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Grasp the pattern, read the trend

Asia in Review

(3/7/2018)

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Dear Reader,

Welcome to the third July issue of CPG's Asia in Review (AiR) 2018 updating you on the latest developments in law, politics and international relations in Asia.

I hope you enjoy reading.

Best regards,

Henning Glaser

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Law and Politics in East Asia

China: Repressive move against Muslim youth

(dql) In move triggering fears of heightened repression against Islam among ethnic Hui Muslims, China's Communist Party has issued a ban prohibiting children under 16 to engage in religious activity and studies in the city of Linxia in the Western Province of Gansu, home to one of the main religious, cultural, and commercial centers of China's Muslim community, widely known as "Little Mecca of China". The number of youths over 16 with permission to study has also been limited in each mosque leading in some cases to a drop from 1000 to 20 young people reading Koranic basics. [South China Morning Post/AFP]

China: Increasing political suppression in Hong Kong

(dql) The Hong Kong government has announced that it is considering to ban the pro-independence Hong Kong National Party on grounds of national security, prompting concerns among democracy advocates over a shift from passive to active suppression of political freedom in Hong Kong. In an earlier move the

government barred the party's head from standing for elections two years ago. [Hong Kong Free Press]

China: Worsening ageing problem

(dql) The National Health Commission's latest statistics, released last week, reveal a worsening of the country's ageing problem. Despite the suspension of the decade-long one-child policy in 2016, the birth rate fell from a record high of 12.95 in 2016 to 12.43 births per thousand people last year. 17.58 million newborns in 2017 compare to 241 million people aged over 60. At the same time, according to figures of the Ministry of Civil Affairs the marriage rate dropped to 3 million in the first quarter of this year from nearly 4.3 million in the same period of 2013 equaling a decline of 30%. [Xinhua] [South China Morning Post]

Japan: Controversial election law reform bill approved by Upper House

(dql) Amid fierce criticism from oppostion parties, Japan's Upper House with the majority of the votes of the ruling coalition of the Liberal Democratic Party (LDP) and Komeito Party last week passed a bill to reform the country's Public Offices Election Law calling for an increase of seats in the Upper House by six. While the ruling bloc argues that the reform aims to reduce disparities in a gap in the weight of a single vote between rural and urban constituencies, the opposition rejects the bill as a move to secure the election of incumbent LDP lawmakers in sparsely populated prefectures. [Mainichi]

In a latest development, a Lower House panel approved the bill opening the door for its passage in the Lower House plenary session. [Japan Times]

South Korea: Political parties agree on leadership and committees of Parliament

(dql) Bringing to end a more than 40-days of vacuum in the National Assembly, ruling and opposition parties after arduous negotiations agreed last week over the formation of the parliament's leadership and committees the second half of the 20th National Assembly's four-year term. Under the deal, a member of the ruling Democratic Party (DP), the largest party in

parliament, will assume the office of the parliamentary speaker, while the Liberal Korea Party (LKP) and Bareunmirae Party, the second and third largest parties, will share the two vice speakers positions. Of the 18 standing committees, eight will be chaired by a DP member, while the LKP, Bareunmirae and Parliamentary Group for Peace and Justice PGP will head seven, two and one, respectively. [Yonhap]

Law and Politics in South Asia

India: Military more trusted than government officials

(am) A study covering eight states done by Azim Premji University (APU) and Lokniti (Centre for the Study of Developing Societies (CSDS) found that the military enjoys the highest level of effective trust, followed by the Supreme Court (SC) and the High Courts (HC). Political parties were at the bottom in the list.

The study was conducted in 22 assembly constituencies with 16,680 respondents. Nearly 77% respondents showed the most trust in the military, followed by 54.8% in the SC and 48% in the HCs. [Business Standard]

Netflix taken to court in India over portrayal of former PM

(am) An Indian politician Nikhil Bhalla, a lawyer and a member of the opposition Congress party, has taken streaming giant Netflix to court, asking it to obliterate unpleasant scenes and belittling annotations about former Prime Minister Rajiv Gandhi in its first Indian original series Sacred Games. In one scene, Rajiv Gandhi is mentioned as a “fattu”, a Hindi slang word for a coward. The Delhi High Court adjourned the case to allow judges and respondents to critically analyze the petition. [Reuters]

India’s North-eastern state appoints first transgender judge

(am) Swati Bidhan Baruah became the first transgender judge of India’s north-eastern state Assam. She is the third transgender judge to be appointed to the Indian judiciary. The judge had previously been in the news in 2012, when she had approached the Bombay High Court over her family's disapproval to her choice of undergoing a sex reassignment surgery. [Times Now]

Pakistan gripped by tensions and violence ahead of general elections

(ot) Three political parties dominate the upcoming elections. Their leaders are the potential candidates for the next prime minister of Pakistan. Shehbaz Sharif from the ruling Pakistan Muslim League-Nawaz (PML-N) party, who is the younger brother of ousted Prime Minister Nawaz Sharif, will be challenged by the leader of the opposition, Imran Khan from the Pakistan Tehreek-e-Insaf (PTI) party and the scion of the Bhutto dynasty Bilawal Bhutto Zardari from the Pakistan People’s Party (PPP). [Al Jazeera] As Pakistan is heading to the polls on 25 July, the country is gripped by political tensions and violence.

Ousted Pakistani Prime Minister Nawaz Sharif of the PML-N party and his daughter Maryam were arrested as they returned from London to face prison sentences for corruption. Sharif was sentenced in absentia to 10 years in prison last week over the purchase of luxury London property, in a case stemming from the 2016 Panama Papers revelations. Maryam was sentenced to 7 years behind bars. They have filed an appeal against the verdict in the Islamabad High Court and asked to

be released on bail. [Geo TV 1, Channel News Asia 1, Geo TV 2]

Rallies were staged in the cities of Lahore and Punjab, led by PML-N leaders, including Sharif's brother Shehbaz Sharif, and joined by tens of thousands of PML-N supporters. As a result, Pakistani authorities have opened a criminal investigation into the PML-N leaders who staged the march, which violated a ban on public gatherings. They were also accused of attacking police officials, damaging government properties, and disrupting peace and order. [Al Jazeera 1, Channel News Asia 2, The Express Tribune]

In addition, three deadly attacks targeting political rallies and candidates occurred last week, resulting in over 150 casualties. One incident was a suicide attack in Peshawar which killed one politician. Another powerful explosion took place at a political rally in Balochistan, leaving 149 people dead and 189 people wounded. It was the third deadliest attack in Pakistan's history. The last election-related violent incident was an explosion at another campaigning event in the northwest town of Bannu, killing at least 4 people. According to the Pakistan Institute of Peace Studies, at least 158 people have been killed and over 670 wounded in about 120 attacks in the six weeks leading up to the election. United Nations Secretary General António Guterres and foreign countries, including the U.S., Japan, Germany, China, and Saudi Arabia, have issued a statement condemning the attacks and extending condolences to the families of the victims. [Al Jazeera 2, Al Jazeera 3, Pakistan Today 1, Pakistan Today 2] The country's National Counter Terrorism Authority has warned that there continue to be serious security threats to politicians. [New Indian Express]

Pakistan opens terror cases against Nawaz Sharif's party leaders

(am) Pakistani authorities have opened a criminal case against leaders of detained ex-prime minister Nawaz Sharif's political party under an anti-terrorism law, 10 days before the general election. A report mentions section 7 of the Anti-Terrorism Act, which has comprehensive provisions defining terrorism to include creating public fear, and lists 10 alleged violations of ordinary criminal law including unlawful assembly. The report also includes the names of PML-N party leader Shehbaz Sharif, Nawaz Sharif's brother, and a number of other leading figures. [NDTV]

Nepal: Top court voted to continue government's protest ban

(ot) The Supreme Court of Nepal decided to continue the government's ban on public protests at key places. The decision came after a petition challenging the government's decision to ban such protests, arguing that it restricts people's right to peaceful assembly and freedom of expression. [Kathmandu Post]

Maldives parliament accepts amendment for stricter penal code

(jm) The Maldives parliament approved an amendment that makes changes to the local penal code. For example, punishment for most first-degree offenses has been increased as well as adding a new chapter for offenses under national security, including treason, "dethroning" the government or mutiny. Individuals convicted for treason will be barred for life from serving under any government or public entity. [Avas]

Sri Lanka: With possible executions looming, Sri Lanka to hire two hangmen

(jm) In Sri Lanka, drug trafficking carries the death penalty, but no one has been executed for any crime in the country since 1976. All death penalties since have been commuted to life in prison. Nonetheless, last week President Sirisena said he might sign off on the execution of convicted drug traffickers who were arranging drug deals from inside prison amid growing concern the policies on drug offenders have been too soft. Prison services have now announced its plan to hire hangmen, getting ready for the President to act on his threat. [Reuters]

Law and Politics in Southeast Asia

Cambodia: Developments before the July 29 elections

(ls) With the July 29 general elections in Cambodia coming up, the outlook in terms of democratic fairness and legitimacy remains bleak. Though, on paper, 20 parties will compete in the election, it would be heavily misleading to refer to the current Cambodian political system as a multiparty system. Rather, as the New York Times writes, the small parties ("fireflies") function as a bad cover-up of Prime Minister Hun Sen's one-party regime, in particular since the dissolution of the main opposition party. [New York Times] Deutsche Welle has spoken with opposition politicians and journalists trying to do their job under problematic conditions. [Deutsche Welle]

That uncovering corruption is a dangerous activity in today's Cambodia, is also the subject of a report by Mary Ann Jolley for Al Jazeera. She has talked to several members of the Cambodian community in Australia which is deeply fractured across political lines. Her report focuses on corruption allegations surrounding Cambodia's Director General of Taxation, Vibol Kong, after the Hun Sen government targeted the country's independent media by slapping them with tax bills in the millions. [Al Jazeera]

According to a Human Rights Watch (HRW) report, and hardly surprising, Cambodian military officers, gendarmes, and police officers are actively campaigning for the ruling Cambodian People's Party (CPP), in violation of Cambodia's law requiring political neutrality. HRW writes that senior members of the security forces have endorsed Prime Minister Hun Sen and the Cambodian People's Party (CPP) at numerous public rallies and other events throughout Cambodia. [Human Rights Watch]

At the same time, the election also reflects geopolitical realities in Asia. Though the majority of Western

countries, including the U.S. and the EU, refuse to recognize the legitimacy of the upcoming elections, Japan continues its silent support of the elections. Japan committed $7.5 million to the National Election Committee and pursues a less confrontational approach to the Cambodian government locally and internationally. As Darren Touch writes, the move is aimed at countering China's growing influence in the region. After the withdrawal of U.S. and EU assistance, China lent its support in backing the upcoming election financially and diplomatically, which has caused unease in Tokyo. [Lowy Institute]

Ahead of the elections, China for its part appears to have made use of clandestine cyber operations. According to a cybersecurity firm's report, Chinese cyber spies have targeted Cambodian government institutions, opposition party members, diplomats and media, possibly to gather information ahead of elections. The cyber operations appear to have consisted mostly of gathering and downloading information, as there was no evidence of tampering. [Bloomberg]

Indonesia: State responds to terrorism, faces new attacks

(ls) Three terrorists were killed and one escaped following an anti-terror police raid in the city of Yogyakarta as Indonesia intensified its crackdown on militant activities. In a separate incident, a man and his wife attacked the Indramayu police headquarters in West Java. Indonesia has been fighting a surge in radicalization. In May, a family of six carried out suicide bombings at three churches in Surabaya in Indonesia's East Java province during Sunday mass, killing worshippers. This was followed by attacks on the Surabaya police headquarters and the Riau provincial police headquarters. [Straits Times]

Indonesia: Another whipping of a gay couple in Aceh

(ls) A gay couple was publicly whipped in Indonesia's conservative Aceh province last week. The two men were flogged more than 80 times each for having gay sex, which is outlawed under local Islamic law, in front of a cheering crowd. The men were the second gay couple whipped in public this year in Aceh, as the small lesbian, gay, bisexual, and transgender (LGBT) community in Indonesia faces increasing

discrimination. Aceh started using religious law after it was granted special autonomy in 2001, an attempt by the central government to quell a long-running separatist insurgency. [Straits Times]

Indonesia: Major copper mine to be bought back by the state

(ls) The Indonesian government is acquiring the majority stake in one of the world's largest gold and copper mines, in Papua province, as it seeks more control of the country's vast natural resources. A preliminary agreement came after negotiations with US-based Freeport-McMoRan and its partner Rio Tinto. Freeport entered Indonesia in 1960s, around the time of a change in leadership from first president Sukarno to Suharto. In recent years, the mine has frequently been the subject of fierce criticism due to working conditions and unfavorable terms for Indonesia. [Straits Times] Whether the agreement will have any benefits for the people of Papua is an open question. [Jakarta Post]

Malaysia: Parliament sworn in as government's direction remains open

(ls) A little over two months after Malaysia's general elections that resulted in the landslide victory of the Pakatan Harapan (PH) alliance under former and new Prime Minister Mahatir Mohamad, the parliament has been sworn in. The historic sitting saw Mahathir's returning to Parliament as premier. Ninety of the 222 lawmakers who took their oaths were first-time MPs, the highest number since Parliament first convened in 1959. The formerly governing coalition Barisan Nasional (BN) has been reduced to three parties from 14, with only 51 MPs. It forms the largest opposition bloc. Parti Islam SeMalaysia (PAS) holds 18 seats. [Straits Times]

Former PM Najib Razak was sworn-in as an opposition MP for the first time in his political career. Najib had been briefly detained and then released on bail last week in connection with the ongoing 1MDB investigations. Malaysia's Anti-Corruption Commission (MACC), which is leading the investigation into 1MDB, froze more than 400 bank accounts, a move which Najib described as a violation of his personal freedoms. [Reuters]

Despite the euphoria surrounding PH's and Mahatir's victory in May, it remains open whether the government is actually steering toward more liberal politics. One incident exemplifying the still strong influence of conservative Muslim groups occured when the government failed to defend a minister's interim aide who abruptly quit his position after facing online attacks from conservative Muslim commentators over his past gay rights advocacy. Malaysia's largest voting bloc – rural, Malay Muslims – remains deeply conservative and largely unsympathetic towards several human rights issues. [South China Morning Post]

Myanmar: Panglong conference opens as leaders call for peace process to move forward

(jm) After being postponed five times due to disputes between the Nationwide Ceasefire Agreement (NCA) signatories, the third round of the Panglong conference finally began. It is expected to take up only those topics that could easily be agreed by the negotiators, while avoiding points of contention, mostly on questions of federalism. The conference that is supposed to be held twice a year is part of the peacebuilding process in Myanmar that aims to end conflicts between the army and the ethnic armed organizations that last since the country's independence in 1948. 37 points were signed at the last round of the conference. The ruling party wishes to amend the constitution but most of the amendments still need the consent of the military, which occupies 25 percent of seats in the legislature. [Myanmar Times]

Myanmar: First United Nations office opens in Nay Pyi Taw

(jm) For the first time, the United Nations opened an office in Nay Pyi Taw, the capital of Myanmar. Though the office will mostly work on the implementation of an MoU signed by Myanmar and the UN Development Program and UN High Commissioner for Refugees regarding voluntary repatriation, it has a wider task. A UN assistant secretary general said that "This UN office symbolizes the UN's effort to coordinate and do its utmost to support the government and people of Myanmar and live up to the values enshrined in the UN charter". [Myanmar Times]

Philippines: Two years after legal victory against China, Duterte increasingly under domestic pressure

(ls) Two years after the Philippines' legal victory against China over claims in the South China Sea at the Permanent Court of Arbitration, Philippine President Rodrigo Duterte is coming under increasing pressure to make actual use of the ruling. In a survey conducted in June, 73% of respondents believed Duterte should assert the Philippines' claims. Former Foreign Affairs Secretary Albert Del Rosario referred to Duterte as a "willing victim". Duterte, who assumed the presidency less than two weeks before the ruling, has adopted a nonconfrontational approach on the issue in exchange for billions of dollars worth of economic deals. [Nikkei Asian Review]

The Philippines Senate, which has the constitutional power to concur – or not – in the executive's ratification of treaties and which exercises oversight functions, has been silent in the matter as well. Out of seven resolutions calling for an inquiry, the Senate has only heard one. Rappler has gathered the different resolutions and provides insights into the politics of the Senate. [Rappler]

In addition, Duterte caused his approval rates to plummet by mocking God and central elements of the Christian belief. "Who is this stupid God? This son of a bitch is (...) really stupid," Duterte said in a speech in Davao, and added that he would immediately resign if anyone can prove that God exists. The Philippines' population is largely Catholic. [South China Morning Post]

Thailand: In landmark ruling, court acquits migrant workers of defamation

(ot) In a landmark ruling and a rare victory for migrant workers' rights in Thailand, a court dismissed criminal defamation charges against a group of migrant workers who had accused their employer of human rights abuses. The case stemmed from a complaint by 14 migrant workers from Myanmar to the National Human Rights Commission of Thailand (NHRCT) concerning their mistreatment, including forced overtime, being paid under the minimum wage, confiscation of passports, and limited freedom of

movement. In response, their employer, a chicken farm, launched a defamation lawsuit against them.

The court found that the workers had filed their complaint in good faith to protect their rights as guaranteed by the Thai constitution and international human rights standards. Thailand has been at the center of international spotlight for its slavery and human trafficking record, including in its seafood sector. [Bangkok Post, Human Rights Watch]

Thailand: "Set zero" policies shake up Election Commission and Human Rights Commission

(ot) The National Legislative Assembly (NLA) approved five new members of the Election Commission (EC). The majority of them are former government officials. The previous EC members were all dismissed as the new organic law governing the body came into effect last year, the so-called "set zero" principles. The law requires the agency to have seven members in total, and the remaining two vacancies could take up to five or six months, according to the NLA whip secretary. It was the second time the NLA voted on the candidates. The first selection took place in February where all candidates were turned down. [Bangkok Post, The Nation]

In a separate but connected development, the chairman of Thailand's National Human Rights Commission (NHRCT) criticized the government's "set zero" principles as an attempt to undermine the commission. As a result of the law, the six NHRCT commissioners were dismissed and given a caretaker role until a new set of commissioners is appointed. Another critic added that the government's policy affected the independence of the NHRCT, by giving the National Legislative Assembly (NLA) the power to say whether the commissioners would be allowed to stay in the next selection process. In 2016, the NHRCT was downgraded to the "B" status by the Geneva-based National Human Rights Institutions because of its politically-biased nature and slow working. [Bangkok Post]

International Relations, Geopolitics and Security in Asia

China-US trade dispute: Beijing and Washington challenging each other at the WTO

(dql) In the escalating trade dispute between China and the USA, both sides challenged each other at the World Trade Organization. Beijing lodged a WTO challenge to US President Donald Trump's plans for a tariff increase on 200 billion USD of Chinese goods. [ABC]

At the same time, the USA brought forward complaints against China, the European Union, Canada, Mexico and Turkey at the World Trade Organization for retaliatory tariffs on US goods as countermeasure on US tariffs on imported steel and aluminum. [Chicago Tribune/AP]

Meanwhile, the Beijing and Brussels at the China-EU Summit on Monday in Beijing vowed to cooperate in opposing protectionism and unilateralism in trade. Both sides, however, were also quick to stress not to strive for a coalition against Washington. [South China Morning Post]

In a latest move reflecting assertiveness of the European Union amid souring ties with the USA over protectionist trade policies, the European Union signed with Japan a landmark free trade agreement which will remove 99% of tariffs on goods both sides trade with each other. The agreement is one of the largest covering a third of the global economy and markets of more than 600 million people. [Bloomberg]

ASEAN-China trade: Preparations for global trade conflicts

(ls) Repercussions of global trade conflicts, particularly between the United States and China, are increasingly visible in Southeast Asia. The ASEAN-led 16-nation Regional Comprehensive Economic Partnership (RCEP) is getting closer to conclusion as China presses for finalization. The Chinese Ambassador to ASEAN said that Beijing notes the urgency of the deal to maintain a rules-based trading system amid a surge in protectionism in global trade. Negotiations for RCEP with the aim of creating an integrated market were launched in 2012 between the 10 ASEAN members Australia, China, India, Japan, New Zealand and South Korea. China's exports to Southeast Asia rose by 9 per cent in 2017, while its imports from ASEAN climbed by 20 per cent. [Straits Times 1]

Meanwhile, the Indonesian government prepares counter-measures to mitigate anticipated uncertainties caused by global trade conflicts. The plan includes to strengthen local industries, curb raw material import demands by developing basic industries, and boost tourism by encouraging budget airlines to expand and renovating airports across the archipelago. Indonesia might be particularly affected by U.S.-Chinese trade conflicts as China and the U.S. figure as Indonesia's first and second important export destinations, respectively. [Straits Times 2]

Cross-Strait relations: No easing of tensions in sight

(dql) In a move expected to worsening the already strained tensions between Beijing and Taipei, Taiwan has put into service its 29-strong fleet of US-made Apache attack helicopters purchased back in 2008. [Rappler]

In another development, Taiwan's ruling Democratic Progressive Party's (DPP) annual congress on Sunday reaffirmed its pledge for independence of the country by overwhelmingly vetoing down without discussion a delegate's proposal calling for replacing previous pro-Taiwan independence resolutions of the party with a provision emphasizing the maintenance of the status quo across the Taiwan. [Taiwan News]

Meanwhile, in a meeting with a Taiwanese delegation led by the former chairman of Taiwan's opposition Kuomintang China's President Xi Jinping reassured "confidence and ability to … advance the process toward the peaceful reunification of China" while "Taiwan Independence should be opposed". [Xinhua]

China to provide Pakistan with submarines

(dql) In a move expected to anger India, China is reportedly building eight submarines for Pakistan, to be handed over soon. The move comes after the launching of two remote sensing satellites, developed by Pakistan, from Chinese soil last week using a Chinese Long March 2C rocket. [The News]

Japan-France relations: Deepening security cooperation

(dql) In a move deepening security cooperation, Japan and France signed an acquisition and cross-servicing agreement under which both military forces share defense and other supplies such as food, water, fuel and ammunition to each other. Japan signed such an agreement also with the USA, Australian and the United Kingdom. [Mainichi]

For an account on Japan's military strategy and the need to shift from the current strategy of "forward defense" to one of "active denial" in the wake of China's rise and its territorial ambitions in the East China Sea, see Eric Heginbotham and Richard Samuels in [Foreign Affairs].

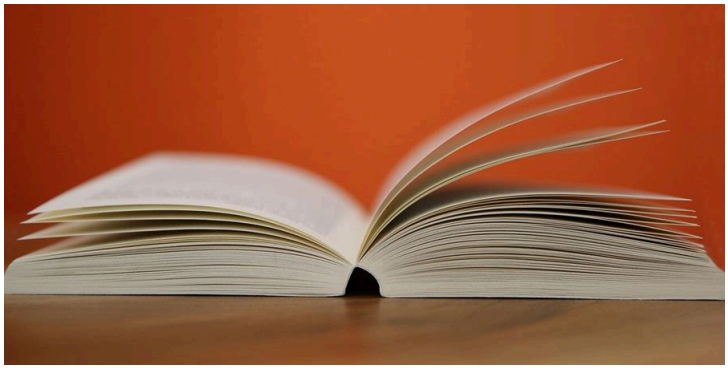
South Korea-India relations: Increasing cooperation

(dql) At the summit between South Korean President Moon and Indian Prime Minister Modi last week, both leaders reassured each other country's strategic importance within India's Act East policy and South Korea's New Southern policy respectively and agreed to elevate their countries' special strategic partnership. In economic terms both sides agreed to raise trade volume from currently 20 billion USD to 50 billion USD by 2030. Beyond economics, Moon and Modi pledged to deepen military-military cooperation covering training, exchanges, research and development and signed an agreement for the development of artillery guns. [Korea Herald][The Diplomat]

India, UK sign MoU to enhance legal cooperation

(am) India and UK have signed a MoU in the field of law and justice, aimed at strengthening shared attitudes to future challenges and opportunities for both countries. The MoU will boost engagement between the two countries by better partnership opportunities and exchange of expertise across seas, including rule of law, dispute resolution, training, and legal services regulation. [UNI]

Background Reading



Civil society in Southeast Asia under pressure

(ls) As authoritarianism has been on the rise throughout Southeast Asia in recent years, Rosalia Sciortino describes the impacts of this development on civil society. Her analysis points to four factors contributing to the financial "choking off" of civil society: greater government control of funding streams for Civil Society Organizations (CSO)s; the reshaping of international aid spending globally and regionally; paradigmatic shifts in philanthropic giving; and scarce appreciation of civil society and advocacy work among local donors. Sciortino argues for a rethinking of development aid and urges a U-turn in international and local philanthropy. [New Mandala]

Pakistan's prime minister candidates

(ot) On 25 July, Pakistani people are heading to the polls to vote for a new prime minister in the country's second democratic transition. Three political parties dominate the upcoming elections. Their leaders are the potential candidates for the next prime minister of Pakistan. Shehbaz Sharif from the ruling Pakistan Muslim League-Nawaz (PML-N) party, who is the younger brother of ousted Prime Minister Nawaz Sharif, will be challenged by leader of the opposition Imran Khan from the Pakistan Tehreek-e-Insaf (PTI) party and the scion of the Bhutto dynasty Bilawal Bhutto Zardari from the Pakistan People's Party (PPP). [Al Jazeera]

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