loyal elite, the North Korean regime has systematically engaged in international criminal activity including drug trafficking, counterfeiting of goods and currency, and banking and insurance fraud. Although a small office exists in the State Department to coordinate the Proliferation Security Initiative, only a few cases have been pursued rigorously. The pursuit of cases against North Korea is sometimes overcome by other priorities (e.g., the maintenance of a favorable negotiating atmosphere), but the administration should recognize the nexus between these international illicit activities and North Korea's abuse of human rights at home and pursue enforcement operations rigorously.

Prepare for Political Transition and Humanitarian Crises in North Korea

The impending change of leadership when Kim Jong Il dies presents both a challenge and an opportunity for regional peace and security. The implications for the human rights of North Korea's people are profound. Although new leadership may not reverse Kim Jong Il's policies overnight, it may prove more receptive to addressing some human rights concerns as a means of signaling to the rest of the world that its intentions are friendly.

In the event of political change in North Korea, international access to the prison camps will need to be given the highest priority. Prisoners constitute a "vulnerable group" to whom food, medicine and shelter should be provided immediately. An orderly departure program from the camps will need to be implemented and resettlement arranged for those whose treatment or condition precludes re-integration into North Korean society. The International Labor Organization (ILO) will need to be brought in to review standards of work at the camps where reports of forced and slave labor and below-subsistence food rations have been producing large numbers of deaths in detention.

The international community should also prepare a plan for addressing the severe economic needs of the people of North Korea. Under the most optimistic scenario, a package of international economic assistance should be envisioned if new leadership demonstrates a willingness to pursue improvements in North Korea's human rights practices. In foreign investment, core labor standards, including the prohibition of forced labor, as established in the ILO Declaration on Fundamental Principles and Rights at Work, must be ensured. At the appropriate time, international aid for 'states in transition' should be made available to North Korea to help with the establishment of the rule of law, respect for human rights, political parties, an independent media and the other essential features of a democratic society.

Seek a Full Accounting of Foreign Citizens Held in North Korea Against their Will

North Korea's admitted government-sponsored abduction of citizens of other nations, and its refusal to allow them to decide their own choice of residence is a clear violation of international law. The Committee for Human Rights has just released an extraordinary report entitled, "TAKEN! North Korea's Criminal Abduction of Citizens of Other Countries."[1] It explains that North Korea's policy of abducting foreign citizens dates back to policy decisions made by North Korea's founder Kim Il-sung himself, institutionalized in an espionage reorganization by his son Kim Jong-il around 1976.

The abducted came from widely diverse backgrounds, at least twelve nationalities, both genders, and all ages, and were taken from places as far away as London, Copenhagen, Zagreb, Beirut, Hong Kong, and China, in addition to Japan. Initially, over 80,000 skilled professionals

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[1] Copies are available by writing to the Committee at 1725 Eye Street, NW, Suite 300, Washington, DC 20006, and on the web at: www.hrnk.org/taken.pdf.

were abducted from South Korea during the Korean War. In the 1960s, 93,000 Koreans were lured from Japan and held against their will in North Korea. A decade later, children of North Korean agents were kidnapped apparently to blackmail their parents. Starting in the late 1970s, foreigners who could teach North Korean operatives to infiltrate targeted countries were brought to North Korea and forced to teach spies. Since then, people in China who assist North Korean refugees have been targeted and taken.

The staggering sum of foreigners who are held against their will in North Korea is at least 180,308.

In addition, many South Korean families have been separated since the Korean War, and more recently famine, extreme poverty, and political persecution in the North have led to the flight of North Koreans who are then separated from their families. Although North Korea has allowed brief visits under closely-supervised family reunions, only 1,600 of the 125,000 South Korean applicants have been able to participate. Some ten million await information about missing family members. The ICRC should be brought in to use its expert tracing facilities to learn the whereabouts of the missing.

Broaden United States Policy on North Korea to Include Bilateral and Multilateral Approaches to Human Rights Issues

I would like to congratulate Amb. Robert King for his recent visit to North Korea. He is doing what a special envoy for North Korean human rights issues should do—representing the President in obtaining the release of a detained citizen of the United States, and speaking openly about human rights issues directly with officials in Pyongyang. All too often in dealing with North Korea, concerns about peace and nuclear disarmament have taken a priority over the defense of human rights. However, precedents exist for integrating human rights concerns into policies toward countries where nuclear weapons occupy a central point of discussion. Both Democratic and Republican administrations have found effective bilateral and multilateral means of promoting human rights goals with the Soviet Union even though they were negotiating nuclear weapons agreements with its leaders at the same time. Broader discussions about political, economic, energy, human rights and humanitarian concerns have the potential to create a more solid foundation for talks about nuclear issues.

The United States should raise human rights concerns and seek North Korean agreement on specific steps forward, such as: 1) International monitoring of food distribution to ensure it reaches the intended recipients; 2) Accelerated and expanded family reunifications; 3) Decriminalization of movement within North Korea and across the border, and an end to the persecution of those who return voluntarily or are forced back into North Korea; 4) The release of innocent children and family members of those convicted of political crimes; 5) Access to prisoners by the International Committee of the Red Cross (ICRC), the World Food Program (WFP) and other international agencies; 6) Reviews of the cases of prisoners of conscience with the ICRC or Amnesty International with a view to their release; and 7) Identification and provision of a full accounting of prisoners of war from the Korean War and abductees missing from South Korea, Japan, and other nations. While these steps do not address the full range of

human rights abuses committed by the North Korean regime, we believe they represent human rights issues that can be raised in negotiations with the regime.

U. S. multilateral initiatives and discussions should also give prominence to North Korean human rights issues. North Korea has ratified five international human rights treaties, has recently placed the term "human rights" in its Constitution, and has participated to a very limited degree in UN reviews of its human rights record. The U. S. should recognize and build on the obligations that the North Korean government has undertaken in international agreements. It should express strong support for the recommendations on North Korean human rights contained in Secretary-General Ban Ki Moon's and reports of the *Special Rapporteur* and press a broad range of other governments to do likewise.

The misery suffered by the people of North Korea is often dismissed as being too difficult to deal with. With good reason, many people conclude that the regime in North Korea is impervious to external pressure. Yet there are initiatives that can be taken to signal that the regime's abuse of its own people is a matter of global concern and must be stopped. As I have discussed above, there are also near-term measures that can be taken to alleviate the plight of those who have fled North Korea.

Madame Chairman, your Committee's concern for the rights of the people of North Korea has been an inspiration for many years. It has led to the enactment of the NKHRA in 2004, its extension in 2008, and its strong enforcement today. It has been my honor to testify before you. I can only hope that in the very near future the people of North Korea will have the freedom to read what you have done on their behalf and express their views freely in hearings like this themselves.

Chuck Downs
June 2, 2011

Chairman ROS-LEHTINEN. Thank you, sir.
Mr. Din?

STATEMENT OF MR. AUNG DIN, EXECUTIVE DIRECTOR & CO-FOUNDER, U.S. CAMPAIGN FOR BURMA

Mr. DIN. Madam Chairwoman and Mr. Berman and members of the committee, thank you very much for holding this hearing today.

Last week the Chinese Government hosted leaders from North Korea and Burma in its capital, Beijing. So the Burmese President, Thein Sein received more than $760 million interest-free loan, and Kim Jong Il also received financial and moral support from the Chinese Government. So with the strong backing and blessing from the Chinese Government, Thein Sein and Kim Jong Il continue their oppression against their own citizens unabated.

I believe they also learned from their big brother how it controls its own citizens under severe restrictions and how it brutalizes different people and cultures.

So this is the duty of the United States. Where the Chinese Government has opened its arms to embrace its fellow dictators, the United States Congress supports people living under the oppressed regimes in Burma, North Korea, Tibet and all over the world. Thank you, America.

The Tom Lantos Block Burmese JADE Act authorized a procedure to terminate the sanctions clearly if the President determines and certifies that the military regime has (1) unconditionally released all political prisoners; (2) entered into a substantive dialogue with the democratic forces led by National League for Democracy and ethnic minorities; and (3) allowed humanitarian assistance to the populations affected by the armed conflict in all regions in Burma. Sadly, these conditions are not met yet.

Almost all of the generals who have held power over the last 20 years are still doing so under the veneer of civilian rule. There are still more than 2,000 political prisoners. There are still more than 2 million refugees and illegal immigrants in neighboring countries who are forced to flee Burma to avoid political, ethnic and religious persecutions as well as economic hardship.

There are still about a half-million ethnic people who are hiding in jungles and mountains inside the country to avoid being killed by the Burmese soldiers, and more than 3700 villages were destroyed or burned down by the Burmese regime in the eastern Burma area in its decades old military campaign against ethnic minorities; and there are still tens of thousands of child soldiers within the Burmese military.

Basic freedoms such as the freedom of press, freedom of association, freedom of religion and Internet freedom are restricted. The gap in the country between the powerful and the powerless, the rich and the poor, the privileged and the disenfranchised continues wider, unattended, and unabated.

Therefore, I strongly call on the United States Congress not only to approve the renewal of the sanctions on Burma, but also to strengthen it and fully implement it. Let me explain

The JADE Act has imposed targeted financial sanctions on former and present leaders and officials of the regime, as well as any other Burmese persons who provide financial, economic, political support for the regime, as well as their family members.

The Department of Treasury has added names and entities of targeted people under their Special Designated Nationals (SDN) list. However, the Burmese cronies under the targeted sanctions by the Department of Treasury are much fewer in number than those who are sanctioned by the Governments of Australia and European Union. Many business cronies who are under the EU or Australian sanctions are still at large from the U.S. financial sanctions. I mention some names in my prepared testimony.

Also, the financial sanctions should also target cronies who are providing the regime with political and propaganda support. For many years, the regime has carried out a campaign called Attack the Media with Media to counter international criticism against its illegal rule through international media and foreign based radio stations.

In addition to the regime owned newspapers and TVs and radio stations, the regime allows some cronies to set up media companies and produce publications of journals and magazines, as well as broadcasting of FM radio stations. These publications and broadcasts portray the military as the one and only institution that can save the country from disintegration, attack Aung San Suu Kyi and the democracy forces as the puppets of the western powers, and de-

nounce international pressure on the regime as unfair and biased, and praise China, Russia and Cuba as true friends of Burma. So I mention some names in my prepared testimony.

However, financial sanctions alone will not hurt the regime and cronies substantially enough. Over time they can find ways to avoid the U.S. financial sanctions by moving their assets to other countries, using the Euro instead of American dollars, engaging with some agents to make U.S. dollar transactions, and setting up front companies to cover up their real identities.

Therefore, the crucial part of the JADE Act should be implemented. The additional banking sanctions contained in the JADE Act has the power to penalize any foreign bank that is doing business with the regime or managing the regime cronies' money. So this one should be implemented. If it does, it will be an effective threat to the regime and its cronies and foreign banks that manage their money.

So the dictators in Burma, the military and its proxy party do not run their country themselves alone. They are fully supported by the business cronies who are allowed to control over entire sectors of the country's economy, trade, and natural resources in exchange for the allegiance and wealth sharing with the generals. They are like Ruhr industrialist Fritz Thyssen, who supported Hitler and have funded Hitler and his Nazi party in Germany before the Second World War.

So the United States should identify cronies like Fritz Thyssen in Burma and imposed financial and banking sanctions on them. This will be the best way to cut economic lifeline of the generals and further prevent them from stealing from the people.

[The prepared statement of Mr. Din follows:]

U.S. House of Representatives
Committee on Foreign Affairs

Hearing : Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korea Human Rights Act
June 2, 2011
10:00 AM, Rayburn House Office Building Room 2172

Testimony of Aung Din
Executive Director, U.S. Campaign for Burma
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Chairwoman Ros-Lehtinen, Ranking Member Berman and Members of the Committee,

Thank you very much for holding this hearing today. Last week, the Chinese government hosted leaders from North Korea and Burma in Beijing. Burmese President Thein Sein secured a more than 760 million dollars interest-free loan and line of credit from China. Kim Jong IL also received financial and moral support from the Chinese government. With the strong backing and blessing from China, Thein Sein and Kim Jong IL continue their oppression against their own citizens unabated. I believe they have also learned from their big brother how it controls its own population under severe restrictions and how it brutalizes the innocent people of Tibet. I would like to take this opportunity to thank the United States for being a reliable and trustworthy friend of the people under the oppressive regimes in Burma, North Korea, and Tibet and all over the world, who have been challenging authoritarian regimes for freedom, justice and democracy.

Since 2003, in response to the systematic and egregious human rights violations in Burma and an attempt to assassinate Burma's democracy leader Daw Aung San Suu Kyi, the United States Congress has imposed a set of comprehensive sanctions on the Burmese regime with the 2003 Burmese Freedom and Democracy Act (BFDA). In 2008, in response to the regime's brutal crackdown on the peaceful protests in September 2007, led by hundreds of thousands of Buddhist monks and lay peoples known as the Saffron Revolution, the U.S. Congress strongly condemned the regime and strengthened existing sanctions with the Tom Lantos Block Burmese JADE Act (The JADE Act). So far, the measures taken by the United States against the Burmese regime include visa restrictions, a ban on U.S. investment in Burma, a ban on imports from Burma, blocking of all property and interests in property of certain personnel of the regime, a ban on the exportation and re-exportation to Burma of financial services from the U.S. persons and entities, a ban on importation of jadeite and rubies mined or extracted from Burma, objection of loan and assistance to the regime from the international financial institutions where the United States holds a major share, and targeted financial sanctions on certain individuals designated by the Department of Treasury.

Last week, resolutions (S.J. Res. 17 and H.J. Res. 66) to renew existing sanctions imposed on Burma were introduced in both the Senate and House. I am here today to call for Members of Congress to support the extension of sanctions on Burma with the quick passage of the renewal of the import restrictions contained in the Burmese Freedom and Democracy Act, as the situation in my country does not yet meet the conditions set forth in the Tom Lantos Block Burmese JADE Act 2008 or the Burmese Freedom and Democracy Act of 2003.

The JADE Act stipulates the necessary conditions to terminate the sanctions clearly. Congress authorizes the President to terminate the sanctions if the President determines and certifies to the appropriate congressional committees that the military regime has (1) unconditionally released all political prisoners, (2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transition to democratic government under the rule of law; and (3) allowed humanitarian assistance to populations affected by armed conflict in all regions of Burma.[1] Sadly, these conditions are not yet met as of today.

Almost all of the generals who have held power over the last twenty years are still doing so under the veneer of civilian rule. There are still more than 2,000 political prisoners, who are being incarcerated in prisons for many years for their belief in democracy. There are still more than two million refugees and illegal immigrants in neighboring countries who are forced to flee Burma to avoid political, ethnic and religious persecutions as well as economic hardship. There are still about a half million ethnic people who are hiding in jungles and mountains inside the country to avoid being killed by Burmese soldiers. More than 3,700 villages have been destroyed or burned down in eastern Burma by the regime between 1995 and 2010 in its decades-old military campaign against ethnic minorities. There are still tens of thousands of child soldiers within the Burmese Army. Basic freedoms such as the freedom of press, freedom of association, freedom of religion and Internet freedom are still restricted. People are not allowed to express their opinion without the risk of arrest, torture and imprisonment. The gap in the country between the powerful and the powerless, the rich and the poor, the privileged and the disenfranchised continues wider, unattended, and unabated. Burma has not changed at all.

Therefore, I strongly call on the U.S. Congress not only to approve the renewal of sanctions on Burma, but also to strengthen it and fully implement it. Let me explain.

More Targets for Financial Sanctions

The JADE Act has imposed targeted financial sanctions on former and present leaders and officials of the regime, current or former officials of the security services and judicial institutions of the regime, and **any other Burmese persons who provide substantial economic and political support for the regime**, as well as their family members. The Department of Treasury has added names and entities of the Burmese persons under targeted sanctions in its Specially Designated Nationals (SDN) list. However, the cronies targeted by the Department of Treasury are much fewer in number than those who are sanctioned by the governments of Australia and the European Union. Australia also has imposed targeted financial sanctions on more than 400 individuals and entities, including the regime officials, families, and business cronies. The EU does not impose financial sanctions on Burma yet. But the EU has imposed visa restrictions on more than 400 individuals, including **nearly 60 cronies who benefit from the regime's economic policies and other persons associated with the regime**. Many business cronies, who are under Australian and EU sanctions, are still at large from the U.S. targeted financial sanctions. Let me state a few names as follows.

(1) Aung Ko Win (aka) Saya Kyaung (Kambawza Bank and Myanmar Billion Group) (Owner of Kanbawza United Professional Soccer Club)
(2) Kyaw Win (Shwe Than Lwin Trading)

[1] Tom Lantos Block Burmese Jade Act 2008; Section (5), Subsection (h)

(3) Maung Maung Myint (Myangon Myint Co. Ltd., USDP)
(4) Maung Ko (Htarwara Mining Company)
(5) Aung Htwe (Golden Flower Company Ltd.)
(6) Kyaw Myint (Golden Flower Company Ltd.)
(7) Nay Win Tun (Ruby Dragon Jade and Gems Co. Ltd.)
(8) Eike Htun (aka) Ayke Htun (aka) Aik Tun (Olympic Construction Company and Asia Wealth Bank)
(9) Aung Myat (aka) Aung Myint (Mother Trading and Construction)
(10) Win Lwin (Kyaw Tha Company and Kyaw Tha Construction Group)
(11) Dr. Sai Sam Htun (Loi Hein Company) (Owner of Yadanarbon United Professional Soccer Club)
(12) San San Yee (Super One Group of Company)
(13) Aung Zaw Ye Myint (Yetagun Construction Company)
(14) Sit Taing Aung (Aung Yee Phyo Co., Suntac International Trading Co. Ltd) (Son of former Minister of Forestry U Aung Phone)
(15) Sit Thway Aung (Aung Yee Phyo Co., Suntac International Trading Co. Ltd) (Son of former Minister of Forestry U Aung Phone)
(16) Nay Soe (Son of former Prime Minister General Soe Win)
(17) Lwin Moe (Actor and owner of a Mining Company)
(18) Nay Aung, (International Group of Entrepreneur Co. Ltd.) (Son of former minister U Aung Thaung, now Secretary of USDP)
(19) Pyi Aung, (International Group of Entrepreneur Co. Ltd.) (Son of former minister U Aung Thaung, now Secretary of USDP)
(20) U Win Myint (Former Chairman of UMFCCI) (Owner of Zayar Shwe Myay Professional Soccer Club)
(21) Aung Kyaw Moe (International Brewery Trading Co.) (Owner of Okkthar United Professional Soccer Club)
(22) U Khin Soe (Anwar Hlwan Co. Ltd.)
(23) Htun Naing Shwe (Myanmar Naing Group) (Son of Than Shwe)
(24) Nay Lin Aung (Nilar Yoma Trading Co. Ltd.)
(25) Aung Zaw Naing (Shwe Taung Development Ltd.)
(26) Zaw Win Tun (Shwe Than Lwin Co. Ltd.)
(27) Zaw Lay (Fishery and Sea Products Co. Ltd.)
(28) Toe Naing Mann (Red Link Co. Ltd) (Son of General Thura Shwe Mann)
(29) Nay Shwe Thway Aung (Grandson of Than Shwe)
(30) Zaw Win Shaine (Ayeyar Hintha Co., Ltd.) (Owner of Delta United Professional Soccer Club)

Target the Regime's Propaganda Mouthpieces and Political Supporters

The financial sanctions should also target cronies who are providing the regime with political and propaganda support. For many years, the regime has carried out a campaign, called "Attack the Media with Media" to counter international criticism against its illegal rule through international media and foreign-based radio services. The regime's minister of information Kyaw Hsan is the key figure for this campaign. In addition to the regime-owned newspapers and TVs and radio stations, Kyaw Hsan allows some of the regime's cronies to set up media companies, and produce publications of journals and magazines as well as broadcasting of FM radio stations, carrying and promoting the regime's propaganda work. As these publications and broadcasts are in favor of the regime's policies and actions,

they are free from censorship and therefore receive more commercial advertisement from the business community than any other publications. These publications and broadcasters portray the military as the one and only Institution that can save the country from disintegration, attack Daw Aung San Suu Kyi and the democracy movement as the puppets of western powers, denounce international pressure on the regime as unfair and biased, and praise China, Russia and Cuba as true friends of Burma. Some of these cronies are:

(1) Dr. Tin Tun Oo (Myanmar Times, Pyi Myanmar)
(2) Dr. Nay Win Maung (Living Color, The Voice)
(3) Myat Khaing (Snap Shot)
(4) Zinyaw Maung Maung (Envoy)
(5) Zaw Min Aye (Moe San Pann Media Company) (Son of Lt-Gen Tin Aye)
(6) Kalayar (Popular, Popular News) (Daughter of Lt-Gen Win Myint)
(7) Myo Aung (Northern Star)

Banking Sanctions Should Be Implemented

However, financial sanctions alone will not hurt the regime and cronies substantially enough. Over time, they find ways to avoid U.S. financial sanctions by moving their assets to other countries, using the Euro instead of American dollars, engaging with some intermediaries to make U.S. dollar transactions, and setting up front companies to cover up their real identities and businesses. When the U.S. started to take action against known regime crony Tay Za and his business empires in 2007, the business community in Burma was shocked and frightened. Air Bagan, owned by Tay Za, ceased its flights between Rangoon and Singapore as Singapore banks asked it to close its accounts in Singapore. However, Air Bagan flights between Bangkok-Rangoon and Nay Pyi Taw-Chaing Mai continue still in Thailand. Apparently, U.S. financial sanctions on Tay Za are not enough to stop Thai bankers from doing business with him. These cronies have established offices and bank accounts in Singapore, Thailand, Malaysia, Brunei, and China, and are doing business uninterrupted.

Therefore, it is crucial that the banking sanctions contained in the JADE Act should be implemented. The additional banking sanctions that authorizes the Department of Treasury to "prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution if the Secretary determines that the account might be used- (A) by a foreign banking institution that holds property or an interest in property belonging to the persons designated in the SDN list; or (B) to conduct a transaction on behalf of the persons designated in the SDN list,"[2] have not yet been implemented. If implemented, this would be an effective threat to the regime and its cronies and foreign banks that manage their money.

In Foreign Policy Magazine, Graeme Robertson wrote that "dictatorships don't just run themselves". He said "performing the basic tasks expected of even a despotic government -- establishing order, levying taxes, controlling borders, and overseeing the economy -- requires the cooperation of a whole range of

[2] Tom Lantos Block Burmese Jade Act of 2008, H.R. 3890, Section 5. Sanctions, (c) Authority for Additional Banking Sanctions

players: businessmen, bureaucrats, leaders of labor unions and political parties, and, of course, specialists in coercion like the military and security forces. And keeping them all happy and working together isn't any easier for a dictator than it is for a democrat."[3] As he correctly puts it, the dictators in Burma, the military and its proxy party, USDP, do not run the country themselves alone. They are fully supported by business cronies who are allowed control over entire sectors of the country's economy, trade, and natural resources in exchange for allegiance and wealth-sharing with the generals. They are like Ruhr industrialist Fritz Thyssen, who supported and funded Hitler and his Nazi party in Germany before the Second World War.[4] The United States should identify cronies like Fritz Thyssen in Burma and imposed financial and banking sanctions on them. That will be the best way to cut economic lifeline of the generals and further prevent them from stealing from the people.

Conclusion

On February 8, 2011, the National League for Democracy issued a paper, "A Review on Sanctions Imposed on Burma". It stated as follows; "It has been further alleged that financial sanctions are ineffective and poorly targeted. In actual fact only members of the military junta and their associates have been denied access to the United States' financial system and since the average Burmese citizen does not have a bank account it can be asserted that these measures do not hurt the public at large. Financial sanctions have also prevented, albeit imperfectly, the laundering of black money and the siphoning off of revenues from the sale of gas and other natural resources. Targeted sanctions serve as a warning that acts contrary to basic norms of justice and human rights cannot be committed with impunity even by authoritarian governments."

To sum up, I would like to suggest the U.S. to do the following:

(1) The ban on imports from Burma should be extended one more year, with a quick passage of the renewal of the Burmese Freedom and Democracy Act.
(2) The financial sanctions contained in the JADE Act should be expanded, targeted more and strengthened.
(3) The authority of additional banking sanctions contained in the JADE Act should be implemented.

Thank you,

Aung Din
Executive Director
U.S. Campaign for Burma

[3] Think Again: Dictators, by Graeme Robertson, Foreign Policy May/June 2011, Page 36
http://www.foreignpolicy.com/articles/2011/04/25/think_again_dictators
[4] Book Review: German Big Business and the Rise of Hitler, by Henry Ashby Turner, Jr, reviewed by John M. Ries,
http://www.ihr.org/jhr/v08/v08p369_Ries.html

Chairman ROS-LEHTINEN. Thank you for that recommendation. Thank you.

Ms. Richardson.

STATEMENT OF MS. SOPHIE RICHARDSON, ASIA ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH

Ms. RICHARDSON. Madam Chairwoman, in an effort to cover all three in 5 minutes, I am going to cut to the chase. We are compelled to start with North Korea where, despite lip service to the human rights provisions in the constitution, the regime remains one of the most abusive in the world. This is a government that happily continues to pursue collective punishment, public executions and a range of forms of arbitrary detention. It also harshly people who leave the country without state permission.

The economic mismanagement and Kim Jong Il's proclaimed "military first" policy are also threatening the lives of countless North Koreans. This year the World Food Program has reported that North Korea could face its worst food crisis since the famine of the 1990s, which claimed over 1 million lives.

Given these circumstances, we do urge that the U.S. respond positively and immediately to the humanitarian imperative of resuming food aid to North Korea, though donors should insist on the kinds of steps that Ambassador King articulated about monitoring of the delivery and the delivery of food assistance.

We believe that some of the startling increases in access granted by the North Korean Government to the U.S., the U.N. and others is perhaps evidence of the regime's growing desperation, and that that should be acted on, and that the State Department should move to try to make those changes permanent.

We also urge that the U.S. continue to strongly press the Chinese Government to stop practicing refoulement, essentially sending people back to a well founded fear of persecution by sending them back to North Korea where they face severe penalties.

We also encourage the U.S. to continue to lean on the North Koreans to let in the relevant U.N. special rapporteurs who can report on human rights, on food aid, and on issues related to arbitrary detention and ex judicial executions.

Burma: I am going to spend an extra minute on Burma, because I am a little bit taken aback by some of the State Department's testimony this morning.

Some people have looked at the political changes in Burma, the election of a President and a Parliament, and concluded that this is a new government. That is a fiction. These are the same people behaving in the same ways as were running the country 6 months ago.

We supported the Obama administration's decision to try to engage the Burmese military 2 years ago, and we welcomed along the way domination of the United States Special Representative and Policy Coordinator for Burma, but the question remains, what policy is there to be coordinated?

I think we also need to spend a few minutes talking about whether the regime's lack of concessions is in part a lack, in part a function of the State Department not necessarily—or the administration not necessarily pulling all the levers that are available to

it. I want to talk about two in particular that were not mentioned this morning, and that are worth serious consideration.

The administration has said that it is committed to maintaining sanctions against the Burmese Government, but in reality it has refused to implement the full complement of sanctions envisioned by the JADE Act, including the one option most likely to be effective, which is pursuing the banks and other financial institutions that are holding funds on behalf of the Burmese junta.

Moreover, 6 months ago Secretary Clinton said that the administration was committed to—and I quote—"seek accountability for the human rights violations that have occurred in Burma by working to establish an international commission of inquiry." But in reality, the administration has made little or no effort to make the commission a reality.

Now this morning we heard Mr. Yun talk about how the U.S. can't do things alone. Well, you know what, 15 other governments have agreed to support the idea of a commission of inquiry, and I keep asking what the U.S. has actually done to make this a reality. Instead, I get told that it is hard.

You know, what is really hard? it is really hard being a Burmese political prisoner right now, and if the U.S. doesn't pull these levers and pursue all of the means that are available to it in these circumstances, it is in effect saying to people like those political prisoners, monks and students and other people who have come out on the street, you know what, guys, you are going to have to do it again; you are going to have to offer yourself up as human sacrifices to try to get the world's attention again. That is unacceptable.

In Tibet, since March 2008 when protests blew up across the plateau, the human rights situation, in our view, has worsened considerably as a result of several new developments, including a significant increase in the number of troops garrisoned on the plateau, and intensified propaganda campaigns and hard line discourse from the government that blames the Dalai Lama and the Tibetan exile movement for any unrest.

Tibetans now endure even sharper restrictions on their movements within Tibetan areas and increased surveillance in other parts of China, and are forced to endure more restrictions on monasteries and religious activities.

Prior to 2008, when we all know that there were severe and systematic human rights abuses, the Chinese Government tried to conceal its security apparatus and political control to project the impression of Tibetan acquiescence to government policies. This is no longer the case. We are now talking about blatant militarized repression.

In addition to urging that Vice President Biden raise cases of Tibetan political prisoners, we believe that the Chinese leadership and the U.S. leadership should meet with the Dalai Lama and the newly elected head of the government in exile.

I am happy to provide some other thoughts about China strategy in particular, and happy to answer any of your questions.

[The prepared statement of Ms. Richardson follows:]

Testimony of Sophie Richardson,
Asia Advocacy Director,
Human Rights Watch:

House Committee on Foreign Affairs
June 2, 2011

"Religious Freedom, Democracy, and Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korea Human Rights Act"

Chairman Ros-Lehtinen, Ranking Member Berman, Members of the Committee, we appreciate the opportunity to testify today before this Committee on the human rights situations in Burma, North Korea, and Tibet, where people continue to face severe and systematic abuses. We believe that the United States can and should do more to address these situations.

North Korea

We are compelled to first address North Korea, where, despite lip service to human rights in its constitution, the regime remains one of the most abusive in the world. The government tolerates no organized political opposition, free media, functioning civil society, or religious freedom. It employs arbitrary arrest, detention, lack of due process, and torture and ill-treatment of detainees to crush any form of dissent. It uses collective punishment for various anti-state offenses, for which it enslaves hundreds of thousands of people, including children, in prison camps, and it periodically publicly executes citizens for stealing state property, hoarding food, and other "anti-socialist" crimes.

North Korea criminalizes leaving the country without state permission. Those who leave face grave punishment upon repatriation such as lengthy terms in horrendous detention facilities or forced labor camps with chronic food and medicine shortages, harsh working conditions, and mistreatment and torture by camp guards. Some are even executed, depending on their offense and who they met abroad.

The economic mismanagement and Kim Jong-Il's proclaimed "military first" policy—in which resources are dedicated first to the army, and then members of the regime and their loyalists—is also threatening the lives of countless North Koreans. This year World Food Program (WFP) experts are warning that North Korea could face its worst food crisis since the famine of the 1990s, which claimed over a million lives. A recently completed United Nations food security assessment conducted in February and March predicted a shortfall of over a million metric tons of cereals. A combination of factors are responsible in making this spring harvest season a disaster, including failure of winter crops because of bad weather, poor planning and ineffective distribution, and of course, the government's policies.

Given these circumstances, Human Rights Watch urges the US to:

- Respond positively and immediately to the humanitarian imperative of resuming food assistance to North Korea, though donors should insist that their aid goes to vulnerable groups through the WFP and that its monitors can move, observe, and report without restrictions to ensure that food aid is not diverted, and that recent startling increases in access for the UN—reflecting perhaps North Korea's desperation—are made permanent. Other key donors are waiting for a positive signal from the US about food aid to North Korea, and supporting food aid demonstrates support for the people, not the government, of North Korea.

- Sponsor a resolution at the UN Human Rights Council or the UN General Assembly establishing a UN Commission of Inquiry to assess past and present human rights violations in North Korea. The Commission of Inquiry should determine whether such violations may constitute crimes against humanity, and whether specific individuals bear responsibility and might be subject to investigation and eventual prosecution. Such a step will signal to the regime—and to the people of North Korea—that accountability for these abuses can and will be pursued.

- Continue to strongly press the Chinese government to cease its practice of unilaterally labeling North Koreans in China as "economic migrants" and deporting them, often into the hands of North Korean authorities who mete out severe penalties for unauthorized departure; urge China to uphold its obligation to offer protection to refugees under both customary international law and the Refugee Convention of 1951 and its 1967 protocol, to which China is a party.

- Press North Korea to immediately accede to the requests of the UN special rapporteur on human rights in North Korea to visit the country and provide him with unhindered access to all parts of the country to conduct his work.

Burma

In speaking about Burma, it is important to understand the strategy that the country's military junta has followed over the last several years. It has sought to deflect international pressure by creating the appearance of progress towards civilian rule, while in fact doubling down on repression and military dominance of all aspects of life in the country. The junta adopted a constitution that created the trappings of democratic government while guaranteeing that civilian institutions would be subservient to military commanders, not the other way around. It held sham national elections, but guaranteed that sitting and recently

retired military officers would win an overwhelming majority of the seats. It released opposition leader Aung San Suu Kyi, but banned her political party and has refused to engage in any substantive dialogue with her or any of Burma's ethnic minority leaders. It continues to banish all criticism of its policies, and to keep over 2,000 people in prison, under brutal conditions, for their peaceful political activism. For the last several months, it dangled to foreign diplomats the possibility that a large number of political prisoners would soon be released. Instead, in May 2011, it announced a cynical amnesty that reduced sentences by just one year, even though some of Burma's most prominent political prisoners are serving sentences of 65, 93, and in one case, 104 years.

Attacks on civilians in ethnic conflict zones have intensified following the November elections. As a result of fighting between the Burmese army and ethnic Karen insurgents in eastern Karen State since November, more than 20,000 civilians have been displaced, with more than 10,000 refugees arriving in neighboring Thailand. Human Rights Watch has documented how the army has forced prisoners to work as unpaid porters in combat zones; those considered weak or insubordinate face torture and even summary execution. In northern Shan State, the government has carried out offensive operations that displaced more than 3,000 civilians. There are credible reports from local monitoring groups that Burmese army units have indiscriminately shelled villages, taken civilians for forced labor or human shields, and in some instances committed sexual violence against ethnic Shan women.

In addition, Burma's rulers continue to rake in billions of dollars from sales of the country's natural resources. Rather than being used to boost the government's paltry spending on the health and education needs of the population, however, the proceeds of lucrative natural gas sales are hidden from the state budget and stashed in foreign bank accounts.

Some people have looked at the political changes that have taken place on the surface in Burma—the selection of a parliament and president—and concluded that the country has a "new government." But this is a fiction. Burma is ruled today by the same group of people as before, and they are ruling in the same way. Indications of some tentative openings in the post-election landscape, most importantly in humanitarian assistance, must be supported by the US to address the immense health and education needs of the Burmese people.

Human Rights Watch supported the Obama administration's decision to try to engage the Burmese military two years ago. And we welcome the long-delayed nomination of a United States special representative and policy coordinator for Burma. But the question remains: what policy is there right now to be coordinated? The Burmese government has made not a

single substantive concession in several rounds of dialogue with US officials, and there is no reason to believe that they will do so if more US diplomats travel to Napyidaw carrying the same messages, employing the same tools, as before. Meanwhile, the administration has said it is committed to maintaining sanctions against the Burmese government. But in reality, it has refused to implement the full set of financial sanctions envisioned by the JADE Act, including the one option most likely to be effective: pursuing banks and other financial institutions that are holding funds on behalf of the Burmese junta. Six months ago, Secretary Clinton said that the administration was committed to "seek accountability for the human rights violations that have occurred in Burma by working to establish an international commission of inquiry through close consultations with our friends, allies, and other partners at the United Nations." But in reality, the administration has made little or no effort to make such a commission a reality.

As the world is riveted by the progress of democratic struggles in the Middle East, it must not be forgotten that the Burmese people engaged in similarly courageous protests just a few years ago. The US has moved swiftly to employ measures such as financial sanctions and pursuit of accountability to support the right of people in the Middle East to peacefully advocate for greater democracy; it should do no less for the people of Burma.
To that end, we urge that the US:

- Consistent with the JADE Act, deny foreign banks access to the US financial system if they are holding targeted Burmese accounts or otherwise undermining US measures, and in particular target transactions by the oil and gas authority, the key revenue-generating entity in Burma. Doing so requires the dedication of intelligence resources and continual monitoring and adjustment by US officials.

- Follow through on its commitment to support a commission of inquiry into violations of international humanitarian and human rights law by raising the Burmese government's failure to address abuses and ongoing impunity at the Human Rights Council. The US should lead efforts to call for a commission of inquiry as part of the annual Burma resolution at the UN General Assembly. Increasing active support for a CoI sends a strong message to a continually repressive system of military control that impunity must end and justice and accountability be a central part of a genuine transition to democracy.

Tibet
Since mid-February 2011, Human Rights Watch has documented the enforced disappearances, arbitrary detentions, and harassment of dozens of Chinese, Uighur, and

Tibetan human rights defenders, and we view this crackdown as the worst assault on the freedom of expression in over a decade. Similarly, our research on Tibet also reflects that the 2008 protests and the ensuing crackdown—the harshest in a decade—have been a watershed in the post-1989 history of Tibet.

Between 1989 and 2008, human rights violations were severe and systematic, ranging from denial of fundamental rights and freedoms such as freedom of expression, association, and religion, to socio-economic discrimination and institutionalized marginalization. Virtually all criticisms of state policies in Tibet are characterized by the government as evidence of "separatism," and liable to prosecution under state security crimes. Human Rights Watch has documented multi-year sentences for acts such as sending a text message, throwing pamphlets in the air, or shouting slogans in the street.

These problems have persisted since 2008, but have been worsened by several new developments, including a significant increase in the number of troops garrisoned on the plateau, and intensified propaganda campaigns accompanied by hard-line discourse from the government that blames the Dalai Lama and the Tibetan exile movement for any ethnic incident. Tibetans now endure even more restrictions on monasteries and religious activities, sharper limits on their movements within Tibetan areas, and increased surveillance when living in other parts of China; as well as restrictions on foreigners' and journalists' access.

In contrast to the pre-2008 period, when the Chinese government was trying to conceal its security apparatus and political control to project the impression of Tibetan acquiescence to government policies, the post-2008 period is marked by an open display of force, as if the government itself acknowledges that stability on the Tibetan plateau now rests chiefly on coercion. While this new state of play reflects widespread failures of Chinese policy in Tibet, it seems to have driven further away the prospects of a political solution. An epitome of this trend has been the case of Karma Samdrup, a prominent art dealer and environmental philanthropist, sentenced in June 2010 to 15-year imprisonment on unfounded charges of "grave robbing." The case signaled a departure from the government's previous willingness to embrace economically successful Tibetan elites who abstained from political pursuits. Multiple due process violations marred the trial, including evidence the suspect and witnesses had been tortured.

In July 2010 the government rejected the findings of a comprehensive Human Rights Watch report, which established that China had violated international law in its handling of the 2008 protests. The report, based on eyewitness testimonies, detailed abuses committed by

security forces during and after protests, including use of disproportionate force in breaking up protests, firing on unarmed protesters, conducting large-scale arbitrary arrests, brutalizing detainees, and torturing suspects in custody. The government accused Human Rights Watch of "fabricating material aimed at boosting the morale of anti-China forces, misleading the general public and vilifying the Chinese government," but failed to respond to any of the report's substantive allegations. More than three years after the 2008 protests, disappearances, wrongful convictions and imprisonment, persecution of families, and the targeting of Tibetans suspected of sympathizing with the protest movement continue unabated.

Human Rights Watch therefore urges the US to:

- Continue to press China to negotiate a political solution for Tibet with the Dalai Lama. President Obama should meet with the Dalai Lama and the newly elected head of the government in exile, Lobsang Sangay.

- Ask for the release of Tibetan prisoners prior to Vice President Biden's visit to China later this summer.

- Extend full and active support to the international investigation into the Tibetan protests led by the United Nations Office of the High Commissioner for Human Rights.

- Maintain funding not only for Tibetan language programs for RFA and VOA, but also for the Mandarin, Cantonese, and Uighur services; these are irreplaceable means of transmitting information into and out of all regions of China.

- Press China to account for every person detained in connection with the protests; vigorously investigate incidents where security forces have used lethal or disproportionate force; put an end to "disappearances" and unlawful detentions; and discipline or prosecute the perpetrators of abuses.

- Stress, when seeking cooperation with China on counterterrorism efforts, that the threat of terrorism cannot be an excuse to persecute or curtail the human rights protections of specific ethnic groups.

We thank you for holding this timely hearing, and look forward to answering your questions.

Chairman ROS-LEHTINEN. Thank you very much.

Thank you very much. Thank you for excellent testimony.

Mr. Gere, I will start with you.

There will be likely a struggle over the next Dalai Lama when the current one, who is 75, passes away. Beijing authorities will seek to interfere with the selection of Tibet's new next spiritual leader, and they would hope to put a puppet probably that they can control.

We can't imagine in a similar circumstance a European secular power intriguing in the Vatican to manipulate the selection of the heir to the See of St. Peter. So as the selection of the Dalai Lama, according to the reincarnation system of Tibetan Buddhism, is clearly an issue of religious freedom, what can or should the U.S. Government do to persuade Beijing to keep its hands off a purely religious matter?

Mr. GERE. The total absurdity of the Chinese Government saying that they will be naming the next Dalai Lama, when they are an atheistic organization, is pretty absurd. This is totally for the Tibetans themselves and, frankly, with this Dalai Lama, who is much bigger than Tibet, belonging to the world, it is certainly not up to the Chinese to make this decision.

This Dalai Lama has said also that he will not be reborn in a Chinese occupied area. So, clearly, he will be born in freedom, whether it is in India, but clearly outside of Tibet as long as it remains under Chinese control and the kind of repression that there is now.

In terms of the U.S., just be very clear in saying, no, this is up to the Tibetan people and the religious organizations within the Tibetan culture to make that decision.

Chairman ROS-LEHTINEN. Thank you very much. Mr. Downs, on North Korea, the North Korean Human Rights Act provides for broadcasting inside of North Korea, including by North Korean defectors.

Last month, a defector run radio station, based on sources that it had cultivated inside North Korea, carried a report on the systematic murder of special needs children. The reported rationale was to keep the North Korean capital, Pyongyang, devoid of disabled people. If true, this would represent a horrific human rights violation of epic proportions.

Can you comment or can Ms. Richardson on the likely credibility of this report, and can you comment on the overall effectiveness of these broadcasts into North Korea?

Mr. DOWNS. Thank you, Madam Chairman. I saw that report, and personally I thought that it had a high level of credibility, primarily because it actually identified individuals involved in the process and identified the source of the information to a deep degree.

It is not inconsistent with things that we have known that the North Korean Government has done in the past, and it makes sense from their perspective. So I take it as a serious concern. I know that Sophie will want to have some time to comment.

Chairman ROS-LEHTINEN. Yes, and also on the effectiveness of the transmissions. Ms. Richardson.

Ms. RICHARDSON. I think the broadcasting is incredibly important, and here I will insert a plea about VOA's Chinese language services. This is not the time to cut them, rather to double them.

I think in North Korea, too, these services are incredibly important for bolstering people's sense of a connection with the outside world, but also transmitting information into and out of countries that don't have free presses. These services are crucial, in our view and, to some extent, in our own research.

On the issue about that report in particular, I haven't seen it, but I agree entirely with Mr. Downs that those kinds of practices are consistent with behaviors that we have reported on in the past.

Mr. DOWNS. Let me add one thing, if I could, specific to your question.

Chairman ROS-LEHTINEN. Yes, sir.

Mr. DOWNS. Defectors are particularly adept at getting information out of North Korea and sending information back into North Korea. They know what is on the minds of the people in North Korea. They know how to get the information, and they have been extremely effective.

I can remember 10 years ago everyone questioned whether defectors were a good and legitimate source for information from North Korea. That skepticism has diminished over the years. People no longer doubt that they are obtaining the best information. After looking at this issue for 20 years, I can tell you that there has been a tremendous track record on the part of defectors for saying accurate things that we were later able to prove actually happened. Thank you.

Chairman ROS-LEHTINEN. Thank you. Then on Burma, I won't have time for your answer, but I wanted to bring up again that the administration has taken over 2 years to name a Special Representative for Policy and Coordination for Burma, and it is legislatively mandated in the Block Burmese JADE Act.

I think that this prolonged delay in naming this special envoy has impeded our U.S. focus on the deteriorating human rights condition inside Burma and on the necessity to enforce the sanctions mandated in the Act. So we certainly hope that we see some movement there. I thank the witnesses again for their excellent testimony. Pleased to yield to Mr. Berman for his 5 minutes.

Mr. BERMAN. Thank you very much, Madam Chairman. I guess I would like to ask, on Tibet, Mr. Gere and perhaps Ms. Richardson.

We have had a vivid demonstration from your testimony and what the members of the committee have said regarding what is going on with the Chinese in Tibet. The Chinese like to say, oh, the Dalai Lama just wants an independent country; he wants to secede. He has publicly said that is not his goal, but still no direct meeting with the Dalai Lama. Now he has turned over governmental responsibilities to the democratic elected leadership of the Tibetan Government in exile in India, and Lobsang Sangay has been elected to head the Tibetan exiled government.

Do either of you see this as an opportunity where the Chinese might consider directly negotiating with him? Is there some strategy change here that offers any hope of working or is this just an implacable opposition? They will always have—they always invent

some reason, and we shouldn't expect anything to come from this transfer of power?

Mr. GERE. I don't think we can expect anything, but I am an optimist. I think things can change radically, as we have seen in our lifetimes. Out of nowhere, things have changed.

Mr. BERMAN. In the last couple of months.

Mr. GERE. And I think this can happen in China, because the elements are all there for this kind of radical change. When people have been repressed this long—and I am talking about in China, not just Tibet or Mongolia or with the Uyghurs or anywhere. Change can come extremely quickly.

Now in terms of these negotiations, which between the Tibetans and the Chinese which were restarted in 2002, fruitless—to this point, there is nothing that has been gained. The key negotiator, Lodi Gyari, tries to put a good face on this, and he says, well, we are getting to know each other. But beyond that, and maybe a more civil meeting that they have every year or 2, nothing really has come out of the dialogue.

Still, from the Chinese side, it is the insistence that they only want to talk about the fate of the Dalai Lama, where he will reside, what his circumstances might be. They do not want to enter into what the real negotiation is from the Tibetan side, which is the fate of 6 million Tibetans. Now until they decide to do that, of course, there will be no fruitful negotiations.

Now the other question that you had about Lobsang Sangay, very interesting case, and I wrote about it a little bit in my paper. This is a boy who was born in an exiled community, in a refugee community and was given the possibility of becoming much more than that.

Long story short, he took advantage of a Fullbright scholarship and was educated here in the U.S., became a professor at Harvard, and is now the first freely elected, fully empowered prime minister of Tibet, in exile, but I think the evolution of this kind of a systematic movement toward true democracy in the exiled Tibetan community is extremely important.

The willingness of the Dalai Lama, who by all accounts—the psychic energy, the physical energy, everything about him—is the leader of the Tibetan people, by his own powers stepped back, because it was good for the people to engage the ideas of democracy.

Now if the Tibetans can do that outside of Tibet with all of the negative circumstances of being a refugee community, certainly that signals to inside of Tibet that that is also possible, and also by extension in China that it is possible.

Mr. BERMAN. You are an optimist, and that is good. There is no reason to be here if you were not.

Mr. GERE. I will not have it beaten out of me by anyone.

Mr. BERMAN. I have 52 seconds left here. Mr. Din, Ms. Richardson, let's assume the administration—and I do believe truly that the only way they are going to get real change in Burma is to get the neighbors of Burma to decide that this is a goal that they will take up with the Untied States. What is your evaluation of that strategy, and that, therefore, that is why they haven't imposed the final sanction, or that is why they haven't quickly enough appointed somebody? This is their goal. Is that a goal that is achiev-

able, and would it make a difference? Now 1 second. You have until the chair——

Mr. DIN. Mr. Berman, we are not asking for saving our country from the dictatorship. U.S. sanctions alone will not make my country free. U.S. engagement also will not make my country free. The people of Burma are the ones who will save their country from the dictatorship.

What we are asking is strengthen us better and better, and we can get stronger and stronger. The stronger we are, the weaker the region, the chance—the better we have chance to win the victory. So with the United States, rising of the history and make themselves whatever effort they can to supplement our movement in terms of financially, physically and morally, as well as make the region weaker and weaker by imposing economics and other sanctions on the region as strong as possible. That is all we are asking.

Mr. BERMAN. Could Ms. Richardson just get a word in on this subject as well?

Chairman ROS-LEHTINEN. Thank you. Could we leave that for maybe another—maybe Mr. Connolly will help you out.

Mr. BERMAN. No, that is all right. I could pursue directly.

Chairman ROS-LEHTINEN. Thank you so much. Mr. Smith is recognized for 5 minutes.

Mr. SMITH. Thank you, Madam Chair. Let me thank all four of our witnesses for your very concrete and very serious recommendations. I think you do each of the countries in question a great service by having very serious recommendations.

I mentioned earlier in some of my comments to Mr. Baer a concern that I have about a lack of personal accountability on the part of dictators and their henchmen and people who are just following orders who do heinous things to other people.

Tomorrow in remembrance of the Tiananmen Square massacre, I will be introducing the China Democracy Promotion Act, which will empower the President to deny visas to those individuals who have committed atrocities, and the President would have that ability to say you are not coming to the United States.

It mirrors what we did with the Belarus Democracy Act, and I was the author of that, and it does work when we tell the dictatorships we are not kidding, you are not coming here. I hope that maybe we could get a full head of steam for that piece of legislation.

I mentioned earlier, Mr. Gere, and you might want to touch on it, Hu Jintao's personal animosity toward Tibet cannot be overlooked. I would say, if it is not hate, I don't know what it is, and I find it very discouraging that we fail to realize people's personal animosities who then get into these positions of power, and they do terrible things. So you might want to speak to that.

Again, I found all of your testimonies very compelling. Mr. Downs, you point out that there is no reason for China to have to bear the burden of resettling all North Korean refugees.

Well, as we all know—and I have actually chaired three hearings on this, and I would agree with you—the Chinese Government continues to commit the grave crime of refoulement.

They send people back to certain incarceration, if not death, but we also found during those hearings that many of the women who

make their way across into China are then sold into sex trafficking and area abused, sex slavery and are abused horrifically, and China, to the best of my knowledge, has never been held to account for its gross violations of the refugee convention at the U.N. Again, the U.N. doesn't even do a slap on the wrist vis a vis China for any of its crimes in this case.

So if you could speak to that, and again—and I hope to get Mr. Baer to answer the question in the administration. It is time to hold people like Hu and others personally accountable either in a criminal venue like The Hague, certainly in other venues as well like the Refugee Convention.

Mr. GERE. You raised a lot of very good points here, Congressman. We had a long talk about this earlier this morning, actually, and the reality of dealing with the Chinese—I think our President has found new footing on how to deal with the Chinese. I would like to see him go further, as I think most of the Congresspersons here would. When he made the decision not to see the Dalai Lama in September 2009, I believe it was, he said, no, I want to go to China first and start fresh with the relationship with them.

On a certain level, that made a great deal of sense, and he talked to the Tibetan community about that before that decision as made public. It was the wrong decision, because the reality is the Chinese only deal with pressure, seriousness, firmness, and every time we are wishy-washy with them, they take advantage of it, and this is not true only of the U.S. but of every other country they have dealings.

A stick and a carrot is very important in dealing with the Chinese. Firmness is deeply important. They do understand that, and anything short of that is viewed as weakness, and they will take advantage of it, absolutely.

Now as to Hu Jintao, when it was clear that he was going to take over leadership, I asked some of our people in some of our agencies—let me put it that way—about him, and they had a psychological report on him.

They said, look, this is a guy who came out of the Party. From a young man, he was in the Party, and he has group-think, Party-think. This is not a kind of alpha personality who can bring change. He is not a Gorbachev. He is not someone who can think out of the box. He is always going to be within the box of the Communist party, and for his tenure there, he has proven himself to be exactly that.

He wasn't a businessman. Jiang Zemin actually was able to make some large moves laterally. The army at a certain point pulled a choke chain on him and stopped the entire process of that, but I think any of these guys that come out of the party system, there is no way that they will be the free thinkers that we want them to be to make radical change or even, really, systematic change.

Hu Jintao, I have no doubt, has animus against the Tibetans. He showed it, as you said, in 1989, and he continues to show it now. There were many opportunities and there continue to be opportunities in Tibet to make things right.

There is a soft way in Tibet for the Chinese to get everything they want, and for the Tibetans to have everything they want, and

coming from strength, as Hu Jintao has come from, or apparently, he has been willing or unable to see that. It is a great misfortune for China as well as Tibet.

One other thing I would like to bring up in terms of this stick and carrot, the visa thing is real. They do listen to these kind of things. We want a consulate in Lhasa. That is important to us. As it is now, the closest we have is in Chengdu, and Chengdu is actually much further away from Lhasa than Kathmandu or Dhaka.

So we want this, and we have had it on the table since the last time I actually spoke to you all, which was in 2007, I think, and I think it actually was talked about as early as 2002 very seriously. We want that. Now that is at the top of our list with China.

They want consulates in Boston, Atlanta, elsewhere. This is a quid pro quo. If you want Boston, we want Lhasa, and to be very, very clear about it——

Chairman ROS-LEHTINEN. Thank you very much. Thank you. Thank you, Mr. Smith. Mr. Connolly.

Mr. CONNOLLY. Thank you, Madam Chairman. Let me pick up where Mr. Gere was just leaving off. I am going to ask a devil's advocate question. That is, what real leverage do we have on the Chinese, frankly, with respect to Tibet?

They have been resettling Tibet with Han for a long time. You talked about 6 million Tibetans. There are 1.3 billion Han. Our relationship, if anything, has shifted in a way where we are much more susceptible to their leverage than they are to ours, from an economic point of view. The largest trade deficit we have in the world is no longer Japan. It is China.

They have invested in U.S. debt to the point where, frankly, they are our largest debtor country—or creditor country. So when we look at, well, what points of leverage, I know you cited visas, but given the enormity of Chinese presence in Tibet, given their intransigence with respect to any discussion about Tibetan autonomy, the return of the Dalai Lama under reasonable circumstances, and so forth, how realistic can it be that the United States could meaningfully influence the Chinese to a much more enlightened and reformed view about Tibetan freedom?

Mr. GERE. Everything you say is absolutely true, but the situation in Tibet can radically change quickly. The investment in Tibet is fairly superficial from the Chinese side. They have already taken the natural resources. The hundreds of billions of dollars in natural resources, including wood, timber, etcetera, etcetera, that is all gone.

They have a large contingency of military there at this point, and that costs them a lot of money. But we are not invading China. We are not going to stop having economic relations with China, but there are areas that they are very sensitive to.

Human rights, brought up consistently, is annoying to them. It is like having a thing in your tooth of a lion, a lion with a little stick stuck in his tooth. It is annoying to the point he would do anything to get rid of it, and that is what we have been doing from the Tibetan side now for 40, 50 years.

There is a reason why they still think why do people care about Tibet; why do they keep bringing up Tibet? It annoys them, and

it is right, and it is true, and it is coming from a powerful place from us.

Now I agree so totally with you who have spoken ill of the President for not receiving the Dalai Lama properly. That is annoying to them, to see the President of the United States publicly engage in the most appropriate way with the Dalai Lama. That is a big deal to them.

The fact that the President of the United States would talk about human rights publicly in front of them saying this is what we stand for, and we are really not happy with what you are doing there—that is incredibly annoying to them. Now we have to do this consistently.

Every time a Congressman goes near the Chinese, they have a list of Chinese prisoners, every single time. Every single time Tibet is brought up, every single time the Dalai Lama is brought up, every single time the negotiations between the exile government and the Chinese is brought up, in every situation, whether it is economic, political, etcetera, educational, artistic exchanges, every single one, these key points that we care about are brought up, and believe me, they hear it. They are so annoyed by this.

Mr. CONNOLLY. I really take your point. We need to be speaking consistently and unwaveringly, because weakness is not respected on the other side.

Mr. GERE. No. Taken advantage of.

Mr. CONNOLLY. That is right.

Mr. GERE. Immediately taken advantage of.

Mr. CONNOLLY. Thank you. Ms. Richardson, real quickly, I heard your disappointment in the administration testimony in the first panel, and I shared it, and I wanted to give you an opportunity to expand a little bit on Mr. Yun's answer to my question about how is it going with pragmatic engagement in Burma.

Ms. RICHARDSON. Now well, is the short answer. The administration has, obviously, sent a number of envoys to Burma, tried to engage in conversations, obviously reached out to Aung San Suu Kyi and others, but there haven't been any confessions.

I think that really is a function of the regime not feeling any real pressure or obligation to make those kinds of confessions, and why we need to wait any longer or wait until the EU, for example, decides that it thinks the new government is problematic or not all that new or ASEAN allies have a sudden change of heart and decide to take a tougher position against one of their own is a little bit of a mystery to me.

We know what this government is. We know how it will act. The U.S. has leverage available to it, and if it has exhausted other options and hasn't seen the desired change——

Chairman ROS-LEHTINEN. Thank you, Ms. Richardson. Thank you, Mr. Connolly. Mr. Rohrabacher is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, Madam Chairman and, Mr. Smith, I hope you will put my name on as an original cosponsor to your China Democracy Promotion Act, and that sounds exactly right. You are actually doing something rather than just annoying them.

Mr. Gere, I really appreciate you over the years. Very few people in your business have had meaningful commitments to human

rights, and you have. What was the name of your movie where you were the businessman in China?

Mr. GERE. Red Corner.

Mr. ROHRABACHER. Okay, there you go.

Mr. GERE. A very large seller in mainland China.

Mr. ROHRABACHER. Let me suggest that any of you who have not seen that movie should see it, and I thought it was very courageous of you to participate in something like that that could have had economic repercussions, for yourself.

I do not believe that annoying dictators and gangsters makes a difference. I'm sorry, and the bottom line is that, if you have—and I always have—when I go to these countries, I carry the list of political prisoners.

Mr. GERE. God bless you.

Mr. ROHRABACHER. I do this all the time. Frankly, the other Americans who are carrying contracts and blueprints for technology development and the plan for the latest plant that they want to move from the United States to China—that means more to them than——

Mr. GERE. I think, if every single one of them had that list, your list—and that was primary before you got into the business.

Mr. ROHRABACHER. Well, I will tell you, the businessmen—as I say, America's actions speak so loudly that they can't hear our words of support for human rights, and that is a sad, sad story. I am saying that, because I disagree with you on that one point. You are my hero on being committed to human rights the way you are, and the points you are making are very important for us to listen to.

The reciprocity demanding for a consulate and Lhasa, for example, is an important point to make. We need reciprocity rather than annoyance. We need—for example, Beijing has permitted two VOA reporters in their country. They have hundreds of government reporters from China here.

Mr. GERE. Good point.

Mr. ROHRABACHER. Let's have some reciprocity. In fact, what we are showing them, instead of demanding reciprocity, we are closing up VOA. I mean, how insane. What kind of message does that send. All the other messages we are going to send, but we are going to close up the China section of VOA. Yes, we are sending messages, all right, and I agree with you. We should never, never try to have violence as our tactic that will bring about freedom in China.

The people of China are our greatest ally in this fight for freedom and peace in the world. The Chinese Government is our worst adversary and enemy. We need to expand that alliance.

One note, Ms. Richardson. Where I agree with many of the things that you stand for, instead I want to note one thing that I disagree with your testimony. That is for us to be feeding the people of North Korea is catastrophe for the cause of freedom and the cause of peace, and it will not bring a more peaceful world.

If we end up, which we have done for the last 15 years, providing fuel and providing food for North Korea, they will then use their money to buy weapons and to repress their people. There is a track record. It is demonstratable that that is what they will do.

This is what tyrants do. They don't care about their own people. So we should not shift the responsibility of feeding them and providing them fuel to the Americans or other people. We should leave that—I'm sorry. The North Koreans will suffer because of their own government, not because we are not giving it to them.

So, Madam Chairman, we have had a lot of good suggestions here today, and this has been a great hearing, and I appreciate you taking the leadership. I hope this committee—we have had these suggestions now, reciprocity for Lhasa and these other things that we have heard today. I hope that we follow up on that, and I do hope that we do call Americans here to explain when they are doing things that actually help the tyrants in places like China, but also in Burma and these other countries. Thank you very much.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Rohrabacher. Mr. Burton, chairman of the Subcommittee on Europe and Eurasia, is recognized.

Mr. BURTON. I just learned that we are cutting off the funding for VOA to China. I didn't know that, but I will be happy to join with you in getting signatures on a letter to try to get that money reappropriated for that. I think that is a crazy thing. That is the first thing I didn't know.

The second thing I didn't know is that you could sing. When I saw Chicago, I just couldn't believe you were singing. So I want you to know that that was very impressive.

Mr. GERE. I just want you to know I am not going to sing right now.

Mr. BURTON. That is fine. That is fine. Incidentally, this morning while I was getting ready to come to work, on the History channel they had a documentary on Tibet, and I wish you could have seen it, because I thought maybe you put them up to that, because it went into all the things that you were talking about, from the birth of the Dalai Lama all the way up to the problems that they are having today. So it was kind of timely.

First of all, let me talk about North Korea. My colleague just said, Dr. Richardson, that we shouldn't be sending food there. I concur with him. I would love to make sure that the starving people there get food. I think that is important, but I remember—and I mentioned before, and you probably heard it when I was talking the first time around—that Mengistu got millions of dollars in Ethiopia, and he made money off of it and used it to repress his people, and it went on and on and on.

I think that a better use of our funds and our resources would be to really go after North Korea in every possible way to make a change, and I know it is going to be very difficult, but giving them food aid for the starving masses, unless we could make sure it gets to them—and the monitors you talked about—that was talked about with the first panel, I just don't have much confidence in them.

You said the election in Burma was a sham. I think that most of us were not really aware of all the ramifications of that, but I will try to make sure that we communicate that to the rest of our colleagues who aren't here on the Foreign Affairs Committee with us today.

North Korea said that, when we passed the Korean Government sanctions legislation, the Korean Human Rights Act, that the NGOs will pay for that. Can you elaborate on that real briefly? Have they done that? Has there been any repression of the NGOs that were there in North Korea?

Mr. DOWNS. There were no NGOs in North Korea, and the statement actually said NGOs "operating in some countries." I have considered that an additional bit of circumstantial evidence that suggests that the mysterious disappearance of David Sneddon was actually a North Korean abduction. There are a number of other circumstances that support the same conclusion.

You can say that they have taken other actions as well against NGOs around the world, but in that particular time period there was one action that, I think, is attributable to North Korea that was responsive to the anger that they felt at that time.

Mr. BURTON. I don't know how much pressure this will put on these tyrannical governments, but I think your idea of a bill, which I will co-sponsor with you, to deny visas to anybody from those countries that are involved in human rights violations is very good, and I will try to help you get co-sponsors to that.

Mr. Gere, you said that you hope that China, like other countries, will be successful and that there will be positive change. We all share your view that that, hopefully, will happen, but with the military government that they have and the Communist government, I am not too optimistic that that is going to happen.

So I am going to give you one more chance to elaborate on how you think we could put pressure on them or Burma or any of these other countries, Tibet, and their governments to bring about positive change.

Mr. GERE. This is a very long discussion.

Mr. BURTON. I know, but you are very knowledgeable, and I would like to hear what you have to say.

Mr. GERE. But, I think, philosophically, too. Look, my feeling is that nonviolent change, real change, takes a long time, but once it is achieved, it is solid. It is real. It has longevity.

There is no way that China is going to change from the outside rapidly. They will change from the inside, as we see. Communication becomes desperately important. We see what the Internet has done.

We know what the Voice of America has done. I can tell you, the people, the Tibetans, nuns and monks, friends of mine who have gotten out of Tibet have said that that kept them alive. The hope that kept alive in them was extraordinary. For us to stop that, for the minimal amount of money, considering budget-wise what that is, is insane to cut that off.

Same in China. People get information. They hear other ideas. As much as I do agree in this stopping visas, I want more people to come to the U.S. I want everyone to come to the U.S. Even if it is unbalanced, I want them to come and see how other people live, see how we live, see how we think, see the mistakes we make, the context of our lives. That has changed our planet rapidly, just seeing each other, engaging each other.

I was in China—I think the only time I was allowed in the mainland was in 1993, I think it was, and I have seen since then many

of the Chinese people that I had met at that point outside and how quickly they changed in the process of just seeing the rest of the world, hearing the rest of the world.

Chairman ROS-LEHTINEN. Thank you.

Mr. GERE. Engaging the rest of the world. It is huge.

Chairman ROS-LEHTINEN. Thank you so much. Thank you. Our last question and answer period will be led by Mr. Bilirakis of Florida.

Mr. BILIRAKIS. Thank you, Madam Chairman. I want to thank the panel for their testimony. I only have one question. It is not directly related to Tibet, North Korea or Burma, but it characterizes Beijing's influence in their neighborhood.

Recent media reports—we have been discussing this issue, but recent media reports from the Economist, BBC, and the Taipei Times have disclosed the Beijing pressures, some of its Asian neighbors, to interfere with and even stop some independent media in these countries from broadcasting either locally or to mainland China.

Such media include Radio Era Baru in Indonesia, Sound of Hope Radio Network in Vietnam, and the New Tang Dynasty TV in Taiwan. This is particularly troubling, since two out of the three countries are democratic countries.

I would like to hear from the panel your thoughts on China's reach into undermining democracies.

Ms. RICHARDSON. I will try to give you a succinct answer to that. Yes, these cases that have been reported, I think, clearly represent the Chinese Government's efforts to shut down transmissions by particular kinds of media outlets.

The ones you just referred to are affiliated with the Falun Gong, and we have seen a very concerted effort to make sure that those can't broadcast either into the mainland or to Chinese speaking communities across Southeast Asia.

I think it is absolutely true that especially the regions and the places we are talking about today, feature regimes that, in and of themselves, are deeply committed to brutality, and would continue to be so even if China dropped off the map tomorrow, but the Chinese Government does provide crucial economic support, diplomatic support, and certain kinds of other recognition that those regimes really, I think, rely on.

One of my concerns about the hesitation on Burma of needing the neighborhood support—is the U.S. really looking for the support of Laos and Vietnam and Cambodia, three governments that have terrible track records on human rights, to help protect the people of Burma? That doesn't make a whole lot of sense. But I think it is very clear to see that the Chinese Government will try to influence efforts of activism, either by Tibetans or Uyghurs.

In other parts of Southeast Asia, we have seen a number of horrifying cases of people being refoule'ed back to China from Southeast Asia, not least 20 Uyghurs who were sent back from Cambodia at the end of 2009 and literally not been heard from since.

These are very worrying trends that, I think, deserve a certain amount of public scrutiny from the State Department.

Mr. DIN. Those radio services such as Radio Free Asia Burmese service, Voice of America, Burmese service, and BBC, Burmese

service, also the Democratic Voice of Burma, Oslo, Norway—they all are very reliable and a treasure for the people of Burma, because they only have the true news information from these radio outlets, not from the government-controlled media.

That is why the regimes have tried to block these radio assets. There are many laws in Burma. You can't own a radio or television without having permission from the local authority, and you can be sentenced, imprisoned for 3 to 5 years for listening to the BBC or VOA radio services.

I think that the regime issued the order, and then the order is government stuff, not to listen to these radio services. I believe that the regime also received such a so restricted a declaration from the Chinese Government to suppress all the radio coming from the international media.

Mr. DOWNS. If I might very quickly, I think that the Chinese support of the North Korean regime is pretty well known, but we need to keep in mind its full range—that they use their U.N. power quite often to support North Korea blocking resolutions, against the sinking of the *Cheonan*, for example, and this goes all the way down to the local level. They allow North Korean agents to come in and operate against North Korean refugees inside China, remove them, and send them to camps, and it is not like this is completely unofficial.

The Chinese Government itself repatriates North Korean refugees, and sends them to their own punishment, persecution, and death back in North Korea, in violation of international law. I think it is well known. Thank you.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Bilirakis. I want to thank our excellent witnesses. Thank you so much. I also want to thank the audience. Thanks for being with us, because this sends us a good signal that you are interested in human rights, and you want to hold those human rights violators accountable. We thank you so much. Thank you to the members of the press who were with us.

Mr. Gere, you know I have another special request of you. We have somehow found another crop of interns who would appreciate a few minutes of your time, whenever you get done with the interviews and discussion.

Mr. GERE. I will give you the time to do that gladly, but I want you to commit to have an executive meeting with Lodi Gyari and other representatives of the Tibetan movement.

Chairman ROS-LEHTINEN. I will do this. Thank you.

Mr. GERE. Thank you.

Chairman ROS-LEHTINEN. We will do this.

Mr. GERE. Love to have you in part of that as well.

Chairman ROS-LEHTINEN. You know these guys will always be with you. Thank you so much. Thank you, all of you.

The committee is adjourned.

[Whereupon, at 12:50 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

May 26, 2011

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Thursday, June 2, 2011

TIME: 10:00 a.m.

SUBJECT: Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korean Human Rights Act

WITNESSES:

Panel 1:
The Honorable Robert King
Ambassador
Special Envoy for North Korean Human Rights Issues

The Honorable Daniel B. Baer
Deputy Assistant Secretary of State
Democracy, Human Rights and Labor

The Honorable Joseph Y. Yun
Deputy Assistant Secretary of State
East Asian and Pacific Affairs

Panel 2:
Mr. Richard Gere
Chairman of the Board of Directors
International Campaign for Tibet

Mr. Chuck Downs
Executive Director
Committee for Human Rights in North Korea

Mr. Aung Din
Executive Director & Co-Founder
U.S. Campaign for Burma

Ms. Sophie Richardson
Asia Advocacy Director
Human Rights Watch

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Thursday* **Date** *June 2, 2011* **Room** *2172 Rayburn*

Starting Time *10:08 am* **Ending Time** *12:50 pm*

Recesses [ ] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Chairman Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korean Human Rights Act

COMMITTEE MEMBERS PRESENT:

Attendence Attached

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Connolly SFR
Manzullo QFR
Robinson Q&A
Ros-Lehtinen QFR

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:50 pm*

Jean Carroll, Director of Committee Operations

Hearing/Briefing Title: **Religious Freedom, Democracy, Human Rights in Asia...**

Date: **June 2, 2011**

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
X	Dan Burton, IN
	Elton Gallegly, CA
X	Dana Rohrabacher, CA
	Donald Manzullo, IL
X	Edward R. Royce, CA
	Steve Chabot, OH
	Ron Paul, TX
	Mike Pence, IN
	Joe Wilson, SC
	Connie Mack, FL
	Jeff Fortenberry, NE
	Michael McCaul, TX
X	Ted Poe, TX
X	Gus M. Bilirakis, FL
X	Jean Schmidt, OH
	Bill Johnson, OH
X	David Rivera, FL
	Mike Kelly, PA
	Tim Griffin, AK
	Tom Marino, PA
	Jeff Duncan, SC
X	Ann Marie Buerkle, NY
	Renee Ellmers, NC

Present	Member
X	Howard L. Berman, CA
	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
	Donald M. Payne, NJ
X	Brad Sherman, CA
	Eliot Engel, NY
	Gregory Meeks, NY
	Russ Carnahan, MO
X	Albio Sires, NJ
X	Gerry Connolly, VA
X	Ted Deutch, FL
	Dennis Cardoza, CA
	Ben Chandler, KY
	Brian Higgins, NY
	Allyson Schwartz, PA
	Chris Murphy, CT
X	Frederica Wilson, FL
	Karen Bass, CA
	William Keating, MA
	David Cicilline, RI

The Honorable Gerald E. Connolly (VA-11)

HCFA Full Committee Hearing
Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, & the North Korean Human Rights Act
10am

I welcome our witnesses today. Ambassador King, it's nice to see you return to the Committee, albeit in a slightly different capacity. I believe your wife Kay is in the audience as well. Welcome to all of you and the entire panel.

NORTH KOREA

The actions of the North Korean regime often leave much of the international community perplexed. Strategically, it seems that North Korea's goal would be to maintain the status quo within the country—to ensure that the privileged few maintain the Orwellian nature of life in North Korea so that the scarce resources can go to the military regime. Since an estimated 5 million of North Korea's 24 million people appear to be facing severe food shortages and malnutrition, hoarding of resources seems to be a key survival strategy of the military and Kim Jong Il's inner circle.

The oppressive regime in Pyongyang is known for behavioral patterns consisting of provocative action followed by affectations of compromise and negotiation. As the transition from the reign of Kim Jong Il to Kim Jong Un draws closer, Pyongyang has actively targeted and killed citizens of South Korea, a key U.S. ally.

North Korea is infamous for its unprovoked attacks, its nuclear and bizarre attempts at brinkmanship on the international stage. The latest in a string of incidents occurred last November, when visiting American experts observed the construction of a light-water reactor and a new uranium enrichment plant at Yongbyon. This was just one of several nuclear reactor projects in North Korea. In 1994 and again in 2009, North Korea began construction of various nuclear apparatuses at the same site, only to dismantle the apparatuses or halt the construction projects.

Pyongyang denied any role in the March torpedo attack of a South Korean Pohang-class naval vessel the *Cheonan*, despite the findings of an international investigation team which linked a North Korean submarine to the attack. This attack killed forty-six South Korean sailors. In the case of the November shelling of Yeonpyeong island, which killed four South Koreans including two civilians, North Korea did not deny the attack. Instead, Pyongyang said the attack was South Korea's fault.

BURMA

In the fall of 2009, the United States outlined a policy of "pragmatic engagement" with Burma. At that time, the Administration indicated "that neither isolation nor engagement, when implemented alone" have been effective in changing the conditions in Burma. One day after the ruling military junta claimed victory in a fraudulent election, the house arrest order of opposition leader and Nobel Laureate Aung San Suu Kyi finally expired. The junta decided not to renew it; perhaps this decision was intended as a consolation prize for pro-democracy activists to quell voter anger. No matter what the strategic reason, the release of one high profile prisoner does not make up for the continued detention of more than 2,100 political detainees, "a number that effectively doubled since 2007," according to Human Rights Watch.[1]

[1] Both figure and quote are from Human Right Watch, *Q & A: Burma's Political Prisoners*, August 16, 2009.

The Honorable Gerald E. Connolly (VA-11)

An update on the efficacy of U.S. sanctions against Burma would be timely, given their mixed reviews. A September 2009 GAO report cites DHS data that indicates "Thailand, China, Pakistan, and India reportedly exported more than $70 million dollars worth of non-Burmese-origin rubies, jadeite, and related jewelry into the United States from October 2008 to May 2009."[2] The report goes on to discuss the significant roles of both the People's Republic of China (PRC) and Thailand in the Burmese jade trade.

TIBET

The United States sent a clear message about our Tibet policy in 2002 with the passage of the Tibetan Policy Act of 2002 (the TPA). Despite the passage of the Tibet Policy Act—a bill led on the House side by the late Chairman Tom Lantos—the situation in Tibet hasn't improved. The act directed the United States to establish an office in Lhasa, but the People's Republic of China has blocked such action. Moreover, China has continually detained, tortured, or killed Tibetans for exercising their basic human rights. A recent example was the killing of two elderly Tibetans who attempted to protect monks at a monastery. It remains to be seen how the election of a Lobsang Sangay as a new Kalon Tripa will affect China's evolving policy toward Tibet.

There are a lot of issues to examine at today's hearing. The United States' position with regard to Tibet, Burma, and North Korea has been codified in legislation over the past several years. I await the updates regarding implementation of this legislation. Thank you, Madam Chairman.

[2] Government Accountability Office, *U.S. Agencies Have Taken Some Steps, but Serious Impediments Remain to Restricting Trade in Burmese Rubies and Jadeite* (GAO-09-987), September2009, 17.

Question for the Record from the Chairman
Committee on Foreign Affairs, U.S. House of Representatives
Hearing: "Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korean Human Rights Act"
June 2, 2011

This question is addressed to Ambassador King:

- Ambassador King you were the highest-level Administration official to visit Pyongyang since Ambassador Bosworth was there in December 2009. Your trip was clearly a signal that the United States is moving toward re-engagement with North Korea. However, shortly after you left Pyongyang, North Korea cut off all military communications with the South and said it will "no longer deal with South Korea." This came just after a visit by Kim Jong-il to China where he called for a re-opening of the Six-Party Talks.

  - **How can we talk about engaging the North when it has begun to demonstrate renewed belligerence toward our South Korean ally? Does the result of your trip indicate that North Korea thinks it can go around South Korea and deal with us exclusively? Can the Six-Party Talks reconvene without North Korea first talking to South Korea, as has been past Administration policy?**

[NOTE: Responses to these questions were not received prior to printing.]

Questions/Statement for the Record of the Honorable Donald Manzullo
Committee on Foreign Affairs, U.S. House of Representatives
Hearing: "Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korean Human Rights Act"
June 2, 2011

This question is addressed to the Administration witnesses, particularly Ambassador King. The Government of Japan, families of the victims and human rights organizations have been pressing North Korea on the issue of the abductions of Japanese citizens for nearly a decade. In an attempt to normalize relations between Japan and North Korea, Japan has continued to raise this issue at every possible diplomatic opportunity. North Korea, however, persistently demonstrates a lack of good faith toward the resolution of this crucial issue. What is the Administration doing to address the abductions of Japanese citizens by North Korea? As one of our closest allies in the region, it is important that we support Japan on resolving the cases of the abductions. Are you engaging the North Korean Government to make a decision, settle these past offenses and bring the 17 abductees cases to rest?

[NOTE: Responses to these questions were not received prior to printing.]

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