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BURMA'S SAFFRON REVOLUTION

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BURMA'S SAFFRON REVOLUTION

WEDNESDAY, OCTOBER 3, 2007

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:40 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Barbara Boxer (chairman of the subcommittee) presiding.

Present: Senators Boxer, Kerry, Cardin, Webb, and Murkowski.

Also Present: Senators McConnell and Feinstein.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Senator BOXER. Welcome, everybody. The subcommittee will come to order.

We have a very important hearing, and we have three panels. We want to welcome all of our witnesses. We really appreciate this, because I think we're going to learn—and we're going to shine the truth on something, that's happening as we speak, that should never be happening.

Today, the Foreign Relations Subcommittee on East Asian and Pacific Affairs meets to consider a critical issue that's at the forefront of global affairs: The Burmese people's struggle against a brutal military regime that rules with an iron fist.

And I'd ask unanimous consent to place in the record an article about a kidnapping and a detention of United Nations officials. "A local staff member of the U.N. and three of her family members were taken from their home before dawn as part of a continuing crackdown on demonstrations and demonstrators," a U.N. official said. The 38-year-old woman, her husband, and two relatives were detained at 4 a.m. And the workers' arrest is one of an unknown number of nighttime abductions as part of a crackdown by the junta. After demonstrations over the past month, the largest protests in nearly two decades, the number of people killed or detailed is unknown.

[The article previously referred to follows:]

U.N. WORKER ARRESTED IN MYANMAR

(By Thomas Fuller)

BANGKOK, Oct. 3.—A local staff member of the United Nations in Myanmar and three of her family members were taken from their home in Yangon before dawn today as part of an ongoing crackdown on demonstrators.

Charles Petrie, the most senior official for the United Nations in the country, said a 38-year-old woman, her husband and two relatives were detained by security per-

sonnel at 4 a.m. He said he was not releasing their names to avoid jeopardizing their return.

The U.N. worker's arrest is one of an unknown number of nighttime abductions conducted by the junta to identify and round up people who took part in the demonstrations, which were the largest protests against the junta in nearly two decades.

Another U.N. official who was arrested last week and then released said he was taken to a university in Yangon where about 800 people were held in squalid conditions.

"We're concerned with what seems to be happening at night—there are arrests and people being detained," Mr. Petrie said. "There is palpable fear even among our staff."

Yangon residents say helicopters fly over the city throughout the night as military trucks patrol the streets with loudspeakers broadcasting intimidating messages.

Shari Villarosa, the highest ranking U.S. diplomat in Myanmar, said the message, broadcast in Burmese, was roughly this: "We have your pictures. We're going to come and get you."

"I think they just are arresting anybody that they have the least bit of suspicion about," Ms. Villarosa said. "This is a military that rules by fear and intimidation. Wouldn't you be terrified if you were subject to being rousted out of bed at 2 o'clock at the morning, taken away and never knew why?"

The issue of nighttime raids was raised by Ibrahim Gambari, the special envoy of the United Nations, during a meeting Tuesday with Myanmar's top general, Than Shwe. Three U.N. workers who had been detained last week were subsequently released.

Mr. Gambari, who was scheduled to fly to New York late today to report on his trip to the U.N. Secretary General, declined to speak with reporters during a stopover in Singapore.

There are 3,000 U.N. staff in Myanmar, mainly working in poverty alleviation projects. "Our sense is that the U.N. is not being targeted," Mr. Petrie said. "The U.N. is being caught up in broader events."

The number of people killed or detained during the crackdown remains unknown.

Reuters news agency reported from Yangon that 80 monks and 149 women, possibly nuns, who had been rounded up last week were freed today. The agency quoted one of the monks saying he had been interrogated but not physically abused.

The news agency also quoted a relative of three of the released women saying those being interrogated were divided into four categories: Passers-by, those who watched, those who clapped and those who joined in.

The government says 10 people were killed in the crackdown including Kenji Nagai, a Japanese photojournalist, whose body was scheduled to be flown back to Japan on Thursday. Diplomats and Burmese dissident groups believe the total death toll was higher.

Japan's Foreign Minister, Masahiko Komura, said Wednesday that Tokyo was considering cutting back its aid to Myanmar to protest Mr. Nagai's death and the crackdown, according to Kyodo News agency. Annual aid to Myanmar from Japan is about $25 million.

Senator BOXER. The current Burmese Government, which calls itself the State Peace and Development Council, is more accurately known to the world as the military junta—a dictatorship that refused to relinquish power even after the Burmese people voted them out in a democratic election in 1990. The winner of that election, the National League for Democracy, or NLD, was not allowed to take power; and its leader, the Global Icon of Freedom, a Nobel Peace Prize recipient, Aung San Suu Kyi, was placed under house arrest, where she remains today. Since them, the Burmese people have suffered imaginable horrors—unimaginable horrors. They have paid dearly in life and treasure. They have seen their natural resources plundered by a corrupt regime, and they have been denied the most basic human rights.

Two weeks ago, tens of thousands of Burmese people and Buddhist monks took to the streets—and we have, I think, a picture of this demonstration—to demand democracy and an end to decades of tyranny. And you can see the endless line of protesters there.

Initially, the protests centered on the increased gas and fuel prices and the government's treatment of Burma's monks. But they grew in scope as the emboldened Burmese people demanded their liberty from one of the world's worst human-rights abusers.

The people demanded freedom from a government that restricts the basic freedoms of speech and assembly, engages in human trafficking, discriminates against women and ethnic minorities, uses children as soldiers and laborers, imprisons arbitrarily, abuses prisoners and detainees, and rapes and tortures.

Tragically, the military junta has responded to this courageous stand with a bloody crackdown whose purposes is to instill fear and silence protesters. And we have this photo of blood on the ground, and clearly someone gone. And we have another—you could put it over my chair, here—of the shooting of a Japanese photographer, just, in cold blood. And I think most of you know this photo. And these photos speak a thousand words, as they often do.

While the Burmese people have been forced from the streets, they continue to resist. In fact, there are reports that smaller protests are occurring throughout the country. The Burmese people are not willing to submit to the tactics of the military junta anymore. They rose up last week, despite a brutal crackdown on a similar uprising in the summer of 1988, in which an estimated 3,000 people were killed. They rose up, despite the fact that this regime has destroyed 3,000 villages and displaced approximately 2 million people. They rose up in the face of impossible odds to demand their freedom. And they rose up, despite the fact that this regime has silenced democracy activists and political leaders, such as Aung San Suu Kyi. As many of you know, she has said, "We will prevail, because our cause is right, because our cause is just. History is on our side. Time is on our side."

The time for the Burmese people to prevail is now. Brutal response of the military has captured the attention of the international community, and shame on us if we take our eyes off this.

The United States, the Association of Southeast Asian Nations, the United Nations, and even China and Russia, through the U.N. Human Rights Council, have rightfully condemned their actions. But words must translate into action, and that is why we've come together today to discuss the current situation in Burma and how best to move forward.

And I want to thank my ranking member, Lisa Murkowski. I want to thank, of course, Senator Biden, the full committee chair, and Ranking Member Richard Lugar, because they waived all the necessary time that this could have been delayed, and they worked with us. And we are very proud, this is a bipartisan matter.

In his April 1963 letter from a jail cell in Birmingham, Alabama, Dr. Martin Luther King wrote, "Freedom is never voluntarily given by the oppressor. It must be demanded by the oppressed." And the Burmese people are demanding their freedom. It is time for the world to stand beside them.

Before I conclude, I want to read a little from a statement submitted today by First Lady Laura Bush, who has spoken out with great passion on behalf of the Burmese people. Mrs. Bush writes—and I'd ask unanimous consent to place her full statement in the record. Without objection, I will do that.

She writes, "I am deeply concerned about the Burmese people. The military regime's crackdown on protesting monks and peaceful democracy activists is shameful. Video footage now coming out of Burma confirms what our chargé reports, that the abuse of protesters is more brutal than initially described, and that there are likely many more fatalities than the 10 confirmed by the military regime."

Mrs. Bush goes on to say, "We urge the Security Council to issue a clear resolution that calls for the release of the Burmese political prisoners, an end to the regime's crackdown, and a real dialogue that leads to a peaceful transition to democracy. The U.S. believes it is time for General Than Shwe and the junta to step aside and to make way for a unified Burma governed by legitimate leaders. We urge other governments to join the United States in condemning the junta's use of violence and in working toward freedom in Burma."

We all thank the First Lady for her statement.

[The statement previously referred to follows:]

STATEMENT BY MRS. LAURA BUSH, FIRST LADY OF THE UNITED STATES, THE WHITE HOUSE, WASHINGTON, DC

The deplorable acts of violence being perpetrated against Buddhist monks and peaceful Burmese demonstrators shame the military regime. Tens of thousands of Burmese are turning to the streets to demand their freedom and the country's military dictatorship has countered with horrifying abuses. Nonviolent demonstrations by Buddhist monks and nuns have been met with tear gas, smoke grenades, baton beatings, and automatic weapons. The regime admits to killing 10 people, but unofficial reports suggest the number is much higher. Getting reliable information in and out of Burma is a challenge as cell phones have been seized and telephone lines slashed. Burmese bloggers and citizen journalists are being silenced. The U.N. has dispatched its special envoy on Burma, Ibrahim Gambari. He must be allowed to meet with demonstrating monks and Burma's democratically elected leader, Aung San Suu Kyi. President Bush calls on all nations, especially those nations closest to Burma that have the most influence with the regime, to support the aspirations of the Burmese people, and to join in condemning the junta's use of violence on its own people. Seeing Burma through a peaceful democratic transition is in all nations' best interest. The United States stands with the people of Burma. We support their demands for basic human rights: Freedom of speech, worship, and assembly. We cannot—and will not—turn our attention from courageous people who stand up for democracy and justice.

Senator BOXER. I, again, want to thank Senator Murkowski. I'm looking forward to hearing from her. And I would also like to introduce our witnesses before I turn it over to Senator Murkowski and then Senator Kerry and Webb. And we're each supposed to have 8 minutes. I don't know what happened to the clock, it kind of got stuck, but each of us will have 8 minutes.

Our first panel, we will hear from Mr. Scott Marciel, the Deputy Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs, and a career member of the Senior Foreign Service. His most recent assignments were as Director of the Department's Office of Maritime Southeast Asia and the Director of the Office of Mainland Southeast Asia. And I understand that Mr. Marciel is a native of California, so that's good.

On our second panel, we will hear from Michael Green, a senior adviser and the Japan chair at the Center for Strategic and International Studies. Prior to this post, Dr. Green served as special assistant to the President for national security affairs, and senior director for Asian Affairs at the National Security Council, from

January 2004 to December 2005. We will also hear from Mr. Tom Malinowski, the Washington advocacy director for Human Rights Watch. And we were so fortunate, Tom, that you were able to come today, because I know you've been traveling. Prior to joining Human Rights Watch, he was special assistant to President Clinton and senior director for foreign policy speechwriting at the National Security Council. And, finally, we will hear from Mr. Aung Din, the policy director and cofounder of the U.S. Campaign for Burma. In 1988, Mr. Din was a student at the Rangoon Institute of Technology. He was also a participant in the 1988 demonstrations against the military government, Burma, in which the government troops opened fire and killed roughly 3,000 Burmese students.

I look forward to hearing from our witnesses. I would now like to turn to Senator Murkowski for any comments she may have, and then to Senators Kerry and Webb.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Madam Chairman. You mentioned the timeliness of this hearing. I can't help but look at the pictures that you have in front of us, and those that you showed, and realize, when we talk about timeliness, this is now. These individuals who are in the streets, in Rangoon, protests that are happening, the crackdown, the violence, the persecution; it is happening now. And for us to have an opportunity to address this, Madam Chairman, I appreciate your initiative greatly.

I was very pleased to join with you and with other members of the Senate Women's Caucus on Burma as we expressed our solidarity with the protesters in Burma, calling on the international community to place greater pressure on the military junta to restore democracy in the nation. I appreciate the leadership that the First Lady has taken on this issue, not only with the letter that you have just asked to be placed in the record, but in participation with the Senate Women's Caucus on Burma on this.

It is very important that those countries with the closest ties to Burma, whether it's China, India, Russia, Japan, the members of ASEAN, that they make clear their rejection of violence and their support for a peaceful political process.

It was back in March 2006 that I chaired a hearing in this subcommittee on Burma and the impact, or the lack thereof, that U.S. sanctions were having on that country. When the subject of Burma comes up, we most often think of Aung San Suu Kyi and her National League of Democracy Party. She's the primary voice for political reform in a nation that is run by a repressive military junta; yet, for all the support of the international community, all the support that's been demonstrated for Suu Kyi and her party, and the pressure applied in one form or another on the Burmese Government, Suu Kyi remains under house arrest, and the National League of Democracy's election victory in 1990 remains unhonored.

Since the student demonstrations in 1988, our policy toward Burma has been to sanction and to isolate, with increasing limitations on assistance and trade. Yet, the SPDC has effectively minimized the impact of these sanctions by playing interested investors

off one another as it offers access to Burma's considerable natural resources and nations compete to see who has greater influence in the region. The SPDC continues to have access to financial assistance and the means to continue its authoritative rule, despite Burma's continuous ranking among the poorest of the poor.

With this latest uprising and its subsequent repression, we see, yet again, that many of the largest investors in Burma are unwilling to go beyond words of condemnation and urging restraint. Certainly, regional stability is an absolute necessity when considering what the future for Burma holds. There's a difficult balancing act for Burma's neighbors to carry out, and it's our responsibility to engage with the international community to try to find that balance, to find that right mix of sanctions and interaction.

Another issue that I believe needs to be kept in mind as we're looking at the situation in Burma is the role of Burma's ethnic minorities. Aung San Suu Kyi tends to get the majority of media and political attention, but, even if the results of the 1988 election are recognized or new legitimate elections are held, that does not solve the armed resistance offered by groups like the Shan State and the Karen National Union. Both China and India are looking to sustain their domestic economic growth. Likewise, one-third of Thailand's natural gas supply comes from Burma. These nations are eager to avoid turmoil on their borders. For that to happen, a resolution must be reached with the ethnic minority groups.

Madam Chairman, I know that we have other members—I see Senator McConnell, who has also been a leader on Burma—and I know that Senator Feinstein was hoping to join the committee, as well, so I will forgo the rest of my time so that we can have an opportunity to hear from our distinguished panels.

Thank you.

Senator BOXER. Thank you. We're going to go to our colleagues who are here, and invite Senator McConnell, to please join the State Department. And we—as soon as they're completed, Senator McConnell, we will turn to you. And if anyone comes between now and then, they will go after Senator McConnell.

Senator Kerry, you have 8 minutes, if you wish to use those, and then Senator Webb.

STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

Senator KERRY. Thank you, Madam Chair. I'm very appreciative for your leadership in pulling this hearing together today. It could not be more important.

And I appreciate Senator McConnell being present here. He and I have worked on this issue over some years, and I would like to thank him publicly for his assistance in the effort we made on the resolution on the floor of the Senate.

We've seen, firsthand, in the last few weeks, the incredible courage of Burma's people standing up against one of the most repressive regimes in the world. This has been years and years of repression now. I remember traveling to Burma. I've met with Aung San Suu Kyi in her home, where she was under arrest. I've also met with the junta, and I've listened to their lame excuses for why they're doing what they're doing, and deception and their lies.

What began a month ago as a modest impromptu protest has mushroomed into a nationwide peaceful democratic groundswell, with tens of thousands of students joining Buddhist monks in what has now become known as the Saffron Revolution.

But I want to remind people today, we have been here before. This is the second time in 20 years that there's been bloodshed on the streets of Burma in response to peaceful protests. The democratic uprisings of 1988 and the repression that followed are clear monuments to the horrible human toll of our collective failure to act.

Back then, the United States and the world spoke out, as they're speaking out now. But then, guess what happened? Everybody lost focus. Other issues became more important. And here we are again. So, frankly, what's important now is not just, "Why now?" but, "What next?"

I'm pleased the Senate spoke out by unanimously passing a bipartisan resolution. But we're not going to end the oppression in Burma, we're not going to restore democracy, and we're not going to honor these courageous protests or our values across the globe just by passing resolutions of disapproval. It's going to take a strategy, it's going to take a policy, it's going to take leadership, it's going to take focus, and it demands ongoing pressure.

The question that remains is whether the United States is really serious, or the United Nations is really serious, or China is really serious, about the statements that they're making. We have to finish what the people of Burma have started, and that means getting the international community to provide the necessary pressure on this military junta to release all political prisoners, starting with Aung San Suu Kyi, and take meaningful steps down the path of political reform.

I will say yes; it is good that the President made the decision to target the top generals for financial sanctions. But, I will also say, if we haven't learned anything, we have learned that financial sanctions by the United States are not enough. About a month and a half ago I convened a meeting with some of the leading people who have been working on Burma, and there was an across-the-board agreement that the sanctions regime currently in place isn't working, and won't work. Now, the United Nations mission led by Special Envoy Ibrahim Gambari, showed some promise in his meeting with Than Shwe—and twice with Aung San Suu Kyi—but Gambari has left Burma. Let's remember that. And he has left it without any real sense of tangible progress.

The bottom line is that the sanctions experience of this committee back in the 1980s and 1990s informs us that sanctions must be multilateral to be most effective. What we did in South Africa worked. It worked because it was multilateral. And almost every example of unilateral, bilateral, or trilateral sanctions tell us that it doesn't work, unless you really shut the door by a multilateral effort. So, we need to understand that.

Now, one other comment. Yesterday, four of us met with the Chinese Ambassador with respect to this issue, and the fact is that these generals in the junta, who have now moved their capital some 200 miles from the old capital, literally a bunker within a bunker of a country, are surviving today because of their economic

relationship with China. And the world needs to understand that. And China particularly needs to understand that we understand that.

And so, a statement that we need some patience here and we're going to work through it is not sufficient. The killing has to stop. And China needs to make it clear that it's unacceptable that those monasteries have been cleared of monks, that people have been loaded into trucks and driven off to God knows where. We know what happens when people have been loaded into trucks before. History has shown us that. There's a series on Public Television right now about World War II that reminds us of the impact of what happens when people are loaded into trucks and people of "responsibility" look the other way.

So, this is compelling. It is now. And China, which is about to host the Olympics, needs to understand that those Olympics will have a cloud over them if China has not exercised all of its leadership to end this killing and to start to push for change.

These generals in the junta can survive, because there is no sufficient outside global pressure to make it otherwise for them. ASEAN has started to speak up, but even ASEAN's voice has not had the kind of economic pressure necessary for change.

So, Madam Chairman, it is critical that the international community respond to this ongoing tragedy by pressuring Burma's military junta to lift all the restrictions on humanitarian-aid delivery. Tuberculosis is widespread, and mortality rates in Burma are among the highest in Asia. At least 37,000 died of HIV/AIDS in 2005, and over 600,000 are affected by it. Malaria is also rife, and about one-third of the people of the country are mired in poverty. Many of the 52 million people live in abject misery, and they're kept in this state by a junta that lives in extraordinary luxury. So, it is critical that the unfettered delivery of humanitarian aid and humanitarian aid groups be able to work, and that the resilient and brave Burmese people are shown that they are more than worthy of just our verbal support and our verbal compassion. It is time for the global community to act.

I think that a peaceful prodemocratic outcome in Burma could be within reach. The U.N., ASEAN, India, Russia, and especially China—China could lead this, China could change so much in the view of the world by moving appropriately in these next hours, and that's the message we asked the Chinese Ambassador to convey to the highest level of the government, and that's the message I think this committee wants to convey here today.

Thank you, Madam Chair.

Senator BOXER. Senator, thank you so much.

Senator Webb.

STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM VIRGINIA

Senator WEBB. Thank you, Madam Chairman. I don't have a formal opening statement, and I'll try to be brief. I'm interested in hearing from the Republican leader and from the witnesses.

But let me just say a few things. One is that, in my view, we have an immediate crisis that needs to be resolved, but we also have to figure out a way—and I don't think we've been very good

at it—to resolve the conditions that have fed this crisis. I'm looking at this picture in front of you. You can't see it, but I know that street. In 2001, I wrote an article for the Wall Street Journal about China's incremental growth, in terms of power in Southeast Asia, and I got a letter from an American, who was doing business in Burma, who had an outdoor furniture business. He said, "If you really want to understand this incremental growth in power, you need to come to Burma and take a look." And I was on my way to Vietnam and Thailand, as a private citizen, as a writer at the time. I went over, and I spent 8 days with him. And it was clear, even then, that these were people who were cut off from the world. When you see this kind of an explosion, you see a great deal of frustration that has been largely the result of people not having the kind of assistance in their effort to have some sort of freedom that they deserve, and part of that is through this democracy push, and part of it, quite frankly, is through other approaches that I don't think we've been strong enough, in terms of trying to put into place.

We should keep in mind that this is a region that is filled with autocratic regimes. We speak of China. China's not a democracy. China does this to its own people. We can look at North Korea, it's the same way. We can look at Vietnam. And I spent a good bit of time, as did Senator Kerry, working with the normalization process in Vietnam. When I first went to Vietnam—when I first returned to Vietnam, in 1991, it was a Stalinist state. Vietnamese citizens had to get internal passports to travel from one province to another. We could put all the sanctions in the world on them, and you should be taking actions to condemn this sort of repressive activity, but, unless you have some other approach that goes along with it, you're not going to bring change. And, in Vietnam, we forced them to come out. We opened them up. We brought their mid-level bureaucrats into the United States. We did a whole series of things, including starting trade relations.

When you have people who are cut off from the world, and when you have pressures like we've been putting on them, it only works if everybody else is doing it. And, in this situation, you have the type of pressure which is driving authoritarian governments toward like partners; China being the classic example, with respect to Burma. But we have to live in the reality that we're not getting the kind of support that we could from China, or from India, or from Russia.

So, in terms of the long-term solution of this, I am really interested in hearing from people as to how we can resolve this situation.

And, with that, I'll just look forward to hearing from the witnesses.

Thank you.

Senator BOXER. Thank you.

I'm very pleased that my friend and colleague from California, Senator Feinstein, has joined us. And what we're going to do is hear first from Senator McConnell, then Senator Feinstein, then we'll go to the State Department.

And I just want to say to both of you, I think your sitting there together is, just, a very good sign for the people in this country who

want to see us work together. And I think Senator Murkowski and I working together to get this going so quickly is another such sign. And I think it augers well, and I hope it means that we will do something about this, that, as we all know, is so critical, because we're shining the light, and we've got to keep the light on.

So, Senator McConnell, thank you for your long-term interest in this. And we're very pleased that you're here, and you have 8 minutes to make your statement.

STATEMENT OF HON. MITCH McCONNELL, U.S. SENATOR FROM KENTUCKY

Senator MCCONNELL. Thank you, Senator Boxer, Senator Murkowski, and Senator Webb.

Madam Chairwoman, I'll just ask that my statement be made a part of the record, and then just——

Senator BOXER. Without objection.

Senator MCCONNELL [continuing]. Provide some observations about the situation in Burma.

I got interested in Burma, like a lot of Americans, in the early 1990s, through reading an article about Aung San Suu Kyi and her quest for democracy. And, as we all know, she's spent most of the last 18 years under house arrest.

What have we tried to do about it? Well, in 2003, I, along with Senator Feinstein and Senator McCain, introduced the Burmese Freedom and Democracy Act which we've renewed on an annual basis for 5 years now; every year since 2003. The President, as we all know, a while back also ratcheted up a number of U.S. sanctions by targeting members of the regime. But, as Senator Kerry has said, as you've said, Senator Boxer, as you've said, Senator Murkowski, and as you've said, Senator Webb, unilateral sanctions almost never work; in fact, I can't think of a single situation where they have worked. The one time where global sanctions did clearly make a difference was in South Africa, and that was because everybody participated.

The problem here is obvious. China, India and Thailand are the key players. Thailand and India are two countries that, a while back, seemed to be sympathetic with the reformers, but now have adapted to the repressive conditions there. None of the neighbors seem to have much interest in applying the real pressure that would bring about a positive change. China and India are the two biggest players in Burma. Their attitude seems to be largely, "It would be bad for business to start siding with the prodemocracy forces." That's not entirely unexpected from a country like China, but from India, the world's largest democracy, right next door, it is really kind of surprising, the ambivalence which they demonstrate toward offsetting reform in Burma.

The Europeans, I think, have been somewhat better. But a sanctions regime is only going to work to the extent the Chinese, the Indians and the Thais are deeply involved in this. And so, I think the path is clear, although it's not easy to get there. The U.S. needs to continue to pressure our friends in that part of the world to take this matter seriously.

I'll wager that if Burma had nuclear weapons, we'd be really interested in this. I mean, they are a pariah regime, like Iran and

like North Korea. We focus intently on the other two because of our concern about the nuclear problem. The Burmese junta is a similarly outrageous regime. The good news is, there are not many of these pariah regimes left in the world, but this is clearly one of them.

So, I'd be interested in hearing, later, any suggestions any of you have, but I think, as each of you has suggested, the only way this is ultimately going to make a difference, in terms of sanctions that bite, is with China, India and the Thais, as well, buying into a sanctious regime.

So, I thank you, Senator Boxer, for having the hearing. I appreciate the opportunity to be here and express, along with all of you, my frustration. I can't think of an issue I've spent more time on over a longer period of time and seen less results, and it's because we are, to some extent, powerless without the cooperation that you, Senator Kerry and others, were talking about. Ultimately the world needs to treat this as a serious problem rather than just some kind of unacceptable behavior that we're willing to tolerate because it's a long way away.

So, thank you for having the hearing. I think we ought to all continue to pressure our trading partners and allies out in that part of the world, who could really make a difference if they took an interest in this and decided to apply the kind of multilateral pressure that could really bring this regime to its knees and bring about the fundamental change that we need: Change that people of Burma already voted for in 1990. They've had their vote. It just hasn't been honored.

So, thank you very much for the opportunity. I appreciate the chance.

[The prepared statement of Senator McConnell follows:]

PREPARED STATEMENT OF HON. MITCH MCCONNELL, U.S. SENATOR FROM KENTUCKY

Chairwoman Boxer, Ranking Member Murkowski, thank you for inviting me to make a statement today about the situation in Burma.

Democratic reform in Burma is an issue that I have taken a great interest in for many years. I am pleased that the issue today enjoys strong bipartisan support in Congress. This was reflected in the sense of the Senate that passed this Monday, condemning the regime for its barbaric behavior.

The Burmese junta's recent attacks against peaceful protestors were despicable and an affront to free people everywhere. However, simply because the ruthlessness of the Burmese regime is slipping off of the front pages does not mean that the heavy hand of that government has been lifted.

Just this morning, the Associated Press reported that Burmese soldiers were driving through the streets of Rangoon looking to round up protestors who had previously escaped their clutches.

There are some encouraging signs, however. News reports indicate that the European Union is nearing agreement on ratcheting up sanctions against the Burmese regime.

Ultimately, the United Nations Security Council will need to take meaningful action on sanctions for the junta to be pressured into changing its behavior and embracing peaceful reconciliation. And that means that China will need to be persuaded of the need to take the regime to task.

It also means that India will need to join its fellow democracies and play a more constructive role in pushing for democratic reform within Burma. As both China and India mature into their respective roles as economic, regional, and global powers in this century, more will be expected of them in both word and deed. The cause of reform in Burma is just such an area.

I think hearings such as this are crucial to keep public attention focused on the repression in Burma and to make it more difficult for China and India to evade

their responsibilities as global stakeholders. And I very much appreciate the committee's efforts in this vein.

Senator BOXER. Senator, thank you so much. And we know that you have other obligations, and we do thank you. And I think your presence here, as well as all my colleagues today, so eloquent—I think it's the first step, at least at this point, to really shining the light on this. And we will figure out ways to keep the light on it, and we'll all work together. And thank you.

Senator Feinstein.

STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

Senator FEINSTEIN. Thank you very much, Madam Chairman. I appreciate your holding these hearings.

I very much agree with what I heard Senator Webb say, and, of course, what the Republican leader said, I agree with. And I've been working with him since 2003.

Now, I think, just to get the historical record complete, we began this effort in 1997. Bill Cohen and I introduced a resolution which essentially banned new United States investment in Burma. It had a trigger to go into effect, and that trigger was that the Government of Burma release Aung San Suu Kyi and take some steps to rapprochement. Six months after we passed it and the President—President Clinton signed it, Madeleine Albright went to the area, and she talked with the ASEAN nations. It became clear that what we had hoped, which was that ASEAN would step in and encourage the junta to make change, did not take place. President Clinton then triggered those sanctions, and they have been in place ever since 1997. That's banning United States investment. What Senator McConnell and I did in 2003 is a ban on imports. So, ban on investment has been in place since 1997, and a ban on imports, since 2003.

Senator Webb is right, if you're alone on a sanction, it doesn't work. If the whole world joins in a sanction, as Senator Kerry has pointed out with respect to the South African sanctions, it works.

Last night, Senator Durbin called a small meeting. Senator Kerry was present, Senator Lieberman, I was present, and we met with the Chinese Ambassador and had a very frank conversation urging the Ambassador to please move forward with this country to take—to step up to the plate. The Ambassador told us that China had weighed in and that China, in effect, was responsible for securing the—Mr. Gambari's meeting with the head of the junta. They also gave us—and I'm not advocating for China, here, but I'm simply stating what he told us, because I think it's important, because China shares a very long border with Burma and is a very important trading partner, has major investments, et cetera.

This is Premier Wen Jiabao holding a telephone talk with his British counterpart, Gordon Brown. And this is what the Chinese Premier said, "China is very much concerned with the situation in Myanmar. China hopes that all parties concerned in Myanmar show restraint, resume stability through peaceful means as soon as possible, promote domestic reconciliation, and achieve democracy and development. The international community needs to offer constructive assistance for the final settlement of the Myanmar prob-

lem." The Chinese Premier said that, "China will continue to work with the international community to actively facilitate the proper solution to the problem in Myanmar."

Attached is a statement from a Chinese Foreign Ministry spokesman on Myanmar, as well, and I'd like to ask that both of these be entered into the record, if I might.

Senator BOXER. Without objection.

[The statements previously referred to follows:]

PREMIER WEN JIABAO HOLDS TELEPHONE TALKS WITH HIS BRITISH COUNTERPART GORDON BROWN

Chinese Premier Wen Jiabao talked with his British counterpart Gordon Brown on the situation in Myanmar by telephone on the evening of September 28, 2007.

In the conversation, Brown said that the international community is greatly concerned with the situation in Myanmar, expecting the Southeast Asian nation to restore stability, realize reconciliation and start political process as soon as possible. The British side hopes that China will continue to exert positive influence to achieve a proper settlement of the problem in Myanmar, and is willing to keep closer contacts and communication with the Chinese side, said the British Prime Minister.

Premier Wen, for his part, said that China is very much concerned with the situation in Myanmar. China hopes that all parties concerned in Myanmar show restraint, resume stability through peaceful means as soon as possible, promote domestic reconciliation and achieve democracy and development, he said. The international community needs to offer constructive assistance for the final settlement of the Myanmar problem, he added. The Chinese premier said that China will continue to work with the international community to actively facilitate the proper solution to the problem in Myanmar.

CHINESE FOREIGN MINISTRY SPOKESPERSON ON MYANMAR ISSUE, SEPTEMBER 27, 2007

As a neighbor of Myanmar, China follows closely the situation there. China hopes that all parties in Myanmar exercise restraint and properly handle the current issue so as to ensure the situation there free from further escalation and complication. Myanmar's stability should not be affected. Neither should peace and stability in the region be affected.

We hope that Myanmar be devoted to improving people's welfare, maintaining national harmony and properly dealing with its domestic social conflicts so as to restore stability at an early date.

China noted that the Security Council held consultation on the situation in Myanmar and the Chairman of the Council talked to the press on the issue. China believes that the international community should provide constructive assistance to alleviation of the domestic situation in Myanmar. China supports the mediation efforts of the U.N. Secretary General and his Special Envoy Gambari.

China hopes that the international press can be truthful in reporting and cover the issue objectively rather than hyping up the issue. We have noted that a very few press unleashed some accusation against China, which is vicious defamation.

Senator FEINSTEIN. Now, I think—and the reason I read this is that China, I think, has taken the first step—I think we should, in every way, shape, or form we can, encourage China to really step up and to really interface with the junta leadership, and really say two things, "You must stop the killing, you must release the political prisoners, and you must free the duly elected President of this country, Aung San Suu Kyi, elected in 1990, and sit down and have negotiations."

I do not believe that our country, or China, if China is going to be a world player, can really turn their head on a democratically elected government and not work for that government to be placed into power. So, my hope is that China will, in fact, step up and carry out these missions.

I do not believe that unilateral sanctions work. And my final point would be—and sitting here with the State Department here—I think that State really ought to pull together India, China, the other major powers of the region and encourage ASEAN to come off of this impartial kind of nonconfrontational stance of theirs and join us in both an investment and an import ban, with sanctions, if sanctions are to work, or else achieve a compromise with the government that involves the release of Aung San Suu Kyi, the stopping of the killing, and also the release of those political prisoners. Those are the three big issues, as I see them right now. So, I'd like to ask that my full remarks be entered into the record. And also, when I wrote to the State Department earlier, I'd like to enter a letter of September 24th from the State Department on this issue into the record, as well.

Senator BOXER. Senator, all that will be entered in the record, and we all thank you so much——

Senator FEINSTEIN. Thank you.

Senator BOXER. We all thank you so much, and——

Senator FEINSTEIN. Appreciate it.

Senator BOXER.—I really do appreciate your shining the historic light of recent history, in terms of congressional action. I think it's——

Senator FEINSTEIN. Oh, may I say——

Senator BOXER. Law of the Sea—very helpful.

Senator FEINSTEIN [continuing]. One other thing?

Senator BOXER. Of course.

Senator FEINSTEIN. As Senator Murkowski knows and you know, all the women of the Senate——

Senator BOXER. Yeah.

Senator FEINSTEIN [continuing]. Both political parties——

Senator BOXER. Right.

Senator FEINSTEIN [continuing]. Have written to the United Nations. We also sat, when the First Lady came, with her and made statements, signed letters. And I know that Mrs. Bush is very involved, and, I think, can be a very positive force for some action. So, I hope we will include the administration, as well, in whatever effort——

Senator BOXER. Yes. Let me assure you, we have already placed—she wrote a letter to myself and Senator Murkowski especially for this hearing——

Senator FEINSTEIN. Good.

Senator BOXER [continuing]. And we have included it in the record, and, absolutely, you're right, if—we just need to keep all these going; and, no matter what else we've got to do, we've got to work.

Thank you very much for your——

Senator FEINSTEIN. Thank you——

Senator BOXER [continuing]. Contribution to today's——

Senator FEINSTEIN [continuing]. Very much.

Senator BOXER [continuing]. Hearing.

[The prepared statement of Senator Feinstein and letters follow:]

PREPARED STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

Good afternoon, Madame Chair. Thank you very much for inviting me here today to speak about the brave quest of the people of Burma for democracy and freedom.

In recent weeks, we have witnessed the largest democratic demonstrations in almost 20 years.

Tens of thousands of Burmese citizens have taken to the streets in peaceful demonstrations to speak out against the country's oppressive military regime, the State Peace and Development Council. They are crying out for human rights, democracy, and the rule of law.

I have watched these courageous people with a deep sense of admiration and respect.

Led by respected Buddhist monks, the people of the "Saffron Revolution" have called on the military junta to release all political prisoners, including Nobel Peace Prize Laureate Aung San Suu Kyi, and engage in a true dialogue on national reconciliation.

Suu Kyi, the nation's duly elected democratic leader, has remained under house arrest for the better part of the past 17 years.

Yet the country's brutal military regime has continued to refuse to recognize the results of the 1990 democratic election. Under their iron fist, the people of Burma have suffered numerous human rights abuses.

And as it has in the past, the military junta has responded to the recent peaceful protests with violence and bloodshed. Soldiers have used brutal force to break up the protests, beating, and sometimes killing innocent civilians.

Reports indicate that hundreds of protesters, including many monks, have lost their lives and the monasteries are now deserted.

We must not let the military junta get away with its actions.

Last week, at the United Nations, President Bush announced that the United States would place additional sanctions on the members of the ruling military junta and their financial backers to compel the regime to refrain from violence and negotiate a political settlement with the democratic opposition.

First Lady Laura Bush added her voice to raise awareness about the situation in Burma and to express her support for the protesters.

And as you know, Madame Chair, we, the members of the Senate Women's Caucus on Burma, also expressed our solidarity with the prodemocratic protestors.

We called on the international community to put pressure on the regime to free the political prisoners and being a true dialogue on national reconciliation.

The international community must come together to put pressure on the regime to stop the violence and the killing, release all political prisoners and put Burma on an irreversible path toward true democratic government.

I am pleased that United Nations Special Envoy Ibrahim Gambari has traveled to Burma and has met twice with Suu Kyi and the leader of the junta, General Than Shwe.

Last night, Senators Durbin, Lieberman, Kerry and I met with China's Ambassador to the United States and urged his government to do more to urge the regime to stop the killing in Burma and release all political prisoners. He shared with us a copy of a statement from Premier Wen Jiabao on the situation in Burma and I would like it to be included in the record.

Burma's neighbors with the closest ties to the regime—China, India, Russia, and the Association of Southeast Asian nations—must make it clear that further violence will not be tolerated. And that there will be consequences if the regime does not take action soon.

Instability and violence in Burma affect the entire region and it is in China's interest to have a safe, secure, and democratic Burma on their borders.

Madame Chair, I have been involved in working to bring peace and democracy to Burma for over 10 years.

In 1997, former Senator Bill Cohen and I authored legislation requiring the President to ban new U.S. investment in Burma if he determined that the Government of Burma had physically harmed, rearrested, or exiled Aung San Suu Kyi or committed large-scale repression or violence against the Democratic opposition.

President Clinton issued the Executive order in 1997 and the ban remains on the books today.

In 2003, after the regime attempted to assassinate Aung San Suu Kyi, Senator McConnell and I introduced the "Burmese Freedom and Democracy Act of 2003" which placed a complete ban on imports from Burma. It allowed that ban to be renewed 1 year at a time for up to 3 years.

It was signed into law and has been renewed 1 year at a time for each of the past 4 years.

The problem is, these sanctions will not work unless all nations join us.

Unfortunately, we have not seen other countries rally to our cause and enact similar measures.

I hope they will now see fit to change course.

Although I have been disappointed that more progress toward the release of all political prisoners and the restoration of democratic government has not been made, I have never wavered in my conviction that the people of Burma yearn to be free.

Madame Chairman, to the people of Burma I say this: We are watching, we are paying attention, and we will not give up on our shared vision of a free and democratic Burma.

U.S. SENATE,
Washington, DC, August 29, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR SECRETARY RICE: The current situation in Burma merits a strong, and meaningful response by our government. We write to urge you to immediately initiate an emergency, formal meeting on Burma at the United Nations Security Council.

Over the past several days, as was reported in the press around the world, Burma's military regime has carried out a widespread crackdown on human rights and democracy activists throughout the country. These repressive measures have come in response to the largest nonviolent demonstrations in Burma in five years.

Many of the activists who have been imprisoned as a result of this crackdown were reportedly beaten and carted off in trucks after protesting on the streets of Rangoon and Burma's other major cities. Those arrested include Min Ko Naing and Ko Ko Gyi, two of Burma's most prominent democrary activists. Many of these activists reportedly face life sentences for exercising the fundamental right of political expression. These actions by the regime are appalling even in light of the junta's longstanding and well-documented record of repression.

We applaud the State Department for swiftly condemning the regime's brutal behavior. France and the United Kingdom, two other permanent members of the Security Council, have issued similar condemnations, along with Canada, Sweden, Ireland, Denmark, the European Union, and the U.N. High Commissioner for Human Rights. However, at this critical juncture, words of support from the world's democracies are not enough. The matter needs to be addressed by the U.N. Security Council.

During the past year, the United States led a successful diplomatic effort to place Burma on the permanent agenda of the Security Council, where it remains. We must avail ourselves of this diplomatic forum, the brave people of Burma deserve no less.

We urge you to send a letter to the President of the Security Council requesting that U.N. Secretary General Ban Ki-moon, at a minimum, thoroughly brief the Council on the situation in Burma.

Thank you for your prompt attention to this serious matter.

Sincerely,

MITCH MCCONNELL,
United States Senator.
DIANNE FEINSTEIN,
United States Senator.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 24, 2007.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter of August 29 urging a formal meeting of the United Nations Security Council on the situation in Burma.

We are deeply concerned about the recent crackdown in Burma and have issued a number of statements condemning this most recent repression by the military regime. We continue to coordinate closely with other like-minded countries and key players in the region to bring increasing pressure on the regime to change its policies. We have also raised our concerns with U.N. Secretary General Ban and Special

Envoy Gambari and encouraged them to speak out strongly as well. We agree that the political and human rights situation there is a matter that the U.N. Security Council should take up urgently, so we are pleased that Special Envoy Gambari will brief the Council in informal consultations on September 20. We are encouraging Special Envoy Gambari to travel to Burma as soon as possible, and we are working directly with Security Council members and other international partners to build support for a formal meeting of the Security Council on Burma following his return from Burma.

In addition to pursuing the Security Council's engagement on Burma, we will use the platform provided by the U.N. General Assembly to highlight the regime's repression of peaceful demonstrators and its other abuses against the Burmese people. We believe that an international community that is united and vocal in its criticism of the regime is the best vehicle for bringing about the kinds of changes we seek, as well as give hope and support to those in Burma struggling to bring democracy to their country.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

JEFFREY T. BERGNER,
Assistant Secretary, Legislative Affairs.

And, just for the interest of the Senators who are here——

Senator Cardin, do you want to make a statement, or would you wait until your question time? It's your call. It's whatever you want to——

Senator CARDIN. I'll defer, at this moment, so we can——

Senator BOXER. OK.

Senator CARDIN [continuing]. Get to the witnesses.

Senator BOXER. Thank you very much.

And what I wanted to say was, Senator Feinstein and McConnell, those Senators were panel two. So, we've done panel two, we will go to panel one, and then panel three. And panel one is a panel of one.

Mr. Marciel, thank you very much. And please proceed for 6 minutes, if you can.

STATEMENT OF SCOT MARCIEL, DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. MARCIEL. Madam Chairman, Ranking Member Murkowski, and members of the subcommittee, thank you very much for inviting me here today to testify about the situation in Burma.

I'd ask that my full written testimony be entered into the record, and then I'll try to be very brief in my oral comments.

We've all seen the gripping photos, right in front of us, of saffron-robed monks and the brave civilians of Burma taking peacefully to the streets in the thousands to press the case for dialog and democracy, only to be met with blunt end of baton sticks, clouds of tear-gas, automatic weapons, mass arrests, and worse. The exact number of casualties is not clear, and, unfortunately, we may never know. The regime admits to 10 deaths. The true number of fatalities is likely many times that number, with hundreds, if not thousands, arrested. The regime's violent crackdown this past week on peaceful dissent by its own people is an outrage. I would note that our reports indicate the arrests are continuing.

The brutal suppression of peaceful protest has only reinforced this administration's commitment at the highest levels to ensure that democracy is realized in Burma. President Bush and Secretary Rice have led the international community's outraged response to

the regime's actions, forcefully raising the issue at the U.N. General Assembly, in public statements, and with leaders and senior officials from key governments in the region. We've backed up our words with actions to ratchet up pressure on the regime. We've tightened financial sanctions and visa bans on senior regime officials, and we're now exploring followup measures targeting the regime and those who provide financial support to it.

Second, we are working to turn the international outrage into increased pressure on the regime to move in a positive direction. We're coordinating closely with the British, the French, and other like-minded partners. We're reaching out to the ASEAN nations whose Foreign Ministers issued an unprecedented statement last week directly criticizing the regime and urging the kinds of political reforms we have been seeking. It's clear that ASEAN's patience with Burma has worn very thin, and we believe ASEAN can play an important role encouraging dialog and progress.

We also are pressing some key players in the region that have been more hesitant to speak out. Japan is one of those countries, at least until the last few days. We appreciate Japan's recent public calls for restraint and indications it may be considering some form of sanctions, but we also look to Japan to do more.

After not speaking out for a long time, India, yesterday, called upon the Burmese military to investigate incidents of excessive use of force against prodemocracy protesters. That was a positive step, but India can and should do more, given its influence with the regime.

China probably has the most influence in the regime. While we have indications that Beijing has been quietly pressing junta leaders to exercise restraint, and was helpful in facilitating U.N. Special Envoy Gambari's visit and meetings this week in Burma, we think China can do more. We have been pressing, and we will continue to press, Beijing to do more.

The other pillar of our diplomatic strategy remains the United Nations. We endorse and support the mission of U.N. Special Advisor Gambari, who was just in Burma this week. We're still awaiting word on the results of his visit and his discussions with Senior General Than Shwe and his two meetings with Aung San Suu Kyi. Our hope is that Mr. Gambari has been able to catalyze a dialog between the generals and the leaders of the prodemocracy movement, but that remains to be seen.

We're also fully committed to having Burma remain an active issue for the U.N. Security Council. We expect Mr. Gambari to brief the Security Council in a formal session upon his return to New York. Based on his report, and in consultations with our partners, we'll decide on what additional actions or measures to take up in the Security Council in the coming weeks.

Madam Chairman, I would be less than truthful if I told you there was an easy solution to solving Burma's political problems and putting it on a path to genuine democracy. The primary obstacle to progress in Burma, as we all know, is a military that's been entrenched in power for over 40 years. The regime has propagated the myth that the military is the only institution in Burma that can hold the country together and resist the force of separatism from the ethnic border areas. The Burmese military has insinuated

itself, over four decades, into every fiber of the country, and runs a parallel economic system that sustains it while impoverishing the rest of the country. One pundit recently described Burma not as a "country with a military," but, rather, as a "military with a country."

Recognizing this reality, our approach over the past few years has focused on building international pressure on the regime to engage in a truly inclusive dialog with the democratic opposition, led by Aung San Suu Kyi, and with the ethnic minority groups, leading to a genuine political transition from military rule to civilian-led democracy. This is what Burma's democratic opposition has said it wants.

The immediate prospects for progress in Burma, admittedly, looked dimmer after the events of last week, but we believe that through perseverance and concerted efforts with our partners and others, we can help bring a better democratic future to Burma and its neighbors—sorry—Burma and its people.

Thank you for the opportunity to testify. I look forward to your questions.

[The prepared statement of Mr. Marciel follows:]

PREPARED STATEMENT OF SCOT MARCIEL, DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Madame Chairman, Ranking Member Murkowski, and members of the subcommittee, thank you for inviting me here today to testify about the ongoing crisis in Burma and our efforts to help bring democracy to that country and an end to 40-plus years of repressive military rule. We have all seen the gripping photos of saffron-robed monks and brave civilians taking peacefully to the streets in the thousands to press the case for dialog and democracy, only to be met with the blunt end of baton sticks, clouds of tear gas, automatic weapons, mass arrests, and worse.

The exact numbers of casualties suffered over the past several days in Burma is not clear and, unfortunately, may never be known. The regime admits to only 10 deaths. The true number of fatalities is likely many times that number. We have also seen troubling pictures on the aftermath of the regime's raids on monasteries and homes of activists. We know that those random raids have continued. Our Embassy reports that hundreds of people or more have been arrested, and we believe that they are being kept in unimaginably inhumane conditions. The regime's violent crackdown this past week on peaceful dissent by its own people is an outrage, and something we and the international community cannot and will not accept.

VIGOROUS U.S. AND INTERNATIONAL COMMUNITY RESPONSE

In reaction to the regime's brutal crackdown, the international community has responded with a crescendo of outrage, revulsion, and calls for the junta to halt the violence and begin a true dialog with Burma's democratic opposition. Our efforts have focused on ensuring that this outrage channels into greater pressure on the regime to change. President Bush and Secretary Rice have led the charge, forcefully raising the issue at APEC in Sydney, the U.N. General Assembly, in public statements, and with leaders and senior officials from key governments in the region, including China, India, Japan, and countries in the Association of Southeast Asian Nations (or ASEAN). The First Lady's continued attention to the tragedy in Burma has also helped to keep the issue squarely in the public eye, as have resolutions and letters from Members in both the Senate and House.

The United States has also backed up its words with actions that will serve to ratchet up pressure on the regime. Last week, the Department of the Treasury designated 14 senior regime officials under Executive Order 13310, which authorizes the blocking of assets in U.S. jurisdiction belonging to senior officials and other designated persons. The Department of State also identified senior regime officials and their immediate family members—over 200 individuals—as subject to the Presidential proclamation that suspends the entry into the United States of persons who formulate, implement, or benefit from policies that impede Burma's transition to democracy. We are now exploring followup measures targeting the regime and those who provide financial support to it.

At the same time, as the President made clear in his speech to the United Nations General Assembly on September 25, that although we will tighten sanctions, we also will "continue to support the efforts of humanitarian groups working to alleviate suffering in Burma." The State Department is seeking ways to increase humanitarian assistance and support for the movement to restore democracy in Burma.

The United States, of course, has not been alone in this endeavor. The British, French, and other like-minded partners, in close coordination with us, have been equally forceful in their condemnation of the regime's actions and have pressed for strong measures. The EU warned the regime on September 25 that it would reinforce and strengthen existing sanctions if the junta resorted to violence against unarmed and peaceful protestors and we understand that it is now considering such actions. And on September 27, the Government of Australia announced its intention to implement targeted financial sanctions against regime figures and supporters. Perhaps even more significant, however, has been the unprecedented statement by ASEAN Foreign Ministers last week in New York directly criticizing the regime and calling for restraint and urging the kinds of political reforms we have been seeking. It is clear that ASEAN's patience with Burma has worn very thin and last week's sharp words for the regime indicate the organization will no longer automatically circle the wagons and protect a member whose behavior has gone beyond all acceptable norms. We will continue to engage with ASEAN and its individual members to ensure that pressure on the regime from this influential regional body is sustained.

While many countries and regional organizations, like ASEAN, have stepped up and spoken out against the regime and the crackdown; some key players in the region have been hesitant do so. Japan is one of those countries. We appreciate Japan's recent public calls for restraint and indications that it may be considering some form of sanctions. We also welcome the visit to Burma this week of Deputy Foreign Minister Yabunaka, who we understand will deliver a tough message to the regime, while seeking answers from the generals on the killing of a Japanese photojournalist last week. But Japan, we think, can do more. We would encourage Tokyo to look closely at its assistance programs to see what kind of leverage can be applied there. We appreciate Foreign Minister Komura's statement October 3 that Japan will look closely at its economic assistance with a view to further narrowing that assistance.

India is another country that can do more. In an improvement of its traditional policy of not interfering in the internal affairs or publicly criticizing Burma, India on October 2 called upon the Burmese military to investigate incidents of excessive use of force against prodemocracy protestors. This action follows Foreign Minister Mukherjee's public statement last week calling for restraint by Burmese authorities in dealing with the demonstrators. While we are aware of India's strategic and commercial interests in Burma, we believe they should not inhibit India's ability to forcefully advocate, both publicly and privately, for the regime to end the violence and initiate a genuine dialog with the democratic opposition. India's voice on this subject, at this time, is critical.

Finally, China is the one country that everyone believes has the most influence on the regime and its policies. While we have indications that Beijing has been quietly pressing junta leaders to exercise restraint and was helpful in securing meetings for U.N. Special Envoy Gambari this week with Aung San Suu Kyi and the top generals, we think China can and must do more, much more. We have no illusions that China has the promotion of democracy and human rights at the top of or even on its bilateral agenda with Burma. However, we do know that China is concerned with ensuring its neighbor's stability and prosperity. Last week's events have illustrated again that the Burmese regime's rule has no legitimacy and popular support, and that absent a genuine dialog with the democratic opposition its "roadmap" process for political transition is a charade and a dead-end for both democracy and stability. We will continue to press Beijing to do more to promote national reconciliation in Burma based on dialog between the regime and the democratic opposition and ethnic minority groups. We will encourage China to step up to the challenge in a way commensurate with its emerging status as a global power. If it does not, then China will continue to be an appropriate target for growing international criticism.

THE U.N., GAMBARI AND THE SECURITY COUNCIL

The other pillar of our strategy to pressure the regime to affect genuine democratic reforms remains the United Nations. We fully endorse and support the mission of U.N. Burma Special Advisor Gambari, who was just in Burma this week. We are still awaiting word on the results of his visit and his discussions with senior

General Than Shwe and Aung San Suu Kyi, with whom he met twice. Our hope is that Mr. Gambari has been able to catalyze a dialog between the generals and the leaders of the prodemocracy movement, but that remains to be seen. We also are fully committed to having Burma remain an active issue for the Security Council. We expect Mr. Gambari to brief the Security Council in a formal session shortly after his return from Burma to report on the results of his discussions and next steps for his good offices mission. Based on Mr. Gambari's report, and in consultations with our partners, we will decide what additional actions/measures to take up in the Security Council in the coming days. While we welcome the Human Rights Council's passage of a resolution on Burma, this in no way substitutes for continued Security Council engagement.

A WAY FORWARD

Madame Chairman, I would be less than truthful if I told you that there is an easy solution to solving Burma's political problems and putting it on a path to genuine democracy. If it were easy, it would have been resolved years ago.

The truth is that the primary obstacle to democratic change in Burma is a 400,000 strong military that has been entrenched in power for over 46 years. The military's officer corps finds it virtually inconceivable that they should surrender the commanding heights of power and governance to a democratic opposition composed of civilians. The regime has propagated the myth that the military is the only institution in Burma that can hold the country together and resist the forces of separatism from the ethnic border areas. The Burmese military has forcefully insinuated itself over four decades into every fiber of the country and runs a parallel economic system that sustains it while impoverishing the rest of Burma. One pundit recently described Burma not as a "country with a military," but rather as a "military with a country."

Recognizing this reality, that change will not come easily, our approach to Burma over the past couple of years has focused on building maximum international pressure on the regime to engage in a dialog with the democratic opposition, led by Aung Sang Suu Kyi, and the ethnic minority groups, leading to a genuine political transition from military rule to civilian-led democracy. This is what Aung Sang Suu Kyi and Burmese democracy activists, both within Burma and without, have said they want. They do not want the regime's "roadmap" process as constructed; that is a dead-end, as long as it does not involve the opposition in a genuine and open dialog.

The brutal crackdown by the regime, first on democracy activists then on the monks and average citizens who bravely followed them into the streets, was outrageous and clearly a setback for the democratic aspirations of the Burmese people and our efforts to support those aspirations. That said, I can assure you that the administration remains committed at the highest levels to ensure that democracy is realized in Burma. We will intensify our bilateral actions to pressure the regime. We will continue to actively engage the key regional partners (e.g., China, India, Japan, ASEAN) and employ all appropriate measures to gain their support in pressing the regime for a democratic transition. We will continue to coordinate closely with like-minded partners in Europe and elsewhere in this endeavor. We will actively support Mr. Gambari's good offices mission to promote dialog and national reconciliation and urge others to do the same. We will also press for appropriate actions by the U.N. Security Council to help bring about the kind of changes we and the Burmese people seek.

Madame Chairman, while the immediate prospects for progress in Burma may look dim given events last week, we believe that through perseverance and concerted effort with our partners and others, we can help bring a better, democratic future to Burma and its people.

Thank you for this opportunity to testify before you this afternoon. I am pleased to answer your questions.

Senator BOXER. Thank you. We'll keep questions to 6 minutes.

Mr. Marciel, thank you very much. During his address to the U.N. General Assembly last week, the President made a very good, strong statement about the situation in Burma, and he rightly stated the American people were horrified by it, and are horrified by it, and he made a strong statement, further, about tightening sanctions. He didn't seem to address the loophole that's in the bill, which I think requires tightening, which allows American companies to continue to do business in Burma. Now, it's all well and

good for everyone to say the sanctions have to be multilateral. We agree. But if we still have a big loophole, I think that gives us a little bit of a lower moral ground.

So, for example, the Chevron Corporation is one such company that continues to do business in Burma as part of the Yadana offshore gas project, the natural gas field that provides $400 to $600 million in revenues to the Burmese junta—$400 to $600 million every year to the junta.

Arvind Ganesan, director of the Business and Human Rights Program for Human Rights Watch, has said, "The Yadana project is probably one of the biggest revenue-raisers, if not the biggest revenue-raiser, for the Burmese Government, so it gives them the ability to do what they want. And, at the moment, the money is being used to fund the Burmese military's brutal crackdown on its citizens."

So, again, I just wonder, have you discussed this with the President? Is there a way that we could join together, the legislative and executive branch, to tighten up this loophole? Because it seems to me it sends a mixed message on our commitment if we have such a giant loophole and an—and Chevron—I don't mean to pick on them, they just happened to be doing business before the sanctions went into play—but they are, in essence, providing so much—hundreds of millions of dollars to the government every year. Could you respond to that?

Mr. MARCIEL. Sure, Senator.

Chevron, as you know, its investment or presence in Burma was grandfathered in——

Senator BOXER. I understand.

Mr. MARCIEL [continuing]. Under the 1997 law. What I would say is, you know, we're looking at everything, to be perfectly——

Senator BOXER. Good.

Mr. MARCIEL [continuing]. Honest.

Senator BOXER. Good.

Mr. MARCIEL. I think our view is that we've tried very hard—lots of administrations, with the strong support of Congress, have tried a lot of different things, and we haven't succeeded, so we have to be open and looking——

Senator BOXER. Right.

Mr. MARCIEL [continuing]. At every new——

Senator BOXER. Well, I'm glad——

Mr. MARCIEL [continuing]. Idea, and putting this——

Senator BOXER [continuing]. You said that, because, again, that's a big loophole, seems to me.

Mr. MARCIEL. Yeah. We are——

Senator BOXER. Now——

Mr. MARCIEL. We are looking at——

Senator BOXER [continuing]. In terms of China, we've all spoken out on the importance of China here—is there any indication to you—Senator Feinstein put a statement in the record, et cetera—you know, when I hear a statement that says, "We ask all parties to show restraint," what does that mean? That means we're asking the people in their robes to no longer walk in peace? I worry about that statement, "all parties to show restraint." So, I'm a little concerned about that type of statement. What's your analysis of where

we are? If you think China's any way willing to scale back the hundreds of millions of dollars in military aid it provides the junta?

Mr. MARCIEL. I would answer that in two ways. First, international pressure is key, and that means, really, everybody—us, the Europeans, the ASEANs, China, and India. So, China's involvement is very important.

I think what I would say is that our sense is that China is concerned about the situation inside Burma, and we do believe they have weighed in, for example, to facilitate the U.N. Envoy Gambari's visit, perhaps to call for restraint. They have not yet shown a willingness to go beyond that. We're continuing to work on them. We have to continue doing that. And one question will be, when this issue comes before the Security Council in the coming days, how China reacts.

Senator BOXER. OK. I'm running out of time, so I'm going to make one quick statement and then my last question.

My quick statement is this. India. I mean, India is a model of democracy for the developing world. And, as you, yourself, have pointed out, where are they? Now, I happen to—I happen to be one of the very few people here who did not vote for the nuclear deal with India. But that deal is really important to India. I would hope that we can connect the dots here and say, "Look, if we're going to show the confidence in you to do this, then you need to help us here." Have you made those reach-outs to India in that direct a way?

Mr. MARCIEL. Senator, I'm—to be honest, I'm—I know there have been a number of high-level discussions with the Indians. I don't know if it's been put exactly that way, but we have made it very clear to India that we felt that, particularly as a democracy, it needed to step up and use its influence with the regime to press for exactly the things that everyone here has talked about.

Senator BOXER. OK. Well, I think you have some cards in your deck there. So, my last—since I have 30 seconds—the Government of Thailand does not allow the U.N. Refugee Agency—UNHCR—to conduct refugee status determinations of Burmese. That means refugees fleeing Burma cannot currently be appropriately registered and provided with essential services. They are detained at the border, they're routinely returned. Where do we stand, in terms of Thailand and what they should be doing, in terms of an open border and registering refugees and so on?

Mr. MARCIEL. Senator, that's a very good question. As you know, there are a lot of—millions of Burmese refugees in Thailand—or hundreds of thousands. If I could, I would like to get back to you with——

Senator BOXER. OK.

Mr. MARCIEL [continuing]. A fully thought-out answer, because I'm not sure——

Senator BOXER. Sure.

Mr. MARCIEL [continuing]. I have all the answers here.

[The written information from Deputy Assistant Secretary Marciel follows:]

There are over 140,000 Burmese refugees in Thailand. While some refugees fled Burma as long as two decades ago, asylum-seekers continue to flee to Thailand and other countries. Conditions in Burma do not permit these refugees to return to their

home country. We appreciate the Royal Thai Government's cooperation with humanitarian organizations, the United States, and other donor governments in meeting the needs of these refugees.

The Royal Thai Government conducts its own screening of the refugee claims of Burmese asylum-seekers through Provincial Admissions Boards (PABs), which were reestablished in recent years following close coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR). The PABs were intended to continue reviewing the cases of any new Burmese asylum-seekers seeking entry into the refugee camps; however, the process has lapsed in several of the camps. UNHCR is now coordinating with Thai authorities in an effort to revitalize the screening process. The U.S. Government has encouraged the Government of Thailand to continue screening asylum-seekers and providing protection to any refugees.

Senator BOXER. Thank you so much.

Senator Murkowski.

Senator MURKOWSKI. There was an article in the Washington Post this morning about the number of refugees in Thailand. You look at the picture of, literally, house on—not even "house"—slum on top of slum, and appreciate the—just the devastating situation with the refugees there.

Mr. Marciel, in terms of other possible sanctions that could be put in place, it's been suggested that Burma's fiscal policy is simply to raise enough money for the military, with little concern for any other activities. Outside of the current provisions within the Patriot Act and sanctions on money-laundering and the prohibitions on new investments, what other financial policies might be available that we could put in place that might give us something that we haven't got, to this point in time?

Mr. MARCIEL. First, in your—response to your first point, our sense is that the regime is getting enough hard currency to keep itself afloat, even as the country becomes more impoverished. We're still, to be honest, studying all the options out there on the sanctions. We—you know, we haven't reached any conclusions yet, beyond the additional sanctions that were allowed last week. So, we're still working on the answer to your question, to be perfectly honest. But it's a very high priority for us.

Senator MURKOWSKI. Well, we learned, with the situation in North Korea, that perhaps going after the financial institutions was something where you can put a squeeze on a regime and see some impact. So, certainly it's something that is—I'm sure you're reviewing and considering.

Along the lines of North Korea, at the hearing that we had back in March 2006, I had mentioned, at that time, that some who were following the situation in Burma very closely had raised the possibility of some type of a six-party talk, similar or fashioned after what we were doing there in Korea. And Michael Green, who's one of the panelists coming up after you, had also suggested that we might want to be pushing for a common set of talking points, basically a roadmap as to how we go forward with other parties who share those same values with regards to Burma.

Has there been any development along this front? Any further discussion about the roadmap, six-party talk, or in——

Mr. MARCIEL. Well, there's been——

Senator MURKOWSKI [continuing]. That direction?

Mr. MARCIEL. It's a good question. There's been intense and constant discussion about how we can work with countries in the re-

gion to put maximum pressure on the regime, not in a formal format like the six-party talks. And, of course, one big difference is that, in the six-party talks, you have North Korea. The Burmese haven't shown particular interest in participating in much of any dialog, either with their own people or with the international community. But what we have been doing is pushing very hard for the countries in the region, even if they have different approaches toward the regime, toward Burma—some have sanctions, some have trade, but to push for some common points, as you suggested. And those common points really have been: Release political prisoners; begin a genuine dialog with the opposition; allow U.N. and other international humanitarian organizations to do their work. So, those have been the common talking points that we have been pressing, with some success.

Senator MURKOWSKI. Let me ask you about the ASEAN nations, because they—you had mentioned the joint statement, the release that had come out from the ASEAN members expressing their revulsion over the use of the violence. Certainly there appears to be a sense of unity that's expressed in that letter. Is there a divide amongst the ASEAN members on how to approach Burma, or are they pretty much united on this?

Mr. MARCIEL. I think ASEAN's position has evolved over the last 2 years. Two years ago, they were basically defending the regime in a unified ASEAN policy. About a year and a half ago, if I remember correctly, they ended that unified policy, and each country, sort of, freed, if you will, in the ASEAN context, to take up its own position. I think what we saw last week is a unified ASEAN position—unified, with the exception of Burma—the other nine members taking a very strong stance on insisting that the regime had to begin a political dialog, end the violence, release political prisoners. I think, to that extent, ASEAN—the rest of ASEAN, the nine—are unified. As we go further and look to ASEAN member—as an entity and as individual members to step up pressure, I mean, we'll—we're going to have to see how much unity there is. But I think——

Senator MURKOWSKI. Does the——

Mr. MARCIEL [continuing]. Overall the——

Senator MURKOWSKI. Does the military junta, then, take advantage of the fact that you do have members who are coming at it from a different perspective? Are they capitalizing on that?

Mr. MARCIEL. I'll tell you, my sense, at this point, is that it's much more unity in ASEAN. It's striking for——

Senator MURKOWSKI. But that is very recent. Is that correct?

Mr. MARCIEL. That's—in—well, certainly, last week—I mean, the crackdown the last 10 days really has appalled everybody, including, I think, the ASEANs, as far as I can tell. It's very genuine revulsion at what they see. So, I think there's—there is unity that Burma has to change, has to begin. I think that's pretty clear.

Senator MURKOWSKI. Maybe that'll make the difference.

Thank you, Madam Chair.

Senator BOXER. Thank you, Senator.

Senator Kerry.

Senator KERRY. Thank you, Madam Chair.

Mr. Marciel, I hate to say it, but what I hear is kind of a slow-walk diplomatic policy for a rather urgent humanitarian situation. Can you tell me, specifically what the administration is doing to get the Gambari mission on track?

Mr. MARCIEL. Well, I mean, now, of course, Gambari, as you've said, has visited and has already left Burma, and is on his way back to New York.

Senator KERRY. But he has an ongoing mission. He's been——

Mr. MARCIEL. He has an——

Senator KERRY [continuing]. Appointed by the——

Mr. MARCIEL [continuing]. Ongoing mission.

Senator KERRY [continuing]. Secretary General to be the mediator.

Mr. MARCIEL. You're right, sir.

Senator KERRY. What are we doing to further that mediation?

Mr. MARCIEL. We have been pushing every country, that has any involvement in this at all very hard, to support his mission, and urging all countries to unify in support of——

Senator KERRY. What are we doing——

Mr. MARCIEL [continuing]. Its efforts.

Senator KERRY [continuing]. To leverage that? I mean——

Mr. MARCIEL. Pardon me?

Senator KERRY. What are we doing to leverage that? As far as I can tell, the only public statements I've seen are from the President at the U.N., and the Secretary at the U.N. last week. Where are the President and the Secretary of State and Chris Hill yesterday and the day before yesterday and on the weekend, when people's lives are at risk? Where are they?

Mr. MARCIEL. Well, I'll tell you, Senator, they have been very active on this issue——

Senator KERRY. But we haven't——

Mr. MARCIEL. Extremely active.

Senator KERRY [continuing]. Heard anything, and we certainly haven't seen anything. What—can you tell us about that?

Mr. MARCIEL. Well, they're—I could—I think, if you would, Senator, I could—we can pull together a list of the statements. That's just the public statements. There's been any number of diplomatic discussions, certainly in New York last week and over the weekend or any number involving, certainly, the Secretary of State and Assistant Secretary Hill and others, with ASEAN——

Senator KERRY. Well, I think it would——

Mr. MARCIEL [continuing]. With China——

Senator KERRY [continuing]. Be interesting——

Mr. MARCIEL [continuing]. And India——

Senator KERRY. I would like the committee to have a record of those conversations and/or meetings.

Mr. MARCIEL. Sure. We can do that.

[The written information from Deputy Assistant Secretary Marciel follows:]

Burma remains one of the administration's highest foreign policy priorities. President Bush, Secretary Rice, and other senior administration officials, including our ambassadors in key Asian and European countries and the United Nations, have forcefully and consistently expressed the United States outrage and condemnation of the recent crackdown in Burma, and called for an immediate cessation of the violence and release of all political prisoners, and initiation of a genuine multistake-

holder dialogue toward democratic transition. President Bush met with ASEAN leaders during the APEC summit in September and stressed the need for regional pressure on the Burmese regime. In his remarks to the U.N. General Assembly, President Bush condemned the regime's crackdown on prodemocracy activists and announced tightened sanctions against regime leaders and their supporters. Secretary Rice and EU Foreign Ministers issued a joint statement on Burma, and we expressed our deep concerns about the situation there with ASEAN Foreign Ministers in New York during the U.N. General Assembly. Senior administration officials have urged leaders and senior officials from other countries, including China, India, and key ASEAN Member States, to fully support the U.N. good offices mission led by Special Advisor Gambari to bring about a genuine dialogue among the regime, Aung Sang Suu Kyi and the democratic opposition, and the ethnic minorities. We continue to actively engage with like-minded governments and the key countries in the region at the highest levels to mobilize international consensus and support for pressing the regime to take the tough steps necessary for a transition to a civilian, democratic government in Burma. Our strategy of bringing maximum pressure to bear on the Burmese regime to initiate the kind of reforms we seek also includes a ratcheting-up of our sanctions directed at regime leaders and their cronies. We continue to support those working to realize a transition to a civilian, democratic government in Burma and provide humanitarian assistance to the victims of the Burmese regime's misrule.

Mr. MARCIEL. I should add, Under Secretary Burns also very active.

Senator KERRY. So, what is—I mean, as everybody here has said—and I don't think there's much disagreement on it—statements are not going to alter this, correct?

Mr. MARCIEL. Right.

Senator KERRY. OK. So, what's the policy to alter it?

Mr. MARCIEL. Senator, the policy is: One, bilaterally, we maintain our own sanctions. I understand the concerns about——

Senator KERRY. But that's not going to change it.

Mr. MARCIEL. It's part of the pressure.

Senator KERRY. Not evidently, no, it isn't. It hasn't changed anything in all these years.

Mr. MARCIEL. That's correct, but we still——

Senator KERRY. So, it's not part of the pressure.

Mr. MARCIEL. Well, I guess we'd, respectfully, disagree, sir.

Senator KERRY. Well, what pressure is it? If it hasn't changed anything, what pressure can you define?

Mr. MARCIEL. Senator, it's very hard to know what the generals are thinking, but it's very important that we—it's one way of maintaining, constantly in the spotlight, the situation in Burma. And there's very strong support among the democratic opposition in Burma for our sanctions. I'm the first to admit that they, by themselves, have not solved the problem, nor, frankly, has any other approach, which is why I said we're so open to new ideas.

Senator KERRY. Well, do you believe that, if China joined in sanctions together with Thailand and with India, that there would be a legitimate squeeze on Burma——

Mr. MARCIEL. Yes.

Senator KERRY [continuing]. On the junta?

Mr. MARCIEL. Yes; I think there would be.

Senator KERRY. So, why isn't that the strategy? Why aren't we declaring that that must happen in exchange for any number of things with India and China?

Mr. MARCIEL. Well, as I said, Senator, the sanctions, I said—our own sanctions—are a part of our strategy, but they're not the whole strategy.

Senator KERRY. Well, what is the whole strategy?

Mr. MARCIEL. The——

Senator KERRY. That's what——

Mr. MARCIEL. I'll——

Senator KERRY [continuing]. I'm asking you.

Mr. MARCIEL. I'm—I'll try to tell you, Senator.

Senator KERRY. To get something done—not just to have the appearance of doing things, to actually get something done.

Mr. MARCIEL. Senator, the administration's absolutely committed to getting something done.

Senator KERRY. What's the evidence of that? Is there—what's the, sort of, agreement here with respect to how we're going to get humanitarian assistance back in? Is there one?

Mr. MARCIEL. Well, humanitarian assistance, if I could—that's a slightly separate issue, I think, than getting——

Senator KERRY. Well, then leave that, for now.

Mr. MARCIEL. OK.

Senator KERRY. Just stay with the sanctions.

Mr. MARCIEL. The focus is: One, we maintain, strengthen our own sanctions; two, we get as much international pressure on the regime as possible. And that involves heavy, heavy diplomacy, and it's slow. We can't go to China today, or India, or anyone else in the region, and say, "Impose sanctions," and expect it to happen tomorrow. This is really hard work, as you——

Senator KERRY. What are we——

Mr. MARCIEL [continuing]. Know, Senator.

Senator KERRY [continuing]. Going to put before the Security Council next week?

Mr. MARCIEL. I don't know. We're going to, first, wait and see what Mr. Gambari reports. We really just have to see what he says.

But I really want to stress, Senator, there is genuine commitment in the administration to doing everything we can to bring about change. And there's a lot of people at very high levels—and certainly the President and the First Lady—very active on this. And the goal is to bring about change. Sanctions, a lot of heavy diplomatic work, which is—which is really slow. And we're all incredibly frustrated that it is so slow and so hard, but that's——

Senator KERRY. Well——

Mr. MARCIEL [continuing]. The way ahead.

Senator KERRY [continuing]. With all due respect, I have been chair of this subcommittee until this year. Senator Boxer has taken that over. And I've traveled to the region many times. And we just haven't focused on this. I'd tell you bluntly that there's been this sort of occasional statement, and then everybody goes about their business. Not dissimilar, may I add, to six-party talks that engaged in no talks for about 4½ years with North Korea, until you finally did bilateral, and now we're making some progress with the very thing this committee proposed 5 years ago.

Mr. MARCIEL. Right. Senator, I can speak for the last 2 years. I wasn't working on Burma before that. For the last 2 years, there's been quite intensive work, particularly on the diplomatic front, on Burma that has resulted in increased international pressure on the

regime. Part of the trouble, of course, is the regime doesn't—isn't easily influenced.

Senator KERRY. Because they don't have to be, because they have a sweetheart relationship, militarily and economically, with their friend to the north. It's very simple.

Mr. MARCIEL. And——

Senator KERRY. It's not a hard equation.

Mr. MARCIEL. Well, and it's not just——

Senator KERRY. And they've done well with India, and they've done well with——

Mr. MARCIEL. Right.

Senator KERRY [continuing]. Thailand.

Mr. MARCIEL. I agree.

Senator KERRY. So, they don't have to. So, all of the rest of this is folderol, frankly.

Mr. MARCIEL. Well, Senator, as I said, we're not saying that we've had great success here. We're open to ideas, if people have ideas. We have also let the regime know—we've offered positive inducements by letting the regime know that, if they were to move in the right direction, we would respond positively. It's not that—this is not—I was in Vietnam in the early 1990s, then you were working on it, Senator—this is not Vietnam, this is not a regime that's shown——

Senator KERRY. I absolutely——

Mr. MARCIEL [continuing]. An interest——

Senator KERRY [continuing]. Understand that, believe me. I know that.

Mr. MARCIEL [continuing]. In reaching out. So, it's very hard to leverage them.

Senator KERRY. There are zero redeeming qualities about this regime.

Mr. MARCIEL. I agree with that.

Senator BOXER. Senator Kerry, thank you.

Senator Webb.

Senator WEBB. Thank you, Madam Chair.

The first thing I would say is that we obviously are dealing with two problems here at once, which makes it kind of difficult to have the sort of dialog that you're having with the subcommittee. The first is the immediate problem, and it's urgent, and I have no doubt in my mind that there are people being rounded up right now, and that we need to do whatever we can to resolve the short-term problem. And then we have the long-term problem. And I would respectfully disagree with the way that this sanctions program has moved forward. I would posit a theory that countries around the world that are the most isolated are also the most repressive; North Korea being a classic example, and Burma being a classic example of that.

And there is something of a parallel with Vietnam. The governmental system is not a parallel, but the techniques that we were using, you can, I think, develop an analytical parallel with. From 1975 until probably 1990, this was an enormously repressive regime. They put a million people in reeducation camps because they had been aligned with us, more than 56,000 of them died in these camps, 240,000 of them stayed longer than 4 years, some of them

stayed as long as 18 years, locked up. They could pull anybody off the street. And it was when I first started going back to Vietnam, and it was interesting, anybody could come up to you and talk to you, but, if you left, their family was visited that night. So, there were those kinds of parallels. And we had economic sanctions in place. And I actually supported those sanctions, and we lifted the sanctions, and the positive result of lifting the sanctions, not by themselves, but coupled, as you know, if you were there in the early 1990s, with the roadmap—the diplomatic roadmap that was put in place, with benchmarks, with—the economic liberalization that went along with that opened up the country in a way that they could not escape a certain amount of outside influence. There were reasons that they had to do that, with the demise of the Soviet Union and all those rest of—all those sorts of things.

But the model, it seems to me, has some applicability here. I mean, when you were talking, in your testimony, about the fact that there are parallel economic systems in Burma, it would seem logical to me that the impact of the sanctions that we have in place really don't affect the government. Would that be true? The regime?

Mr. MARCIEL. I think some of the—I think it affects the overall economy, some of the sanctions—for example, the investment ban or the import ban would affect the economy, as a whole, possibly——

Senator WEBB. But it wouldn't be affecting the ruling——

Mr. MARCIEL. Right.

Senator WEBB [continuing]. Regime, as opposed to the people.

Mr. MARCIEL. Well, we also have sanctions, and those—this is what we did last week, particularly, was, we focused specifically on the regime, to try to squeeze——

Senator WEBB. Right.

Mr. MARCIEL [continuing]. Them.

Senator WEBB. Well, and that's a—that's a place that——

Mr. MARCIEL. Right.

Senator WEBB [continuing]. I can see some applicability. But, on the other side, with the average person, I can only go back to the individual that I was talking about in my opening statement. This is an American businessman who had opened up an outdoor furniture business in Burma, hiring all Burmese people, creating a business pattern that they could understand, working quietly with government officials. And he's not there any more. You know, he's a voice that could explain our culture, that could actually train people and help create a bottom-up pressure against a repressive regime, is gone, multiplied by however many times that occurs. And you can only do that sort of thing along with a diplomatic roadmap, along with pressures, but it seems to me that, with the reality that China's not going to go with us on sanctions, India's not going to go with us on sanctions—I met with the Thai Foreign Minister this morning. He had a very respectful voice, warning against the inapplicability, as opposed to other ways of doing it. What do we do?

Mr. MARCIEL. It's a very good question, Senator. At the risk of—in a discussion on Vietnam normalization with two veterans, in more than one way—the Vietnamese, because of the collapse of the Soviet Union, made a strategic decision, as you know, to open up

and join the world. And that allowed—that gave us some leverage, through the roadmap. We would love to see that sort of approach with Burma. They just haven't shown any indication of willingness to—or interest in reaching out. In fact, I agree with you, they're so isolated, but they're isolating themselves. Their decision to move the capital is a classic——

Senator WEBB. No question about that. And I——

Mr. MARCIEL. So——

Senator WEBB [continuing]. I would agree with you, I don't think we disagree with the ultimate——

Mr. MARCIEL. Right.

Senator WEBB [continuing]. Objectives here. But the—when you look at the pattern in this administration, with all due respect, it has been not to talk to people——

Mr. MARCIEL. Right.

Senator WEBB [continuing]. Whether it's Iran or Syria or—pick a country.

Mr. MARCIEL. I understand.

Senator WEBB. And with—we're the big guy on the block. You know, we bring a lot of things to the table that we could use, in terms of moving these things forward.

Mr. MARCIEL. Senator, I understand. We have talked to the regime. We have indicated a willingness to move in a positive way, if they will move in a positive way. It's not detailed like the roadmap, it's a much more general approach. So, if they were showing some interest and a willingness to make some positive—take some positive steps, I think it's clearly——

Senator WEBB. Well, they definitely aren't—and this is not to contradict what you're saying, in just—in terms of searching for a formula that will make it better for the people of Burma. I mean, they're not—I'm getting gaveled down at the bell, there—but the other way is not working, either. That's the point.

Thank you.

Senator BOXER. The only reason I'm doing this is, there's a vote coming, and I want to make sure we get our panel in.

So, Senator Cardin, the floor is yours.

Senator CARDIN. Thank you very much, Madam Chairman.

Mr. Secretary, thank you for your testimony.

I've listened to your responses, and I think you're hearing from all of us that we believe there's got to be greater urgency for effective policy to stop the humanitarian disaster that's taking place today in Burma, that we just can't sit back and use the same terms we've been using now for many, many years.

I don't really think it should have surprised us that there was a blowup in Burma. This repressive regime's been there, the signs of these types of problems have been there for a long time, it's been a very closed society, it's been very difficult for us to get anyone into the country. And now we're faced with a crisis, and our options become more challenging.

So, I just really want to express some frustration that we did not pay attention to more effective policies prior to this most recent blowup.

We all agree that statements, alone, will not be effective. But then I listen to your strategy about getting our—other countries to

use the same terms we're using—release of prisoners and end of violence, et cetera—which certainly are goals, but it seems like what you're saying is that, if they make those demands, that perhaps we're making progress, when, in reality, without some effective action, we're not making progress. We don't know what's happening in Burma today, we don't know how many people were killed today. And we just can't sit by.

We all agree that sanctions is part of our strategy. But our sanctions haven't been effective. So, you stated that the administration's policy is to strengthen the sanctions. Would that be to close the loopholes that exist today; if necessary, through legislation?

Mr. MARCIEL. Senator, I would say that sanctions is part of our policy. We're looking at various options. We haven't made a decision, beyond last week's tightening of sanctions, but—we're looking at other options, in terms of sanctions or tightening things up, but we haven't made decisions yet. But I would say we are looking at them with urgency.

On the point about getting other countries, it—we're not just asking them to make statements. I take your point on that. We're asking them to use whatever influence they have, and different countries have different forms of influence. It's very hard to get countries, particularly in the region, to agree to impose sanctions. What we're trying to do is get them to put more and more pressure on the regime, and get, as much as possible, the international community to speak to one voice to maximize the pressure. It's very hard. I mean, there is no easy solution, but that's at least what we need to be doing now. If we could get everybody—China, India, ASEAN—all to impose sanctions tomorrow, it probably would have a profound effect, but that's not an easy thing to do.

Senator CARDIN. I don't deny it's difficult. I'm not trying to make this a simple solution, because there is not a simple solution. But I know that, unless we are—unless the countries we're talking to sense the urgency that's in this committee room, the likelihood of effective action is—it's not going to be there. So, I guess we would feel more comfortable if we sensed that urgency in the administration's conversations with the countries that can help us effectively change policy in Burma.

As far as making the sanctions work, I think that's an important point. And I don't understand why we would be reluctant to deal with the oil issue—the gas issue that was brought up. I would certainly hope that that would be on the table. That's a significant amount of resources going to this government. And if we are to expect other countries to perhaps join us in isolating Burma's economy through sanctions, they're going to be looking at the actions that we have taken first. We're the leader.

I see you shaking your head. I'm only saying that, because I want to make sure that's in the record, that I got a positive nod. Because I do think we have to be the leader. And I think people are going to be looking—other countries are going to be looking at whether we are just being convenient in our sanctions or we are trying to be effective in our sanctions.

Mr. MARCIEL. Yes, Senator, I would say two things. One, we are looking at all of the ideas on sanctions. I can't say much more than

that, because we haven't made an administration decision yet on some of these things.

In terms of urgency, I must not be expressing myself very well. There's incredible urgency in the administration. You know, it's very, very active, constantly meeting, calling, pressing, cajoling, everything we can do. I don't know how to express it better than that, but it—this is not, sort of, business as usual, where, "Let's have a meeting in 2 weeks on Burma." It's constant, every day.

Senator CARDIN. I thank you for that reply. That certainly is—I'm pleased to hear you say that. I'd just repeat, today people are dying in Burma. We don't know the extent of it, and we don't have good information as to what's happening on a day-to-day basis. But we know that there's a—there is a humanitarian crisis. And the United States must exercise international leadership to do everything we can to effectively bring an end to that humanitarian disaster

Thank you, Madam Chair.

Senator BOXER. Thank you very much, Senator. I think you spoke for all of us, there.

I want to thank you very much, Mr. Marciel. I think what you're hearing from all of us is, we really want to be helpful here, we want to give you the backbone to go forward and do as much as you can. And, when you say "tighten sanctions," you know, we've got to look at the obvious. It's hard to ask somebody else to do it, when we have a loophole the size of a, you know, Mack truck. So, I think we're ready to help you, and we urge you to take that message back, if you would, to——

Mr. MARCIEL. Thank you.

Senator BOXER [continuing]. Secretary Rice and everybody over at State. Thank you——

Mr. MARCIEL. I will.

Senator BOXER [continuing]. Very much.

Mr. MARCIEL. Thank you.

Senator BOXER. And we will invite up panel three: Michael Green, senior adviser, Center for Strategic and International Studies, in Washington; Mr. Aung Din, policy director, cofounder, U.S. Campaign for Burma; and Mr. Tom Malinowski, Washington advocacy director, Human Rights Watch.

We're going to give you each 5 minutes, and we're going to really hope that we're not interrupted by a vote. If we are, we still have enough time, I say to my ranking member, to hear from this panel. So, let's just plunge right ahead.

Mr. Green, we welcome you, and go forward for 5 minutes. We'll put your statement in the record.

STATEMENT OF DR. MICHAEL J. GREEN, SENIOR ADVISER, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Dr. GREEN. Thank you, Madam Chair.

I, as Senator Murkowski said, was invited to speak to this committee last year, and we discussed, in those hearings, how to organize, internationally, to apply more pressure and build more consensus to effect change in Burma. And that's what I'd like to talk about today.

I would first add, though, that the center of action, the moves that count most, are always on the ground, and our colleague Aung Din will speak to that, and I think that is going to be where this will ultimately be decided. But we could organize ourselves better.

After 1988, the international community split. The United States, most Western democracies, imposed sanctions; most Asian nations argued for patient engagement. And we've had an interesting discussion about the inadequacy of sanctions, in and of themselves, if they're unilateral, to change the junta's behavior. But what is interesting is how leaders in Bangkok, Tokyo, and even in Beijing are acknowledging that their patient engagement has not worked any better. And I think we're at a crossroads, where the level of international indignation has never been higher. There are definitely differences among the neighbors, and they've been explained in the previous session. On the other hand, we've never had the focus we have today, internationally.

Senator Feinstein noted some of the subtle, but important, changes in China's rhetoric. I—you know, as an Asia expert, you see these small changes, and see icebergs moving, but it's important that China's beginning to use rhetoric like "reconciliation," even if they caveat it by, unfortunately, "calling on all sides." So, it's far from what we need, but there is movement. India, as well, Japan, and, most notably, the ASEAN statement, led by Singapore, but representing all of the members, other than Burma, calling what's happening "repulsive."

This is not happening only because the demonstrations and the brutal suppression of those demonstrations by the regime are there for everyone to see. I think it's also happening because this is a different Asia from 1988. ASEAN is now working on a new charter that will emphasize human rights, the rule of law, democracy, and establish some form of human rights commission. This is not the ASEAN we were dealing with 10 or 20 years ago. We ought to be pushing them to live up to the standards that they, themselves, are starting to articulate.

Japan, 10 years ago, 20 years ago, argued that Asian ideas of democracy or capitalism are different. You heard that frequently. Today, the Japanese Foreign Minister talks about an arc of prosperity and freedom and Asia, and identifying, in Tokyo, these democratic ideals. And India's Prime Minister Manmohan Singh speaks of the idea of India being democracy. And, even in China, this is not the China of 1988. China worries about stability, and there's an interesting debate among Chinese intellectuals about whether they can sustain in the—a role in the world based on noninterference in internal affairs. So, we ought to be pushing all these countries to move further in that direction. We'll, I think, not only be able to make progress on this specific crisis, but begin establishing a broader norm in the region that will contribute to stability over the longer term.

What concerns me is what many of the members were discussing, and that is that we will fall back into complacency, settle for a hollow process, as we often have in the past. And I think that we need to galvanize the international community, as several of the members of the committee have said. The United States has to lead

on this. The solution is going to lie largely within Asia, but the leadership is going to have to come from Washington.

I would argue, first, that, while sanctions, in and of themselves, have not changed the behavior of the regime, they're absolutely indispensable. The President announced new targeted financial sanctions, which I think are critical to our overall strategy—first, because the democracy movement wants them, they know we're doing them. This is giving them the moral support and encouragement they need to win this battle in the streets. Second, sanctions—these targeted financial sanctions are much more sophisticated than they used to be. They sting, and they complicate those who try to do business with the elite, and will get international attention.

Now, I think we also have to push harder on the Security Council for a resolution. The administration has been hesitant, because it, to date, did not want to provoke a Chinese or Russian veto that would give encouragement to the junta. I think we're beyond that. I think we need to force China and Russia to put their cards on the table. I would push for an arms embargo, as well.

Ultimately, China and India will not agree to American-style sanctions, but we know, from North Korea, that they'll turn the oil off for 3 days, they'll cut off critical shipments. They can express their displeasures in ways that are hard to miss.

And, finally, I think we need to organize the diplomacy in a more deliberate and almost formal way. We need senior officials, perhaps even a special envoy, not to go talk to the regime, but to go talk to India, China, on behalf of the President and the Congress, begin pulling this together.

We need to agree to a common set of benchmarks to move this loose change in rhetoric toward something of a concrete set of steps, beginning with the release of Aung San Suu Kyi, in a transparent and inclusive process. And I think if we do this work, it will pay off in the longer term, not only in Burma, as I said, but in starting to move the norms in Asia in directions that will support the kind of freedom that that the people in Burma are now struggling to achieve.

Thank you.

Senator BOXER. Thank you very much, sir.

And we're privileged to welcome Mr. Aung Din, policy and cofounder of U.S. Campaign for Burma, Washington, DC.

And we're so grateful to you for making this possible on your schedule, sir.

STATEMENT OF AUNG DIN, POLICY DIRECTOR, COFOUNDER, U.S. CAMPAIGN FOR BURMA, WASHINGTON, DC

Mr. DIN. Thank you, Madam Chairman, Senator Murkowski.

I wanted to thank you for holding this important hearing today to review the situation in Burma.

As we speak here, horrible events, massive killings and massive arrests of peaceful demonstrators by the military junta, already have begun and continue in my country. More than 200 peaceful protesters, including Buddhist monks, students as young as 12 years old, and civilians, have been brutally killed, and over 2,000 were arrested by the soldiers and riot police in a matter of days.

The people of Burma are now in a great shock and traumatized from these brutal experiences.

I have submitted my written testimony. I would like to ask you to put it into the record. And I would like to jump to the end of my testimony, to save the time.

So far, the military junta has claimed that they have killed nine protesters. However, the actual number of deaths is much more than they have claimed. We believe that more than 200 protesters, including monks and students, were killed by the Burmese military junta in a matter of days. One of the fatalities is a Japanese reporter, Mr. Kenji Nagai, and sources from Rangoon General Hospital said that they received about 100 dead bodies on September 26 alone, and they were also instructed by the junta's Minister of Health, Dr. Kyaw Myint, not to send ambulances to incidents without permission from the military junta. According to some sources, the junta is using a crematorium at Yay Way Cemetery on the outskirts of Rangoon to destroy the dead bodies. Soldiers also threw dead bodies into the rivers.

We also believe that more than 2,000 protesters, most of them monks, nuns, have been arrested and put in windowless warehouses inside the compounds of the Government Technological Institute in Insein Township near the notorious Insein Prison; several hundred more are being detained at various detention centers in many other cities. Number of arrests will be increased dramatically, as soldiers are now searching house by house, apartment by apartment, with photos in hands, to arrest those they suspect.

According to the National League for Democracy Party, over 150 members of the NLD, including three leaders from the NLD headquarters, and several dozen members of Parliament-elect were arrested. Monks in detention have been forcibly disrobed by the soldiers, but they still refuse to accept food provided by their jailers. At least four monks died in detention due to severe injuries they have sustained from being attacked by soldiers.

The military junta claimed that the situation in Burma has returned to normal. It is true that over 20,000 soldiers roam the streets of Rangoon. Their brutal and merciless actions and massive arrests have made it too difficult for people to stage protests in the streets. But this is not the end of the story. People of Burma have stopped protests, for time being, while they transform their protests into another style. They will treat their wounded colleagues, they will search for missing members of their families, they will regroup, and they will come back again with stronger force. I believe the military junta will not be able to kill the spirit of the Saffron Revolution. Democracy will prevail in Burma.

I was a student leader in 1988, working together with other student leaders. We organized a nationwide popular uprising in Burma in August 1988, calling on the military junta to bring about political reform. The 1988 popular democracy uprising was ended with bloodshed after the junta killed thousands of peaceful demonstrators in the streets in cold blood. We found, surprisingly, that the international community did not pay attention to Burma at that time, and the international community failed to stop the violence in Burma. Therefore, the military junta was able to get away with these crimes against humanity.

We do not want the international community to fail again this time. The international community must hold the military junta of Burma accountable for these crimes against humanity, and it must take effective and collective action. The international community should not let this murderous regime get away with their serial killings.

Let me go over to the conclusion now.

What we are asking is collective and effective action from the U.N. Council, a binding resolution for Burma to stop killing and arresting protesters, to treat all detainees humanely and provide them proper medical care, release all political detainees, including Aung San Suu Kyi, and engage in a meaningful political dialogue with democracy forces and ethnic minority leaders for the sake of national reconciliation and a transition to democracy and civilian rule.

We also want the U.N. Security Council to impose targeted sanctions against the military junta, which include an arms embargo, a travel ban of the top generals and their family members, and a ban on investment and threaten the junta with stronger sanctions if it fails to fulfill the instructions of the Security Council. We all know that China and Russia might still exercise their veto powers to kill such a resolution. However, we, the people of Burma, really want the United States, in consultation with the United Kingdom and France and other like-minded members to table the resolution at the Security Council as soon as possible. As the people of Burma courageously challenge the brutal junta, we want the United States and democratic countries to challenge China and Russia at the Security Council. We might fail, but we will surely win.

Thank you.

[The prepared statement of Mr. Din follows:]

PREPARED STATEMENT OF AUNG DIN, POLICY DIRECTOR, U.S. CAMPAIGN FOR BURMA, WASHINGTON, DC

INTRODUCTION

Madam Chair, Senator Murkowski, I would like to thank you for holding a hearing today to review the situation in Burma. As we speak here today, horrible events, massive killings, and massive arrests of peaceful demonstrators by the military junta already have begun and continued in my country. More than 200 peaceful protesters, including Buddhist monks, students as young as 12 years old, and civilians, have been brutally killed and over 2,000 were arrested, by soldiers and not police in a matter of days. The people of Burma are now in great shock and traumatized from these brutal experiences.

BRIEF SITUATION IN BURMA

Let me present the current situation in Burma briefly. On August 15, the military junta suddenly increased gas prices, doubling the price of fuel and quintupling the price of compressed natural gas. This made the lives of ordinary citizens more difficult and more insecure. They could not go to school, offices, or factories as they could not afford to pay for the new higher travel costs. They have not been able to purchase food and medicine for their families. Their already-difficult lives became more desperate.

The leaders of the 88-Generation Students, comprised of former student leaders who had spent over a decade in prison for their leading role in the 1988 popular democracy uprising, responsibly and quickly called on the military junta to reduce the prices and started to organize the people to walk, instead of taking buses, to make their demand more serious. A peaceful march, with about 500 people led by the student leaders, took place in Rangoon on August 19, 2007. The military junta responded by arresting key members of the 88-Generation Students, including Min

Ko Naing, the second most prominent leader of Burma's democracy movement, in the early morning of August 21, 2007, and threatened civil society not to hold any protest.

However, the arrests of student leaders did not stop the protests from continuing in the following days. Peaceful marches in the streets in various cities continued and the military junta used its militia, the Union Solidarity and Development Association (USDA), to crackdown on protesters. Peaceful protesters were brutally beaten and attacked by members of USDA and arrested. In the 2 weeks between August 21 and early September, the military junta arrested about 200 peaceful protesters.

The situation's tipping point came on September 5 at Pakkoku Township in middle Burma. Hundreds of monks came to streets, reciting Metta Sutra, which is the Buddhist teaching of loving and kindness. They felt that there is a lack of love and kindness in the country, and that's why they tried to send their enormous Metta to all the people of Burma, and believe that a peaceful solution can be reached under their Metta. However, they were wrong. They were confronted by angry soldiers and USDA members, who brutally attacked and fired several warning shots above them. Five monks were arrested, beaten, and insulted by the soldiers in police lockup. This is a huge insult in Buddhism and toward the monks, who are highly respected by the majority of the population in Burma.

Buddhist monks all over the country joined together, formed an organization called the "All Burma Monks' Alliance," and called on the military junta to fulfill four demands, which are (1) to apologize to the monks whom they have attacked and insulted, (2) to reduce the prices of fuel and basic commodities, (3) to release all detainees including Aung San Suu Kyi and (4) to engage in a meaningful political dialogue with the election winning party National League for Democracy and ethnic representatives. They asked the junta to fulfill these demands no later than September 17, 2007. On September 18, the 19th anniversary of the military junta in power, Buddhist monks began a nationwide excommunicative boycott against the junta, USDA members and their families. Buddhist monks have refused to accept donations and offerings from them, and would not attend religious and social functions conducted by them, until and unless the junta fulfills their demands.

At that point, thousands of monks gathered at important Pagodas in various cities, and vowed to take excommunicative boycott against the junta. The junta tried to blocked access to the Pagodas and used its civilian militias to attack the monks. Then monks marched in the cities, reciting Metta Sutra, peacefully and with discipline. In Rangoon, monks gathered at the country's most famous Buddhist shrine, the Shwe Dagon Pagoda, prayed in front of the Pagoda, and then marched toward Sule Pagoda in downtown Rangoon. First, the monks asked people not to join in the protests, and therefore, students and people only marched single file on both sides of the columns of monks, chaining their hands together to protect the monks. After a week in which their demands went unanswered monks encouraged all the people to join the protest. Hundreds of thousands of students and people joined tens of thousands of monks in peaceful marches in every major city in Burma, Rangoon, Mandalay, Mon Ywar, Bago, Sagaing, Pakkoku, Sittwe, Myitkyina, Mogok, Kyauk Padaung, and many other cities throughout Burma.

The military junta increased security forces in Rangoon and many other cities and imposed a curfew order on the night of September 25, and also banned the gathering, and assembly of more than five persons. Rangoon and Mandalay were also put under the authority of Divisional Commanders. This was effectively imposing martial law.

On September 26, 2007, in defiance against the threat, hundreds of thousands of peaceful protesters, under the leadership of monks, came into the streets. Several confrontations between security forces and protesters took place at many locations, nearby Shwe Dagon Pagoda, in Bahan Township, in Tamwe Township, at Shwe Gone Daing, nearby Sule Pagoda and in front of the Rangoon City Hall. Security forces threw tear gas canisters and smoke bombs to disperse the crowd and fired several rounds, in the air and at the crowd. According to various eye-witness accounts and the leader of the All Burma Monks' Alliance, five monks and two civilians were killed on September 26. Some of them were beaten to death and the rest were killed by gunshots.

Major crackdown against the monks began at midnight of September 26 and early morning of September 27. Security forces raided Buddhist monasteries in Rangoon, and Myitkyina, Moe Nyin and Bhamo Townships in Kachin State.

In early morning of September 27, the SPDC troops, as instructed by Divisional Commander Major General Ohn Myint, surrounded monasteries in Myitkyina, Bhamo and Moe Nyin Townships in Kachin State. Soldiers broke down the doors and entered the compounds as they were occupying enemy camps. Monks were bru-

tally beaten and over 300 monks were taken by the soldiers. When residents came to see the monasteries, they saw blood and damages everywhere. People believed that at least more than seven monks were beaten to death during the raids.

In Rangoon, several monasteries in South Okkalapa, North Okkalapa, Tamwe, Yankin, Thingangyun, Bahan, and Insein were raided by the troops at midnight and early morning. Let me share with you an example of how they had raided the monasteries.

Ngwe Kyar Yan Monastery is a famous Buddhist teaching center, located in South Okkalapa Township in Rangoon, with about 350 monks. These monks took part in the peaceful protests; as they did in the 1988 popular uprising. Therefore, this monastery was a major target of the SPDC. Early in the morning of September 27, several hundred soldiers came with over 20 trucks and attacked the monastery. They brutally attacked the monks, arrested over 200 monks and left before dawn. When people from the neighborhood came to see the monastery in the morning, when curfew order was over, they amazingly saw blood spattering all over the monastery and about 50 monks left behind traumatized and badly beaten. They were told by the remaining monks that several monks were beaten to death by the soldiers. While the people were treating the injured monks, the military troops came back again and dragged away the rest of the monks. The people had to disperse from the monastery as the soldiers threatened to shoot, but they regrouped later with a large number of people, blocked the way of the military troops and demanded the release of the monks. The situation was tense, soldiers fired at the crowd and people threw stones at them. After a 2-hour standoff, additional soldiers came in and they fired at the crowd. At least 8 people were killed and their bodies were taken away by the troops.

More than 50 monasteries in Rangoon and many other cities were raided by the military troops in a similar fashion as I mentioned above and the monasteries are all empty now. More than 1,000 monks were brought into detention centers. Other monks are also being kept in detention in their monastery campuses, as their monasteries are surrounded by the military troops and their entrances are blocked by barricades.

On September 27, 2007, Rangoon became a battle field, between armed and bloodthirsty soldiers and unarmed protesters. The news of brutal attack and raids on monasteries spread all over the city and many people came out into street filled with enormous anger. They were confronted by security forces in various places. The troops fired at crowds with their automatic weapons at Pansodan Street, at Shwe Gone Daing, in front of Sule Pagoda, nearby Shwe Dagon Pagoda, in Sanchaung Township, Ahlone Township, nearby Kyaikkasan Pagoda, in Thingangyun Township, China Town, Pazundaung Township, and at the junction of 38th Street and Mahabandoola Street. Various sources said that at least nearly 100 protesters were killed in these incidents and several hundreds were arrested. At 2:30 p.m., the military troops tried to disperse protesters, who were staging a protest in front of State High School No. (3), Tamwe Township. As their examination had just finished, students, teachers, and their parents who came out from the school became the victims of a brutal killing rampage. Military trucks, fully loaded with soldiers, ran into the crowd and many were killed by being run over by the trucks. Soldiers also shot at the crowd and according to several eye witness accounts, between 50 and 100, including students, teachers, and parents, were killed. Soldiers left the scene and then came back again a half an hour later to pick up the bodies.

Now, over 20,000 soldiers and riot police are deployed in Rangoon alone. Military trucks are patrolling the streets, soldiers have set up checkpoints at every corner, checking every young man and woman, and arresting anyone whom they suspect and anyone who has cell phone with a camera. Hundreds of young men and women were arrested over the past few days.

NUMBER OF DEATH AND ARREST

So far, the military junta has claimed that they have killed nine protesters. However, the actual number of deaths is much more than they have claimed. We believe that more than 200 protesters, including monks and students were killed by the Burmese military junta in a matter of days. One of the fatalities is Japanese reporter Mr. Kenji Nagai. Sources from Rangoon General Hospital said that they received about 100 dead bodies on September 26 alone. They were also instructed by the junta's Minister of Health, Dr. Kyaw Myint, not to send ambulances to incidents without permission from the military junta. According to some sources, the junta is using a crematorium at Yay Way Cemetery, on the outskirts of Rangoon, to destroy the dead bodies. Soldiers also threw dead bodies into the rivers.

We also believe that more than 2,000 protesters, most of them monks, have been arrested and put in windowless warehouses inside the campus of the Government Technological Institute (GTI) in Insein Township, near the notorious Insein Prison. Several hundred more are being detained at various detention centers in many other cities. Number of arrests will be increased dramatically as the soldiers are now searching house by house, apartment by apartment, with photos in hands to arrest those they suspect. According to the National League for Democracy Party, over 150 members of the NLD, including three leaders from NLD Headquarters and several dozen Members of Parliament-elect were arrested. Monks in detention have been forcibly disrobed by the soldiers, but they still refuse to accept food provided by their jailors. At least four monks died in detention due to the severe injuries they have sustained from being attacked by soldiers.

WHAT'S NEXT?

The military junta claimed that the situation in Burma has returned to normal. It is true that over 20,000 soldiers roam the streets of Rangoon. Their brutal and merciless actions and massive arrests have made it too difficult for people to stage protests in the streets. But this is not the end of story. People of Burma have stopped protests for the time being, while they transform the protest into another style. They will treat their wounded colleagues, they will search for missing members of their families, they will regroup and they will come back again with stronger force. I believe the military junta will not be able to kill the spirit of the Saffron Revolution. Democracy will prevail in Burma.

I was a student leader in 1988. Working together with other student leaders, we organized a nationwide popular uprising in Burma in August 1988, calling on the military junta to bring about political reform. The 1988 popular democracy uprising was ended with bloodshed, after the junta killed thousands of peaceful demonstrators in the streets in cold blood. We found surprisingly that the international community did not pay attention to Burma at that time and the international community failed to stop the violence in Burma. Therefore, the military junta was able to get away with crimes against humanity. We do not want the international community to fail again this time. The international community must hold the military junta of Burma accountable for these crimes against humanity and must take effective and collective action. The international community should not let this murderous regime get away with their serial killings.

SPEAKING WITH ONE VOICE, TAKING COLLECTIVE AND EFFECTIVE ACTION NOW

The people of Burma have already proved with their blood that they sincerely want democracy and human rights by peaceful means. They are not asking the junta to move away from power at once. All they are asking is to engage in a meaningful political dialogue with the democracy movement and ethnic representatives. They are being killed, arrested, and their families are being destroyed by the junta for such a moderate demand. Therefore, we hope that the international community will step in to stop the killings in Burma and to realize the political dialogue between the military junta, the election winning party National League for Democracy, and ethnic representatives. We are asking now for collective and effective action from the U.N. Security Council, a binding resolution, instructing the military junta of Burma to stop killing and arresting protesters, to treat all detainees humanely and provide them proper medical care, release all political detainees including Aung San Suu Kyi, and engage in a meaningful political dialogue with democracy forces and ethnic minority leaders for the sake of national reconciliation and a transition to democracy and civilian rule. We also want the U.N. Security Council to impose targeted sanctions against the military junta, which include an arms embargo, a travel ban of the top generals and their family members, and a ban on investment, and threaten the junta with stronger sanctions if it fails to fulfill the instructions of the Security Council.

We know that there is a possibility of strong rejection from China and Russia to adopt such a resolution. China has been comprehensively and profoundly interfering in the internal affairs of Burma for two decades, providing more than a billion dollars in weapons to the generals whom the Burmese people, writ large, have tried every way they can to get rid of. Further, the Chinese have repeatedly provided cash infusions to the same killers of monks, rapists of young girls, and destroyers of 3,000 villages. The blood of this past week is on China's hands and they better start to clean it up now. Any claim from the Chinese about not interfering in the internal affairs of its neighbor should provoke derisive laughter, because that statement is patently false.

We all know that China and Russia might still exercise their veto powers to kill such a resolution. However, we, the people of Burma really want the United States, in consultation with the United Kingdom, France, and other like-minded members, to table the resolution at the U.N. Security Council as soon as possible. As the people of Burma courageously challenge the brutal junta, we want the U.S. and democratic countries to challenge China and Russia at the Security Council. We might fail, but, we will surely win.

Senator BOXER. Thank you so very much.

Mr. Tom Malinowski, Washington advocacy director of Human Rights Watch, here in Washington.

Welcome, Tom.

STATEMENT OF TOM MALINOWSKI, WASHINGTON ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH, WASHINGTON, DC

Mr. MALINOWSKI. Thank you so much, Senator. And thank you for pulling us together today and doing this, and for the attention you're paying to this issue.

This country is very close to my heart. Burma was the first human rights issue that I ever worked on when I was a very young aide to a member of this committee, whom we dearly miss, Senator Pat Moynihan, back in 1988, the last time that the Burmese people came out like this and were crushed by their government.

People thought we were kind of odd back then working on this; it was such an obscure place, nobody really cared about it or thought about it. But Senator Moynihan thought it was important, and he pressed on. And I remember, one day we were sitting in our office in the Russell Building, and someone brought us a picture very much like one of these. It was a picture of a big, long, huge crowd of young Burmese marching through the streets. And they had a banner in front of them that read, in big block letters, "Thank you, Senator Moynihan. Thank you, United States Senate." And it made us very proud, but also profoundly sad, because, you know, we knew then that our words and that banner weren't going to protect them from the bullets, and we knew then that the world wasn't mobilized to help, and that we really probably couldn't do very much, because that was a very different time.

My main message to you right now is that this situation is profoundly different. Things have changed. The internal dynamic in Burma has profoundly changed just in the last few weeks. What the Burmese Government has done—it is brutal, it has inspired fear—but going after the monks crosses a line in Burmese society that I think they will rue the day they crossed.

But I also think, even more importantly, the world has changed in the last 20 years. We've seen that in the reaction of ASEAN, an extraordinary condemnation of a country they used to defend. We've seen it to some extent in China's reaction. China calling for a democratic process in Burma is almost surreal, when you think about it. And yet, they have. And we see it in other ways that are perhaps harder to understand, the increasing interconnectedness of Burma in the international financial system, which creates opportunities for us.

Now, those Burmese generals sitting up there in their jungle hideaway, they do not comprehend these changes, and that's why they are acting as if nothing has changed. But that doesn't mean that nothing has changed, and we need to recognize that.

Now, I think, in terms of what we need to do, Senator Kerry is right, we need a concerted diplomatic strategy, and pursue it with some urgency, but the question always is: What's going to make the generals listen to the diplomacy? Everybody has said that the sanctions that have been imposed in the past have not produced that effect. That effect will be produced, in my view, when the Burmese Government pays a price for its intransigence that is higher than the very considerable price it would pay in its own mind if it compromises.

What will get us to that point? Again, the trade and investment sanctions, unilateral, have not done it. But I think there is a different kind of sanction that could tip the balance, that could bring us to that point, and it doesn't require the support of China or India, and it's been mentioned by Senator Murkowski, by Mike Green, and by others, and it's to impose these targeted banking measures that would freeze the offshore accounts of top Burmese leaders, their families, the business cronies who work in partnership with the regime, and block the movement of their money through the global financial system.

And the analogy, as you mentioned, Senator, is to North Korea. The United States maintained general trade and investment sanctions on North Korea for decades. Hasn't produced much results. But when we caused one bank, by ourselves, to freeze one account belonging to the leadership, they came to the table pretty darn quickly.

Even in a country as isolated as Burma, there is a simple economic reality: You can't get rich without hard currency, you can't earn hard currency without doing business with the outside world, and you can't do business with the outside world without passing money through international banks. If you're using dollars, they're going to go through a U.S. bank. If you're using euros, they're going through a European bank. For example, the Burmese Government would find it very hard to make money from those sweetheart deals that Senator Kerry mentioned without operating accounts in real banks outside of Burma.

Now, Burma's leaders, their relatives, their financial partners do a lot of their business through a country that no one has mentioned today yet, and that's Singapore. They bank in Singapore, they shop in Singapore, they get their health care in Singapore. Focused, aggressively enforced financial sanctions could shut down their ability to do so, not only denying them potential wealth in the future, but denying them access to the wealth that they currently have and use to sustain their government and their very lavish lifestyles. And it could be felt very personally. For example, we got news, last week, that the family of General Than Shwe, the leader of Burma, left the country in the last few days to, you know, get away from this unpleasantness. They may be in Dubai, we heard. If so, what are they doing to pay for their hotels and their airlines? They're using a credit card that's been issued by a bank, presumably in Singapore or Thailand. Targeted financial sanctions of the sort we're discussing could cause those credit cards to be canceled tomorrow, and we have the power to do that.

Now, imagine that scene, for a moment. I think "authorization denied" is a message that will break through even to the most isolated general in the jungles of Burma.

Now, the administration has taken the first step toward imposing those kinds of sanctions. I think they deserve a lot of credit. I think they have been, actually, quite energetic.

My understanding is that they're going to expand that list. They need to do that urgently. It's also extremely important for the Europeans to follow suit because of the role of euros in all of this. And, hopefully, governments and banks in the region, especially in Singapore and Thailand, will cooperate by freezing some of these accounts. If they don't—and this is an important point—we should take the additional step that we took in the North Korea case, by prohibiting U.S. financial institutions from dealing with foreign banks that allow the targeted Burmese individuals and entities to maintain accounts. That's where legislation might come in.

And, at that point, I think their calculations change. At that point, I think they may listen to the Chinese and the United Nations when they come in and say, "We want to offer you a way out by brokering a deal with the opposition."

Thank you.

Senator BOXER. Little did you know, when you were at Human Rights Watch, that you'd become a credit specialist and a specialist in how to get these guys. As I said to Senator Murkowski—I hope she's going to ask you more about how to go about doing this. It's very interesting.

Mr. MALINOWSKI. Thank you.

Senator BOXER. What I'd like to do is ask this question, because, Mr. Din, I think, in his testimony, said something that I found very compelling. And I'm going to quote from his written statement, "We are now asking for collective and effective action from the U.N. Security Council, a binding resolution instructing the military junta of Burma to stop killing, stop arresting protesters, treat all detainees humanely, provide them proper care, release all political detainees, including Aung San Suu Kyi, and engage in a meaningful political dialogue with democratic forces and ethnic minority leaders for the sake of national reconciliation, a transition to democracy and civilian rule. We want the U.N. Security Council to impose targeted sanctions against the military junta, which includes an arms embargo, a travel ban of top generals and their families, a ban on investment, and threaten the junta with stronger sanctions if it fails to fulfill the instructions of the Security Council."

And then he says, "We know there's a possibility of a strong rejection from China and Russia. China has been interfering in Burma" and so on and so on, "the blood is on their hands. But they say"—he says, "we all know China and Russia might still exercise their veto power to kill to such a resolution, but we, the people of Burma, want the United States, in consultation with the United Kingdom, France, and others, to table"—when you say "table the resolution," I think that could be misconstrued—I think, "to bring this resolution to the U.N. Security Council as soon as possible. As the people of Burma courageously challenge the brutal junta, we

want the U.S. and democratic countries to challenge China and Russia in the Security Council. We might fail, but we will win."

Now, I am very taken by that, because I think there's a mindset, sometimes around here, that you never do anything unless you have the votes. I do not subscribe to that. Maybe it's because when I first got elected to local government, I was on the losing end so much, four to one, four to one, and people kept saying, "Why do you keep offering your amendments? You're going to lose them, four to one." I said, "Someday I'll win them." And it took several years and several elections. And, guess what? When I left that board, it was four to one my way.

So, if you just sit back and say, "We don't want to do it, because we could lose," I think that's the wrong strategy. So, I think, in some ways, we should talk to our U.N. And I think I'm going to call him—our Ambassador—he's very charismatic, he's terrific—and ask him what he thinks about—even if we might lose—I hear what you're saying, sir—am I right, as I read this, and I see how you wrote with your exclamation points, and so on—that you're giving us a message today——

Mr. DIN. Yeah, that's——

Senator BOXER [continuing]. Even if you might not win this vote, pursue it, and get it to the Council. Is that—am I right?

Mr. DIN. That's true, Madam Senator. We want China and Russia to put on the record how they defend this regime. They might kill such a resolution. We are so sick of the U.N. diplomacy. The Burmese regime knows very well how to treat the special envoy and how to trick a special envoy that they are working. With the red carpet, they will treat him very well, and they will give him hollow promises, then the special envoy comes back again and tells the world, "Wait, I saw the light. I saw the light in the tunnel." Actually, it's not a light, it's a fire in the tunnel, but, "I saw the light. So, please wait." And when he sees the senior diplomats, and what he does is, "wait sometimes to fulfill their promises." Because the special envoy was sent by the Secretary General, who is mandated by the General Assembly, which does not have any power to enforce any resolutions. That is why we try, many times, to call for the Security Council to strengthen the mandate of the Secretary General. So, if you go there, you can make the regime to listen to you.

Senator BOXER. Well, I think you've got to shame these people, for God's sakes.

Mr. DIN. Yeah.

Senator BOXER. And I think sometimes we make—"Oh, well, they'll never—this is hard, they'll never do this, they'll never do that." Put them to the test. Make them stand up in the light of day in the United Nations, say, "I vote no against sanctioning this regime." Make them do it. Make them explain it. Make them go to sleep at night—make them face it. And I so appreciate your courage today.

Mr. DIN. That's exactly what——

Senator BOXER. And I thank you very much for it.

Senator Murkowski.

Mr. DIN. Maybe—you have to ask our administration to go for it.

Senator BOXER. I'm going to do it.

Mr. DIN. Please do.

Senator BOXER. You told me, and I'm going to listen.

Mr. DIN. Thank you.

Senator BOXER. Senator Murkowski.

Senator MURKOWSKI. Thank you, Madam Chair.

This has been a very, very, very important hearing, and I appreciate some of the suggestions, the very specifics.

Mr. Malinowski, I want to go back to your very specific suggestions, and the discussion of targeted financial sanctions. And you go beyond that and say exactly where we can go. You suggest Singapore. I—we had a hearing—again, last March—and we had Dr. Sean Turnell, who is with the Burma Economic Watch. And I asked him a question about Singapore's relationship with Burma, and Singapore's concern over money-laundering, and asked him specifically about the Singapore-Burma relationship and whether or not that relationship was beginning to be overshadowed by India and China. And his response back to me was, "Singapore used to be the biggest player in Burma, but it's withdrawn at a rapid rate. If we look at new investments in Burma, we find that Singapore has been completely pushed aside in favor of China; to some extent, India and South Korea. But"—and he goes on to further state—"the Singapore withdrawal from the country," which is directly as a consequence, I think, of the pariah status, and, in particular, the problems with money-laundering and so on—he goes on to say that Singapore is very anxious to set itself up as a—as, kind of, the clean and honest financial hub in the region. Do you agree with him? Do you think that we can still focus on Singapore, or are China and India the new players on the scene? We—you've all indicated that there has been a great deal that has changed dramatically in the area over a period of years.

Mr. MALINOWSKI. Yes.

Senator MURKOWSKI. Can you speak to that?

Mr. MALINOWSKI. Sure. Well, it's true that China—there's a lot of cross-border trade with China. There's a lot of Chinese investment. The Indians just did a gas deal. The Indian Oil Minister was in Burma doing this deal in the middle of these protests, which was just shameful. And I hope you all, in the spirit of a good relationship between the United States and India, point out how harmful that is to our relationship.

But, you know, a distinction needs to be made between doing business with Burma, in general, and the banking stuff, in particular. What I have in mind is something very, very focused and very targeted. You know, Burma's actually not that complicated, politically. There are a few senior generals. They have families, kids, maybe a dozen or so leading financial figures in the country who have been allowed to get rich by the regime in exchange for investing in their projects, doing business with them. And most of these people maintain, as far as we know, banking accounts in Singapore, sometimes in Thailand, sometimes elsewhere. And they can't do business anywhere without passing—you know, you can't do business in the international economy with Burmese money. You need to use dollars, you need to use euros, you need to use the global financial system. And international transactions in the banking system—and I'm not an expert on this, but my under-

standing is most of them pass through the United States and Western Europe. So, we have a tremendous amount of leverage, in terms of that, and ought to use it, in my view.

Senator MURKOWSKI. You know, I——

Mr. MALINOWSKI. And that would mean working with Singapore; I would hope, in partnership. I think the Treasury Department believes that the banks there will actually voluntarily freeze some of these accounts if we act. But, if not, I think we can compel it.

Senator MURKOWSKI. And I had asked the gentleman from the State Department, Mr. Marciel, about—other than what we have in the Patriot Act, what other financial sanctions? Do you think that we've got the ability to move forward with these targeted financial sanctions, or is a legislative response the way that we would have to go? And I know that this is not necessarily your area of expertise.

Mr. MALINOWSKI. I can't give you a definitive answer to that. My understanding is that the Patriot Act gives us extraordinary authorities if there's a money-laundering nexus.

Senator MURKOWSKI. Right.

Mr. MALINOWSKI. And there may well be, in the case of some of these individuals in Burma. Certainly, Treasury has thought so in the past. I believe that, under IEEPA, the Emergency Economic Powers Act, the President can do pretty much whatever he pleases, in terms of sanctions, if it's in the national interest. But this may also be an area where an already somewhat energetic effort within the administration might be spurred on if Members of Congress were to introduce and pursue legislation. I think they're moving in this direction. They're doing due diligence. That doesn't mean that encouragement wouldn't be helpful.

Senator MURKOWSKI. Thank you.

Mr. Green, did you care to add anything to that? And I know that my time is out, but——

Dr. GREEN. Sure. In the case of North Korea, the—and I was involved in this, in the administration at the time—we used section 311 on Banco Delta Asia, which was a bank in Macao that was laundering North Korean money from drug and counterfeit and other sales.

So, the comparable move would be to find a bank that's taking these Burmese accounts, and applying section 311, which denies that bank a corresponding banking relationship with the United States. And our banking position is so dominant that that is a death sentence.

So, it's not a perfect application, in the case of 311, but, as Tom was saying the Patriot Act authorities are broad enough, and Treasury has become sophisticated enough at this, that there would ways, I think, to have an escalation of pressure, focusing on their bank accounts.

I think it would require, as it did with Banco Delta Asia, a diplomatic effort to encourage the Singapore banking authorities and others to work with us. And I think we'd get some support from some friendly governments.

And, frankly, without going into details, it would require some sustained intelligence effort, because they move the money, and they launder it. So, you need a—in effect, a dedicated task force to

follow the money in a case like this. You have to organize for it, just as you would organize for the diplomatic effort.

Senator MURKOWSKI. Appreciate that.

You know, when you think about it, Madam Chairman, whether it's terrorism or whether it's human rights abuses through a military junta, it all comes down to money and whether or not they've got the funding. And if you can cut off the funding, that seems to be the most effective way to get somebody's attention.

Senator BOXER. And I think what you have done, by opening up this issue, is interesting, along with Tom's point, is more go after the personal money of the corrupt military people and their families. The other way is to keep money out of the government itself, which leads me to the question about China, which has provided Burma with an estimated $2 to $3 billion in military aid, which has afforded the Burmese to build up a military of 450,000 troops, making it one of the largest standing militaries in the world. Now, how many people live in Burma? Anybody know the answer to that?

Dr. GREEN. Almost 50 million.

Senator BOXER. Fifty.

Mr. DIN. About 54 million, I believe.

Senator BOXER. How many?

Mr. DIN. 54 million population.

Senator BOXER. 54 million, 450,000 troops.

Now, while the military is clearly under this strict control—now, just to put that into context, 50 million people, right? We have 37 million in California—37 million people. And they have 450,000 troops in a country with 50 million people. Now, while the military is clearly under the strict control of the State Peace and Development Council—I always find, if people call their military "State Peace Council," watch out "—there have been reports over the past week of soldiers disobeying orders to take action against the protesters, who appear to be, most of them unarmed. Is that just an anecdotal story, or how strong is the support within the Burmese military for the current junta leader, Shwe? Do you know, any of the three of you, if the reports about soldiers refusing to use force against civilians, including monks, if those reports are accurate?

Mr. DIN. According to my knowledge, there have been some places where the soldiers refused to obey the order to shoot at protesters. But they were called back and replaced by another troops, who really shot at protesters. So, because they refused to obey the order, it does not mean that they will join with the protesters. They are called back to headquarters, and then taken by administrative actions. So far, we don't see any kind of military junta or military generals who are willing to change for the country who is willing to join with the democracy forces.

Senator BOXER. You don't see anyone within the military?

Mr. DIN. Not right now.

Senator BOXER. Do either of you want to comment on that?

Dr. GREEN. Well, 75 percent of the people in Burma are Buddhist, and, of course, that includes the military families and family members. So, that's why this, as Tom said, was a line—a very dangerous line that the junta crossed. That's not to mention all of the Buddhists in India and Thailand, across the region. There are pro-

tests by monks on both those countries, putting pressure on those governments.

We don't know that much about the internal dynamics of the junta. There is, I think, pretty compelling evidence that Than Shwe has been developing a very bizarre kind of culta personality. The movement of the capital was reportedly based on the advice of a soothsayer. You know, in these authoritarian governments, the elite expects a certain mandate of heaven, and Than Shwe has not demonstrated good government, basically. He's not demonstrated leadership. Even for the Chinese, it's an embarrassment. And I think it would not be surprising if, among the elite, there were real concerns about his actions, and that that might be a weak point within the leadership.

Senator BOXER. How old is he?

Mr. DIN. Seventy-two years.

Dr. GREEN. Seventy-two.

Senator BOXER. Tom, any comments?

Mr. MALINOWSKI. Well, I think that the best analysis anyone can give you is, "We don't know." It's a hard prism——

Senator BOXER. It's rare that we ever hear that in the Senate——

[Laughter.]

Senator BOXER [continuing]. People admitting that they don't know. It's——

Mr. MALINOWSKI. Well, we don't know. But, you know, it's——

Senator BOXER [continuing]. Very refreshing.

Mr. MALINOWSKI. Two months ago, I would have said, "We know nothing good is going to happen in Burma."

Senator BOXER. Yes.

Mr. MALINOWSKI. Right now, we don't know. And, in a way, that's progress.

Senator BOXER. I have a last question, and then, Senator, if you have some more, please, you can take it from there.

In terms of the United Nations, which is obviously where all eyes are—What are they going to say? What are they going to do? How aggressive are they going to be?—do you think Secretary General Ban Ki-moon has done enough, so far? Do you think that it would be worthwhile having him do more? What's your sense it, any of the three?

Tom, we'll start with you, and we'll go——

Mr. MALINOWSKI. Yeah. Well, I think the answer is: No, he had not done enough. You know, the United Nations had to be prodded a bit too much into getting its act somewhat together last week by sending Mr. Gambari. The Secretary General issued some fairly tepid statements about Burma as this crisis was beginning. Mr. Gambari was fairly tepid, as well, as you know. I think this is an issue that demands much higher-level—much higher-priority attention. I think it would probably be a——

Senator BOXER. OK.

Mr. MALINOWSKI [continuing]. Good thing for the Secretary General to go. Let's hear what Mr. Gambari says. If he—if all he says to the Security Council when he briefs them on Friday is, "Let's just have, you know, more trips; it was great that I went. Isn't that

a sign of great progress?" that would be a signal to me that we need a fundamental change in approach. But let's——

Senator BOXER. Well, I think I'm going to call——

Mr. MALINOWSKI [continuing]. Let's see what he says.

Senator BOXER [continuing]. Mr. Ban tomorrow, and talk to him, and talk to our Ambassador, who's—and get a better picture——

Mr. MALINOWSKI. Yes. One——

Senator BOXER [continuing]. Of what's going on.

Mr. MALINOWSKI [continuing]. One merit of having people like that go to Burma is that they get to see Aung San Suu Kyi. And every day that they see her, we know she's alive.

Senator BOXER. Yes. I hear your point.

Mr. DIN. Yes.

Senator BOXER. Mr. Din.

Mr. DIN. I agree with Tom. We are not impressed with his performance on Burma. In late August, he issued a statement in response to the situation in Burma. He used the language, "provoke." He asked all sides to stop provoking in the statement. We are the people who were beaten by the soldiers, but he asked both sides to stop provocations. We are not provocating. They are beating us. But he asked both sides to stop. And so, we are angry with the use of that language, and also, actually, if the situation is not now getting worse, his plan is to send his human rights coordinator to Burma first, before Gambari. So, we were also angry with that, because his mandate is to facilitate a reconciliation in Burma. That is why the political issue will be first. He has sent the humanitarian coordinator, Ms. Walstrom, but his original plan to send first Ms. Walstrom again, then Gambari, if the situation is getting worse like this.

Senator BOXER. So, you don't think they've done enough.

What about you, Mr. Green?

Dr. GREEN. Tom is right, we need to give Mr. Gambari a chance to report. But—and I do think, as several of the members said, we should support Mr. Gambari's efforts. And it would be good, probably, for Ban Ki-moon, under the right circumstances, to go. I would worry, though, that if we let the center of action for this be with Mr. Ban and Mr. Gambari, that, because the emphasis in the U.N. process is so much on consensus, particularly on the Security Council, they'll fall very quickly to a lowest common denominator. And, while we've seen some shift in China's rhetoric, and even in India's now, I think both those countries, and perhaps others in the region, would be very satisfied to have a process rested in the United Nations that would focus on stability in a very slow lowest-common-denominator approach to reconciliation, which is not where we should be right now if we're going to sustain attention. That's why I think we need to have a process, if you will, or action, that's more dynamic, that goes to like-minded states and starts building a more concrete set of benchmarks that's backed by sanctions and by looking at things, like you mentioned, ways to tighten those sanctions. So, United Nations, necessary, not sufficient. I think we need to go well beyond that.

Senator BOXER. It is, however, a world stage, where, you know, we can capture the attention of the world there while we do our work bilaterally with other countries. And I think Mr. Din's point,

of America just saying, "We're just going to call it the way it is. This is murder. This is cold-blooded murder. This is wrong. This is shooting people. This is stopping democracy. And, worse, this is denying people's self-determination," and just straightforward—and if people way to say, "We can't vote for that," let them defend it. I just think we've become too gun shy of losing a vote. And I just think it's important to say that. After we lose it, if we lose it, we can sit and figure something else out. But I agree with you, that we still have to do these other sanctions and move outside of the U.N. in—to friendly nations, and bolster those—what about my point that I actually got from you, Tom, your organization, about going back and tightening a loophole that has companies like Chevron outside the—outside, and we can't stop them doing business?

Mr. MALINOWSKI. Yeah, I think we have to—we have to consider that. Here's where it gets complicated. The—Chevron and Total, they're in this partnership, the biggest, you know, one of these oil/natural-gas partnerships, from which the Burmese Government is getting over $2 billion in revenue a year. It's a big deal. They have a contract with the Burmese Government that says, if they pull out, they have to pay the Burmese Government—I think it's something like half a billion dollars. And another possibility is, if they get out, some Malaysian company will come in, or Thai company, or South Korean company. Right? So, we don't want to do that in a way that doesn't actually result in——

Senator BOXER. So, after—what does—if they pull out, they have to do what?

Mr. MALINOWSKI. They have a contract with the Burmese Government that says, if they pull out before the contract expires, it's a penalty, like if you——

Senator BOXER. When is the——

Mr. MALINOWSKI [continuing]. Cancel your cell phone plan.

Senator BOXER [continuing]. Contract expiring?

Mr. MALINOWSKI. I'm not——

Senator BOXER. Do you know?

Mr. MALINOWSKI. I'm not sure.

Senator BOXER. Well, they're—my staff tells me it's resulting in $400 to $500 billion. Is that a year or over time? In a year? In a year. So, if they have to pay 1 year over there, it still pays to get them out of there, it seems to me.

Mr. MALINOWSKI. It would, unless them getting out is—simply results in another company coming in, and the Burmese Government just gets more revenue.

Now, there is a way of dealing with this, I think, and it actually gets back to the banking side. And I'm going to say something fairly odd, and that is that I actually don't want to discuss it in a public——

Senator BOXER. OK.

Mr. MALINOWSKI. One of the tricky things about these sanctions is that sometimes you don't want to talk too much about——

Senator BOXER. Right.

Mr. MALINOWSKI [continuing]. What you're going to do.

Senator BOXER. Right. OK.

Mr. MALINOWSKI. Because then people move——

Senator BOXER. Fair enough.

Mr. MALINOWSKI. But I'd be happy to talk to you afterward——

Senator BOXER. Well, I would love that. I think you—if you could brief—I think Senator Murkowski is extremely ahead of us on the financial sanctions. And so, I would really love to work with her. I told her——

Mr. MALINOWSKI. Sure.

Senator BOXER. So——

Mr. MALINOWSKI. You also mentioned the loophole——

Senator BOXER [continuing]. If you have some thoughts on that, if you would share them with her and——

Mr. MALINOWSKI. I'd be happy to. You also mentioned the loophole with—I think someone mentioned, with the gems, that you have——

Senator BOXER. I don't think we did.

Mr. MALINOWSKI. Well, we have an import ban, as you know, but it doesn't apply to Burmese gems that come out of Burma and then get finished in a third country. And that's something—it's a discrete thing, but something that you could also look at. And I believe the administration is looking at it.

Senator BOXER. OK.

Mr. MALINOWSKI. So——

Senator BOXER. Well, we just want to——

Yes, please, go forward.

Senator MURKOWSKI. Let me just ask one——

Senator BOXER. Yes. Have a——

Senator MURKOWSKI [continuing]. More question.

Senator BOXER. Take as much time as——

Senator MURKOWSKI. No, no, no, I—because I appreciate all the discussion that we've had on the financial sanctions, and would be very curious to know other areas that we might want to pursue.

In some of the background that I've got here on Burma, just as a country, it mentions that Burma is the world's second-largest producer of illicit opium. We go ahead, and we impose all these sanctions, whether they're on gems or other imports—and you have an illegal drug trade that is going back and forth, we're really not getting to it, are we? If——

Mr. MALINOWSKI. Well——

Senator MURKOWSKI [continuing]. If you've got this volume of—I'm assuming it's quite a substantial volume of——

Mr. MALINOWSKI. Right.

Senator MURKOWSKI [continuing]. Money coming in because of opium trade.

Mr. MALINOWSKI. The original source of most of the money that these crooked people in Burma have is from the drug trade, basically. It starts with the drug trade. It then gets invested or laundered into the "legitimate economy," where these financiers or tycoons, who we've been talking about, in partnership with the government, then do legitimate businesses, like airlines and hotels. But the money comes, originally, from the drug trade.

If we shut the legitimate business down, do they just make money directly from the drug trade? At the risk of sounding like a one-trick pony, I would get back to the banking, and say what's the most effective way of going after drug-traffickers in Colombia, in Afghanistan, anywhere else? The one effective tool we actually

have is going after their money. That's the one thing they can't afford to lose. They can afford to lose the opium. They can't afford to lose the bank account, because that's their ultimate aim, to be rich. So, you actually are—if you go down this route that we've been talking about, it doesn't matter whether it's a hotel deal, a gas deal, an arms deal, or a drug deal, because, at the end of the day, someone in Burma has a bank account in Singapore and Thailand that they can no longer draw money from. And their relatives walk into their room in the morning and say, "What on earth have you done?" And I think that's the moment when the diplomacy has a chance, because that's the moment when they start looking for a way out.

Senator MURKOWSKI. Let me ask one last question, and this is about the general, Than Shwe. How deep is his organization? If he is no longer there, if he's shut off, cut off, out of the country——

Mr. MALINOWSKI. His family. He's there.

Senator MURKOWSKI. He and his family.

Mr. MALINOWSKI. No; he's still there. His family is left.

Mr. DIN. He's still there.

Senator MURKOWSKI. No; that—I understand that. But what I'm saying is, if we are successful in cutting things off to this general, how deep does it go? Is it—could this regime continue on without his leadership? Or is he really the leader, and, without him, we would have better opportunity in finding a resolution for the atrocities that we're seeing in Burma?

Mr. Green.

Dr. GREEN. He's not Kim Il Sung or Pol Pot. This is not a fully effective culta personality, where, when the leader falls, the whole ideology collapses. The generals, it's often said, hang together or they hang separately. They are collectively enriching themselves on this corruption, on these drugs, but they're also afraid. I think you want to have enough pressure on all of them. And financial sanctions would target the elite, broadly. They start wondering about the sustainability of what they're doing. I don't think we can expect much more than that.

It does raise a very difficult question, one that I noticed Fred Hiatt addressed in the Washington Post, which is, what assurances do you give the elite in a diplomatic process? Because if they think that the end of the road is inevitably going to be tribunals, they may dig their heels in even harder. So, we haven't talked that much about inducements or assurances, but any diplomatic pressure has to have the coercive element we've talked about. But because they are so afraid—they're not only corruption, they're afraid—we have to think about incentives on both the negative and positive side, as difficult as that is. I think a multilateral process also makes that inevitable, because other countries will, you know, pool sticks and carrots, but that requires everyone to think about both the sticks and the carrots.

Mr. DIN. Can I add?

Senator MURKOWSKI. Thank you.

Mr. Din.

Mr. DIN. Yeah. If the administration can really effectively impose a financial sanctions against the military junta and their financial sources, it will be really, really effective. Because, so far, the junta

and their family members are relying so much on some businessmen who are providing them with financial sources. So many of them hold Singapore permanent resident status. They have the bank accounts in Singapore. They have the economy in Singapore. They have the business in Singapore, and also in Thailand. So, if the administration—really effectively cut these financial resources, the generals will have their troubles, and it will make the—we hope the administration will effectively take care of these financial sanctions.

Senator MURKOWSKI. Thank you.

Thank you, Madam Chair.

Senator BOXER. Well, I just want to thank you for being here. This panel was terrific, as I felt all of the panels were. And, you know, we're going to stay on this. And the reason I thought it was important to move swiftly is, what Senator Murkowski said, this is happening now, and we don't have the time to sit back and wait. And we need—this is just the beginning of what I hope will be a sustained effort on the parts of many Senators working together, the women Senators, working on sanctions, which I think Senator Murkowski is going to do, working to see if we can get the U.N. to do some more things, working with our Ambassador, of course working with the administration at all places that we can. But sometimes shining the light, in this world that we live in now, where—you know, I always say, if it wasn't the age of communications, who knows if the wall ever would have fallen that divided the East from the West, but it—you can't keep these pictures away. They can kill a photographer, they can do what they want. The bottom line is, word is going to spread. And that's a blessing of the times in which we live. There are some tough things about it, but—there are harsher weapons, there's more weapons trading. There's tough things about the times in which we live, but one good thing that mitigates against people like this winning, in the long term, is, the light will shine on them. And it's up to us, I think, to give this platform, here, over to shining that light.

So, that's what we've done today. I hope it helps. But we'll keep it up. And we know that the three of you are deep in the middle of this. And we would urge you to work with us, as individual Senators and as a subcommittee, and we will report to Senators Biden and Lugar about the importance of this hearing, and we can assure you that we will keep an eye on this and work together on it.

Thank you so much for—very much for coming.

We stand adjourned.

[Whereupon, at 4:45 p.m., the hearing was adjourned.]

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