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Asia in Review

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Dear Reader,

CPG is bringing you another update on major developments from South, Southeast and East Asia. Among the topics covered this week are the political tensions in Cambodia, Thailand and Pakistan, the security and control of the cyber space in Southeast Asian countries, the competition between China, Japan, India and Russia over influence on the Asian continent as well as North Korea's persistent nuclear threat.

I hope you find the selection of articles useful! As always, do not hesitate to get in touch if you would like to share feedback or ideas with us on AiR or any other matters.

Very best regards,

Henning Glaser

P.S. Don't forget to check out our website for upcoming events and the latest information about CPG and its partners!

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- **Law and Politics in South East Asia**
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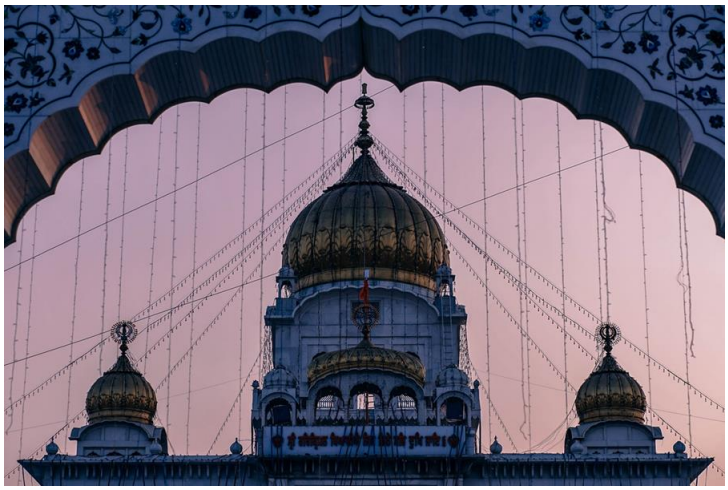
Law and Politics in South Asia



Myanmar: Suu Kyi visits troubled Rakhine, criticizes Bangladesh for delaying Rohingya return

Myanmar's de facto leader Aung San Suu Kyi has arrived in Rakhine for the first time since violence erupted in the state in late August. She is visiting the regional capital Sitter and other towns during a one-day unannounced trip. She has been criticised around the world for not stopping a military crackdown on Rohingya Muslims, amid allegations of ethnic cleansing. Meanwhile, Myanmar is accusing neighboring Bangladesh of delaying the return of Rohingya Muslims forced to flee across the border to avoid a brutal campaign against them by Myanmar's military. A spokesman of Aung San Suu Kyi, told on Wednesday that Dhaka is waiting to begin the repatriation process until it receives $400 million in international aid earmarked to expand shelter for the 600,000 Rohingyas living in crowded refugee camps [Reuters1], [The Guardian], [Reuters2].

Pakistan: High profile corruption trials

While Pakistan's ousted Prime Minister Nawaz Sharif returned home from London on November 2nd to face trial before an anti-graft court in the

corruption cases spiraling from the Panama Papers scandal, an arrest warrant for Finance Minister Ishaq Dar has been issued on Monday after he failed to appear before a scheduled hearing. Dar and Sharif were indicted this month on charges of corruption this month. [The Economic Times], [Bloomberg Politics].

Sri Lanka: Efforts for early conclusion of China trade deal

Sri Lanka is keen to reach agreement soon on a free trade deal with China, its foreign minister said on Tuesday, describing Beijing as a close friend and ally, despite strong local opposition to some major Chinese-invested schemes. In July, Sri Lanka already signed a long-delayed $1.1 billion deal to lease its southern Hambantota port to China, ignoring an appeal by opposition parties to debate the pact in parliament [Reuters].

Law and Politics in South East Asia

Cambodia: Political clampdown continues, but with possible side effects for allied China

A top Cambodian court rejected an appeal to free opposition leader Kem Sokha on Tuesday saying his release could be a public risk as the threat of dissolution looms over his opposition Cambodia National Rescue Party (CNRP). Kem Sokha was

arrested in September on charges of treason in what his supporters say is a politically-motivated case. It comes amid a crackdown on critics of authoritarian Prime Minister Hun Sen, who could face the biggest electoral challenge of his political career in a general election next year [South China Morning Post]. However, the continued clampdown may also threaten the interests of Prime Minister Hun Sen's closes ally, China. Development aid cuts by the US and the EU, Cambodia's largest trading partners, and possible economic sanctions on the Southeast Asian nation could also harm Chinese export-oriented firms operating in Cambodia [Asia Times].

Indonesia: Need for justice reform exposed

Indonesia's troubled legal system is again coming under scrutiny, after rulings in two high-profile cases that have alarmed both Western expatriates and local organizations that fight corruption in the country's judiciary. One case involved a Canadian educator serving an 11-year term in a high-security prison on charges of sexually assaulting kindergartners, the other a powerful Indonesian politician who avoided prosecution in a corruption scandal [New York Times].

Malaysia: Data breach puts personal details of almost entire population at risk

The personal details of some 46.2 million mobile number subscribers in Malaysia are at stake in what is believed to be one of the largest data breaches ever seen in the country. From home addresses and identity card numbers to SIM card information, the private details of almost the entire population may have fallen into the wrong hands [Straits Times].

Malaysia: Sultan of Johor bans Islamic preachers from lecturing

A decree from Johor Sultan Ibrahim Sultan Iskandar has banned two Islamic preachers from giving religious talks. Previously, Singapore had banned both men from entering the Republic over the "exclusivist" nature of their messages. The case is just another illustration of the Sultan's continued efforts to curb religious fundamentalism. Malaysia's Deputy Prime Minister, however, said the two clerics should still be allowed to preach, exposing current rifts within the country [Straits Times].

Philippines: Former human rights lawyer Harry Roque to be Duterte's new spokesman

President Rodgrio Duterte announced that Kabayan Partylist Representative Harry Roque will be appointed presidential spokesman. Before his political career, Roque was a human rights lawyer who had taken part in many high-profile cases, including extrajudicial killings. A group of legal and human rights organizations strongly urged Roque to reconsider Duterte's offer to be his spokesman, asking him to "stand on the right side of the struggle for human rights and justice in the Philippines" [Rappler].

Thailand: As political ban is continued, pressure on exiled former PM Yingluck increases

The Thai government will not lift the ban on political activities until calm and order are restored, Prime Minister Prayut Chan-o-cha said on Tuesday. However, the Political Parties Act giving the parties 180 to prepare for the upcoming election has already taken effect on October 8. Whether the deadline can be extended is not sure [Bangkok Post]. Meanwhile, Thailand has revoked the passports of ousted Prime Minister Yingluck Shinawatra, who has yet to publicly emerge since she slipped out of the country two months ago ahead of judgment day in her negligence trial. Thai authorities are still working to confirm the former premier's location as they seek her extradition [South China Morning Post].

Vietnam: Major drug scandal under investigation

A court of appeal in Ho Chi Minh City has ordered a fresh investigation into a major cancer drug scam that riveted the nation by showing how bribery and forgery plague the country's healthcare sector. The appellate court made the decision in response to an appeal by the city's prosecutors, who said the charges put forward at the previous trial in August were inaccurate. Vietnam's government had already ordered an investigation into the Ministry of Health's role in the headline-grabbing scandal [VN Express].

Law and Politics in East Asia

China: Spreading Xi's Jinping's thought

Within a week after Xi Jinping's thought had been enshrined in China's constitution at the National Party Congress, 20 universities across the country have established research institutions dedicated to teaching, researching and promoting Xi's ideas on "Socialism with Chinese Characteristics for a New Era" [South China Morning Post]. Meanwhile, after Cambridge University Press had decided to block access to some of their articles in China as per request of Chinese authorities and then after an international

outcry reversed its decision back in August this year, German owned publisher Springer Nature has now made a similar decision and pulled a number of articles on topics deemed sensitive by the Chinese government. Whilst academics cry out again [China Policy Institute], Springer Nature thus far stands by its decision, arguing that by making some concessions, the largest part of their contents remains accessible [ABC].

China: Secretive spaceplane scheduled for 2020

Reflecting China's ambitions in the field of space science, scientists of state-owned China Aerospace Science and Technology Corporation have announced 2020 as date for the launch of a spaceplane which would not launch into space aboard a rocket but instead would operate as a true runway-to-space-to-runway vehicle [Ars Technica].

Japan: Abe's planned revision of the constitution faces strong opposition

Despite the overwhelming victory in the Lower House election, securing Prime Minister Abe a robust two thirds majority, his intended revision of Art. 9 of the constitution renouncing war as the sovereign right of Japan appears far from being a sure-fire success in the light of 40 000 protesters rallying against Abe's plan in Tokyo on the occasion of the 71st anniversary of the promulgation of the constitution [The Japan Times 1] and latest surveys revealing a majority of the population opposing the constitutional change [The Japan Times 2].

Japan: What is conservatism, liberalism in Japan?

Japan’s latest House of Representatives election was said to be a battle among three forces: the ruling parties such as the LDP and two major “start ups”. Kibo no To (Party of Hope) was launched under the banner of the “conservatives working for

reform," while leftist and liberal-minded members of the Democratic Party formed the Constitutional Democratic Party of Japan. Yet, in Japan today, what is a conservative and what is a liberal? The Yomiuri Shimbun asked two experts to explain these terms in the light of Japan's changing demographics and societal norms [Yomiuri Shimbun].

South Korea: Former President Park expelled from own party

In a move to regain public trust and intra-party unity, opposition Liberty Korea Party decided to expel former President Park who was impeached in 2016 over a corruption and cronyism case. Park is currently facing trial on bribery, abuse of power and other charges [Yonhap News].

South Korea: Moon names new nominee for chief of Constitutional Court

President Moon has nominated Constitutional Court Justice Lee Jin-sung for the post of the Court's chief. It is Moon's second attempt to fill this position, after his first nomination, Kim Yi-Su, was voted down by the parliament which questioned the candidate's political neutrality [Yonhap News]. The same looks like to happen to his selection of Hong Jong-haak as Minister for SMEs and startups who is facing growing pressure of opposition parties to withdraw his nomination due to suspicious financial undertakings of some of his relatives [The Korea Times].

International Relations, Geopolitics and Security in Asia

Japan foreign policy: The Philippines, Russia

Japan has pledged to provide assistance for the Philippines as it rebuilds Marawi City in its Southern Mindanao as well as help with other projects ranging from rail infrastructure to river defences. Japan is concerned about China's growing power in the South China Sea and sees cooperation with the Philippines, which lies on the waterway's eastern side, as key ally in helping prevent Beijing's influence spreading into the western Pacific [Asian Correspondent]. China has previously pledged to provide over US$24 billion in development aid and investment largely for infrastructure development. Some analysts, however, suggest Beijing may be withholding the funds until the bilateral relationship is more firmly consolidated, including in regard to unresolved territorial disputes in the South China Sea [Asia Times]. Meanwhile, Japan and Russia have agreed to set up a task force to jointly develop tourism and four other businesses on disputed islands controlled by Russia but claimed by Tokyo. Japan hopes joint economic activities will pave the way for settling a decades-old territorial row with Russia, while Moscow aims to attract Japanese investment to the underdeveloped islets off Japan's northernmost main island of Hokkaido. [Kyodo News]. Russia, for its part, is increasingly wielding oil as a geopolitical tool, spreading its influence around the world and challenging the interests of the United States. Through the state oil giant Rosneft, Moscow is trying to build influence in places where the United States has stumbled or power is up for grabs [New York Times].

China's "New Era" foreign policy under Xi

Whilst China is continuing to make strides in modernizing its military, e.g. with a supposed breakthrough in relation to its newest aircraft carrier [South China Morning Post], it is also seen to have sent an unambiguous message to the US when it allegedly practiced attacks on the U.S. territory of Guam as reported by Defense News, citing unnamed US military officials. China's Defense Ministry has not yet reacted to the allegations [Defense News]. Furthermore, China has quietly undertaken more construction and reclamation in the South China Sea, recent satellite images show, and is likely to more powerfully reassert its claims over the waterway soon, regional diplomats and military officers say. Washington is struggling to counter China's creeping domination of the area, and the issue is likely to come up during U.S. President Donald Trump's visit to Asia, which begins this week [Reuters]. China's assertive foreign policy should be read in the context of the Party's historical mission to achieve "national rejuvenation" and for China's leadership of the wider world in a global "New Era." [The Diplomat]. However, it is important not to overlook risks and the very present possibility of Xi in general and his OBOR project in particular facing huge difficulties in the time to come. Many of the OBOR partner countries for instance are in unstable positions, have huge financial difficulties and are unlikely going to be readily able to safeguard Chinese investment or easily return profits on it [NY Books and Japan Times].

China-ROK relations getting back to normal, while worries about North Korean nuclear program grow

After prolonged - and ultimately unsuccessful - political and economic warfare campaigns against the Republic of Korea to dissuade it from participating in a U.S. anti-missile defense program (THAAD) aimed at North Korean nuclear attack capabilities, China has begun taking steps to resume normal bilateral relations with South Korea. The Chinese Foreign Ministry stated Tuesday that both sides "agree to bring

communication and cooperation in various fields back on the normal track as soon as possible" [Xinhua]. Regarding the North Korean nuclear threat, Michael Auslin argues that the world should worry more about the risk of a North Korean nuclear accident, even more than its threats to initiate nuclear war. Even if Pyongyang's laboratories and factories are safe, weapons systems break down, age, and suffer immense problems. The author also suggests that the US will need to figure out how to ensure that the accidents and miscalculations of the cold war are not repeated in North Korea, with catastrophic consequences [The New York Review of Books]. Meanwhile, NATO's Secretary General Jens Stoltenberg began visits to Japan and South Korea on Sunday. On his topic list: North Korea, and "everything from fighting terrorism to cooperation in cyber and maritime security". Regarding China's increasing assertiveness in the South China Sea, Stoltenberg said it is important for NATO to have dialogue with Beijing [Kyodo News].

Taiwan: President calls for breakthrough with China, faces cool response

Days after the Chinese Communist Party (CCP) revealed its new generation of top leaders, Taiwan's President Tsai Ing-wen made a public speech on cross-strait relations, calling for a breakthrough with China. In a rare direct message from Tsai to the Chinese authorities, Tsai's message was a clearer definition of how she views the 1992 Cross-Straits talks commonly termed the "1992 consensus" [The Diplomat]. Meanwhile, Tsai landed in Hawaii on Saturday en route to a visit to Taipei's diplomatic allies in the Pacific, despite strong objections from China. Tsai is on a week-long trip to three Pacific allies – Tuvalu, the Solomon Islands and the Marshall Islands – via Honolulu and the US territory of Guam. U.S. President Trump is scheduled to visit Beijing in less than two weeks [South China Morning Post].

India's new Afghan trade route via Iran, bypasses Pakistan

Opening a new trade route to Afghanistan that bypasses Pakistan, India has dispatched its first consignment of wheat to the war torn country via the Iranian port of Chabahar. The strategic sea route is a significant step in bolstering trade with Kabul that has been hampered because rival Pakistan does not allow India to transport goods to Afghanistan through its territory [Voice of America].

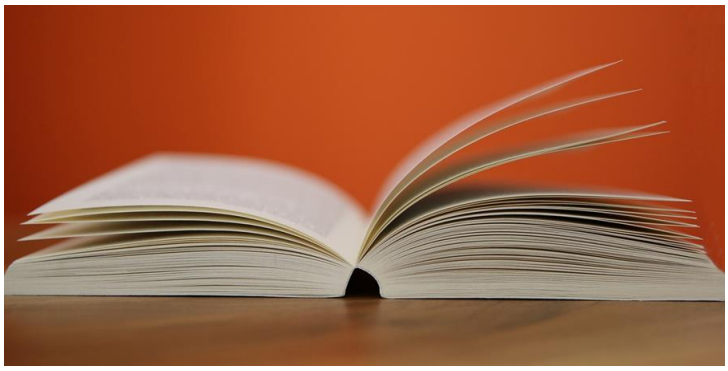
Southeast Asian cyberspace: Politics, censorship, polarization

In this piece, Aim Sinpeng argues that the combination of opaque cyber regulations and authoritarian political regimes have made Southeast Asian cyberspace more and more restricted. The liberating effects of the internet coexist in increasing tension with state anxiety about information control. According to her analysis, Southeast Asian cyberspace is becoming more expansive, yet more restricted [New Mandala].

South of Thailand: Inspired by Catalonian example?

Ethnic Malay political activists in Thailand's Muslim-majority southernmost region have followed the developments in Catalonia, wondering how the Catalan population developed their political platform, strengthened their movement's grass roots legitimacy and ultimately through democratic means challenged the Spanish government's notion of undivided national sovereignty. Thai officials, however, see self-determination as a stepping stone towards the creation of a breakaway state and will not brook any such public debate [Asia Times]. At the same time, Thailand's lead negotiator in peace talks with rebel groups in the deep South, insisted on Wednesday that the talks were still ongoing, not totally halted as some had speculated [The Nation].

Background Reading



Cyber Warfare and the Status of Anonymous under International Humanitarian Law

In this academic article, Russell Buchan evaluates the status of online groups under international humanitarian law when they become embroiled in armed conflict and in particular under what circumstances members of these groups can be made the object of attack under the laws of targeting [Chinese Journal of International Law].

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