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Grasp the pattern, read the trend

Asia in Review

(2/11/2018)

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Dear Reader,

Welcome to the second issue of CPG's Asia in Review (AiR) in November 2018 providing you an 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

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Law and Politics in East Asia

China: Crackdown on student labor activists

(dql) At least 12 students activists from several Chinese universities campaigning for labor rights are reported missing over the recent days, among them five graduates of Peking University, one of the country's top universities. The detentions are viewed by observers as a coordinated move by authorities in line with the recent crackdown on growing student protests across the country. [Reuters]

Earlier in August, 50 students from across China gathered in Shenzhen to support factory workers of a welding machinery firm, seeking to form a union. Later that month, police raided an apartment where the students were staying and detained some of them. [The Guardian]

China uncompromisingly upholding in its 'own' repressive cyberspace policy

(dql) At the opening of the World Internet Conference in Wuzhen last week China's propaganda chief reaffirmed the country's determination to continue its

own way of internet control citing the principle of cyber sovereignty and insisting on the country's "right to choose its own development path for cyberspace, model of cyber governance and internet public policy". [South China Morning Post]

The statement comes after Freedom House designated China as "worst abuser of internet freedom in 2018" in its 2018 report "Freedom on the Net" assessing 65 countries. [AiR 1/11/2018]

South Korea: Opposition pressures government over President's aid and Seoul city hiring scandal

(dql) The main opposition Liberty Korea Party and the minor opposition Bareunmirae Party threatened to boycott cooperation with the ruling Democratic Party (DP) during the ongoing parliamentary session if their requests to dismiss President Moon's top civil affairs aid and to launch a parliamentary investigation into a hiring scandal are not met by the President and the DP respectively.

Moon's top aide for civil affairs Cho Kuk is accused of failing to properly vet the qualifications of Moon's candidate for the post of the Minister of Environment prior to his nomination. In the hiring scandal the Seoul subway operator under the DP-ruled city government is accused of providing relatives of its employees gave unfair job favors to. [Korea Herald]

South Korea: Anti-espionage intelligence-sharing center to be established

(dql) In a move to boost the country's protection against foreign intelligence activities, the Moon administration approved a measure authorizing the creation of an anti-espionage intelligence-sharing center under the director of the National Intelligence Service with the justice ministry and the customs service as additionally designated counter-espionage bodies. [Yonhap]

Mongolia: High-profile corruption case under investigation

(dql) Mongolia's anti-corruption authority is investigating a high-profile corruption case involving government ministers, members of parliament, the general prosecutor, the general auditor, and the former head of the intelligence authority who – according to leaked reports – channeled more than 1 million USD of a 25 million USD government fund to their families and friends. The fund was set up 18 years ago to offer government loans at 3 per cent interest to owners of small and medium-sized enterprises, compared to banks and finance companies charging between 12 and 30 per cent. Pressured by these reports, Food, Agriculture and Light Industry Minister Batjargal Batzorig, who oversaw the SME fund, resigned. [South China Morning Post]

Law and Politics in South Asia

Sri Lankan parliament dissolved in ongoing constitutional crisis

(ls) Sri Lanka's president Maithripala Sirisena dissolved the parliament on Friday night, only five days before it was due to reconvene. He called a general election for 5 January. The dissolution of the parliament, which the opposition has challenged in the Supreme Court, was most likely a move to avert the danger of losing a vote of no confidence. On 26 October, the president triggered an intense power struggle when he sacked prime minister Ranil Wickremesinghe and appointed the country's former leader, Mahinda Rajapaksa, a pro-China strongman ousted by Sirisena in 2015, in his place. [Straits Times]

A rally of hundreds of cars carrying supporters of Sri Lanka's deposed prime minister brought chaos to Colombo's streets on Thursday as they demanded that parliament be reopened. The power struggle has paralysed much of the administration, according to legislators on both sides of the dispute. [South China Morning Post]

Many governments have held back from endorsing Sirisena's new administration. Envoys from Western and Asian countries have continued to engage with Wickremesinghe – an unprecedented situation of the country having two prime ministers competing for authority. [Nikkei Asian Review] Meanwhile, India expects the incoming government in Sri Lanka to safeguard India's strategic interests including disallowing any Chinese military base in the island nation and timely implementation of India-funded projects. India is funding a number of infrastructure and energy projects in Sri Lanka and competes with China for influence in South Asia. [Economic Times]

The United National Party (UNP) said it would explore the possibility of removing President Sirisena in conformity with Article 38 (2) of the Constitution. However, the Tamil Progressive Alliance (TPA) said it would not support any impeachment move. [Daily Mirror]

Critics continue to point out that Sirisena's actions reverse Sri Lanka's path to democratic recovery and consolidation, violating the 19th amendment of the Sri Lankan constitution of which he was a co-author. [The Wire]

The 19th amendment envisages the dilution of many powers of Executive Presidency, which had been in force since 1978. It established a Constitutional Council (Sri Lanka) which exercises some executive powers previously held by the President. The amendment was a result of promise made by President Sirisena leading up to the 2015 Presidential Election. Under the 19th amendment, parliament has the power to dismiss a government by a motion of no-confidence, a defeat of a budget or a defeat of a Statement of Government Policy. [Economy Next]

India: Maoist attack before regional elections

(ls) Maoist rebels killed five people including a paramilitary soldier by detonating a landmine under a bus in the central Indian state Chhattisgarh where the first round of legislative elections is held this week. The

Maoist rebels have been fighting the Indian government for more than four decades, demanding land and jobs for tenant farmers, the poor and indigenous communities. Chhattisgarh has been governed by the Hindu nationalist the Bharatiya Janata Party of Indian Prime Minister Modi for 15 years. [South China Morning Post]

The release of Asia Bibi and the challenge for Khan

(ls) The release from prison of Asia Bibi, a Christian woman acquitted of blasphemy against Islam by the Supreme Court, continues to dominate headlines in Pakistan. Last week, the decision sparked violent protests and death threats against authorities. Unconfirmed reports that she was then secretly airlifted abroad have intensified fears in the country's minority Christian community. But officials denied Pakistani media reports that she was then secretly flown out of the country. Pakistan's strict blasphemy laws are often used maliciously. In recent years, numerous minority neighborhoods and places of worship have been attacked by frenzied mobs, enraged by rumors that someone had torn or defaced a Koran. [Washington Post]

The case of has become a political minefield for Prime Minister Imran Khan. Last week's rallies only dispersed after Khan's government promised that a court would review a motion to challenge the acquittal and deny Bibi permission to leave Pakistan. Her release, high-security transfer to Islamabad and her likely departure raised the possibility that Khan's promises to the Islamists could have been an effort to buy time. The government, however, has not openly declared that Bibi was free to leave. [WTOC]

Bangladeshi election on 30 December

(cc) First announced on December 23rd, the 11th general election will be held on December 30th according to the Chief Election Commissioner (CEC) KM Nurul Huda who announced the new date on Monday November 12th. [Dhaka Tribune] On Thursday, despite a call from the Oikya Front to postpone the announcement, he had declared December 23 as the date for elections, highlighting the fact that it is a constitutional obligation to hold the election before January 28. [Dhaka Tribune 2]

During the talks with Prime Minister Hasina, the Oikya Front and several other parties have been demanding deployment of army members with magistracy power. While this claim has been rejected by the ruling alliance, Huda announced that the military will be prepared under the Defence Ministry's "Aid to the civil power" policy and over 600,000 members of various law enforcement agencies will be deployed throughout the country to maintain law and order. [The Daily Star]

The last general elections in 2014 were boycotted by the Bangladesh Nationalist Party (BNP), a major element of the newly formed Oikya Front, which resulted in pro-government candidates running unopposed for half of the Parliament's seats. In 2014, more than 440 polling places were closed early because of security concerns and months of violence between the two main political parties preceded the polls. Prime Minister Hasina Wajed maintained the government's refusal of the BNP's demand to put in place a nonpartisan caretaker government to oversee the voting, The opposition alliance called for the polls to be delayed by a month, but the CEC announce a postponement of only few days. [Bdnews24]

Extremist group chief killed by Bangladeshi police

(ls) Bangladesh police killed the chief of the Jamayetul Mujahideen Bangladesh (JMB) extremist group which is accused of murdering secular activists and foreigners in recent months and years. JMB was founded by Bangladeshi radicals returning from fighting in the Afghan civil war during the 1990s. They waged a campaign of violence across Bangladesh for nearly two decades, targeting religious minorities, foreign aid workers and liberal writers in bomb and knife attacks. Bangladesh police launched a massive crackdown on extremists since 2016, killing more than 80 suspected Islamists and arresting hundreds more. [South China Morning Post]

Law and Politics in Southeast Asia

Thailand: New party announced/ Democrat Party picks Abhisit as its leader

(jk) Last week, family members of the Shinawatra family have announced to form a new party, the Thai Raksa Chart Party. Key members include the nephew and niece of Thaksin and Yingluck Shinawatra who both live in exile. The party is expected to be very close of course to the Pheu Thai party which will at least be weakened under the military government's new constitution and is still under threat of being dissolved entirely. [ASEAN Post] The new constitution calls for a mixed-member proportional representation voting system and the use of a single ballot for both constituency and party-list MPs, which will most likely harm bigger parties like Pheu Thai. The setting-up of a smaller “back-up” party is therefore seen as a strategy to alleviate this, or to serve as a backup in case of dissolvement of Pheu Thai. [Bangkok Post]

Over at the Democrat Party, former Thai PM and incumbent party leader Abhisit Vejjajiva again won the party leadership election last week as most observers had expected. [Nation]

Thailand: UN body petitioned over the longest ongoing detention of a lèse-majesté defendant

(jk) The Thai Lawyers for Human Rights (TLHR) organisation has petitioned the United Nations’ Working Group on Arbitrary Detention (WGAD) to seek the release of a man in prison on lèse-majesté charges for over four years. This is the longest time for a person currently serving a prison sentence under the charge. [fidh] While there has been a surge in lèse-

majesté cases after the coup in 2014, the numbers of charges have dropped again significantly more recently.

Myanmar Now: Skeletons covered in skin': inside Myanmar's labour camps

(cc) Myanmar Now released the results of their investigation revealing the horrors that took place within the various labour camps across the country from those who helped to oversee them. The article "'Skeletons covered in skin': inside Myanmar's labour camps" published on November 8, based on interviews with current and former prison officers, senior prison department officials, ex-inmates and village elders, outlines evidence of torture and other forms of inhuman treatments as well as forced labour and slavery. It reports mass death of prisoners during the pre-reform era due to inhuman conditions such as the use of men as cattle and high level of starvation. It also brings to light that, despite increase funding for prison and a sharp fall of death rates, "men are still forced to work as slaves, often in shackles, and face constant beatings unless they can pay bribes" in the 48 labour camps still existing in Myanmar. [Myanmar Now]

Not solely the reported conditions in labour camps contravene with the most basics obligations under international law but it is not the first time since the transition to a quasi-civilian government that the continuous inhuman conditions in labour camps are reported and push for reforms ignored. Indeed, in 2014, Thein Sein's government rejected a Parliamentary request to close labour camps [Bangkok Post] and the publication in 2016 of a first Special Report on the abuses by Myanmar Now was not followed by effective reform [Myanmar Times]. More recently, in June 2018, the Prison Department announced it had no plan to close a women labour camp in Mon State despite a recommendation from the Myanmar National Human Rights Commission to do so. The situation in labour camps in an open secret but the government continues to deny any violation of domestic and international law by maintaining that the camps are needed. [The Myanmar Times 2]

Yangon Government drops lawsuit against Eleven Myanmar Journalists:

(cc) The Yangon regional government dropped the incitement suit it had filled against three Eleven

Myanmar journalists despite not having received the apology it wanted. This follows President U Win Myint's order last month to drop the lawsuit and to follow the Media Law under which complaints against media have to first tried to be resolved with the Myanmar Press Council before reaching the Court. The three journalists arrested on October 10 were sued under Article 505 (b) of the Penal Code and then released on bail on October 25. [The Irrawaddy]

Vietnam: Code of Conduct on social media

(jk) Vietnam's Ministry of Information and Communications (MIC) has completed a code of conduct on social networks for internet service providers and users. [VN News] The Vietnamese government wants to prevent "toxic information" on Facebook and Google and wants to see half of Vietnam's social media customers to use domestic social networks by 2020. [Reuters]

Philippines: News site Rappler to be charged with tax evasion

(jk) The Philippine Justice Department is to charge investigative news site Rappler with tax evasion. The news site is critical towards the Presidency of Rodrigo Duterte and to critical observers, the latest developments are all but a thinly veiled attempt to stifle press freedom. [BBC I]

Earlier this year, Rappler already faced problems including the temporary revocation of its registration for it had allegedly violated the country's constitution over foreign ownership rules.

Rappler's CEO denies the charges, saying they are intended to "intimidate and harass" journalists. If found guilty, she could be fined and face up to 10 years in jail. [BBC II]

Philippine court orders arrest of Imelda Marcos for corruption

(jk) Sitting congresswoman and widow of former dictator Ferdinand Marcos, now 89 years old, was sentenced to serve 6 to 11 years in prison for each of

seven counts of violating an anti-corruption law in the 1970s as Metropolitan Manila governor.

Although the court disqualified her from public office, she can remain a member of the House of Representatives while appealing the decision. She has also registered to run for election next year to replace her daughter as governor. President Duterte has close ties with the Marcos family and has often spoken about the former strongman in positive terms. Should Marcos be convicted, he could issue a pardon. [SCMP]

Philippines: Islamic State fighters rise again on Mindanao island

(jk) In May 2017, the city of Marawi was taken over by Isis fighters and it took the army five-month of fighting, with 1,200 lives lost, to regain control. Recent estimates show that once again, a relatively high number of fighters are assembling in the area.

Mindanao Island has long been a centre for Islamist militant groups and after 2014, a number of groups, including Abu Sayyaf formed a pro-Isis coalition. According to experts, "Foreign fighters are in the Philippines because they consider the country, particularly Mindanao, as a safe haven, alternative home base and a new land of jihad". " They train and learn from local fighters. They provide funds. They provide a global support network." [The Guardian]

International Relations, Geopolitics and Security in Asia

China: Advancing air force capabilities

(dql) Reflecting technological advancement of China's military modernization, an upgraded version of China's J-10 fighter jet at the air show in Guangdong demonstrated manoeuvring and combat capabilities – including rapid change of direction, raising the nose to vertical and falling leaf moves – that, until now, were attributed only to US and Russian jet fighters. [South China Morning Post]

The show presented also one of the world's largest amphibious aircraft, the AG600, whose main purpose of is purportedly rescue and disaster relief missions, but which in the eyes of experts could play an active role in cementing China's effective control over the South China Sea. The AG600 only last month conducted its first successful takeoff and landing on water. [Nikkei Asian Review]

China-US relations: Diplomatic and Security Dialogue talk fails to narrow differences on South China Sea, but trade talks resumed

(dql) At last week's second Diplomatic and Security Dialogue in Washington, U.S. Secretary of State Mike Pompeo, U.S. Secretary of Defense Jim Mattis, Director of the Office of Foreign Affairs of the Central Commission of the Communist Party of China Yang Jiechi, and Defense Minister General Wei Fenghe failed to ease US-China tensions with regards to the South China Sea. While Washington urged Beijing "to withdraw its missile systems from disputed features in the Spratly Islands", Beijing demanded that the "United States … stop sending its vessels and military aircraft close to Chinese islands and reefs and stop actions that undermine China's sovereignty and security interests". [The Diplomat]

Meanwhile, Treasury Secretary Steven Mnuchin and his Chinese counterpart, Vice Premier Liu He, resumed talks about efforts to lessen trade tension. The phone conversation didn't arrive at any breakthrough with regards to the US demand for a concrete offer on Chinese as condition for negotiations on a trade deal. But the resumption of talks signals two sides' willingness to reach an accommodation. [Wall Street Journal]

China and the USA have been locked in a spiraling trade war since July, with several rounds of tariffs slapped on each other's imports and Beijing accusing Washington of using the tariffs on the broader US strategy to contain it and Washington blaming Beijing's unfair trade practices for its benefit.

US-Japan relations: Alliance reassured amid trade tensions

(dql) During his meeting with Prime Minister Abe on Monday, U.S. Vice President Mike Pence praised the US-Japan alliance as a "cornerstone of the region's peace and prosperity" and reassured that Japan "is not only an ally but a friend". While he agreed with Abe to continue to uphold economic sanctions against North Korea, he, however, also insisted that Tokyo needs to increase efforts to reduce the bilateral trade imbalance. As of September, the US trade deficit rose to 50 billion USD. [Japan Times] [US News]

Earlier last week, President Trump accused Japan of unfair trade practices, claiming that "they send in millions of cars at a very low tax. They don't take our cars, and if they do they have a massive tax." [Straits Times]

North Korea: Is Pyongyang continuing developing nuclear weapons?

(dql) Satellite images have identified more than a dozen undeclared North Korean missile operating bases, raising concerns about North Korea continuing to work on improving their missile technology and to develop nuclear weapons. The images contradict President Trump's assertion that Pyongyang's nuclear threat has been neutralized [New York Times] and also darken inter-Korean efforts to reduce tensions on the Korean peninsula as the militaries of North and South Korea on Monday began to dismantle ten front-line guard posts on either side of the Demilitarized Zone after both sides withdraw troops and firearms earlier last week. [Yonhap]

U.S. okays Indian port development in Iran

(ls) The United States have exempted India from sanctions regarding the development of the strategically-located Chabahar port in Iran. The exception has been labeled as being related to reconstruction assistance and economic development for Afghanistan. However, it also exemplifies the US-Indian rapprochement in recent months. In 2003, New Delhi signed a deal with Tehran to renew the Chabahar port project in order to facilitate access to Kabul from the southwest. In 2016, India, Iran and Afghanistan signed a pact that entailed the establishment of a transit and transport corridor among the three countries using Chabahar port as one of the regional hubs. From another geopolitical perspective, the Chabahar port is also likely to counter Pakistan's Gwadar port, which is backed by China. [Firstpost]

Further de-dollarization in Chinese-Russian economic relations as Pakistan declares balance of payment crisis "over"

(ls) After ast week's announcement that India would be paying Russia for its S-400 air defence system in roubles, Russia and China are working on another agreement for trade settlements in each others' national currencies instead of the U.S. dollar. These are partially geopolitical decisions possibly also meant to demonstrate independence from the American currency system, and also ensuring to avoid possible US sanctions. [Sputnik]

In a separate development, Pakistani Finance Minister Asad Umar said that "Pakistan's immediate balance of payment crisis is over". However, talks with the International Monetary Fund (IMF) in Islamabad are still ongoing. Umar's comments came after Prime Minister Imran Khan visited main allies Saudi Arabia and China last month. Khan secured $6 billion in assistance from Riyadh while Beijing promised help cover a projected $12 billion shortfall in foreign exchange to service Pakistan's debt. [Economic Times]

However, critics have warned that an end to the sense of crisis is not sufficient to stabilize Pakistan's economy for the medium to long term. The country's recurring challenges have included a failure to reform one of the world's worst-performing tax collection systems. Fewer than 1% of Pakistan's roughly 200 million people pay a regular income tax. [Nikkei Asian Review]

Indian-Pakistani military balance after the S-400 deal

(ls) An adviser to Pakistan's National Command Authority (NCA) said that the country would not follow India's suit in developing a defence system against ballistic missiles such as the S-400, but would continue to seek to redress the imbalances caused by Indian moves. In addition, he said that Pakistan's response to India's nuclear-powered ballistic missile submarine INS Arihant could be found in Full Spectrum Deterrence which implied possession of a full array of strategic, tactical and operational weapons. [Dawn]

33rd ASEAN Summit in Singapore

(jk) Singapore is hosting the 33rd ASEAN Summit this week where it will also hand over the chairmanship to Thailand for 2019. Leaders will also hold the 21st ASEAN Plus Three Summit and 13th East Asia Summit. [Channel News I] US President Donald Trump will not attend the summit but send Vice President Pence instead, who will also represent President Trump at the Asia Pacific Economic Cooperation (APEC) meetings in Papua New Guinea.

Expected to join are Chinese Premier Li Keqiang, Indian Prime Minister Narendra Modi, Japanese Prime Minister Shinzo Abe and Russian President Vladimir Putin. The summit in Singapore will coinciding with his first ever state visit to Singapore and Putin will also meet Indonesian leader Joko Widodo at the summit's side-lines. [Jakarta Post]

Singapore's FM has ahead of the summit stated that Singapore has achieved much more over the past year than it had anticipated. He cited as major examples that progress has been made both on the issue of the South China Sea – in form of the single draft negotiating text of the Code of Conduct signed at the ASEAN Foreign Ministers' Meeting in August, as well as on the Regional Comprehensive Economic Partnership (RCEP) negotiations. [Channel News II]

RCEP is covering 3.6 billion people and a GDP of about $25 trillion, which is more than that of the United States and is the most ambitious trade deal ever negotiated by developing countries. [Brookings] It includes all ten ASEAN members, its 'plus-three' members China, Japan and South Korea, as well as India, New Zealand and Australia. It could become hugely beneficial to the region it covers, although it has

still some way to go to be finalised. It remains to be seen whether substantial progress can be made at the current summit.

In a latest development, China's Premier Li Keqiang on Tuesday expressed his hope that the negotiations with the Southeast Asian nations on a code of conduct in the South China Sea will be completed within three years, arriving at a final deal. [Xinhua]

The next ASEAN summit in Thailand has been announced for 22 -23 June 2019. This breaks with the traditional date of the first summit being held in April/May, but gives the government in Thailand enough time to hold widely expected general elections before the summit.

Philippine navy for more engagements with China and Russia

(jk) After the conclusion of maritime drills between China's and the Southeast Asian countries' navies off the Chinese coast in October, the Philippine navy expressed interest in further cooperation with both China and Russia [Xinuha]. As for Russia, it was said the Navy is considering sending another ship to Russia after a successful first port visit to Vladivostok. [Mania Bulletin]

Philippine – China joint development in the South China Sea?

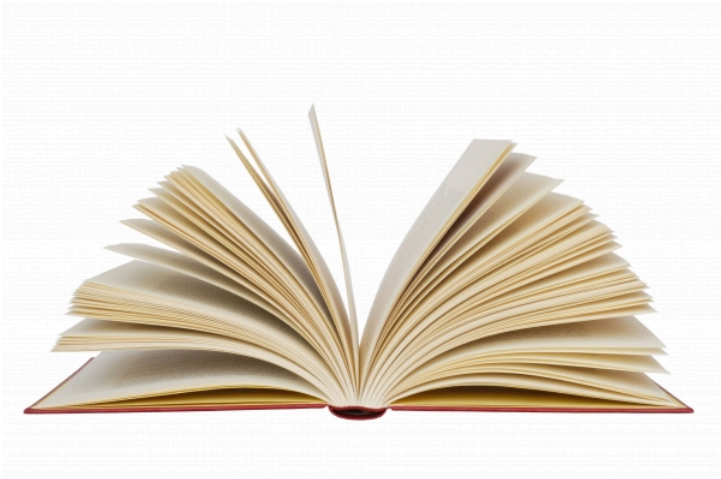
(jk) Ahead of the scheduled state visit by Chinese President Xi Jinping this month, the Philippine government is discussing to lift a moratorium on gas and oil exploration in the South China Sea. [Phil Star]

Experts however, see a concluding deal a long way off and find it more likely that during Xi's visit there will only be a general statement without legal and implementation details. The Philippine constitution is one obstacle, for it states that "production costs are born 100 per cent by the contractor, zero per cent by the Philippines; while ownership of resources remains 100 per cent owned by the Philippines." These will not be acceptable conditions to the PRC and a swift conclusion of a deal is therefore unlikely. [SCMP]

Vietnam: CPTPP ratified

(dql) Vietnam's National Assembly on Monday ratified the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), making Vietnam the seventh country to ratify the trade pact, following Mexico, Japan, Singapore, New Zealand, Canada and Australia. The four remaining member countries not having ratified the CPTPP yet include Brunei, Chile, Malaysia and Peru. [Reuters]

Background Reading



Death toll of war on terrorism in Asia rising

(ls) A study released Thursday says the U.S.-led war on terrorism has killed about 507,000 people in Iraq, Afghanistan and Pakistan during its 17 years and is showing a 22 percent increase in deaths in the past two years. The report said the number of indirect deaths was several times larger than deaths caused by direct war violence, bringing the total death count to well over 1 million people. [VOA] The US has carried out a total of 409 drone attacks in Pakistan since January 2004, killing 2,714 people and injuring 728 others, a media report said on Friday. [Economic Times]

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