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Grasp the pattern, read the trend

Asia in Review

(3/11/2018)

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Dear Reader,

CPG is presenting you the third issue of CPG's Asia in Review (AiR) in November 2018 with 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: 10 years prison sentence for erotic gay novel writer sparks outcry over repressive policy against sexual minorities

(dql) In a sign of the prevalence of discrimination against sexual minorities by the government, a court has sentenced an author to ten and a half years in jail on grounds of pornography. The verdict refers to a novel about a romance between a teacher and his male student and caused an outcry among Chinese citizens on social media over its harsh punishment. [Sixt Tone]

Under China's current criminal law producing and disseminating obscene material for profit can be punished, ranging from a few years in jail to life imprisonment depending on the perceived severity of the offence. [South China Morning Post]

South Korea: Parliamentary session put on halt

(dql) South Korea's ruling coalition and opposition are locked in a stalemate over a number of controversial

issues bringing parliamentary business to a halt. Among those issues are the President's appointment of Environment Minister Cho Myung-rae with consent of the parliament, the ruling Democratic Party's (DP) plan to increase of the number of members of the budget review committee belonging to the DP from six to seven which would give the DP one more that the main opposition Liberty Korea Party, and the DP's refusal to agree to a parliamentary probe into the hiring scandal of Seoul Metro Corporation which is under control of the DP-ruled Seoul City Government and which is accused of nepotism giving 100 workers permanent employment contracts through insider information provided by relatives already working there. [Korea Herald]

South Korea: Former Supreme Court judge to face interrogation in judicial power abuse case

(dql) Air 5/10/18 reported on the ruling Democratic Party's plan to establish a special court to rule a high-profile judicial power abuse case in which former chief justice of the Supreme Court Yang Sung-tae is accused of using rulings in politically sensitive trials in favor of the administration of former President Park Geun-hye (2013-2017) to obtain her endorsement for Yang's plan of setting up a second appeals court.

In the latest development, Ko Young-han, former Supreme Court justice and Head of the National Court Administration (NCA), the court's administrative body, has been summoned for an interrogation later this week over allegations of his involvement in the case and of interfering in trials on Yang's order. [Yonhap]

Japan: New visa regulations expected bring in up to 345.000 foreign workers

(dql) Pressured by the opposition, the Abe administration has come up with numbers of foreign workers expected to come to Japan if the cabinet's bill on new working visas, proposed earlier this month [Air 1/11/2018], passes parliament in December and the new law comes into force in April 2019. Among an estimated overall number of more than 345.000 foreign low-skilled workers in five years, the nursing care sector is believed to receive an influx of between 50,000 to 60,000 workers, following by the restaurant

industry (41,000 to 53,000), the construction sector (30,000 to 40,000) and the building-cleaning firms (28,000 to 37,000). [Japan Times]

In a major change of the country's traditional immigration policy, the new law would allow foreign workers to live permanently in Japan. Abe's bill is, however, facing fierce criticism denouncing it as hastily prepared and lacking necessary details, in particular with regards to the increased pressure on the country's social security in the wake of the workers influx. [Japan Today]

Mongolia: Government under pressure over loan scandal

(dql) Prime Minister Ukhnaa Khurelsukh is facing pressure over allegations that cabinet members received low-interest loans for business controlled by them or their family members. More than a dozen parliament members and police officials are believed to be also implicated in this scandal. According to the Mongolian National Chamber of Commerce and Industry over 3,500 member companies vowed to withhold tax payments until the scandal is resolved. [Nikkei Asian Review]

In a latest development of the scandal, legislator Damdin Khayankhyarvaa from the ruling People's Party submitted a proposal to dismiss the government over the scandal. The proposal was signed by 27 of the 76 members of parliament in which the People's Party holds 65 seats. [Xinhua]

Law and Politics in South Asia

Sri Lanka: Ongoing crisis

(jk) Over the past weeks, Sri Lanka has faced a serious political and constitutional crisis. At the end of last month, Sri Lankan President Sirisena appointed Mahinda Rajapaksa, the polarizing former president who was in power for nearly a decade from 2005 to 2014, to replace incumbent prime minister Ranil Wickremasinghe. AiR has last week reported on the issue, providing some background information.

Since then, a reconvened Parliament has in addition to some fist-fights, twice held no-confidence votes, which Mr. Rajapaksa lost but then refused to accept. [The Guardian] The dissolution of the parliament and the then called snap-elections were previously overturned by the country's supreme court. [Al Jazeera] Despite meetings held between President Sirisena, Mr. Rajapaksa and Mr. Wickremesinghe, there is no real progress made and the country moves away steadily from political normality. [Strait Times]

Sri Lanka's president has also initiated the removal of a police chief who was investigating alleged crimes by the family and associates of Rajapakse which is seen by many observers as another blunt move to help along his chosen candidate for PM. [SCMP]

India in the meantime, in addition to the political instability inside Sri Lanka, is particularly concerned about the return of Rajapaksa as it could strengthen Chinese influence in the country. [Strait Times]

Bangladesh: Tension escalates few weeks before general elections

(cc) Last week, violence between a group of BNP activists and police arose in Dhaka while a group was

accompanying a candidate to the next general election to pick up election's nomination papers. The police and media have reported that activists from the BNP set fire to police vans, cars and motorbikes. The opposition party stated that at least 12 supporters were injured, and the police claim that at least 20 officers were too.

Instability and violence are not unusual prior to general elections in Bangladesh. Political unrest during the campaign for the last general elections in 2014, boycotted by the BNP, resulted in several deaths and highly violent climate.

Despite the refusal by Prime Minister Hasina regarding the demand for a caretaker government, the Jatiya Oikya Front, of which the BNP represents one of the major elements, said it will contest the next elections to be held on December 30. [Reuters]

Pakistan: Chinese language courses increasingly popular – soft power?

(jk) In Pakistan, more and more young people choose to learn Mandarin Chinese as the country receives significant investment as part of CPEC, the China-Pakistan economic corridor. Here, as in many other countries along the BRI, China's rising influence has created the opportunity to exercise soft power through Chinese language and culture classes. China is however not known for always having the most *fine-tuned* foreign policy, and it remains to be seen whether Beijing will at all focus on this kind of power projection. [The Atlantic]

Law and Politics in Southeast Asia

Cambodian Tribunal finds two Khmer Rouge leaders guilty of genocide

(ls) The "Khmer Rouge Tribunal" (the Extraordinary Chambers in the courts of Cambodia, ECCC) in Phnom Penh found Nuon Chea, 92, who was second-in-command to Pol Pot, and Khieu Samphan, 87, who served as head of state, guilty of genocide and crimes against humanity carried out between 1977 and 1979 and sentenced both to life imprisonment. It was the first court judgment which recognized that acts of murder, extermination, enslavement, deportation imprisonment, torture, enforced disappearances and mass rape committed against the Vietnamese and the Cham Muslim minorities constituted acts of genocide. The verdict's historic importance has led observers to compare it with the Nuremberg judgment after the Second World War. [The Guardian]

For more than a decade, the United Nations-backed tribunal has assessed hundreds of thousands of pages of documents, called hundreds of witnesses and heard in exhaustive detail how the Khmer Rouge ran its killing fields. The entire effort has cost more than $300 million. Yet the court has convicted just three senior Khmer Rouge leaders of crimes against humanity: Mr. Nuon Chea, Mr. Khieu Samphan and Kaing Guek Eav, better known as Duch, who commanded a prison camp where at least 12,000 people were tortured and ordered to their deaths. Only five top Khmer Rouge leaders have been arrested and put on trial. But as the court's deliberations dragged on, the other two elderly defendants died. [New York Times]

The ECCC was set up as a hybrid court, meaning every international prosecutor and judge was paired with a Cambodian counterpart. However, what was a political atmosphere encouraging cooperation when the U.N. agreement was signed in 2003 deteriorated, as democratic space has shrunk under Cambodia's long-serving, autocratic Prime Minister Hun Sen. Hun Sen,

himself a former Khmer Rouge commander who defected from the group when it was in power, declared that no more suspects should be prosecuted, saying, without any directly apparent justification, that such action could cause unrest. [Washington Post]

After the verdict, Cambodian Deputy Prime Minister Sar Kheng said the tribunal's work had been completed and there would not be any additional prosecutions for acts that led to the deaths of an estimated 1.7 million people in the 1970s. The terms under which the tribunal operated limit its targets to senior leaders of the Khmer Rouge regime. [South China Morning Post]

Malaysia to remove death penalty?

(ls) Malaysia's de facto Law Minister Liew Vui Keong told parliament that the Cabinet has agreed to scrap the death penalty, including for murder. He said that "all 32 death penalty offences found in eight of our laws" would be abolished. If approved by Parliament, capital punishment will be replaced with a minimum of 30 years in jail. The planned move has been controversial in conservative Malaysia, with an online poll last month showing 82 per cent of 22,000 netizens opposing it. [Straits Times]

The legislation could be introduced in parliament before the house finishes its current sitting in the middle of next month. Abolition of the death penalty was part of the election campaign of the coalition that took power in May. A moratorium on all executions – Malaysia hangs those found guilty of capital crimes – is already in force. About 44 percent of death row inmates in Malaysia are foreign nationals; the largest group is from Nigeria, followed by Indonesia and Iran. [Al Jazeera]

Malaysia: Unable to ratify anti-discrimination convention because of Bumiputra policy?

(ls) Malaysian Prime Minister Mahathir Mohamad said that his country's plan to ratify the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) may be abandoned as it would be "almost impossible" to amend the federal Constitution to accommodate it. His comments contradict what he had said at the UN

general assembly in September. The main obstacle is Malaysia's longstanding Bumiputra policy that reserves education and job spots for Malays and other indigenous races. [Straits Times 1]

Opposition groups including Umno and Parti Islam SeMalaysia (PAS) had voiced concerns already. The issue has even led to an rapprochement between the former political enemies. At the occasion of anti-ICERD protests, Umno president Ahmad Zahid Hamidi called for a merger between his party and its long-time political nemesis PAS, six months after the Umno-led Barisan Nasional (BN) coalition was ousted from power in national polls. However, whether the merger takes place remains doubtful. Umno, the lead party in the multiracial 13-member BN coalition for decades, supports a more moderate version of Islam, while PAS wants to turn Malaysia into an Islamist state including chopping off the hands of thieves. [Straits Times 2]

Repatriation of Rohingya halted as none agreed to return to Myanmar

(cc) In late October, officials from Bangladesh and Myanmar agreed to start the repatriation of Rohingya under the bilateral agreement both countries signed in November 2017. While Myanmar was supposed to receive at the Nga Khu Ya reception center 150 refugees each day starting on November 15, none of the families on the list of 2,251 people to be repatriated agreed to go back as they feared persecution and to be placed in detention camps.

On Thursday, around 1000 Rohingya refugees protested against the repatriation process demanding the recognition of their identity and to be granted Myanmar citizenship. Myanmar does not recognize Rohingya as being a native ethnic group entitled to full citizenship and labels them as "Bengali" to suggest they belong in Bangladesh despite them being present on the Union's territory for several generations. [HRW] [Reuters] [Reuters 2]

At the 33rd ASEAN Summit, Myanmar State Counselor Aung San Suu Kyi faced numerous criticisms regarding the persecution of the Rohingya minority. As an example, Mahathir Mohamad, Malaysia's Prime Minister accused her of "trying to defend the indefensible". US Vice-President Mike Pence raised the issue by stating that "the violence and persecution by the military and vigilantes [...] is without excuse". He then said that the arrest and conviction of two Reuters Journalists, Wa Lone and Kyaw Soe Oo, was "deeply

troubling". [The Irrawaddy] [The Myanmar Times] [The Washington Post]

Imelda Marcos granted bail after corruption conviction

(ls) Former Philippine first lady Imelda Marcos, 89, was granted bail after convincing a court to defer her arrest following her conviction a week ago on seven counts of corruption, with the jail sentences adding up to 77 years (see last week's AiR). The move leaves her free to prepare for what could be a lengthy legal challenge but might further fuel criticism of special treatment for a politically influential family. Her late husband, Ferdinand Marcos, ruled the Philippines for two decades, mostly under martial law during which thousands of opponents were persecuted, and billions of dollars were allegedly looted. The family was forced to leave the country in a 1986 popular uprising, but returned from exile after the former president's death, and re-entered politics in the 1990s. [Straits Times]

The conviction is unprecedented in the Philippines. The South China Morning Post provides detailed accounts of the charges and the persons persecuted in this affair. [South China Morning Post]

Thailand: Pre-election party shuffles

(ls) Key members of the Pheu Thai party have resigned or are expected to resign from the party and join the newly formed Thai Raksa Chart Party to contest the next election. Among them is core party member Chaturon Chaisang. Pheu Thai is focusing on winning the constituency race as it has been predicted to capture few, if any, party-list seats under the new election system. The party appears to be counting on its "sister" party, Thai Raksa Chart, to bring in the party-list seats. If the two win enough MPs, they are likely to band together and form a coalition government along with other aligned parties. [Bangkok Post] [The Nation]

The military government partially eased restrictions on electioneering before the general election, expected to take place on 24 February 2019, allowing parties to spring up and recruit members but withholding the right to campaign. The deadline to join and be eligible to run closes later this month and the past weekend saw a lot of activity as the closing date nears. Golf star Thongchai Jaidee added some star power to the Thai Raksa Chart Party. Nahatai Lekbumrung, the 2006 Miss

Global Beauty Queen competition winner, also signed up to the Pheu Thai spinoff. [South China Morning Post]

Meanwhile, the party Palang Pracharat, believed to be a military proxy, attracted some 50 former MPs to join its ranks on the same day. It was pulling in more and more former MPs and government ministers, as well as celebrities. In an illustration of traditionally loose party affiliations in Thailand, many of the new Palang Pracharat members come from the previously ruling Pheu Thai Party. Palang Pracharat is expected to nominate General Prayut as its prime ministerial candidate in the run-up to the next election. [The Nation 2]

The military government's decision to invoke the controversial Section 44 of the interim constitution to empower the Election Commission (EC) to make changes to constituency boundaries has attracted criticism. According to the order, the EC is authorized to examine complaints and revise the boundaries "if needed". It as the reason complaints by several parties about the constituency map proposed by the EC and inadequate and incomprehensive hearings on them. [Bangkok Post 2]

Thai lèse-majesté suspect recognized as political refugee in South Korea

(ls) A 25-year-old member of the New Democracy Movement has become the first Thai to receive political refugee status from the South Korean government. The activist fled to South Korea in the middle of January after being charged with lèse-majesté for sharing a BBC Thai profile of His Majesty the King on her Facebook page. [Bangkok Post]

International Relations, Geopolitics and Security in Asia

China: Catching up with the US in information arms race

(dql) China is reportedly purchasing war room mapping software which was until now only possessed by the United States and other Nato member states. The big screen software, obtained from Belgium-based Luciad, a world leading supplier of geographic information system tools, allows for "real time" military operational awareness to make instant decisions while troops are in the field conducting live operations.

The United States Special Operations Command at MacDill Air Force Base in Tampa, Florida, uses the same software, for example for the raid Osama bin Laden's Abbottabad, Pakistan compound in 2011. [South China Morning Post]

China-US tensions overshadow APEC meeting

(dql) The tensions between China and the USA, the world's two largest economies, led to a novelty in the history of the APEC meeting since 1993: this year's summit, held in Papua New Guinea this weekend, ended without a joint communiqué of the 21 members. Draft versions of the joint statement showed that Washington wanted to include a passage condemning unfair trade practices while Beijing demanded a reaffirmation of opposition to protectionism and unilateralism. [CNBC] [ABC News]

China and USA used the platform to reiterate the accusations against each other. While President Xi Jinping warned against "resorting to old practices such as protectionism and unilateralism" which "will not resolve problems" but "on the contrary ... can only add

uncertainties to the global economy [Xinhua], Vice President Pence accused Beijing of unfair trade practices by engaging in “quotas, forced technology transfer, intellectual property theft, industrial subsidies on an unprecedented scale” and vowed that the "days are over” when “‘China has taken advantage of the United States’”. [White House]

In their respective speeches at the summit, both were also keen to promote their visions of regional cooperation with Xi describing the Belt and Road Initiative as an “open platform for cooperation … guided by the principle of consultation and collaboration for shared benefits”, free from any “hidden geopolitical agenda” and “not targeted against anyone”. [Xinhua] Pence, meanwhile, advertised his vision of a “free and open Indo-Pacific” where “‘sovereign and independent nations, with diverse cultures and many different dreams, [could] prosper side-by-side, and thrive in freedom and peace.’” He called on to be wary of infrastructure loans which “come with strings attached and lead to staggering debt.” [White House]

At the sidelines of the meeting Pence, Japanese Prime Minister Shinzo Abe, Australian Prime Minister Scott Morrison, New Zealand Prime Minister Jacinda Ardern and Papua New Guinean Prime Minister Peter O'Neill signed the Papua New Guinea Electrification Partnership which aims to supply 70 percent of Papua New Guinea's population with reliable electricity by 2030, up from the current 13 percent. [Mainichi]

Ahead of the meeting, China, on the other hand, already promised 4 billion USD of financing to build the first national road network in Papua New Guinea, one of the world’s least urbanized countries. [Asahi Shimbun]

Quad meeting in Singapore

(jk) One year ago, in November, the Quad has been revived. Since then it has had three meetings but it is yet to take a more concrete shape or amount to more than a senior officials level dialogue of its members India, Japan, the US and Australia. But rather than seeming closer, the three allies and its strategic partner India seem to be less unified than at the last meeting which came right after the resolution of the Doklam stand-off between China and India.

This time, India is seen to hedge its bets a little more and is re-balancing ties with China carefully, rather than taking a clear side and despite a maybe ambitious

aim to provide an alternative model to China's authoritarian rule and state-directed lending for infrastructure projects, it moves along slowly [SCMP] [FirstPost].

Nonetheless, other observers are much more bullish about the Quad's future, pointing out that it was agreed to meet again in due course, as well as some common language in the subsequent statements that was not mentioning China directly, but apparently not more than a thinly veiled reference. [The Print] Also, an interview with the Indian Navy Chief of Naval Staff referenced below in this issue of AiR gives bullish observers hope.

Meanwhile, Japanese and Australian Prime Ministers Shinzo Abe and Scott Morrison during a meeting last Friday agreed to deepen defense cooperation to counter China's growing influence in the region. In a joint statement released after the talks both leaders also expressed serious concerned about the situation in the South China Sea while remaining "strongly opposed to any actions that could increase tensions within the region." [Nikkei Asian Review]

Indian Navy Chief of Naval Staff: We can match China in the Indian Ocean region

(jk) In a brief interview, Indian Admiral Sunil Lanba, Chairman, Chiefs of Staff Committee, and Chief of Naval Staff assesses the Chinese naval build-up and while he cedes that China has the naval advantage in the South China Sea, India can match Chinese capabilities in the Indian Ocean Region. [India Today]

Indian PM visits Maldives for swearing in of new President

(jk) Prime Minister Narendra Modi made his first-ever visit to the Maldives for the swearing-in ceremony of its new president. President Solih has won an election in September against former president Abdulla Yameen. Yameen had in his foreign policy decidedly looked away from India and towards China. Modi's visit signals that India embraces the new government and that it wants to increase cooperation after the island nation elected a president more critical towards China. [Times of India] The Maldives is even rumoured to be considering pulling out of the free trade agreement it negotiated with China last year. [Economic Times of India] The new president has previously declared the

state had been “looted” and warned that the country is in financial difficulty after racking up debt with Chinese lenders in an infrastructure boom. [The Guardian]

33rd ASEAN Summit in Singapore

(ls) The 33rd ASEAN Summit came to a close last Thursday, marking the end of Singapore’s chairmanship, officially handing over the chairmanship to Thailand. CPG, in cooperation with the Konrad Adenauer Stiftung, will host the international conference “Thailand’s ASEAN Chairmanship 2019” on 3-4 December in Bangkok. More information on the [CPG Website].

The summit saw leaders of all 10 ASEAN member states and leaders of key partner nations from outside the region including United States Vice President Mike Pence, Russian President Vladimir Putin and Chinese Premier Li Keqiang. The summit was overshadowed by the ongoing “trade war” between the US and China. In his opening remarks to the summit, Singapore’s Prime Minister Lee Hsien Loong said, “the international order is at a turning point. The existing free, open and rules-based multilateral system which has underpinned ASEAN’s growth and stability, has come under stress. Countries, including major powers, are resorting to unilateral actions and bilateral deals, and even explicitly repudiating multilateral approaches and institutions.” [ASEAN Post]

In the face of such challenges, Lee outlined three targets he hoped ASEAN would achieve in the next decade: Deeper economic integration, enhanced unity so as to more effectively engage its major partners, and populations equipped with skills needed for new jobs in the digital economy. [Straits Times 1]

In the parallel ASEAN-China summit, both sides vowed to strengthen efforts to meet the joint target of US$1 trillion in trade volume and US$150 billion in investment by 2020. ASEAN and China also announced a roadmap titled “ASEAN-China Strategic Partnership Vision 2030”. Regarding the South China Sea, Chinese Premier Li Keqiang said that China is expecting the Code of Conduct consultation to be finished soon. [CGTN]

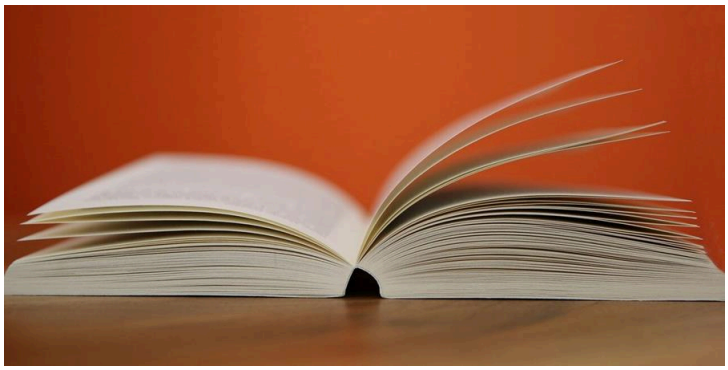
At the ASEAN-US summit, Lee he noted that ASEAN was looking forward to improve trade between the two in the coming years. Both sides reaffirmed their commitment to maintaining international law in the South China Sea.

During the ASEAN-Russia summit, which was also attended by Russian president Vladimir Putin, a new agreement between ASEAN and the Eurasian Economic Commission was signed. It is expected to contribute to trade, investment and economic expansion between Southeast Asian countries and member states of the Eurasian Economic Union (EAEU). Russia is among five member states of the EAEU, which also includes Armenia, Belarus, Kazakhstan and Kyrgyzstan. [Straits Times 2]

As regards the Regional Comprehensive Economic Partnership (RCEP), which was advanced to the final stages of negotiation, it was announced at the summit that it would be finalized in 2019. [ASEAN Post] The RCEP free trade talks involve the ten ASEAN nations as well as partner countries such as Australia, China, India, Japan, South Korea and New Zealand. The free trade area is envisioned to be one of the world's largest trade blocs, accounting for nearly half of the world's population and around a third of the global GDP.

The incoming ASEAN Chair Thailand meanwhile proposed to host the first ASEAN Summit of 2019 in June instead of April, as the government appears to be concerned about a possible delay of the next general election which is tentatively scheduled for 24 February. It would be the first time that such arrangement would be made. [The Nation]

Background Reading/Hearing



Thailand's new left-wing political parties: Rivals or allies?

(ls) Kriangsak Teerakowitkajorn examines two new left-wing Thai political parties, the Future Forward Party

and the Commoners' Party. Both cater to distinctive constituencies, but he argues that one pushes for change from above, the other from below. He holds that, "contrary to the Future Forward's elitist, think-tank style, the Commoners' Party sets out to be governed by the working poor. (...) the party's identity is shaped by shared concerns around the poor's lack of power and the destructive impacts of uneven development in the Northeast—a region of origin for many activists." [New Mandala]

India Rising

(jk) Melbourne's La Trobe University has launched a great podcast series on India. Thus far, there are four episodes available, covering India from questions regarding independence and "colonial hangover", to elections and waste management. [LaTrobe]

We would greatly appreciate your feedback! Please send any feedback you have regarding this newsletter to: info@cpg-online.de

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