

H. CON. RES. 328 AND H. CON. RES. 397

MARKUP

BEFORE THE
SUBCOMMITTEE ON ASIA AND THE PACIFIC
OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

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H. CON. RES. 328 AND H. CON. RES. 397

WEDNESDAY, SEPTEMBER 13, 2000

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

The Subcommittee met, pursuant to notice, at 1:35 p.m. in room 2172, Rayburn House Office Building, Hon. Doug Bereuter (Chairman of the Subcommittee) presiding.

Mr. BEREUTER. The Subcommittee will be in order. I am unaccustomed to beginning a Subcommittee markup with only one Member. It could expedite the procedure. The Minority has indicated they have no objections to us proceeding. Actually, most Members of the Committee and the Subcommittee are involved in a meeting with the Acting Foreign Minister of Israel at this point, and, since that started late because of House votes, that explains why our Members are not here. But I would like to begin at least taking us part way, perhaps quite a way, through the Subcommittee markup agenda today.

The Subcommittee meets in open session to consider two resolutions: First, H. Con. Res. 397, concerning the failure of most of the states of the Central Asia region to honor their commitments on democratization and free and fair elections; and, second, H. Con. Res. 328, regarding the need to improve democratic and human rights of the people of Burma.

First, we will proceed to the markup of H. Con. Res. 397. That is the order of business. The Clerk will now read H. Con. Res. 397.

CONSIDERATION OF H. CON. RES. 397

Mr. ENNIS. House Concurrent Resolution 397: Voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial non-compliance with their Organization for Security and Cooperation in Europe commitments on democratization and the holding of free and fair elections.

Mr. BEREUTER. Thank you. Without objection, further reading of the resolution will be dispensed with, printed in the record in full, and open to amendment.

[The resolution appears in the appendix.]

Mr. BEREUTER. I would like to explain that H. Con. Res. 397 was introduced on September 12 by the gentleman from New Jersey, the Chairman of the International Operations Subcommittee, Mr. Smith. It is a significantly updated alternative to H. Con. Res. 204,

which Mr. Smith had introduced last year. This Member is pleased to join Mr. Smith as a cosponsor of the resolution.

With the collapse of the Soviet Union in 1991, five independent states of Central Asia—Kazakhstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan—came into being. The deserts, mountains, steppes, and river valleys in this region are home to 50 million people. State borders, which were imposed by Stalin, artificially partition and breed resentments among various large ethnic groups, principally Russians, Uzbeks, and Tajiks.

Since achieving their independence, the Central Asia Republics have operated with little or no international scrutiny. In effect, Central Asia has been relegated to an international policy backwater. However, given the geostrategic significance of the region and given the region's vast wealth of natural resources, such an oversight is risky. We ignore the region at our own peril.

Regrettably, all of the countries of Central Asia appear to be moving along the path of authoritarianism at various paces. In recent months, each of the five countries has conducted general elections. These elections varied in the degree of electoral freedom. However, in no case did any of these elections meet internationally accepted norms. Indeed, most remain reminiscent of Soviet-style elections. There has been decertification of opposition parties and, in some cases, the apprehension of opposition leaders. The State Department's Country Reports on Human Rights Practices for 1999 concludes that Presidential power in Kazakhstan and Kyrgystan overshadows legislative and judicial power, and that Uzbekistan, Turkmenistan, and Tajikistan have lost ground in democratization and respect for human life. This continual decline is very disturbing, and it raises questions about the ability of the United States or other countries to successfully encourage true democratic institutions and the rule of law.

In some ways, this is a difficult resolution. Each of the five countries has unique characteristics. Some enjoy certain socio-economic advantages over the others. Kyrgystan and Kazakhstan allow a relatively greater but still limited degree of political participation. The ruler in Turkmenistan has developed a cult of personality so deep that he is now referred to as "Father of the Turkmen." Tajikistan has suffered from a crippling civil war through the 1990's, but a common theme throughout Central Asia is governmental abuse of basic human rights. Without exception, opposition leaders who appear to be gaining influence are dealt with in a decisive antidemocratic manner.

Now, it is certainly true that most, if not all, of the countries face armed insurgencies. There are all-powerful tribal warlords in Tajikistan. In Uzbekistan and Kyrgystan there are armed religious extremists aided by the Afghan Taliban. In Kazakhstan, there have been efforts by pro-Moscow elements to overthrow the government. It is entirely appropriate that the governments of these countries deal with such threats. However, it is one thing to campaign against an armed insurgency, and it is quite another to use an insurgency as an excuse to suspend law and crack down on the legal political opposition. Unfortunately, that is precisely what has been done and continues today.

H. Con. Res. 397 speaks to the very real abuses, then, that have occurred in each of the Central Asian Republics and puts the nations on alert that the House of Representatives is deeply concerned about the ongoing abuses of power. The resolution urges the nations to comply with their OSCE commitments and calls upon the President and Secretary of State to raise human rights concerns when meeting with the representatives of these governments.

I congratulate the resolution's author, Mr. Smith, for introducing this resolution. The language he has crafted accurately reflects the serious democratic shortcomings throughout the region. It has been updated by us to include the most recent events in Kyrgystan. I appreciate the willingness of his staff to work with the Subcommittee on Asia and the Pacific to craft a resolution that we can all support.

At this point, I would ask any Members in attendance if they wish to be heard in an opening statement on the resolution before us? The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much. I support this resolution, H. Con. Res. 397. I have paid close attention to what is happening in Central Asia and it is a tragedy.

It was just 10 years ago that this was a region with 50 million people where there was great hope for a transition into a freer and better government and to a life with more prosperity. None of these expectations have been met. The reason there has been retrogression in Central Asia has been because those people in the power structure in those Central Asian Republics have refused to let loose of their iron grip, the grip that they learned they could control the population with during Stalinist times and all the way through to the fall of Communism.

But those leaders in Kazakhstan, Uzbekistan, Azerbaijan, Turkmenistan, and others have refused to loosen their grip on the control and power in their own countries and permit their own people the degree of freedom that is necessary for prosperity, and for their countries to have tranquility and to be integrated into the prosperity of the whole Western economies. That is a tragedy for those countries and it is a tragedy for the West because this region had so much potential. The leaders of these countries have just let it slide and let this opportunity slip away.

Today, we hear cries of anguish from these very same despots who had a chance to have democracy in their countries, crying out for help because of Islamic insurgences in their country. Who is to blame if there are insurgences in Uzbekistan, in Azerbaijan, Turkmenistan, and Tajikistan? Who is to blame? The very leaders that have refused to develop the democratic process. If there was a democratic process, an honest government in Central Asia, there would be no threat from Islamic fundamentalists.

We see crocodile tears and hear the cries of anguish from these despotic regimes, and they themselves are at fault. I would call upon them to pay attention to H. Con. Resolution 397 and not to blame their problems on an outside force that are in some way supporting Islamic fundamentalists, but instead to look to their own lack of willingness to permit democratic institutions to develop.

One last note is that to the degree there is a fundamentalist threat destabilizing Central Asia, this Administration has to accept

some responsibility. As I have said many times at these Committee hearings that we have had, this Administration is playing an ugly game and a deceitful game in terms of its position on the Taliban. I believe still to this day that this administration is secretly supporting the Taliban, which is unconscionable. To that degree, we should change our policies. But if Central Asia wants to succeed, they are going to have to have some democratic change in their own countries.

Thank you very much, and I do support H. Con. Resolution 397.

Mr. BEREUTER. Thank you, Mr. Rohrabacher.

The gentleman from American Samoa, Mr. Faleomavaega, is recognized.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, and I want to apologize. I was given notice that the hearing was at 2 p.m. not 1:30, and so that is the reason for my delay.

But, nevertheless, I do want to thank you for your leadership and the fact that both the Majority and the Minority Members of the leadership have been able to work out appropriate language.

In accepting this resolution I thank my good friend, the gentleman from California, for his most profound statements and certainly keen insights of the problems affecting Central Asia. I support the legislation, and I urge my colleagues to vote in favor of this.

Mr. BEREUTER. Thank you very much, Mr. Faleomavaega.

If there are no further discussions, then the resolution is open for amendment. If there are no amendments, the occurs on agreeing to the resolution.

As many as are in favor will say aye.

As many as are opposed will say no.

The ayes have it, and the resolution is agreed to.

Without objection, the staff is authorized to make technical, grammatical, and conforming changes to the text of the resolution.

The second resolution to be considered today is H. Con. Res. 328, which the clerk will now read.

CONSIDERATION OF H. CON. RES. 328

Mr. ENNIS. House Concurrent Resolution 328, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

Mr. BEREUTER. Without objection, further reading of the resolution will be dispensed with, printed in the record in full, and open to amendments.

[The resolution appears in the appendix.]

Mr. BEREUTER. The Chair would explain that H. Con. Res. 328 was introduced on May 16 by the gentleman from Illinois, Mr. Porter, and referred to the Subcommittee on Asia and the Pacific.

For over 10 years, the Burmese military regime, now known as the State Peace and Development Council [SPDC] has refused to implement the results of the 1990 elections which were won overwhelmingly by the National League for Democracy [NLD]. During this period, and indeed since 1962, when General Ne Win and the military seized control, the military has engaged in egregious, sys-

tematic violence and abuse of the fundamental human rights of ethnic minorities and other people of the country.

The abuses of the junta in Rangoon most recently have come under international scrutiny, when, on August 24, Aung San Suu Kyi was denied the ability to visit NLD party officials at the offices of the party outside the capital. For 9 days, she and her associates were detained at a roadblock and eventually forcibly returned to their residences. Since that time, she and other NLD party leaders have been under virtual house arrest. Despite the military's denial of mistreatment, no independent observer has been allowed to visit, and the British Ambassador was roughed up when he attempted to force his way into her compound. In addition, party headquarters have been ransacked and papers seized. To justify their actions, the junta has issued the ludicrous charge that the NLD has formed an alliance with rebels in the provinces.

It is entirely proper that the House of Representatives go on record condemning these human rights abuses and the political abuses ongoing. Since her electoral victory in 1990, Aung San Suu Kyi has been repeatedly arrested, threatened, and harassed. The illegal SPDC regime has done everything possible to discredit the NLD and its leader. Of course, this is simply wrong. It is outrageous, and we should say so. This is not, of course, the first time that the House or the Congress has spoken on this issue.

At the appropriate time, the Chair will offer a friendly amendment to update the resolution and address a number of concerns that have been raised regarding the initial draft. We have had good cooperation working with Mr. Porter. I have had recent input from the gentleman from California, Mr. Rohrabacher, which took into account his concern about a misinterpretation of the language that was presented earlier.

At this point, I would ask the distinguished gentleman from American Samoa, representing the Minority, if there are any remarks he would like to make, then we will open it up for discussion.

Mr. FALCOMA. Mr. Chairman, I want to thank you for taking up this piece of legislation. Thank you for your leadership in bringing this legislation to the Subcommittee.

I believe the substance of this resolution is well taken, and we should express this true sense of the Congress in letting the leaders of Burma know that 10 years is a little too long. I certainly commend Suu Kyi for her efforts in not only being a true patriot but certainly a great leader of the Burmese people.

I sincerely hope that with the proposed amendment as a substitute that we, as Members of the Subcommittee, will accept this resolution. Again, I thank you for bringing this to the Subcommittee's consideration.

Mr. BEREUTER. Thank you, Mr. Falcomavaega. We actually thought about bringing it up before the recess, but, in light of the happenings in Burma since, I am glad we could update it and bring to the attention of the House the outrageous things that have happened most recently. Fortunately, they have had wide international scrutiny.

Are there other Members who wish to be recognized? The gentleman from California, Mr. Rohrabacher, first.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. I commend you for bringing up this important resolution introduced by Mr. Porter which, as you say, is even more poignant today than it was when it was first introduced. It is a bipartisan resolution. It calls for an urgent need for improvement in human rights and democracy in Burma.

At present there is a serious concern for the health and well-being of one of the true international heroes of our time, Aung San Suu Kyi, who is under intensified house arrest in Rangoon.

I had the privilege of visiting with Aung San Suu Kyi in Rangoon not too long ago, and I found her to be one of the most clear-sighted and courageous political leaders that I have ever encountered in my life. She is not someone that those of us who believe in democracy and believe in the principles that were laid down in our own country 225 years ago, she is not one of those people, if we believe in these things, that we should ignore her plight or the plight of her country when they are in such a desperate situation.

I also visited refugee camps over the last few years along the Thai-Burma border, and this last January I was there as well. My able assistant, Al Santoli, recently returned from the infamous Golden Triangle in August, and we have confirmed, I confirmed and Al Santoli confirmed, beyond any doubt, that the oppressive Burmese military regime is involved in very many scurrilous and criminal activities, and that this Burmese military junta is one of the most vile regimes on this planet.

We also confirmed what has recently been reported in the Far Eastern Economic Review and Asiaweek magazine, stories that suggest that Burma has become Asia's first narcoterrorist state, which is also backed by the communist Chinese.

Efforts by our allies in Asia to engage the SLORC regime with membership in ASEAN have backfired. The SLORC regime has become increasingly antagonistic toward Thailand, especially in its partnership with the fierce Wa tribal army, which has become the foremost opium and amphetamine trafficking group in South Asia. Although drought has reduced the size of the opium fields, heroin production in Burma has actually increased.

Mr. Chairman, let us not kid ourselves. Burma supplies perhaps 30 to 40 percent of the world's heroin. The SLORC regime controls Burma with an iron fist. Anyone suggesting that the Burmese regime is just refraining from involving itself in the drug trade is living in a dream world. They are closely associated with the Wa. And of course the Wa army is led by Chinese communist officers, and they are the ones who are dramatically involved in drug and gun trafficking that goes right to the border of India and right down through central Burma. The SLORC is in charge of all of these areas of production and distribution of drugs.

They are also involved with using force against Christian Karen and Karenni tribes, trying to force them out of their homelands and into refugee camps in Thailand. As I say, at the same time the Chinese military are securing routes for their own supplies and military operations right down the rivers, down to the coast of Burma, and into the Indian Ocean.

The resolution today calls for the U.S. policy to demand basic democratic freedoms for all Burmese citizens and for the release of

Aung San Suu Kyi and all political prisoners from prison and from house arrest. Also it calls on them to maintain political and economic sanctions on Burma until democracy and freedom are restored. Also, it calls upon the Burmese regime to eradicate the narcotics trade.

Finally, let me just say that we should remind our Japanese, Australian, and ASEAN friends that "engaging" dictators like the one in Burma, like the SLORC regime, and engaging them with political and economic benefits before democracy is restored, is proving to be a formula for nothing more than a greater suffering for the Burmese people and greater instability for Southeast Asia. American policy would be better served by strongly supporting democratic forces in Burma and throughout South Asia, whether they are Burmese or whether they are tribal groups who have shunned the narcotics trade.

We should go on record, and this resolution puts us on record to seek an end and to stand against this vile military regime in Burma. It has my strong support.

Mr. FALEOMAVAEGA. Will the gentleman yield?

Mr. ROHRABACHER. Yes.

Mr. FALEOMAVAEGA. I couldn't agree more with the gentleman and his concerns and the sentiments brought in dealing with a country like Burma.

I am sure the gentleman doesn't mean just to Australia or the members of ASEAN and that area of the world, but shall we say also the same for France in its current efforts in dealing with non-democratic countries in the Middle East and in that region of the world?

Mr. ROHRABACHER. I agree with that as well.

Mr. FALEOMAVAEGA. Thank you. I thank the gentleman.

Mr. ROHRABACHER. Absolutely.

Mr. BEREUTER. Thank you, Mr. Rohrabacher.

Are there other Members? Dr. Cooksey? I know you and Congressman Campbell visited earlier this year. I am pleased to recognize you.

Mr. COOKSEY. Thank you. Congressman Payne and I visited as well.

I genuinely support the gist of this concurrent resolution. The leadership in Burma are military dictators. When we were there, we met with the No. 3 guy on down, and some of the leadership are reasonable, but probably the No. 1 and 2 guys are either unreasonable or not smart enough to be reasonable.

It is a military dictatorship. There is no way to justify their position. They tried to talk to me like they do their people, or one of their foreign ministers did, and I got up and said, "I don't have time to listen to this." when you get as old as I am, and when you have been in the military, you can just do what you want to, so I left the discussion. He was much nicer to me the next time I saw him.

Unfortunately, they are holding Aung San Suu Kyi. This woman has more courage than anyone else in Burma. She is a bright, articulate, very well-educated lady. I did warn the leadership there, I said the most important thing you need to do is make sure nothing happens to this lady, because if it does, the wrath of the world

is going to come down on you and wipe you out overnight. I think they recognize that, because these guys are basically a bunch of cowards. It is just that they have guns and other people don't.

I don't agree with the idea of putting sanctions on. We have done sanctions, or we did sanctions in 1979, which was a misguided effort. We have done it in the last several years. Sanctions hurt the people that they are really intended to help. I think it is a waste of time. It is a futile effort, but it makes the people who say "I want sanctions" feel better. But if the people who want sanctions want to do something meaningful, they need to go over and tell these dictators that they are out of touch, that they cannot continue the way they are, and to call their hands, call their bluffs, because a lot of what they are doing is bluffing.

So I am not certain, in fact I just don't think it is good to put any type of economic sanctions on anyone. I don't think it works. It's a waste of effort.

I do think that this is an important part of the world. There is no question that there are drugs being produced in this area. I think that they have made some efforts to stem the drug production and the flow of drugs. Part of what they have done is to make visiting people from other countries feel like they are doing a good job, but they have, in fact, done some things, I think, to stem the flow of drugs, and they are trying to help the farmers do something other than raise poppies and opium.

So it is a difficult part of the world, there are some wonderful people in Burma, it is just that the problem is that the wonderful people don't have guns. All they have got is their intelligence and their integrity, and the dummies have the guns as is so often the case in some of these dictatorships.

On the whole, though, I would support this resolution. Did I make myself clear?

Mr. BEREUTER. Thank you very much, Dr. Cooksey. I think you have.

Seeing no further requests for time, then, we will proceed to an opportunity to amend the resolution before us, and the Chair offers an amendment. I would advise Members that it is in your package. It is an updating amendment. The Clerk will read the amendment.

Mr. ENNIS. Amendment to H. Con. Res. 328 offered by Mr. Bereuter. Amend the 11th whereas clause—

[The amendment appears in the appendix.]

Mr. BEREUTER. Without objection, the amendment will be considered as read, printed in the record, and open for amendment.

As the Chair has already noted, this is a friendly amendment offered with the concurrence of the gentleman from Illinois, Mr. Porter, the author, designed to update the situation in Burma and address two concerns that were raised regarding the base text.

First, the amendment updates the current language to reflect the standoff between Aung San Suu Kyi and the military by including six new whereas clauses. These clauses detail the denial of right to movement and association, the seizure of documents and NLD party headquarters. The new language makes it clear that Aung San Suu Kyi was clearly within her rights in attempting to visit party offices and that there is no justification for the roadblock established by the SPDC.

Second, there is a technical change to the 12th whereas clause and its reference to Burmese narcotics activity. For the sake of accuracy, it corrects the name of the narcotics report to the Department of State International Narcotic Control Strategy Report, adding the word “strategy,” which had inadvertently been omitted.

Last, the amendment alters resolved clause No. 3. The resolution, as introduced, endorses the economic and political sanctions that are currently in force. Unfortunately, in this Member’s judgment, the sanctions are simply not having the desired effect. I don’t know a good answer for having the desired effect, but I don’t think we should suggest that it is having a desired effect. Burma has not been isolated. Since enactment of the Cohen-Feinstein sanctions, Burma has become a full member of ASEAN. Burma’s neighbors, and other important countries in Asia, like China, India, Japan, and Southeast Asian nations, are pursuing a policy of engagement with Burma. This was mentioned, I think, by the gentlemen from California and Louisiana. Australia prefers a policy of what it considers to be constructive engagement. Even the EU countries, which have joined us in expressing outrage against the policies of the Burma junta, have generally not imposed economic sanctions.

As usual, in this Member’s judgment, while unilateral economic sanctions make us feel good, they rarely are effective in forcing change on recalcitrant regimes. They need to be broadly supported, multilateral sanctions to have any impact, as they eventually were with respect to South Africa. Unfortunately, the regime’s outrageous behavior and stubborn refusal to even engage the NLD in a meaningful dialogue leaves us with very few options that have been put on the table.

Let me make myself clear. I do not have an effective alternative to the sanctions policy. I welcome suggestions from Members as we look at this issue in the Subcommittee deliberations and as we engage in conversation with each other. I am as frustrated as any Member perhaps with the Burmese junta. However, we should not delude ourselves by thinking that the current policy is effective. I therefore requested, and Mr. Porter agreed, to modify this language to say that the United States should “continue to pursue policies with regard to Burma designed to,” and leave intact, then, those two, three, or four subparagraphs.

Those that support the sanctions policy can, if they choose, read this as an endorsement of sanctions. However, there is sufficient flexibility in the language to address the concerns of those who are frustrated with the ineffectiveness of the sanctions.

The Chair would note that the resolution’s author, Mr. Porter, is comfortable with the proposed change, and so is the Chairman of the International Operations and Human Rights Subcommittee, Mr. Smith.

Are there Members who would like to speak to the amendment?

Seeing none, as many are in favor of the amendment will say aye.

As many as are opposed will say no.

In the opinion of the Chair, the ayes have it.

Are there further amendments?

Seeing none, recognizing Members, the question occurs on agreeing to the resolution as amended.

As many as are in favor will say aye.

As many as are opposed will say no.

The ayes have it, and the amendment is agreed to.

Without objection, the staff is authorized to make technical, grammatical, and conforming changes to the text just agreed to.

I thank my colleagues for their participation and involvement in the Subcommittee markup. Appreciate it very much.

The gentleman from Louisiana would like to be recognized before adjournment?

Mr. COOKSEY. Let me mention something. I assume there is someone here from Burma, perhaps? OK.

One of the dilemmas you have over there is something that has occurred in other countries where you have these military dictatorships. There are actually some people that we met in the leadership that are reasonable, intelligent, thoughtful, sensitive people. I will not identify them, for their own benefit. But there are some that are not. Part of the dilemma is that the current leadership is reluctant to relinquish power because they do not know what will happen to them. They could be put in jail, could be tried, could have a lot of things, undesirable from their standpoint, that could happen to them.

I got the impression from talking to the opposition, and we met with all the opposition, that the opposition would be willing to give them some degree of immunity, or almost total immunity, if they would allow them to carry out the needs of the people and the vote that was carried out, when they had that vote previously. I think something along those lines should be done.

Now, let me tell you a classic example of where it was done and it was a disaster, and that was in Sierra Leone. Some people from this country, from this government, from this administration, encouraged the inclusion of Foday Sankoh in the government of Sierra Leone. Then they made him the Minister of Mines, in a country where a war is being fought over diamonds, which was just about the dumbest thing anyone could do. These were Americans that were supporting it, and all of them were supporting Charles Taylor, who was propping up the guerrillas.

Anyway, I don't think we need to do anything that dumb or that stupid, but we should do something to give these guys some degree of immunity, and then maybe they will get out of government, because they know someday it's going to blow up in their faces. I hate to see these people have another bloody war, because the people there are kind, gentle, genteel people. But something needs to be done.

Thank you.

Mr. BEREUTER. Thank you, Dr. Cooksey. I think you have prompted remarks from the gentleman from American Samoa.

Mr. FALCOMA. I wanted to share the sentiments expressed by my good friend and gentleman from Louisiana, and I wanted to ask if our friends over there in the audience are from the Burmese Embassy or are they from the opposition?

From the opposition. I thought maybe it was from the Burmese Embassy.

I wanted to express one of the things mentioned by a recent delegation to Southeast Asia. Of course there is perhaps a difference

of opinion, as it was expressed to us by the Foreign Minister of Thailand, but some of these Southeast Asian countries recognize Burma as a fellow country or nation because, in their viewpoint, it is better to be engaged with them, despite their political differences, than to avoid them at all costs.

I am wondering also that, as Dr. Cooksey said earlier, and as sanctions have not worked and will continue not working as long as the Burmese government continues to be the No. 1 seller of heroin in the world, that from that economic standpoint, it seems that sanctions have not worked very well and perhaps there may be some other ways we could establish better influence to see that the Burmese people themselves would rise up and get rid of these dictators, if there is any way possible.

It is easy for me to say this, but we know this has been difficult for the East Timorese, this has been difficult even currently for the West Papua New Guineans, this has been difficult for many other peoples from other regions of the world. I just wanted to add, to complement what Dr. Cooksey said earlier, and thank again the gentleman for bringing this resolution.

Mr. BEREUTER. I thank you for your remarks. I guess I would just react to the gentleman's statement, with which I generally agree, perhaps totally, by suggesting that if the other countries of ASEAN would in fact embrace the economic sanctions, they might have a chance to become effective. I think it would be much more difficult for Japan, for example, and Australia, to ignore those at least ASEAN-U.S. sanctions and therefore make it a broader kind of coalition of sanctions that might have an impact.

But with ASEAN bringing in Cambodia, Laos, Vietnam, and Burma—an interesting group of countries—it is causing ASEAN to be more timid than I had hoped they would be and to be less inclined to take any kind of a leadership role. That is a difficult group of countries to try to integrate into the modern world, and I do have sympathy with the task before them.

I thank my colleagues for their interest in this subject and for their comments, and with those comments we will now adjourn.

[Whereupon, at 2:08 p.m., the Subcommittee was adjourned, subject to the call of the Chair.]

A P P E N D I X

SEPTEMBER 13, 2000

106TH CONGRESS
2D SESSION

H. CON. RES. 397

Voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2000

Mr. SMITH of New Jersey (for himself, Mr. BEREUTER, Mr. HOYER, and Mr. FORBES) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

Whereas the states of Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—have been participating states of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and have freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law;

Whereas the Central Asian states, as OSCE participating states, have affirmed that every individual has the right to freedom of thought, conscience, religion or belief, expression, association, peaceful assembly and movement, freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and if charged with an offense the right to a fair and public trial;

Whereas the Central Asian states, as OSCE participating states, have committed themselves to build, consolidate, and strengthen democracy as the only system of government, and are obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis;

Whereas the general trend of political development in Central Asia has been the emergence of presidents far more powerful than other branches of government, all of whom have refused to allow genuine electoral challenges, postponed or canceled elections, excluded serious rivals from participating in elections, or otherwise contrived to control the outcome of elections;

Whereas several leaders and governments in Central Asia have crushed nascent political parties, or refused to register opposition parties, and have imprisoned and used violence against, or exiled, opposition figures;

Whereas Central Asian governments have the right to defend themselves from internal and external threats posed by insurgents, radical religious groups, and other anti-demo-

cratic elements which employ violence as a means of political struggle;

Whereas the actions of the Central Asian governments have tended to exacerbate these internal and external threats by domestic repression, which has left few outlets for individuals and groups to vent grievances or otherwise participate legally in the political process;

Whereas in Kazakhstan, President Nursultan Nazarbaev dissolved parliament in 1993 and again in 1995, when he also annulled scheduled Presidential elections, and extended his tenure in office until 2000 by a deeply flawed referendum;

Whereas on January 10, 1999, President Nazarbaev was re-elected in snap Presidential elections from which a leading challenger was excluded for having addressed an unregistered organization, "For Free Elections," and the OSCE assessed the election as falling far short of international standards;

Whereas Kazakhstan's October 1999 parliamentary election, which featured widespread interference in the process by the authorities, fell short of OSCE standards, according to the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas Kazakhstan's parliament on June 22, 2000, approved draft legislation designed to give President Nazarbaev various powers and privileges for the rest of his life;

Whereas independent media in Kazakhstan, which used to be fairly free, have been pressured, co-opted, or crushed, leaving few outlets for the expression of independent or opposition views, thus limiting the press's ability to criti-

cize or comment on the President's campaign to remain in office indefinitely or on high-level corruption;

Whereas opposition parties can function in Kyrgyzstan and parliament has in the past demonstrated some independence from President Askar Akaev and his government;

Whereas 3 opposition parties in Kyrgyzstan were excluded from fielding party lists and serious opposition candidates were not allowed to contest the second round of the February–March 2000 parliamentary election, or were prevented from winning their races by official interference, as cited by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas a series of flagrantly politicized criminal cases after the election against opposition leaders and the recent exclusion on questionable linguistic grounds of other would-be candidates have raised grave concerns about the fairness of the election process and the prospects for holding a fair Presidential election on October 29, 2000;

Whereas independent and opposition-oriented media in Kyrgyzstan have faced serious constraints, including criminal lawsuits by government officials for alleged defamation;

Whereas in Tajikistan, a civil war in the early 1990's caused an estimated 50,000 people to perish, and a military stalemate forced President Imomaly Rakhmonov in 1997 to come to terms with Islamic and democratic opposition groups and agree to a coalition government;

Whereas free and fair elections and other democratic steps in Tajikistan offer the best hope of reconciling government and opposition forces, overcoming the legacy of the civil war, and establishing the basis for civil society;

Whereas President Rakhmonov was reelected in November 1999 with 96 percent of the vote in an election the OSCE did not observe because of the absence of conditions that would permit a fair contest;

Whereas the first multiparty election in the history of Tajikistan was held in February–March 2000, with the participation of former warring parties, but the election fell short of OSCE commitments and 11 people, including a prominent candidate, were killed;

Whereas in Turkmenistan under the rule of President Saparmurat Niyazov, no internationally recognized human rights are observed, including freedom of speech, assembly, association, religion, and movement, and attempts to exercise these rights are brutally suppressed;

Whereas Turkmenistan has committed political dissidents to psychiatric institutions;

Whereas in Turkmenistan President Niyazov is the object of a cult of personality, all political opposition is banned, all media are tightly censored, and only one political party, the Democratic Party, headed by President Niyazov, has been registered;

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, refused to send any representatives to the December 1999 parliamentary elections;

Whereas President Niyazov subsequently orchestrated a vote of the People's Council in December 1999 that essentially makes him President for life;

Whereas in Uzbekistan under President Islam Karimov, no opposition parties are registered, and only pro-government parties are represented in parliament;

Whereas in Uzbekistan all opposition political parties and leaders have been forced underground or into exile, all media are censored, and attempts to disseminate opposition newspapers can lead to jail terms;

Whereas Uzbekistan's authorities have laid the primary blame for explosions that took place in Tashkent in February 1999 on an opposition leader and have tried and convicted some of his relatives and others deemed his supports in court proceedings that did not correspond to OSCE standards and in other trials closed to the public and the international community;

Whereas in Uzbekistan police and security forces routinely plant narcotics and other evidence on political opposition figures as well as religious activists, according to Uzbek and international human rights organizations; and

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, sent no observers except a small group of experts to the December 1999 parliamentary election and refused any involvement in the January 2000 Presidential election: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the Congress—*

3 (1) expresses deep concern about the tendency
4 of Central Asian leaders to seek to remain in power
5 indefinitely and their willingness to manipulate con-

1 stitutions, elections, and legislative and judicial sys-
2 tems, to do so;

3 (2) urges the President, the Secretary of State,
4 the Secretary of Defense, and other United States
5 officials to raise with Central Asian leaders, at every
6 opportunity, the concern about serious violations of
7 human rights, including noncompliance with Organi-
8 zation for Security and Cooperation in Europe
9 (OSCE) commitments on democracy and rule of law;

10 (3) urges Kazakhstan, Kyrgyzstan, Tajikistan,
11 Turkmenistan, and Uzbekistan to come into compli-
12 ance with OSCE commitments on human rights, de-
13 mocracy, and the rule of law, specifically the holding
14 of free and fair elections that do not exclude genuine
15 challengers, to permit independent and opposition
16 parties and candidates to participate on an equal
17 basis with representation in election commissions at
18 all levels, and to allow domestic nongovernmental
19 and political party observers, as well as international
20 observers;

21 (4) calls on Central Asian leaders to establish
22 conditions for independent and opposition media to
23 function without constraint, limitation, or fear of
24 harassment, to repeal criminal laws which impose
25 prison sentences for alleged defamation of the state

1 or public officials, and to provide access to state
2 media on an equal basis during election campaigns
3 to independent and opposition parties and can-
4 didates;

5 (5) reminds the leaders of Central Asian states
6 that elections cannot be free and fair unless all citi-
7 zens can take part in the political process on an
8 equal basis, without intimidation or fear of reprisal,
9 and with confidence that their human rights and
10 fundamental freedoms will be fully respected;

11 (6) calls on the leaders of Turkmenistan and
12 Uzbekistan to condemn and take effective steps to
13 cease the systematic use of torture and other inhu-
14 man treatment by authorities against political oppo-
15 nents and others, to permit the registration of inde-
16 pendent and opposition parties and candidates, and
17 to register independent human rights monitoring or-
18 ganizations;

19 (7) urges the governments of Central Asia
20 which are engaged in military campaigns against
21 violent insurgents to observe international law regu-
22 lating such actions, to keep civilians and other non-
23 combatants from harm, and not to use such cam-
24 paigns to justify further crackdowns on political op-

1 position or violations of human rights commitments
2 under OSCE;

3 (8) encourages the Administration to raise with
4 the governments of other OSCE participating states
5 the possible implications for OSCE participation of
6 any participating state in the region that engages in
7 clear, gross, and uncorrected violations of its OSCE
8 commitments on human rights, democracy, and the
9 rule of law; and

10 (9) urges the Voice of America and Radio Lib-
11 erty to expand broadcasting to Central Asia, as
12 needed, with a focus on assuring that the peoples of
13 the region have access to unbiased news and pro-
14 grams that support respect for human rights and
15 the establishment of democracy and the rule of law.

○

106TH CONGRESS
2D SESSION

H. CON. RES. 328

Expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2000

Mr. PORTER (for himself, Mr. LANTOS, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. PITTS, Mr. KUCINICH, Mr. PAYNE, Mr. DIAZ-BALART, Mr. ROHRBACHER, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. SHAYS, Mr. CASTLE, Mr. BERMAN, Mr. ENGEL, Mr. SANDERS, Mr. HORN, Mr. RAHALL, Mr. BALDACCU, Mrs. MORELLA, Mr. GUTIERREZ, Mr. OBERSTAR, Mr. CAPUANO, Mr. STARK, Mr. OLVER, Ms. LEE, Mr. WAXMAN, Mr. RUSH, and Mr. UDALL of Colorado) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are “involved in the drug business or are paid to allow the drug business to be conducted by others”, conditions which pose a direct threat to United States national security interests; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

- 1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That it is the Sense of the Congress that—
 3 (1) United States policy should strongly sup-
 4 port the restoration of democracy in Burma, includ-

1 ing implementation of the results of the free and fair
2 elections of 1990;

3 (2) United States policy should continue to call
4 upon the military regime in Burma known as the
5 State Peace and Development Council (SPDC)—

6 (A) to guarantee freedom of assembly,
7 freedom of movement, freedom of speech, and
8 freedom of the press for all Burmese citizens;

9 (B) to immediately accept a political dia-
10 logue with Daw Aung San Suu Kyi, the Na-
11 tional League for Democracy (NLD), and eth-
12 nic leaders to advance peace and reconciliation
13 in Burma;

14 (C) to immediately and unconditionally re-
15 lease all detained Members elected to the 1990
16 parliament and other political prisoners; and

17 (D) to promptly and fully uphold the terms
18 and conditions of all human rights and related
19 resolutions passed by the United Nations Gen-
20 eral Assembly, the Commission on Human
21 Rights, the International Labor Organization,
22 and the European Union; and

23 (3) United States policy should sustain current
24 economic and political sanctions against Burma as
25 the appropriate means—

- 1 (A) to secure the restoration of democracy,
- 2 human rights, and civil liberties in Burma; and
- 3 (B) to support United States national se-
- 4 curity counternarcotics interests.

○

AMENDMENT TO H. CON. RES. 328
OFFERED BY MR. BEREUTER

Amend the 11th whereas clause of the preamble to read as follows:

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma estimates more than 1,300 people continue to suffer inhumane detention conditions as political prisoners in Burma;

Amend the 12th whereas clause of the preamble to read as follows:

Whereas the Department of State International Narcotics Control Strategy Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are “involved in the drug business or are paid to allow the drug business to be conducted by others”, conditions which pose a direct threat to United States national security interests;

Insert after the 12th whereas clause of the preamble the following:

Whereas Daw Aung San Suu Kyi has been denied the basic rights to freedom of movement and assemble with members of the NLD by Burmese security authorities who, on August 24, 2000, forcibly blocked her and her party from traveling to NLD township offices near Rangoon;

Whereas after having been halted for nine days at a road-block, Daw Aung San Suu Kyi and her party were fore-

ibly returned to Rangoon by Burmese security authorities;

Whereas since their forcible return to Rangoon Daw Aung San Suu Kyi and other NLD leaders have been held incommunicado in their residences and diplomats and others have been denied access to them;

Whereas the refusal to allow Daw Aung San Suu Kyi to leave her compound or to allow others access to her has created grave concern for her safety and welfare;

Whereas the NLD party offices have been ransacked and documents seized by Burmese authorities and access to the party headquarters has been denied to NLD members;

Whereas the Burmese authorities have continued to refuse to engage in a substantive dialogue with the NLD and other elements of the democratic opposition; and

Page 4, strike lines 23 through 25 and insert the following:

1 (3) United States policy should continue to pur-
2 sue policies with regard to Burma that are
3 designed—