German-Southeast Asian Center of Excellence
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Grasp the pattern, read the trend

Asia in Review

(2/1/2018)

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Dear Reader,

CPG presents you the second AiR issue of 2018 with the updates on constitutional politics, law, and the regional order covering South-, East-, and Southeast Asia.

News on *law and politics* in Asia relate to turbulences in Pakistan and the Philippines, constitutional reform issues in the Philippines, Myanmar, Japan and South Korea, Xi´s ongoing centralization of Power in China and the start of Vietnam´s major corruption trial, and worrisome outlooks for Brunei raising the question if the country could become ASEAN's Greece.

Standing out among the news on *international relations, geopolitics and security in Asia* the first inter-Korean direct talks since 2016 following a year threatened by 'fire and fury' around Pyongyang´s aggressiveness and China-EU relations in the wake of Macron's visit to China. Meanwhile Japan shows its assertiveness in contributing to the reshaping of the Indo–Pacific order in the Maldives and Sri Lanka.

The 'Background reading' section also offers some interesting articles again, including a book review on the 'Pan-Islamic Connections' linking South Asia and the Gulf as well as two pieces on the patterns of Pakistan-US relations since the 1950s and the supposed end of the 'truth age'.

Enjoy reading and have a very nice weekend!

Henning Glaser

Director, German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG)

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

Main Sections

- Law and Politics in South Asia
- Law and Politics in South East Asia
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- International Relations, Geopolitics and Security in Asia
- Background Reading

Law and Politics in South Asia

India: New approach of electoral bonds a blow to transparency of party funding

(jk) In an effort to create a "transparent political funding system", the government has proposed electoral bonds as a way to largely replace undisclosed cash donations to political parties and argued for their necessity in order to clean up political funding in India [The Indian Express]. Critics, however, were quick to point out that electoral bonds are achieving exactly the opposite as donations made via these bonds are anonymous and quantities are not disclosed to anyone except for the government in power. This is particularly problematic if large companies make significant donations to parties, perhaps in order to increase their

chances of scoring high-value state contracts in the future [Asia Times].

Critics go on to suggest that instead, the government should create a legal limit on the expenditure of political parties [Times of India], but some fear that given the position political parties have in India, they are not likely to clip their own wings in any shape or form [The Wire].

Bangladesh: Marriage registrars reminded not to wed Bangladeshi nationals with Rohingyas

The Bangladeshi High Court has rejected a petition asking the government not to harass a Bangladeshi national married to a Rohingya woman who recently fled from Myanmar. Under the Foreigners Act, marriages between Bangladeshi nationals and persons from particular areas are restricted and registrars have been advised not to wed Bangladeshis and Rohingya. In addition to the rejection of the petition, the petitioner was also fined for wasting the high court's time [The Daily Star].

Pakistan: A difficult year ahead

After the 2017 supreme court ruling ousting former PM Sharif based on the Panama Papers revelations, the struggle between Pakistan's elite and the judiciary are far from over. Sharif is bad-mouthing the court, alleging ulterior motives and weak legal grounds in his ousting and is preparing another claim to power in the upcoming elections this year. In the meantime, India-Pakistan relations continue to be difficult, as are relations to the US as written about in last week's AiR. 2018 is unlikely to be a smooth ride for Pakistan [East Asia Forum].

Pakistan: Protests against police inaction

After a heinous crime committed against a child in the first week of 2017, protesters continue to gather in Punjab Province's Kasur. They protest against perceived police inaction in the case after further disturbing details had been released following the child's autopsy. Authorities have reacted harshly, with some –now arrested – officials firing live shots into the

crowd, killing at least two protesters that clashed with the police [Dawn].

Law and Politics in Southeast Asia

Brunei: Will it become ASEAN's Greece?

Joelyn Chan describes how energy-rich Brunei struggles with dwindling profits, territorial disputes in the sea and output limits imposed by OPEC. She projects that the extravagant spending habits of Bruneians coupled with the nation's depleting oil situation might accelerate the nation's fall. However, she also argues that if Brunei succeeds in diversifying its economy, the country may be able to avoid a fate like Greece's in Europe [ASEAN Today].

Malaysia: Mahatir and Anwar making post-election plans already

(ls) It is official: Former Malaysian prime minister Mahathir Mohamad (92) would become the country's seventh premier if the opposition parties win this year's parliamentary election. However, he would vacate the post for jailed opposition leader Anwar Ibrahim (70) once Anwar became eligible to be appointed prime minister [The Straits Times 1].

Anwar, who is currently still behind bars for a sodomy conviction back in 2015, will be released on 8 June this year. The date of the Malaysian parliamentary election is likely before or shortly after that, as it must take place before 24 August. However, Anwar cannot run

for political office for five years after his release, unless the Malaysian King pardons him [The Straits Times 2].

Myanmar: ARSA attacks, reporters face jail, as Rohingya crisis drags on

(ls) The Arakan Rohingya Salvation Army (ARSA), a resistance group in Myanmar, claimed responsibility for an ambush of government forces in Rakhine State that left three people wounded. ARSA is a small, underequipped group that has struggled to mount significant military operations. However, small operations by the group against security forces in August last year prompted brutal retaliation from government forces, which in turn led to the mass exodus of Rohingya from Rakhine [New York Times].

The ARSA dismisses any links to Islamist militant groups and says it is fighting to end the oppression of the Rohingya people. A Myanmar government spokesman said the insurgents were trying to delay the repatriation of refugees from Bangladesh under a plan the two governments have been working on. Details of the repatriation plan have yet to be finalized and many questions remain, not only about security but also about the terms refugees will return under, and whether they will be able to go back to their homes or be resettled in camps [South China Morning Post\].

The north of Rakhine state is largely off-limits to reporters. On Wednesday, Myanmar prosecutors sought charges against two Reuters reporters under the Official Secrets Act. The Ministry of Information has said they “illegally acquired information with the intention to share it with foreign media”. Government officials from some of the world’s major nations as well as top United Nations officials have called for the release of the reporters [The Straits Times].

Myanmar: Constitutional reform?

Myanmar’s civilian president called in his Independence Day speech for reform of the military-drafted constitution. “We all need to work collectively for creating a suitable constitution,” President Htin Kyaw, a close ally of Aung San Suu Kyi, said in his speech, however not elaborating on what he meant by suitable. The 2008 constitution reserves for the military one quarter of the seats in parliament and several major cabinet posts, giving it an effective veto over

constitutional change and control of security affairs. Moreover, it bars Suu Kyi from becoming president [Reuters].

Philippines: The rocky road to constitutional change

President Rodrigo Duterte wants to deliver on his election campaign promise for a constitutional change toward federalism. For that purpose, he has eyed a possible cancellation of midterm elections and extensions to terms in office, including his own. Filipinos are expected to elect 12 senators, about 300 congressmen and thousands of local government officials in next year's elections. The opposition has now fiercely criticized Duterte's plans. Critics also submit that the real goal of the constitutional make-over could be to suit the interests of the clans and dynasties in Congress [Daily Times].

Philippines: The end of an affair? Duterte's romance with the Reds

The longest communist insurgency in Asia has been ongoing for decades in the Philippines. President Rodrigo Duterte adopted different strategies to curb the problem. When only a few months into his term, he released top leaders of the communist rebels. However, he failed to complete a peace agreement by the 2nd year of his term. Then, late last year, he declared the Communist Party of the Philippines (CPP) as well as the New People's Army (NPA) terrorist organizations. In this piece, Rappler examines Duterte's strategy toward the communist insurgency in Mindanao, evaluating also his relations with the military and the role of backchannel talks [Rappler].

Thailand: Pre-election speculations and Yingluck's appearance in the U.K.

(ls) Thailand's upcoming elections continue to be the subject of various speculations. Against the backdrop of an order by Thailand's National Council for Peace and Order (NCPO) which terminated the membership of existing political parties and which was claimed by the NCPO to level the playing field between old and new parties, Khemthong Tonsakulrungruang analyzes

possible exit or non-exit strategies of the current government [New Mandala].

Meanwhile, the Thai Foreign Ministry confirmed on Tuesday that fugitive former prime minister Yingluck Shinawatra has been in London since September. Yingluck mysteriously disappeared shortly before the Supreme Court's Criminal Division for Holders of Political Positions was scheduled to deliver judgement in her rice-pledging scheme corruption trial in August last year [Bangkok Post 1].

At the same time, the luxury watches scandal surrounding Deputy Prime Minister Prawit Wongsuwon continues after photos of, so far, 17 different luxury wristwatches worn by General Prawit appeared on social media. The National Anti-Corruption Commission announced that it will take until the end of this month or early next month to complete its probe into the affair [Bangkok Post 2].

Vietnam: Major corruption trial has begun

(ls) A Vietnamese court began a major corruption trial of 22 defendants, including a former senior Vietnamese Communist Party official and a top oil executive the government is accused of snatching from Germany. Explaining the current campaign, ISEAS expert Le Hong Hiep says that political power in Vietnam was previously fragmented. But since the party congress in early 2016, the power is concentrated in the hands of Communist Party General Secretary Nguyen Phu Trong, and the corruption crackdown is intensifying [Kiro7].

Reuters has put together a useful explainer on the background of the crackdown, examining who is involved and what the political significance of the corruption campaign is [Reuters].

Law and Politics in East Asia

China: Centralization of power under Xi Jinping

(dql) Since 1 January 2018, China's National Police has been put under direct control of the Central Military Commission with Xi Jinping as its Chairman. This step, along with the recent decision to fill local Party Standing Committees with military personnel, signals a substantial advancement towards a centralization of power within China's governance system which Xi has been pushing for since he came to power in 2012 [The Financial Times] [The Diplomat].

According to Jessica C. Teets, Xi has successfully overcome the decentralization of the power prior to his taking office in 2012 and re-centralized power in China by creating leading groups in the Party to oversee state functions, carrying out a sweeping anti-corruption and party discipline campaign against provincial officials to transfer law enforcement powers from the local level to the center, and controlling media and social organizations to an unprecedented degree [China Policy Institute: Analysis].

In a related development, the members of the Central Commission for Discipline Inspection, China's top anti-corruption agency, have gathered onThursday for a three-days closed meeting to decide over the further direction of the anti-corruption campaign launched by Xi back in 2012. It is expected that the Commission, which comes together for the first time since its members had been elected at the Party Congress in October, will agree upon the establishment of a National Supervisory Commission, a single agency that would integrate all of the existing anti-graft bodies from both the party and government [South China Morning Post 1].

In his speech at this meeting, broadcast nationwide via live stream, Xi demanded that the "decisions and plans laid out by the party's central leadership should be

implemented to the letter by all party organisations" and urged party officials to be "always politically reliable, loyal to the party, be of one mind and one heart with the central leadership, listen to the party's instructions and fulfill their responsibilities at all times and under all circumstances." [South China Morning Post 2]

China: Church demolition sparks fears of campaign against Christians

The blasting of two Christian churches within a month in two provinces in Northern China have triggered fears of an anti-Christian campaign in China. The demolitions follow last year's revision of laws regulating religious affairs which Church official view as an instrument to increasing control over religious communities and religious life by repressive measures ranging from limiting the construction of statutes outside churches to imposing fines for holding 'unauthorised religious activities'. [The Guardian].

China: Is Beijing proselytising its path to success?

Without overtly contesting Western ideologies and political systems, China nevertheless forcefully presents its system of a socialist democracy with Chinese characteristics as a model for developing countries. The questioning of the legitimacy and efficacy of Western liberal democracy in countries around the world plays into Beijing's cards [East Asia Forum].

Japan: Pressure on ruling party over nuclear power policy

Challenging Prime Minister Abe's nuclear power policy which pushes for the restart of reactors idle since the 2011 Fukushima disaster, former Prime Minister Koizumi announced a draft bill demanding the immediate and complete abandoning of nuclear power in Japan. Koizumi's announcement follows a statement of the main opposition Constitutional Democratic Party of Japan (CDP) last week that it would also introduce a 'zero nuclear plant bill' to be submitted to the Diet. Koizumi stressed that he would seek cooperation with

the CDP to team up against the ruling Liberal Democratic Party [The Asahi Shinbum].

Japan: National Security Council to become more important

Japan's National Security Council, modeled after the US National Security Council, has been in charge of coordinating the country's national security policies since its establishment in 2013. Its secretariat in particular has proved to be instrumental for the formulation of national security bills. Having gained Abe's confidence, the secretariat is expected to play a bigger role in this year, especially in developing new national defense guidelines and revising the medium-term defense program. The talks will include controversial political issues, including whether Japan should acquire the capability to attack foreign countries. The secretariat is expected to play a major role in the consensus-building [The Japan Times].

South Korea: Party politics over date of constitutional referendum

In his New Year's press conference on Wednesday, President Moon pledged to push for constitutional referendum on the same day of the local elections, scheduled for 13 June this year, and urged the National Assembly to present a revision bill by March. The opposition Liberal Korea Party rejects the date arguing it would necessitate a hurried revision [The Korea Herald].

International Relations, Geopolitics and Security in Asia

Maldives/Sri Lanka: Maldivian Foreign Minister meets Japanese counterpart, who also visited Sri Lanka, and travels on to India

(jk) Amid China's growing influence in the region, much has been said about nations of previously less strategic significance such as Sri Lanka or the Maldives and how China seeks influence there. This week, the diplomatic news out of the Maldives have more to do with hedging than betting exclusively on China. For the first time, a Japanese foreign minister visited the Indian Ocean Nation to discuss Tokyo's interests in the Indo-Pacific. [Japan Times]. Shortly after the visit, the Maldives' foreign minister embarked on a three-day trip to India [The Times of India]. The Japanese FM came from Sri Lanka, where he stressed that Japan places great importance on a maritime order based on the rule of law in general and its relation with Sri Lanka in particular [Nikkei Asian Review].

India-Southeast Asia relations: All ASEAN member states partake in Republic Day parade

India is getting ready for its Republic Day parade with all 10 ASEAN leaders being invited as chief guests on January 26. The event is hugely important in India's ceremonial calendar and this year, 25 years of India-ASEAN dialogue partnership will be commemorated [The Straits Times].

Myanmar-North Korea relations: Cooling off, but still warm

Adam McDonald gives on overview of the Myanmar-North Korea relations. He submits that, while the close relations of the early 2000s may be over, the Myanmar military (the Tatmadaw) is believed to still uphold good contacts with its North Korean counterparts, particularly regarding military training and equipment. This continued contacts could be problematic for Aung San Suu Kyi's government, which strives for acceptance on the global stage [East Asia Forum].

Philippines-China relations: Manila's protest over apparent airbase on manmade island

The Philippines will make a diplomatic protest to China, citing China's promise not to militarize artificial islands in the South China Sea waterway. Late last year, aerial footage by the official China Central Television (CCTV) showed Fiery Cross Reef which appeared to have been transformed into an airbase. China's foreign ministry spokesman said the construction was on the country's territory and was intended to aid peace in the region, as well as maritime safety and disaster prevention. Under a "status quo" agreement brokered by Manila, China assured the Philippines it will not occupy new features or territory in the South China Sea [The Straits Times].

China-US relations: Beijing angered over Taiwan Travel Act

(dql) The US House of Representatives on Tuesday unanimously passed two bills that caused fierce opposition from Beijing: the Taiwan Travel Act and bill H.R. 3320. The first allows visits between US and Taiwan officials on all government levels up to the president. It is a follow up to the Taiwan Relations Act of 1979 which provided the legal basis for US-Taiwan relations, but prohibited exchange of high-level officials. According to the second, the U.S. Secretary of States is directed to develop a strategy to restore Taiwan's observer status in the Geneva-based World Health Organization. China's foreign ministry objected both bills as a violation of the principles of the One-China policy and interference in China's internal affairs [Los Angeles Times] [Xinhua News].

China-EU relations: Macron's visit to Chinaค

(dql) French President's Macron's visit to China resulted in an enhancement France' relations to China as an ally in Europe by forcefully demonstrating France in the leadership role within the European Union in a number of areas such as climate change, terrorism and institutional change. Brexit Britain and a Germany caught up in a struggle to form a government since September play into Macron's cards [China.org.cn].

Meanwhile, the EU Ambassador to China in a press briefing on Thursday urged to respect the unity of the EU and called on Brussels and Beijing to strengthen efforts to forge economic ties based on rules and transparency. EU unity has come under pressure in the wake of the China-initiated '16+1 cooperation' of 16 Central and Eastern European countries and China aimed at expanding ties between the involved countries through investment and infrastructure deals. 11 EU member states belong to this cooperation, including Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia [South China Morning Post].

North/South Korea: First inter-Korean direct talks in more than two years

(dql) Following a turbulent 2017 with North Korea's nuclear tests and missile launches on the one side, and supplementary, stricter sanctions against Pyongyang, with even China joining in, on the other, top official delegations from North and South Korea, met on Tuesday for direct talks, the first after a halt of more than two years. The talks resulted in Pyongyang's confirmation to send athletes and a top delegation to the games and a joint statement to hold military talks and further high-level dialogue [Korea Herald].

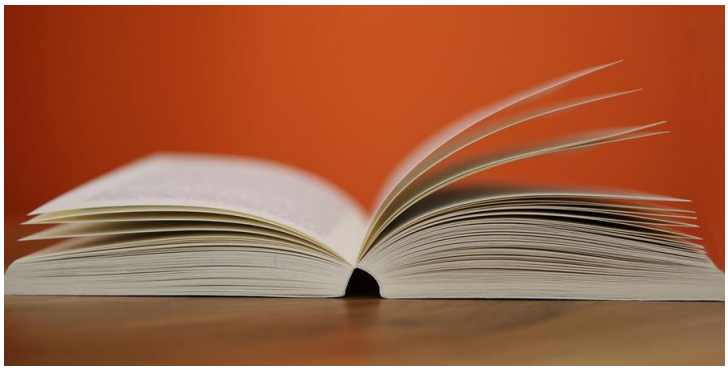
While President Trump in a phone call with President Moon on Wednesday welcomed the resumption of the talks and voiced the possibility of a dialogue between Washington and Pyongyang [Yonhap], Japan's Prime Minister Abe appeared unimpressed and stressed his adherence to the policy of maximizing international pressure on North Korea's de-nuclearization [The Diplomat].

Terrorism: Indonesia and Philippines cooperate in fight against violent extremism

(ls) As violent extremism has been a constant issue in the Philippines over the course of the last years and decades, neighboring Indonesia, the world's largest Muslim country, pledged assistance to Manila. Jakarta will grant 100 scholarships each year to students of Islamic schools in Mindanao to study in Indonesia. Last year, the siege of the city of Marawi triggered Philippines President Rodrigo Duterte to place all of Mindanao under martial law, which was extended by Congress upon the request of the president who said threats from the extremists remain. [Asian Correspondent]

Moreover, the two countries are joining forces to increase maritime security and stop Islamic State sympathizers from crossing the porous sea border. Indonesia is known to have sleeper cells of IS sympathizers. Philippine officials suspected that Indonesians as well as Malaysians had reached the southern island Mindanao last year to support a battle being fought by local IS-inspired rebels [Voice of America].

Background Reading



Book: Pan-Islamic Connections: Transnational Networks Between South Asia and the Gulf

This new volume explores the increasing connections and ties between Islam in the region inhabiting the largest number of Muslims, South Asia, and Islam in the Gulf [Carnegie].

Pakistan-US relations: Up and downs since the 1950s

As reported in the last issue of AiR, Pakistan is facing strong criticism and a cut of financial aid after US President Trump has accused Islamabad of harbouring terrorists and not doing enough to combat Islamic terrorist. While the measure seems drastic, the ups and downs of US-Pakistan relations are in fact part of a long-established pattern of the relationship since US military aid to Pakistan first started in the 1950s. Pakistan is and has been crucial for the wars in Afghanistan, but terrorism, nuclear ambitions and its fraught relation with India have always been a problem [The Hill].

Are we really living in a post-truth age?

In an interesting and thorough article, Daniel Engber, tackles the post-truth and "alternative facts" debate. Against the background of older theories and experiments which claimed to prove that truth was being vanquished from democracy, that the internet divided societies, that facts make people more stupid, and that debunking does not work, Engber introduces more recent studies and findings which might actually indicate that not all is that bad. The end of facts may not be a fact, after all [Slate].

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