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U.S. POLICY TOWARD BURMA

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HOUSE OF REPRESENTATIVES

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U.S. POLICY TOWARD BURMA

WEDNESDAY, OCTOBER 21, 2009

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

The committee met, pursuant to notice, at 10:04 a.m., in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The committee will come to order.

Today's hearing is obviously on the U.S. policy toward Burma. If we have our chair and ranking member of the relevant subcommittee, we will recognize them after the ranking member and I give our opening statements. We will recognize members who are here at the time of the gavel for any 1-minute opening statements they want to make.

Secretary Campbell, it is good to see you.

And I will now yield myself time for an opening statement.

Thinking about Burma brings certain indelible images to mind: The brutal crackdown on courageous, saffron-robed monks protesting peacefully 2 years ago; the strength of purpose reflected in the face of opposition leader Aung San Suu Kyi, the only Nobel Peace Prize recipient who is held in captivity; the stark conditions described by former political prisoners held for years in ramshackle jails built during British colonial times; and nearly 100,000 child soldiers who are forced to bear arms to offset high rates of desertion in the military.

Such images may no longer be on the front pages of our papers or brought to us on the nightly news, but during the next couple of hours, they should be kept in our thoughts. More than 2,000 Burmese political prisoners remain behind those bars. Aung San Suu Kyi is again sentenced to house arrest, this time under a convenient pretext to keep her from taking part in elections expected to be held next year—elections that the ruling junta in Burma is already maneuvering to undermine.

Last month, the Obama administration announced a new U.S. policy toward Burma: Expanded engagement with the government while maintaining economic pressure on the leadership through existing sanctions.

The purpose of this hearing is to assess the implications of this policy. Finding a workable international approach toward reform inside Burma is in our strategic interest and requires working on a solution with stakeholders such as China, India, the Association of Southeast Asian Nations (ASEAN); and the European Union.

The administration's policy review was the result of a series of troubling developments: The crackdown on the Saffron Revolution in September 2007, the fraudulent national constitutional referendum held just days after Cyclone Nargis in May 2008, attacks against ethnic groups on the China-Burma border, and the re-sentencing of Aung San Suu Kyi despite widespread condemnation from the international community.

Since the 1990s, the U.S. Government has imposed a number of economic and diplomatic sanctions in order to pressure the Burmese military regime to follow internationally accepted norms for human rights. These include the prohibition of investments in Burma by U.S. companies or persons, and targeted sanctions as mandated in the Tom Lantos Block Burmese JADE Act of 2007. During this hearing, we will consider the effectiveness of such measures, and ways in which they may need to be refined or better enforced.

In announcing the new policy last month, Secretary of State Hillary Rodham Clinton said:

> "We believe that sanctions remain important as part of our policy, but by themselves they have not produced the results that had been hoped for on behalf of the people of Burma. Engagement versus sanctions is a false choice in our opinion."

I agree with the Secretary that engagement and sanctions must be applied together for reforms to take place in Burma. It is also clear that our policy of isolation over the past two decades has resulted in China's growing political and commercial influence in Burma, and little progress in supporting those calling for reform.

Historically, China's relationship with Burma has been precarious, but in our absence it has been strengthened. While China has sought international recognition as a rising global power, Beijing has become the strongest defender of Burma's repressive policies in the United Nations and other international fora, risking its reputation as a responsible global partner.

Any changes in Burma will have a direct impact on China and other neighboring countries. The Burmese border regions have long been a bastion of drug smuggling, human trafficking, and other criminal activity, not to mention infectious disease—none of which can be contained by political boundaries.

Thailand and China have also seen a spike in the flow of refugees as thousands of Burmese have fled across the border to escape the intensified violence and egregious human rights violations against women, children, and ethnic minorities.

There are troubling questions about military ties between Burma and North Korea, which Secretary Clinton has spoken about publicly, as well as nuclear weapons proliferation concerns stemming from that relationship. Burma has also been sending hundreds of officials to Russia for nuclear technology training, and is reportedly engaged in discussions to purchase a nuclear reactor from Russia.

Next month, President Obama will go to Singapore to attend the APEC conference as well as the U.S.-ASEAN Summit. This will be a unique opportunity for the President to put into practice our country's new strategy of engagement in multilateral cooperation with our partners in the region on the Burma issue. Congress

stands ready to augment the work of the administration. We want to strengthen the forces of change inside Burma.

And as a symbol of our enduring solidarity with the people of Burma, we look forward to the ceremony next year at which this body will bestow its highest civilian honor on Aung San Suu Kyi, the Congressional Gold Medal. If this courageous freedom fighter is prevented by her government from traveling to the United States, the ceremony will proceed as planned, with a seat held open for her.

I now turn to the distinguished ranking member, Ileana Ros-Lehtinen, for any opening remarks she might wish to make.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

And welcome to Assistant Secretary Campbell and to our distinguished panel of private witnesses later.

As Winston Churchill warned, there is no greater mistake than to suppose that platitudes, smooth words, and timid policies offer a path to safety. I couldn't agree more. And in that vein, I wish to underscore that I oppose dialogue with the Burmese military junta and oppose the offer of further carrots in the form of expanded economic assistance.

Not surprisingly, engagement has been tried and it has failed. The Bush administration engaged with the Burmese junta twice. Former Deputy Assistant Secretary Eric John, now our Ambassador to Thailand, flew to Beijing in June 2007, a mere 2 years ago, to engage with representatives of the Burmese regime. And what was the junta's response to Mr. John's request for a more open and humane political system? Following street protests a few months later, in which Buddhist monks joined students, political activists, and ordinary citizens, the regime responded with batons and bullets.

The junta's harsh repression of the Saffron Revolution, named for the color of the monks' robes, was witnessed in horrified visions seen by viewers on TV screens all around the world. Midnight raids on monasteries followed, where eyewitnesses reported that troops were beating and killing monks.

The Bush administration's second attempt at engagement followed the cyclone which hit Burma in May 2008, leaving an estimated 146,000 dead and so many more homeless. Then-U.S. Agency for International Development Administrator Henrietta Fore and Admiral Timothy Keating of the U.S. Pacific Command flew into Burma in the storm's aftermath with initial relief supplies. They met with the regime's top naval officer, who indicated that the delivery of further American relief assistance would be permitted. Subsequently, however, four U.S. Navy ships carrying relief supplies had to abort their mission after waiting in vain for over 3 weeks for permission to assist storm victims. U.S. humanitarian efforts were described by the regime-controlled media as the U.S. military preparing an invasion.

Congress took a different approach to the continued atrocities and belligerence of the Burmese regime. Our distinguished former chairman and my dear friend, Tom Lantos, and I introduced and fought for the adoption of the Tom Lantos Block Burmese JADE Act. The JADE Act includes new restrictions on the importation of

gemstones and other new sanctions against the regime, its family members, and their cronies.

It was signed into law in July of last year, only 15 months ago. U.S. policy, therefore, should focus on the full and robust implementation of the measures contained in this law, rather than focusing on engagement and inducements for the Burmese regime.

The actions and the policies of this regime are of increasing, rather than decreasing, concern. This summer, we learned through Australian reporting of interviews with Burmese defectors that the military junta appears far more engaged in nuclear proliferation activities with North Korea than ever previously suspected.

U.S. Navy vessels spent part of this summer in the South China Sea, tracking the movement of a North Korean merchant vessel suspected of carrying missile parts destined for Burma before it got turned back due to international pressure. A Burmese kangaroo court just extended the house arrest of democracy advocate and Nobel Peace Prize winner Aung San Suu Kyi for another 18 months on trumped-up charges so that she is effectively blocked from playing any role in the upcoming elections.

Isn't there a grave danger that the regime will launch an offensive prior to the scheduled elections to pacify border areas through bloody assaults, including the burning and pillaging of villages, gang rape, mass murder, mutilation, forced labor, and child soldiering? Haven't ethnic ceasefire groups which reject the regime's demand that they join a junta-controlled border guard force been warned of the dire consequences for themselves and their people? Hasn't the Burmese junta responded to the latest American overtures by imprisoning and torturing a United States citizen?

In light of this, how can anyone credibly argue that engaging the Burmese regime with new carrots, however fresh, particularly as its behavior is getting markedly worse, advance U.S. security interests and our foreign policy priorities? The U.S. must heed Churchill's warning about supposing that smooth words and timid policies offer a path to safety.

I look forward to our witnesses' testimony.

Thank you, Mr. Chairman, for the time.

Chairman BERMAN. I thank the ranking member.

Any members wish to be heard on this issue?

Ambassador Watson, you are recognized for 1 minute.

Ms. WATSON. Thank you, Mr. Chairman, for holding this timely hearing on the United States and Burma relations. With the new administration in place, I believe the time has come for a cohesive policy and changes that will finally bring positive change to Burma.

For decades, the military-dominated Burmese Government has perpetrated human rights abuses of the most serious kind. Minority women and children are raped and sold into sexual slavery, and the government has mismanaged a once-vibrant economy. Political opposition has been prevented.

So, with the questionable elections looming in the near future, I hope that our panelists can enlighten us as to the steps the United States can take to help improve the situation of the people of Burma.

Thank you again, Mr. Chairman. I yield back the balance of my time.

Chairman BERMAN. The time of the gentlelady has expired.

The gentleman from California, Mr. Rohrabacher, is recognized for 1 minute.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

And I will have more to say later on when we have some dialogue. But, Mr. Secretary, thank you very much for being with us today.

I think that there is reason for alarm among people who believe in liberty and freedom as to what the policies of this administration will be. I mean, we see the President overseas apologizing to tyrants and people who oppress their own people. And we are going to watch very closely what is going on in Burma, because for us to be expanding our relationships, opening up ties with the Burmese junta is the worst possible course of action. It is immoral. It is going to send the wrong message to the Burmese dictatorship. It is going to send the wrong message to the Burmese people.

We are watching very carefully. What we do in Burma will reflect not only on our own country, but it will really reflect what this administration stands for. So I am looking forward to hearing your testimony to see if we are slipping into a situation where we are going to be buddies with horrible regimes like that that exists in Burma.

Thank you.

Chairman BERMAN. The time of the gentleman has expired.

The gentlelady from Texas, Ms. Sheila Jackson Lee, is recognized for 1 minute.

Ms. JACKSON LEE. Mr. Chairman, let me thank you very much.

And the question would be: With all that we have to do in the United States with Iraq and Afghanistan and Pakistan, what more time do we have?

And I would say to the administration, I am pleased that President Barack Obama is leading our country in foreign policy, because, frankly, I believe that there will be a change.

In the name of my constituent from Houston, Texas, who has begged for some relief, I believe it is time for America to act now. The most heinous, the most horrific, the most devastating administration is in Burma, where they spend no money for health care, where there is no freedom of press, where there are 2,200 prisoners, and worse, Aung San Suu Kyi is literally incarcerated and threatened with her life.

My words are that we have to act now. Burma is an atrocious and despicable nation that does not deserve the respect of the world. And I believe that this committee, Mr. Chairman, with your leadership, has much to do in denouncing this nation because, obviously, collaboration, engagement is not the attractive call for Burma. Because these words—and I will close——

Chairman BERMAN. The time of the gentlelady has expired.

Ms. JACKSON LEE. They not intimidated. They simply won't intimidate us.

I yield back.

Chairman BERMAN. Any further comments?

The gentleman from New York, Mr. Crowley, is recognized for 1 minute.

Mr. CROWLEY. I thank you, Mr. Chairman, and Ranking Member Ros-Lehtinen for organizing today's hearing.

Welcome, Assistant Secretary.

There is no partisanship when it comes to the issue of democracy for Burma. And today's hearing is further evidence that Democrats and Republicans are alike committed to this cause.

Just over a year ago, the House of Representatives and the Senate voted to award Aung San Suu Kyi the Congressional Gold Medal, Congress's highest civilian honor. I spearheaded that effort not only to honor Aung San Suu Kyi's tireless efforts to bring freedom to her people but to shed light on the horrible atrocities being committed against the Burmese people by the ruling military junta.

And I am sad to say that, at the same time the U.S. Mint is finalizing the medal for Aung San Suu Kyi, the displacement of refugees, the destruction of villages, and the raping of women continues without abandon in Burma.

As well, I join my colleagues in hoping to hear from the administration just what the plans are to address the issue of Burma, for the Burmese people but, I also believe, for the United States and for what we stand for.

And, with that, I yield back, Mr. Chairman.

Chairman BERMAN. I will now introduce our first witness. We are going to have Secretary Campbell, and then we will have a second panel.

Kurt Campbell is Assistant Secretary of State for East Asian and Pacific Affairs. Previously, he was the CEO and co-founder of the Center for New American Security and concurrently served as the director of the Aspen Strategy Group.

Dr. Campbell has worked extensively in both the private sector and in government, including as a senior vice president of the Center for Strategic and International Studies; founder of StratAsia, a strategic advisory firm; associate professor of public policy at the John F. Kennedy School of Government; Deputy Assistant Secretary of Defense for Asia; and the Pacific director of the National Security Council staff.

Secretary Campbell, I will delay the introduction of the other witnesses until the next panel, and we look forward to your testimony.

STATEMENT OF THE HONORABLE KURT M. CAMPBELL, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. CAMPBELL. Thank you very much.

Mr. Chairman, Ms. Ros-Lehtinen, and members of the committee, thank you very much for inviting me here today to testify about U.S. policy toward Burma and a possible new direction for United States-Burma relations.

I would like to submit my full testimony for the record and summarize here quickly and briefly some of the points therein. I appreciate this opportunity to discuss the overarching assessments that helped shape our review that has been ongoing for the last 7 months.

As Secretary Clinton mentioned on her first trip to ASEAN, neither sanctions nor engagement implemented alone have succeeded

in improving the deplorable conditions that currently exist in Burma. And we need to take a new approach if we hope to move Burma onto a path toward democratic reform.

It was clear to us that the problems that Burma presents not only to its people but to its neighbors, the wider region, and the world at large, demand that we review and consider our existing approach. In addition to taking a hard look at the current situation inside Burma, we also focused on emerging questions and concerns regarding Burma's relationship with North Korea, something that the chairman has already mentioned, particularly in light of the passage of U.N. Security Council Resolution 1874.

This resolution prohibits member states from engaging in trade with North Korea in virtually all conventional weapons, as well as in sensitive technologies, including those related to ballistic missiles and other weapons of mass destruction programs.

Our policy review was also informed by the fact that, for the first time in recent memory, the Burmese leadership, the military leadership, has shown an active interest in engaging with the United States.

But let me be very clear here to the members today: We have decided to engage with Burma because we believe it is in our interest to do so. We have consulted widely throughout the review process with Congress, other governments, and key stakeholders such as nongovernmental organizations, business leaders, academics, and representatives of international organizations. We also have consulted with the National League for Democracy and other democratic activists inside Burma. And, generally speaking, they have applauded this new approach.

The conclusions of our review, our policy review, announced last month, reaffirmed our fundamental interests in Burma. We support a unified, peaceful, prosperous, and democratic Burma. While our goals in Burma remain the same as before, the policy review confirmed that we need additional tools to augment those that we have been using in pursuit of our objectives.

A policy of pragmatic engagement with the Burmese authorities holds the best hope, in our judgment, for advancing our goals. A central element of this approach is a direct, senior-level dialogue with representatives of the Burmese leadership.

In our discussions, we will discuss our proliferation concerns and Burma's close military relationship with North Korea. Burma has said it is committed to complying fully with U.N. Security Resolutions 1718 and 1874. Nevertheless, we remain concerned about the nature and extent of Burma's ties with North Korea. Full and transparent implementation of these resolutions is critical to global peace and security, and we will be looking to the Burmese authorities to deliver on their commitments.

Through a direct dialogue, we will also be able to test the intentions of the Burmese leadership and the sincerity of their expressed interest in a more positive relationship with the United States. The way forward will be clearly tied to concrete actions on the ground on the part of the Burmese leadership to address our core interests, particularly those in the area of democracy and human rights.

We expect engagement with Burma to be a long, slow, painful, and step-by-step process. We will not judge the success of our effort

at pragmatic engagement by the results of a handful of meetings. Engagement for its own sake is obviously not a goal for U.S. policy, but we recognize that achieving meaningful change in Burma will take time.

We will work to ensure that the Burmese leaders have an absolutely clear understanding of our goals for this dialogue and the core issues on our agenda. A fundamentally different United States-Burma relationship will require real progress on democracy and human rights.

We will continue to press for the unconditional release of Aung San Suu Kyi and all political prisoners; an end to conflicts with ethnic minority groups inside the country; accountability of those responsible for human rights violations; and the initiation of genuine dialogue among the Burmese Government, the democratic opposition, and the ethnic minorities on a shared vision for a way forward inside the country.

This last issue is critical, since only the Burmese people themselves can determine the future of their country. Our intent is to use our dialogue with the Burmese authorities to facilitate that process, particularly in the short term.

Only if the Government of Burma makes progress toward these goals will it be possible to improve our bilateral relationship in a step-by-step process.

Our administration's own senior-level dialogue with the Burmese Government began with the first meeting in New York on September 29th. I led the U.S. delegation. And my counterpart on the Burmese side was U Thaung, the Burmese Minister for Science and Technology and former Ambassador to the United States. The Burmese Permanent Representative to the U.N. also participated in these discussions.

These were substantive talks that lasted approximately 2 hours. We laid out our views clearly, and I stressed to U Thaung that this dialogue is an opportunity, perhaps the last opportunity, for Burma if the authorities are ready to move forward.

This was an introductory meeting. It will take more than a single conversation to resolve our differences. We intend to go to Burma in the next few weeks for a fact-finding mission. During that trip, we will talk to the Burmese Government, representatives of the ethnic nationalities, and the democratic opposition, including the National League for Democracy, Aung San Suu Kyi, and others.

In addition, one of the factors of our policy review called for an intensified dialogue not only with Southeast Asia but with China and India. We had our first discussions in Beijing last week, as well, and I would be pleased to discuss those in our question-and-answer period. And we, of course, are committed to keep the committee closely informed of our progress on these issues going forward.

I want to just underscore a point that has been made on several occasions but cannot be made enough. Our dialogue with Burma will supplement, rather than replace, the sanctions regime that has been at the center of our Burma policy for many years. Lifting or easing sanctions at the outset of a dialogue without meaningful progress on the ground on our core concerns would be a serious mistake. We will maintain our existing sanctions until we see con-

crete progress and will continue to work with the international community to ensure that those sanctions are effectively coordinated. We believe any easing of sanctions now would send the wrong signal to those who have been striving for so many years for democracy in Burma, to our partners in the region and elsewhere, and to the Burmese leadership itself.

Through our dialogue, we also will make clear to the Burmese leadership that relations with the United States can only be improved in a step-by-step process if the Burmese Government takes meaningful actions that address our core concerns.

In conclusion, let me just say that one of the things that I think has been most impressive about Burma policy over the course of the last many years is the degree of bipartisan cooperation that we see on Capitol Hill. It is a model for how I see government should function. My team is committed, Mr. Chairman, Ranking Member, in working as closely as possible with you to keeping you fully appraised of any developments as we go forward.

With that, I would be happy to take any questions or comments on our approach and what we propose to do in the near future. Thank you very much for this opportunity.

[The prepared statement of Mr. Campbell follows:]

Testimony of Kurt Campbell
Assistant Secretary of State
Bureau of East Asian and Pacific Affairs
U.S. Department of State

Before the

House Committee on Foreign Affairs

October 21, 2009

U.S. Policy Toward Burma

Mr. Chairman, Ms. Ros-Lehtinen, and Members of the Committee, thank you for inviting me here today to testify about U.S. policy toward Burma and a possible new direction for U.S.-Burma relations.

I appreciate this opportunity to discuss the overarching assessments that helped shape our review. The Administration launched a review of our Burma policy seven months ago, recognizing that political and humanitarian conditions in Burma were deplorable. Neither sanctions nor engagement, implemented alone, have succeeded in improving those conditions and moving Burma forward on a path to democratic reform.

Moreover, it was clear to us that the problems Burma presents, not only to its people, but to its neighbors, the wider region and the world at large, demand that we review and reconsider our approach. In addition to taking a hard look at the current situation inside Burma, we also focused on emerging questions and concerns regarding Burma's relationship with North Korea, particularly in light of the passage of UN Security Council Resolution 1874. This resolution prohibits member states from engaging in trade with North Korea in virtually all conventional weapons as well as in sensitive technologies, including those related to ballistic missiles and nuclear and other WMD programs.

Our policy review also was informed by the fact that, for the first time in recent memory, the Burmese leadership has shown an active interest in engaging

with the United States. But, let me be clear: we have decided to engage with Burma because we believe it is in our interest to do so.

We have consulted widely throughout the review process with Congress, other governments, and key stakeholders such as non-governmental organizations, business leaders, academics, and representatives of international organizations. We also have consulted with the National League for Democracy and other democratic activists inside Burma.

The conclusions of our policy review, announced last month, reaffirmed our fundamental interests in Burma: we support a unified, peaceful, prosperous, and democratic Burma. While our goals in Burma remain the same as before, the policy review confirmed that we need additional tools to augment those that we have been using in pursuit of our objectives. A policy of pragmatic engagement with the Burmese authorities holds the best hope for advancing our goals. A central element of this approach is a direct, senior-level dialogue with representatives of the Burmese leadership. We hope a dialogue with the Burmese regime will lay out a path forward towards change in Burma and a better, more productive bilateral relationship.

Through a direct dialogue, we will be able to test the intentions of the Burmese leadership and the sincerity of their expressed interest in a more positive relationship with the United States. The way forward will be clearly tied to concrete actions on the part of the Burmese leadership addressing our core concerns, particularly in the areas of democracy and human rights.

We will also discuss our proliferation concerns and Burma's close military relationship with North Korea. Burma has said it is committed to comply fully with UN Security Council Resolutions 1718 and 1874. Nevertheless, we remain concerned about the nature and extent of Burma's ties with North Korea. Full and transparent implementation of these resolutions is critical to global peace and security, and we will be looking to the Burmese authorities to deliver on their commitments.

We expect engagement with Burma to be a long, slow, and step-by-step process. We will not judge the success of our efforts at pragmatic engagement by the results of a handful of meetings. Engagement for its own sake is obviously not a goal for U.S. policy, but we recognize that achieving meaningful change in Burma will take time.

We will work to ensure that the Burmese leaders have an absolutely clear understanding of our goals for this dialogue and the core issues on our agenda. A fundamentally different U.S.-Burma relationship will require real progress on democracy and human rights. We will continue to press for the unconditional release of Aung San Suu Kyi and all political prisoners; an end to conflicts with ethnic minority groups; accountability of those responsible for human rights violations; and the initiation of a genuine dialogue among the Burmese government, the democratic opposition, and the ethnic minorities on a shared vision for the way forward in Burma. This last issue is critical, since only the Burmese people themselves can determine the future of their country. Our intent is to use our dialogue with the Burmese authorities to facilitate that process. Only if the government of Burma makes progress toward these goals will it be possible to improve our bilateral relationship in a step-by-step process.

In this regard, we are pleased to see that Labor Minister Aung Kyi, who is the government's liaison to Aung San Suu Kyi, has met with her twice in the past few weeks in an apparent response to a recent letter Aung San Suu Kyi sent to Senior General Than Shwe. We are also pleased she was permitted to meet with diplomatic representatives from the United States, Australia, and the European Union, per her request to the Senior General. While we welcome these steps, we also note the need for concrete results. Aung San Suu Kyi needs to be able to meet with members of her own party, and the dialogue with the government should continue and be expanded to include all relevant stakeholders.

The Administration's own senior-level dialogue with the Burmese government began with a first meeting in New York on September 29. I led the U.S. delegation, and my counterpart on the Burmese side was U Thaung, the Burmese Minister for Science and Technology and former Ambassador to the United States. The Burmese Permanent Representative to the UN, Than Swe, also participated in the discussions. These were substantive talks that lasted approximately two hours. We laid out our views clearly and I stressed to U Thaung that this dialogue is an opportunity for Burma if the authorities are ready to move forward. This was an introductory meeting. It will take more than a single conversation to resolve our differences. We intend to go to Burma in the next few weeks for a fact-finding mission. During that trip, we will talk to the Burmese government, representatives of the ethnic nationalities, and the democratic opposition, including the National League for Democracy "Uncles" and Aung San Suu Kyi. We will keep you informed as this process moves ahead.

In parallel to the dialogue on our core democracy, human rights and nonproliferation concerns, we hope to identity some initial positive steps the Burmese could take in other areas that would help build momentum in the talks and could potentially allow the United States to respond in an appropriate manner. There are a number of areas in which we might be able improve cooperation to our mutual benefit, such as counter-narcotics, health, environmental protection, and the recovery of the remains of World War II-era missing Americans.

Our dialogue with Burma will supplement rather than replace the sanctions regime that has been at the center of our Burma policy for many years. Lifting or easing sanctions at the outset of a dialogue without meaningful progress on our concerns would be a mistake. We will maintain our existing sanctions until we see concrete progress and continue to work with the international community to ensure that those sanctions are effectively coordinated. We believe any easing of sanctions now would send the wrong signal to those who have been striving for so many years for democracy in Burma, to our partners in the region and elsewhere, and to the Burmese leadership itself. Through our dialogue, we also will make clear to the Burmese leadership that relations with the United States can only be improved in a step-by-step process if the Burmese government takes meaningful actions that address our core concerns. Moreover, in the absence of such actions, we will reserve the option of tightening sanctions on the regime and its supporters as appropriate.

Some argue that sanctions should be lifted immediately because they hurt the people of Burma without effectively pressuring the regime. U.S. sanctions, implemented after the crackdown that began in September 2007, have been "targeted" – aimed not at the people of Burma but at the military leadership, its networks and state-owned companies, and the wealthy cronies that support the government often through illicit activities. It is also important to keep in mind the nature of the country's economic system. Decades of economic mismanagement by Burma's military leadership have resulted in high inflation, endemic corruption, and poor regulation, which have stifled broad-based economic growth. Burma had an unfriendly business environment well before the imposition of sanctions by the United States, the European Union, Australia, Canada, and others. The country will continue to be an inhospitable place to invest unless the government introduces serious reforms, rule of law, and good governance. We believe that opening up Burma to the outside world can benefit the forces of change working for a better future for the people of this troubled country.

Our commitment to the Burmese people is unwavering. We will continue to address the urgent humanitarian needs of the population by expanding our assistance efforts in a manner designed to help those most in need without bolstering the regime. We know it can be done. In the wake of Cyclone Nargis, the U.S. Government provided nearly $75 million in aid to the victims of the cyclone through responsible and effective international NGO partners. We also have broadly licensed financial support of not-for-profit humanitarian activities in Burma, and continue to take care to ensure that U.S. sanctions do not impede humanitarian activities by NGOs.

Regarding the elections that the Burmese regime plans to hold in 2010, we need to assess the conditions under which the elections will be held and determine whether opposition and ethnic groups will be able to participate fully. We do not yet know the date of the elections; the authorities also have not published the election laws. Given the way in which the Burmese government conducted its referendum on a new Constitution in the immediate aftermath of Cyclone Nargis, we are skeptical that the elections will be either free or fair. We will continue to stress to the Burmese authorities the baseline conditions that we consider necessary for any credible electoral process. They include the release of political prisoners, the ability of all stakeholders to stand for election, eliminating restrictions on media, and ensuring a free and open campaign.

We will emphasize, and ask that others do the same, that the 2010 elections will only bring legitimacy and stability to the country to the extent that they are broad-based and include all key stakeholders. This is why it is crucial for the regime to begin an internal dialogue now with democratic opposition leaders and representatives of the ethnic minorities. It is only through dialogue that the conditions can be established for all of Burma's political forces to participate. We also intend to remain engaged with the democratic opposition to ensure that our engagement with the regime is not at cross purposes with their own objectives.

We recognize that we alone cannot promote change in Burma. Many countries in the region have welcomed the results of our policy review. Now that we have taken the step to try to engage Burma, we have made clear we need regional states' support in pressing for political and economic reform. We will need to work with friends and partners to achieve our goals, including stepped up dialogue and interactions with countries such as China and India that have traditionally close relationships with Burma's military leaders. I was in China last week and underscored to senior Chinese government officials the need for Beijing to play a positive role in promoting reform in Burma. We will continue to

coordinate closely as well with ASEAN, the EU, Australia, Canada, Japan, and other actors such as the UN to reinforce our fundamental message on reform to the Burmese regime. We will work with our partners to encourage Burma to be more open and to promote new thinking and new ideas.

Since the conclusion of the policy review, we have moved quickly to implement our strategy, but remain realistic in our expectations. We must be prepared to sustain our efforts beyond the planned 2010 elections. Some day a new generation of leaders in Burma will come to power. If the country is more open to the outside world we can hope to influence that transition and encourage Burma's leaders to take a more positive, constructive, and inclusive path. The process of dialogue itself should give us greater insight into the thinking of Burma's political leadership and offer opportunities to influence the way in which they look at the world. Pressing for greater openness and exposure to new ideas and new thinking, particularly among members of the up-and-coming generation of leaders is likely, in the long run, to be the most effective means of encouraging change in Burma.

Thank you for extending this opportunity to me to testify today on this pressing and vitally important issue. I welcome any questions you may have.

Chairman BERMAN. Well, thank you, Secretary Campbell.

And I will yield myself 5 minutes, which will include questions and the answers, initially.

You had discussions recently with Chinese officials regarding this subject. What was their response when you, as I understand it, told Beijing that it needed to play a positive role in promoting reform in Burma? Did the Chinese make any specific commitments relating to the improvement of conditions inside Burma?

Mr. CAMPBELL. Thank you very much, Mr. Chairman.

Let me first say that, as we looked at the strategic situation and particularly developments over the last decade, one of the inescapable conclusions that we came to was that the engagement of China, India, and other countries in Southeast Asia, but particularly China and India and Burma, had increased almost exponentially: Trade, investment, military ties, and the like. And we thought it was absolutely critical, as part of this review, to look at this context.

In my trip to Beijing last week, I had a chance to meet with the senior-most officials who focus on Burma and have really almost unique access inside that country. I think it would be fair to characterize those discussions, first, by saying that the Chinese are intensely interested in our proposed dialogues. They see that the United States is stepping up its overall engagement in Southeast Asia; they are watching that carefully.

I asked specifically for Chinese assistance, particularly in terms of establishing a dialogue with internal parties in advance of the 2010 elections. And I asked for China's overall support for the U.S. policy of engagement. The Chinese, in turn, indicated that they

thought that sanctions were unhelpful and that the United States should be prepared to move quickly on this. I was very clear that the U.S. approach would be that nothing along these lines could develop in any way unless we saw concrete steps on the ground.

I promised our Chinese interlocutors that we would continue a dialogue going forward. And I will have a similar discussion with Indian friends in the weeks to come.

Thank you.

Chairman BERMAN. Thank you.

When the GAO made its recent report on the efficacy of import prohibitions under the JADE Act, the State Department said that an international consensus on an import ban is lacking, despite U.S. efforts.

Tell us, who has the U.S. approached to make these import sanctions more efficacious? What are the results of those discussions?

Putting aside China, which you have mentioned, what is our work with the EU doing on this kind of an issue toward building that kind of international consensus to support those kind of sanctions?

And all this is in the context of enforcing the sanctions we have, as you seek to open up engagement.

Mr. CAMPBELL. Thank you very much, Mr. Chairman.

Let me say, I have had a chance to study the GAO report on the JADE Act and other aspects of our sanction regime. I think the GAO report makes clear that there are some efforts, as part of the JADE Act, that have been effective, but it also points out some of the difficulties in implementing certain aspects of the act, particularly as it relates to certain gem practices across the border between Burma and Thailand.

We have had extensive discussions with our friends in Thailand about this act. They have had, as you know, some concerns that they want in no way that the provisions of this act to impact their own industries. We have tried to take steps to make sure that that does not occur.

Our discussions with our EU colleagues are ongoing. I think it would be fair to say that the JADE Act implementation is still a work in progress. I think aspects of it have been successful. But, as we go forward, in addition to a specific dialogue on these issues of human rights, on questions of proliferation, we need to also continue to take our actions on perfecting existing sanctions legislation. And we intend to do that with respect to the JADE Act.

Chairman BERMAN. I thank you.

And I am going to now yield to the ranking member for 5 minutes for her questions.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

And if I could follow up on the chairman's question regarding the JADE Act, as you know, it was passed to put pressure on the Burmese regime and prevent the regime from profiting from international trade in jade.

But, in September of this year, the GAO made its report known, as the chairman pointed out, and the GAO reported that the provisions of the legislation are not being effectively implemented by us—I don't want to talk about the EU and other partners, but the United States. And, according to the GAO, the report submitted by

the State Department to Congress, and I quote, "had little information on progress or the challenges involved in gaining international support."

And, since that report, our U.S. Trade Representative has not requested a WTO waiver, nor has the State Department made discernible progress in introducing a U.N. resolution or negotiating a Kimberley-like process.

So I would like to follow up on the chairman's questions about what steps we are actually taking, specific steps, to address the deficiencies identified by the GAO and fully implement the provisions of the act.

Mr. CAMPBELL. Thank you very much, Congresswoman.

The primary focus of our effort over the course of the last several months has been in consultations associated with the review of our overall policy. We have had discussions in Southeast Asia, in particular, about aspects of the JADE Act. And I have had consultations and discussions with the U.S. Trade Representative's office on this.

The report makes clear that some of the limitations associated with the implementation of the act bear little responsibility in terms of the direct actions of the U.S. Government, just the challenges associated with specific aspects of tracking some specifics associated with jade and the like.

At the same time, we recognize that further steps need to be taken, primarily in consultations with our friends in Southeast Asia but also in the EU. And I would commit to you that I will be involved in those consultations closely.

There are other aspects. As you know, the JADE Act calls for a coordinator—the administration is committed to doing that, taking those steps—and to a further dialogue with other countries in Southeast Asia about potential steps associated with this overall approach.

I don't think I need to tell you that, generally speaking, in our discussions in Southeast Asia about sanctions policy, we have had very little support overall. And I think Europe, as a consequence of our own policy, of our own policy of——

Ms. ROS-LEHTINEN. Thank you. I am going to interrupt just because I have such little time left, and I wanted to ask a second question.

China has reportedly begun construction of refugee camps on the Burmese border in anticipation of a pre-election military offensive by the military junta against ethnic armed militia.

If these militias reject the regime's demand to be incorporated into a border guard force and a bloodbath ensues, how will this impact our new policy of engagement with this bloodthirsty regime?

Mr. CAMPBELL. First of all, we made very clear that we deplore these military actions against ethnic groups inside Burma. And one of the issues that we called for in our dialogue with Chinese friends is to urge restraint in this regard.

Our goal in our initial discussions inside the country will be to ask for a dialogue, not just with opposition political groups, but with ethnic groups about the future of Burma, including the 2010 elections.

The truth is, as you well know, that some of these military actions are not on the horizon; they have already occurred. We have seen a number of actions over the course of the last several months, and they are worrisome.

Ms. ROS-LEHTINEN. Thank you. Thank you so much, Mr. Secretary.

And thank you, Mr. Chairman, for the time.

Chairman BERMAN. The time of the gentlelady has been yielded back.

And the gentlelady from California, Ms. Watson, is recognized for 5 minutes.

Ms. WATSON. One of the things that I have been concerned about is, what are the objectives of this particular government and those that are trying to overthrow it? I mean, what is Burma really trying to do with its governance?

Mr. CAMPBELL. You are asking, what are the goals and objectives of the military junta?

Ms. WATSON. Yes. Yes.

Mr. CAMPBELL. I think that this is a group of men that have self-isolated themselves from much of global commerce and global politics. I think they have a deeply insular view of their situation. They see threats surrounding them. They have taken brutal steps to any sign of domestic opposition.

I would say, in my particular area, the country that we know the least about at a fundamental level, even less than North Korea, is Burma. And I think one of the goals and objectives of at least a limited dialogue is to try to glean more for what they see is the way forward.

I find it surprising that, after going to the effort of putting forward a referendum and then taking steps to initiate elections in 2010, that they would do so in such a way that they garnered absolutely no international support or recognition.

I think that one of our fundamental goals in this dialogue is not simply to look at the current situation but, hopefully, to reach elements in civil society and elsewhere in the next generation who could or will play a role in the governance and the leadership of the country going forward.

So I would just simply say that I think your question is one that we think of on a very daily basis. It is also the case that we want to get a better sense of why this government is now interested in dealing and interacting with the United States after, for many, many years, choosing not to engage in direct dialogue with us.

Ms. WATSON. I understand that Thailand has been very alarmed by the refugees that are pouring into their nation and now has a significant Burmese opposition movement. The Chinese officials are also displeased by the Burmese refugees flooding into the country and causing instability there.

And so the ASEAN summit is later this month meeting; they are going to meet. And APEC will follow the next month. And how does our President plan to encourage the Asian countries to adopt a united policy toward Burma at these meetings?

Mr. CAMPBELL. Thank you very much.

One of the things that the President and the Secretary have insisted upon is that, as we begin a process of careful, pragmatic di-

plomacy between the United States and Burma, that we must be much more closely integrated in our overall efforts with countries in Southeast Asia.

That is one of the reasons why the President chose to hold a U.S.-ASEAN summit around the APEC meeting in Singapore scheduled in mid-November. And one of the subjects that we will discuss, of course, is closer coordination on how to deal with the challenges presented by Burma.

And I just want to be clear that we have talked primarily to date about issues associated with democracy, human rights, and the like. But the challenges presented by Burma transcend those issues. We have some national security issues that are also paramount, as well.

Ms. WATSON. Who do you perceive will be participating in these talks?

Mr. CAMPBELL. On which side, Madam Congresswoman?

Ms. WATSON. Well, we want to open up channels of communication with the Burmese leadership. Who is that, for real? You know, I really—it is so murky.

Mr. CAMPBELL. And I apologize. Are you asking who on the U.S. side or who on their side?

Ms. WATSON. Their side.

Mr. CAMPBELL. Very difficult. I mean, for a dialogue with—should I answer?

Chairman BERMAN. Yes, just get that answer, and then——

Mr. CAMPBELL. Sorry. For a dialogue to be effective, it will have to be at a relatively senior level in their government. And for our Government, at the early stages, I will lead that effort.

Chairman BERMAN. The time of the gentlelady has expired.

The gentleman from California, Mr. Rohrabacher, is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

As I said, there is ample reason for alarm from those of us who do believe in human rights as having a priority in America's policies. Let me just note that what I have heard today makes me even more alarmed as to what this administration will be saying to the world and what we will be saying to the world about what our standards are.

With all due respect, we know all about Burma. It is not an unknown quantity. We know what is going on in Burma. It has a vicious, gangster regime, one of the most despicable regimes in this planet, where they hold force and power by brutalizing their own people. And we don't need to know more about that; we know about that.

And the fact that there hasn't been significant change, I don't think we need to apologize for our policies for that. Our policies didn't do that. And we don't need to apologize to the Iranians; we don't need to apologize to groups like this.

And by sitting down at the table with them, we legitimatize them. We are saying that they are a legitimate government to sit down with. They are not. We believe here, Mr. Secretary, that no government has rights unless they have the consent of the governed. This is a group of gangsters that hold power through terror.

The Chinese, I might add, when you were discussing this—and I have just a couple things to say, and then I will let you come back at this—but the Chinese are arming the Burmese. When we were talking to the Chinese about this, did we ask them, will you stop providing all the weapons needed for Burma?

Let's note, you mentioned in your opening statement that there might be an expansion of humanitarian assistance? We are going to take money that—we are already in deficit, of course. Half the money we spend is already being borrowed. But we are going to borrow money to give humanitarian assistance in Burma while the Burmese junta uses all of their money to buy weapons and tools of repression? This is insanity.

Instead of talking to the Burmese gangsters who run that country, we should be—just because they are in uniform doesn't mean they are military people. These are gangsters. We should be asking the people in the military there who are just citizens to turn their guns on their oppressors and free their country from this despicable tyranny.

And it doesn't—I will tell you something. After listening to what you have to say, saying that we are going to have this new approach and we are going to have this senior-level dialogue—senior-level, so we are going to go right up to Adolf Hitler or Joe Stalin and have some very serious talks with them about those guys, about respecting the rights of their countrymen.

I would suggest, Mr. Secretary, that what gangster regimes like this understand is when we take tough stands against them, rather than trying to treat them courteously as if they are a democratic government. I think that apologizing to the Iranians is going to have a bad impact. I think that sitting down, legitimatizing the Government of Burma is going to have a bad result, as well. And while I wish President Obama success, these policies will not lead to the type of world that he was telling us about.

There is a saying, "You can't"—and we can talk about Aung San Suu Kyi and our concern about these people all you want. But there is a saying that says, "You can't champion the oppressed unless you are willing to take on the oppressor." And if we sit down and legitimatize the oppressors of this world, don't expect change.

And I will be happy to give you my last minute to have a retort to that statement.

Mr. CAMPBELL. Thank you very much, Congressman Rohrabacher.

At one of our earlier sessions that I had the pleasure of testifying before you, you had indicated that you thought the United States had been painfully absent in our engagement policy in Southeast Asia and that, in the current context, that we were being easily outcompeted by China.

And I think one of the points that we have tried to underscore in this overall approach is a need to step up our game in Southeast Asia. And part of that is what we think will be through a responsible and very clear-headed approach of pragmatic dialogue with Burma, fully informed by a close dialogue with our colleagues on Capitol Hill.

And I think you are exactly right; the United States has no business in this context apologizing for anything that we have proposed to do on the international scene. And I would just simply say——

Chairman BERMAN. The——

Mr. CAMPBELL [continuing]. In terms of, if I could just quickly—thank you very much, Mr. Chairman—in terms of U.S. assistance for Burma, our humanitarian assistance really focuses on Burma's borders with Thailand and the areas that were affected by Cyclone Nargis, cross-border democracy assistance and educational programs, health care, infectious disease, and civil society assistance programs inside Burma.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from New Jersey, Mr. Sires, is recognized.

Mr. SIRES. Thank you, Mr. Chairman.

Thank you for being here.

And you talked about the current sanctions and the recent push for dialogue. What would it take for this administration to respond to pursue tighter sanctions against the Burmese Government? I mean, what would push our button to say, "Hey, no more dialogue, here is what we are doing"? And what are the options that we have?

Mr. CAMPBELL. Thank you.

Congressman, I don't know if I want to get into specific hypotheticals, but I will say there are a few things that we are watching very closely.

I think signs that Burma is not heeding our concerns associated with U.N. Resolution——

Mr. SIRES. But we are thinking beyond this dialogue approach?

Mr. CAMPBELL. Oh, of course, yeah. If we are unsuccessful in encouraging progress on issues associated with 1874, then you will see a much higher level of concern inside the U.S. Government.

And that is simply one issue. Obviously, there are a number of domestic issues that we watch and that we track on a very current and urgent basis.

Mr. SIRES. What are the options that we have left to make it tighter and to make it more difficult for the Burmese Government?

Mr. CAMPBELL. I am sorry. What——

Mr. SIRES. What options do we have, you know, beyond——

Mr. CAMPBELL. There are always possibilities for greater sanctions using other mechanisms. You could imagine—let me say that, in the current situation, in our private discussions with friends surrounding Burma, indications that the government might be flirting or considering other kinds of military interactions with North Korea and other states, that has caused some disquiet. And if those developments continued, I think you would see a growing anxiety, not just in the United States, but in other countries in the surrounding region that would give us more room for dialogue around these steps.

Our goal is to present a very clear path forward, hopefully indicating steps that could lead toward greater progress and toward greater international engagement overall.

Mr. SIRES. Do we have any kind of dialogue with the opposition?

Mr. CAMPBELL. Oh, yes, of course. And, in fact, one of the things that Aung San Suu Kyi has called for is a parallel engagement,

that we would not only be involved in a dialogue with the government but a dialogue with her and other groups inside the country. And I think that is a very wise counsel and one that we would seek to follow.

I must also say that the National League of Democracy has looked carefully and studied every aspect of our approach. And, at the current time, they support this overall effort. They want to learn more, they want to engage with us, but they are prepared for us to move forward in this regard.

Mr. SIRES. Thank you very much.

Chairman BERMAN. The gentleman has yielded back his time.

The gentleman from Arizona, Mr. Flake, is recognized for 5 minutes.

Mr. FLAKE. Thank you, Mr. Chairman.

You had mentioned—you started to mention, with regard to sanctions, cooperation or lack thereof with—you mentioned there is very little support from Southeast Asia.

What percentage of Burmese trade goes to Southeast Asia? Who are their biggest trading partners right now?

Mr. CAMPBELL. There are a number of studies that have been done on the Burmese economy. It is difficult to get the clearest possible picture, not only because of the mismanagement of their own economy and the secrecy surrounding many of their financial transactions—but our best judgment is that the three largest trading partners, probably, in no corresponding order, would be China, Thailand, and a substantial growth in recent years in India.

But other countries in Southeast Asia play a critical role in the financial system there, Singapore and others. And there are a number of other states that are deeply involved in the energy sector, particularly some European states, as well. And——

Mr. FLAKE. Let me just follow that. How much impact can our sanctions have without cooperation from these countries?

Mr. CAMPBELL. We can pose some modest inconveniences.

Mr. FLAKE. Modest inconveniences. All right.

Have we received a response to our diplomatic note protesting the reported abuse by Burmese authorities of U.S. citizen Kyaw Zaw Lwin following his arrest at Rangoon's airport on September 3rd? Has this issue been raised with the Burmese when you talk to them, about the possible torture of a U.S. citizen?

Mr. CAMPBELL. Yes, our chargé has raised this in Rangoon with Burmese officials. We have sought greater information. And I would like to be able to get back with you subsequently, Congressman, on some steps that we are prepared to take in the near future.

Mr. FLAKE. But, as far as their response, you are not prepared to give that at this point?

Mr. CAMPBELL. I do not know what their response has been to our specific requests, no.

Mr. FLAKE. Back to sanctions for a minute. You started to mention, I believe, our European allies. What cooperation have we had from them with regard to sanctions?

Mr. CAMPBELL. Well, we have had—some countries have provided very strong support. Others have provided rhetorical support. But some of the most important sectors, particularly energy, which

is the largest growing sector inside the country, are still dominated by foreign energy firms.

Mr. FLAKE. The population in Burma—sometimes the reason we shy away from sanctions is that it may turn the population against us. Is there any sense that the population in Burma has turned off or becomes anti-American because of the imposition of sanctions there? Or is this modest inconvenience just something too peripheral for them?

Mr. CAMPBELL. And, again, if I could, Congressman, what I meant to suggest to you when you were asking about what impact it has on the regime itself, the rulers, modest inconvenience.

I think the recent IMF study, which I would commend to you, makes clear that the primary damage done inside the country is not through sanctions but through chronic mismanagement implemented by the regime. If the country is ever to think about a much more thoroughgoing engagement with the world, it will not just be political reforms but just profound, deep financial/regulatory/government reforms.

And the truth is, even if sanctions were lifted, the business environment is extraordinarily difficult inside the country.

Mr. FLAKE. Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from New York, Mr. Crowley, is recognized for 5 minutes.

Mr. CROWLEY. Thank you, Mr. Chairman.

Mr. Secretary, in June, myself and 50 bipartisan Members of the House of Representatives sent a letter to the administration urging an official United Nations Security Council investigation into mass atrocities in Burma. In the past, similar investigations have led to the creation of international criminal tribunals, for example, on Yugoslavia and Rwanda.

The Burmese junta is a regime that has destroyed over 3,300 ethnic villages. It has forced hundreds of thousands of people to flee their homes and has used rape as a weapon of war against innocent women.

Is our administration open to keeping a U.N. Security Council investigation as an option if the Burmese regime does not respond to our diplomatic overtures?

Mr. CAMPBELL. Thank you, Congressman Crowley.

I do not know enough about this particular letter. I would simply say that all options remain open. And I would like to consult with my colleagues and get back to you directly.

And we share your deep concern associated with the steps that the government has taken not just in the last several years but over decades against its own citizens.

Mr. CROWLEY. We will make sure that you get a copy of that letter, Mr. Secretary.

Mr. CAMPBELL. Thank you very much, Congressman.

Mr. CROWLEY. Last year, the Burmese passed a new constitution through a sham referendum that contained new recommendations putting democracy further out of reach for Burma, further cementing the military's grip on power.

The Burmese regime actually claimed that well over 90 percent of the eligible population voted, even though the referendum took

place immediately following Cyclone Nargis, which hit Burma, and much of the country was under water during that time.

Aung San Suu Kyi's National League for Democracy strongly criticized the regime's actions, as did the House of Representatives, which passed a resolution condemning that referendum.

Has the Burmese military regime shown any signs that it is interested in any way in making any changes to the Constitution or interested in a dialogue with Aung San Suu Kyi prior to the elections in 2010?

Mr. CAMPBELL. Thank you very much.

That is an excellent question, and it is one that we are seeking to explore. There has been a flurry of letters and communications, I think as you know, in recent days between Aung San Suu Kyi, both her supporters and elements of the regime. She has had interactions with the chosen interlocutor between the government and herself. There have been a variety of discussions that have taken place about the upcoming elections.

We share your general, overarching assessment about the lack of veracity associated with the referendum. And we have major concerns associated with what we know about the 2010 elections. In the current environment, we are seeking a deeper—or at least the beginning of a dialogue between Aung San Suu Kyi, members of her party, other elements of the opposition, and the government about what precisely they have in mind, in terms of staging the 2010 elections overall. And so the United States is going to see if we can play at least a modest role in encouraging an internal dialogue about the way forward.

But I want to be very clear here. Many of the people involved in this have been involved in these sorts of interactions for a long period of time. You have to approach this with a deep sense of pragmatism and realism and recognize that the challenges are just enormous.

Mr. CROWLEY. If I could just go back to my first question just for a moment, pertaining to the rape of innocent women, we continue to see reports that rape of ethnic minority women by officials of the military continues in Burma.

Is the United States Government, our Government, tracking and documenting these rapes? And is there more the United States can do to stop the state-sanctioned rape within Burma?

Mr. CAMPBELL. Well, of course, I don't think I need to underscore that we deeply deplore such practices.

On this area of specific tracking and what further can be done, I think I just have to ask, Congressman, that I could get back to someone in your office, in terms of next steps.

Mr. CROWLEY. We will make sure of that.

I just want to state I am a little bit concerned about the fact that you weren't aware of the letter that we sent earlier this year. We will make every immediate effort to get that to you. But just express for the record, I am a letter concerned you weren't aware of that to begin with, that 50 Members of Congress had sent that on to the administration.

Mr. CAMPBELL. Let me take full responsibility for that. But let me also just suggest to you that I have been on the job for about

just over 2½ months. And, you know, the process of confirmation is a more——

Mr. CROWLEY. I understand that.

Mr. CAMPBELL [continuing]. Challenging task than it was in recent years. I am working with my staff to get fully up to speed. I think it is better for me to acknowledge that I did not know it than try to——

Mr. CROWLEY. No, I appreciate your honesty. But having said, that we will make sure you get the letter.

Mr. CAMPBELL. I will look at it.

Chairman BERMAN. The time of the gentleman has expired.

And the gentleman from California, Mr. Royce, is recognized for 5 minutes.

Mr. ROYCE. Thank you, Mr. Chairman. Just a couple of points here on Burma.

In addition to the systemic rapes, used as a weapon of terror there, you have a situation where, after the Cyclone Nargis hit, there were 150,000 human beings that perished; and the military junta, of course, refused aid from the United States for those victims. Those are the same people who were still in power there. And one of the reasons some of us have a rather jaundiced view of what is likely in terms of any empowerment of that leadership is for five reasons having to do with national security.

One is that North Korea uses Burmese ports and airstrips to transfer arms and to transfer contraband. And that is why we were so concerned about the North Korean freighter that was headed toward Burma last summer.

The second point is that Burma purchases technologies that could be used in a nuclear program; and that has gotten a fair amount of publicity.

The third is, one of North Korea's principal arms companies has become very active inside of Burma in recent months.

The fourth is that last year, when the United States worked with India to deny a North Korean missile shipment to Iran, that plane was transiting through where—through Burma, right?

And fifth, there are other reports of North Korea assisting in building a vast underground tunnel network near the capital in a place where some, who have left those premises, indicate it has nuclear, they have nuclear intentions there.

So you know North Korea is well established as a weapons proliferator. And I think at the end of the day we saw that a reactor in Syria went up without any of us being able to detect it. Let's not get surprised again because North Korea may have found another partner to deal with.

But I want to digress here and ask you specifically about a case that is coming up that I think is very important, and that is the Victor Bout case in Thailand, if I can just shift to that for a minute.

Many members of this committee were very disappointed in August when a Thai court ruled that a U.S. extradition request for that international arms dealer, Victor Bout, was refused. This is an individual—for those of us who have worked in Africa or other continents, I mean, he funded both sides of the war in Angola. From West Africa to Congo, if you need surface-to-air missiles, who are

you going to call? Victor Bout. If you need grenade launchers, if you need automatic weapons, if you need missiles, this is your guy.

And so, at the end of the day, we know this decision is being appealed. But having made some calls, I wonder if we really did all that we could do with respect to the Thai Government in order to get the point across. If he gets out, there is going to be bloody carnage somewhere around this planet because he is going to be back in business. And this is a fellow that has the capability to transfer any type of weapon, and I mean any type of weapon. And given what he has been able to do, including both sides, Northern Alliance and Taliban in Afghanistan, I would not want to see him back in the business of transporting this kind of weaponry.

So are we doing everything we can to make sure that Victor Bout does not go free?

Mr. Secretary.

Mr. CAMPBELL. Thank you very much, Congressman Royce.

Let me take the second question first. In every meeting that I have been in with the Thai Government, including several with Secretary Clinton, this case has been raised; and we are pressing it as hard as we possibly can. I think I would just say we simply share your overall concerns in this regard.

And then on your first list of questions, I tried to make clear in my opening statement and in what I submitted for the record that our biggest concerns were alleged concerns associated with U.N. Resolution 1874 and a relationship between North Korea and Burma that is growing.

So I think everything you said there——

Mr. ROYCE. If I can just follow up on the President's trip to the summit next month in Singapore, he will get a chance to make this issue number one with Thai officials.

Can you make sure he does that?

Mr. CAMPBELL. I will certainly make sure that this issue is raised within the context of his trip to Southeast Asia, yes.

Mr. ROYCE. And without objection, Mr. Chairman, I ask that the statement by Congressman Souder be included in the record for today's hearing.

Chairman BERMAN. Mr. Souder's statement, without objection, will be entered into the record. And the time of the gentleman has expired.

[The prepared statement of Mr. Souder follows:]

Statement of Congressman Mark Souder
Third District of Indiana

October 21, 2009

Mr. Chairman, Members of the Committee: Thank you for the opportunity to contribute some remarks on this important topic. I represent the Third District of Indiana, which is home to the largest concentration of people from Burma in the U.S. In recent years, resettlement agencies have placed well over 2000 refugees in Fort Wayne, Indiana. Fort Wayne has also become a "community of choice" amongst the refugee community, and secondary migrants have increased the city's population of people from Burma to over 6,000. As a result, the Third District is acutely aware of the atrocities and suffering that the people from Burma have faced at the hands of the State Peace and Development Council (SPDC).

Last month, the Senate Asia Subcommittee held a hearing on U.S. policy towards Burma,but failed to invite testimony from a single representative of Burma's democracy movement. That event was essentially was a forum for opponents of US sanctions. I am pleased that House did not make the same mistake and has invited Aung Din, the Executive Director of U.S. Campaign for Burma, who himself was wrongly imprisoned for leading democracy efforts. As I have previously stated, a thorough evaluation is impossible without the perspective of individuals who are tirelessly working to bring about democracy in Burma or have endured the violence of the Tatmadow.

Over the years, U.N. reports have documented some of the military regime's harrowing crimes, including widespread rape, conscription of child soldiers, torture, and the destruction of thousands of villages. It is clear that the SPDC has in part been conducting a war against its own citizens. This past summer, evidence surfaced that the junta even attempted to secure weapons from North Korea in violation of U.N. Security Resolution 1874.

In spite of these realities, the Administration has recently engaged in direct dialogues with the Burmese regime and has sought to reevaluate the role of sanctions in U.S. policy I support the establishment of a peaceful and democratic Burma. However, it is improbable that this can be achieved through negotiations with the junta- a dictatorship will not act in good faith and broker a deal that will lead to its own demise.

Last month, the military regime provided clear evidence that it is not ready to release the reins of control by rejecting the appeal over Daw Aung San Suu Kyi's illegal detention. By extended her house arrest for an additional 18 months, the court ensured that she will be unable to participate in the upcoming elections in May. She has now been improperly detained for 14 out of the last 20 years. The basis of any democracy is the rule of law.

Before such dramatic changes in policy can be made, it necessary for the military dictatorship to demonstrate a clear movement towards democracy. This must include ending the current violence against its citizens, installing Daw Aung San Suu Kyi to her rightful place as Burma's democratically elected Prime Minister, holding a free and open election, and drafting a constitution that creates the possibility for true civilian leadership. Until we see this kind of progress, the U.S. cannot give validity to this illegitimate government.

Chairman BERMAN. The gentleman from Georgia, Mr. Scott, is recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman.

And welcome Secretary Campbell. Let me ask you to describe and to rank how you perceive that Burma is a national threat, national security threat, to the United States.

Mr. CAMPBELL. It poses several challenges across many spheres. The most worrisome is in the context of the issue that was just discussed in recent dialogue with Congressman Royce, associated with military and potentially other aspects of a cooperation between North Korea and Burma. I will say that in this venue I can't say much more than that. But there are elements of cooperation that were underscored by the chairman in his opening statement that causes concerns.

But beyond that, I think some of the challenges inside Burma pose larger concerns to the United States and the surrounding region. And we are worried about regional stability issues; we are concerned about the moral imperatives associated with what is transpiring inside the country. And so I would suggest to you simply that many aspects of what is transpiring in Burma today pose very real concerns for the United States, both directly and indirectly.

Mr. SCOTT. And how do you categorize those relationships between Burma and Russia, for example? Isn't it true that Russia has provided over—training in the nuclear development area for over 1,000 scientists and technicians from Burma? Where does that lead and how does the United States respond to that?

Mr. CAMPBELL. We think we have seen actions along the lines that have been discussed earlier today from North Korea, China, Russia, in the arms, in the military, in the nuclear realm that raise very real concerns. And, yes, there are a substantial number of students studying in Russia at various universities topics that are nuclear related, and that is a subject of concern.

Mr. SCOTT. And we have bilateral talks coming up between them and us. Who will handle those for us? Will it be at the level of Secretary of State Clinton?

Mr. CAMPBELL. You mean the upcoming discussions?

Mr. SCOTT. Yeah.

Mr. CAMPBELL. No. They will be at my level.

Mr. SCOTT. At your level. And what would be our major objectives coming out of those talks?

Mr. CAMPBELL. Well, I tried to make clear in my testimony the things that we seek very clearly in terms of democratic reforms, dialogue, respect for human rights. Those remain and will continue to animate our policy deliberations going forward. I think, in the short term, we would seek to promote a dialogue inside the country among the various actors. We would like some reassurances concerning some specific issues associated with North Korea. And we would like some commitments about some humanitarian issues inside the countries—inside the country.

Mr. SCOTT. And what actions are being taken now to protect the human rights of the Burma ethnic minorities, women and children? And what is the underbelly of this? What are the cultural phenomena and the cause of this treatment?

Mr. CAMPBELL. I would hate, Congressman, to try to depict what is in the mind of the military junta.

I think the point that has been made earlier, that the conditions are indeed deplorable and we need to take steps to try to curtail them and to see a restoration of democracy inside the country—I mean, those are our overall goals and objectives.

In our earlier—in our early discussions and our interactions with our counterparts inside the country, they present a picture that is very different from our own understanding of what is going on inside the country.

Mr. SCOTT. I have 10 seconds. I just want to ask this final point.

Right now, our dealings with Burma are anchored in two areas: One, sanctions——

Chairman BERMAN. Mr. Scott, your time has expired.

Mr. SCOTT. Thank you very much.

Chairman BERMAN. Secretary Campbell, thank you very much for your testimony.

And all members of the committee, we are now going to have a second panel who has great experience with Burma, and we are very pleased to introduce them.

And thank you, Secretary Campbell. We hope your efforts here produce success.

Our first witness in the second panel will be Tom—and we invite them to come up now—Tom Malinowski, the Washington advocacy director for Human Rights Watch. In this role he is responsible for the organization's overall advocacy efforts with the United States Government.

Prior to joining Human Rights Watch, Mr. Malinowski was a special assistant to President Bill Clinton and senior director for foreign policy speechwriting at the National Security Council.

From 1994 to 1998, Mr. Malinowski was a speechwriter for Secretaries of State Christopher and Albright and a member of the State Department Policy Planning Staff.

Dr. Chris Beyrer is professor of epidemiology, international health, and health behavior and society at the Johns Hopkins Bloomberg School of Public Health. He is also the founder and director of the Center for Public Health and Human Rights at Johns Hopkins.

Dr. Beyrer has been working on health and human rights issues related to Burma since 1993. His research focuses on quantitative measures of human rights impacts in conjunction with public health intervention research. He currently has a HIV/AIDS program or training activities in Burma, Thailand, China, India, Russia and parts of Africa.

Dr. Beyrer has worked extensively inside Burma and on the Thai-Burma border with groups such as the National League for Democracy, the Mae Tao Clinic and Global Health Access Program.

Mr. Aung Din is the co-founder and executive director of the U.S. Campaign for Burma. Aung Din served over 4 years behind bars as a political prisoner in Burma after organizing and leading the country's nationwide prodemocracy uprising in 1998. For that he was severely tortured and spent 2 years in the notorious Insein Prison in Rangoon.

In 1989, Amnesty International adopted Aung Din as a prisoner of conscience and campaigned for his release, and he was released in 1993.

In addition to his work with the Burmese dissidents in exile through the U.S. Campaign for Burma, he also serves as the country representative of the Thai/Burma border-based Assistance Association for Political Prisoners-Burma.

So we thank all of you very much for coming. Your full testimony will be included in the record. We will be very interested in hearing the points you would like to make during your testimony.

Mr. Malinowski, why don't you start?

STATEMENT OF MR. TOM MALINOWSKI, ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH

Mr. MALINOWSKI. Thank you. Thank you, Mr. Chairman. Thank you for having us today.

I will start with the simple and obvious point that Burma poses an extraordinarily difficult problem. But perhaps paradoxically, just because it is a difficult problem doesn't necessarily make it a particularly complicated problem in the sense that we know the root cause of the multiple maladies that afflict this country: The political repression, the violence, the underdevelopment, the poverty, the disease that is rooted in the mismanagement and oppression of this military junta that has clung to power for now almost five decades. And we can imagine perhaps more readily than in a lot of other authoritarian countries around the world the way out of this crisis.

The way out is a political process that would include both the military and the democratic opposition of the country.

Burma is blessed, in fact, with an extraordinary political opposition movement involving the National League for Democracy, the monks, other dissident groups, ethnic minorities, very well organized, very sophisticated, committed to nonviolence and democracy. That is a source of hope for the country's future.

To understand Burma, I think one needs to understand this basic political fact, and that is that there are two forces, two political forces, in the country that matter fundamentally. There is the military, which has all of the power, but none of the political legitimacy. And then there is this "opposition movement," broadly defined, that has none of the power, but all of the political legitimacy. And the only solution, the only realistic solution, the only solution that could possibly be stable over time is one in which the power and the legitimacy come together.

There is no solution in which the military is not going to play an important role, nor would it be realistic to imagine a way forward that just assumes the opposition and the people of the country will go away and stop protesting for their rights and for a different kind of Burma. Both sides have to be part of the answer.

Now, in terms of the administration's new strategy, I think it is appropriate, it is wise, I agree with it, and I think it recognizes that fundamental reality. It is a realistic strategy, as Dr. Campbell stressed several times today.

As he pointed out, sanctions will remain and can even be enhanced if progress is not made. Humanitarian aid will be ex-

panded; that is, I think, appropriate and noncontroversial. This is aid directly to the Burmese people, not to the government.

The only somewhat new aspect of the policy is the greater willingness to have high-level dialogue and engagement with the Burmese leadership. Again, as someone who has personally taken a very hard line toward this country over many years, I think that is appropriate. So, long as it is done in a principled and disciplined way, at the very least it takes off the table this pernicious notion that the United States is somehow responsible for Burma's isolation, which is not true; and it places the ball firmly in the Burmese junta's court. It is now up to them to respond to the gestures that the administration has made.

The strategy is realistic, I think, in part because it doesn't place its hopes in the elections that the Burmese Government is staging in 2010 or in the new constitution that it has forced on the people of the country. Dr. Campbell spoke to both of those issues.

And I think it is realistic because the administration considered, but rejected the notion that is out there in some circles that a lifting of sanctions against Burma will somehow spark the kind of economic growth and development that we have seen in places like China and Vietnam, which then might, in turn, over time, lead to political change.

In fact, if sanctions were lifted, essentially the only new investment I think Burma would see would be in the extractive sectors, in oil, gas, gems, timber. That kind of development would not transfer intellectual capital or create employment or lead to positive change inside the country. It would probably accelerate Burma's transformation into a country like the Democratic Republic of the Congo where foreign countries compete to pull stuff out of the ground in a way that corrupts and entrenches the local authority. So I think that was a very sound judgment that they made.

Now, what happens next? We have a testing period for the next few months in which the administration is going to talk to this regime and see what they are willing to do.

Are they going to be willing to allow the National League for Democracy to function more normally as a political party?

Are they going to be willing to have a process in which they discuss substantive issues relating to the country's future with the political opposition?

Are they going to release political prisoners?

Are they going to change the manner in which they are going to organize these elections next year so that there is some chance for a vote that reflects the will of the Burmese people?

Are they going to pull back from these attacks on ethnic minority groups that have created such a humanitarian disaster?

Will they even be willing to take small steps in those directions to build our confidence and the confidence of the opposition?

I think there is a possibility that some of those things will happen. I am also skeptical because I think this regime, over the years, has shown that it is expert at time management. They are good at playing for time.

I think the more likely explanation is that they would like to use the dialogue to give themselves the time to focus on their internal political consolidation. And so the administration needs to be very

disciplined about this and they need to have a time-bound approach. And I believe they do need to be willing to enhance, strengthen, adjust the implementation of the sanctions if, over a reasonable period of time, progress isn't made.

There are some references to the JADE Act earlier in the session. I would stress that the most important part of the JADE Act, Mr. Chairman, is a part that almost never gets mentioned, and it has nothing to do with JADE. It is a provision that essentially sends the Patriot Act banking sanctions authority to Burma, allowing the United States Treasury to deny foreign banks access to the U.S. financial system if those banks hold the accounts of targeted members of the Burmese junta.

That is in, effect, the nuclear option of sanctions. It is the option that was employed famously in the Banco Delta Asia case with North Korea to some effect. And it is a form of sanction that does not require the cooperation of other countries, given the profoundly important role our banking system still plays in the global economy. And it would be a way, should the administration choose to use it, to target the most important part of the Burmese junta's treasure, the earnings that it receives through the export of natural gas to countries like Thailand and China.

That is within our power to do; and I think that option needs to remain on the table should the dialogue not produce progress, just as the option of removing sanctions should be on the table should they produce progress. So I think we have to be realistic.

At the same time, realism should not equal resignation. Regimes like this can be very durable, but they do not last forever when they face such sustained pressure both from within and without. There will be a moment when change comes to Burma. I would predict that a year before that happens, none of the experts will be predicting it; and a year after it happens, they will all be competing to explain why it was inevitable. And I think our role—although the greatest part in this drama will be played by the Burmese people, our role is to use all the tools at our disposal to bring that day just a little bit sooner.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Malinowski follows:]

Testimony of Tom Malinowski, Washington Advocacy Director, Human Rights Watch:

House of Representatives Committee on Foreign Affairs, October 21, 2009

"U.S. Policy Toward Burma"

Mr. Chairman, members of the Committee, thank you for giving me the opportunity to testify.
I have been following events in Burma for almost 20 years now, watching its people struggle at tremendous cost simply for the right to lead normal lives in a democratic country. You cannot get to know Burma without heartbreak. So many good people have given their lives for this cause; so many more have given up what little freedom they enjoyed in Burma so that their children and grandchildren could someday enjoy more. And yet, it's hard to get to know Burma without also feeling inspired. The people of this country have faced the most awful violence and cynicism, and yet have sustained a political movement dedicated to non-violence and reconciliation. Time and again, despite unrelenting repression, they have organized themselves in sophisticated and principled ways, not just to demand political freedom, but to respond to natural disasters like Cyclone Nargis, to deliver to themselves the basic services their government neglects, and to remain connected to the outside world. Burma has a painful past, but thanks to its people it has the potential to have a promising future.

Of course, Burma poses an incredibly difficult problem for policy makers hoping to encourage that more hopeful future. Terrible human rights violations continue, including the detention of some 2,100 political prisoners, and a campaign of repression against ethnic minority civilians that has destroyed hundreds of communities and displaced hundreds of thousands of people. Fragile cease fires with armed ethnic minority groups appear to be unraveling, opening the prospect of renewed conflict that could send thousands more refugees across Burma's borders with China and Thailand. The Burmese government's economic policies are driving the Burmese people deeper into poverty, causing some experts to predict a collapse of the economy's agricultural foundations, even as leaders siphon off for their own use billions of dollars of revenues from the sale of the country's natural resources. Addressing these challenges is hard because Burma's military, which has clung to power for five decades, remains determined to hold on to it, and has demonstrated its capacity to use extreme violence to that end.

But even if the problem Burma poses is difficult, it is not necessarily complicated. We know the source of Burma's difficulties – an authoritarian government committing grave human rights violations and pursuing ruinous economic policies. There is little mystery about what this government believes and plans to do; it is quite transparent on both scores. And it is not hard to imagine a way out of this mess – a political process that leads to compromise between the military and the political opposition.

Unlike many authoritarian countries with significant human rights problems, including Asian countries like China and Vietnam, a clear alternative to authoritarian rule already exists. Burma has a well organized and relatively sophisticated opposition movement that commands broad support from the country's people. It also has a strong civil society, reflected both in new self-help associations that sprung up after the Saffron Revolution in 2007 and Cyclone Nargis in 2008, and in the extraordinary institution of the monkhood, or Sangha, which provides basic services to the Burmese people and moral authority to the opposition movement. The building blocks of a political solution to Burma's crises do not have to be invented; they are already there, even if they continue to be repressed.

To understand the way forward in Burma, it is important to understand that there are essentially two political forces in the country that matter. There is the military, which has all of the power, but none of the legitimacy. And there is an opposition, which broadly defined includes Aung San Suu Kyi's National League for Democracy (NLD), the country's Buddhist monks, other dissident groups, and ethnic minority organizations. This opposition has none of the power, but all of the legitimacy.

Considering the military's abuses and mismanagement over the years, it is tempting to say that the military should simply step aside and give way to democratic forces. But that is not likely to happen any time soon. Realistically, as Aung San Suu Kyi has acknowledged, the military will continue to play an important role in Burma's political life for some time to come.

By the same token, considering how determined the military has been to cling to power, some say that it is the political opposition that should step aside and accommodate itself to military rule, while encouraging a more gradual evolution

of the system. But this is equally unrealistic. Burma's people have demonstrated repeatedly that they do not want to live under a government that rules with such a lethal combination of violence and neglect; they have continued and will continue to assert their desire for change. They will not give the Burmese military decades to evolve unchallenged; if soldiers continue to rule illegitimately, Burma will likely see a continuation of its now familiar cycle of uprising followed by brutal, destabilizing repression.

Just as any realistic solution has to accommodate the reasonable needs of the military, it will also have to take into account the existence, importance, and needs of the popular opposition. Somehow, power and legitimacy must come together in Burma. No other solution will be stable or stand a chance of succeeding.

The Obama administration's Burma policy, announced last month, recognizes these basic realities of Burma. It is a thoughtful and well balanced approach. It is also not as much of a dramatic departure from past U.S. policy as some expected, and others portrayed it to be.

Under the new policy, existing sanctions against Burma will be maintained, and, indeed, may be enhanced if political progress is not made in Burma. This is appropriate – not just because lifting sanctions now would send the wrong signal, but because carefully targeted sanctions (especially financial measures aimed at the Burmese government's ability to use the international banking system) offer the most effective leverage the United States has to change the military leadership's calculations.

Under the new policy, the administration will also look for ways to expand humanitarian aid to Burma to help meet the extraordinary needs of a suffering population, and to support where possible genuine non-governmental groups that are also working to meet those needs. This is also appropriate, and non-controversial. At the same time, the administration has correctly concluded that humanitarian aid is not the solution to what is essentially a political problem in Burma. Nor can aid address the country's poverty and underdevelopment – only a fundamental change in the government's economic policies and priorities could do that.

The most significant change the administration has made is a decision to engage the Burmese leadership in a more sustained way and at a higher level. This, too, is a very good thing. It takes off the table the pernicious argument that Burma's impasse is the result of America's refusal to talk to its leaders or a US policy of isolating Burma. The administration has made some important gestures to demonstrate its willingness to engage the Burmese leadership respectfully. The onus is now clearly on Burma's leaders to respond.

In my view, the defining feature of the administration's policy is its realism.

First, this policy recognizes the reality that a solution to Burma's problems requires a political process in which both the military and the opposition engage each other and find a way forward together. It rightly maintains the longstanding U.S. demand that the Burmese government cease repression of the political opposition, release all political prisoners, and begin a dialogue with the NLD and ethnic minority groups. Again, as much as some on both sides of the policy debate outside Burma might wish otherwise, there is simply no way forward that doesn't require both sides inside Burma to make difficult compromises. And so, as important as it is for the United States to speak directly to the Burmese leadership, true progress can only come when the leadership speaks to its people.

Second, while the policy does not reach a final conclusion about how the United States should react to Burma's planned 2010 elections, it does not rest its hopes on those elections either, or on the new "civilian" government those elections are designed to produce, or on the new constitution upon which this process is based.

There are many examples in history of imperfect elections that produced positive change. Poland's 1989 election is a classic example: The conditions were unfair and the opposition could only compete for one third of the seats in the Polish Parliament, but votes were counted honestly, and when the opposition won a huge victory, it created political momentum that led to a democratic transition. But Burma already had an election like that, in 1990, when the NLD won virtually every seat. In 2008, the Burmese government staged a national referendum on its new constitution, and this time it made sure to rig the results. Absent some

change in the political status quo, the outcome of the 2010 elections is likely to be determined by Burma's rulers, not by its people.

As for Burma's new constitution, it does in principle create a degree of civilian control over the military. For example, under the constitution, the military commander in chief will be chosen by the country's president, who in turn will be elected by its parliament. It is common, however, in totalitarian systems for constitutions to create a democratic façade on top of an authoritarian foundation (the Soviet Constitution under Stalin, for example, was among the most democratic foundational documents in the world in its time). In reality, true authority in such systems is vested not in the constitutionally mandated ministries and legislative bodies, but in parallel structures – a ruling party, or military apparatus. Absent a more inclusive political process in Burma, that is likely to remain the case. The army will choose who sits in parliament (and reserve a quarter of lower house seats and a third in the upper house for serving military officers), and then determine whom this parliament will select to be the president, who will then affirm the army's own choice of commander in chief.

Moreover, even if we wanted to take the new Burmese constitution at face value, many of its other provisions make plain that the military will retain control. The document gives the military the right to control its own budget and adjudicate and administer all of its own affairs, in effect guaranteeing future impunity; it gives courts the power to declare legislative and executive decisions unconstitutional, but not military decisions; it makes the military the formal guarantor of "national solidarity and the perpetuation of sovereignty" (terms frequently used as pretexts for violence against the populace); it gives the military the right to appoint key government ministers, including home affairs, who will answer to the Commander in Chief, not to the president; it gives the military, not civilian authorities, the power to enlist any citizen in the security services. This constitution was not written to establish, even gradually, a civilian or democratic government in Burma. It was written to place military rule in Burma within a more stable and lasting legal framework.

And while a new generation of military leaders will eventually emerge from this process, those leaders will likely base their decisions on the same set of self-interested calculations as the current generation. The challenge for U.S. policy is to affect those calculations.

In a **third** mark of realism, the administration clearly rejected the view put forward by some that lifting sanctions against Burma would spur economic activity and growth inside the country, which might in turn lead to a political opening.

Unlike South Korea or Taiwan before they opened up politically, or even China or Vietnam today, Burma does not have a true market economy. The military government has ensured that the industries which produce hard currency revenue, and any other profitable opportunities that may sometimes arise, remain concentrated in its hands. Corruption and stifling state meddling drove out most serious Western investors (outside the extractive sector) before U.S. and European sanctions were imposed. If sanctions were removed today, it is not likely that Burma would receive significant new investment in sectors like manufacturing and services that provide opportunities for employment and for transfers of intellectual capital. Most new investment would likely flow to extractive industries – natural gas development, hydro-electric projects, mining, timber and gems. This kind of investment would only reinforce the Burmese government's current development strategy – pulling natural resources out of the ground, converting them into cash, and storing that cash in off shore, off budget accounts for the private benefit of the elite. In other words, removal of sanctions would not accelerate Burma's transformation into another South Korea or even China or Vietnam. It would accelerate Burma's transformation into another Democratic Republic of the Congo, in which the plunder of resources reinforces corruption and repression.

Indeed, the nature of Burma's political economy makes targeted sanctions particularly appropriate and useful. Sanctions – particularly financial sanctions -- tend to affect precisely those forms of economic activity that are controlled by the Burmese government and its cronies, while barely affecting the informal economy in which ordinary Burmese eke out a living. In addition to providing political leverage, well implemented sanctions can also slow down the process by which Burma's natural wealth is plundered, laundered overseas, or put to uses (such as weapons purchases or building the military's bizarre new capital of Naypidaw) that do nothing for Burma's economic well being.

Over the next several months, my understanding is that the administration will maintain sanctions while seeking a dialogue to test how seriously the Burmese

government wishes to improve relations with the United States and to make the compromises necessary to achieve that goal. No one expects miracles in this time frame. The question is whether the government will take even small steps to ease repression and re-engage with its political opposition. Will it release significant numbers of political prisoners, and stop arresting new ones? Will it allow the NLD to function more normally as a political party, by allowing Aung San Suu Kyi to meet regularly with other party leaders and with foreign diplomats? Will it allow humanitarian access to conflict areas and pull back from attacks on ethnic populations? Will it re-engage with the opposition on substantive issues, including the organization and climate surrounding the election? Will it be open to discussing more fundamental issues, like the constitution? I am not optimistic, but with the right mix of pressure and engagement and a unified message from the international community, it is possible that the government's desire to ease sanctions and to gain international legitimacy will produce some short term gains.

On the other hand, we should remember that the Burmese military leadership is expert at time management. A more likely explanation of its strategy right now is that it is focused on its own internal consolidation process leading to the 2010 elections, and using dialogue to keep the international community occupied until then.

For this reason, the United States must take a disciplined, time-bound approach to any process of engagement with Burma. A willingness to ease sanctions if reasonable progress is made must be matched by a readiness to use targeted financial sanctions more creatively and effectively if, in the coming weeks and months, it becomes clear that Burma's military junta is playing for time. It should be remembered that the financial sanctions the Congress imposed in the Burma JADE Act have not been fully implemented. In particular, they have not been effectively applied against the financial proceeds of the Burmese military's most lucrative economic activity – natural gas development. As we have seen in the case of North Korea, the creative use of such measures can provide powerful leverage against the most recalcitrant and self-isolated regimes.

Successfully implementing this policy will require intensive diplomatic outreach to countries with diplomatic and economic influence in Burma, from Indonesia which has been a leader among southeast Asian nations in calling for political progress in Burma, to Singapore, where the Burmese government reportedly has

maintained significant bank accounts, to Thailand, which, as a neighbor of Burma, absorbs the refugees and narcotics Burma exports, to China and India, which compete for influence with the Burmese government, to the European Union, which has imposed some economic sanctions, but not yet the more sophisticated financial sanctions employed by the U.S. Treasury. All these players must be clear that the fundamental expectations of American policy have not changed (something that risks being confused by the emphasis in the new policy on "engagement," which has led some in the international community to conclude, falsely, that the U.S. is no longer pressing as hard for change).

Successful implementation will also require steady high level engagement by President Obama, Secretary Clinton, and other senior members of the administration, so that the policy is not allowed to drift. The administration's new Sudan policy, for example (which was announced on October 19th), includes an explicit provision for quarterly interagency reviews to assess "indicators of progress or of deepening crisis" and to decide on "calibrated steps to bolster support for positive change and to discourage backsliding." Similar discipline will be needed in the case of Burma.

Finally, successful implementation requires a sense of realism but not of resignation. The status quo in Burma is depressing but it is not stable. Illegitimate political systems can last a long time even under sustained internal and external pressure, but they do not last forever. And when they do change, the experts who predicted such change could never come shift to explaining why it was inevitable.

We cannot predict when a better day will dawn in Burma. But we can do our part, in support of the much larger part played by the Burmese people, to make it dawn a little sooner.

Thank you Mr. Chairman. I would be pleased to take your questions.

Chairman BERMAN. Dr. Beyrer.

STATEMENT OF CHRIS BEYRER, M.D., MPH, PROFESSOR OF EPIDEMIOLOGY, INTERNATIONAL HEALTH, AND HEALTH, BEHAVIOR, AND SOCIETY, JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH

Dr. BEYRER. Thank you very much, Mr. Chairman and Ms. Ros-Lehtinen. And thank you for your leadership on the Burma issue.

I would like to speak about some health and human rights issues, in particular address some of the issues relating to the attacks on ethnic nationalities which we have heard some of the other speakers address, because I think that this is a very important part of the junta's planning and preparations for 2010, and to speak specifically about some of the attacks in ethnic areas.

Of course, in July and August of this year, the junta moved against Shan civilians, driving some 10,000 villagers into forced displacements. And I think in the Shan areas these kinds of mass atrocities are not new. They have been documented by our group, collaborative group, from 2006 and 2007.

Just to give you a feel for this, in IDP areas in the Shan State, in a population-based assessment of 2,900 households, we found that more than a quarter of all Shan households have been forcibly displaced in the last year and 24 percent had had a family member taken for forced labor. That is an extraordinarily high rate, so that really is a widespread use of that abuse.

There also has been international concern about the Rohingyas in western Burma and increasing concern recently about the ongoing food and security in Shan State. The attacks, of course, in Kokang in Northern Shan State drove 37,000 new refugees across the border into China, and that raised concerns about regional security, but also elicited an unusual rebuke from the Chinese authorities.

I think, taken together, this pattern of attacks which—of course, we are all concerned about the potential expanding against the Kachins; the Kachin National Organization has rejected both the referendum and the offer to become a border patrol force—led China to, reports of China establishing three refugee camps along that border in expectation of refugee flows. Taken together, what this says is that the junta's policies now are creating new humanitarian emergencies in this current campaign for extended control in ethnic areas.

But one of the things I want to highlight is that the ethnic nationalities, who are going to be such important partners in the democratic Burma to come, are not just victims of this regime. The Mae Tao Clinic, a partner that we have been working with on the border, that has had U.S. support, served over 68,000 people last year. That is 95,000 clinic visits. More than half of those people came from Burma. They are serving Burmese people; 78 percent of all the malaria cases they treated were from Burma, 85 percent, of eye surgery. So while they are serving populations in Thailand, the Burmese people are voting with their feet and going where they can find health care.

Let me give you another example of infectious disease, another area that we have been very involved with over the years. There

was an outbreak of a flu-like illness in eastern Burma just a few weeks ago, and by October there were over—October 1st, about 450 cases. It was not clear whether this was avian influenza, H1N1, which are both, of course, major concerns in the region or if this was seasonable influenza.

The ethnic medical teams that are working inside Burma in these IDP areas set up an emergency response system. They started a health campaign, they did disease surveillance, they did an outbreak investigation, they established a treatment and care program, and importantly, they got specimens from cases of flu out of those areas across the border to Thailand.

They were evaluated in Thai labs. All the case specimens that they were able to evaluate turned out to be seasonal influenza, so that was good news. And so far, the case fatality rate has been quite low.

But I bring that example up to say that these groups really have capacity, they have agency, they actually are responding to the doctrine of responsibility to protect, despite the international community's reluctance in some ways to embrace that.

And I would highlight that a recent, very good report from Refugees International highlighted these aspects of this assistance and also pointed out that the junta continues to limit international access to these areas and to limit international humanitarian assistance. But these ethnic groups really are able to do a tremendous amount.

I just want to say a little bit about the situation in central and urban Burman areas, because the situation there also is really dire. And here, Tom was pointing out the treasure that they have amassed in foreign exchange reserves is not being used for the health and well-being of the Burmese people.

It is true that Burma, the people of Burma are incredibly impoverished. The junta, of course, is not. And just to give you a feel for this, their estimated reserves in Singapore alone are over $4 billion with the IMF, but they are spending about 70 cents per year per person on health care—the national AIDS program budget last year, $200,000 for the national AIDS program for this entire country of 52 million people.

That is a crime. And I think one thing that the U.S. could really be calling for and increasingly speaking to is that if we are going to expand humanitarian assistance in this country, the junta should be asked to kick in some of its reserves.

The same thing is true in the Cyclone Nargis response areas. So, for example, the best estimate we have is that they expended about $45 million in total on cyclone relief since the cyclone, and they have built about 10,000 houses. Now, that is important, but the Burmese citizens alone are estimated by the U.N. to have built 209,000 houses. And at this point, 18 months out from the cyclone, we still have something like 130,000 families living in temporary and inadequate housing. And that accounts to about 450,000 people.

So they have done really remarkably little with their treasure.

So what can the U.S. do in this setting where there clearly are indigenous groups within the country working and trying, but the junta has expended so little and its very policies, of course, are cre-

ating new humanitarian emergencies? Well, I think there are several things. I certainly support and concur with Tom that expanding humanitarian assistance both inside the country and through the ethnic national health programs is the right thing to do and plays potentially, particularly for the ethnics, a very important role in expanding their capacity to participate in the Burma we all hope to see.

I think that continuing to observe political pressure toward democracy and freedom, including the implementation and use of the sanctions policy, as Secretary Campbell suggested, really is important. In his statement at the Webb hearings, he also highlighted the need for tripartite dialogue; and that dialogue, of course, includes the ethnics, and I think that that is absolutely essential.

I would finally say two other things. One is that Congress can continue to press the administration on the arms embargo. I think one of the members raised that earlier. And an international arms embargo against this regime, particularly while they continue these attacks on ethnic civilians and villages, seems to me critically important. And also that the U.S. could support the investigation of crimes against humanity and that referral to the U.N. Security Council.

Whatever happens in the dialogue to come, the crimes that have been committed and the continued impunity of this junta remain a real obstacle to national reconciliation; and I think that investigation of those crimes remains an important part of reconciliation for the future.

Thank you.

[The prepared statement of Dr. Beyrer follows:]

Center for Public Health and Human Rights

House Committee on Foreign Affairs
U.S. Policy Toward Burma
October 21, 2009

Testimony of Chris Beyrer MD, MPH
Professor of Epidemiology and International Health
Director, Center for Public Health and Human Rights
Johns Hopkins Bloomberg School of Public Health

I would like to thank Chairman Berman, and the Members of the Committee for holding this hearing and for the opportunity to speak to you today on U.S. Policy toward Burma. The Congress has been a sustained supporter of the Burmese peoples' aspirations for democracy, human rights, and human security, and has backed up that bipartisan commitment with much needed and appreciated humanitarian assistance.

As a physician and public health researcher, I have been involved with health and human rights in Burma since 1993, and can say without hesitation that this is a critical moment for Burma's peoples. Both opportunities and risks abound. The new U.S. policy articulated by Secretary Clinton calls for expanding dialogue with the ruling State Peace and Development Council, and reaffirms the U.S. commitment to seeing real progress on democracy and human rights. Continued targeted economic sanctions give the administration needed leverage in supporting change in Burma. And importantly, the policy calls for genuine dialogue between the SPDC, the democratic opposition, and the ethnic nationalities, who will have such crucial roles to play in the democratic Burma we all hope to see. Taken together, this represents real opportunities.

But there are real risks too, as the SPDC moves forward with plans for proposed elections in 2010 and seeks to assert control in Burma's ethnic states and regions. I will focus on what is happening in Burma's ethnic areas, where we have been collaborating on public health and human rights work, but would first like to briefly address the political context. Despite the junta's current willingness to engage with the international community, the generals are continuing with arrests, detention, and prison sentences for democracy leaders, for opposition clergy, and for independent humanitarian relief workers, 5 more of whom were detained this past September.(1) At least 30 Buddhist Monks have been arrested in the past two months.(2) And on October 14th, the SPDC sentenced 11 more democracy activists to prison terms.(3) Political repression continues in Burma, as does the continued unjust detention of Daw Aung San Suu Kyi and some 2,200 other political prisoners.

Attacks on Ethnic Nationalities

The recent attacks on Burma's Ethnic Nationalities in the Karen, Shan, and Kokang ethnic areas, are the second major cause for concern in Burma today. In Shan State the attacks on civilians have been particularly intense: At least 39 Shan villages were attacked, with some 10,000 villagers forcibly displaced in July and August of this year—part of a systematic and widespread scorched earth campaign documented by the Shan Human Rights Foundation and the Shan Women's Action Network, and reported by Human Rights Watch on August 14th, 2009.(4) State Department Spokesman Ian Kelly addressed these attacks in an August 31, 2009 briefing:

> The United States is deeply concerned over the attacks by the Burma Army in eastern Burma against several ethnic nationality groups, and we continue to monitor developments carefully. The brutal fighting has forced thousands of civilians to flee their homes for safety in Thailand and China, and reduced both stability and the prospects for national reconciliation. We urge the Burmese authorities to cease their military campaign and to develop a genuine dialogue with the ethnic minority groups, as well as with Burma's democratic opposition.(5)

Such mass atrocities are not new to Burma. In population-based health and human rights assessments conducted by our collaborative Burmese and American team in 2006-2007 among over 2,900 ethnic households in eastern Burma, the Shan villagers suffered among the highest rates of abuses of any group. More than a quarter of all Shan families had been forcibly relocated in the last year, 24% had at least one family member taken by soldiers for forced labor, and an astonishing 9% of households had at least one family member injured by a landmine—one of the highest rates ever documented.

Other ethnic groups, most recently the Karen, have also faced intensified fighting and egregious rights violations—some 5,000 Karen have recently fled into Thailand according to Human Rights Watch.(4) In a 2008 population-based survey by done by The Mae Tao Clinic led by Dr. Cynthia Maung, the Backpack Health Workers Team, and our group in Karen State we sampled some 1380 households, a total population of over 7,500 adults and children. Here the landmine incidence alone was 22/10,000 persons per year, again, an extraordinarily high rate.

The plight of the Rohingyas, a Muslim minority persecuted in Western Burma, has also caused international concern. Human Rights Watch called for an end to the junta's systematic abuses against the Rohingya in May of this year.(6) And the attacks against the Kokang ethnic group in northern Shan State drove some 37,000 refugees into China's Yunnan Province in August, 2009, raising concerns about regional stability, and eliciting a rare rebuke from China. China took the unusual step of officially calling on the SPDC to maintain peace along their shared border.(7) PRC foreign ministry spokeswoman Jiang Yu stated "Safeguarding stability along the China-Myanmar border is in the vital interest of the two peoples and is the common responsibility of the two governments."(7)

These renewed assaults on Burma's ethnic peoples appear to be part of the junta's strategy for the 2010 elections. The generals are attempting to force their ethnic opponents to become border patrol forces and to participate in the proposed elections. Most of the larger ethnic groups and political parties have rejected these offers, and have rejected the junta's new constitution. One of the largest and most heavily armed groups, The United Wa State Party appears likely to reject the junta's offers. A second, the Kachin National Organization, has recently rejected the junta's offer and the 2010 elections, increasing the likelihood of more ethnic conflicts. In preparation for the potential refugee flows from this fighting, China has taken the extraordinary step of preparing three refugee camps on its border with Kachin State.(8) The junta is *creating* new humanitarian emergencies with its current campaign for political control of ethnic areas and destabilizing its border regions with China. Burmese refugees continue to flee not only into China, but to Thailand, India, Bangladesh and Malaysia, making this a truly regional concern.(4, 5, 6, 7, 8)

Ethnic National Reponses and Agency

Burma's ethnic peoples are not solely victims of the junta's policies. They are also active change agents. The Mae Tao Clinic led by Dr. Cynthia Maung served over 68,000 people last year, in over 95,000 clinic visits: 52% of all patients came for care from Burma; 76% of malaria cases, 85% of eye surgeries, and 63% of all severe malnutrition cases. Burmese people are voting with their feet and seeking care where they can find it.

Let me give one recent example of the capacity of these programs: Just last month there were reports of an epidemic of flu-like illness among children and young adults in several communities of internally displaced persons in Eastern Karen State. By September 11, 9 villages had reported cases to the local medics, who are supported by the Backpack medical teams. By early October, 450 cases had been reported. The Ethnic Medical teams initiated 4 activities: a health campaign, disease surveillance, outbreak investigation, and treatment and care. Specimens from flu cases were taken out of the affected area on Sept 24th, and tested in Thai labs. On Sept 29th, these tested positive for seasonal influenza, and negative for Avian flu and H1N1, both of which had been concerns. This is a powerful example of agency, of communities meeting their own responsibility to protect, and of why assistance to these community-based ethnic organizations can be so effective. Refugees International has done a recent (September 30th) report "Thailand: New Problems Challenge Old Solutions" which highlighted this kind of cross-border assistance and pointed out that in many cases, this is the only way to reach and serve IDPs in those areas where the junta has prohibited international agencies from working.(9) In Eastern Burma alone, we estimate that there are some 600,000 such IDPs.

Central and Urban Burma

In the central and urban regions of Burma the health and humanitarian situation remains dire as well. As reported by the Australian Economist Sean Turnell and based on IMF data, the SPDC is estimated to hold more than 4 Billion USD in foreign exchange reserves, yet expenditures on health and education remain among the lowest worldwide.(10) The official government expenditure on health is some $0.70 per capita per annum, or 0.3% of the national GDP according to Doctors Without Borders—a figure that does not reflect the gross disparity of care within the country: health and social services are markedly scarcer in rural and ethnic minority areas.(11) Health care access is largely privatized in Burma—a great burden on the majority of Burma's people, most of whom live in poverty. The Economist Intelligence Unit reports a GDP per capita of 435 USD in 2008, or 1.2 USD/day.(12)

Private care is out of reach for most Burmese. HIV/AIDS care is an example: The National AIDS Program budget of some 200,000 USD/year for the entire country in 2008 is extremely low.(12) And it means that the great majority of Burmese living with AIDS in need of immediate treatment with ARV, an estimated 76,000 people in 2008, do not have access. Most who do have access, some 11,000 people, are treated by MSF, who has made clear that they cannot assume the responsibility of a national ARV program.(13) The SPDC can and should do much more, and calls for increased humanitarian support should be coupled with calls for the SPDC to spend the resources of the Burmese people on their wellbeing.

The argument that Burma's remarkably poor health outcomes are due simply to limited foreign aid ignores the reality that the SPDC has divested in health and education funding, while spending lavishly on its military.(14) This is true in the Irrawaddy Delta areas affected by Cyclone Nargis as well. The SPDC has contributed remarkably little to the relief effort, an estimated total of some 45 million USD since the Cyclone hit, and built some 10,000 homes. But a recent estimate from UN-Habitat is that 130,000 families, some 450,000 people, are still in "dire need of shelter," more than a year and half after the storm.(15) Burmese families on their own, despite their poverty, are doing much more than the junta: UN-Habitat estimates that 209,000 families have re-built their own homes since the storm.(15)

In addition to expending relatively little of its own resources on the social sector, the SPDC also continues to limit the ability of international agencies to assist. I was denied a visa in the period after Cyclone Nargis, for example, and was told that this was due to my being "a humanitarian doctor." Recent reports suggest that visa restrictions imposed by the junta are again complicating assistance programs. Policy reform such as the easing of these visa restrictions, could have enormous impacts on the social sector in Burma.

What can the United States do at this critical juncture to support democracy in Burma and alleviate suffering?

- Expand humanitarian assistance both inside the country and through the Ethnic National health services in border regions—and couple this giving with pressure on the SPDC to expand its own funding for humanitarian assistance, health care, and education.
    - The House has passed legislation to provide some 32 million dollars for FY 2010, 12 million for Cyclone Nargis relief, and 20 million for Thailand based relief, including 4 million for cross border aid. This is an increase over the 28 million allocated in FY 2009. The Senate bill calls for some 39 million for FY 2010. And the US has already given some 75 million in total to Nargis relief efforts.

- Continue to exert positive political pressure for true progress toward democracy and freedom in Burma. This means continuing to call for the release of all political prisoners, including U.S. citizens, and mandating that the NLD and the ethnic leadership be part of the greater engagement of the U.S. with all potential dialogue partners in Burma, and calling for an immediate cessation of attacks on civilians by the SPDC and its proxies.

- Support Daw Aung San Suu Kyi's recent efforts for her Party's direct engagement in dialogue with the SPDC leadership.

- Continue and implement targeted "smart sanctions" against the SPDC and its business partners to maintain pressure on the junta for real and meaningful change. Make explicit the pathway toward which sanctions could be progressively lifted as political reform occurs.

- Expand multi-lateral diplomacy with the UN, the EU, ASEAN, with India, and Russia, and most importantly with China, where the U.S. has a unique strategic opportunity, given China's public discord with the junta over refugees and the treatment of both ethnic Chinese Burmese nationals, and Chinese nationals resident in Burma.

- The US, EU, Sweden, Japan and others should press for Daw Aung San Suu Kyi's to be able to meet with the NLD Central Executive Committee, including with NLD leaders U Tin Oo and U Win Tin, before any further meetings between the US Government and the regime ensue.

- Work with the international community on an expanded arms embargo which should be in place as long as the Burmese military continues to terrorize civilian populations.

- Actively support the U.N. investigation of the regime's crimes against humanity to continue political pressure and to hold the SPDC accountable for any crimes it has committed. Tolerance for the SPDC's impunity will not further democratization.

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Chairman BERMAN. Mr. Aung Din.

STATEMENT OF MR. AUNG DIN, EXECUTIVE DIRECTOR, U.S. CAMPAIGN FOR BURMA

Mr. DIN. Mr. Chairman, Congresswoman Ros-Lehtinen, thank you very much for holding this hearing today and also thank you very much for inviting me to speak here. And as you suggested, I want to submit my testimony for the record and I am hear to summarize my statement.

As I speak here today, the military regime of Burma has been carrying out two major campaigns, targeting both democracy activists in the mainland and the ethnic minorities in the border areas, both of whom present obstacles to the permanent military dictatorship under a sham constitution and through a showcase election in 2010.

Democracy forces led by the National League for Democracy party and ethnic minorities have refused to accept this constitution or support the 2010 elections. During September and October, over 100 activists were arrested. The number of political prisoners, as of today, stands at least 2,119 according to the Thai/Burma border-based Assistance Association for Political Prisoners, and among that, 244 are Buddhist monks.

These political prisoners went through painful and torturous interrogations for days before they were sent to the Summary Courts. After a brief and unjust trial, they were given lengthy sentences, in some cases up to 104 years, and then sent to remote prisons, where their families could not visit due to the long distance, difficult travel and heavy expenses. And they are put in an 8-foot by 12-foot cell, three to five person together, allowed only 30 minutes per day to go out from the cell for bathing, cleaning and walking.

The quality of food provided in prison is much worse than food for pigs. Medical treatment is almost nonexistent, and prisoners have to rely on their families to provide the medicine they need.

And physical punishment such as beating, kicking, punching, caning and crawling on the ground filled with sharp stones, standing at the door with hands cuffed for a long time, as well as being put in a pitch-black cell for many days and denying family visits are common for all political prisoners in Burma. At least 138 activists died in the prison due to the torture, mistreatment and lack of medical care. Currently, approximately 125 political prisoners, mostly women and elderly, are seriously ailing and need emergency treatment.

I know their struggle and their suffering very well because I was one of them. I was in prison for over 4 years from 1989 to 1993.

In some cases the regime attacks against democracy activists are fatal. Earlier this month on October 8, U Kyawt Maung, 56 years old, was beaten to death by two regime officers. U Kyawt Maung went to North Okkalapa Police Station to find out the situation of his son Thet Oo Maung, a ninth grade student activist arrested the day before for his participation in the Free Daw Aung San Suu Kyi Campaign. U Kyawt Maung was handcuffed and severely beaten by Police Private Pann Thee and local official Win Cho at an intersection near the police station. They left him in a pool of his own blood

at the scene after the attack and onlookers rushed him to the hospital where he was pronounced dead.

In May, when Daw Aung San Suu Kyi's 6-year house arrest was about to be complete, the regime sent her to Insein Prison to stand trial for the crime of being a victim of an intrusion by an American citizen. After nearly 3 months of a showcase trial, the regime extended her detention another 18 months to ensure she is unable to influence their elections in 2010. In the next 3 days, on October 24, her time in detention will reach 14 years.

Now, let me talk about the ethnic minorities in here. Burma belongs not only to the Burman majority, but also to all major ethnic nationalities—Shan, Kachin, Karen, Karenni, Mon, Rakhine and Chin—whose voluntary participation is very important to the unity of a Federal Union of Burma. However, Burma's military leaders think of themselves as rulers and the ethnic groups as their subordinates or subjects. Those who refuse to accept their authority are enslaved, tortured, raped, killed or driven out.

The regime's use of rape as a weapon of war against ethnic women and girls is widespread, ongoing and well documented. In his latest report to the U.N. Security Council on Resolution 1820, Women, Peace and Security, dated July 15, 2009, Secretary-General Ban Ki-moon reported, and I quote:

> "In Burma recent concern has been expressed at discrimination against a minority Muslim population of Northern Rakhine State and their vulnerability to sexual violence, as well as the high prevalence of sexual violence perpetrated against rural women from the Shan, Mon, Karen, Palaung and Chin ethnic groups by members of the armed forces and at the apparent impunity of the perpetrators."

In April of this year, the regime announced its plan to disband and disarm ethnic cease-fire groups which command about 50,000 soldiers. The regime instructed them to reduce their troops to the lowest level, about 7,000, and then transfer them under the authority of the regime. Then the regime will mix them with Burmese soldiers and form a new Border Guard Force under the direct command of the Burmese military. The regime has instructed all groups to implement this Border Guard plan by the end of October and start to prepare to participate in the 2010 election. The regime offered no political concessions or alternatives. That is why almost all of the major ethnic groups have refused to comply.

In late August, the regime started to attack the smallest group, Kokang, and defeated it in a matter of a week, forcing nearly 40,000 civilians to flee to China as refugees and sent a message to other cease-fire groups to choose one of the two options: Subordinate to the regime or be defeated. Currently, about 100,000 soldiers of the regime with heavy artilleries, tanks, cannons and fighter jets are deployed in these areas, pressuring the remaining ethnic cease-fire groups. As major ethnic cease-fire groups, combined together command about 40,000 armed forces, have refused to obey the order, a full-scale escalation of war between the regime and ethnic groups is possible in the near future, further destabilizing Burma and the region.

Now is the turning point not only for Burma but also for the international community. The right policy and effective action by the international community may be able to stop the bloodshed and the regime's killing spree in Burma. Over the years, under the watchful eyes of the international community, the regime has destroyed over 3,300 villages, driven out over 2 million people to neighboring countries, forced over 500,000 to hide in jungles and mountains as internally displaced persons, employed all citizens as forced or slave laborers, and recruited 90,000 child soldiers into its armed forces, exploited from drug businesses, money laundering and human trafficking, and failed to save the lives of millions of citizens who were devastated by natural disaster such as Cyclone Nargis and treatable infectious diseases. Therefore, the imposition of strong and comprehensive sanctions on this brutal military regime is perfectly justifiable, legitimate, meaningful and necessary.

And I agree that imposing sanctions alone could not produce the intended results. Sanctions should be reinforced with serious and high-level engagement.

The U.S. engagement with the regime should start from ground zero. During the talk, if the regime makes positive gestures, such as ceasing all attacks and atrocities against civilians and ethnic minorities, releasing Daw Aung San Suu Kyi and all political prisoners, beginning a genuine and sustained dialogue with opposition to review and revise the constitution, I agree that the United States should respond positively by easing some of the sanctions. But if the regime continues arresting democracy activists and attacking ethnic minorities, the United States must respond with tightening sanctions and organizing action at the U.N. Security Council, such as the global arms embargo and establishment of a commission of inquiry to investigate crimes against humanity in Burma.

In conclusion, I support the new U.S. policy on Burma, which includes maintaining sanctions and directly engaging with the region, as well as increasing humanitarian assistance while working closely with neighboring countries to help procure unified coordination and action. I believe this is the right policy, but this must be carried out effectively with caution, transparency, a sense or urgency, a results-oriented mind and readiness to respond appropriately.

Thank you very much.

[The prepared statement of Mr. Din follows:]

U.S. House of Representatives
Committee on Foreign Affairs
Hearing on Burma: **"U.S. Policy toward Burma"**

October 21, 2009
Room 2172, Rayburn House Office Building, Washington, DC

Testimony by Aung Din
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Mr. Chairman, Congresswoman Ileana Ros-Lehtinen and Members of the Committee,

Thank you very much for holding this hearing at this critical time for Burma. I would like to take this opportunity to express our appreciation to the United States Congress and Administration for their strong and consistent support for our struggle for democracy and human rights under the leadership of the 1991 Nobel Peace Prize Recipient Daw Aung San Suu Kyi, whose time in detention will reach 14 years in three days, Oct 24. I also thank you for inviting me to speak. As I am the only Burmese activist here to testify, while I was preparing for this hearing, I consulted with some leaders of Burma's democracy movement as well as ethnic leaders inside the country to reflect their voices and opinions in my testimony.

Current Political Landscape in Burma

Let me begin with the current situation in my country which I follow very closely and monitor daily. As I speak here today, the military regime in Burma has been carrying out two major campaigns targeting both democracy activists in the mainland and ethnic minorities in the border areas, both of whom present obstacles to a permanent military dictatorship with a sham constitution and through a show-case election in 2010.

After the election, military rule will be legalized, and Burma will be under a permanent military dictatorship. I emphasize "permanent", because the regime purposefully made it almost impossible to amend the constitution in the future. Therefore, the people of Burma, including ethnic minorities, have refused to accept this constitution or support the 2010 election. And thus, the regime's current paramount task is to eliminate these obstacles before the election to cement their power.

Arbitrary Detention, Torture and Killing of Democracy Activists

Last week, a group of European diplomats visited Burma and came to the one and only office of the National League for Democracy (NLD) party, the legitimate winner of the 1990 election, which was held by the same military regime who subsequently refused to honor the election result. They asked NLD leaders about their position on the current situation in Burma and the 2010 election. NLD leaders told them clearly that the NLD will not participate in the election, until and unless the regime releases all political prisoners, including Daw Aung San Suu Kyi,

allows them to review and revise the constitution, and holds the election under the supervision of the international community.

As the NLD stands firm against its plan, the regime has intensified its oppression of NLD members and democracy activists with an aim to eliminate or weaken the party. In September and October, over 100 activists were arrested, including NLD members and Buddhist Monks. The number of political prisoners as of today stands at least 2,119, according to the Thai-Burma border-based Assistance Association for Political Prisoners (Burma).Among them, 244 are Buddhist monks.

These political prisoners went through painful and torturous interrogations, for days, before they were sent to the Summary Courts. After a brief and unjust trial, they were given lengthy sentences, of up to 68 years with hard labor, and then sent to remote prisons, where their families could not visit, due to the long distance, difficult travel and heavy expenses. In January, a young student activist, named Bo Min Yu Ko, was sentenced to 104 years imprisonment, for his leading role in the underground student union. They are put in an 8 foot by 12 foot cell, three to five persons together, allowed only 30 minutes per day to go out from the cell for bathing, cleaning, and walking. The quality of food provided in prison is much worse than food for pigs. Medical treatment is almost nonexistent and prisoners have to rely on their families to provide the medicine they need.

Physical punishment, such as beating, punching, kicking, caning, crawling on the ground filled with sharp stones, standing at the door with hands cuffed for a long time, as well as being put in a pitch-black cell for solitary confinement for many days, and denying family visits, are common for all political prisoners in Burma. At least 138 democracy activists died in prison due to torture, mistreatment, and lack of medical care. Currently, approximately 125 political prisoners, mostly women and the elderly, are seriously ailing and need emergency treatment.

I know their struggle and suffering very well because I was one of them. I was in prison for over four years from April 1989 to July 1993. Everything I have described above, the regime did to me as well because like my fellow political prisoners, I committed the most egregious crime in the eyes of the military regime, which is calling for democracy, human rights and rule of law by peaceful means.

In addition to arbitrary arrest, torture, unjust trials and imprisonment, the regime's attacks against democracy activists in some cases are fatal. Earlier this month, on October 8th, U Kyawt Maung (56-years old) was beaten to death by a police officer and a local regime official. U Kyawt Maung went to North Okkalapa Police Station to find out about the situation of his son Thet Oo Maung, a ninth grade student activist arrested the day before, on Oct 7th for his participation in the Free Daw Aung San Suu Kyi Campaign. U Kyawt Maung was handcuffed and severely beaten by Police Private Pann Thee and local official Win Cho at an intersection near the Police Station. They left him in a pool of his own blood at the scene after the attack and onlookers rushed him to the hospital where he was pronounced dead. Doctor said that he died due to a blood clot in his brain after his head was hit against the concrete floor many times by the attackers. This is not the first case of extra-judicial killing of innocent people by the authorities, and this will not be the last one either.

In May, when Daw Aung San Suu Kyi's six-year house arrest was about to be complete, the regime sent her to Insein Prison to stand trail for the crime of being a victim of an intrusion and having compassion for her American intruder. After nearly three months of a show-case trial, the regime extended her detention another 18 months, to ensure she is unable to influence their elections in 2010. In early September, a Burmese-American citizen Nyi Nyi Aung (aka) Kyaw Zaw Lwin was arrested by police at the airport when he legally entered the country with a visa, given by the regime's embassy in Bangkok. He went to Burma with expectations to support his mother and sisters, who are in prison with lengthy sentences for their participation in peaceful demonstrations, and he ended up in the police lock-up. Amnesty International reported that he was severely tortured during interrogation and then sent before the court to face a trial with fabricated charges. He remains imprisoned today.

The Regime's Brutal Campaign against Ethnic Nationalities

Burma belongs not only to the Burman majority, but also to all major ethnic nationalities, Shan, Kachin, Karen, Karenni, Mon, Rakhine and Chin, whose voluntary participation is very important to the unity of a Federal Union of Burma. As history shows, these major ethnic groups were independent Kingdoms or city-states in the past, with their own territories, cultures, languages and administrations.

Burma's military leaders think of themselves as rulers and the ethnic groups as their subjects or subordinates. Those who refuse to accept their authority are enslaved, tortured, raped, killed or driven out. It is the reason why over 3,300 villages in eastern Burma were destroyed, why over 500,000 ethnic civilians are forced into hiding in the jungles as internally displaced persons, and why over two million people fled to neighboring countries as unwelcome refugees and illegal immigrants. This decades-long campaign against the ethnic minorities has escalated over the past few months as the regime draws nearer to scheduling its elections for next year.

The Shan Human Rights Foundation (SHRF) and the Shan Women's Action Network (SWAN) reported that the Burmese military regime renewed its scorch earth campaign against Shan people this year, and since July 27, 2009, the regime soldiers have burned down over 500 houses, and forcibly relocated about 40 villages in Central Shan State. Over 10,000 villagers were removed from their homes and villages, hundreds were arrested, interrogated and tortured by the soldiers and at least three people were killed. *"One young woman was shot to death while trying to retrieve her possessions from her burning house, and her body was thrown into a pit latrine. Another woman was gang-raped in front of her husband by an officer and three soldiers"*. These groups noted that this attack was the largest since the mass forced relocations in Shan State in 1996-1998, in which over 300,000 villagers were uprooted from their villages.

The Women League of Burma reported that a 22-year old woman was gang raped by Burmese soldiers in Northern Shan State in January 2008, while she was pregnant and shortly after a soldier killed her father. The whole family escaped from their village and then fled to an IDP camp along the Thai-Burma border. She said "*soldiers came and demanded that my father should let me go with them again. I did not know what was on the soldier's mind, I thought he was only threatening by pointing the gun at my father's head, but the soldier shot at him. I saw my father fall and die*".

The regime's use of rape as a weapon of war against ethnic women and girls is widespread, ongoing and well documented. In his latest report to the UN Security Council on "Security Council Resolution 1820, Women, Peace and Security", dated July 15, 2009, Secretary-General Ban Ki-moon reported that "*in Myanmar (Burma), women and girls are fearful of working in the fields or traveling unaccompanied, given regular military checkpoints where they are often subject to sexual harassment.*"

He also reported that "*In Myanmar, recent concern has been expressed at discrimination against the minority Muslim population of Northern Rakhine State and their vulnerability to sexual violence, as well as the high prevalence of sexual violence perpetrated against rural women from the Shan, Mon, Karen, Palaung and Chin ethnic groups by members of the armed forces and at the apparent impunity of the perpetrators.*" Furthermore, he stated that "*although there has been documentation and identification of military personnel who have committed sexual violence, including relevant dates and battalion numbers, disciplinary or criminal action is yet to be taken against the alleged perpetrators.*"

Two Options for Ethnics, "Subordinate to the Regime or Be Defeated"

The military regime has claimed that since 1990, it has reached ceasefire agreements with 17 ethnic armed groups.

In April of this year, the regime announced its plan to disband and disarm the ethnic ceasefire groups, which command about 50,000 strong armed forces. The regime instructed them to reduce their troops to the lowest level, about 7,000, and then transfer them under the authority of the regime. Then the regime will mix them with Burmese soldiers and form a new "Border Guard Forces", under the direct command of Burmese military. This would effectively disarm and disband these ceasefire groups. The regime has instructed all groups to implement this Border Guard plan by the end of October and start to prepare to participate in the 2010 election. The military regime offered no political concessions or alternatives. As a result, almost all of major ethnic groups have refused to comply. Therefore, the regime started to attack the smallest group, the Kokang, and defeated it in a matter of week, forcing nearly 40,000 Kokang civilians to flee to China as refugees and sent a message to other ceasefire groups, to choose one of the two options, "subordinate to the regime, or be defeated".

Although most ethnic groups have indicated they are interested in a negotiated political settlement through dialogue, the military regime refuses to discuss any political settlement. Meanwhile, the regime has reinforced its troops in the eastern and northern parts of Burma, bordering with China and Thailand. Currently about 100,000 soldiers of the regime with heavy artilleries, tanks, cannons, and fighter jest, are deployed in these areas, pressuring the remaining ethnic ceasefire groups. As major ceasefire groups, such as New Mon State Party (NMSP), Kachin Independence Organization (KIO), National Democratic Alliance Army (NDAA), Shan State Army (North) and United Wa State Party (UWSP), combined together command about 40,000 armed forces, have refused to obey the order of the regime, a full-scale escalation of war between the regime and ethnic groups is possible in the near future, further destabilizing Burma and the region.

Turning Point for Burma, Turning Point for the International Community

Obviously, the weakening or elimination of the NLD, the leading force of Burma's democracy movement, and gaining surrender, obedience and loyalty from the ethnic groups are major factors for the regime to be able to move forward with its election plan. But these are not easy to achieve.

Even under detention for 14 of the last 20 years, Daw Aung San Suu Kyi is still the hope of the people of Burma and the key to national reconciliation and democratization in our country. The NLD is still alive, active and leading the people to confront injustices. Ethnic resistance forces may not be strong enough to defend the regime's offensives, but their determination to achieve equality among all ethnic nationalities and their rights is much stronger than the morale of the regime's soldiers. With strong support from their ethnic communities, the regime's expectation of total victory over the ethnic resistance is not possible.

And, even though the regime crushes the democracy movement in mainland and ethnic resistance on the border, it will not be the end of the story. The 2010 election will not produce any positive outcome for Burma, but civil disobedience and ethnic resistance will continue, the country may fall into chaos and utter devastation, and the country and region may be more instable and insecure. Instead of choosing peaceful means of dialogue and negotiation, the regime's preferred method of use of force and violence lead Burma to bleed deeply and may result in dire consequences to the region. There may be more violence, more blood, more wars and more fatalities.

Now is the turning point not only for Burma, but also for the international community. The right policy and effective and collective action by the international community may be able to stop the bloodshed and the regime's killing spree in Burma.

U.S. Policy toward Burma

The military regime in Burma is one of the most brutal in the world. It has oppressed its own citizens, brutalized ethnic minorities, used rape as a weapon of war, and conducted crimes against humanity and war crimes with impunity. Let me tell you by the numbers. Over the years, under the watchful eyes of the international community, this regime has destroyed over 3,300 villages, driven out over two million people to neighboring countries, forced over 500,000 to hide in jungles and mountains as internally displaced persons, employed all citizens as forced or slave laborers, recruited over 90,000 child soldiers into its armed forces, exploited from drug businesses, money laundering and human trafficking, and failed to save the lives of millions of citizens who were devastated by natural disaster such as the Cyclone Nargis and treatable infectious diseases. Therefore, the imposition of strong and comprehensive economic sanctions on this brutal regime is perfectly justifiable, legitimate, meaningful and necessary.

Minding the Regime's Tricks for Engagement

I agree that imposing sanctions alone could not produce the intended results. Sanctions should be reinforced with serious and high-level engagement. However, we should be mindful of the

regime's tricks in terms of engagement.

The regime has repeatedly said that cooperation with the United Nations is the corner stone of its foreign policy. With such beautiful words, it invited the UN Special Envoy to Burma many times, held many discussions, made hollow promises and cosmetic measures, and effectively used the UN Envoy to buy time, to mislead the world, and to tame international pressure. We hope the U.S. engagement would not repeat the same pattern. We hope that the U.S. engagement should be with both the regime and democratic opposition, including ethnic groups, transparent, within a reasonable time frame, with clear bench marks and appropriate responses.

The U.S. engagement with the regime should start from ground zero. During the talk, if the regime makes positives gestures, such as ceasing all attacks and atrocities against civilians and ethnic minorities, releasing Daw Aung San Suu Kyi and all political prisoners, beginning a genuine and sustained dialogue with opposition to review and revise the constitution, I agree that the United States should respond positively by easing some of the sanctions. But, if the regime continues arresting democracy activists in the mainland and attacking ethnic minorities on the borders, the United States must respond with tightening sanctions and organizing action at the UN Security Council, such as a global arms embargo and establishment of commission of inquiry to investigate crimes against humanity and war crimes in Burma.

The United States should not accept the regime's military offensives against ethnic groups for whatever reason. The three-day war in the Kokang area in late August resulted in the flight of over 40,000 refugees to China, loss of lives and properties, destruction of several villages, racial discrimination and distrust between the Burman and ethnic people living in the areas. The regime's attack in Karen State in June forced over 6,000 people to flee to Thailand. Thousands of people were forcibly recruited by the Burmese military to carry their weapons and ammunitions, while hundreds of vehicles belonging to civilians were confiscated to carry their troops. The security and stability in the region is already broken. A larger-scale war will create even more devastation.

Right Policy, Right Action

In conclusion, I support the new U.S. policy on Burma, which includes maintaining sanctions and directly engaging with the regime, as well as increasing humanitarian assistance while working closely with neighboring countries to help procure unified coordination and action. I believe this is the right policy, but this must be carried out effectively with caution, transparency, and a sense of urgency, a result-oriented mind and readiness to respond appropriately.

Thank you,

Aung Din
Executive Director
U.S. Campaign for Burma

Chairman BERMAN. Thank you very much.

Thank all of you very much. Very informative and useful testimony.

I will recognize myself for some questions. I want to track from a lot—sort of pull out from a number of the different things all of you said and what was said earlier, and tell me if my reasoning is right.

We have heard—certain members of the committee have quite forcefully criticized this administration's decision to, while maintaining the sanctions, pursue engagement on moral grounds and on grounds that it can't possibly achieve its objective. I take it from what I have heard today—and tell me if this is a fair conclusion—that Aung San Suu Kyi, the National League of Democracy in Burma, representatives of many of the ethnic minorities and a number of the international human rights organizations that follow this issue think the administration is making the right decision, not because it is guaranteed to work, but because it is worth trying this approach before we pursue what more we can do to maximize the pressure on the military junta.

Is that an unfair conclusion?

Mr. MALINOWSKI. No. I mean, I would say that is exactly right so as long as the dialogue or engagement or whatever you want to call it continues to be backed by strong pressure and so as long as the purpose of that engagement is to stimulate an internal dialogue between the Burmese Government and its people.

Ultimately, the solution here is not going to be worked out by the U.S. State Department talking to a senior Burmese leader; it is going to be an internal dialogue. And I think on both of those counts I was satisfied by Dr. Campbell's testimony; he made both those points, I think, very strongly.

And so, with those caveats, I think the policy is one that I would strongly support.

Chairman BERMAN. Anything else to add?

Go ahead.

Dr. BEYRER. I would just say that I think we have heard very clearly from the ethnic groups and from the NLD that that dialogue, that what people really are hoping to see is a tripartite dialogue. So that includes discussions with the military, with the democratic forces and also with the ethnic leaderships; and that that is really key.

And I think Tom just put it exactly right, that the real discussion that needs to happen is within Burma and it needs to be a tripartite discussion.

Mr. DIN. Mr. Chairman, even though I agree with the U.S. new policy on Burma, I will not blame those who have a concern about the engagement because we have seen how the Burmese military regime has used——

Chairman BERMAN. Say that one more time.

Mr. DIN. In the past, Burmese military junta said that——

Chairman BERMAN. The junta manipulates the engagement and drags it on and makes it a——

Mr. DIN. Yes. Consider the cooperation with the United Nations as a cornerstone of the foreign policy of the Burmese regime. So

that is why they invited the special—the U.N. Special Envoy many times just to buy time and mislead the world.

Chairman BERMAN. So should I amend my sort of generalization to say a time-limited, focused engagement focused on the sort of trilateral approach?

Mr. DIN. That is our concern. The U.S. engagement should be within the reasonable time frame, with the clear benchmarks, and with transparency.

Chairman BERMAN. Thank you.

Now, on the sanction—I mean, basically I take it there is a U.N. Security Council resolution that essentially calls for a boycott of nations and having arms dealings with Burma.

Mr. MALINOWSKI. No there is no Security Council resolution.

Chairman BERMAN. There is some kind of multilateral arms effort to have an arms embargo.

Mr. MALINOWSKI. There is an effort. The Security Council has never adopted sanctions on Burma because of the Chinese and Russian veto problem.

Chairman BERMAN. So the U.S. is a participant in this arms embargo? It is basically, pardon the expression, a "coalition of the willing"?

Mr. MALINOWSKI. Right. Including the EU and some other countries, but it is not universal.

Chairman BERMAN. You made a point. One unilateral sanction. We have seen it. To some extent it goes a little bit beyond a modest inconvenience.

One unilateral sanction that we could impose and that is authorized by the ranking member in Tom Lantos' legislation is this sanction on banks who deal with the targeted regime leaders.

I take it we have not really moved to impose that sanction yet.

Mr. MALINOWSKI. It hasn't been fully implemented. The Treasury Department has named a number of Burmese individuals, members of the leadership, and business entities related to the state.

Chairman BERMAN. They have named some targets?

Mr. MALINOWSKI. They have named some targets which means that banks cannot handle international transactions by those targets.

However, they have not employed the additional tool that the legislation provides to actually deny the banks themselves access to the U.S. financial system, should they be holding, for example, the several-billion-dollar foreign reserve funds that the Burmese Government has.

Chairman BERMAN. And is it your suggestion that that be done immediately or that you provide this sort of time-limited period to see if there are gains—specific, meaningful gains produced by the engagement.

Mr. MALINOWSKI. I would be willing to give this process some time, but not very much time. And I think I would also be using the time between now and then to work on the intelligence side. You know, that kind of sanction, I would almost not call it a sanction; I would call it a law enforcement measure. It requires following the money, it requires knowing where they bank, how they move the money around.

Intensive intelligence gathering is required, and I would use this period to maximize our ability to implement that effectively if we need to.

Chairman BERMAN. My last question, and maybe it is more to Dr. Beyrer and Aung Din. You have talked about—I mean there are so many causes of concern here, but a great deal of attention has been focused on the persecution of ethnic minorities. But I take it, it would be wrong to view this as an effort by an ethnic majority to persecute ethnic minorities. This is an effort by relatively small, in terms of population, junta rulers who are pursuing these policies of ethnic persecution.

Is there an underlying kind of a thing that creates—I don't know if I am articulating this right. Is there some fundamental aspect of this that is about ethnicity, that means that even within a change there will still be a change in the nature of rulership, a move toward a more open and democratic process? We will still have this problem?

Dr. BEYRER. Well, maybe Aung Din wants to answer as well.

Let me just say that I think the best piece of evidence we have that that is not the case is the 1990 elections where, in fact, you know, the predictions that people would vote along ethnic lines really did not happen and the NLD won an overwhelming popular vote.

Chairman BERMAN. Even though the NLD was Burman-led, pardon the expression.

Dr. BEYRER. Well, Aung San Suu Kyi herself is Burman, but there certainly were members of other ethnic nationalities in the leadership; and there were affiliated ethnic parties like the Shan Nationalities League for Democracy which did very well in Shan State that were very supportive and shared policy platforms.

I think actually, if anything, one could say that this is another example of the junta's attempt at political control, has been to try and isolate the ethnics to insist that each ethnic group negotiate with them alone. All the negotiations around the current attacks and this attempt to get them to disarm and become border patrol forces essentially of the junta are being done ethnic group by ethnic group. They deliberately do not want people to speak with a unified voice.

Chairman BERMAN. We didn't put me on the clock, and I am sure my time is more than expired.

Did you have anything on this particular issue you wanted to add?

Mr. DIN. Yes, if I may.

Mr. Chairman, one important thing to remember is that these ethnic minorities, they actually are about 40 percent of the total population and live in 60 percent of the country's total land area. They are an important part of our country.

Chairman BERMAN. It is not just geographic isolation?

Mr. DIN. They are concentrated within the country, but they are totally 40 percent of the population and they are living in 60 percent of the total land area. And they are actually——

Chairman BERMAN. Is there intermarriage?

Mr. DIN. Yes. We have such kind of marriages. But my point is that voluntary participation in the country is quite important for the making of the Union of Burma.

One of the reasons for holding the power by the regime is to prevent disintegration of the country. But actually the way they are doing it is actually forcing the ethnic minorities to leave.

Our expectation is better for the Union of Burma. In 1991, the National League for Democracy party won and all ethnic nationalities supported it because they believe that NLD will solve the problems among the ethnic nationalities. But the regime refuses to acknowledge the election result and use force to solidify the power. This is why we are trying to prevent the atrocities.

Chairman BERMAN. Thank you. Ranking member for as much time as she may consume.

Ms. ROS-LEHTINEN. No problem. Thank you so much, Mr. Chairman.

Mr. Malinowski—and I am not directing my comments to you personally, as an individual—I don't doubt your devotion to the cause; but I have heard that you are being considered by the Obama administration as having possibly a position regarding the JADE legislation. And I don't know if that is true or not, but I wish you much success. I hope that you get it because you are an expert in this field.

But I wanted to speak about human rights organizations in general in the United States in dealing with this administration.

It is so easy to be co-opted in this town. Everyone wants to be invited to White House parties. You want to be invited by the Secretary of State to briefings and seminars. And you want to go to the picnics, and no one wants to be the skunk at the picnics.

But I believe that many human rights organizations have lost their voice. They are no longer standing up for the people who are oppressed, who are murdered, who are raped. We have an official who says he will get back to us on the issue of raping women. And every time when I come to the committee and I see that one of the witnesses is going to represent a human rights organization, I say to the staff, Oh, gosh, we need another administration witness, because it has gotten to the point where human rights organizations are mouthing the same platitudes that administration witnesses mouth.

And as I started—in the beginning of this hearing, I said Winston Churchill warned there is no greater mistake than to suppose that platitudes, smooth words and timid policies offer a path to safety. This is a get-along and go-along town; we all know that. And I hope that these groups find their voices again, stand up for human rights and not "ehhhh."

This New York Times op-ed, published just yesterday, Robert Bernstein—I don't know him, but he said, "As the founder of Human Rights Watch," your organization, "its active chairman for 20 years and now founding chairman emeritus, I must do something that I never anticipated. I must publicly join the group's critics. Human Rights Watch had as its original mission to pry open closed societies, advocate basic freedoms"—can you imagine—"and support dissenters."

He goes on to say, "When I stepped aside in 1998, Human Rights Watch was active in 70 countries, most of them closed societies. Now the organization, with increasing frequency, casts aside its important distinction between open and closed societies."

And he concludes by saying—by advocating that Human Rights Watch return to "its founding mission and the spirit of humility that animated it." And he says if it fails to do that, "its credibility will be seriously undermined and its important role in the world significantly diminished."

Now, Mr. Bernstein was talking about how misguided the Human Rights Watch report was on the Goldstone report. He says that in recent years Human Rights Watch has written far more condemnation of Israel for violation of international law than any other country in the region, which is just flabbergasting.

But although he was talking about the Middle East, I think it is true about human rights organizations in this administration, and I hope that you continue to get invited to every briefing and party.

And, Mr. Din, when you go to those parties don't drink the Kool-Aid. You are the—4 years behind bars as a political prisoner in Burma, you led your country in a nationwide prodemocracy uprising in August 1988, a prisoner of conscience; you are now the co-founder of the U.S. Campaign for Burma.

When all of the other groups get co-opted please remain strong, please remain a voice for the dissidents and not a voice for the oppressors. And as you answered the chairman's questions, it is so true when you say, well, human rights groups in Burma love the engagement policy.

Chairman BERMAN. That is a misquote.

Ms. ROS-LEHTINEN. I am trying to make a point. You understand.

How many human rights groups do you want in Cuba who say whatever you want them to say, in Libya, in Sudan, in—well, I don't think North Korea even cares to even have bogus human rights groups—but in Gaza. It is so easy to find groups that will say, "This is what we believe in."

I don't know what the Burmese human rights groups want. I am not putting my voice to theirs. But I am saying we can each get groups to support our theories.

And I don't know about what goes on there, but I do care about our U.S.-based human rights groups. And I am increasingly worried that in an effort to be the get-along, go-along gang, we get co-opted. And no one wants to say the hard things. We all want to say, Everything is working, everything is great, but——

So I have some questions. I don't need to ask them. All I am saying to our witnesses is, Find your voice again and stand up for the people who are being murdered, for the women who are being raped. You will get invited to the parties again, and if you don't, you will go to sleep at night thinking you did the right thing.

So that is just my plea for future human rights organizations who come to our committee. I think of them as more and more administration witnesses. I want them to find their voices again. Thank you, Mr. Chairman.

Mr. DIN. Thank you, Madam Ros-Lehtinen. Thank you very much.

Chairman BERMAN. I think it is appropriate for Mr. Malinowski to have a chance to respond.

Mr. MALINOWSKI. Thank you. Thank you, Mr. Chairman. First of all, I think I should say that although I have been honored to serve my country and government in the past, to my knowledge, I am not a candidate for any position in this administration. And for the record, I hate Kool-Aid, ever since I was forced to drink it in camp as a kid, literally and figuratively. I think that said, the dilemma that you put on the table is a very real one for people who do the kind of work that I do. It is not just a dilemma in Obama's Washington; it was a dilemma in President Bush's Washington. My relationship with the Bush administration was very complicated. On some days I was denouncing him for what I thought were very, very wrongheaded policies, including torture.

On other days, I was sitting with my friend Elliott Abrams talking about how best to implement what I thought was a very commendable approach early on in the Bush administration toward Egypt and other dictatorships in the Arab world. It is complicated. In terms of the Obama administration, you know, I was on CNN this weekend very severely criticizing their approach to China, where I think human rights has fallen by the wayside in the relationship. Hopefully, that will be corrected when the President goes. I have been extremely critical publicly of comments made by President Obama's special envoy to Sudan, General Gration, who I know and like, but have very seriously criticized in public. So I don't think I have shied away or my colleagues in the human rights community have shied away. I also think they are doing some things right. And my genuine opinion at this stage, with the caveats that I put on the table, is that the approach toward Burma is appropriately balanced.

And I am quite capable of changing my mind if the evidence leads me in that direction even if I don't get invited somewhere. So I can assure you of that. In terms of the other issue that you mentioned with Human Rights Watch, we worked on 70 countries, mostly closed societies, you know, 10, 20 years ago. Today we work on 90 countries, mostly closed societies. I am here to talk to you about one of the most ruthless dictatorships in the world. We are the leading source of information, I think, in the human rights community about human rights violations in Iran, in Saudi Arabia, in Egypt, in Libya. We put out far more reports on other countries in the Arab world than we do on Israel. We are about to put out a very hard hitting report on increased abuses by the Raul Castro regime in Cuba since his ascension in the last couple of years.

So, you know, there will be times when we disagree about some of those things. And I think that is fine. And I would love a chance to come in and talk to you about some of the Middle Eastern issues that have been raised. But I can assure you our voice is very strong and it is appropriately critical of even of an administration that we do want to get along with on some issues. So thank you for the chance to respond.

Ms. ROS-LEHTINEN. Thank you so much. Thank you. I look forward to the meeting.

Chairman BERMAN. Ms. Woolsey.

Ms. WOOLSEY. Well, thank you, Mr. Chairman, and I apologize for having been at a markup, so I couldn't get here before the very last speaker on the panel. I would like to say something about the ranking member's comments in defense of the Human Rights Watch and others. It must be very frustrating to do what you do and put together balanced reports and ideas and suggestions when we actually right now are a country that pays more attention to Rush Limbaugh and some of the wacky talk show hosts and reports that come out and blogs, et cetera. I mean, it is hard to be heard when you are making sense and you are not being dramatic about it, you are trying to make a point. And hopefully, the point is made and is heard by Members of Congress. But it must be very difficult when the rest of the Nation—much of the Nation, I have to say my district doesn't feel that way to me—but much of the Nation just is refusing to listen and get it. Here is my question, though, that I think you could all be helpful with. While this dialogue is going on between—the trilateral dialogue between the U.S. State Department and Burma and the international community, we still have a—well, we have a need to help get humanitarian aid to refugees and to ethnic minority areas and internationally displaced people. And how are we able to deliver food services and health services in the interim? And are we making that effort or are we just waiting until we get through this?

Dr. BEYRER. Well, thank you. Thank you for that question. I will say, first of all, that in terms of humanitarian assistance, that is part of the administration's stated policy will be a modest increase in humanitarian assistance. The Congress, of course, has appropriated increased humanitarian assistance as well. That is in process. The U.S. was the second largest of all the donors after the cyclone.

About $75 million is the State Department estimate for emergency and rehabilitation in the cyclone area. So I think certainly from the cyclone many of the international agencies and NGOs, nongovernmental organizations and U.S.'s partners feel that this was a good example of the ability to deliver humanitarian assistance through nongovernmental organizations, and avoiding those funds going to the junta or its proxies. And so there is really quite good evidence that humanitarian assistance can be delivered that is not supporting the junta. The Congress has also been supporting cross-border interventions to some of the ethnic groups that I mentioned. Some of that is detailed in my written testimony.

And there are modest increases proposed both in the House and Senate bills for cross-border aid for the coming year. And that aide, again, bypasses the SPDC and its proxies. It is delivered in accountable ways. And I think the evidence is really emerging that these ethnic cross-border programs really are able to deliver health care, humanitarian assistance, primary care in areas that the junta has closed off to international NGOs. We had a recent meeting with the UNDP director in country, who very much concurred that the idea of working through the international agencies where they are able to operate, and operating cross-border where the junta does not allow them to operate, is probably the right mix of health and humanitarian assistance, and the United States has certainly

been a generous donor. Although I think everybody agrees that Burma's humanitarian needs are much greater than what the international community is able to do now. And a lot of that, of course, is because the junta has so grossly underfunded the social sector all together, and has so grossly underfunded health care.

Ms. WOOLSEY. Mr. Chairman, may I ask one more question?

Chairman BERMAN. Yes.

Ms. WOOLSEY. Change the subject, same country, however. In the discussions that are going on, is there emphasis being put on the Burmese military and their recruiting of child soldiers? What can the international community do to stop this?

Mr. MALINOWSKI. Well, that is actually one issue that has been raised in the U.N. Security Council, one of the few Burma-related issues that has managed to get on the U.N. Security Council's agenda. And so we hope that the administration and other countries will pursue it there. Ultimately, that problem is driven by the Burmese military's conflict policy, its approach to dealing with ethnic minorities through military force, and of sustaining itself as an institution by forcibly recruiting very young people into its ranks and then keeping them separated from the general population so that you have this Army of hundreds of thousands of people who have known no other life essentially except for their life in the Army. It is a way of politically sustaining themselves.

So, you know, because it is a very deeply rooted problem it probably is not going to be fully resolved until the political fundamentals of Burma change. But in the meantime, one can shame them, one can raise this in the U.N. You know, this government actually does have some sense of wanting to be legitimate around the world, one can do things that can at least diminish the practice. And that is what I would hope the administration and the international community focus on.

Ms. WOOLSEY. Well, they are fighting ethnic group against ethnic group. I mean they don't need this big Burmese Army to fight the world. So I mean when can they feel secure and how can we go about that so that they don't need this gross army?

Mr. MALINOWSKI. Well, they don't need it, but they think they need it. They are extremely paranoid. Their fears of invasion are perhaps irrational, but they are real. What one hopes they will come to understand, or at least elements of the military will come to understand is that their best hope in the long term for maintaining the military's role inside Burma is to align themselves with those political forces in the country that have legitimacy and popular support, namely Aung San Suu Kyi, the leaders of these ethnic minority organizations, that the likelihood of what they fear most, a regime collapse, is much greater if they put off that day of reconciliation.

Mr. DIN. Mr. Chairman, can I add? There are two things. One thing is that using child soldiers essentially are war crimes, crimes against humanity. It is in the Security Council now. But so far, U.N. Security Council will not be able to take issue because China and Russia are defending for the Burmese regime at the Security Council. But one thing the United States can do is to impose sanctions on Burmese military. It does on the Iran Revolutionary Guards. This is one way to punish the military regime, the second

largest Army in Southeast Asia which is second only to Chinese soldiers.

Also, I believe the United States must work hard to get the global arms embargo on the U.N. Security Council. The more they can purchase weapons, the more they can expand the military. But there is a shortage of members who they can get to work in the Army. Then they have to conscript children under 18 to put in the Army. And second point, they are for the regime, but they don't actually need such a strong Army, but they need it because they want to control the power. Having a strong army will help with the regime to control the ethnic minorities at the border and control the civilian population on the mainland. So this is the Army they need.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Chairman BERMAN. Thank you. Mr. Manzullo.

Mr. MANZULLO. Thank you. I was tied up in Financial Services. And forgive me for not having the opportunity to personally hear your testimony. I have got just one question. How do you feel personally, what do you believe will be the impact of the Obama administration reaching out directly to the dictatorship in Burma?

Mr. DIN. Basically, we agree that sanctions should be reinforced by the engagement, engagement meaning high level substantive engagement. But such engagement, we support the new U.S. policy of using sanctions and engagement together. But we think such an engagement should be dealing with both sides, the opposition led by Aung San Suu Kyi, and the Burmese military junta. We believe such engagement should be within a reasonable time frame, with clear benchmarks and transparency. In my testimony, I state that U.S. engagement with the regime should start from ground zero. If there is an improvement during the talks, then we have to consider lifting the possible sanctions. If there is no improvement, there is continued attacking of the ethnic minorities, then the U.S. must consider continuing sanctions and taking other action at the U.N. Security Council.

Mr. MANZULLO. Dr. Beyrer, did you want to touch that?

Dr. BEYRER. Yeah, thank you for that question. I think it is a fundamental one that we have all been asking ourselves. I guess I would say several things. One is that there has been this heartening increase in activity among the NLD and the democratic opposition in Burma in the past several weeks. And I think that it is critically important for the U.S. to use whatever interests this junta has in legitimacy to really advance the NLD and that party. So for example, we should be calling for and insisting that not simply that people meet with Aung San Suu Kyi, but that she gets to meet with her party.

Mr. MANZULLO. Right.

Dr. BEYRER. That she gets to be properly briefed, that the central executive committee, the CEC of her party gets to meet and debate this policy and discuss it, and without surveillance and junta minders and guards, and not at their convenience entirely. You know, not just that she simply is taken to a guest house to meet with a visiting dignitary, but that they really are allowed to begin a substantive debate on this new policy.

Mr. MANZULLO. Mr. Malinowski.

Mr. MALINOWSKI. I think that the interesting question is why they want to engage with us. And a lot will depend on the answer to that question. You know, one possibility——

Mr. MANZULLO. They want money. I mean what else?

Mr. MALINOWSKI. They have the money that they want right now. We talked a little bit how to get at that through the sanctions. But I think one theory is that they do want more legitimacy than they have. They want to be recognized. They don't want to be treated as the pariahs that they have been. And that the sanctions, even though they have not been fully implemented, have bitten enough in terms of the personal financial interests of some members of the regime, their families, their business cronies that they want to explore with us if there is a way to get out from them. And then the question is, how much are they willing to do to achieve those goals?

The other theory, the more cynical theory that I put on the table is that this is just a ploy to buy time. So the point of the engagement over the next few months should be to test that. And the critical thing is that it be very disciplined and very time-bound, and not an endless process. Because if it is an endless process, then they get to play.

Mr. MANZULLO. It gives them legitimacy.

Mr. MALINOWSKI. And that it be backed by not just the existing sanctions that we have, but over time much more tightly and effectively implemented financial sanctions that get at the money that they are earning through the export of natural resources in sum.

Mr. MANZULLO. Do you think that the United States gave away a bargaining chip, call it what you want, when it did not insist that Aung San Suu Kyi would be released from her house prison, call it house arrest, and be allowed to participate in the next general elections?

Mr. MALINOWSKI. No. I actually think it would be a mistake to make Aung San Suu Kyi the central demand. I think if she were here, and I hesitate, obviously, to speak for her, but based on my reading of her speeches and thoughts and statements over the years, I think she would say that she would rather be under house arrest and engaged in a genuine political process leading to change in Burma than out free and not engaged in a genuine political process. The last time she was freed, there was not a genuine political process and they tried to kill her.

So that is not the solution either. So making it just about whether she is "free" or under house arrest, I think personalizes it too much and misses what is the central issue. The central issue is, is there a genuine political process inside the country whereby the military and the opposition are working out these problems? And that should be the central demand as we go forward. And if the U.S. dialogue with Burma can stimulate that, that is great. If not, then we need to be prepared to escalate the pressure.

Mr. MANZULLO. Thank you. Thank you, Mr. Chairman.

Chairman BERMAN. Can we close?

Ms. JACKSON LEE. I would like questions.

Chairman BERMAN. The gentlelady is recognized.

Ms. JACKSON LEE. Mr. Chairman, thank you. I started out this morning with a great deal of displeasure, and the tone of the hear-

ing has been enormously conciliatory, so I will try to stay at that tone, but offer some other suggestions. I was trying to read a quote and my time ran out in my opening statement, so let me read a quote from senior General Than Shwe—I hope that I have it pronounced nearly right—the junta leader. His quote is: "Some powerful nations are resorting to various ways to pressure and influence our nation under various pretexts. However, the (military) government"—it said "the government,"—"does not get frightened whenever intimidated." I am not sure whether that is a correct interpretation, but that is what is printed in a New York Times article dated October 20th. I am concerned whether or not the across-the-board message of engagement fits all sizes. And we have been dealing with Burma and members of this committee far longer than myself representing Burmese populations.

I indicated that I speak in the name of a gentleman in Houston who has come over and over again to my office to speak about the tragedies and the abhorrent conditions that his family members live in, inability to visit. And so I know that we have the North Koreans, and they are tragic and horrific, and there are a number of those of that ilk. But what do we gain, where are we trying to go with this policy? Because it seems to me that the engagement, if I am hearing it, maybe you could define it for me, only further promotes along the individual who I guess may be doing tough talk, and maybe someone will tell me it is only tough talk and we can actually gain their confidence, and the thousands who are still political prisoners. They are still spending $1 a year on health care or less.

And the press is nil. And I am afraid that we are not even seeing the extent of the violence, people who have disappeared, missing family members. And I am with the administration. I think engagement certainly bodes well. But maybe in this instance, it is so arrogant, so abusive that I wonder what direction and what do you think we will accomplish and in what time frame? And if I could start from the gentleman to my far left and just go through. Thank you.

Mr. MALINOWSKI. Thank you. I think it is a very useful caution. You know, if you are going to be talking to people like this, you have to know who you are talking to. You have to have no illusions about who they are, what their interests are, what their conception of you is, what they hope to get out of that conversation. And, you know, sometimes when we have these illusions that, well, if only we talk to them and exposed them to our system and our values and our way of life they will see that what they are doing is actually not in the best interests of their country. That kind of thinking I think is profoundly naive.

But if you have a conversation where you talk about what they are really interested in, recognize that they are self-interested, that they are going to make calculations based on their self interest, and you try to affect their calculations by laying out ways that they can achieve their goals and ways in which we can stymie the achievement of their goals, that is the kind of conversation, tough-minded conversation that sometimes can contribute to progress. If that is what the engagement is, and engagement gets thrown around in this town——

Ms. JACKSON LEE. You are right.

Mr. MALINOWSKI [continuing]. To mean a hundred different things. We should almost not use it. But if that is what they mean, that can be a constructive and principled process. And I think that would be worthy of our collective support. If it is more just talking for talking sake, then I think we should all be very, very skeptical about it.

Ms. JACKSON LEE. Dr. Beyrer. Thank you.

Dr. BEYRER. Thank you for your question.

Ms. JACKSON LEE. And you are an M.D. So the crisis of health care.

Dr. BEYRER. Indeed. Indeed. I think one of the things for those of us who have been involved in Burma, I have been working on Burma issues and health for 16 years now, what is very striking is that it is clear that the junta has been active, and Than Shwe as its head, for the last several years in ways that surprised people. So they pushed this initiative finally. They have been writing that constitution, that new constitutional convention has been going on for years with never a draft appearing. Suddenly there is a constitution and they wanted to have their referendum. They were hit by the largest cyclone, cyclone Nargis in so many years.

They held the referendum anyway. They gave the people of the delta an additional 2 weeks, and they were still deep in the middle of the crisis when they held it. They moved that forward. They are moving forward with the 2010 elections. The attacks against the ethnics that everybody has been talking about today are very much a part of a changing policy coming from them to say these ethnic cease fires that we have had for years are over, we want you to disarm, we want you to become border patrol forces. They have a plan. And they are moving in ways that I think have taken everybody who is a Burma watcher by surprise.

Chairman BERMAN. The time of the gentlelady has expired.

Ms. JACKSON LEE. I thank the chairman.

Chairman BERMAN. As we close the hearing, I just want to establish hopefully none of you were invited with the implication that we wanted you to testify one way or another on any of the issues. If there was any issue of that, I think it is certainly appropriate to raise it. Secondly——

Ms. ROS-LEHTINEN. Mr. Chairman, just on that, I don't know if that refers to my statement. It has nothing to do with you. I am saying that the human rights organizations are more and more losing their voice for advocating for human rights, and more and more trying to sound like mouthpieces of whatever administration, whether it is Bush or Reagan or Bush first, second, third, Obama, it has nothing to do with partisan issues. And it is no dis on you or our witnesses here. I was reading an op-ed that said some of these groups are losing their voice. You are supposed to stand up for dissidents. And that is why I said that more and more they are sounding like administration witnesses. I am not saying that you have invited them as administration witnesses. I am saying that what I hear from them, it is like hearing an administration witness. That is all I meant, in case you were referring to me.

Chairman BERMAN. Well, the implication was that somehow they were brought here to reflect a preconceived position.

Ms. ROS-LEHTINEN. Oh, no.

Chairman BERMAN. Okay. We have straightened that out. I would like to know more about these parties that I haven't been invited to. And I will just add, having nothing do with the subject matter of this hearing, that I thought that the column referred to by the ranking member made some very important points that should be at least reflected upon by Mr. Malinowski, by Human Rights Watch. Especially when we get into issues of legitimacy and delegitimizing and tools that are used for all of that. But why don't we just call the hearing over. It has been very helpful. We really do appreciate your testimony. I want to ask unanimous consent to include the following in the record of this hearing: An open letter from 16 international NGOs on U.S. policy toward Burma and a letter from the Karen National Union.

And without objection, those, that open letter and that other letter will be included in the record.

And with that, the hearing is adjourned.

[Whereupon, at 12:32 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

Howard L. Berman (D-CA), Chairman

October 13, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

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:**

DATE: Wednesday, October 21, 2009

TIME: 10:00 a.m.

SUBJECT: U.S. Policy Toward Burma

WITNESSES:

Panel I
The Honorable Kurt M. Campbell
Assistant Secretary
Bureau of East Asian and Pacific Affairs
U.S. Department of State

Panel II
Mr. Tom Malinowski
Advocacy Director
Human Rights Watch

Chris Beyrer, M.D., MPH
Professor of Epidemiology, International Health, and Health, Behavior, and Society
Johns Hopkins Bloomberg School of Public Health

Mr. Aung Din
Executive Director
U.S. Campaign for Burma

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 *Wednesday* **Date** *10/21/09* **Room** *2172 RHOB*

Starting Time *10:04 A.M.* **Ending Time** *12:32 P.M.*

Recesses [ ] (____ to ____)

Presiding Member(s) *Howard L. Berman (CA) - Chairman*

CHECK ALL OF THE FOLLOWING THAT APPLY:

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

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*
U.S. Policy Toward Burma

COMMITTEE MEMBERS PRESENT:
see 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.)*
Open letter from 16 International NGOs on U.S. Policy toward Burma; Letter from the Karen National Union dated October 21, 2009; Statment from Congressman Mark E. Souder (IN)

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE ____
or
TIME ADJOURNED *12:32pm*

Doug Campbell, Deputy Staff Director

Attendance - HCFA Full Committee Hearing
U.S. Policy Toward Burma
Wednesday, October 21, 2009 @ 10:00 a.m. , 2172 RHOB

Howard L. Berman (CA)
Diane E. Watson (CA)
Albio Sires (NJ)
Lynn C. Woolsey (CA)
Sheila Jackson-Lee (TX)
Joseph Crowley (NY)
David Scott (GA)

Ileana Ros-Lehtinen, (FL)
Dana Rohrabacher (CA)
Donald Manzullo (IL)
Edward R. Royce (CA)
Jeff Flake (AZ)
John Boozman (AR)
Ted Poe (TX)
Bob Inglis (SC)

Verbatim, as delivered

Remarks of Chairman Howard Berman at hearing, "U.S. Policy Toward Burma"

Thinking about Burma brings certain indelible images to mind: the brutal crackdown on courageous, saffron-robed monks protesting peacefully two years ago; the strength of purpose reflected in the face of opposition leader Aung San Suu Kyi, the only Nobel Peace Prize recipient who is held in captivity; the stark conditions described by former political prisoners held for years in ramshackle jails built during British colonial times; and nearly 100,000 child soldiers who are forced to bear arms to offset high rates of desertion in the military.

Such images may no longer be on the front pages of our papers or brought to us on the nightly news, but during the next couple of hours, they should be kept in our thoughts.

More than 2,000 Burmese political prisoners remain behind those bars. Aung San Suu Kyi is again sentenced to house arrest, this time under a convenient pretext to keep her from taking part in elections expected to be held next year – elections that the ruling junta in Burma is already maneuvering to undermine.

Last month, the Obama Administration announced a new U.S. policy toward Burma: expanded engagement with the government while maintaining economic pressure on the leadership through existing sanctions.

The purpose of this hearing is to assess the implications of this policy. Finding a workable international approach toward reform inside Burma is in our strategic interest and requires working on a solution with stakeholders such as China, India, the Association of Southeast Asian Nations (ASEAN) and the European Union.

The Administration's policy review was the result of a series of troubling developments: the crackdown on the Saffron Revolution in September 2007, the fraudulent national constitutional referendum held just days after Cyclone Nargis in May 2008, attacks against ethnic groups on the China-Burma border, and the re-sentencing of Aung San Suu Kyi despite widespread condemnation from the international community.

Since the 1990s, the U.S. government has imposed a number of economic and diplomatic sanctions in order to pressure the Burmese military regime to follow internationally accepted norms for human rights.

These include the prohibition of investments in Burma by U.S. companies or persons, and targeted sanctions as mandated in the Tom Lantos Block Burmese JADE Act of 2007.

During this hearing we will consider the effectiveness of such measures, and ways in which they may need to be refined or better-enforced.
In announcing the new policy last month, Secretary of State Hillary Rodham Clinton said, "We believe that sanctions remain important as part of our policy, but by themselves they have not produced the results that had been hoped for on behalf of the people of Burma. Engagement versus sanctions is a false choice in our opinion."

I agree with the Secretary that engagement and sanctions must be applied together for reforms to take place in Burma. It is also clear that our policy of isolation over the past two decades has resulted in China's growing political and commercial influence in Burma, and little progress in supporting those calling for reform.

Historically, China's relationship with Burma has been precarious, but in our absence it has been strengthened. While China has sought international recognition as a rising global power, Beijing has become the strongest defender of Burma's repressive policies in the United Nations and other international fora, risking its reputation as a responsible global partner.

Any changes in Burma will have a direct impact on China and other neighboring countries. The Burmese border regions have long been a bastion of drug smuggling, human trafficking, and other criminal activity, not to mention infectious disease – none of which can be contained by political boundaries.

Thailand and China have also seen a spike in the flow of refugees as thousands of Burmese have fled across the border to escape the intensified violence and egregious human rights violations against women, children, and ethnic minorities.

There are troubling questions about military ties between Burma and North Korea, which Secretary Clinton has spoken about publicly, as well as nuclear weapons proliferation concerns stemming from that relationship. Burma has also been sending hundreds of officials to Russia for nuclear technology training, and is reportedly engaged in discussions to purchase a nuclear reactor from Russia.

Next month, President Obama will go to Singapore to attend the APEC conference as well as the U.S.-ASEAN Summit.

This will be a unique opportunity for the President to put into practice our country's new strategy of engagement and multilateral cooperation with our partners in the region on the Burma issue.

Congress stands ready to augment the work of the Administration. We want to strengthen the forces of change inside Burma.

And as a symbol of our enduring solidarity with the people of Burma, we look forward to the ceremony next year at which this body will bestow its highest civilian honor on Aung San Suu Kyi, the Congressional Gold Medal. If this courageous freedom fighter is prevented by her government from traveling to the United States, the ceremony will proceed as planned, with a seat held open for her.

I now turn to the distinguished Ranking Member, Ileana Ros-Lehtinen, for any opening remarks she might want to make.

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE HOWARD L. BERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, COMMITTEE ON FOREIGN AFFAIRS

Open Letter from Non Governmental Organizations on U.S. Policy Toward Burma

We, the undersigned, write to thank Chairman Howard Berman and the House Foreign Affairs Committee for holding a hearing on U.S.-Burma relations, and applaud efforts to find new ways to encourage dialogue with the Burmese people. The policy review being undertaken by the Congress and the Administration come in the wake of heightened U.S. involvement with Burma in response to the tragedy of Cyclone Nargis. We encourage the U.S. government to continue to increase humanitarian assistance to the people of Burma to alleviate the suffering of ordinary Burmese, to strengthen civil society, and to encourage dialogue between the international community and the Burmese government. At a time when so much of the world's relationship with Burma is deadlocked, humanitarian assistance is one of the few areas where concrete progress is being made.

Burma is one of the poorest countries globally. The United Nations Development Program estimates that the GDP per capita in Burma is the 13th lowest in the world. The average Burmese family spends 75% of that meager income on securing adequate food supplies. Less than 50% of children complete primary school and, according to UNICEF, under-5 child mortality averages 103 per 1,000 children. This is the second-highest rate outside Africa, after Afghanistan. Burma has the highest HIV rate in Southeast Asia, and malaria, a treatable and preventable disease, is the leading cause of mortality and morbidity.

While the Burmese military regime bears most responsibility for the situation in Burma, international humanitarian aid for the Burmese people has not kept pace with their needs. According to the Organization for Economic Cooperation and Development (OECD), for example, Burma receives less overseas development assistance, $4.08 per person (2007), than any of the poorest 55 countries. The average assistance in this group of countries is more than $42 per person. Many other countries with similar levels of poverty receive much larger assistance packages, such as Sudan ($51/person); Zimbabwe ($41/person); and Laos ($58/person).

U.S. policy towards Burma has traditionally focused on the government and not the millions of people in Burma, whose living conditions have steadily deteriorated. The Burmese people perpetually live on the brink of a humanitarian crisis, and Cyclone Nargis proved that further disruption can have disastrous consequences. The U.S. was the second largest donor for the Cyclone Nargis response, contributing $75 million to emergency efforts. This funding was carefully monitored and provided lifesaving emergency healthcare, shelter, and livelihood support to help Burmese citizens recover.

In Fiscal Year 2010, the Obama Administration requested $21 million for humanitarian assistance to assist people inside Burma, an important step towards greater U.S. involvement in alleviating their suffering. At a time when other countries are looking to the US for leadership, such an increase will help ensure a more unified approach among major US allies. Great Britain, the European Community, Australia and others are already moving to significantly ramp up their assistance. As the Senate and the Administration consider new approaches to Burma, it should increase humanitarian

assistance to Burma gradually, with at least $30 million for FY2010, $45 million in 2011, and $60 million in 2012. This type of assistance should be available to people in need not only in the delta and along the border but throughout Burma. It should also be expanded beyond the current emergency assistance and limited health interventions to include agriculture, health, education, microfinance, capacity building, and income-generation.

Humanitarian assistance in Burma has the added impact of supporting the development of civil society organizations in a country where it is important to encourage non-state actors. Almost all international aid agencies work closely with civil society partners throughout the country to implement their programs. Humanitarian aid organizations now employ over 10,000 Burmese citizens who are directly exposed to new ideas and international standards of work. Their experience has a multiplying effect, as these staff work in villages country-wide. These efforts should be supported and expanded to allow the Burmese people to have a greater role in shaping their own future.

The international community has also seen how engagement can produce concrete changes in government policy through dialogue that contributes to improving the wellbeing of the Burmese people who have suffered as a result of current circumstances. Because of their long-term presence in the country, principled engagement with the government, and the efficacy of their programs, many international NGOs have been able to have a direct role in shaping national policy. International actors have been pivotal in gaining changes to nationwide HIV/AIDS, tuberculosis, education, and disaster response policies. They have gotten to know which government officials are encouraging of greater engagement with the outside world, and how to best engage the government in sensitive issues. Promoting this type of dialogue should be supported.

Humanitarian assistance alone cannot solve Burma's problems. It is an effective tool for helping a suffering people with direct aid, and for encouraging some officials to adopt more effective social policies. And it provides space for civil society to grow in a country where few opportunities exist. It must be seen as only one policy amongst many whose aim is to improve the lives of all Burmese. But the US should continue to embrace humanitarian assistance as a proven and effective way for achieving important policy goals.

International Agencies

Refugees International

Save the Children

International Rescue Committee

Oxfam America

Population Services International

International Development Enterprises Myanmar

Burmese Civil Society

Myanmar Egress

Capacity Building Initiative

Tampadipa Relief and Development

World Concern

Church World Service

Médecins du Monde

International HIV/AIDS Alliance

Welthungerhilfe

Medical Action Myanmar

Norwegian Refugee Committee

Norwegian People's Aid

Merlin

American Friends Service Committee

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KAREN NATIONAL UNION
KAWTHOOLEI

U.S. House of Representatives
Committee of Foreign Affairs
Hearing on Burma: "U.S. Policy toward Burma"

October 21, 2009
Washington, DC

Karen National Union Submission

About the Karen National Union
The Karen National Union (KNU) is a democratic organisation supporting peace, democracy, and human rights in a federal Burma. It is estimated that there are more than 7 million Karen people in Burma. The Karen National Union is the leading political organisation representing the aspirations of the Karen people. The KNU was founded in 1947, its predecessor organisations date back to 1881.

US Support For Human Rights and Democracy in Burma
The KNU would like to thank the American people and United States government for their longstanding support for the people of Burma in our struggle for freedom. Under successive administrations the United States of America has led the way in delivering principled political support, and practical support. We are grateful for the United States for introducing targeted economic sanctions, delivering high level political pressure, sponsoring a proposed resolution at the United Nations Security Council, providing financial support for the promotion of democracy, providing aid, including cross-border aid, and accepting thousands of Karen refugees as part of the U.S. Resettlement Program.

The Current Situation
It is our impression that the situation of the ethnic people of Burma, and opinions of their representative organisations, are not given adequate consideration by the international community when developing policy approaches to Burma. The situation of ethnic people, most of whom live in rural areas, is very different from the challenges faced by the urban population, even those who are engaged in political activities.

For 60 years the Karen people have been facing a military offensive in which the Burmese Army deliberately targets civilians, commits appalling human rights abuses such as rape of women and young children, torture, mutilations, slave labour, looting, extortion and the burning of thousands of villages. These abuses are parts of the dictatorship's 'Four Cuts' policy, which began in the late 1960's of depriving those who resist their rule of supplies, information, recruits

and food. The United Nations has described these actions as being in breach of the Geneva Conventions, yet no action has been taken to halt these attacks.

For those Karen people who live in areas under the control of the dictatorship we are seeing a process of Burma negation whereby Karen people are losing their identity. The Karen language is not allowed to be taught, Karen history cannot be taught, cultural events cannot be celebrated and many Karen language books are banned. The Pwo Karen language once common in the Irrawaddy delta region is starting to die out. Karen people face discrimination in employment, and so change their names to Burmese names. Younger generations of Karen people have lost their ethnic identity.

2010 elections and 2008 constitution

The KNU does not believe that the elections due to be held in 2010 will provide any significant opportunity for reform or democratization in Burma. There is overwhelming evidence for this.

- The constitutional referendum in 2008 exposed that no political campaigning is allowed unless approved and in line with SPDC policy, so no genuine political space will be created by the process of the elections.
- The referendum in 2008 also demonstrated that results will be rigged, and with many other restrictions on freedom, they will ensure there is no way the elections will be free and fair.
- The Constitution enshrines military rule, with a military dominated National Defense and Security Council (NDSC) dominating government decision making.
- Existing repressive laws are not repealed.

Of particular concern for the KNU and all ethnic people is the impact of the Constitution on ethnic people. Ethnic people are given no genuine level of rights or autonomy. Our cultures, our languages, our traditions etcetera are given no protection, and will continue to be suppressed. We believe that this constitution is a death sentence for ethnic diversity in Burma.

In the short term the elections and constitution are leading to an increase in human rights abuses and instability in Burma. The trial of Aung San Suu Kyi, the doubling of the number of political prisoners, the breaking of ceasefires, and increasing attacks against ethnic people and organisations that have not signed ceasefires, are all part of the 2010 election process, whereby all opposition is being crushed to ensure the smooth transition from military dictatorship to continued dictatorship with a civilian face.

While we appreciate the position of the United States government in that it will take into account the positions of the National League for Democracy and ethnic groups when deciding its approach to the 2010 elections, given the rapidly deteriorating situation in the country we do not believe that a 'wait and see' approach is a viable option. It is, we believe, based on a Rangoon/Naypyidaw centred approach to Burma that does not place enough emphasis on what is happening in ethnic areas. A major human rights and humanitarian crisis is unfolding in ethnic areas of Burma as attacks on ethnic people escalate. This is a direct result of SPDC's 2010 elections agenda.

This year, in June, we saw around 6,000 Karen people forced to flee their homes because of increased attacks by the Burmese Army and their proxies. There have also been increased troops brought into Karenni and Shan States. Attacks will now start to escalate as the rainy season is ending. At the same time ceasefire groups are under pressure to surrender and place themselves

under control of the Burmese Army. The dictatorship has already shown it is prepared to break ceasefires and use violence to impose its will. If the current trend continues it is possible that the Burmese Army will be engaged in significant military offensives in Mon, Karen, Karenni, Shan and Kachin States, which will result in significant loss of life, human rights abuses, and a major humanitarian crisis with international repercussions in terms of refugees and instability.

It is ethnic people who will bear the brunt of this escalating crisis. The United States government should not follow a 'wait and see' approach focusing in the minutiae of developments in Rangoon and Nay Pyi Daw, hoping for some small opening of political space, while tens of thousands of ethnic people flee for their lives in the east of the country.

This is a preventable crisis, but only if the international community acts on its own words and commitments. The United Nations General Assembly, United Nations Security Council, European Union, USA, and others, have all stated that for a viable and durable solution to the challenges facing Burma there must be tri-partite dialogue between the dictatorship, the National League for Democracy, and genuine ethnic representatives. At the present time we can detect no serious effort to enforce these resolutions and statements. The international community seems content to allow the dictatorship to defy them, and is following their 2010 agenda.

The exclusion of ethnic people from the political process in Burma

There can be no solution to the problems in Burma that excludes the rights and aspirations of ethnic people. This has been recognized by the international community, as it has repeatedly called for tri-partite dialogue. Yet, at the same time, ethnic organisations such as the Karen National Union are often sidelined or ignored by the international community. For decades United Nations envoys come and go from Burma and the region, but rarely have they or their representatives met with the KNU or other ethnic organisations. Envoys from other countries and organisations do the same. It is essential that this changes.

International Pressure

It is essential that the international community understand that the dictatorship in Burma is not interested in change. This basic understanding should inform all decision making.

Targeted Sanctions

We welcome the decision of the United States government to maintain existing sanctions. We are concerned, however, that the views and perspectives of ethnic people regarding sanctions have largely not been sought, or have been ignored, by the United States government and others.

From an ethnic perspective we have seen far too much investment in Burma, and far too few targeted sanctions. We are aware of the arguments that people in Burma could suffer because of the impact of sanctions. Again we see this argument as one that ignores the situation and views of ethnic people. Even if sanctions were to result in the loss of jobs in one or more Burmese cities, this must be balanced against the terrible human cost that investment and increased trade in natural resources can have for ethnic people.

As ethnic people we experienced first-hand the results of the opening up of trade and investment in Burma in the late 1980's and early 1990's, before sanctions started to be introduced. The military used these resources not for schools or hospitals. Instead the Burmese Army doubled in size, and was better trained and with more modern equipment. Attacks on ethnic people escalated significantly, resulting in huge suffering and displacement. Karen and other ethnic people paid for that investment with their lives.

The majority of people in Burma are in the towns, lowlands and mountains and do not benefit from investment. They are the 'invisible' population that the world cannot see and any media cannot meet with, but which suffers appalling poverty and abuses at the hand of the dictatorship.

The way the dictatorship has structured the economy, selling off gas and hydropower to generate electricity for neighbouring countries, leaving Burma unable to develop economically, is evidence that they are not interested in economic development. Instead all they consider is their own power and enrichment. The only way to tackle Burma's humanitarian and development problems is to have a government accountable to the people.

We believe that more targeted sanctions should continue to be introduced by the United States government and international community. However, these sanctions should be better targeted and coordinated. They should include a UN mandated global arms embargo.

Dialogue

The KNU welcomes the proposal by the United States government to increase dialogue with the dictatorship. KNU has itself repeatedly tried to enter into dialogue, but on each occasion the dictatorship has shown itself unwilling to enter into genuine talks, instead requiring effective surrender and refusing to make any concessions. Our experience mirrors that experienced by the National League for Democracy and Aung San Suu Kyi.

The international community has also failed to elicit any concretes results as a result of dialogue, including more than 40 visits by envoys of the United Nations, and even the Secretary General himself. We therefore welcome the approach of the United States government in stating that dialogue must produce concrete results, and not be an endless process.

Humanitarian Assistance

We thank the people and the government of the USA for the humanitarian assistance they provide to the people of Burma, including the Karen. The dictatorship uses denial of aid as part of its policy to drive out ethnic people. In most parts of Karen state there is extreme poverty and hardship, and hundreds of thousands of Internally Displaced People (IDPs). Aid delivery from within the country is severely restricted. Cross-border aid is the only way to reach many people, not just the 100,000 IDPs. The aid currently getting through cross-border is not nearly enough to meet current needs, and lives are being lost as a result. Refugees in Thailand have also been suffering as a result of financial instability at organisations supporting them, and secure long-term funding is required to avoid unnecessary insecurity and suffering for vulnerable refugees who have also experienced horrific situations that forced them to become refugees.

The KNU controls and operates significant territory in Karen State. We operate local services, including schools and clinics. We provide safety and security to people fleeing attacks by the Burmese Army. However, the United Nations and governments refuse to work with us in delivering humanitarian assistance, providing education and other assistance to the population, most of whom live in poverty. One reason given for this is that we are an armed group. However, the largest armed group in Burma is the dictatorship, and the United Nations and governments work with them, despite the fact that they are illegitimate and break international law. Our Army is to defend civilians, not attack them as the Burmese Army does. In addition, we respect human rights and support democracy, and are a democratic organisation. We have also offered to abide by monitoring rules and requirements set by the UN or other donors, and

unlike the dictatorship, place no restrictions on the delivery of aid. It does not, therefore, seem logical to refuse to work with the KNU.

Hundreds of thousands of people in Karen State desperately need aid. The dictatorship refuses to allow aid to be delivered. The KNU is ready to cooperate with the international community to save lives and alleviate suffering, and we urge the United States government to work with us to ensure that aid is not denied to those in need, simply because of their ethnicity.

We are grateful to the people of the USA for accepting thousands of Karen refugees. However, the UN resettlement programme does not address the root causes of why people are being forced to flee their homeland, and it is important that the cause, military offensives by the Burmese Army which the United Nations has stated are war crimes, are addressed as well.

Summary of Recommendations:

- The views and situation of ethnic people and their genuine representative organisations should be fully integrated into future United States government policy decision making on Burma. We feel we have not had sufficient outreach by US Embassy officials based in Bangkok. In addition, diplomatic representatives based in Rangoon should ensure they meet with ethnic representatives in neighbouring countries, as it is not possible for them to do so in Burma.
- The United States government should encourage other governments, the United Nations, and other international organisations, to increase diplomatic contact with ethnic political/armed organisations.
- A wait and see approach towards 2010 risks Burma descending into chaos and humanitarian crisis. Instead the United States government should take the lead in mobilising the international community to pressure the dictatorship to enter into genuine tri-partite dialogue.
- Targeted Economic sanctions deprive the dictatorship of revenue required for committing war crimes. Existing sanctions should be maintained, and where required refined to be more effective. The United States government should introduce new targeted sanctions, in cooperation with other willing countries if possible.
- The United States government should work to build support at the United Nations Security Council for a global arms embargo on Burma.
- The USG should increase cross-border aid for Internally Displaced People.
- The USG should increase long-term funding for refugees on the Thailand Burma border.
- The USG should cooperate with the KNU in ensuring aid reaches people on the basis on need.
- USG dialogue with the dictatorship is welcome, but must be high-level to have any chance of success, time-bound, and deliver concrete results.

HCFA Full Committee Hearing: U.S. Policy Toward Burma
Wednesday, October 21, 2009
10am

The Honorable Gerald E. Connolly (VA-11)

The Administration's new Burma policy emphasizes "pragmatic engagement." There are multiple tools at the United States' disposal with regard to this new policy; these tools range from diplomatic talks to economic incentives. A combination of various methods can be efficacious as long as they convey the U.S. position in a coherent and coordinated manner. Such a clear and firm dictation of U.S. goals and stipulations is necessary for change in the bilateral relationship.

The initial contact for engagement came from Burmese representatives, but the U.S. has made clear that a marked improvement in the human rights situation—including the unconditional release of opposition leader Aung San Suu Kyi—is a prerequisite for gradually improving the U.S.-Burma relationship.

There are concerns about both the rampant mistreatment of ethnic minorities and the suppression of pro-democracy protestors. According to Human Rights Watch, there are 43 known prisons holding political activists, and more than 50 labor camps in Burma. Since the 2007 uprising, hundreds of political figures have been imprisoned for peacefully expressing their views. Changes in the human rights situation are the sine qua non if there is to be positive engagement.

The U.S. has been observing Burma's close military relationship with North Korea. North Korea has reportedly supplied weapons to Burma and trained some of Burma's military personnel. It is unclear how this relationship will change, given the passage of UN Security Council Resolution 1874. The Burmese regime's engagement with North Korea is another troubling development in the already problematic U.S.-Burma relationship.

The new policy of pragmatic engagement with Burma will not immediately lead to a lifting of trade and economic sanctions. The U.S. has indicated that Burma will have to show "concrete progress" before the U.S. lifts any sanctions. It would be rash to completely eliminate this U.S. policy, which has gradually been imposed over the last 21 years.

The Obama Administration has concluded "that neither isolation nor engagement, when implemented alone" have been effective in changing the conditions in Burma. Perhaps this new approach of "pragmatic engagement" can yield more substantive results; results for which we can only hope.

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Washington, DC 20515

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Congresswoman Jackson Lee, Of Texas
Committee on Foreign Affairs

Full Committee
"U.S. Policy Towards Burma"

STATEMENT

October 20, 2009

Foremost, I would like to extend my gratitude to Chairman Berman for hosting this important Committee hearing today. I would also like to thank our distinguished witnesses:

- **The Honorable Kurt M. Campbell, Assistant Secretary for East Asian and Pacific Affairs, U.S. Department of State;**

- **Mr. Tom Malinowski, Advocacy Director of Human Rights Watch;**
- **Dr. Chris Beyrer, MD, MPH, Professor of Epidemiology at the International Health, and Health, Behavior, and Society of John Hopkins Bloomberg School of Public Health; and**
- **Mr. Aung Din, Executive Director of U.S. Campaign for Burma.**

I thank you for bringing your advice and expertise today as we analyze the future of U.S. policy towards Burma.

The Burmese military regime continues to repress basic human rights. As of 2007, Burma's public health expenditure equaled only 0.3% of Burma's GDP. Burma suffers from high infant mortality rates and short life expectancies, reflecting the poor health and living conditions. Diseases such as tuberculosis, diarrheal disease, malaria, and HIV/AIDS are a

serious public health risk in Burma. According to the Human Development Index published by the United Nations Development Program (UNDP), Burma is ranked 133 out of 177 countries based on life expectancy, education, and adjusted real income measurements.

Over two million ethnic Burmese have fled to surrounding countries for political and economic reasons. Many live in refugee camps along the Thailand border including a significant number of members from the Burmese Rohingya community, an ethnic minority in Burma. The United States Department of State has designated Burma as a Country of Particular Concern (CPC) under the International Religious Freedom Act. The State Department has also designated Burma as a Tier 3 country in its Trafficking in Persons report, indicating that Burma uses forced labor.

We know that the deplorable conditions in Burma are a product of the military government's repressive policies. A nation that would force inhumane living conditions upon its people deserves the full force of the United States Congress to change its ways.

Earlier this year, Congress extended the import restrictions included in the Burmese Freedom and Democracy Act of 2003. That Act required Burma to make significant progress with regards to human rights including preventing rape; institute workers rights, including child labor and the use of child soldiers; establish a democratic government; and to reconcile the political division between the military junta, known as the State Peace and Development Council (SPDC), and the National League for Democracy (NLD) and ethnic minorities. I fully supported that bill and I believe that strict sanctions are an appropriate way to reflect our intolerance for the Burmese government's despicable policies.

As we review U.S. policy towards Burma and consider the appropriateness of engagement, it is important to reflect on the experiences of the international community in their attempts to influence the Burmese government. I look to our experts to hear what other countries have tried with respect to engagement as well as the use of various punitive measures against the regime and the degree to which those strategies have been successful.

Assistant Secretary Kurt Campbell, you were quoted in the New York Times earlier this month advocating for a "pragmatic engagement with the Burmese authorities." I look forward to hearing from you a description of this new approach: what does "pragmatic engagement" entail, what are its prospects for success, where are the potential pitfalls, and how would such a new policy influence our current approach to Burma?

Mr. Chairman, I thank you once again, for this holding this important hearing.

Questions for the Record

Committee on Foreign Affairs
"U.S. Policy Toward Burma"

2172 Rayburn HOB
10:00 a.m.
October 21, 2009

Response from The Honorable Kurt M. Campbell Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs

Rep. Barbara Lee (CA)

Question

Aid Funding
According to the United Nations Development Program, 30 percent of the population in Burma lives below subsistence poverty, and deplorable conditions persist for hundreds of thousands of near-permanent refugees. The Administration requested $34.75 million in Economic Support Funds for Burma in FY 2010. *H.R. 3081, *the House-passed State, Foreign Operations bill includes $32 million.*

Assistant Secretary Campbell, how will this money be used to improve the quality of living for refugees, including by providing education for refugee children and reducing abuse, trafficking, and workplace exploitation?

Answer:

In FY2010, the Department and USAID plans to provide over $19 million assistance to support international non-governmental organizations (NGOs) to meet the needs of Burmese internally-displaced persons (IDPs) living along the Thailand-Burma border, refugees in the nine refugee camps in Thailand, and vulnerable migrants outside of the camps in Thailand. The UN High Commissioner for Refugees and NGOs are planning a five-year medium-term strategy to seek opportunities that would help transition the Burmese people from their current state of dependency to one of development and sustainability through self-reliance and integration of refugee services with those of local Thais. The U.S., along with other donors, has initiated meetings with officials from the Thai government to discuss areas in which refugees could be integrated into local health and education systems and be allowed to participate in livelihood activities outside of the camps.

Question:

What can we do to ensure that humanitarian assistance reaches its intended recipients in countries like Burma?

Answer:

The United States provides assistance to the people of Burma, including the victims of Cyclone Nargis, through international NGOs and UN agencies. Humanitarian agencies currently operating in the country must meet sufficient standards of accountability, transparency, independence and effectiveness to receive U.S. funding. These agencies and NGOs closely monitor and account for the funding they receive and report to us regularly. Implementing organizations have inventory control systems and safeguards in place to ensure USG-funded commodities are delivered to the intended beneficiaries. In addition to our implementing partners' efforts, U.S. officials in Rangoon and in the region travel to cyclone-affected areas and other program sites to monitor the distribution of assistance and its impact on the daily lives of the Burmese people. Working closely with our implementing partners, U.S. personnel will continue to monitor the humanitarian assistance we provide to ensure that it reaches its intended recipients.

Question:

More than a year after the devastating cyclone Nargis, what is the status of reconstruction and relief efforts?

Answer:

The United States has provided nearly $75 million to help the people of Burma recover from the devastating May 2008 Cyclone Nargis. International assistance to cyclone-affected areas has saved many lives and is fostering the growth of civil society structures. On February 9, 2009, the Tripartite Group, composed of representatives from the Association of Southeast Asian Nations, the Government of Burma, and United Nations agencies released the post-Nargis Recovery and Preparedness Plan outlining a three-year recovery strategy focused on providing livelihood, shelter, education, disaster risk reduction, health and water, and sanitation and hygiene activities. The Food and Agriculture Organization of the United Nations and the World Food Program have reported that millions of people in Burma remain food insecure and require emergency humanitarian assistance. Cyclone-related damage to livestock and fisheries in Irrawaddy and Rangoon divisions will likely continue to affect food supply and income generation negatively through 2009. U.S. assistance continues to support agriculture (seeds, tools) and food security activities (food, economy and market systems) throughout the cyclone-affected areas to re-start agricultural and non-agricultural livelihoods activities and thereby mitigate the need for continuing emergency assistance. We also provide assistance to meet ongoing shelter, water, sanitation and hygiene needs that, e.g., increase access to safe drinking water and mitigate the impact of future water shortages by increasing water storage capacity in cyclone-affected communities.

Question:

China/Regional Diplomacy
China has historically resisted calls for international sanctions or condemnations of the military regime in Burma. Further, China's bilateral economic ties with Burma have grown in recent years

Do you expect a reduction in Chinese military aid, trade, and economic assistance to Burma? How can the United States compel such a policy shift?

Answer:

China and Burma enjoy a mutually-beneficial relationship that includes economic, energy, and military interests. China's primary interest in Burma is in stability; the United States has long argued to Beijing that the current political situation in Burma is untenable. The flow of refugees into China this past summer resulting from the Burma Army's offensive in the Kokang region is just one example of the instability the Burmese government's policies breed for the region. The United States will continue to discuss with Beijing the problems the Burmese regime creates for its own people and for the region and will look to press Beijing to carry a message of reform in its discussions with Burmese officials.

Question:

It is my understanding that President Obama plans to meet with representatives of ASEAN (the Association of Southeast Asian Nations) in mid-November.

How can the United States get ASEAN to reach out to the Burmese democracy movement as well as work with the United Nations to coordinate sanctions and promote meaningful political dialogue?

Answer:

ASEAN has been increasingly forward-leaning in the past year in support for reform in Burma, including calling for the release of National League for Democracy leader Aung San Suu Kyi. Individual ASEAN member states, including Thailand, Indonesia, the Philippines, Singapore, and Malaysia have also supported Burma's democracy movement. It is clear that Burma's neighbors could do more. It is also clear, however, that states in the region are not going to impose sanctions on Burma. Russia and China, who have veto power in the United Nations Security Council, remain opposed to UN action against Burma. The Administration has already and will continue to renew its efforts to engage with countries in the region to urge them to press Burma to play a more productive role in the international community and to adopt reforms, in particular on the democracy and human rights front, that will lead to a more open country that respects the right of all of its people.

Question:

2010 Election

Groups such as the International Crisis Group have recommended the broadest possible participation in the election process, citing a slow democratic transition as the most feasible route to change. However, with multiparty democratic elections slated to be held in 2010, the meaningful participation of opposition groups remains in doubt.

Is the U.S. taking steps to engage and sustain the participation of political opposition groups in the election process?

Or conversely, is a fraudulent election unavoidable, and should we be joining in contesting the 2010 elections?

Answer:

The United States is continuing its ongoing efforts to engage with all stakeholders, both inside and outside the country, on the planned 2010 elections. We believe an internal political dialogue among all stakeholders is critical to establishing a credible electoral process and ultimately informing the decision on whether to participate. Ultimately it is up to the Burmese people themselves to determine whether or not to participate.

Although we remain skeptical about the prospects for a credible election, we have raised and will continue to stress to the Burmese government the conditions necessary for a democratic electoral process. We believe there should be credible competition (including the early release of political prisoners and the full participation of all political stakeholders, including Aung San Suu Kyi), elimination of restrictions on media, and a transparent, free, and open campaign, including freedom of expression, association, assembly, and movement. The 2010 elections will only bring legitimacy and stability to the country if they are broad-based and include all key stakeholders.

Questions for the Record

Committee on Foreign Affairs
"U.S. Policy Toward Burma"

2172 Rayburn HOB
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Response from Chris Beyrer, M.D., MPH, Johns Hopkins Bloomberg School of Public Health

Rep. Barbara Lee (CA)

Question:

Aid Funding
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Assistant Secretary Campbell, how will this money be used to improve the quality of living for refugees, including by providing education for refugee children and reducing abuse, trafficking, and workplace exploitation?

Answer:
Burma's populations of concern include some 140,000 refugees in Thailand; an estimated 1.2 million to 2 million Burmese resident in Thailand, but without formal refugee status; an estimated 600,000 internally displaced persons (IDPs) in Eastern Burma's ethnic nationality conflict zones; some 3.2 million survivors of the May 2008 Cyclone Nargis, largely residents of the Irrawaddy Delta; an estimated 200,000 Rohinga (Burmese Muslim minority) refuges in Bangladesh; and the ten of millions of Burma's overall 52 million citizens, living in poverty. The U.S. has supported assistance to the Thai-Burma border groups, including aid that reaches the IDPs in Eastern Burma, this includes some 3 million dollars overall in 2009; assistance in Burma through international non-governmental agencies, the largest component of funding; and humanitarian assistance in the Cyclone Area, of which the US has been the second largest donor, with State Department estimated giving of 75 million USD.

Support for the 140,000 persons with refugee status, the great majority of whom are ethnic Karen and Karenni in formal camps along the Thai-Burma border, has allowed these populations to survive for many years. An active resettlement effort is underway for these populations, and this includes the U.S., Canada, and Australia. Resettlement, however, is also causing an unintended "brain drain" in the refugee communities, with

many of the most skilled persons departing for third country resettlement. This has particularly impacted the education and health services in the camps.

Cross-border health and humanitarian assistance programs led by the ethnic health groups themselves have proven to be effective and to be able to deliver assistance in areas where the military junta has barred international agencies from working. These programs protect families, women, and children by making it possible for them to stay in their homeland and survive the ethnic terror campaigns of the junta. Without this assistance, many more would likely be forced to flee to Thailand and be at greatly increased risk for trafficking and other forms of exploitation.

It is important to stress that Burma's ethnic peoples are not solely victims of the junta's policies. They are also active change agents. The Mae Tao Clinic, which also receives modest support from the U.S., and which is led by Dr. Cynthia Maung, served over 68,000 people last year, in over 95,000 clinic visits: 52% of all patients came for care from Burma; 76% of malaria cases, 85% of eye surgeries, and 63% of all severe malnutrition cases. Burmese people are voting with their feet and seeking care where they can find it.

Let me give one recent example of the capacity of these ethnic health programs: Last month there were reports of an epidemic of flu-like illness among children and young adults in several communities of internally displaced persons in Eastern Karen State. By September 11, 9 villages had reported cases to the local medics, who are supported by the Backpack medical teams. By early October, 450 cases had been reported. The Ethnic Medical teams initiated 4 activities: a health campaign, disease surveillance, outbreak investigation, and treatment and care. Specimens from flu cases were taken out of the affected area on Sept 24th, and tested in Thai labs. On Sept 29th, these tested positive for seasonal influenza, and negative for Avian flu and H1N1, both of which had been concerns. This is a powerful example of agency, of communities meeting their own responsibility to protect, and of why assistance to these community-based ethnic organizations can be so effective. Refugees International has done a recent (September 30th) report "Thailand: New Problems Challenge Old Solutions" which highlighted this kind of cross-border assistance and pointed out that in many cases, this is the only way to reach and serve IDPs in those areas where the junta has prohibited international agencies from working.

Question:

What can we do to ensure that humanitarian assistance reaches its intended recipients in countries like Burma?

Answer:

Our group has largely focused on health and human rights programs for the IDP populations within Eastern Burma and we are confident that U.S. aid in this region

directly benefits communities, and bypasses the military regime. The military actively opposes such programs and they operate outside its control.

But in the central and urban regions of Burma the health and humanitarian situation remains dire as well. As reported by the Australian Economist Sean Turnell and based on IMF data, the SPDC is estimated to hold more than 4 Billion USD in foreign exchange reserves, yet expenditures on health and education remain among the lowest worldwide. The official government expenditure on health is some $0.70 per capita per annum, or 0.3% of the national GDP according to Doctors Without Borders—a figure that does not reflect the gross disparity of care within the country: health and social services are markedly scarcer in rural and ethnic minority areas. Health care access is largely privatized in Burma—a great burden on the majority of Burma's people, most of whom live in poverty. The Economist Intelligence Unit reports a GDP per capita of 435 USD in 2008, or 1.2 USD/day.

Private care is out of reach for most Burmese. HIV/AIDS care is an example: The National AIDS Program budget of some 200,000 USD/year for the entire country in 2008 is criminally low. And it means that the great majority of Burmese living with AIDS in need of immediate treatment with ARV, an estimated 76,000 people in 2008, do not have access. Most who do have access, some 11,000 people, are treated by MSF, who has made clear that they cannot assume the responsibility of a national ARV program. The US has largely funded HIV/AIDS through the NGO Population Services International (PSI) which uses a private sector approach to avoid direct support to the Government or its affiliates. PSI runs condom social marketing campaigns and a network of private HIV providers. Nevertheless, the SPDC can and should do much more, and calls for increased humanitarian support should be coupled with calls for the SPDC to spend the resources of the Burmese people on their wellbeing, most critically in health and education sectors.

Question:

More than a year after the devastating cyclone Nargis, what is the status of reconstruction and relief efforts?

Answer:

The situation of survivors in the Irrawaddy Delta areas affected by Cyclone Nargis continues to be dire and reconstruction efforts have been unacceptably slow. The SPDC has contributed remarkably little to the relief effort, an estimated total of some 45 million USD since the Cyclone hit, and built some 10,000 homes. But a recent estimate from UN-Habitat is that 130,000 families, some 450,000 people, are still in "dire need of shelter," more than a year and half after the storm. Burmese families on their own, despite their poverty, have done much more than the junta: UN-Habitat estimates that 209,000 families have re-built their own homes since the storm.

In addition to expending relatively little of its own resources on the social sector, the SPDC also continues to limit the ability of international agencies to assist. I was denied a

visa in the period after Cyclone Nargis, for example, and was told that this was due to my being "a humanitarian doctor." Recent reports, including those of the recent Congressional Staff visit in September, suggest that visa restrictions imposed by the junta are again complicating assistance programs and relief efforts in the Delta and across the country. Policy reform such as the easing of these visa restrictions, could have enormous impacts on the social sector in Burma.

What can the United States do at this critical juncture to support democracy in Burma and alleviate suffering?

- Expand humanitarian assistance both inside the country and through the Ethnic National health services in border regions—and couple this giving with pressure on the SPDC to expand its own funding for humanitarian assistance, health care, and education.

The House has passed legislation to provide some 32 million dollars for FY 2010, 12 million for Cyclone Nargis relief, and 20 million for Thailand based relief, including 4 million for cross border aid. This is an increase over the 28 million allocated in FY 2009. The Senate bill calls for some 39 million for FY 2010.

- Continue to exert positive political pressure for true progress toward democracy and freedom in Burma. This means continuing to call for the release of all political prisoners, including U.S. citizens, and mandating that the NLD and the ethnic leadership be part of the greater engagement of the U.S. with all potential dialogue partners in Burma, and calling for an immediate cessation of attacks on civilians by the SPDC and its proxies.

- Support Daw Aung San Suu Kyi's recent efforts for her Party's direct engagement in dialogue with the SPDC leadership.

- Continue and implement targeted "smart sanctions" against the SPDC and its business partners to maintain pressure on the junta for real and meaningful change. Make explicit the pathway toward which sanctions could be progressively lifted as political reform occurs.

- Expand multi-lateral diplomacy with the UN, the EU, ASEAN, with India, and Russia, and most importantly with China, where the U.S. has a unique strategic opportunity, given China's public discord with the junta over refugees and the treatment of both ethnic Chinese Burmese nationals, and Chinese nationals resident in Burma.

- The US, EU, Sweden, Japan and others should press for Daw Aung San Suu Kyi's to be able to meet with the NLD Central Executive Committee, including with NLD leaders U Tin Oo and U Win Tin, before any further meetings between the US Government and the regime ensue.

- Work with the international community on an expanded arms embargo which should be in place as long as the Burmese military continues to terrorize civilian populations.

- Actively support the U.N. investigation of the regime's crimes against humanity to continue political pressure and to hold the SPDC accountable for any crimes it has committed. Tolerance for the SPDC's impunity will not further democratization.

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