German-Southeast Asian Center of Excellence for Public Policy and Good Governance
CPG

*Grasp the pattern, read the trend*

# Asia in Review

**(2/10/2018)**

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Dear Reader,

Welcome to the second issue of CPG's Asia in Review (AiR) in October 2018 providing you an update on the latest developments in law, politics and international relations in Asia.

I hope you enjoy an informative reading.

Best regards,

Henning Glaser

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

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# Law and Politics in East Asia

## China: Police to get more power to inspect internet service providers

(dql) In move further tightening the government's control over the country's internet, China's Public Security Ministry has issued a new regulation to widen the powers of the police to inspect the offices and data centers of all internet companies. Coming into force on November 1, the new regulation will allow central and local public security authorities to enter internet companies and to read or copy any data viewed as relevant to cybersecurity and to take probes into whether companies are fulfilling their duty to stop "illegal information", i.e. online discussions critical of the government. Remote surveillance of the businesses will be also legal, albeit only under condition of prior notice. While such police raids and investigations have been a long-known practice, a regulation explicitly detailing the rights to access data further dims the prospects for human rights in China. [South China Morning Post] [Abacus][South.cn for the regulation in Chinese]

## Japan: Ruling LDP gears up push for constitutional revision

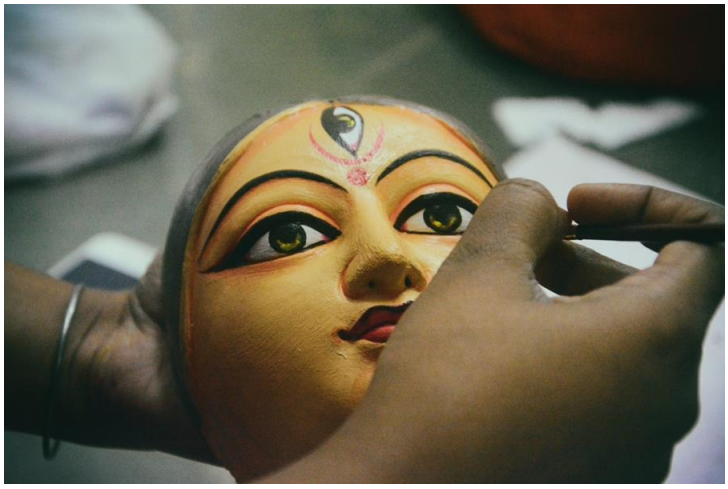
(dql) Following Prime Minister Abe's re-election as head of the ruling Liberal Democratic Party (LDP) last month, party executives announced LDP's decision to submit a proposal for constitutional reform to the constitutional commissions of both houses of the Diet at the upcoming session later this month without prior talks with its coalition partner Komeito which remains hesitant about changing the war-renouncing Article 9. The decision backs Abe's push for a swift revision of the constitution which he was campaigning for in the run-up to the LPD leadership election. [Japan Today]

### South Korea: Former president sentenced to 15 years in jail

(dql) The Seoul Central District Court issued an 15 years in prison sentence against ex-President Lee Myung-bak (2008-2013) after finding him guilty of a series of corruption charges including abuse of power and embezzlement. [Yonhap]

In another high-profile criminal case, former national police chief Cho Hyun-oh was arrested on charges of masterminding cyber operations to manipulate online opinion involving more than 33,000 online comments posted by 1.500 police officers aimed to turn public opinion in favor of the government under Lee Myung-bak from 2010 to 2012. [UPI]

## Law and Politics in South Asia



## India's opposition in protest over "fishy" arms deal

(jk) PM Modi has played a relatively strong hand since in office with little pressure coming from the main opposition party. Modi had in fact accused the Congress Party of overspending and crony capitalism, giving himself the image of "cleaning up" corrupt politics.

After a widely publicised arms deal with France however, it looks like Modi is the one who has to provide some answers after Rahul Gandhi, the leader of the main opposition, has alleged that Mr Modi "favoured" a specific Indian company that is part of the deal. The deal itself concerns a modernisation of India's air force fleet by purchasing Rafale warplanes of which parts were to be manufactured in India. Since 2008 India has an "offset" clause for defence procurement, saying that foreign firms need to invest at least 30% of a deal's worth back in India. [BBC]

The opposition laments that the Indian firm that won the contract was a company run by one of India's wealthiest families and that it had won despite not having experience in building jets. It also says that the opaque deal has seen a surge in costs without any obvious explanations. Modi is facing some headwinds on this issue and the opposition has made sure to spread the allegations far and wide. India will have elections in 2019. [New York Times]

## New Chief Justice of India

(am) Justice Ranjan Gogoi on Wednesday took oath as the 46th Chief Justice of India (CJI). Previously, he was the Chief Justice of Punjab and Haryana High Court in 2011 and Supreme Court judge in 2012. He is famous for organising a press conference earlier this year with three other Supreme Court judges interrogating the Supreme Court's working. [Quint]

## Supreme Court of India refuses to stop deportation of 7 Rohingya Muslims to Myanmar

(am) The Supreme Court of India has declined to obstruct in the Central Government's decision to deport seven Rohingya refugees to Myanmar. A

petition was filed looking for restraint on Centre's directive for deporting the refugees over their illegitimate stay. Over 14,000 Rohingyas are listed with the UN refugee agency while 40,000 are expected to be living in India. [ANI 1]

Meanwhile, Rohingya refugees residing in Indian camps have uttered their anxiety over being deported to Myanmar, saying they will not rehabilitate until "peace is re-established in their homeland". "We did not leave our country out of greed, no one really wants to leave their own nation," they added. [ANI 2]

## Pakistan's opposition leader arrested

(jk) Pakistan's opposition leader Shehbaz Sharif was arrested on a longstanding corruption charge last week. His elder brother, Nawaz Sharif was sentenced to ten years in prison on a separate corruption charge earlier this year.

Opposition leaders allege a campaign against the opposition in general and the Sharif brothers in particular, with the recent arrest happening only days before a by-election scheduled for this week. [The Wire]

## Pakistan PM promises law for whistle-blowers reporting corruption

(am) Pakistani Prime Minister Imran Khan has assured a new law that will recompense whistle-blowers who support nabbing corrupt bureaucrats and politicians. Khan said that "whistle-blowers will get 20% of the fraudulent money and possessions recovered from corrupt people". [Daily Mail]

## Bangladesh: Abolition of quota system for first- and second-class government jobs

(cc) The government of Bangladesh abolished the quota for first- and second-class government jobs last week. The system, put in place in 1972, reserved 30% of the government jobs for descendant of the freedom fighters, 10% on the basis of district quota, 10% for women and 1% for people with disabilities. This decision follows the recommendation of a government Committee made in September and a series of mass

protests that started in February this year. [The Daily Star] [Dhaka Tribune 1]

The government's decision met strong opposition from the descendant of freedom fighters who blocked one of the main intersections of the capital few hours after the announcement, demanding the reinstatement of the 30% quota privilege. [Dhaka Tribune 2]

Even a student organization that led the protest for reform, warned that only the government will be held for responsible for the consequences of the abolition as they asked for a reformation rather than a cancellation of the reserved seats in government jobs. [Dhaka Tribune 3] [Bdnews24]

## Nepal has become a source country for trafficked women

(jk) Activists estimate that about 50 women are trafficked from Nepal to India on any given day, with the situation having deteriorated in particular since the 2015 earthquake in Nepal.

Many girls and women are trafficked to the Gulf countries, going through India with Delhi emerging as a trafficking hub. According to one activist, "Lack of evidence, out-of-court settlements, threats from traffickers and taboo have kept prosecution and conviction rates low". [India Today]

## Maldives: Opposition leader returns home from exile in Germany

(jk) President-elect Ibrahim Mohamed Solih welcomed an opposition leader back in the country after he had spent the past few months in Germany. He went into exile after he was sentenced to prison for attempting to overthrow the government of former leader Yameen Abdul Gayoom. Ibrahim, who has been allowed bail, is the first opposition leader to return to the Maldives. Former President Mohamed Nasheed is expected to return next month. He has previously been sentenced to 13 years in prison on terrorism charges. [SCMP]

# Law and Politics in Southeast Asia

## First conviction under new Cambodian lèse majesté law

(ls) A Cambodian court has jailed a 70-year-old barber, who was a member of the dissolved opposition Cambodia National Rescue Party (CNRP), for seven months over a violation of the country's royal insult law, the first such conviction since the law was adopted this year. The man shared a Facebook post about King Norodom Sihamoni. [Channel News Asia]

## Sulawesi: Death toll keeps rising after earthquake and tsunami

(cc) Ten days after a considerable earthquake and tsunami that hit the island of Sulawesi the official death toll is 1,944 but the national disaster agency said it could rise up to 5, 000 as many people are still missing and bodies keep being recovered. Nevertheless, rescue workers will stop their research on Thursday. While classes have not re-started yet, children in Palu began going back to school to help cleaning up and to collect data on the number of kids who will be returning. [Reuters] [The Straits Times]

The United Nations released its Central Sulawesi Earthquake Response Plan seeking 50 million dollars for “immediate relief”. The plan was constructed in collaboration with the Indonesian government and

intends to aid 191, 000 persons in the next three months. [Aljazeera]

## Social media in Laos: Government crackdown vs. freedom of speech on Facebook

(ls) The policing of the internet is becoming more common in Laos, as many internet and Facebook users have received invitations to meet police, or face criminal charges. However, the government crackdown on social media is unlikely to be as severe as in Thailand, Cambodia and Vietnam, where cybercrime laws and ministerial decrees are used to jail dissidents. Since the dam collapse in southern Laos, people appear to become more vocal. Back in July, Laotians turned to Facebook when news of the floods was slow to trickle out from government sources. [Al Jazeera]

## Wife of former Malaysian premier Najib Razak arrested and charged in 1MDB corruption scandal

(ls) Rosmah Mansor, the wife of former prime minister Najib Razak, was charged with 17 counts of money laundering and tax evasion. She was arrested and released on bail. Like her husband, who faces multiple counts of money laundering, breach of trust, corruption and abuse of power, Rosmah pleaded not guilty. American investigators accuse Najib of having diverted $731 million from the state investment fund 1Malaysia Development Berhad, known as 1MDB, into his personal bank account. [New York Times]

Earlier this year, when the Malaysian police searched homes and offices linked to Najib, they seized 284 designer handbags – many still in their boxes or filled with millions in cash, designer watches or jewellery. The Pakatan Harapan government has promised voters a strong anti-corruption stance, and the recent spate of arrests have served to bolster public faith in the new administration. Opposition politicians, however, insist these charges were politically motivated and designed to silence detractors. [South China Morning Post]

## Mahatir: Affirmative action for Malays will be continued in Malaysia

(ls) Malaysian Prime Minister Mahathir Mohamad said his country will continue with its decades-old affirmative action policy that favours ethnic Malays. Mahatir said that it is still necessary to bridge the economic gap between the community and other races in the country. Malaysia introduced the national economic policy in 1971, after it experienced deadly racial riots in 1969 that were fuelled by the economic gap between the Chinese and the Malays. It grants Malays preference over affordable housing, university scholarships and government contracts. Economic Affairs Minister Azmin Ali and prime minister-in-waiting Anwar Ibrahim have recently said that the policy should be reviewed. [Straits Times]

## UN Refugee agency raises concern regarding repatriation of Rohingya

(cc) Following a ruling of its Supreme Court refusing to stop their deportation, India expelled seven Rohingya to Myanmar. In a statement on Friday the UNHCR spokesman, Andrej Mahecic, raised concern regarding their safety and security, stating that the seven men were not granted access to legal access and that the "current conditions in Myanmar's Rakhine State are not conducive for safe dignified and sustainable return of stateless Rohingya refugees". [UNHCR] [Reuters]

## Philippines: Tougher security laws, a new constitution amendment draft, and an ailing president

(ls) The Congress of the Philippines is about to approve changes to the Human Security Act that could give President Rodrigo Duterte and security forces wide-ranging powers. A section requiring law enforcement workers to keep a logbook on each detainee, and a section specifying that "no torture or coercion in investigation and interrogation" is allowed shall be removed. Suspected terrorists and "unwilling witnesses" could be arrested without warrants and detained for 30 days without charge during an "actual or imminent terrorist attack". The death penalty will also be restored. The proposals come amid disputed claims by the Duterte administration that the armed wing of the Communist Party of the Philippines, the New People's Army, and other groups have been plotting a coup called "Red October" to overthrow the president. [South China Morning Post]

At the same time, the Philippines' Commission on Human Rights (CHR) has announced to investigate a recent accumulation of drug-related killings in Cebu city. Witnesses have been taken into witness protection programs. [Rappler 1]

As regards the Philippines' move toward constitutional reform and the introduction of a federal system, a House committee has recommended "without amendment" to the plenary the draft constitution introduced by Speaker Gloria Macapagal Arroyo and 21 other legislators. The new draft can be read here: [Rappler 2] It different from the draft constitution submitted by President Rodrigo Duterte's 22-member Consultative Committee earlier this year. That draft's major elements are summarized here: [Rappler 3].

Meanwhile, 73-year-old President Duterte has raised questions about his health as he said in a public address that he had gone to a hospital for cancer tests: "I will tell you if its cancer, it's cancer. If it's third stage, no more treatment. I will not prolong the agony in this office or anywhere." [Reuters] Should he go, he said he would not hand the leadership to Vice President Leni Robredo, an opposition lawmaker who has been a critic of Duterte's brutal war on drugs. Under the constitution, the president is required to disclose any serious illness to the public, and will be replaced by the vice president should he step down. [Asian Nikkei Review]

## Thailand's prime minister making arrangements for his election

(ls) Thailand's Prime Minister Prayut Chan-o-cha said he may prefer being elected as prime minister on a political party's ticket rather than becoming an unelected or "outsider" premier when the general election is held early next year. According to the 2017 constitution, a prime minister can be nominated as a non-elected "outsider" prime minister. This arrangement could be triggered if parliament fails to choose a prime minister, provided at least two thirds of all senators and MPs throw their support behind him. [Bangkok Post 1]

Meanwhile, the Sam Mitr (Three Allies) group will bring its 70 members to join the Palang Pracharath Party, which is seen as a political vehicle to support Prime Minister Prayut Chan-o-cha's return to power. The Sam Mitr group, seen as the regime's recruiting arm, has been accused of working to secure a political support base for the newly-established Palang Pracharath by

poaching former MPs from other parties, many of whom previously belonged to the Pheu Thai Party, the party of former prime ministers Thaksin and Yingluck Shinawatra. [Bangkok Post 2]

Moreover, four current ministers of Prime Minister Prayuth's cabinet have already joined the Palang Pracharath Party, prompting further concerns over the competitive advantage the party may have. Prayut defended the right of the four to join the party, saying it was a "private matter" and they were able to do so as long as it did not affect their ability to do their public duty. [The Nation]

## Vietnam: Communist Party General Secretary to assume also the presidency

(ls) Vietnam's ruling Communist Party endorsed General Secretary Nguyen Pho Trong as the country's next president. The presidency has been vacant since last month's death of Tran Dai Quang. The decision means a significant change from the previous tradition of separating the offices of president and Party General Secretary. However, the likelihood of Trong centralizing or personalizing power in Vietnam, to the extent Xi has in China, is limited by the mostly ceremonial role of the president, as well as the fact it is considered to be one the "four pillars" upon which the party's leadership system rests. Trong, as president and party head, will stand atop two of the pillars, alongside Prime Minister Nguyen Xuan Phuc and Nguyen Thi Kim Ngan, the head of the national assembly. [Nikkei Asian Review]

## Vietnamese court jails group on charges of overthrowing the state

(ls) A Vietnamese court found five people guilty of attempting to overthrow the state and sentenced them to between eight and 15 years in prison. The group's chairman, Luu Van Vinh, had written posts on social media "saying that the current political regime of Vietnam was outdated and would be eliminated", the Ministry of Public Security said on its official news website. He was handed a 15-year prison term. [Reuters]

# International Relations, Geopolitics and Security in Asia

## Japan: Countering Chinese influence in Southeast Asia

(dql/ls) Reflecting Japan's efforts to expand its economic foothold in the Mekong region to counter China's growing influence, Japan at the 10th Mekong-Japan Summit in Tokyo together with the Mekong countries Cambodia, Laos, Myanmar, Thailand, Vietnam and Japan vowed in a joint statement to promote development programs and further improve "connectivity" and "quality infrastructure" projects in the region while also confirming the importance of maintaining the rules-based order and freedom of navigation in the South China Sea. [Japan Times 1]

In a related development, Prime Ministers Shinzo Abe and Prayuth Chan-ocha ahead of the Mekong-Japan summit affirmed both countries' cooperation in promoting free trade, with the latter voicing Thailand's readiness to participate in the 11-nation Trans-Pacific Partnership. [Japan Times 2]

Meanwhile, Japanese troops participated in joint exercises in the Philippines with US and Filipino troops. The exercise, code-named Kamandag (Venom), marked the first time Japanese armoured military vehicles were used on foreign soil since the country adopted a pacifist constitution after its 1945 defeat. A US Marine communications officer said, "it has nothing to do with a foreign nation or any sort of foreign army. This is exclusively counterterrorism within the Philippines." [South China Morning Post]

## North Korea: Pompeo, Kim agree to second US-North Korea summit Seoul reports

(dql) According to South Korea's presidential office, North Korean leader Kim Jong-un and US Secretary of State Mike Pompeo agreed at their meeting on Sunday in Pyongyang to set up a second summit between Kim und President Trump "as soon as possible". They also discussed denuclearization measures to be taken by North Korea and the issue of inspection of those actions by the U.S. government as well as the measures with which Washington would respond. [Economic Times]

## US-China relations: New round of accusations

(ls/dql) Reflecting the deterioration of relations between Beijing and Washington in recent months, Chinese Foreign Minister Wang Yi during a tense face-to-face exchange with his US counterpart Mike Pompeo, who arrived in Beijing on Monday after meeting Kim Jong-un on Sunday (see above), criticized the USA for "escalating trade friction," "jeopardizing China's rights and interests on the Taiwan issue," and "unwarrantedly condemning Beijing on its domestic and foreign policies." He demanded Washington to "stop the wrong course of groundlessly criticizing China and harming its core interests". Pompeo on his side expressed "great concerns over the actions that China has taken". [Nikkei Asian Review] [Chinese Foreign Ministry, in Chinese]

Prior to this meeting, the dangerous encounter, and near miss, between China's People's Liberation Army Navy destroyer Lanzhou and the US destroyer USS Decatur last week in the hotly-contested South China Sea has produced new tensions between the two countries. Highlighting the Trump administration's focus on renewed great power competition with China and Russia, US Vice President Mike Pence insisted that the US will employ "decisive action to respond to China." China, for its part, accused the US of endangering regional peace and stability. [Business Insider]

The incident came after US Secretary of Defence James Mattis cancelled a trip to Beijing, and the Chinese government last month denied a port visit to Hong

Kong by an American warship and recalled China's top navy officer from a visit to the United States. It appears that the likelihood that an accident could spark a possible military conflict is increasing. [South China Morning Post]

For an account on how China could use its militarization of South China Sea features to project power into the South Pacific see [Asia Times].

## China to sell 48 attack drones to Pakistan

(dql) Pakistan will reportedly purchase 48 Chinese Wing Loong II drones, a high-end reconnaissance and strike multi-role endurance unmanned aircraft system, capable of carrying 480kgs of munitions and enduring 20 hours. According to analysts, the sale is China's largest export deal for drones to date and comes shortly after the Indian-Russian deal over S-400 missile defence system (see below). [Daily Pakistan]

## India signs deal with Russia for air-defence missile system; vows to buy more Iranian oil

(jk) Indian Prime Minister Modi and Russian President Putin announced a US$5bn deal in Delhi last week. The S-400 surface-to-air missile system, also in use in neighbouring China, will boost India's defence capabilities significantly, but its purchase has met strong criticism from the US. The US has put several Russian firms under sanctions through its "Countering America's Adversaries Through Sanctions Act (CAATSA), which was introduced in 2017. It prohibits any country from signing defence deals with Russia, although President Trump can sign waivers which is undoubtedly what India is hoping for. [LiveMint]

Before the deal was signed, Washington sent mixed signals but threatened it would not waive the sanctions as in the case of China which bought S-400s in September [AiR]. India has gone ahead and took the risk as it deems the system crucial for its defence, especially in the case of a two-front war with China and Pakistan. It is, according to its Army Chief, following an "independent policy". [Economic Times]

India is the world's number one arms importer with almost two-thirds of its imports coming from Russia. [Times of India]

In addition to disregarding the threat of US sanctions here, India has furthermore announced it will buy nine million barrels of Iranian oil in November. Relevant US sanctions will come into effect on November 4 but again, the possibility of waivers for a number of countries importing Iranian oil is being discussed. [Sydney Morning Herald] India may be seen to be trying to force the US' hand. However, it is also facing severe domestic pressures with the Indian Rupee hitting a new low against the US Dollar last week and rising fuel prices. The government last week cut prices of petrol and diesel to ease inflationary pressure and boost consumer confidence and many BJP-ruled states have cut the value-added tax (VAT) on fuel.

## India – Japan hold maritime military exercises

(jk) The third instalment of the JIMEX exercises between Japan and India are taking place this week. The last time these exercises were held was in 2013. It is aimed at improving inter-operability and understanding as well as learning from each other's best practices. [Economic Times]

## Video: Why Have India-Pakistan Bilateral Relations Taken a Negative Turn?

(jk) In this video, a journalist talks to Aziz Ahmed Khan (Pakistan's High Commissioner to India from June 2003 to September 2006) and Indian diplomat K. C. Singh, to understand why India-Pakistan bilateral relations have taken a negative turn. The conversation veers into possibilities of redirecting the bilateral relationship towards peaceful coexistence and what each country will have to do to achieve this end. [The Wire]

## Saudi-Arabia's inclusion in the China Pakistan Economic Corridor (CPEC)?

(jk) During and after Prime Minister Imran Khan's visit to Saudi Arabia in September, it was speculated that the Saudis would enter into the CPEC project with a number of investments and become the "third strategic partner" in the project besides China and Pakistan. It is questionable however, that this move was in accordance with Chinese ideas of how to progress with the overall project and it became in fact

known afterwards that China was not even informed about the prospective Saudi investment.

Like the International Monetary Fund (IMF), Saudi Arabia has bailed out Pakistan in the past and with slightly worsened relations with the US, Pakistan is worried another IMF bail-out could come, if at all, with much more stringent conditions. The US is concerned in particular to grant loans to countries that would use the money to pay back its Chinese lenders.

The conditions of CPEC have been viewed slightly more critically under Pakistan's new administration and it was conceivable that Pakistan might seek more support from third countries. Islamic Saudi-Arabia would appear to be a reasonable choice; however, it is also a close US ally and therefore it can be assumed that China would not jump into an agreement without concerns. [SCMP]

In a recent development, Pakistan has rowed back on Saudi-Arabia's involvement. The "impression" that it would become a strategic partner is not true, according to a Pakistani cabinet member. It may however be possible that the three countries would be able to cooperate under a trilateral arrangement for infrastructure projects. [NDTV]

## Bangladesh's national Human Rights Commission organises Roundtable on Rohingya Crisis

(cc) On Thursday last week, analysts and former diplomats met in Dhaka at a roundtable hosted by the National Human Rights Commission to discuss "durable solutions of Rohingyas Crisis". The speakers urged the government of Bangladesh and the international community to resolve the Rohingya crisis, either bilaterally or multilaterally.  The participants expressed concerns regarding Bangladesh's relationship with the two regional powers China and India. China refuses the internationalization and maintains that the issue is "in essence an issue between Myanmar and Bangladesh".  According to a retired Brigadier and now researcher of National security and Defense, Sakhawat Hossain, "None of us know how the crisis will be solved. Myanmar is not going to resolve it unless it's forced; they are not going to listen". He insisted that China has more weight on this issue than India and added that "We must convince China, but to convince China is a very difficult task as it has invested more money for a deep sea port in Myanmar". Azizul Hoque, a former envoy to China

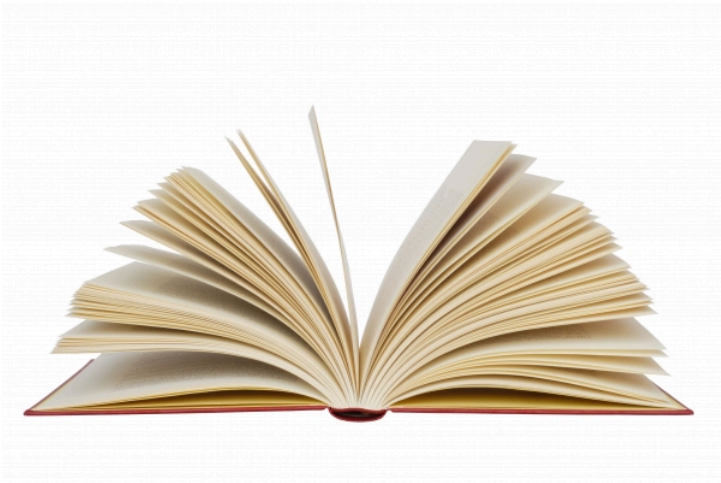
called on Bangladesh to support the International Criminal Court to prosecute Myanmar's military officials.

[Dhaka Tribune] [Irrawaddy]

### Mahatir: Malaysia does not support Suu Kyi anymore

(ls) Malaysian Prime Minister Mahathir Mohamad said that his country will no longer lend its support to Myanmar leader Aung San Suu Kyi over her handling of the Rohingya crisis. "She did not want to say anything against the action taken by the (Myanmar) military against the Rohingya. So, we made (it) quite clear that we don't really support her any more," he said on the sidelines of the United Nations General Assembly (UNGA) in New York. There have been calls to revoke the Nobel Peace Prize awarded to her in 1991, while Canada has stripped Suu Kyi of her honorary citizenship. [Straits Times]

## Background Reading



### US strategy towards India: How India's Rise Can Complement U.S. interests

(jk) As laid out in this essay, for the US, helping India build up its maritime presence would be an effective counter to China's rise. However, India will not become a strategic balancer against China by itself and US strategy needs to recognise India's specific circumstances and constraints. [Lawfare]

## Book review: “Anglo-Indians and Minority Politics in South Asia”

(ls) Brent Howitt Otto reviews the new monograph “Anglo-Indians and Minority Politics in South Asia” by Uther Charlton-Stevens (Routledge, 2018). He writes that it is a “deeply textured historical study of the Eurasian community over its lengthy history. Uninterested in presenting a uniform narrative, Charlton-Stevens digs deeply into diverse sources to show the various interlocutors that Anglo-Indians and their leaders had, and the often discordant opinions they took with respect to their own history, concepts of race, Indian nationalism, the colonial state, and plans for their post-colonial future.” [JHI Blog]

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