

# RECENT DEVELOPMENTS IN SOUTHEAST ASIA

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## HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA AND THE PACIFIC

OF THE

COMMITTEE ON

INTERNATIONAL RELATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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## RECENT DEVELOPMENTS IN SOUTHEAST ASIA

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TUESDAY, JUNE 10, 2003

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ASIA AND THE PACIFIC,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 1:40 p.m. in Room 2172, Rayburn House Office Building, Hon. James A. Leach [Chairman of the Subcommittee] presiding.

Mr. LEACH. On behalf of the Subcommittee, I would like to welcome our distinguished panel of witnesses for what we hope will be a timely and important hearing on several dilemmas confronting United States policy in Southeast Asia.

Here to join us today are Ms. Sidney Jones, Indonesia Project Director, International Crisis Group, Ms. Catharin E. Dalpino, Fellow, Foreign Policy Studies, The Brookings Institution, Ms. Maureen Aung-Thwin, Director, Burma Project/Southeast Asia Initiative, Open Society Institute and Mr. Daniel Calingaert, Director of Asia Programs, International Republican Institute.

In addition, as Members have been noticed immediately following the hearing the Subcommittee will consider two pieces of legislation, H.R.2330, the Burmese Freedom and Democracy Act of 2003 and H.Res.199 calling for immediate and unconditional release of Dr. Yang Jianli.

Before turning to our witnesses, I would just like to make the following observations: Over the last several months the United States has watched with growing frustration and dismay as prospects for political change in Burma have withered away in the face of the ruling military regime's determination to maintain an iron grip on power.

We are all of course pleased with the news overnight that U.N. special envoy Razali Ismail was allowed to see Aung San Suu Kyi and that she is apparently in credible health. However, the brutal attack by the junta's henchman on her traveling party, the broader crackdown against pro-democracy forces and the vastly diminished prospects for a democratic transition leave the United States with few options but to reassess its already limited relationship with the government of Burma.

In this circumstance, it is self-evident that the Congress and the Administration must work together to utilize the full range of diplomatic and economic policy options likely to bring about a restoration of democracy and national reconciliation in Burma. While economic sanctions are seldom successful, the long train of abuses per-

petrated by Burma's military regime leaves the United States, and possibly other members of the international community, with no ethical or political to do but to embrace a more comprehensive trade initiative, which implies ban.

Nonetheless, too often we forget the distinction between governments and their people and too often sanctions aimed at punishing governments may also punish peoples unnecessarily. Care should therefore be taken to exclude from any new sanctions humanitarian assistance that is provided through non-governmental organizations, including assistance to Burma's varied ethnic minorities.

With respect to Indonesia and the ongoing campaign in Aceh, it is apparent that Jakarta has been seized with a new nationalist temper likely to further constrain American influence in Southeast Asia—and the world's—largest Muslim country. For example, vigorous administration efforts to promote a peaceful resolution of the conflict, and failing that gain access to Aceh by international human rights monitors, have to date proven unsuccessful.

Although the United States has compelling reasons to seek to remain engaged with Indonesia, a common concern to combat terrorism being a self-evident one, the Administration has also repeatedly stated that our relationship will be set back unless those responsible for the August, 2002 ambush and murder of American citizens in Papua are identified and brought to justice.

By contrast, one of the clear successes for United States diplomacy in Southeast Asia has been the strengthening of natural and historic partnerships between the United States and the Philippines and the Philippine people, as symbolized by the exceptionally warm state visit last month by President Arroyo.

One of the areas in which the United States and the Philippines have pledged greater mutual cooperation is in the fight against terrorism in Mindanao and elsewhere in the southern Philippines. With this as background, we appreciate each of you for agreeing to come before us today and we look forward to your testimony.

Mr. Blumenauer, would you like to make an opening comment? Does anyone else wish to make any statement? I have been informed that several Members of the minority in particular are obligated to be on the Floor briefly for a bill honoring a colleague, Patsy Mink, and will be returning shortly.

[The prepared statement of Mr. Leach follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES A. LEACH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA AND THE PACIFIC

On behalf of the Subcommittee, I would like to welcome our distinguished panel of witnesses for what we hope will be a timely and important hearing on several dilemmas confronting U.S. foreign policy in Southeast Asia. Here to join us today are Ms Sidney Jones, Indonesia Project Director, International Crisis Group; Ms. Catherin E. Dalpino, Fellow, Foreign Policy Studies, the Brookings Institution; Ms. Maureen Aung-Thwin, Director, Burma Project/Southeast Asia Initiative, Open Society Institute; and Mr. Daniel Calingaert, Director of Asia Programs, International Republican Institute.

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Before turning to our witnesses, I would just like to make the following observations.

- Over the last several months the U.S. has watched with growing frustration and dismay as prospects for political change in Burma have withered away in the face of the ruling military regime's determination to maintain an iron grip on power.
- We are all of course pleased with the news overnight that UN Special Envoy Rizali Ismail was allowed to see Aung San Suu Kyi and that she is apparently in credible health.
- However, the brutal attack by the junta's henchmen on her traveling party, the broader crackdown against pro-democracy forces, and the vastly diminished prospects for a democratic transition leave the U.S. with no option but to reassess its already limited relationship with the Government of Burma.
- In this circumstance, it is self-evident that Congress and the Administration must work together to utilize the full range of U.S. diplomatic and economic policy options likely to bring about a restoration of democracy and national reconciliation in Burma.
- While economic sanctions are seldom successful, the long train of abuses perpetrated by Burma's military regime leaves the United States—and possibly other members of the international community—with no ethical or political alternative but to embrace a more comprehensive trade ban. Nonetheless, too often we forget the distinction between governments and their people, and too often sanctions aimed at punishing governments punish people.
- Care should be taken, therefore, to exclude from any new sanctions humanitarian assistance that is provided through non-governmental organizations, including assistance to Burma's rich and varied ethnic minorities.
- With respect to Indonesia and the ongoing campaign in Aceh, it is apparent that Jakarta has been seized with a new nationalist temper likely to further constrain American influence in Southeast Asia's—and the world's—largest Muslim country. For example, vigorous Administration efforts to promote a peaceful resolution of the conflict and, failing that, gain access to Aceh by international human rights monitors have to date proven unsuccessful.
- Although the U.S. has compelling reasons to seek to remain engaged with Indonesia, a common concern to combat terrorism being a self-evident one, the Administration has also repeatedly stated that our relationship will be set back unless those responsible for the August 2002 ambush and murder of American citizens in Papua are identified and brought to justice.
- By contrast, one of the clear successes for U.S. diplomacy in Southeast Asia has been the strengthening of the natural and historic partnership between the U.S. and the Philippines, as symbolized by the exceptionally warm state visit last month by President Arroyo.
- One of the areas in which the U.S. and the Philippines have pledged greater mutual cooperation is in the fight against terrorism in Mindanao and elsewhere in the southern Philippines.
- As Washington and Manila contemplate additional joint exercises against the Abu Sayyaf Group, and perhaps other insurgent groups, how deeply should the U.S. become involved in combating terrorist insurgencies in the Philippines? To what extent do these conflicts have deep roots in Philippine history, and what are the ties of insurgent groups to transnational terrorist organizations, such as Jemaah Islamiya and Al Qaeda?
- Finally, Cambodia will hold its National Assembly elections on July 27. It will be only the second such election since the current Prime Minister, Hun Sen, staged an armed coup in 1997. Here the Subcommittee is interested in assessing the credibility of the current electoral process, including access to media, and the prospects for creating a political environment conducive to free expression as well as the development of an election administration that commands confidence across Cambodian society.

We appreciate your appearance before us today and look forward to your testimony.

Mr. LEACH. If there is no objection, we will proceed in the order in which the four of you are lined up, unless by mutual consent you have determined you prefer another approach. Then we will begin with Ms. Jones.

Before proceeding, Ms. Jones, I am told I have a brief bio for the Committee to follow. Ms. Jones is the Indonesia Project Director at

the International Crisis Group. Previously she served as a Director of the Asia division of Human Rights Watch and as Indonesia and Philippines researcher for Amnesty International. An Indonesia specialist with 20 years' experience, Ms. Jones also served as Director of the human rights office of the U.N. Transitional Authority in East Timor. Ms. Jones, please.

**STATEMENT OF SIDNEY JONES, INDONESIA PROJECT  
DIRECTOR, INTERNATIONAL CRISIS GROUP**

Ms. JONES. Thank you very much, Mr. Chairman and I would like to say there are a number of issues that I cover in the full written testimony that I won't have a chance to address here, but I would like those entered on the record.

Mr. LEACH. Without objection, all of the statements will be fully reported in the record and if possible, we would like to hold you to 5 minutes or less each of you. Please proceed.

Ms. JONES. Thank you. I would like to address the democratization process in Indonesia with specific attention both to the counterterrorism and to the war in Aceh and the sad fact is that the democratization process in Indonesia is stalled. There are some clear gains. Indonesians do enjoy far greater political freedom today than they did during the Soeharto years. The parliament is stronger. We are going to see direct presidential elections quite soon and there is a massive decentralization process underway that is giving new opportunities to groups that have never had a chance to take part in the political process.

But on the negative side, we have corruption unchecked, legal reform dead in the water and bitter rivalry between the police and the military over who should control internal security. Despite the fact that the police have done an excellent job investigating the Bali bombings and investigating other links to Jemaah Islamiyah, it is the Indonesian army that is rapidly gaining political influence without any progress whatsoever toward accountability, fiscal transparency or genuine civilian control mechanisms and nowhere is this more evident than in the counterinsurgency operations that the military began last May 19 in Aceh.

The issue there is not whether the Indonesian government has the right to use military force against an armed guerrilla movement, it clearly does, and efforts to find a non-violent solution that the U.S. was heavily engaged in failed. It is true that GAM represents major security threats.

The concerns are rather how military forces being used in Aceh, what control is being exerted over troop behavior, which appears to be very little, what civilian oversight is being exercised, again very little, what political objectives are being served by these operations and what the implications of the Aceh operations are for other conflict areas, such as Papua and for the country's democratization process more generally.

I think it is indicative that today the police announced a death toll from May 19 to June 5 of 69 civilians and 52 GAM members. That is a much different figure than the army gives, but if that is the ratio that we are going to continue to see, there is grave cause for concern.



This Committee should be concerned about the state of political reform in Indonesia, but it should also understand that United States leverage with the Indonesian government has never been lower nor anti-American sentiment higher. The Indonesian military very consciously modeled its operations in Aceh on United States operations in Iraq, hoping that its own equivalent of “shock and awe” would intimidate Acehnese into ending support for GAM, and believing that the key lesson to be drawn from Iraq was that massive force equals quick victory, but this is a very different kind of war.

Statements of the U.S. Embassy in Jakarta expressing disappointment with the resort to force in Aceh have been treated not just with anger but with contempt by Indonesian politicians, who believe they are on far stronger grounds sending troops into Aceh than the United States was in sending troops to Iraq. Exhortations to respect human rights in Aceh ring hollow coming from U.S. officials, when the Indonesian media has given front page coverage repeatedly to the lack of due process for Guantanamo detainees.

The sad truth of the matter is that the United States in Indonesia is no longer seen as a champion of human rights and democracy. With that as an introduction, let me speak briefly of the war in Aceh and the war on terrorism. In Aceh, both sides are responsible for the breakdown of the December 9 Cessation of Hostilities Agreement, which was an agreement that was less a peace agreement than a framework for discussing peace and which papered over more issues than it resolved.

The United States and Japan, the European Union and the World Bank, but particularly the United States and Japan tried their best to keep the agreement alive, but ultimately failed and that is when President Megawati declared an emergency 3 weeks ago. In announcing this emergency, the government said it would be an “integrated operation” with four components: Military, humanitarian, law enforcement, and what it called “stabilization of local government.” In fact, all of these components are related to the military operations and very little thought seems to be given toward winning hearts and minds of a deeply alienated population.

In outlining the humanitarian component of the “integrated operation,” which was mostly directed toward providing funds for displaced people of whom there are over 20,000 now directly as a result of the conflict, the government announced it was restricting access by foreigners and said that any aid from international donors would have to be channeled through the government, raising all sorts of concerns about possible skimming, but the restriction on foreigners is another reason for having concern about what actually is going on in Aceh, given the fact that the military is doing its best to control information.

The law enforcement component appears to mean stepping up arrests, not improving the justice system, when one of the main grievances of Acehnese is that the government in Jakarta has failed to address repeated demands for justice for past abuses, particularly those that took place during counterinsurgency operations from 1990 to 1998.

Even if there was a commitment to address those demands and there is not, the legal infrastructure in Aceh is in such disarray

that few current cases stand a chance of coming to trial, let alone cases from a decade ago. There are concerns with what is going to happen to the GAM members that have been arrested and are now being held in police stations throughout Aceh, when there are no courts functioning that can actually bring these cases to trial. A number of cases have also taken place of GAM members taken into custody and then executed summarily by Indonesian soldiers.

The fourth and final component of the military operations, strengthening local governance, seems to mean the replacement of non-functioning local officials at the village and subdistrict level with retired army personnel and even though the government has stressed that these appointments are temporary, they are cause for concern. Indonesian reformers spent a good deal of time and effort trying to remove the military from government administration and this constitutes a reversal of that process. There is no reason that qualified civilians could not be found.

This brings us to another key concern about these operations, which is not only that the government is increasingly trying to control all information coming out of Aceh, it is also reviving a kind of political labeling not seen for years. Not only is the military emergency aimed at eradicating GAM fighters, it is also aimed at removing what it calls GAM sympathizers who appear to include anyone from journalists to human rights defenders who criticize the army's version of events. Human rights defenders, I should underscore, are in particular danger now. We have seen several summoned for interrogation and several outright arrested.

The problem is that outside of Aceh and the small but vocal activist community in Jakarta and other major cities, this is a military operation that is very popular in Indonesia as a whole and is playing very well with the Indonesian public. President Megawati's fortunes have taken a sudden leap upward. She is playing to deeply held nationalist feelings by portraying her actions in Aceh as being designed to protect the territorial integrity of Indonesia.

Not a single leading politician has raised concerns about these operations and presidential aspirants in particular have been competing with each other to praise them, in part because they all want army support.

One final word on Aceh: The Indonesian government is waging a campaign aimed at the international community to have GAM declared a terrorist organization. The United States and other countries have resisted Indonesian arguments on this before and should continue to do so, but the Indonesian government in addition to alleging GAM involvement in a series of bombings in Jakarta and the North Sumatran city of Medan is now trying to allege that GAM is linked to Jemaah Islamiyah, the terrorist organization. This is simply not true. There is additional material in the written testimony.

As noted, Indonesia has made important strides toward dealing with home-grown terrorism, but the progress has been made by the police, not the army. Some officers within the Indonesian military are resentful at the amount of attention and resources lavished on the police in the aftermath of the Bali bombings and have argued that only the military and not the police, can best protect Indonesia from the terrorist threat.

But the police, even in this highly nationalist atmosphere, have shown themselves to be open to international assistance and have used that assistance to good effect, particularly with the Australian Federal police.

Unlike Aceh, where the military has gone after GAM in this broad category of "GAM sympathizers" with equal vigor, the police have been very careful in their pursuit of Jemaah Islamiyah to restrict arrests to the people against whom there are reasonable grounds for suspecting involvement in terrorist activity and a lot of the concerns that the terrorists regulation, the new antiterrorism legislation would be abused in the pursuit of terrorist linked Jemaah Islamiyah has proven groundless.

There is no witch hunt and no broader crackdown on the radical Muslim community as some had feared. The Jemaah Islamiyah network though has been damaged by these arrests. It has not been destroyed. The problem is that it is becoming increasingly evident that one of the strongest allies of terrorists in Indonesia has been the country's pervasive corruption, where officials can be paid to turn a blind eye to a shipment of detonators or M-16's, and where identity cards and passports can be made and purchased with great ease.

It is clear that a democratic Indonesia with strong civilian institutions and particularly a strong criminal justice system will aid in the war on terrorism, but the fact is, there is little the United States can do that it is not already doing. U.S. assistance for police reform, justice sector reform and civil society strengthening should continue. Additional resources should be directed to anti-corruption efforts, with particular attention paid to the immigration service and the police.

The ban on foreign military financing should be kept in place, given developments in Aceh. The U.S. should probably try to ensure that more civilians are trained in security studies so that even if the Indonesian military won't press forward on military reform, there may be some lobbying from civilians and given the problems with getting accurate information out of Aceh now, it would be useful for the U.S. Embassy and other Jakarta based Embassies to step up requests for visits to Aceh, even if a government escort is required, because it at least sends a signal that international scrutiny continues. Thank you very much.

[The prepared statement of Ms. Jones follows:]

PREPARED STATEMENT OF SIDNEY JONES, INDONESIA PROJECT DIRECTOR,  
INTERNATIONAL CRISIS GROUP

COUNTERINSURGENCY AND COUNTERTERROR IN INDONESIA

Five years after the resignation of President Soeharto, Indonesia's democratization process is stalled. There have been some clear gains: most Indonesians enjoy far greater political freedom than they did during the Soeharto years. The parliament is far stronger. The country is moving toward its first ever direct presidential elections next year. And a massive decentralization process, while poorly regulated, is giving new political and economic opportunities to groups hitherto excluded from the political process.

On the negative side, corruption remains unchecked, and legal reform has gone nowhere. A bitter rivalry between the police and the military over which force would control internal security seemed earlier in the year to have been resolved legally and politically on the side of the police. The excellent police investigation into the Bali bombings, conducted as a joint operation with the Australian Federal Police,

produced quick and credible results, and the trial of many of the key suspects opened last month. The police are continuing to make progress in uncovering the Jemaah Islamiyah network, which was more entrenched in Indonesia than many suspected, and every new arrest has led to new information and additional damage to the group's ability to undertake new strikes. Counter-terror has been rightly treated as primarily a civilian law enforcement task, and to the extent the professional capacity of the police can be strengthened, the interests of the international community in fighting terror will be well-served.

But this brings us to the most worrisome aspect of Indonesia's stalled reform process. The Indonesian army is rapidly regaining political influence, at the expense of the police, and without any progress toward accountability, fiscal transparency, or genuine civilian control mechanisms. Nowhere is this more evident than in the counterinsurgency operations that the military began last May 19 in Aceh, the resource-rich province on the northern tip of Sumatra, against guerrillas of the Free Aceh Movement (Gerakan Aceh Merdeka or GAM).

The issue in Aceh is not whether the Indonesian government has the right to use military force against an armed guerrilla movement—it clearly does. Efforts to find a non-violent solution to the 27-year-old conflict had failed, and GAM represented a major security threat. It was appropriate that the military and not the police take the lead role on this. The concerns are rather how military force is being used in Aceh, what control is being exerted over troop behavior, what civilian oversight is being exercised, what political objectives are being served by these operations, and what the implications of the Aceh operations are for other conflict areas, such as Papua, and for the country's democratization process more generally.

This committee should be concerned about the state of political reform in Indonesia, but it should also understand that U.S. leverage with the Indonesian government has never been lower—nor anti-American sentiment higher. The Indonesian military very consciously modeled its operations in Aceh on U.S. operations in Iraq, hoping that its own equivalent of “shock and awe” would intimidate Acehnese into ending support for GAM, and believing that the key lesson from Iraq was that massive force translates into quick victory—even though this is a very different kind of war.

Statements from the U.S. embassy in Jakarta expressing disappointment with the resort to force in Aceh have been treated not just with anger but with contempt by Indonesian politicians, who believe they are on far stronger ground sending troops into Aceh than the US was in sending troops to Iraq. Exhortations to respect human rights in Aceh ring hollow coming from U.S. officials when the Indonesian media have given front-page coverage to the lack of due process for Guantanamo detainees. The U.S. is no longer seen as a credible champion of human rights and democracy. It is widely perceived as a country that since September 11 discriminates against Muslims in its visa and immigration policies, that disregards international law when it serves its purpose to do so, and that mistreats political prisoners. In the more than 30 years I have worked on Indonesia, I have never seen U.S. credibility on these issues so low.

Let me now turn to the two major issues at hand: the war in Aceh and the war on terrorism.

#### *Aceh*

Both sides are responsible for the failure of the December 9 Cessation of Hostilities Agreement between the Indonesian government and GAM that was brokered by the Geneva-based Henri Dunant Centre. The agreement was the culmination of three years of negotiations that had been strongly supported, morally and materially, by the U.S. and other donors. The December 9 agreement was not a peace agreement; it was a more an agreement on a framework to discuss peace, and at the time it was signed, there were major unresolved differences between the two sides. The most important of these was that GAM saw autonomy under Indonesian sovereignty as the starting point for negotiations, while the Indonesian government saw it as the end point.

GAM used the dramatic reduction in violence during the first two months of the agreement to strengthen its forces, including by recruiting new members and getting new weapons. The army, which had never been happy with the idea of negotiating with armed separatists, began to actively undermine the agreement. By early March, the agreement was near collapse, and despite a major effort by the U.S., Japan, European Union, and the World Bank to salvage the peace process, the Indonesian government declared a six-month military emergency covering the entire province of Aceh on May 19.

In announcing the emergency, the government said that this would be an “integrated operation” with four components: military, humanitarian, law enforcement,

and what it called “stabilization of local government”. The military component involves the deployment of close to 28,000 military personnel and more than 12,000 police, some of whom have a combat role. It is the largest Indonesian military operation since the invasion of East Timor in 1975. The humanitarian component involves the allocation of funds and provisions to assist displaced persons. As of last week, the number of displaced was about 20,000. Not only was the total expected to rise, but the government was talking of moving Acehese civilians in areas of GAM strongholds to temporary camps so as to better facilitate army efforts to root out rebels. Some Indonesians have expressed fears that such a concept, if implemented, could become the equivalent of strategic hamletting, but there is no evidence to date of deliberate displacement.

The humanitarian component is also now being directed to rebuilding schools. One of the characteristics of the first weeks of the military emergency was the systematic arson of more than 440 schools, most of them state elementary schools, in several districts of Aceh. The government blames GAM, and there is indeed some evidence that GAM was responsible for some of the initial burnings. I remember talking with a man close to GAM in North Aceh about two years ago, at a time when other school burnings were taking place. He acknowledged then that GAM members were responsible, because they did not wish to see Acehese children taught to be Indonesian citizens.

But even if GAM had begun to systematically burn schools after May 19 (and it denies having done so), the question at least needs to be asked why the Indonesian army and police, with all the forces at their disposal, were not able to protect the schools when it was clear they were being targeted.

In outlining the humanitarian component of the “integrated operation”, the government announced restrictions on foreigners visiting Aceh for the purpose of distributing humanitarian aid and said that any aid from international donors would have to be channeled through the government. It said the restrictions on foreigners was for their own security, and that it did not want foreign donors capitalizing on photographs of displaced people or distressed civilians to raise money for their own organizations.

On June 2, at a meeting of the donor consortium called the Consultative Group on Indonesia or CGI, the government seemed to relent somewhat on its ban on foreigners going to Aceh, saying that representatives of humanitarian agencies could still visit, as long as they were accompanied by a government representative. With the killing of a German tourist and the wounding of his wife in an as yet unexplained incident in Aceh last week, however, a total ban on foreigners going to Aceh appears to have been put into effect.

The third component of the operation is law enforcement, but this appears to mean stepping up arrests, not improving the justice system. One of the main grievances of Acehese is that the government in Jakarta has failed to address repeated demands for justice for past abuses, particularly those that took place during an earlier period of counterinsurgency operations from 1990 to 1998. But even if there was a commitment to address those demands, and there is not, the legal infrastructure in Aceh is in such disarray that few current cases stand a chance of coming to trial, let alone cases from a decade ago.

With many district courthouses having been destroyed by GAM, and many judges, prosecutors and lawyers subject to repeated intimidation, many courts are not functioning—raising questions about what will happen to the increasing number of suspected GAM members being held in police stations across the country. (And those are the lucky ones: many suspected members of GAM have been shot at close range apparently after having been captured by Indonesian soldiers.)

With allegations of human rights abuses by soldiers on the rise, the military has decided to make an example of one case, in which a civilian was shot and killed in the village of Lawang, Peudada. A group of soldiers was quickly arrested by military police and put on trial. They were reported to be facing a sentence of eight months, but it was as though by moving swiftly on one case, the military was hoping to deflect attention from many others.

The fourth and final component of the military operations, strengthening local governance, seems to mean the replacement of non-functioning local officials at the village and subdistrict level with retired army personnel. Even though the government has stressed that these appointments are temporary, they are cause for concern on two fronts. First, the post-Soeharto reformers spent a good deal of time and effort trying to remove the military from government administration; this constitutes a reversal of that process. There is no reason that qualified civilians could not have been found. Second, Aceh has long been fertile ground for economic activities, many of them illicit, such as illegal logging, by military personnel. Once these

retired officers are in place, it may be more difficult to dislodge them than the government thinks.

The “integrated operation” seems to have lost sight completely of the objective of winning back the loyalty of Acehnese alienated by past practices of the central government. Images on Indonesian television of soldiers helping with rice distribution notwithstanding, there is nothing to suggest that these operations are welcomed by a population, even one increasingly disaffected with a rebel group that itself was often abusive.

This brings us to another key concern about these operations. The army is increasingly trying to control all information coming out of Aceh and ensure that it is “sympathetic” to the government side. Both foreign and domestic journalists have been warned about keeping their coverage accurate, but the army has arrogated to itself the role of determining what is accurate and what is not. Acehnese who have accompanied foreign journalists have faced serious interrogation and threats. While the Indonesian army has adopted the U.S. practice of “embedding” journalists with military units, it also is trying to ensure that the reporting of those journalists is spun the way the army wants. With increasing restrictions on the press and a ban on foreigners going to Aceh, how are we going to be able to know what is actually going on?

The army is also reviving a kind of political labeling not seen for years. Not only is the military emergency aimed at eradicating GAM fighters, it is also aimed at GAM “sympathizers”—who appear to include anyone, from journalists to human rights defenders—who criticize the army’s version of events. Human rights defenders are in particular danger now, and several have been summoned for interrogation by police.

Few observers inside or outside Indonesia believe that GAM can be militarily defeated within the six months designated for the military emergency. One military officer I met two weeks ago said that even if the emergency were extended twice over, GAM would not disappear. In the meantime, however, the military has absolute powers in Aceh: control over communications, over access to and from the province, over all forms of transport. It has wide search and seizure and arrest and detention authority.

And in an indication of the general mood in Indonesia, military operations in Aceh are selling very well with the Indonesian public. President Megawati’s political fortunes have taken a sudden leap upward. Her decision to impose the harshest form of emergency possible under Indonesian law is being seen as evidence for the first time of her willingness to take decisions and show resolve. She is playing to deeply held nationalist feelings by portraying her actions as being designed to protect the territorial integrity of Indonesia. Not a single leading politician has raised concerns about the operations, and presidential aspirants in particular have been competing with each other to praise them, in part because they all want army support for their bid.

And this leads us to the long-term implications of the military operations for Indonesia’s democratization process. As long as the military is able to control information such that the operations can be portrayed as a success to the Indonesian public, the military may be able to use the operations as a springboard to greatly increased political influence. A bill on the armed forces, drafted in the Ministry of Defense, will shortly come before the Indonesian parliament, and success in Aceh will enable the military to make a bid for greater control over internal security—at the expense of the civilian police. While the military agreed last August to relinquish its seats in parliament, it may be able to exert even more leverage over the political process in a behind-the-scenes fashion than it was with a presence in parliament.

“Success” in the military’s terms in Aceh will further set back the process of military reform, already at a standstill, and it will give the military more of a say than it has already in Papua, where a hard-fought battle for special autonomy is being undermined by a military-backed decision to divide the province into three, so as to weaken the independence movement there.

One final word on Aceh. The Indonesian government is waging a campaign aimed at the international community to have GAM declared a terrorist organization. The U.S. and other countries have resisted Indonesian arguments on this before, but the Indonesian government, in addition to alleging GAM involvement in a series of bombings in Jakarta and the North Sumatran city of Medan, is now trying to allege that GAM is linked to Jemaah Islamiyah. This is simply not true.

The government is basing its case on the involvement of an Acehnese named Fauzi Hasbi in a series of meetings with Abu Bakar Ba’asyir in Malaysia in 1999 and 2000. Fauzi Hasbi was abducted in Ambon on February 21, and killed shortly thereafter. He was a member of GAM in 1976 who was arrested in 1977 by the Indonesian army, became an army informant thereafter, and was probably the most

virulent opponent of Hasan di Tiro, the leader of GAM, in all of Indonesia. The Acehese who have links to Jemaah Islamiyah are all considered by GAM to be traitors.

The bombings cited by the government as evidence for GAM's involvement in terrorist activities—the Jakarta Stock Exchange bombing in 2000, and bombings near the UN building in Jakarta and at the Jakarta airport earlier this year—are also highly dubious. They may have involved Acehese, but the Stock Exchange bombing also involved army deserters, one of whom mysteriously escaped from prison, and much work remains to be done to determine who was in fact responsible.

*The War on Terror*

Indonesia has made important strides toward dealing with homegrown terrorism, but that progress has been made by the police, not the army. Some officers within the Indonesian military are resentful at the amount of attention and resources lavished on the police in the aftermath of the Bali bombings, and have argued that only the military, not the police, can best protect Indonesia from the terrorist threat.

But the police, even in this highly nationalist atmosphere, have shown themselves to be open to international assistance and have used that assistance to good effect. Unlike Aceh, where the military has gone after GAM and the broad category of “GAM sympathizers” with equal vigor, the police have been very careful in their pursuit of Jemaah Islamiyah to restrict arrests to the people against whom there are reasonable grounds for suspecting involvement in terrorist activity. There has been no witch hunt, and no broader crackdown on the radical Muslim community as some had feared.

The Jemaah Islamiyah network has been damaged; it has not been destroyed. But Indonesian police have not let up on their efforts, simply because most of the key Bali bombing suspects are now behind bars. The problem is that it is becoming increasingly evident that one of the strongest allies of terrorists in Indonesia has been the country's pervasive corruption, where officials can be paid to turn a blind eye to a shipment of detonators or M-16s, and where identity cards and passports can be made and purchased with great ease.

It is clear that a democratic Indonesia, with strong civilian institutions, and particularly a strong criminal justice system, will aid in the war on terrorism, and US assistance for police reform, justice sector reform and civil society strengthening should continue.

Mr. LEACH. Thank you, Ms. Jones. Ms. Dalpino is currently a Fellow at the Brookings Institute, where she previously served as Deputy Director of the Center for Northeast Asia Policy. She is a Professorial Lecturer, a title I am unfamiliar with, at the School of Advanced International Studies at Johns Hopkins and previously served as Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor. Welcome, Ms. Dalpino.

**STATEMENT OF CATHARIN E. DALPINO, FELLOW, THE  
BROOKINGS INSTITUTION**

Ms. DALPINO. Thank you, Mr. Chairman. I think it is somewhat fortuitous that the Philippines comes after Indonesia in this hearing, because the Philippines is more of a good new, bad news story.

On an official level, relations between the United States and the Philippines are probably stronger at this time than any time since the United States withdrew its bases in 1991. Among the Southeast Asian leaders, President Arroyo and her government have provided the most vocal and high profile support for the United States war against terrorism, as well as within the region for the United States war in Iraq.

Arroyo has been energetic in her attempts to organize her colleagues in Southeast Asia to coordinate on counterterrorism and in return, the United States has rewarded her and the Philippines, as we have seen with the designation of being a major non-NATO ally, as well as having in the Philippines its flagship initiative for coun-

terterrorism in Southeast Asia, which would be the Balikatan exercises in the southern Philippines.

On a broader plane however, United States/Philippine relations are far more complicated and the success of a joint effort to combat terrorism in that country is not really assured at this time. At several intervals in the past 2 years, President Arroyo's stock has probably been higher in Washington than in her own country. She has a hard road to hoe with her domestic population, in part because the Philippines is a democracy.

Over the past 2 years, in addition to having to present to her population the return in an advisory capacity of the U.S. troops, she has also had recently the case of the possibility of return of American bases in a more flexible and forward deployment than existed before 1991, but in a way certainly that is liable to cause a domestic firestorm if the U.S. goes ahead with its new initiative.

Although the first Balikatan exercises to focus on counterterrorism, which occurred in 2002, were judged to be moderately successful, negotiations for this year's exercises are presently at an impasse. Moreover, if joint United States exercises to eliminate the Abu Sayyaf, which is the target of the Balikatan exercises were to succeed, it is not entirely clear what effect that would have on terrorism in the Philippines and Southeast Asia. Obviously it is a very small group, fairly isolated from other extremist groups in the Philippines.

Arguably the goal for fighting terrorism in the Philippines turns on relations with the Moro Islamic Liberation Front and that is a very complicated issue. I have to apologize, if I am going to talk about the southern Philippines, I am going to have to use several acronyms and I will try to keep those to a minimum.

More generally also conditions that encouraged extremism in the Philippines—economic disparity, corruption and ineffective law enforcement—have promulgated a situation in which new militants are likely to replace those who have been eliminated, if these roots causes aren't addressed.

There is, however, broad consensus between Manila and Washington and within the Philippine population that the one way to deal with the threat presented by the Abu Sayyaf is to eradicate them or disarm them. The Philippine government has made it clear that the only approach they intend to take to the Abu Sayyaf is a military one.

Although the Abu Sayyaf had originally claimed to have fundamentalist goals and it occasionally would iterate them over the past few years, their performance, and the sorts of tactics that they employ are really more directed toward a monetary profit than any political objectives that are evident.

Despite the distinctions between the Abu Sayyaf and the MILF in this way, and despite its small group status, the joint efforts of the Armed Forces of the Philippines and United States military advisors have not been able to eliminate the Abu Sayyaf. They have been able to capture some major leaders, but not all certainly.

We have seen with the exercises last year a very interesting and fundamental principle of fighting terrorism through military means, which is the harder the drive, oftentimes the result is not necessarily the elimination of the target but the dispersal of the



target. What we have seen is that the exercises last year effectively removed the Abu Sayyaf from Basilan, the island there but properly dispersed them more over to Jolo and other parts of the southern Philippines.

Another complication of the campaign against the Abu Sayyaf has been the role and image of the U.S. troops in joint exercises. Although the Balikatan exercises actually are one of a series, in 2002 it was the first time they were focused primarily on counter-terrorism. They are the longest we have ever had with the Philippines since 1991 withdrawal of the bases, 6 months and they were the first to take place in a combat zone.

As the United States and the Philippines have joined forces to address the threat of the Abu Sayyaf in the southern Philippines, we have also seen a turn in Manila's policy and in Washington's focus more toward the Moro Islamic Liberation Front. Here the differences between the MILF and the Abu Sayyaf are probably greater than the similarities.

Although the MILF has resorted to the use of terrorist tactics, it is widely considered to have fundamentalist goals of having an independent Islamic state for Filipino Muslims. Its combat strength is greater than that of the Abu Sayyaf by about a multiple of 10 and it is considerably better armed than the Abu Sayyaf. In fact, some Filipino analysts think in certain ways it is better armed than the Philippine military.

The Philippine government's approach to the MILF is three-pronged. It is attempting to negotiate with the group, while it is maintaining surgical strikes against it either to reduce its force or to retaliate for terrorist tactics.

In addition, Manila is seeking to offer economic development to areas that are affected by the MILF, because it learned with the Moro National Liberation Front, the larger group that was the predecessor group for the MILF, that if you don't begin economic development you won't bring the Muslim population along in those affected areas.

However, it is very difficult at any given time to achieve a real balance among these three objectives. At the present time, the military approach to the MILF is gaining ascendancy over the negotiation one.

There is a growing fear that the military approach to the Moro Islamic Liberation Front will become the sole one. In view of that as well as recent bombings in Davao City that were linked to the MILF, negotiations have pretty much broken down for the time being with that group.

In 2001, Manila signed a cease fire agreement with the MILF and last year they did sign a framework in principle for economic and humanitarian development with the peace accords. However, momentum has slowed down for most of this year.

Beneath the problems with the MILF, I think there are three or four unanswered questions and let me just list them very quickly. First, we don't know what the implications of the group's links to foreign extremists, to regional extremists and to international terror network really is. We do have considerable evidence that there are links to the Jemaah Islamiyah and to some other groups, but

we don't really know that necessarily the MILF shares the viewpoint and the political objectives of the Jemaah Islamiyah.

In fact, much of the evidence argues against that. For one thing, the MILF has not evidenced the sort of jihadist anti-western views that we associate with the Jemaah Islamiyah and with Middle Eastern groups. It is not particularly anti-American and it has not claimed any sense of triumph or pleasure over the events of September 11.

A second critical issue is whether the political objectives of the MILF can be turned from independence for Filipino Muslims to autonomy, which were the objectives of the Moro National Liberation Front, which did sign a peace accord with Manila in 1996. In that sense, the MILF may more closely resemble GAM in Indonesia right now than it does the MNLF. We just won't know until negotiations are farther along and we can see really what their true objectives are.

A third question relates to that which has to do with the growing factions of the MILF. The older generation of leaders is reputed to be tiring of battle and more amenable to a peace dividend. At the same time, that leadership seems to be losing control of its forces and many theorize that the bombings in Davao City were evidence of that.

The dilemma and the choice for American and Filipino policy makers is whether to treat the MILF as a monolith or as a more porous group which can be split and there are advantages and disadvantages of attempting to divide and conquer the MILF. The advantage is you could over time achieve a core group of people who are willing to consider and implement autonomy. The disadvantage of course is it will keep splitting and splitting, and you will have Abu Sayyaf-type terrorist campaigns and counterinsurgency campaigns that could last well into the next decade.

Let me leave you with four issues for United States policy, with respect to the Philippines at this time. One is how to conduct the Balikatan exercises in an effective manner that will significantly reduce the impact of the Abu Sayyaf without alienating the communities in which they have taken refuge. The proposed second round of exercises this year is in an area of the Philippines, Jolo Island and surroundings where there is some resentment of the American role that goes back as far as a century.

The second is where to draw the lines for present U.S. policy toward the MILF. As tempting as it might be in broader counterterrorism policy to take a more frontal approach, I believe the U.S. should maintain an indirect role, particularly with respect to Manila's efforts to negotiate with the MILF and to address economic issues. We should be supportive of those and we should be active in terms of trying to get the parties to the table, but we should not I think play a direct role in trying to broker an agreement.

As well, the United States should stay away from anything that could lead to a direct military confrontation between U.S. troops and the MILF, even in an advisory capacity for U.S. troops.

Third, it is important to maintain support for the autonomous region of Muslim Mindanao that is administered by the MNLF for two reasons. First of all, it is possible that if that falls through, the

MNLF could resort again to terrorism. We saw shadings of that last year with the outgoing governor and his followers who did attack members of the armed forces of the Philippines. Second, Manila needs a model to present to the MILF for peace and economic development. It is not a model that could be followed exactly, but it is one that could generally present what a peace dividend could bring.

Lastly, and this relates again to the phenomenon of factionalism in the MILF, I think we need to decide and Manila needs to decide whether to take a wholesale or an incremental approach to that group.

In the meeting between President Bush and President Arroyo during President Arroyo's state visit last month, the United States pledged \$30 million in assistance for a peace accord for the MILF, if the MILF renounced terrorism. It is quite possible that there are leaders within the MILF who would do that, and others who would not, and there is a generational problem as well. Whether we want to hold the MILF hostage or the leaders hostage for the entire group is something we need to consider carefully, because if we do we might be passing up that chance to build a critical core of people from defections and negotiations.

I will end by saying I think that there are reasons to be optimistic. The views and needs of Filipino Muslims can be incorporated effectively into Filipino domestic policy as well as United States policy toward the Philippines. Doing so I think would make a major contribution to counterterrorism in Southeast Asia, but in doing so we need to balance not only the international ties but also the unique needs and the problems and strengths of the Philippines itself. Thank you, Mr. Chairman.

[The prepared statement of Ms. Dalpino follows:]

PREPARED STATEMENT OF CATHARIN E. DALPINO, FELLOW, THE BROOKINGS  
INSTITUTION

On an official level, relations between the United States and the Philippines are stronger than any time in the period after the US withdrew its bases in 1991. Among Southeast Asian leaders, Philippine President Gloria Macapagal-Arroyo and her government have provided the most vocal and high-profile support for the US war against terrorism, as well as the war in Iraq. President Arroyo has been energetic in her attempts to organize her counterparts in the region to improve cooperation on counter-terrorism. In return, Washington has bestowed special status on Manila—that of a Major Non-NATO Ally—and made the joint Balikatan (“Shoulder-to Shoulder”) exercises the flagship initiative of US counter-terrorism policy in the region. In recent weeks, US defense officials who have floated trial balloons on the realignment of American forces in Asia, to increase forward bases and strengthen mobile strike capability, have included the Philippines as a possible venue in the plan.

On a broader plane, however, US-Philippine relations are far more complicated, and the success of the joint effort to combat terrorism is by no means assured. At several intervals in the past two years, President Arroyo's stock has been higher in Washington than in her own country. Her announced intention not to run for a second Presidential term in 2004 raises questions about the sustainability of this new phase in the bilateral relationship. Over the past two years, Arroyo has had to steer a difficult course between support for Manila's longstanding ally in the face of domestic concern about threats to Philippine sovereignty with the presence of US troops in the joint exercises, as well as domestic opposition to the Iraq war. If Washington presses a case for the return of American bases, even in a much smaller and more flexible form, Arroyo may well have to contend with an even greater domestic firestorm.

Although the first Balikatan exercises to focus on counter-terrorism, in 2002, were judged to be moderately successful, negotiations on the 2003 exercises are at an im-

passee. Moreover, if joint US-Philippine efforts do succeed in eliminating the Abu Sayyaf Group, the target of the Balikatan maneuvers, it is not clear what effect that would have on reducing extremism in the Philippines. Arguably, that goal turns on Manila's ability to bring the larger and more politically-oriented insurgency group, the Moro Islamic Liberation Front (MILF) to heel, or to accord.

More generally, as long as the conditions which have encouraged extremism and terrorism—economic disparities, ineffective law enforcement, and widespread corruption—remain at significant levels, new militants will replace those who have been co-opted or eliminated. With these vulnerabilities, countries such as the Philippines are likely to be soft spots for terrorism in the region and to attract foreign extremist funding and activity. Although the US counter-terrorism policy recognizes the existence of these “root causes,” it has never focused on them to any extent. Instead, policy has tended toward a fire-engine approach, preventing acts of terrorism or apprehending those who succeed in perpetrating them. To be sure, short-term measures to stem terrorism are obviously needed, but US policy has yet to strike an effective balance between short-term and long-term measures. If President Arroyo has been the champion of US counter-terrorism policy in Southeast Asia, she has also been the most vocal in reminding her allies in Washington that these underlying issues, primarily economic development, are as important as military exercises and intelligence-sharing.

#### *Sources of Extremism*

Filipino Muslims, also known as Moros, have nurtured a sense of separatism for most of their history in the Philippines. Three hundred years of Spanish colonization brought most areas of the Christian population under control, but the Spanish were never able to assert broad governance over those areas of the southern Philippines that were host to the slim percentage of Muslims. (For much of Philippine history, Muslims represented 4-5% of the population, but that has recently risen to 7-8%.) When the United States assumed control of the Philippines after the Spanish-American War, some of the fiercest rebellions came from Moros in Mindanao at the turn of the twentieth century. Indeed, countering these insurgencies represented the first US military intervention in an area that was predominantly Muslim. When the Philippines gained independence in 1946, Muslims continued their separatist struggle, this time against Manila.

Despite this long history of separatist sentiment, Filipino Christians and Muslims alike trace current frictions and internal conflict over Muslim separatism not to religious differences, but to economic inequities. Specifically, resettlement policies in the 1950's encouraged Filipino Christians to migrate from over-crowded Luzon province to Mindanao, where Muslims comprised a majority of the population and owned approximately 40% of the land. Both the Muslim percentage of the population in Mindanao and their land holdings there shrank significantly as Christian Filipinos became the majority in Mindanao and gained a solid preponderance of land. Those provinces of Mindanao which have significant Muslim populations are still among the poorest in the Philippines.

By the 1970's, the economic impact of this transmigration trend was widely felt among Muslims in the Philippines and a Muslim separatist group, the Moro National Liberation Front (MNLF), arose to challenge Manila's rule in Mindanao. At its height as an insurgent force, the MNLF had 60,000 combatants. Already subject to the insurgency of the communist New People's Army (NPA), Mindanao became a busy battlefield. The separatist goals of the MNLF were reinforced in the late 1970's and 1980's by the global wave of Islamic fundamentalism, in the wake of the Iranian revolution, and the participation of Philippine Muslims in the *mujahidin*, fighting the Soviet Union in Afghanistan. As with Muslim populations in a number of other Southeast Asian countries, the *mujahidin* was a *de facto* international training academy for extremists, some of whom adopted terrorist tactics.

Over a twenty-year period, the MNLF and Manila waged internal war but gradually came to accord, and a peace agreement was signed in 1996. Several years before, as it became obvious to Filipino Muslim radicals that the MNLF was prepared to consider Manila's offer of autonomy, fundamentalist groups split from the MNLF. The most significant of these was the MILF and the Abu Sayyaf. However, six provinces with Muslim populations voted to become the Autonomous Region of Muslim Mindanao (ARMM), under MNLF political control. Approximately 25,000 MNLF combatants were demobilized under a Philippine government program, with economic assistance from the United States. This swords-into-ploughshares program provided agricultural inputs and training to enable insurgents to become farmers. However, the “peace dividend” -the larger package of economic assistance that the ARMM expected from Manila—has been slow to come, causing discontent and disillusionment. Moreover, the factionalism which has characterized the Filipino Mus-

lim community for centuries did not prevent further splits in the MNLF after the 1996 accords were signed. In 2001, 600 MNLF factionalists loyal to outgoing ARMM governor Nur Misuari attacked military and police outposts on Jolo island. A calmer and more unified face has been restored to the MNLF under the leadership of the present ARMM governor, Farouk Hussein, but the potential for future incidents of violence from the MNLF cannot be ruled out.

Beyond broad-based economic discontent and continued tensions, further misery has been visited upon Mindanao with the large number of internally displaced persons (IDP) that conflict has created. In 2000, a major offensive against the MILF under President Estrada's direction resulted in nearly 1 million IDP's. Although most of these have been returned to their homes or resettled, new crops of IDP's are constantly created with insurgency and counter-insurgency campaigns. Recent data indicates that more than 300,000 people have been displaced since January.

*Balikatan and the Abu Sayyaf*

There is broad consensus, between Manila and Washington, and in the Philippine population, that the best and only way to deal with the threat presented by the Abu Sayyaf in the southern Philippines is to eradicate the group. The Philippine government has made clear that its only approach to the Abu Sayyaf is a military one, and the campaign to eliminate the group has thusfar reduced its strength from approximately 2000 in the mid-1990's to one-tenth that number today. Although the Abu Sayyaf had originally claimed a fundamentalist following and espoused the goal of a separate Islamic state for the Philippines, in recent years its actions have been directed primarily at securing monetary profit—usually through kidnapping for ransom—rather than political objectives. The brutality of the Abu Sayyaf, which has often included the beheading of victims, has been applied to Filipinos as well as foreigners; in the most literal sense of the word, the Abu Sayyaf is a terrorist group. Although there are reports of contact between the Abu Sayyaf and the other insurgent groups in Mindanao, and a history of early funding from Al-Qaeda, the group is viewed as a criminal gang rather than an element of the political Islam movement in Southeast Asia. The MNLF and the MILF have disavowed the Abu Sayyaf.

Despite these distinctions, and the small size of the group, the joint efforts of the Armed Forces of the Philippines (AFP) and US military advisors to date have not been able to eliminate the Abu Sayyaf. The results of the 2002 Balikatan exercises are an example of one frustrating aspect of counter-terrorism: a hard military push against a terrorist group may succeed not in eradicating the group but in dispersing it. The 2002 maneuvers were largely successful in removing the Abu Sayyaf from Basilan, but many operatives were able to slip into Jolo and other territories in the south. And while the campaign can claim the elimination of some Abu Sayyaf leaders, possibly including Abu Sabaya, a senior leader and spokesman, the group is thought to have replenished its numbers as it has relocated. The eradication of the Abu Sayyaf is more likely to be a matter of lingering extinction—gradually shrinking its size and geographic range—than a resounding victory.

Several factors have enabled the Abu Sayyaf to survive. Geography—the terrain of the southern Philippines, as well as the large number of islands for escape—are on the insurgents' side. Although there is less information about recent links with Al-Qaeda, the Abu Sayyaf may still retain some of its foreign paymasters. As with both the MILF and the NPA, the Abu Sayyaf can easily find arms in the thriving illegal small arms trade in Southeast Asia. These arms derive from several sources. Half of the illegal small arms circulating in the region are left over from the Cambodian civil war, with another large portion recycled from the 1980's war in Afghanistan. Infusions of new arms are readily available from factories in southern China and transferred into Southeast Asia through several new trade routes which have been forged as economic and political relations between China and the region have expanded dramatically in the past decade.

Another complication in the campaign against the Abu Sayyaf has been the role and image of US troops in the joint exercises. Although the Balikatan exercises are an extension of several cooperative efforts which have arisen since the US and the Philippines signed the Visiting Forces Agreement in 1999, Balikatan 2002 was the longest exercise (six months) and the first to take place in a combat zone. The 2002 maneuvers had a positive impact in Basilan province in some ways beyond expelling the Abu Sayyaf; in particular, the civic action component was well-received. However, an attempt in early 2003 to move the exercises to Jolo and to upgrade the role of US troops to enable them to engage the Abu Sayyaf in combat backfired. Jolo was the venue for anti-American rebellions during the American colonial period in the Philippines, and nationalist sentiments there were further stirred because Manila had not consulted with local leaders in planning the new exercises. The matter also suffered from poor coordination between Washington and Manila, making Ma-

nila appear have reneged on a prior agreement, while Washington was perceived as trying to strongarm its way past the Philippine constitution, which forbids the presence of foreign combat troops without formal consent of the Senate. Admiral Thomas Fargo, commander of US troops in the Pacific, has recently announced that the commencement of new exercises will be delayed to the end of the year. This will allow for some training of AFP forces will the two sides attempt to try upon the rules of engagement for the new exercises.

*Fighting and Negotiating with the MILF*

As the US and the Philippines have joined forces to address the threat of the Abu Sayyaf in the southern Philippines, focus has also intensified on the Moro Islamic Liberation Front. Here the differences between the MILF and the Abu Sayyaf are greater than the similarities. Although the MILF has also resorted to the use of terrorist tactics, and is widely considered to have been behind the recent bombings in Davao, it retains its original political goal of a separate Islamic state for Filipino Muslims. Its combat strength is much greater, with an estimated 10,000-12,000 insurgents, and is considerably better armed than the Abu Sayyaf. At the same time, the MILF is more established in the landscape of the southern Philippines. Road signs point the way to Camp Abu Bakkar, the MILF stronghold, and the camp even receives regular mail service.

The Philippine government's approach to the MILF is three-pronged. It is attempting to negotiate with the group while maintaining surgical strikes against it to weaken the MILF's military position or retaliate for terrorist acts. In addition, Manila is seeking to offer economic development to some MILF areas, having learned through its experience with the MNLF that waiting until a peace agreement is in hand to address economic issues only weakens its position with the Muslim population in affected areas. However, these three objectives are difficult to balance at any given time. At present, the military side of Philippine policy is ascendant, and some Filipinos worry that it is exacerbated by the stronger security relationship with the United States. This is abetted by Manila's occasional references to the possibility of designating the MILF as a terrorist organization, and an apparent drift in US policy toward greater attention to the MILF, if only in rhetoric. These developments, although incremental, raise questions of whether US-Philippine counter-terrorism cooperation will shift its primary focus to the MILF, and make the military option the central thrust of policy.

This growing fear, as well as the recent bombings in Davao, have affected the course of negotiations with the MILF. In 2001 a ceasefire was achieved, and in 2002 the MILF and Manila reached an agreement in principle on an economic and humanitarian framework for peace accords. However, the momentum in negotiations has slowed considerably in recent months. Malaysia has offered itself as a mediator, and both the MILF and the Arroyo government have welcomed this third party intervention. However, although Malaysia has legitimacy as a broker with the MILF, the top levels of the AFP do not fully accept it. In addition, the two sides cannot agree on a legal framework for negotiations. Manila insists that any agreement must adhere to the Philippine constitution, while MILF insists that it be based in international law.

Beneath these obstacles are three unanswered questions about the nature and ultimate objectives of the MILF. First, what are the implications of the group's links to foreign extremists, regional Muslim militants, and the international terrorist network? In recent years, numerous claims of MILF connections with the Jemaah Islamiyah (JI), Southeast Asia's homegrown terrorist network, have been asserted. Attention in the past few weeks has focused on training camps for JI terrorists operated by the MILF in the southern Philippines. Until the arrest of several JI leaders in Singapore in 2002, the broad assumption in Southeast Asia was that extremist causes were rooted in local grievances rather than transnational fundamentalism. This is true to some extent, but as evidence of linkages between Southeast Asian groups and foreign terrorists is revealed, it is clear that the degree of linkage had been underestimated. In many instances, these groups share common funders, arms sources and even training exercises in which "best practices" are shared. It is not clear, however, the degree to which groups such as the MILF share the worldview and political objectives of international *ihadists*, especially those from the Middle East. For example, the MILF is not avowedly anti-American, and did not view September 11 as a triumph for the Islamic world.

A second critical question is whether the political objectives of the MILF can be turned from independence for Filipino Muslims to autonomy within the Philippine nation. In this respect, the MILF may presently resemble the GAM in Aceh more closely than the MNLF. In its negotiations with the MILF, Manila cannot offer it more than was granted to the MNLF. The direction in which the MILF may go on

this issue is likely to depend upon a number of factors: how influential the broader Islamic secessionist movement in Southeast Asia, led by the Jemaah Islamiyah is; whether the MILF is further radicalized by fighting with Manila; and how factional struggles and generation gaps within the MILF will affect its negotiating position.

A third question relates to this last issue, of growing factions within the MILF. The older generation of leaders is reputed to be tiring of battle and more amenable to idea of a peace dividend than are younger members. At the same time, the MILF leadership appears to be losing control of its forces. The dilemma, and the choice, for Philippine and American policymakers is whether to treat the MILF as a monolith, or as a more porous group which could be split. This tendency to splinter is both a drawback and an opportunity for counter-terrorism policy. On the one hand, it holds out the possibility that segments of the MILF could be persuaded to enter into a peace agreement. On the other, it raises the possibility of further splintering as radicals contingents continue to break off. This could leave Manila, and its main ally, in the position of conducting counter-insurgency campaigns in the southern Philippines well into the next decade.

#### *Policy Issues and Possible Steps*

Although some issues related to extremism in the Philippine Muslim community are still to play out, Washington and Manila face a number of issues and choices in policy that should be discussed at the present time. The most pressing of these for US policy are:

1. *How to conduct the Balikatan exercises in an effective manner that will significantly reduce the impact of the Abu Sayyaf, without alienating the communities in which they have taken refuge.*

Beyond Muslims in the south, greater attention should also be given to the broader Philippine domestic population. Casual public references to changing the role of US troops, and even to returning US bases to the country, have an incendiary effect. A more extensive and open-minded diplomatic effort, accompanied by greater dialogue with the Filipino public, is essential for US policy.

2. *Where to draw the lines for present US policy toward the MILF.*

As tempting as it might be in broader counter-terrorism policy to take a more frontal approach, the US should maintain an indirect role, particularly in Manila's efforts to negotiate with the MILF and to address economic issues in the group's main territories. Specifically Washington should avoid a policy that would place US troops in confrontation with the MILF, even as advisors. The US should take an active role in promoting negotiations for a peace settlement with the MILF, but should not seek to act directly as a broker between the parties. During the Arroyo state visit to Washington last month, the US pledged \$30 million support for a peace plan with the MILF, on the condition that the group renounce terror. In principle, this is a good start.

3. *How to maintain support to the Autonomous Region of Muslim Mindanao as strategies to address the Abu Sayyaf and MILF become more central to US policy.*

Counter-terrorism policy tends to focus on the crisis of the moment. It would be a mistake to assume that issues relating to the MNLF have been fully resolved, and that the ARMM is on an automatic track to success. Continued attention, and economic assistance, to the ARMM is important for two reasons. First, it will guard against backsliding and future splintering and radicalization of the MNLF. Second, an autonomous MNLF region which is clearly thriving can serve as a general (but not exact) model for an autonomous region under MILF leadership.

In this respect, both official US government assistance, through USAID, and programs administered by respected American non-governmental organizations, are needed. USAID's Growth with Equity for Mindanao (GEM) program has gained some traction in the south. NGO groups have demonstrated an ability to address sensitive issues in Mindanao. The Asia Foundation conducts a comprehensive program there, ranging from improving local governance to countering corruption and strengthening the legal and judicial systems. One example is the Foundation provides support to local groups which conduct community education on the Code of Muslim Personal Laws.

At the same time, US and Philippine policy will have to tailor a future Program with the MILF to changing circumstances. For example, although the AFP was able to incorporate 7,000 MNLF combatants into the Philippine military and police forces, it does not presently have the capacity to re-inte-

grate MILF forces. A policy decision from Manila will be required, either to enlarge AFP capacity or to convert the MILF insurgent force wholesale into the local agricultural sector. Neither option will be easy.

4. *Whether to take a wholesale or incremental approach to the MILF.*

The Arroyo-Bush ultimatum to the MILF—that it renounce terrorism before negotiations resume and economic assistance is provided, again raises the issue of the benefits and drawbacks of splintering. If MILF leaders are prepared to make such a declaration, they would likely not be able to guarantee that elements of the group will not break off and maintain their separatist aims and their terrorist tactics. Such a policy may demand control that MILF leaders no longer have. In that event, it may be best to work with a critical core of the group willing to negotiate. This policy would require making a deliberate distinction between separatists and terrorists, one that seems to have blurred recently in both US and Philippine policy. It would be based upon the assumption that separatists may employ terrorist tactics, but that all separatists are not necessarily terrorists.

There are reasons to be optimistic that the views and needs of Filipino Muslims can be incorporated more effectively into Philippine domestic policy, as well as US policy toward the Philippines. Doing so would make a major contribution to curbing terrorism in the Philippines. However, this prospect carries with it the need to view the Philippines from the perspective of its individual strengths and problems, whatever evidence of connections to international extremist groups might exist or be uncovered.

Mr. LEACH. Thank you, Ms. Dalpino. Our next witness is Maureen Aung-Thwin who is Director of the Burma Project/Southeast Asia initiative of the New York based Open Society Institute, part of the Soros Foundations Network. Ms. Aung-Thwin serves on the boards of Human Rights Watch/Asia, the Burma Studies Foundation and previously worked for the Asia Society and as a journalist in Hong Kong. Welcome, Ms. Aung-Thwin.

**STATEMENT OF MAUREEN AUNG-THWIN, DIRECTOR, BURMA PROJECT/SOUTHEAST ASIA INITIATIVE**

Ms. AUNG-THWIN. Mr. Chairman, thank you for holding this hearing and giving me the opportunity to testify and relate to you, the Committee, Congress and the international community the ongoing dire situation in Burma. I am a naturalized American citizen, born in Burma of Mon and Karen ethnic ancestry. I hope to lend a unique perspective to this very important hearing.

Allow me to begin with events surrounding what many of us are calling Black Friday. On May 30 a combination of thugs and convicts, some disguised as Buddhist monks who were organized, supplied and supported by Burma's military junta attacked the convey of Burmese democracy leader, Daw Aung San Suu Kyi, reportedly wounding her and killing an unknown number of supporters as she was traveling in northern Burma.

More than a week later, we still do not have a verifiable accounting of exactly how many people have been killed or injured by this outrageous assault on Daw Suu and members of the National League for Democracy, NLD. However, democracy activists have documented at least five dead during the assault and more than 70 people seriously injured.

Information supplied by eyewitnesses to this brutal attack attest that a mob of several hundred people set upon Daw Suu's convey with bamboo spikes, iron rods, and truncheons. Gunfire was also reported.



The U.S. Embassy in Rangoon should be commended for quickly dispatching a team to gather evidence and information at the attack site. The Embassy reported,

“Findings indicate that there was a premeditated ambush on Aung San Suu Kyi’s motorcade. Circumstances and reports from individuals in the region indicate that the attack was conducted by government affiliated thugs. The debris remaining at the scene suggests a major clash, which could easily have resulted in serious injuries to large numbers of people.”

Yesterday, the U.N. Special Envoy Ambassador Razali Ismail, who was in Rangoon, was kept from seeing Daw Suu until a few hours before he was about to depart for the airport. He declined to say where the meeting took place. Ambassador Razali ominously said,

“I hope and pray she would be free by the time I return to Burma.”

I view Ambassador Razali’s meeting with Daw Suu as wholly inadequate and ask the world community to demand her immediate release and full access to the diplomatic corps, independent journalists and her supporters.

Mr. Chairman, we are now back to square one. Perhaps minus one in Burma. We are now talking again about freedom from arrest rather than dialogue and national reconciliation. Without question, an attack of this magnitude could not have occurred without the express consent and direction of General Than Shwe, the recognized leader of Burma’s junta.

There are very credible reports from sources inside the country that Lieutenant General Soe Win, recently elevated by General Than Shwe to the fourth highest position in the junta and considered his chief lieutenant, directed the attack from a nearby military base. Both men are patrons of the Union Solidarity Development Association or USDA, the mass organization that is the political arm of the regime.

The attack on the convoy is an opening shot in the new brutal crackdown being carried out by the regime against the NLD and Burmese democrats. Throughout the country, activists for freedom and democracy are being rounded up and arrested. Over 200 NLD offices recently reopened by Daw Suu have been raided, their documents and equipment destroyed or confiscated, then shuttered by the regime.

The State Peace and Development Council, SPDC, which is the name of this regime, should no longer be allowed to pretend to the world that it is interested in national reconciliation. The countries practicing constructive engagement with Burma, primarily China, India, Japan and the ASEAN nations, in particular Thailand whose premier is in Washington today, must stop advocating a soft line approach in order to further their economic agendas.

The SPDC’s attack and its condescending, manipulative behavior toward the U.N. Secretary General’s Special Envoy is not acceptable. Ambassador Razali was not given a visa for 6 months, then made to cool his heels for 4 days before briefly visiting Daw Suu in detention. This behavior must be deplored and followed by

tough, meaningful action. If Mr. Kofi Annan, a Nobel Peace Laureate colleague of Daw Suu's cannot succeed in championing the beleaguered Burmese, then the United States must help the U.N. devise a tougher strategy on Burma.

At the same time, the United States Government must also recast new and tougher policies of its own toward Burma and find ways to influence the Burmese regime through its trade partners and allies who continue to help perpetuate military rule in Burma.

United States sanctions laws need to keep pace with technology. In Burma the internet is censored and inaccessible to most of the Burmese people. However, the military junta, thanks to its high-tech friends in Malaysia and Singapore have upgraded their cyber skills. They now have state-of-the-art means of surveillance and are conducting a substantial volume of external trade via e-commerce.

The probability that some American companies or their proxies use e-commerce to get around the current U.S. investment sanctions is high and that loophole needs to be investigated.

Will sanctions work in Burma? In my opinion, the answer is an unequivocal yes. I believe it was largely the U.S. and EU sanctions, helped of course by the global financial downturn, that finally forced the junta to agree to "dialogue" with Daw Suu and the NLD. Sanctions offer economic but also moral pressure, which is crucial for the Burmese who need to know that the world is on their side.

After the massacre of thousands of democracy demonstrators during the 1988 uprising and after the events of Black Friday last week, the Burmese people need tangible demonstrations of strong external moral outrage to overcome the understandable fear of their military rulers and to inspire pressure for democratic transition from within the country.

I believe that we should consider pulling out all current American direct investments in Burma. American companies like UNOCAL and luxury tourism companies should no longer be able to contribute to the regime's coffers that fund Burma's weapons of mass repression, WMR.

When discussing Burma, I would like to say in conclusion that it is too easy to get caught up in the statistics of the thousands killed or jailed by the military regime. Let me put a face on two individuals, Toe Lwin and Min Ko Naing. When Daw Suu's convey was attacked, Toe Lwin a 32-year-old member of the NLD youth and Daw Suu's bodyguard, confronted the mob that assaulted her and her convey. In helping to save her life, he was killed. According to his friends, he loved to study philosophy and looked forward to playing a leading role in helping deliver his country from the tyranny of military rule.

Min Ko Naing was arrested in 1989 for his political organizing work. He was sentenced by a military court to 20 years in solitary confinement and has been brutally tortured. The junta has told Min Ko Naing that he is free to leave jail and solitary confinement if only he signs a document foregoing all political activities when he leaves prison. He has refused. For all the beating and mental torture he is subjected to, he refuses to give up his right to fight for a free Burma.

These individuals are just two of thousands of Burmese engaged in the daily struggle to rid their country of a brutal, illegitimate regime. Mr. Chairman, they should inspire us. They are not asking for military intervention. The Burmese are able and willing to fight their own battles to win their freedom. What they ask is that we not sustain this regime with dollars from our trade. Again, I urge you to support the measures contained in the Burma Freedom and Democracy Act.

I want to end with a quote by the good Archbishop Desmond Tutu:

“We urge freedom-loving governments everywhere to impose sanctions on this illegitimate regime. They worked for us in South Africa. If applied conscientiously, they will work in Burma too.”

Thank you.

[The prepared statement of Ms. Aung-Thwin follows:]

PREPARED STATEMENT OF MAUREEN AUNG-THWIN, DIRECTOR, BURMA PROJECT/  
SOUTHEAST ASIA INITIATIVE

#### INTRODUCTION

Mr. Chairman,

Thank you for holding this hearing and giving me the opportunity to testify and relate to you, the Committee, Congress, and the international community the ongoing, dire situation in Burma. Mr. Chairman, I am a naturalized American citizen born in Burma of Mon and Karen ethnic ancestry. I direct the Burma Project/Southeast Asia Initiative of the Open Society Institute, a foundation in New York, and I hope to lend a unique perspective to this very important hearing.

Allow me to begin with the events surrounding what many of us are calling “Black Friday.” On May 30, a combination of thugs and convicts, some disguised as monks, who were organized, supplied and supported by Burma’s military junta attacked the convoy of Burmese democracy leader, Daw Aung San Suu Kyi, reportedly wounding her and killing an unknown number of supporters as she was traveling in northern Burma. More than a week later, we do not have a verifiable accounting of exactly how many people have been killed and injured by this outrageous assault on Daw Kyi and members of the National League for Democracy (NLD). However, democracy activists have documented at least five dead during the assault and more than 70 people seriously injured.

Information supplied by eyewitnesses to this brutal attack attest that a mob of several hundred people set upon Daw Suu’s convoy with bamboo spikes, iron rods, and truncheons. Gunfire was also reported.

The U.S. embassy in Rangoon should be commended for quickly dispatching a team to gather evidence and information at the attack site. The embassy reported, I quote: “. . . findings indicate that there was a premeditated ambush on Aung San Suu Kyi’s motorcade. Circumstances and reports from individuals in the region indicate that the attack was conducted by government-affiliated thugs. The debris remaining at the scene suggests a major clash, which could easily have resulted in serious injuries to large numbers of people.”<sup>1</sup>

Yesterday, the UN Special Envoy Ambassador Razali Ismail, who in Rangoon, was kept from seeing Daw Suu until a few hours before he was about to depart for the airport. He declined to say where the meeting took place. Ambassador Razali ominously said that “I hope and pray “she would be free by the time he returns to Burma.”<sup>2</sup> I view Ambassador Razali’s meeting with Daw Suu as wholly inadequate and ask the world community to demand her immediate release and full access to the diplomatic corps, independent journalists and her supporters.

Mr. Chairman, we are now back to square one, perhaps minus one in Burma: We are now talking again about freedom from arrest, rather than dialogue and national reconciliation.

<sup>1</sup> USG Press Statement, Philip T. Reeker, Deputy Spokesman, Washington, DC, June 5, 2003

<sup>2</sup> AP, “UN Envoy Meets Myanmar Leader Suu Kyi”, June 10, 2003

Without question an attack of this magnitude could not have occurred without the express consent and direction of General Than Shwe, the recognized leader of Burma's junta. There are very credible reports from sources inside the country that Lt. General Soe Win, recently elevated by General Than Shwe to the fourth highest position in the junta and considered his chief lieutenant, directed the attack from a nearby military base. Both men are patrons of the Union Solidarity Development Association, USDA, the mass organization that is the political arm of the regime.

The attack on the convoy is an opening shot in a new, brutal crackdown being carried out by the regime against the NLD and Burmese democrats. Throughout the country, activists for freedom and democracy are being rounded up and arrested. Over 200 NLD offices recently reopened by Daw Suu have been raided—their documents and equipment destroyed or confiscated—then shuttered by the regime.

A military dictatorship has ruled Burma for over 40 years. How much repression must the people of Burma endure before the international and regional organizations—such as the United Nations and ASEAN, to which Burma belongs—say “enough?” I would hope that by now democracies throughout the world would be fed up with the Burmese military's oppression of its citizens and would seek tougher action to spur meaningful changes in the political system.

We need to start thinking in terms of fostering a regime change. The international community can start by acknowledging the root cause of Burma's misery—the rule of military generals who have stolen an election and whose only goal is to remain in power no matter what the human, social and economic costs. The world community must realize this fact rather than settling for appeasement based on a misguided sense of *realpolitik*, or the fantasy notion that dictators can be sweet-talked into handing the power they so crave over to a country's democratically elected government.

The State Peace and Development Council (SPDC) should no longer be allowed to pretend to the world that it is interested in national reconciliation. The countries practicing “constructive engagement” with Burma—primarily China, India, Japan and the ASEAN nations (particularly Thailand)—must stop advocating a soft-line approach in order to further their economic agendas. The SPDC's attack and its condescending, manipulative behavior towards the UN Secretary General's Special Envoy is not acceptable. Ambassador Razali was not given a visa for six months, then made to cool his heels for four days before briefly visiting Daw Suu in detention. This behavior must be deplored and followed by tough, meaningful action. If Mr. Kofi Annan, a Nobel Peace Laureate colleague of Daw Aung Suu Kyi, cannot succeed in championing the beleaguered Burmese, then the United States must help the UN devise a tougher strategy on Burma.

At the same time, the United States Government must also recast new and tougher policies of its own towards Burma and find ways to influence the Burmese regime through its trade partners and allies who continue to help perpetuate military rule in Burma.

US sanctions laws also need to keep pace with technology. In Burma the Internet is censored and inaccessible to most of the Burmese people. However, the military junta, thanks to its hi-tech friends in Malaysia and Singapore, have upgraded their cyber skills. They now have state of the art means of surveillance and are conducting a substantial volume of external trade via e-commerce. The probability that some American companies or their proxies use this e-commerce to get around the current US investment sanctions is high, and that loophole needs to be investigated.

We don't have to stand by and engage in yet another round of vocal condemnations against the regime. Mr. Chairman, I urge you and your colleagues to quickly move, following this hearing, to markup and pass the Burma Freedom and Democracy Act of 2003. This legislation, introduced by the honorable Mr. Lantos and co-sponsored by 26 other Members, will hit the regime where it hurts—in their bank accounts—and serve to cut off the hundreds of millions of dollars the regime reaps each year in trade with the U.S. It will deny the regime precious dollars that is used to fund its weapons of mass repression (WMR)—the military, intelligence service, and the military's political arm, the Union Solidarity Development Association, USDA—that every day are unleashed against the Burmese people.

I will review the key political, economic and social developments in Burma that presaged the collapse of the so-called “confidence-building talks”, then suggest how the recent crackdown might affect Burma's domestic situation and its relations with the international community, particularly with the United States—and propose some recommendations for the way forward.

## POLITICAL DEVELOPMENTS

Burma has long been an enigma and recent history proves it is no less opaque now than it was when General Ne Win ended civilian rule and Burma's nascent democratic process by a coup in 1962. Many observers then believed General Ne Win would last only a few years, but he hung on to "retire" during Burma's democratic upheaval in 1988. Many Burma watchers predicted that the balance of power was bound to shift when General Ne Win died, which was only last year.

It is easy to forget that it was General Ne Win who presciently announced in 1987 that the one-party Burmese Way to Socialism didn't work and wondered whether the Burmese people should try a multi-party system. The 1990 elections won overwhelmingly by the National League for Democracy was the national referendum answering his question. Since then, the various permutations of military generals, whatever they are called, continue to ignore the will of the people while insisting that they are not a government, but only an "interim power" that actually believes in human rights and democracy.<sup>3</sup>

The SPDC is just the latest incarnation of a military junta headed by a military strongman. From its inception as the State Law and Order Restoration Council, or SLORC, the main characters are from the pool of officers groomed for power by General Ne Win. With the exception of General Saw Maung ("retired" when his sanity left him), even with the frequent purges, reshuffling of military commanders, and reported internal rivalries, the core triumvirate is still intact: General Than Shwe is Chairman of the SPDC, Army Commander General Maung Aye is Vice Chair and General Khin Nyunt heads the Military Intelligence. Until last year Generals Maung Aye and Khin Nyunt were thought to be vying to succeed the publicity-shy Senior General Than Shwe. The past year has witnessed the transformation of the elusive Senior General, who quietly consolidated power and blossomed into a visible head of state. He now travels extensively throughout the country and the region—according to local lore—on advice from his fortune teller. There are rumors of his dynastic ambition: In the state-controlled media, the Senior General is often shown with a favorite grandson who frequently shares his limelight. TV audiences have often seen the little boy standing next to General Than Shwe, dressed as a mini-general.

The UN-brokered initial "secret meetings" that lasted almost two years between the junta and Daw Aung San Suu Kyi briefly offered some hope to the world for a peaceful and negotiated political transition. However, the SPDC, it now is crystal clear, was never serious. General Than Shwe re-emerged as a singular power as the "talks" sputtered while a fourth potential successor, General Soe Win, announced that the SPDC would never negotiate with Daw Aung San Suu Kyi and the NLD. The comment was made at a meeting of the USDA with local authorities and civil servants in mid-January this year. He emphasized that the SPDC not only won't talk to the NLD but also would never handover power to the NLD. He then urged and directed the civil servants to do what they have to do and not contact the NLD.<sup>4</sup>

Lt.-General Soe Win, who was in charge of the Northwest Command, became a member of the SPDC in November 1997. He was promoted to the position of Commander of Air Defense in November 2001, and is an honorary patron of the USDA.

The Senior General Than Shwe, who is the main patron of the USDA is more subtle, although he blatantly snubbed Ambassador Razali Ismail on the Envoy's previous visit to Burma last November, by giving him an audience of less than 15 minutes. The leader of the Tatmadaw, as the armed forces are known, was showing his obvious disdain for Daw Suu and contempt for the United Nations.

Despite the improvisational nature of its decision making, the Tatmadaw has no doubt about its rightful place at the center of power.<sup>5</sup> Andrew Selth, a leading authority on the Burmese armed forces, sees little danger of a "young Turks coup" because of internal surveillance and other practical constraints.<sup>6</sup> The 500,000-strong Tatmadaw has been more cohesive than any other Southeast Asian military institution and for a much longer period, and will only get stronger and bigger left unchecked.

Despite continuing problems, the quality of core personnel can be expected gradually to improve. Already the closure of other avenues of education and social advancement has forced many young Burmese to consider a military career. There is likely to be a restructuring of the armed forces to provide better sup-

<sup>3</sup> Myanmar Information Committee: [www.myanmar-info.net](http://www.myanmar-info.net)

<sup>4</sup> Democratic Voice of Burma (DVB) Burmese broadcast, January 28, 2003

<sup>5</sup> Andrew Selth, *Burma's Armed Forces: Power Without Glory*, Eastbridge, Norwalk, CT, 2002, p. 268

<sup>6</sup> Personal correspondence, June 8, 2003

port to the fighting units, on which the regime depends for its survival. A number of foreign governments seem prepared—albeit covertly—to assist in this process. Unless the government changes, the outlook is for the Tatmadaw slowly to become a bigger, more modern and more capable defense force. . . . There is also the critical political dimension to consider. For a much stronger, better equipped and more efficiently managed Tatmadaw gives the SPDC greater means to consolidate its political power, exercise continued control over the economy and, even more than at present, to shape and manipulate Burmese society.<sup>7</sup>

The regime's near total grip on the economy and the country's vast natural resources enables it to continue to wage war against its own citizens, sustain the Tatmadaw's universe of privilege, and perpetuate its rule. It will take more than rhetoric to break their stranglehold on the economy and Burma. The tough new sanctions bills introduced by Senator Mitch McConnell and Congressman Tom Lantos are a necessary step that must be supported if we are serious about concrete action against the regime.

#### ECONOMIC DEVELOPMENTS

Will sanctions work in Burma? In my opinion, the answer is an unequivocal "YES." I believe it was largely the US and EU sanctions, helped by the global financial downturn, that finally forced the junta to agree to "dialogue" with Daw Suu and the NLD. Sanctions offer economic, but also moral pressure, which is crucial for the Burmese who need to know that the world is on their side. After the massacre of thousands of democracy demonstrators during the 1998 uprising—and after the events of Black Friday last week—the Burmese people need tangible demonstrations of strong external moral outrage to overcome the understandable fear of their military rulers and to inspire pressure for democratic transition from within the country.

I believe that we should consider pulling out *all* current American direct investments in Burma. American companies like UNOCAL and luxury tourism companies would no longer be able to contribute to the regime's coffers. A ban on most unessential travel to Burma should also be considered.

We need to engage in serious dialogue with our allies in Asia, such as Japan, and Australia, to condemn the regime's attacks on Burmese democrats and encourage them to provide assistance to the democracy movement. The ASEAN countries, after hailing the decision to admit Burma as a step in promoting political pluralism and regional stability, must acknowledge that Burma now is more unstable than at any time in its recent history. Thai Prime Minister Thaksin (who is here in Washington today) made a strong statement condemning the events of Black Friday<sup>8</sup>. This is commendable, but the Premier should be asked to review Thailand's open-ended trade with the Burmese generals and the Royal Thai Government's policies with regard to the Burmese community in his country.

As the political situation inside Burma continues to deteriorate, one of the few options left for people is to flee the country. While there are currently over half a million refugees and asylum seekers in neighboring Thailand, India, Bangladesh and Malaysia, these numbers do not accurately reflect the degree of displacement resulting from the brutal policies and of Burma's ruling military. As many as 600,000 to one million people are believed to be internally displaced inside Burma while an estimated two million people have crossed the border into Thailand where they are "economic migrants." With no legal status or protections, these individuals are vulnerable to intimidation, exploitation and deportation. Interviews with Burmese migrants conducted over more than two years reveal that while initial reasons for leaving are economic, the repressive life in Burma keep many from returning. Accounts given in Thailand by Burmese migrants state forced relocation and land confiscation, forced labor and portering, taxation, loss of livelihood, war and political oppression as reasons why they fled Burma.<sup>9</sup>

Despite these hardships, Burmese living without legal status—and in some instances even those registered as refugees—are routinely rounded-up by Thai authorities and sent back to Burma into the hands of their persecutors and to the abusive environments that they fled. There is an urgent need for the international community to recognize the continuing civil war and the grave human rights abuses that drive the majority of migrants from Burma. All deportations should be stopped

<sup>7</sup>Selth, p. 270

<sup>8</sup>The Nation (Thailand) June 8 2003 "Thaksin calls for release of Suu Kyi"

<sup>9</sup>"Pushing Past the Definitions: Migration from Burma to Thailand", Theresa M. Caouette and Mary E. Pack, Refugees International and Open Society Institute, 2002

until proper mechanisms are in place to ensure that individuals having a credible fear of persecution are not forcibly repatriated.

One of the more lurid factors in many people's flight from Burma is the Tatmadaw's systematic rape of women, especially ethnic minority women. This tactic has been documented by several NGOs and confirmed by the U.S. government<sup>10</sup>. In a survey of ethnic Shan women, 25% of rapes perpetrated by the Burmese military resulted in the death of the victims; 61% of the rapes were gang-rapes.<sup>11</sup> Research conducted by Refugees International documents the pattern of rape throughout Burma's border regions and across ethnic boundaries, finding that its use is widespread and systematic. At least a third of the rapes are committed by army officers.<sup>12</sup> Despite the international outrage caused by these reports, the junta denies there is a problem. SPDC policies flout the Conventions on the Rights of the Child and the Elimination of All Forms of Discrimination Against Women (CEDAW), which they have signed.

Burma's Asian neighbors rarely acknowledge the pressing problems caused by military rule in Burma, and have never publicly admonished the Burmese regime. China, India and Thailand all share porous borders with Burma and have the most leverage with its military regime. However, they also have an enormous financial interest not only in Burma's vast natural wealth, which is easier to exploit via an authoritarian government ruling over a silenced populace.

The foreign ministers of the Association of Southeast Asian Nations (ASEAN) meet in Phnom Penh, Cambodia next week, followed by the ASEAN Regional Forum (ARF), which Secretary Colin Powell is expected to attend. Recent developments in Burma will surely be on the agenda, as will perhaps the 2006 meetings when it's Burma's turn to be the Chair of ASEAN and the Burmese generals get to host the regional meetings. ASEAN's strict "non-interference" policy and refusal to criticize the governments of member nations, claiming respect for sovereignty, is based on flawed logic. These claims are acceptable only when the government is legitimate or elected by the people—and the SPDC regime is clearly illegitimate. Sovereignty belongs to the State, not a particular government, especially when that government is not legal.

#### THE ETHNIC FACTOR

The current regime insists on a strong centralized government in Rangoon at the expense of real power-sharing with ethnic groups. Unless the needs of the ethnic minorities in Burma are heard and met, all attempts at national reconciliation will be in vain. Burma will never know peace among its multi-ethnic population without a genuine sharing of economic and political power by all.

The current military regime prides itself on having brokered ceasefires with most of the ethnic armies that fueled decades of civil war, but the reality on the ground is much different. The United Wa State Army (UWSA), whose area of control, Wa State, is already governed as though it is a separate country. The SPDC needs permission to visit. The UWSA was just designated by President Bush as a "foreign narcotics kingpin" and subject to special sanctions.<sup>13</sup> Chins, who are mostly Christian, are fleeing religious persecution in their state. In India, where the majority of Burmese refugees are Chins, dozens of young Kachins have started arriving from Kachin State because they refuse to accept the deals that some Kachin elders have cut with the Burmese military.

Do sanctions hurt the Burmese populace more than the junta? Military rule has killed tens of thousands of Burma's citizens and ethnic nationalities, the junta is regularly condemned as one of the most egregious violators of human rights in the world ranking with the likes of North Korea. General Than Shwe and his Tatmadaw use rape as a weapon of war against the ethnic nationalities, and dragoons children into the army for wars against fellow citizens. Any discomfort induced by sanctions pales in comparison to these horrors.

I want to take a minute to read from a Human Rights Watch (HRW) report documenting the use of child soldiers in Burma. These children are subjected to horrendous physical abuse and trauma. Children as young as 10 are pressed into military service. HRW interviewed one child who managed to escape to a bordering country.

<sup>10</sup> "Investigation of Burmese Military Rape of Ethnic Women Trip Report August 1-4 2002" Bureau of Democracy, Human Rights and Labor, U.S. Department of State

<sup>11</sup> Shan Rape Report. Shan Human Rights Foundation and Shan Women's Action Network. May 2002.

<sup>12</sup> No Safe Place: Burma's Army and the Rape of Ethnic Women. By Besty Apple, Esq. and Veronika Martin, Refugees International, April, 2003

<sup>13</sup> Presidential Designation of Foreign Narcotics Kingpins, White House Press Statement, June 2, 2003

He talked about how his unit attacked a village and rounded up the villagers from an ethnic group, and details the gruesome act this child was forced to witness. The captured children from the village were ordered killed. I quote from the report: "The soldiers were holding the babies and the babies were crying. Two of them were less than a year old, maybe nine or ten months. One was maybe fourteen or fifteen months old. After the mothers were killed they killed the babies. Three of the privates killed them. They swung them by their legs and smashed them against a rock."<sup>14</sup> Mr. Chairman, these kinds of horrific acts occur almost every day in Burma outside the eye of independent news media and human rights reporters. It gives us a clear vision of the moral character of General Than Shwe and his SPDC henchmen, and an understanding as to why this regime belongs on the list of "Axis of Evil" countries.

Sanctions will affect the populace, but Burma's informal sector (parallel "shadow economy") is so massive that I believe the majority of the Burmese—not part of the Tatmadaw universe—are cushioned from the impact of sanctions. The 75 percent of Burmese from the rural sector, who contribute 47 percent of the country's GDP,<sup>15</sup> are certainly poor, but are not as affected by American sanctions as the business interests owned and run by the Tatmadaw and their cronies—which in Burma means the rest of the economy.

In a forthcoming report on the logging trade in northern Burma, the environmental NGO Global Witness states that "the exercise of power and the control of natural resources are synonymous."<sup>16</sup> The Tatmadaw's degradation of the environment and exploitation of the rich resources that belong to all the people of Burma must be stopped.

The logging trade in Burma is inextricably linked to forced labor, drug trafficking, money laundering and cross border conflict. A smart sanctions policy on Burmese timber can help mitigate against these violations while working to preserve Burma's quickly disappearing natural wealth. One of the most bio-diverse countries in mainland Southeast Asia, Burma is the source of 75% of all internationally traded teak, and has—with the Philippines—the highest rate of deforestation in Southeast Asia.<sup>17</sup> Since the Burmese regime derives a great deal of revenue from timber, particularly teak, it should be subject to United Nations sanctions as "conflict timber" in the same way that Liberian timber will be excluded from trade starting July.<sup>18</sup> Much of the Burmese timber enters the United States through second countries. For example Burmese logs from Singapore pass off as Indonesian plantation teak. With few importers insisting on monitoring mechanisms that would track the logs from forest to ports of entry, Global Witness recommends that timber products be labeled by place of origin, not just by country of manufacture.

#### SOCIAL DEVELOPMENTS

Burma's youth have paid an incalculable price to accommodate and sustain the Burmese military machine. Only about one third of Burmese school children make it all the way through primary school, most dropping out to work.<sup>19</sup> With only 1.1% of Burma's GDP committed to education, the cost of education in Burma is borne by parents, mostly in the form of indirect taxes and donations paid to the education department, the teachers and the school. Assurance of good grades, entry to a particular school, a teaching position, or surmounting onerous red-tape usually requires joining the ubiquitous USDA.

While I strongly believe that sanctioning the Burmese regime is morally and politically the right thing to do, it represents only one part of what should be a coordinated two-pronged strategy. I feel such action should be complemented by increasing USG funding of programs that benefit and prepare the Burmese people both inside and in the exile community to prepare for a democratic transition—which certainly will come one day.

We must increase our support for programs at the American Center in Rangoon and to provide the necessary funds to run at least an information center in upper Burma. We used to have a consulate in Mandalay and this should be reopened. The US Government should continue to provide funds for border and cross-border programs in the areas of information, education and health. Our foundation, the Open Society Institute, has spent millions over the last ten years on scholarships and other education programs for Burmese democracy activists and the country's future

<sup>14</sup>"My Gun Was As Tall as Me", Human Rights Watch, New York, 2002

<sup>15</sup>World Development Report, 2000–2001 p. 277

<sup>16</sup>Global Witness, "A Conflict of Interests," forthcoming

<sup>17</sup>Global Witness, "A Conflict of Interests," forthcoming

<sup>18</sup>UN Security Council Resolution 1478, May 6, 2003

<sup>19</sup>All Burma Federation of Student Unions, Education Report 2002



leaders. It is crucial that we find new ways to help the citizens of Burma who daily bear the brunt of military rule.

Funds for humanitarian aid should be allowed only if they can be monitored and the representatives of the National League for Democracy and national ethnic leaders are involved in the process. Funding—especially for hiv-aids—is encouraged under these same conditions, for the Burmese generals have only begun to acknowledge the threat to the country of this pandemic. Burma's rate of infection, according to a recent unpublished report by an expert, is now the highest in Asia.

#### CONCLUSION

It is critical to understand that the Burmese democracy movement is more than just its leader, Daw Suu. It is millions of people who share the same desire to be free from terror and live in an open society that cherishes democracy and human rights. Burma's jails are filled with the prisoners of conscience who are committed to non-violent opposition to the regime. We need to look at methods and mechanisms, from the Department of State, to the National Endowment for Democracy (NED), so that assistance can be provided to the crusaders for democracy and freedom. Certainly, additional funding would be helpful, but the U.S embassy's presence can also play a pivotal role in channeling news and information into this closed society.

When discussing Burma it is too easy to get caught up in the statistics of the thousands killed or jailed by the military regime. Let me put a face on two individuals, Toe Lwin and Min Ko Naing.

When Daw Suu's convoy was attacked, Toe Lwin, a 32-year old member of the NLD Youth and Daw Suu's bodyguard, confronted the mob that assaulted her and her convoy. In helping to save her life, he was killed. According to his friends, he loved to study philosophy and wanted to play a leading role in helping deliver his country from the tyranny of military rule.

Min Ko Naing was arrested in 1989 for his political organizing work. He was sentenced by a military court to 20 years in solitary confinement and has been brutally tortured. The junta has told Min Ko Naing that he is free to leave jail and solitary confinement if he signs a document forgoing all political activity when he leaves prison. He has refused. For all the beating and mental torture he is subjected to, he refuses to give up his right to fight for a free Burma.

These individuals are just two of thousands of Burmese engaged in the struggle to rid their country of a brutal, illegitimate regime. Mr. Chairman, they should inspire us. They are not asking for military intervention. The Burmese are able and willing to fight their own battles to win their freedom. What they ask is that we not sustain this regime with dollars from our trade. Again, I urge you to support the measures contained in the Burma Freedom and Democracy Act.

I want to end with a quote by the good Archbishop Desmond Tutu: "We urge freedom-loving governments everywhere to impose sanctions on this illegitimate regime. They worked for us in South Africa. If applied conscientiously, they will work in Burma too."<sup>20</sup>

Thank you.

Mr. LEACH. Thank you very much. Our final witness is Daniel Calingaert who is Director of Asia Programs at the International Republican Institute, where he supervises IRI programs in seven countries. A former consultant to the RAND Corporation and a member of the Council on Foreign Relations, Mr. Calingaert holds several degrees including a Doctorate from Oxford University. Dr. Calingaert.

#### **STATEMENT OF DANIEL CALINGAERT, DIRECTOR OF ASIA PROGRAMS, INTERNATIONAL REPUBLICAN INSTITUTE**

Mr. CALINGAERT. Thank you, Mr. Chairman. I appreciate the opportunity to speak to you today about the political environment in Cambodia, leading up to its July 27 parliamentary elections. IRI has observed more than 100 elections throughout the world. We have observed the last three elections in Cambodia in 1993 and 1998, parliamentaries and commune council elections last year. For

<sup>20</sup>Boston Globe, June 4, 2003

the upcoming elections, we began a monitoring program in January with the voter registration process and we are conducting ongoing monitoring that will culminate in an election observation in July.

From what we have seen so far, we are deeply troubled by the preparations for Cambodia's upcoming elections. While the election procedures and administration provide the makings of a technically competent election, the political environment is marred by violence, intimidation and pervasive restrictions on political expression. This undermines the ability of students to make free and informed choices and threatens the overall credibility of the election process.

The preelection environment is clouded by intimidation and fear, murders of opposition party activists, widespread intimidation of political activists and ordinary citizens and selective application of justice create a climate of impunity which severely curtails the ability of citizens to express their political views freely.

There are widespread reports of political violence and intimidation across the country. The houses of party activists are burned to the ground. Party sign boards in front of houses are torn down. Villagers come under intense pressure to swear allegiance to the ruling Cambodian People's Party. Voter registration cards are collected by village chiefs to prevent villagers from voting or to cast doubt on the secrecy of the ballot.

The Cambodian Center for Human Rights, a domestic monitoring group has documented more than 130 cases of politically motivated violence and intimidation. Few of these cases have resulted in prosecution.

The ruling parties, particularly the Cambodian People's Party, retain dominance over broadcast media. In a country where almost one-third of the population is illiterate, most people get their news from television and radio. All of the country's television stations and the vast majority of radio stations are controlled or closely affiliated with the ruling parties, mostly with the Cambodian People's Party. As a result, broadcast news serves as a promotional vehicle for the CPP led government, while opposition parties have little access to the airwaves.

Mr. Chairman, I could give you many more details, but those are in my prepared statement and I think you get the picture. I would like to point out some steps that U.S. policy might take to address the situation. I have four specific suggestions.

First of all, when U.S. Secretary of State Colin Powell visits Phnom Penh for the ASEAN Regional Forum on June 18, he should meet publicly with Cambodia's parliamentary opposition leader, Sam Rainsy. The visit will take place less than 6 weeks before the elections and will be used by Prime Minister Hun Sen to showcase international support for his regime. Unless Secretary Powell meets Cambodia's parliamentary opposition leader, the visit may get used to bolster the electoral prospects of the Cambodian People's Party. In addition, Secretary Powell should deliver a strong public message of concern about the climate of impunity and the flaws in the election process.

Second, the United States Congress should increase its pressure on Cambodia to hold free and fair elections. Statements given in the United States Congress carry a great deal of weight in Cambodia. They put pressure on the government to restrain its excesses

and gives encouragement to democratic activists who risk their lives and livelihoods to take part in the political process.

Mr. Chairman, I applaud your decision to hold this hearing today to draw attention to the situation in Cambodia. Any further steps you and the other Members can take on Cambodia, such as resolutions or Floor statements will provide a powerful reminder that the United States will be watching Cambodia's parliamentary elections through to the end, through the vote tabulation process to the announcement and the implementation of election results.

Third, in one important case of past political violence, the United States is in a strong position to pressure Cambodian authorities to prosecute the offenders. In 1997, a grenade attack on a public rally of the opposition Khmer National Party injured IRI's then Resident Director Ron Abney and killed 19 Cambodians.

The FBI investigated that attack, but never released its report publicly. That report should be released publicly, without further delay because Ron Abney and the Cambodian people deserve to know who ordered and carried out that attack.

Fourth and most important, the United States Government should pay close attention to Cambodia in the post election period and should stand up for a fair election. After Cambodia's first parliamentary elections in 1993, the international community acquiesced in Hun Sen's refusal to accept defeat. Faced with his threat of civil war, the international community left Hun Sen in control of Cambodia's security apparatus.

Following the second parliamentary elections in 1998, the international community stood by as the Cambodian People's Party shortchanged the process of adjudicating complaints and got away with election fraud.

This year, the election results may not get recorded accurately or be fully respected unless the international community, led by the United States, stands up for a democratic election process. The United States must remain firm in its support for a free and fair election process and for a complete implementation of the election results. Thank you.

[The prepared statement of Mr. Calingaert follows:]

PREPARED STATEMENT OF DANIEL CALINGAERT, DIRECTOR OF ASIA PROGRAMS,  
INTERNATIONAL REPUBLICAN INSTITUTE

"PROSPECTS FOR A DEMOCRATIC ELECTION IN CAMBODIA"

Mr. Chairman, thank you for the opportunity to speak to you today about the political environment in Cambodia leading up to the July 27 parliamentary elections. I greatly appreciate your interest in Cambodia at this critical juncture in the country's history. The upcoming elections present a rare opportunity for Cambodia to move beyond corrupted authoritarian rule and to embrace genuine democracy.

The International Republican Institute (IRI) has worked to promote democracy in Cambodia since 1993, when our Chairman, U.S. Senator John McCain, led the IRI observation of the country's first multi-party elections. We have worked with all major political parties and with civil society to build democratic processes in Cambodia.

IRI has observed more than 100 elections throughout the world. For the upcoming elections in Cambodia, we began to monitor the election process in January, when voter registration took place. We have conducted an on-going monitoring program which will culminate in a major observation mission for the parliamentary elections on July 27.

The integrity of elections depends on all phases of the electoral process, from the registration of voters, through the pre-election period, to the vote count and tabula-

tion and the announcement of results. To assess elections, IRI looks at several factors:

- Can eligible voters register and cast their vote?
- Are political groups and ordinary citizens able to express their political views freely?
- Do political parties have equitable access to media?
- Are political parties able to present their views to citizens and to campaign freely?
- Is the election process administered in a transparent and impartial manner?
- Are voters free to decide whom they will vote for?
- Are the votes counted and tabulated accurately?
- Are complaints and appeals adjudicated in a transparent and impartial manner?
- And are the election results respected?

From what we have seen so far, IRI is deeply troubled by the preparations for Cambodia's upcoming elections. While the electoral procedures and administration provide the makings of a technically competent election, the political environment is marred by violence, intimidation, and pervasive restrictions on political expression. This undermines the ability of citizens to make free and informed choices and threatens the overall credibility of the election process.

Extensive analysis of the political environment and the electoral process in Cambodia is available on IRI's website [www.iri.org](http://www.iri.org) and from the National Democratic Institute [www.ndi.org](http://www.ndi.org). Let me highlight for you today just the most glaring flaws in the electoral process.

#### *Flaws in the Electoral Process*

The pre-election environment is clouded by intimidation and fear. Murders of opposition party activists, widespread intimidation of political activists and ordinary citizens, and selective application of justice create a climate of impunity which severely curtails the ability of citizens to express their political views freely. While there are fewer reports to date of politically-motivated murders, as compared to past elections, the assassinations earlier this year of former Member of Parliament Om Radsady and leading monk activist Sam Bunthoeun provide a stark reminder of what can happen to critics of Prime Minister Hun Sen's government.

There are widespread reports of political violence and intimidation across the country. The houses of party activists are burned to the ground. Party signboards in front of the houses of opposition activists are torn down. Villagers come under intense pressure to swear allegiance to the ruling Cambodian People's Party (CPP). Voter registration cards are collected by village chiefs to prevent villagers from voting or to cast doubt on the secrecy of the ballot. The Cambodian Center for Human Rights (CCHR), a domestic monitoring group, has documented more than 130 cases of politically-motivated violence and intimidation. Few of these cases have resulted in prosecution.

Village chiefs are a key source of the intimidation of voters at the local level. They exert substantial influence over the lives of villagers and often use their influence to obstruct opposition party activities and to pressure villagers to vote for CPP. The Commune Administration Law gave authority to commune councils, which were elected in February 2002, to select new village chiefs, but the selection of new village chiefs remains blocked by the Ministry of Interior. This has allowed CPP to retain its grip on village politics. By blocking the replacement of village chiefs, the Ministry of Interior has clearly failed to implement a key result of Cambodia's last election. This confirms the strong impression of an electoral process manipulated by CPP and may raise questions about the integrity of elections generally in Cambodia.

The climate of impunity extends to the electoral administration itself. Of the 130 cases documented by the Cambodian Center for Human Rights (CCHR), more than 35 relate to alleged violations of the Law on the Election of the National Assembly. Although the Election Law established severe penalties for such violations (Articles 124 and 131), CCHR knows of no cases where these penalties were imposed. Failure to enforce the Election Law exacerbates concerns about the neutrality of the election administration.

Electoral procedures have improved since the last elections in Cambodia. Moreover, political parties and domestic monitors are regularly invited to discuss their concerns with the election authorities and to comment on the National Election Committee's draft election regulations. The National Election Committee has even incorporated suggestions from political parties and domestic monitors and from for-

sign observers such as IRI. Nevertheless, the National Election Committee and the newly appointed Provincial Election Committees are composed predominantly if not entirely of individuals aligned with the ruling parties, particularly with CPP. The impartiality of the election administration therefore remains open to question at a time when important issues of the election process's transparency still need to get resolved.

Political parties and civic groups still face impediments when they try to carry out their lawful activities, despite constitutional guarantees to free expression and assembly (Constitution of the Kingdom of Cambodia, Article 41). Partisan judges and law enforcement officials use outdated laws on incitement, disinformation, and defamation to stifle political debate. Under various pretexts, local authorities continue to disrupt regular activities of opposition political parties and to prevent peaceful political gatherings. For example, earlier this month IRI staff witnessed local authorities in Phnom Penh confiscating materials that an opposition Member of Parliament had distributed. In another case, the Interior Ministry prohibited CCHR from using a theater group to disseminate voter education messages.

The ruling parties, particularly CPP, retain dominance over broadcast media. In a country where almost one-third of the population is illiterate, most people get their news from television and radio. All of the country's television stations and the vast majority of radio stations are controlled or closely affiliated with the ruling parties, most with CPP. As a result, broadcast news serves as a promotional vehicle for the CPP-led government, while opposition parties have little access to the airwaves. Just last week, state television and five of the six private TV stations broadcast a graphic documentary that blamed Prince Ranariddh, leader of the royalist Funcinpec party, for the 1997 coup d'etat, even though CPP had carried out the 1997 coup d'etat to oust Prince Ranariddh. Moreover, the Cambodian government denies Radio Free Asia and Voice of America access to FM frequencies.

The National Election Committee has issued regulations to provide increased access to broadcast media by opposition parties during the 30-day official campaign period. These regulations, however, allow broadcast news coverage to maintain a heavy bias in favor of CPP. Moreover, opposition parties are denied access to private broadcast media. All six private television stations recently announced that they will neither accept paid political party advertisements nor cover the election campaign.

#### *Opportunities for U.S. Policy*

What can the United States do to address the flaws in Cambodia's election process? The short answer is to stay focused on Cambodia's election process to the end, to strongly encourage effective prosecution of politically-motivated crimes, to press for enforcement of the election law, and to insist that the election results be recorded accurately and be respected. Let me lay out four specific steps the U.S. government might take to promote the prospects for a democratic election in Cambodia:

First, when U.S. Secretary of State Colin Powell visits Phnom Penh for the ASEAN Regional Forum on June 18, he should meet publicly with Cambodia's parliamentary opposition leader, Sam Rainsy. The visit will take place less than six weeks before the elections and will be used by Prime Minister Hun Sen to show international support for his regime. Unless Secretary Powell meets Cambodia's parliamentary opposition leader, the visit may get used to bolster CPP's electoral prospects. In addition, Secretary Powell should deliver a strong public message of concern about the climate of impunity and the flaws in the election process.

Second, the U.S. Congress should increase its pressure on Cambodia to hold free and fair elections. Statements given in the U.S. Congress carry a great deal of weight in Cambodia. They put pressure on the government to restrain its excesses and give encouragement to democratic activists who risk their lives and livelihoods to take part in the elections. Mr. Chairman, I applaud your decision to hold this hearing today to draw attention to the situation in Cambodia. Any further steps you or other Members can take on Cambodia, such as resolutions or floor statements, will provide a powerful reminder that the United States will be watching Cambodia's parliamentary elections through to the end—through the vote tabulation to the announcement and the implementation of election results.

Third, in one important case of past political violence, the United States is in a strong position to pressure Cambodian authorities to prosecute the offenders. In 1997, a grenade attack on a public rally of the opposition Khmer National Party injured IRI's then resident director in Cambodia, Ron Abney, and killed 19 Cambodians. The FBI investigated that attack but never released its report publicly. That report should be released publicly, without further delay, because Ron Abney—and the Cambodian people—deserve to know who ordered and carried out the at-

tack. Public release of the report will also put pressure on Cambodian authorities to bring the perpetrators to justice.

Fourth, and most important, the U.S. Government should pay close attention to Cambodia in the post-election period and should stand up for a fair election. After Cambodia's first parliamentary elections in 1993, the international community acquiesced in Hun Sen's refusal to accept defeat. Faced with his threat of civil war, the international community left Hun Sen in control of Cambodia's security apparatus. Following the second parliamentary elections, in 1998, the international community stood by as CPP short-changed the process of adjudicating complaints and got away with election fraud. This year, the election results may not get recorded accurately or be fully respected unless the international community, led by the United States, stands up for a democratic election process. The United States must remain firm in its support for a free and fair election process and for a complete implementation of the election results.

Mr. Chairman, Cambodia has moved beyond the point where the country's violent past is a valid excuse for accepting substandard elections or for disregarding the will of the Cambodian people. Cambodians deserve better. They deserve the opportunity to express their views freely, to make a free choice in the upcoming elections, and to see that the results of these elections are respected.

Mr. LEACH. Thank you very much, Mr. Calingaert. I will be very brief. First, I just want to say I am confident I speak for Members of the Subcommittee in stressing that we really do care about the Cambodian elections and we put our emphasis on processes as opposed to result. That is, if the processes are fair, we live with the result. Clearly, these elections are very important for the Cambodian people.

I would like to turn though for a moment to Indonesia. In addition to the subjects you pointed to, there are reports of an area of West Papua called Wamena, I believe it is, where there is apparently some violence in the making. Can you tell us exactly what is at stake there and what is occurring?

Ms. JONES. The army operations that are taking place in Wamena are an outgrowth of a raid that took place on an army post in which some army individuals were involved that apparently had links to the OPM, but the operations that are taking place in that area are a grave cause for concern. The church in Papua has issued a long report detailing what some of these abuses are.

It is very clear that the situation in Papua not only is cause for concern, but it is probably of more concern now given the operations in Aceh, because the military is seen as having more control over the outcome.

Mr. LEACH. Thank you. Ms. Dalpino, there is an aspect of the Philippines that is very perplexing and very difficult to assess from an American political perspective and that relates to some lines of distinction that you raised in your statement. That is, in many parts of the world, there are issues of autonomy or independence or ethnic movements. Many of them are exclusively national. Some of them take on international import.

One has the sense that depending on policy, some of these movements can become international; that is becoming critical to U.S. national security and that how we respond can affect those events, that is too much involvement it might make them more internationalized, too little involvement might be counterproductive as well. What is your sense in the Philippines?

Ms. DALPINO. My sense in the Philippines is that this movement is probably more localized than some of the other Islamic conflicts in Southeast Asia that have given rise to terrorism and to extre-

mism. Many Christian and Muslim Filipinos alike trace the source of the present tensions to the transmigration policies in the 1950s, after the Philippines became independent. At that time, large numbers of Christian Filipinos settled in Davao and both economic levels and the land ownership of the Muslims decreased as a result.

Broadly, the relative poverty of Muslims is acknowledged to be one of the root causes of extremism there.

My bottom line sense is although we do document links between the MILF in particular and terrorist groups, international groups, the Jemaah Islamiyah is more interested in the MILF than the MILF is interested in the Jemaah Islamiyah.

Again, we do have this problem of linked or parallel political objectives. But the heartening thing about the Philippines is that there is a precedent with the MNLF and there probably is some portion of the MILF that would follow suit.

Mr. LEACH. Thank you. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you. I offer my apologies for being a little late. We had very special legislation that was proposed on the Floor in the House this afternoon to pay special homage and tribute to the late Congresswoman Patsy Tuckomoto Mink, the gentlelady from the State of Hawaii and for that reason I was unable to make it earlier.

I do want to thank you, Mr. Chairman, for calling this hearing. As I am certain that our expert witnesses have testified this afternoon have provided some very meaningful testimony concerning these countries in the Southeast Asia region. That is very important I believe as far as our foreign policy issues are concerned.

I would like to ask Ms. Jones what her understanding is so far and the status of the Bali bombings in Indonesia. Has that been pretty much settled in terms of the Indonesian government finding the culprits? Are they being prosecuted or is it a whitewash?

Ms. JONES. The trials of the key Bali suspects have begun and they are not a whitewash. There is no effort on the part of the Indonesian government to do what it did in the Timor trials, for example, of trying to weaken the evidence against the suspects. I think they have a very strong case against the people that have been brought to trial.

What is interesting is that the police investigation has caught many of the major suspects, but some of the key people are still at large and I don't think that we—

Mr. FALEOMAVAEGA. My time is limited. I just want to get the gist. The Indonesian government is paying very close attention?

Ms. JONES. Yes.

Mr. FALEOMAVAEGA. Are they expending their resources to make sure that this crisis is going to be given full consideration and prosecution?

Ms. JONES. Yes. I don't think you need to worry on that score.

Mr. FALEOMAVAEGA. Okay. You have covered very well in your statement concerning the crisis in Aceh, but my particular interest is with West Papua New Guinea. I know my Indonesian friends don't like my description of West Papua New Guinea as the last remaining colony of Indonesia. I don't have to tell you the history in terms of what had happened and the history of how this colony

of West Papua New Guinea was taken over by the military junta of both Soekarno as well as Soeharto.

We have some very strong interest in that colony as well because of the activity of the largest gold mining operation going on there as well in the world. What exactly is the situation with West Papua New Guinea? I understand that Prime Minister Megawati offered some kind of an autonomy status for the West Papuans, but they have turned that down. There were some concerns about if it's just another facade and not really serious about giving the West Papuans due consideration as far as self-determination and more say in the process. Can you comment on West Papua?

Ms. JONES. Yes. Very briefly, the Indonesian government offered Papua a special autonomy package, which was actually a very good autonomy law drafted in large part by Papuans themselves. It was watered down by the Indonesian parliament, but nevertheless it was a good law. That was passed in 2001. It had been implemented and had been in force for just over a year, when suddenly in January President Megawati issued a presidential instruction suddenly dividing the province into three.

So it undercut special autonomy, which indeed had been rejected. Special autonomy had been rejected by some of the people who wanted independence, but nevertheless it had been widely accepted by the Papuan population at large. This presidential instruction has created total outrage in—

Mr. FALEOMAVAEGA. So in other words, it is a mess?

Ms. JONES. It is a mess and it is on a fast track. It was designed to try and divide the independence movement.

Mr. FALEOMAVAEGA. Back to Aceh. How much is the total United States investment of the oil fields there in Aceh, which is causing some real heart problems for the Indonesian government?

Ms. JONES. I don't know what the total investment is in the Exxon-Mobile fields, but they are declining. Their production is rapidly declining and I think by 2006 much of the Exxon fields are going to be depleted.

Mr. FALEOMAVAEGA. Is it also true that the largest corporate taxpayer in Indonesia happens to be the Australian and United States gold mining operations of that gold mine in West Papua New Guinea?

Ms. JONES. It is indeed Freeport.

Mr. FALEOMAVAEGA. Do you have an estimate of how much corporate taxes this company pays into the Indonesian government?

Ms. JONES. No, but the information is readily available and we could get that for you.

Mr. FALEOMAVAEGA. I would be happy if you could submit that and made part of the record. I would appreciate it. I know my time is running, Mr. Chairman. The green light is still on. I know we have other colleagues here. I am going to pass, Mr. Chairman and wait for the second round.

Mr. LEACH. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. I have just a question really for Ms. Jones with regard to Indonesia and more specifically West Papua and murders of Mr. Bergon and Mr. Speer. In light of your discussion, on the one hand I am given hope because of the way that you have described the situation in terms of the capa-



bility of the police in Indonesia and another way, I am put into despair because of now the kind of chaos that has just been described.

I am wondering, how do you think this is going to play out? First of all, do you know whether or not the FBI has been given access to the case in any meaningful way? Secondly, do you believe that we can hope for some positive outcome here in the investigation of these two murders?

Ms. JONES. I wish I could say we had hopes for a full disclosure of what actually took place. I am pessimistic that we will ever get the full proof. The FBI has had cooperation from the police. It has faced serious obstruction from the military. The police again have been very helpful on the investigation and it is no coincidence that the person who was involved with the initial part of the investigation is the same person who directed the Bali investigation.

But that said, the obstructionism on the part of the military continues and it is very difficult to see that we will ever find out who gave the order for those killings.

Mr. TANCREDO. Do you know in what way the FBI is actually working with them?

Ms. JONES. I don't know what the latest is. I know that they had been out there. They had been able I think to look at some of the materials collected by the police.

Mr. TANCREDO. They could not keep it. They could not really—

Ms. JONES. Right. As far as I know, those restrictions haven't been lifted.

Mr. TANCREDO. Thank you very much. Thanks, Mr. Chairman. That is the only question I have.

Mr. LEACH. Thank you. Ms. Watson.

Ms. WATSON. I will pass.

Mr. LEACH. Thank you. Mr. Flake.

Mr. CHABOT. Did you say Mr. Chabot?

Mr. LEACH. Mr. Chabot. I am sorry.

Mr. CHABOT. Yes. Thank you.

Mr. LEACH. I wasn't even looking.

Mr. CHABOT. That is all right. Just a quick question to Mr. Calingaert. Am I pronouncing that correctly? It is my understanding that the agreed upon tribunal on Kamir Rouge genocide is in progress or getting underway in the near future and there is some question about the judges and their impartiality and what credibility this might ultimately have.

I think when one considers that the millions of people, the huge percent of the Cambodian population that was brutally wiped out in that genocide, it is probably one of the most outrageous travesties in human history. I think it is very important that those that were responsible, although Paul Pott obviously is dead now, but his henchmen and those that were responsible be brought to justice.

Could you comment on the status of that, what we might anticipate and what, if anything the United States can do to assure that there will a reckoning of those that were responsible for the murder of so many innocent people?

Mr. CALINGAERT. Yes. The agreement was signed I think either yesterday or the day before, but it needs ratification from the Cambodian parliament and I suspect that will not happen until after

the July elections. The set up of the tribunal essentially relies on the Cambodian judicial system to make it work and unfortunately, the Cambodian judicial system is riddled with corruption and very politicized.

Frankly, I think the best chance of having a successful tribunal is having first, a democratic election and having a more democratic government that is serious about judicial reform and serious about addressing the issue of Khmer Rouge and bringing justice on that issue.

Mr. CHABOT. Thank you. Just one other question relative to the upcoming elections. First of all, would you say that it is too strong to say that the ruling government under Hun Sen essentially stole the election or that they are in power now as a result of a terribly flawed process?

Mr. CALINGAERT. Yes. The last parliamentary elections in 1998 were observed by the International Republican Institute and our then-President described them as deeply flawed and among the worst elections we have seen anywhere.

Mr. CHABOT. My recollection is the U.N. was——

Mr. CALINGAERT. The U.N. administered election was back in 1993 and my recollection is the election itself was run fairly well, but the problem was that Hun Sen, who was defeated in those elections refused to accept defeat. He threatened civil war and the international community didn't want to stand up to him. So, they backed a power sharing agreement whereby Hun Sen remained in control of the security apparatus.

Mr. CHABOT. One of the things that you mentioned in your statement, I believe was that you felt Colin Powell should meet with the opposition leadership as at least a sign that we are keeping an eye on this and that we think it should be a fair process and that all parties should be given an equal basis to have access to the people and the voters and ultimately the people in Cambodia should decide that election, not a small group of people.

Have you shared your testimony here today with the Administration or is it your thought that by bringing it to this Committee that it will get there? Have you had any feedback basically from the State Department on this?

Mr. CALINGAERT. Not directly. I have discussed this with the State Department a couple weeks ago. They will certainly get a copy of this statement. My understanding is that this kind of meeting between Secretary Powell and the opposition leader is under consideration, but I don't think a final decision has been made yet.

Mr. CHABOT. Okay. Thank you very much.

Mr. CALINGAERT. Thank you.

Mr. CHABOT. I yield back the balance of my time.

Mr. LEACH. Mr. Weller.

Mr. WELLER. Thank you, Mr. Chairman. I would like to direct my questions to Ms. Aung-Thwin regarding Burma. You had discussed and of course reminded us of the brutal actions of the ruling junta there and in response both Houses of Congress have before us legislation that has been proposed that would restrict imports from Burma.

Observations that I have had over the years is sometimes that has actually more of an impact on the civilian population, because

they are the ones whose jobs are at stake. Let me just ask the first question: What are the primary imports that come from Burma? What are the products that come to the United States from Burma today?

Ms. AUNG-THWIN. The largest group of imports probably are garments, shoes, manufactured goods. They account for I believe around \$400,000,000, maybe a little bit less. So we are right now buying that much of the goods produced there. The country's main product should be rice of course, which it always was over many years, but because of the junta's policies of making the farmers sell at a certain price, they are not producing as much as they could.

Mr. WELLER. Where does the United States rank as the—

Ms. AUNG-THWIN. Excuse me. May I?

Mr. WELLER. Sure.

Ms. AUNG-THWIN. It is really drugs, the largest product.

Mr. WELLER. I understand.

Ms. AUNG-THWIN. Sorry about that. How can I forget?

Mr. WELLER. Where does the United States rank as a trading partner with Burma?

Ms. AUNG-THWIN. The United States, I am not positive. I don't think it is number one. I think it is Singapore. Does anybody else know? Singapore, Britain, China of course, but you can't really measure the Chinese trade because so much of it is totally not part of the accountable economy. They are allowed to just come in and set up shop and they have basically flooded Burma with their very low cost manufactured goods. So Burma will never become an industrialized country until it is no longer a client state of China.

Mr. WELLER. Have any of these other trading partners imposed restrictions on imports from Burma? Do we stand alone or have any of these other partners initiated it?

Ms. AUNG-THWIN. The European union has a common position that has a visa ban. I am not sure if they have import sanctions. We don't have import sanctions right now. We have a new investment sanctions and I guess the two bills that are being considered will close that loophole.

Mr. WELLER. What will be the impact on the civilian population of import restrictions, investment bans? What will be the impact from your observations of the civilian population?

Ms. AUNG-THWIN. I think the impact on the civilian population, which is largely rural and who are not part of the monetary economy, 47 percent of the GDP represents the farmers for example, the part of the economy that will be hit are the factories and the companies that are owned or linked to the junta and its cronies. So frankly because of the massive shadow economy, which is not counted, I think most of the population will be cushioned. I am not saying that is a good thing, but they will not be as hurt as the people who have companies and commerce with outside.

Mr. WELLER. Okay. You had mentioned about the role China has played as recently the primary patron of the Burmese junta. The recent actions that have occurred, the attack on the opposition leader has that had any impact on Chinese policy? Has the Chinese government made any statements? Have they initiated any action?

Ms. AUNG-THWIN. No, they have not initiated actions. They have not changed their policy. They made a very lukewarm statement,

second only to Japan's very lukewarm statement that it is an internal affair and nothing really bad is happening. The Japanese said something like it is not that bad. I am not quoting it directly, but it is in some of the statements.

Mr. WELLER. Did any of the neighboring countries make any strong statements?

Ms. AUNG-THWIN. Well, surprisingly Prime Minister Thaksin, the Thai Prime Minister made a very strong statement that I think we should try to hold him to. He made a strong statement, but his actions since he became Prime Minister are actually very detrimental to the large Burmese migrant population living in Thailand. I mean those forced to flee to Thailand. Also, he is very close, he and his cronies are very close, to the Burmese generals and business interests. This includes General Chavalit, who we know from previous governments in Thailand.

Mr. WELLER. Okay. Thank you, Mr. Chairman. Thank you.

Mr. LEACH. The gentleman from California is recognized.

Mr. ROHRABACHER. Thank you very much. The United States has been engaged in a conflict in the Middle East in the name of bringing democracy to the people of Iraq. I think it is incumbent upon us at this time, Mr. Chairman, to make sure that the people of the world know that we are in favor of bringing democracy and standing for democracy when it isn't necessarily in our own strategic interest to do so. Obviously in Iraq it was in our interest to make sure we helped the people there liberate themselves from that gangster.

In other places, especially the nations that we are talking about today whether it is Indonesia or Burma or Cambodia and of course we are working with the Philippines and trying to hopefully play a positive role there, the United States needs to take a stand for human rights and democracy on the principle of the issue. It seems to me that if we do so, that we will be the stronger for it.

I guess I have one question of the panel and that is: Do the people of Asia, especially South Asia and Southeast Asia, believe that the United States of America stands for democracy and human rights? What is their impression of our commitment to those principles that we talk about so much? Just right on down the line. One minute each or one-half minute each or something.

Ms. JONES. I am afraid you couldn't find a single Indonesian who believed that the United States went into Iraq for the purposes of human rights and democracy. As I mentioned in the testimony, the credibility of the United States has shot downward as a voice for human rights and democracy. That is a function of the media attention given to the treatment of prisoners in Guantanamo, prisoners in Afghanistan under United States control.

Mr. ROHRABACHER. I wasn't necessarily thinking about what they thought about our operation in Iraq.

Ms. JONES. Pardon?

Mr. ROHRABACHER. I wasn't asking about what they thought about our operation in Iraq. Do the people of Indonesia and these other countries believe that the United States is a champion of democracy and human rights or are we just out for our self-interest?

Ms. JONES. I am afraid most people I talk to in Indonesia these days believe that it is self-interest. Whatever the truth is, that is what they believe now.

Ms. DALPINO. I think if you had asked us that question before September 11 you would have gotten more positive responses. I have to say that since September 11, particularly with respect to our foreign policy, there is increasing doubt that the U.S. is really committed to these principles.

Officially, there are however non-governmental American organizations working in democratization in Asia, northeast as well as southeast, like the Asia Foundation and several others. They too represent the U.S. effort and I think it helps to reassure Asians that we do have a long-term interest in them and in shared objectives and values, if our short-term policy seems to fall short.

Ms. AUNG-THWIN. I think Burma is the only country where we don't really know what the Burmese people think, because there is no free press and there are no referendums. So, they can't say how they feel about the United States as the champion of democracy. My gut feeling is that they do believe that the United States is a champion of democracy and human rights. If I can refer to the action in Iraq, it probably makes the generals feel a little bit nervous, whether or not it is even possible, that they might be next.

Mr. ROHRABACHER. That was a good answer. How about in Cambodia?

Mr. CALINGAERT. Well Cambodia doesn't have accurate polls either so I couldn't tell you what portion of the population believes that the United States stands up for democracy, but I can tell you that the democrats there look to the United States first and foremost for moral support. Certainly in the case of Cambodia, probably also in the case of Burma and other places, the United States has been at the forefront of international support for democracy. This is very important to the people who risk their lives and their livelihoods everyday to try to make their country a bit more free.

Mr. ROHRABACHER. I think what is important here to note is that the two countries that are in a gray area, and I think the Philippines is somewhat democratic and Indonesia is somewhat repressive, but the two most repressive societies are the ones where the people feel that the United States is the strongest in its support for human rights.

I would hope that people everywhere, both in the Philippines and in Indonesia could certainly appreciate that America is a country that fundamentally is trying to push for a more democratic society. I hope that especially in Burma, but also in Cambodia that the people who need a reason to hope that we live up to what our founding fathers wanted us to be, which is a beacon of hope to the oppressed.

One last statement, Mr. Chairman, that is, the generals in Burma better understand that if they harm one hair on the head of Aung San Suu Kyi there is going to be a severe price to pay, but Aung San Suu Kyi isn't the only one in Burma. We recognize that hundreds, if not thousands of Burmese people are being brutally tortured and beaten and sometimes killed throughout that country every year in order for this regime to hold its power.

The good people of the United States are watching and we are with you in Burma and we are with you in those other countries too that are struggling for freedom. Hopefully we can affect our government's policy. Thank you very much.

Mr. LEACH. If there are no further questions, I would like to thank our panel and conclude the hearing. Thank you all very much.

[Whereupon, the hearing was concluded.]

## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

#### PREPARED STATEMENT OF THE HONORABLE SHERROD BROWN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Again, I condemn the attacks by Burma's brutal military regime against 1991 Nobel Peace Prize recipient Aung San Suu Kyi and her party, the National League for Democracy.

The NLD and its members are the rightfully elected leaders of Burma. For 13 years the military rulers of Burma have suppressed their people and ignored the results of the 1990 elections.

Burma's military regime must not be permitted to attack, murder, imprison, and torture its people with impunity.

Since May 30, the military rulers have illegally detained Suu Kyi. It is reported that she was injured during the riot that led to her detention. We still have little news on her condition.

Now is the time for the United States to increase pressure against this regime. Now is the time for Congress and the administration to ban imports from Burma and freeze their assets.

It is also time for Thailand and Japan to realize that engagement with this military dictatorship has failed. President Bush is set to meet with Thailand's Prime Minister, Thaksin Shiawatra. It would be a good time for the United States to encourage Thailand to reassess its policy towards Burma, to join in the call for Suu Kyi's release, and allow the U.N. representative continued access to ensure her safety.

The Myanmar government's letter in the Washington Post stating "the government holds no animosity toward Aung San Sun Kyi," and "the government has had to take certain temporary measures against her and her party to ensure her safety and for the sake of national security," does not ring true.

The generals fear the legitimate claims of Aung San Suu Kyi and her democratically elected colleagues. Silencing her voice is an effort to prolong their terror.

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#### STATEMENT OF THE NDI PRE-ELECTION DELEGATION TO CAMBODIA'S 2003 NATIONAL ASSEMBLY ELECTIONS

PHNOM PENH, JUNE 5, 2003

This statement is offered by an international pre-election delegation organized by the National Democratic Institute for International Affairs (NDI). The delegation visited Cambodia from May 29 through June 5, 2003. This is the second NDI pre-election delegation in advance of July 27 elections. The first delegation's statement, dated February 4, 2003, can be found on NDI's website at [www.ndi.org](http://www.ndi.org). The Institute will continue to monitor the election process through the post-election period and will issue additional statements and reports when appropriate.

The purposes of this delegation were to express the international community's interest in and support for the development of a democratic election process in Cambodia and to provide an impartial and accurate report on the character of the process to date. The delegation conducted its activities according to international standards for nonpartisan international election observation, comparative electoral practice and Cambodian law. NDI does not seek to interfere in Cambodia's election process. The Institute recognizes that, ultimately, it will be the people of Cambodia who will determine the credibility of their elections.

## SUMMARY OF OBSERVATIONS

*This delegation is deeply troubled by critical flaws in the environment surrounding Cambodia's upcoming July 27 elections. The delegation noted a number of improvements in electoral preparations and reduced political killings compared to elections held in 1998 and 2002. Nonetheless, it is crucial that Cambodian authorities exert extraordinary efforts to create effective opportunities for voters to gain the information they need to make informed political choices, to ensure that voters are free to exercise their choice without intimidation or undue influence and to guarantee political competitors effective opportunities to reach voters with messages seeking their support. Extraordinary efforts are also needed to ensure that the will of the voters is honestly counted, tabulated, reported and respected. Such efforts will encourage participation in the election process by political contestants and voters alike.*

*There are just 52 days until the July 27 elections. Unless these and related issues are urgently and effectively addressed through and beyond the July 27 polls, the elections and the broader political process of which they are a part are likely to have little democratic meaning.*

*The delegation is compelled to draw attention to heavy-handed behavior by the ruling Cambodian People's Party (CPP) and its state authorities toward the two main political parties that are opposing it in the upcoming elections, FUNCINPEC and the Sam Rainsy Party (SRP). This heavy-handedness was most recently demonstrated by the disturbing June 3 broadcast on state television and on at least five of the country's other six television stations. The broadcast aired CPP allegations against FUNCINPEC leader Prince Ranariddh, which they assert justified the CPP seizure of power in the July 1997 coup d'état. The Secretary of State from the Ministry of Information, a CPP leader, stated that the 30-plus minute graphic broadcasts were in retaliation for the Prince's recent statements criticizing the CPP for the bloody events of July 1997. The Prince's statements had been aired on a pro-FUNCINPEC radio station that has limited broadcast reach.*

*This incident follows recent denunciations by Prime Minister Hun Sen of Prince Ranariddh for taking credit for certain government accomplishments and an ominous statement on Sunday by the pro-Hun Sen "Pagoda Boys," reportedly demanding that the Prince retract his criticism of some of them or "face results" for the criticism. The recent pressures against FUNCINPEC come as the party is indicating a degree of separation from the CPP, with which it has been governing in coalition for much of the past decade.*

*Since Sam Rainsy's breakaway from FUNCINPEC in 1997, the SRP has stood as the sole parliamentary party in opposition to the ruling coalition and has been confronted with ongoing pressures as a result. Recent examples of this include the arrest of several SRP activists earlier this year for distributing party information and the brief detention of 10 SRP activists during the voter registration process.*

*Such developments chill free political expression and encourage those who would stifle political organizing by FUNCINPEC, the SRP and other parties seeking to exercise their right to stand for elected office. Such developments also add to an atmosphere of fear and anxiety that could significantly hinder the free expression of the will of the voters. The delegation therefore reemphasizes that urgent and effective action is needed to address critical flaws in the political environment.*

*The delegation respectfully offers a number of recommendations at the end of this statement that are focused on the remaining days before the elections.*

## THE ELECTORAL CONTEXT

An accurate and complete assessment of any election must take into account all aspects of the electoral process. These include: 1) the legal framework for elections; 2) all of the various pre-election processes; 3) the voting procedures; 4) the counting process; 5) the tabulation of results; 6) the investigation and resolution of complaints; and 7) the conditions surrounding the seating of those who are elected and the formation of a new government. This delegation therefore does not pre-judge the overall process. At the same time, no election can be viewed in isolation from the political context in which it takes place. The pre-election period, including electoral preparations and the political environment, must therefore be given considerable weight when evaluating whether or not elections are democratic.

NDI's first pre-election delegation in advance of the July 27 polls, like this one, found that many of the problems that affected previous elections in Cambodia remain in the present electoral context. These problems include: the climate of impunity for politically inspired intimidation and violence; the biased composition of electoral bodies; and unfair access by the political parties to the broadcast media. That delegation, like this one, noted that the dominance of the CPP (and its predecessor party) in state institutions over 24 years has made it difficult to distinguish between



the ruling party and state authorities. This raises special obligations for the ruling party and governmental authorities to take effective, immediate steps in the electoral context and beyond to develop a democratic, pluralist political process as well as to create conditions for fair political competition in elections.

The February 4 statement included 21 recommendations for improving electoral and political processes, many focusing on the legal framework and reinforcing the rule of law in the electoral context. These recommendations were aimed at encouraging the National Election Committee (NEC), which operates under the purview of the Ministry of Interior, and the Government of Cambodia to address areas such as violence and intimidation, improving the regulatory framework, maximizing voter registration, enhancing voter education and ensuring fair access to the media.

The present delegation notes that the NEC and other important actors have paid attention to the February 4 recommendations and have acted on a number of them. For example: the NEC extended voter registration in some parts of the country; established regular meetings between election officials, political parties and concerned civic organizations at the national and local level; and gave its support to a participatory, party-negotiated code of conduct. However, the majority of the February 4 have not been substantially addressed.

*Factors Undermining an Informed Choice and the Ability of Parties to Communicate Messages Appealing for Support.* In order to freely choose representatives to govern, voters must gain sufficient accurate information about those competing for elected office. As a corollary, political competitors must be able to effectively reach voters with messages seeking their support. These requirements for democratic elections are undermined in Cambodia by a number of factors.

Television and radio are the most influential sources of political information for voters beyond personal contact with village chiefs, who are the most important source of political information for many Cambodians and who are predominantly affiliated with the ruling party. The high percentage of the population that can neither read nor write, and the relatively small circulation of publications, restricts the impact of the print media. Studies of TV and radio have documented an overwhelming imbalance of coverage of the ruling party compared with the other two parliamentary parties, FUNCINPEC and the SRP.

The Cambodian Television Association (made up of all state and private television stations) decided in May not to accept paid political advertisements for the July 27 elections, even though such ads are allowed by law. This decision unfortunately removes a critical venue for parties to broadcast their appeals for voter support. In addition the NEC informed the delegation that the association is considering not broadcasting any election-related news, further denying voters information that could be important in determining their political choices.

State-controlled television and radio are to make free access time available on an equal basis to each of the qualified political parties. This will dilute the competition among the three parliamentary parties, discounting the support for the SRP and FUNCINPEC in previous elections.

In addition, according to the NEC, news coverage on state-controlled broadcast media will cover, in order: first, news about the government (which is controlled by the CPP), second, the parliament; then third, the election campaign, coverage of which will be divided "equitably" according to a formula of parties' past votes won and members of parliament, resulting in approximately 44 percent of the coverage for CPP, 27 percent for FUNCINPEC, 18 percent for SRP and 10 percent for the smaller parties. This formula provides an advantage to the ruling party and is unlike formulas used in a number of democracies that have attempted to introduce equity guarantees in their electoral frameworks, such as Germany. Nor does this formula in any way require that coverage of each party be presented in an informative and neutral light. These problems are compounded by the fact that only two radio stations are controlled by FUNCINPEC, while SRP sponsored requests for radio and TV broadcast licenses have been denied. Permission to rebroadcast Radio Free Asia (RFA) on FM radio have also been denied.

The other important hindrance to freedom of expression noted by the delegation is a climate of self-censorship among the media. The inappropriate use of libel and defamation law adds to this problem. The detention of the owner of Radio Beehive (a pro-opposition station) and the editor of Rasmei Angkor (a pro-CPP newspaper), for airing allegedly unsubstantiated reports relating to the anti-Thai riots, illustrate the potential chilling effect that restrictions on freedom of expression generate in Cambodia.

*Factors Undermining the Free Expression of the Will of the Voters.* Despite certain technical and administrative improvements made by the NEC in preparing for the upcoming elections and the decreased number of political killings at this point compared to the 1998 national elections, a feeling of fear and anxiety remains among

many Cambodian political competitors and voters. This problem must also be viewed against the backdrop of: genocide; civil war; the 1997 coup d'état; and sustained patterns of political intimidation; as well as the recent high-profile killings of a monk, a judge, an appellate court clerk, a business woman and Om Radsady, an advisor to Prince Ranariddh. These factors must also be seen in the context of a political environment that guarantees virtual impunity for the perpetrators.

These factors also must be considered in light of widespread credible reports of voters being called upon to take culturally powerful oaths of allegiance to the ruling party, the alleged collecting of thumbprints, collection of voter cards to prevent voting and the offering of gifts in exchange for votes (vote buying). Together, these factors make it difficult for the electorate to have confidence that voters may freely express their political will in choosing who should have the authority to govern.

For example, a recent opinion survey by The Asia Foundation, conducted between February 20 and March 14, showed that 47 percent of the Cambodian electorate is unconvinced that the upcoming elections will be "free and fair." Thirty percent reported that they heard of threats of political violence, and 26 percent thought that vote-buying is possible in their area, with one person in six admitting that they would feel obligated or at least be affected by accepting "gifts" from a political party. The practice of giving gifts in order to buy votes is widely perceived as a significant problem in Cambodia. If one in six persons (almost 17 percent) of voters in an area would be affected by accepting gifts, which are difficult to refuse in light of Cambodia's poverty and cultural traditions, the integrity of the election results could be compromised.

These problems undermine a fundamental requirement for democratic elections and require concerted corrective measures if the upcoming elections are to be credible.

*Other Factors Hindering Fair Political Competition.* Among the other factors that are hindering fair political competition are restrictions on freedom of assembly. A ban was recently instituted in Phnom Penh against all demonstrations. This included the denial of permission for a coalition to demonstrate against domestic violence against women. In addition, in a widely reported February 25 speech following the anti-Thai riots, the Director General of the National Police proclaimed that any protests over the results of the upcoming national elections "will be clamped down upon."

While every government has a legitimate interest in maintaining security and public safety, the ban on demonstrations is overly broad as applied to political gatherings and demonstrations relating to the elections. The delegation also received credible reports of attempts to prevent SRP and FUNCINPEC gatherings. The delegation noted with concern the May 27 directive of the Minister of Interior, which requires parties to inform local authorities before holding private meetings or putting party signs on private land. While notifying local authorities outside the official campaign period, and notifying election authorities during the campaign, may be proper, in the present environment this directive reinforces a sense of apprehension over the exercise of the assembly rights needed for democratic elections.

A June 3 directive issued jointly by the NEC and the Interior Ministry states that parties must apply for permission three days in advance to hold gatherings in public places during the official campaign period. Given problems encountered in exercising freedom of assembly, the delegation is concerned that arbitrary or unreasonable restrictions will be applied in a manner that hinders political gatherings.

Freedom of expression is also problematic in the election context, beyond the points discussed above. The delegation noted that recent statements by Prince Ranariddh claiming credit for certain governmental accomplishments and criticizing the CPP for the July 1997 coup have drawn threatening rebukes and heavy-handed use of broadcast media. In addition, SRP activists were arrested earlier this year for distributing party information, and 10 SRP activists were detained briefly during the voter registration process, which give credibility to reports the delegation received of threats against opposition political activists in a number of provinces. The delegation noted that while there is competition between FUNCINPEC and SRP, the vast majority of reports it received concerned pressure from the CPP.

*Election Administration.* The delegation noted improvements that have been made to the election system. Creating a permanent list of voters, defining a detailed seat allocation formula in the election law and setting forth a more detailed process for electoral complaints and appeals address a number of the shortcomings in previous elections.

By inviting and incorporating the recommendations of civil society organizations into the development of the regulatory framework and removing previous barriers to domestic monitoring, the NEC has demonstrated a more inclusive and transparent approach.

The NEC continues to release directives aimed at closing gaps in the election regulations. Although their intent may be positive, these directives contain additional inconsistencies. Due to poor distribution, they are unlikely to adequately notify people of their rights and responsibilities. The delegation hopes that inconsistencies will be removed and that the directives are interpreted in favor of the fullest exercise of electoral related rights.

Provincial Election Committees (PECs) are overwhelmingly composed of persons affiliated with the CPP (approximately 86 percent of their members). FUNCINPEC has secured a small number of members (approximately 14 percent), while the SRP and other parties have none. The ongoing selection of election officials at the communal and polling station level is also an area of particular concern. By virtue of the selection criteria set forth in articles 3.7, 3.8 and 3.9 of the election regulations, which emphasizes prior electoral experience, the NEC has unnecessarily narrowed the pool of candidates. These criteria ensure that individuals who officiated in previous elections will once again control the election procedures in July 2003.

As with the PECs, many of these persons who previously served as election officials are associated with the CPP, and few are drawn from the ranks of the politically neutral or from opposition parties. As a result, the lower levels of the election administration have a politically biased composition. In addition to missing a valuable opportunity to give a more balanced composition to these bodies, the NEC is perpetuating a system under which the pool of Cambodians who can accumulate election experience is kept artificially shallow.

Village chiefs, commune officials, and other local political actors, both elected and appointed, have continued to serve as local extensions of the CPP. This has led to an injection of political bias into this level of the administration, which is of special concern given the opportunities opened by the creation of a newly elected and decentralized level of government in 2002. In the run-up to the July 27 elections, these officials will play a critical role in administering the process and a central role in providing information to voters about that process. Questions around their impartiality inevitably raise concerns about the integrity of the elections.

*Political Parties.* Cambodia's political parties are enhancing their grassroots organization. In the case of the SRP and FUNCINPEC, this has resulted in increased organizational capacity compared to past elections. All parties are accusing each other of violating the 30-day campaign rule; this illustrates the shortcomings of artificially restricting political expression. The CPP is using state resources, including vehicles, helicopters, state personnel and government offices to promote its electoral interests. Such resources are not available to other parties.

All three major parties routinely pay citizens to participate in party rallies or other activities and distribute "gifts" in the form of money, rice or vitamins, although CPP practices this on a larger scale. Such attempts at buying loyalty contribute to the popular perception of political parties as dispensers of patronage, needlessly increase the cost of political activism and tend to discourage all but the wealthy from seeking political office. In many respects, Cambodian parties therefore fail to use available opportunities to maximize political participation. This is compounded by weaknesses in the parties' internal organizational structures.

Candidates running for the three major parties are overwhelmingly male, with all three major parties relegating most of their few female candidates to low list positions or to provinces where the party in question is not considered to be competitive. FUNCINPEC is fielding a total of 15 eligible women candidates, with 11 reserve candidates; the SRP is fielding 13, with 13 in reserve and the CPP is fielding a total of 12, with 24 in reserve. The SRP has three women in the number one position on provincial lists, while both the CPP and FUNCINPEC have only two.

Party nomination procedures also raise serious questions, in particular the practice of one party which planned a bidding system to determine candidate placement on party lists. Such practices negate possibilities for developing grassroots party leadership and promoting the leadership, including candidacies, of women. By failing to take advantage of the political strength that comes from heightened levels of political involvement, the parties are contributing to the increasing levels of popular disconnection from politics reported by NDI's March 2003 focus group report and The Asia Foundation's recent public opinion survey.

*Voter Education.* The NEC has been credited for the reforms it introduced to the voting system, making it easier for people to vote in the July 27 elections. Due in part to a scarcity of resources, these reforms have not been widely communicated to local level election officials or to the general public. Unless this is corrected through aggressive and extensive voter education efforts, the lack of information could translate into the disenfranchisement of many of Cambodia's voters and lead to complaints against the election process and authorities that could otherwise have been avoided.

Voter education campaigns should receive top priority from the NEC, and the Committee should encourage any groups engaged in legitimate voter education activities to pursue their work, especially in light of the need to supplement the NEC's limited resources. The NEC has established a requirement that NGOs planning voter education efforts must notify local authorities 48 hours in advance of their program. This requirement should not be used to prevent or disrupt such activities. The delegation received reports that several NGOs are delaying voter education activities until the official 30-day election campaign period begins because they are fearful of violating the law even though there is no legal prohibition against such activities. These problems further illustrate the urgent need for the NEC to conduct education campaigns that explain the duties of election officials, local authorities as well as the rights of voters and the political parties.

The political parties must take seriously their responsibility not only to canvass supporters but also should provide accurate information to the public on the voting process.

#### THE DELEGATION AND ITS WORK

The delegation included: Kenneth Melley, secretary of the executive committee and chair of the Asia committee of NDI's Board of Directors; Patrick Merloe, NDI Senior Associate and Director for Programs on Election and Political Processes; Smita Notosusanto, Executive Director of the Centre for Electoral Reform (CETRO) in Indonesia; and Stephen Farnsworth, associate professor of political science at Mary Washington College and an expert on the role of the media in elections. NDI Senior Program Manager and former Cambodia Resident Representative, Eric Kessler, served as the delegation's technical advisor. The delegation was assisted by: Blair King, NDI Senior Program Manager for East and Southeast Asia; Kourtney Pompei, NDI Senior Program Assistant; and members of NDI's office in Cambodia, including Mark Wallem, Muth Chanththa, Tarikul Ghani, Dominic Cardy and Laura Paler.

From May 29 through June 5, 2003, the delegation conducted extensive meetings in Phnom Penh, and in Kampot, Kampong Speu, Kandal, and Kampong Cham. The delegation met with: a wide range of representatives of the Government of Cambodia; leaders of the ruling and opposition political parties; legislators; representatives of domestic election monitoring organizations; journalists; and representatives of the international community. The delegation would like to express its deep appreciation to all of those who took the time to share their views.

#### RECOMMENDATIONS

NDI's experience worldwide has found that confidence in an electoral system and a perception of fairness are as important as the letter of the law. Therefore, when serious doubts are raised about the fairness of an electoral system, additional safeguards—including an added measure of transparency—must be introduced even if the law meets an otherwise acceptable standard. This is particularly true of Cambodia, given the dominant power of the CPP and a history of flawed elections. The delegation has noted the commitment of many governmental, political and civic leaders to developing a democratic election process. In recognition of this, and, in the spirit of international cooperation, the delegation respectfully offers the following recommendations.

1. *Paid Political Advertisements.* The delegation urges the Cambodia Television Association to reverse its decision to refuse paid political advertisements during the upcoming election period. Given Cambodia's electoral context, provision of paid political advertisements on the private broadcast media, at normal commercial rates and on a non-discriminatory basis, is a crucial means to create more meaningful political competition.
2. *Fair News Coverage.* Public and private broadcast media should commit to accurate, fair and extensive news coverage of the election campaign. Receiving unbiased news coverage of political parties and electoral issues is central to the voters' ability to make informed political choices.
3. *Media Access.* The delegation urges state controlled broadcast media to provide, in good faith, political party access, as well as fair and equitable news coverage. In addition, the delegation urges the NEC to adjust the regulatory framework to provide greater media access and coverage for the major political parties, which have demonstrated a significant level of voter support in past elections.
4. *Respect for the Rights of Journalists.* The delegation urges the Government of Cambodia, the NEC and the political parties to allow and encourage the

fullest expression of opinion through the media and not to threaten, induce, or otherwise attempt to influence the impartial operation of journalists or media outlets.

5. *Respect for Voters' Rights.* The Prime Minister, the Chairman of the NEC and the presidents of the main political parties should issue public pronouncements denouncing the taking of oaths, collecting of thumbprints, the collection of voter cards and other means of unduly influencing or intimidating voters. They should make clear that all such acts are illegal and that it is wrong to honor such oaths. The delegation urges the police, prosecutors and local government authorities to pursue vigorously these electoral violations, to prosecute the perpetrators and to publicize the prosecutions in order to demonstrate to citizens that these practices will not be tolerated.
6. *State Authorities.* Ministers, commanders of security forces and governors should ensure that the personnel and resources under their control are used only in the public interest and not for the electoral advantage of any one political party or candidate. This should be accomplished by issuing clear directives to this effect, investigating violations of the directives and ensuring that violations of electoral rights—whether by state officials or private citizens—are prosecuted. Greater efforts should be expended to investigate and vigorously prosecute those who are responsible for political violence and killings, including past cases that have been ignored.
7. *Election Monitoring.* Election monitoring organizations should collect accurate data on the electoral process and impartially report it in a timely and detailed fashion. This will help ensure that responsible authorities and political competitors can take appropriate action to better ensure electoral integrity based on these reports.
8. *Political Parties.* Political party leaders should ensure that party activists at all levels understand and uphold the law and comply with relevant regulations and codes of conduct. They should take firm disciplinary action against violators of these requirements. Parties also should document in a systematic fashion any abuses directed towards them or the voters, use available means to seek legal redress of their grievances and refrain from spreading false or unsubstantiated allegations. In addition, parties should conduct their electoral campaigns in an organized and vigorous manner, using all legal opportunities available to communicate their messages to voters.
9. *Election Administration.* The NEC should implement and enforce election law, regulations and directives to ensure impartial and effective action by election and public officials at all levels. In order to enhance public confidence in the impartiality of election administration, the NEC should ensure that persons selected as election officials at the provincial, communal and polling station levels are widely accepted as being politically neutral or that electoral bodies are balanced with people who are not associated with the ruling party. The NEC should devote more resources to complaint investigations, and all governmental authorities should cooperate with the NEC to provide effective remedies.
10. *Voting and Counting Procedures.* The NEC should take measures to guarantee the effective opportunity of qualified persons to exercise their right to vote by implementing procedures concerning acceptable proof of identity. This should include instructions clarifying treatment of misspellings, missing photos and other technical matters concerning the voter lists. In order to increase public confidence in the election results, the NEC should ensure that all election officials respect the right of political party agents and election monitors to observe election day procedures, the counting of ballots and the tabulation of results. Copies of official tally sheets that include a full accounting of ballots and detailed election results should be provided to political party agents.
11. *Women's Participation.* The NEC, political parties and election monitoring organizations should actively recruit, train and assign women as election officials, political party agents and election monitors. Opportunities to participate and to develop leadership in these areas of the election process are important for enhancing women's political participation.
12. *Voter Education.* The NEC, political parties and election monitoring organizations should implement comprehensive voter education campaigns focusing among other areas on the importance of ballot secrecy, resisting vote buying and intimidation, as well as focusing on codes of conduct for political

parties, security personnel, the police and village chiefs. The NEC should ensure that all officials involved in the election process facilitate the conduct of voter education activities and do not use regulations aimed at ensuring public order to prevent the dissemination of critical information to voters.

#### CONCLUSION

While the recommendations offered by the delegation focus on specific steps that can be taken to improve the electoral process in the few days remaining before the July 27 polls, the delegation emphasizes the critical nature of flaws that are evident in Cambodia's political environment. Cambodia's governmental, political and civic leaders must make concerted efforts to address these problems through the election period and beyond. Otherwise, the results of the elections may be questioned and Cambodia's potential for democratic development jeopardized. Elections are inseparable from the country's broader political process, which includes respect for human rights and the rule of law as much as it requires development of genuine political pluralism.

Cambodia is at a crossroads. Its leaders have to decide whether they will muster the political will necessary to build an open society and a democratic process. The degree of credibility assigned to the July 27 elections by the Cambodian people will be a crucial indicator of which path is taken. NDI will continue to monitor the process and will continue to offer its assistance to those who are working to advance democracy in Cambodia.

