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Grasp the pattern, read the trend

Asia in Review

(1/1/2019)

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Dear Reader,

With best wishes for a healthy, successful and happy New Year, CPG is presenting you the first issue of Asia in Review (AiR) in 2019 with an update on the latest developments in law, politics and international relations in Asia.

I hope you enjoy an informative reading!

With best regards,

Henning Glaser

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Law and Politics in East Asia

China: Student activists suppressed

(dql) University guards clashed with a group of students last week who were staging a demonstration against Peking University's decision to select a new leadership for its Marxist Society and the arrest of the Society's head over his attempt to publicly commemorate the 125th birthday of Mao Zedong. [Reuters]

The case reflects the on ongoing unease as well as repressive dealing of the Chinese Communist Party and Chinese universities with recent protests of student activists who identify themselves as Marxists and address critical political and societal issues of inequality and labor rights in the wake of the country's economic development. [Financial Times] [South China Morning Post]

China: Prominent human rights lawyer on trial

(dql) After being held incommunicado for almost three years, prominent human rights lawyer Wang

Quangzhang was put on a closed trial for subversion of state power last week.

Wang took on sensitive cases including complaints of police torture and defended followers of the banned Falun Gong movement. He was among those lawyers arrested in August 2015 as part of the so-called "709 crackdown", the nationwide crackdown on human rights lawyers which started on 9 July 2015. [Reuters]

China: High profile anti-corruption cases

(dql) The Dalian Intermediate Court in northeast China has sentenced Ma Jian, former deputy head of China's Ministry of State Security, to life imprisonment after finding him guilty of accepting 15.8 million USD in bribes and of crimes related to insider trading and forced share transfers between 1999 and 2014. [South China Morning Post 1]

In another high-profile corruption case, Cai Xiyou, former general manager of state-owned Sinochem Group, one of the world's largest chemical conglomerates, was found guilty of taking money and gifts worth more than 7.8 million USD in return for manipulating contracts and clearing the way for illegal sales and purchases of refined oil products from 1997 to 2016. He was sentenced to 12 years in prison. [South China Morning Post 2]

South Korea: Presidential office raided over probe into illegal collection of information on civilians

(dql) President Moon has come under pressure as prosecutors raided the presidential office last week as part of an investigation into the office's alleged illegal gathering of information about civilians. The raid came after a complaint was filed by the main opposition Liberty Korea Party (LKP) against top presidential officials accusing them of abusing power and neglecting duties. LKP's complaint was based on confessions of Kim Tae-woo, until recently a special inspector in the presidential office, saying he had illegally surveilled civilians on the behest of the presidential office while fulfilling his duty as investigator. [Yonhap]

Japan's ageing society: 2018 lowest birth rate since data collection

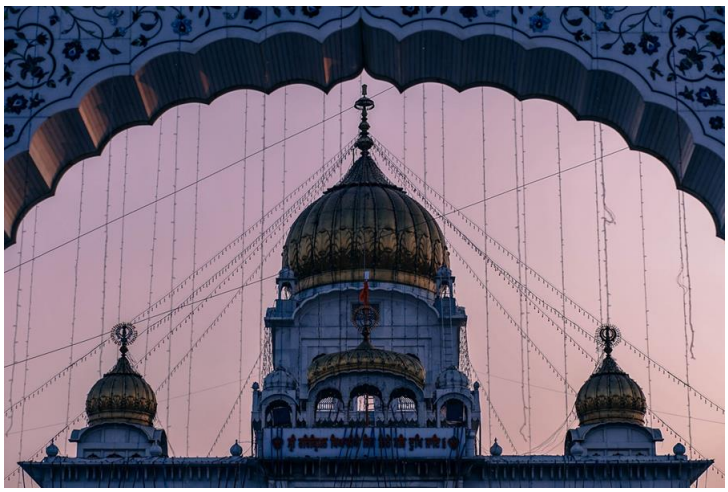
(dql) Japan's Health and Welfare Ministry has released latest numbers of the country's birth rate. With 921.000 birth estimated, the number of births in 2018 in Japan fell to its lowest since records began more than a century ago and a decrease of 25,000 compared to 2017. Given an estimated number of 1.37 million deaths this year the natural decline of Japan's population by 448,000 is the biggest ever. [The Guardian]

As of 2017, Japan has the highest proportion of older people, ie. those aged 65 and over, in the world, followed by Italy, Portugal and Germany. [Worldbank]

Mongolia: Parliamentary speaker demanded to step down

(dql) Tens of thousands of citizens took to the streets on Thursday to protest against corruption among the political elite, demanding among others the resignation of parliamentary speaker Enkhbold Miyegombo whom they accuse of selling off government positions and thereby amassing a fortune of 23 million USD. [Al Jazeera]

Law and Politics in South Asia



Bangladesh elections: Sweeping victory for PM Hasina's Awami League

(ls) Bangladesh's ruling Awami League won almost all parliamentary seats in the country's general election, according to official results released early Monday, giving Prime Minister Sheikh Hasina a third straight term despite allegations of intimidation and the opposition disputing the outcome. The Bangladesh election commission said that the Awami League along with its allies won 288 (up from 234) of the country's 298 parliamentary seats on offer. The opposition Bangladesh National party (BNP) and its allies won just seven seats. Allegations of severe voting irregularities were widespread. The opposition rejected the result. More than 40 of its candidates pulled out during polling, alleging vote rigging. [The Guardian] [Washington Post] [Reuters]

More than a dozen people were killed in election-related violence on Sunday and the campaign preceding the vote had been marked by allegations of arrests and jailing of thousands of Hasina's opponents. Three men were shot by police while six others died in clashes between activists from the ruling Awami League Party and opposition Bangladesh Nationalist Party (BNP). Voting was held under tight security. Some 600,000 security personnel were deployed across the country. [South China Morning Post]

Though Hasina is credited with improving the economy, promoting development and welcoming Rohingya refugees fleeing a military crackdown in neighbouring Myanmar, she has also been accused of running an authoritarian regime and being responsible for rampant human rights abuses. [Indian Express]

Pakistan: Killings of politicians spark new anti-terror campaign

(ls) Syed Ali Raza Abidi, senior member of a major Pakistani political party, has been shot dead. He was targeted by attackers outside his home in Karachi on Christmas day. Abidi previously led the secular Muttahida Qaumi Movement-Pakistan (MQM) but resigned from the party in September. The party called it a "coldblooded assassination" that was "part of a crackdown on the party by Pakistan's military establishment." The murder came after a drive-by shooting which killed two members of the Pak Sarzameen Party (PSP) in Karachi a few days earlier. [BBC]

The Muttahida Qaumi Movement controlled the politics of Karachi for decades, but has come under increasing pressure in recent years after a crackdown by security forces. Critics said MQM maintained iron-fisted control over the city through fear and intimidation with a network of armed enforcers. [New York Times]

The Pakistani government announced that it will launch a comprehensive operation across the country in March to crack down on terrorism, complementing the country's ongoing anti-terrorism offensive. The government said it will also revive the National Counter Terrorism Authority, which was established to gather intelligence and coordinate between all relevant stakeholders in the fight against terrorism. [Straits Times]

Chief of the Army Staff (COAS) General Qamar Javed Bajwa said maintaining the security situation of Balochistan was the focus of the Pakistan Army. [Nation]

Meanwhile, one of the alleged masterminds of an attack by the Pakistani separatist group Baloch Liberation Army (BLA) on the Chinese consulate in Karachi last month has been killed along with five associates. Aslam Baloch died along with a number of his commanders in a suicide attack in Aino Maina in Kandahar province, Afghanistan, across the border from Balochistan. Last month, three attackers stormed the Chinese consulate in Karachi, killing four people. Security forces killed the three attackers who were carrying explosives. [Reuters]

Sri Lanka: No snap elections after restoration of government

(ls) Sri Lanka's ruling United National Party (UNP) announced that it has no intention to go for an early general election, ending weeks of speculation that the government may dissolve parliament before the end of its term. The decision is contrary to the expectations of Mahinda Rajapaksa's new political party Sri Lanka Podujana Peramuna (SLPP), which won over 70 per cent of the 300 plus local councils in February, triumphing over both major parties of President Sirisena's Sri Lanka Freedom Party (SLFP) and the UNP of prime minister Ranil Wickremesinghe. [Indian Express]

Sri Lanka faced a major constitutional and political crisis which lasted over 50 days after Sirisena took a

controversial decision of sacking Wickremesinghe as prime minister to replace him with Rajapaksa in late October. The Supreme Court said that Sirisena's subsequent action to dismiss parliament and set a fresh parliamentary poll for January 5 was illegal. He was then forced to restore Wickremesinghe in office as Rajapaksa was not able to prove his majority in parliament.

Anubhav Gupta looks back and asks whether local politics or geopolitical rivalries were behind the crisis. [WPR]

Law and Politics in Southeast Asia

Indonesia: Quran test for presidential candidates?

(dql) The Council of Preachers Association in Indonesia's Sharia Law-ruled Aceh has extended written invitations to both presidential candidates of the 2019 presidential election – incumbent office holder Joko Widodo and his contender Prabowo Subianto – to attend a Quran recitation test in the capital of Aceh province on January 15. The test is believed by the Council to be important to show the true image of the presidential candidates. Critics, however, dismissed the test as unnecessary and as a dangerous move to politicize religion. [VOA]

Indonesia: PAN's founder demanded to pass over leadership

(dql) Indonesia's National Mandate Party (PAN) is undergoing an internal debate on the party's leadership. Party patron Amien Rais, a vocal critic of President Joko Widodo, as come under pressure after party co-founders politician Abdillah Toha, lawyer Albert Hasibuan, women's activist Zumrotin K. Susilo and writers Goenawan Mohamad and Toeti Heraty signed an open letter demanding Rais to "stop his political activities and pass the leadership of PAN to next generation", arguing that he supports presidential candidate Prabowo Subianto who is among those "politicians who aim to restore the New Order era". Prabowo is the son-in-law of former president Soharto, founder of the authoritarian 'New Order' regime (1966-1998).

PAN secretary-general Eddy Soeparno dismissed the letter as teethless as the five party co-founders were no longer active in politics and with any followers within the party. [Jakarta Post]

Myanmar: Rebels breach ceasefire, army says

(dql) Myanmar's army accused rebels of attacking and killing some of its soldiers in the first skirmish following the unprecedented announcement of a four-months ceasefire in the troubled northern and eastern regions by the army on December 21. A statement on Friday from the Office of the Commander-in-Chief announced that the army would uphold the ceasefire. [Channel News Asia]

Malaysia: PH government and PM Mahathir down in polls

(jk) Democracy can be brutal. First, the current government came into power against anyone's – including the ruling parties' own – expectations. PM Mahathir has himself admitted that some of the manifesto he offered along with a number of campaign promises were not necessarily made with the expectation of ending up in power. [Today Online] Now, a lot has happened since the new PM took over and the populace that has voted for the government is starting to ask questions. Figures from a survey conducted early this month put Mahathir's ratings at 53%. That is a 19% drop from a similar survey in June 2018 after PH won the elections in May. There is a consistent drop in popularity across Malays, Chinese and Indians. [FreeMalaysiaToday]

Reasons for the headwinds are manifold and in addition to the yet unfulfilled campaign promises such as the abolition of a goods and services tax, reintroduction of fuel subsidies, the cancellation of some specific debts owed by smallholder farms, a boost in the minimum wage and the postponement of student loan repayments, there are inner party and coalition problems. [ATimes, Strait Times] These pertain for example to how to deal with the recent defections and resignations from the former ruling party or even within the ruling coalition as described in last week's AiR, or the staffing of own party leadership. [Strait Times 2] There is also some backtracking over racial issues, amid Muslim-Malay protests against a government they allege to be manipulated by Chinese. Another huge issue always lurking in the background is the power transition from PM Mahathir to Anwar Ibrahim. So far, their relationship has not seen any signs of significant deterioration but analyst will keep a close eye throughout 2019 amidst first calls for PM Mahathir to complete his five year term but his personal reassurances to honour the power transition agreement [Strait Times 3].

Malaysia's government certainly has a full plate and the longer the current coalition is in power, the more they have to take responsibility and the less they can (justly) blame on their predecessor and their fiscal and monetary impunity. Najib's trial, meanwhile, is set to begin on February 12. This may provide some extra breathing room and a financial injection to state coffers should the trial go their way.

Thailand: LGBTI Rights and legalisation of medicinal Marijuana

(jk) Thailand's Cabinet has approved a civil partnership bill that gives limited legal recognition to LGBTI unions, but falls far short of equal rights. While acceptance of LGBTI couples appears high in Thailand, their legal status is far from that of heterosexuals and even the new bill – which still has to pass the National Legislative Assembly (NLA) to become law – does not change all that much. Crucial aspects such as right to adoption or the right to receive a spouse's public and private welfare would still not be recognised. Compared to neighbouring countries where the LGBTI community faces more legal challenges and discrimination, Thailand is relatively open-minded however and the bill is a step in the right direction according to activists. This does not change the fact that many Thais find homosexuality not to be compatible with Theravada Buddhism, the country's

main religion. Whether the NLA will even deliberate on this bill anytime soon is different matter – quoting a "backlog" of bills, all bets are off for now. [The Nation]

As the first Southeast Asian country, the military appointed legislature in Thailand has also – as "a new year's gift to the people", cleared the way for the legal, medical use of marijuana. The measure is expected to take effect next year and still needs approval by the head of state. Recreational use will remain illegal. [NYT] For a brief overview of cannabis and its history and use in Thailand, see [Forbes].

Thailand: Deputy prime minister in luxury watch scandal acquitted

(jk) The National Anti-Corruption Commission (NACC) has considered the findings of the probe into luxury watches worn by Deputy Prime Minister Prawit Wongsuwon. Gen Prawit's assets came under scrutiny when he was photographed wearing a luxury watch valued at about 75.000 USD, and a diamond ring, both assets he had not declared prior to assuming his post. Afterwards, around two dozen other watches and valuable rings in his possession came to light. Deputy PM's explanation that he had borrowed the watch and more than 20 others from a friend who had passed away was not received well by all. The NACC has however voted in a 5:3 vote to clear him of the charges. [SCMP] While the ruling was not necessarily unexpected, it is difficult to accept by many who claim justice has not been served. The commissioners have ruled that not enough evidence has been provided that support the claim that wealth was concealed or a false statement has been made. Activists have launched a campaign to impeach the five NACC members who have ruled in the Deputy PM'S favour. Their integrity and transparency has been questioned and they argue the case should be forwarded to the court's Criminal Division for Holders of Political Positions. [Bangkok Post]

Cambodia: Hun Sen opens a monument to himself

(jk) The Cambodian PM has opened a monument near the country's capital last week dedicated to his win-win policy which allowed most members of the Khmer Rouge to be incorporated into the government's military and bureaucracy after the end of their rule, and his government's legacy general. [SCMP]

Singaporean blogger sued by PM for defamation receives support from the PM's brother

(jk) The man was sued for defamation for sharing an article on Facebook which connects Singapore's PM with the 1MDB corruption scandal in Malaysia. PM Lee has said the article was false and had no basis in reality but is a mere smear campaign against him and his government. The blogger has in turn filed a counter-suit against the PM for alleged abuse of the court system to stifle freedom of speech. His crowdfunding campaign for legal fees was according to PM Lee's brother also supported by him, donating a "substantial amount" to the around 7000 USD the blogger is seeking to raise.

Earlier this month, an editor of Singapore news site was also charged with defamation for publishing a letter that alleged corruption among the government. [SCMP]

International Relations, Geopolitics and Security in Asia

China-US relations: Trade talks progressing

(dql) In the latest development of the trade dispute between China and the USA, both sides confirmed progress in trade talks following the Buenos Aires 'G20 truce', a suspension of news tariffs until 1 March 2019

[AiR 1/12/2018]. Referring to a phone call between him and Chinese President Xi at the weekend, Trump tweeted “big progress being made”, while China’s Foreign Ministry confirmed that “China stands ready to work with the US to implement the important consensus reached by President Xi Jinping and President Trump in Argentina.” [BBC]

In a related development, Beijing announced that the country’s new intellectual property (IP) court will begin hearing cases in January, a move to demonstrate efforts to better safeguard intellectual property rights and to appease Washington which has long complained about the insufficient protection of IP rights in China. Institutionally, the new appeals court will be a court on national level within the Supreme People's Court. It is expected that the court will provide more consistent criteria for adjudication in intellectual property cases aimed at strengthening judicial protection of intellectual property and further improving China's legal environment to promote scientific and technological innovation. [Straits Times]

Earlier last week, the government submitted a bill for a new foreign investment law to the Standing Committee of the National People's Congress, containing provisions aimed at better protecting foreign companies' intellectual property, including prohibiting forced technology transfer from foreign firms to their Chinese partners. [CNN]

China: Military aircraft surveillance flights over South Korea and Japan

(dql) Believed to be a move to boost surveillance of Japan and South Korea, a Chinese military aircraft, presumably a Shaanxi Y-9 electronic warfare and surveillance plane aircraft, last week flew into the country's air defense identification zones. South Korea's joint chiefs of staff confirmed that the aircraft entered South Korea’s air defence identification zone on three separate occasions, without providing any notice of its intent. [South China Morning Post]

Meanwhile, Japan’s Ministry of Defense (MoD) informed that the country's Air Self-Defense Force scrambled fighter jets to intercept the Shaanxi Y-9 surveillance plane while it was crossing the Tsushima Strait which connects the Sea of Japan, the Yellow Sea, and the East China Sea . [The Diplomat]

China's military modernization: Most powerful rail gun mounted on warship gone to sea

(dql) China is reportedly in possession of a futuristic electromagnetic railgun that may already be the most powerful cannon to ever roam the high seas.

First tested in 2014, China is believed to have successfully mounted the weapon on a navy warship for the first time toward the end of last year, when sea trials are suspected to have first started. [National Interest] [Business Insider]

China-Nepal railway taking shape?

(ls) As China will likely finish its new railway to the Chinese-Nepali border in 2020, the question whether Nepal is willing to extend the line on its territory to reach Kathmandu becomes increasingly important. The benefit for Nepal would be a second sea access besides the one leading through India. Moreover, trade with China would be facilitated. On the other hand, the costs of building the railway through the Himalayan mountains leave the question of financing still unanswered. Rubeena Mahato discusses the advantages and challenges of the project. [Firstpost]

TPP comes into force

(dql) The Trans-Pacific Partnership Agreement took effect Sunday, creating a free trade bloc that accounts for 13% of the world's gross domestic product, with Australia, Canada, Japan, Mexico, Singapore and New Zealand as 'starting six' trading under TPP-rules, Vietnam joining them on January 19 and Brunei, Chile, Malaysia and Peru following after they ratify the agreement. [Straits Times]

Japan-Russia relations: Moscow plans to boost missile defense capabilities on disputed islands

(dql) In a move expected to further strain Japanese-Russian relations, Moscow is considering to increase its missile defense capabilities on the disputed isles off

Hokkaido in northern Japan by 2020, according to a Russian government document. The plan reveals that Russia views the strategic importance of the islands for defending the Sea of Okhotsk and its nuclear force stronghold as well as for countering the increasing U.S. military presence in the area. [Mainichi]

India opens battle-ready bridge on border with China

(ls) India opened its longest rail and road bridge in northeastern Assam state as part of efforts to boost defences on its sensitive border with China. The Bogibeel bridge has been designed so fighter jets can land on it and heavy battle tanks cross on their way to Arunachal Pradesh, which borders China. Prime Minister Narendra Modi drove along the 4.9km (three mile) long bridge over the Brahmaputra river to inaugurate the project which has taken nearly two decades and US$800 million to complete. [South China Morning Post]

India and Bhutan review hydropower projects and agree to cooperate on space exploration

(ls) India and Bhutan reviewed the progress of hydroelectric projects in the Himalayan nation during a meeting between Prime Minister Narendra Modi and his Bhutanese counterpart Lotay Tshering in New Delhi. New Delhi has set up three hydroelectric projects in Bhutan. About three-fourth of the power generated is exported to India and the rest is used for domestic consumption. Moreover, PM Modi said that a ground station will be soon be developed in Bhutan by the Indian Space Research Organisation (ISRO) to reap the benefits of the South Asian Satellite. [NDTV]

India says it did not demand military outpost in the Maldives

(ls) Indian official sources said that the government has not sought the building of any kind of military facility in return for granting $1.4 billion assistance to the Maldives during Maldivian President Ibrahim Mohamed Solih's visit in New Delhi two weeks ago. There were reports that India was pressing for setting up a military base in the island nation in exchange for

the financial package to the country which is suffering from a financial crisis, allegedly partly due to Chinese debts. [Times of India]

Philippine Navy: Growing and is projecting greater strength in 2018

(jk) The Philippine Navy (PN), has in late 2018 for the first time demonstrated its capability to sail beyond its territorial waters during deployments to the US, South Korea, China and Russia. It has this year sent vessels to the RIMPAC exercises off Hawaii, to Vladivostok in Russia and the ASEAN-China Maritime Exercise (ACMEX) which took place in China. It has also launched surface-to-surface missiles from a multi-purpose and high-speed assault craft, in late November in the South China Sea and significantly upgraded the capabilities of these vessels that protect Philippine waters. More missile weaponry and missile-armed frigates are due to be added to the PN over the next years. [PTVN]

Coordinated bomb attacks in southern Thailand

(jk) The latest attacks that happened last week were a series of seven separate attacks in three different districts of Narathiwat province in the south of Thailand. The conflict between the mainly Malay-Muslim nationalist insurgents and the Thai military has been going on for at least the past 14 years and despite less people killed in the clashes over the last year in comparison, an end of the conflict is not in sight. [The Nation] The [Daily Beast] is publishing an interesting four-part story of a journalists' experience travelling across the border from Malaysia to Thailand.

Background Reading

Chinese President's visit to Brunei: progress and problems

(jk) While China has participated in all of Brunei's recent large-scale infrastructure projects, and has become its largest trade partner, China has not yet convinced Brunei to back joint development in its EEZ on Chinese terms, writes [ISEAS's] Ian Story.

An assessment of Narendra Modi's foreign policy

(ls) In an interview with the Harvard Political Review, Brahma Chellaney assesses Indian prime minister Narendra Modi's foreign policy approach. For instance, Chellaney holds that "Mr. Modi has emphasized … building closer ties with like-minded democracies like the United States, Japan, Australia, and European democracies. They have been his primary focus. At the same time, he has also sought to build partnerships around China's territory. Japan is very critical in that respect, so also are countries like Russia, Mongolia, Kazakhstan. For him, the ties with Russia remain very important because of the China factor." [Harvard Political Review]

Overview of important judgments of the Indian Supreme Court in 2018

(ls) India Legal has compiled an overview of major Supreme Court judgments in 2018, covering constitutional law, human rights, criminal law and other fields. [India Legal]

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