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Asia in Review

(4/5/2019)

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Dear Readers,

AiR's team is presenting you the fourth May issue of 'Asia in Review' updating you on the latest developments in geopolitics and international relations as well as constitutional politics, law reform and governance in Asia.

I wish you an informative read.

With the best wishes,

Henning Glaser

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

Webpage: www.cpg-online.de, Facebook: https://www.facebook.com/CPGTU/

Main Sections

- Law and Politics in East Asia

- Law and Politics in South Asia
- Law and Politics in South East Asia
- International Relations, Geopolitics and Security in Asia
- Background Reading

Law and Politics in East Asia

China: Wikipedia in all language editions blocked

(dql) Last week, Wikimedia foundation confirmed that Wikipedia has been blocked in all language editions in China since April. Prior to this move only the Chinese language edition of Wikipedia was inaccessible, while other language editions remained largely accessible with occasional interruptions.

The expansion of the ban comes ahead of the 30th anniversary of the student-led Tiananmen protests of June 4, 1989. [Reuters]

China: High profile corruption investigation

(dql) Liu Shiyu, the former chairman of the China Securities Regulatory Commission, the country's main securities industry regulator with ministry-level rank, faces a graft investigation over suspicion of breaking the law and transgressing party discipline. Liu had been at the top of the securities commission since 2016 before he assumed in January the post of deputy

party chief of the All-China Federation of Supply and Marketing Cooperatives, a state body that oversees a network of 30.000 agricultural co-ops.

The probe reflects President Xi Jinping's continued crackdown on corruption in the course which over 5.000 cadres have turned themselves in to the authorities since Xi's second term began in late 2017. [South China Morning Post]

South Korea: Police reform in the making

(dql) Officials of South Korea's presidential office, the government and the ruling Democratic Party reached an agreement to create a state investigative control tower as part of a push for police reform focusing on decentralizing power. The parties announced a set of reform measures under which police investigations will be led by bureau chiefs under the command of the head of the new control tower who will serve a three-year term, while top-ranking police officers, including the commissioner general, will be in charge of security and administrative affairs and excluded from directly overseeing investigations. Another reform measure includes the revision of laws to ban police officers handling intelligence from conducting illegal surveillance and intervening in politics. [KBS]

The move is widely seen as attempt to balance a reform bill under which the police is given more power to conduct investigation than in the past and to prevent power abuse of the more powerful police. [Korea Herald] [AiR 1/5/2019]

Japan: Snap elections to come soon?

(dql) Backed by recent steady approval ratings up to 48%, cabinet members and lawmakers of the ruling Liberal Democratic Party (LDP) are flirting with the idea to have the Lower House dissolved by Prime Minister Abe and a snap election called – coinciding with the Upper House election in July – when the opposition will submit a no-confidence motion at the end of a Diet session as it routinely does regardless of the chances of the motion's passage.

Under current constitutional law, the cabinet must dissolve the lower house or resign within 10 days, if a motion of no confidence is passed.

With a victory in the election, Abe would extend his term and buy time for policies which he has still yet to fulfill with two years remaining in the current term, including revising the constitution, concluding a peace treaty with Russia, and resolving the issue of North Korean abductions of Japanese citizens. [NHK] [Nikkei Asian Review]

Taiwan: First Asian country with same-sex marriage law

(dql) Backed by the votes of the majority ruling Democratic Progressive Party, Taiwan's legislature last Friday approved a bill legalizing same-sex marriage, making Taiwan the first Asian country with a comprehensive law both allowing and laying out the terms of same-sex marriage. Registration of marriages of same-sex couples are set to begin on May 24, including those marriages between Taiwan nationals and partners from one of 26 countries where gay marriage is legal.

The bill was ordered by Taiwan's Constitutional Court which in May 2017 rule that the denial of marriage rights to same-sex couples was unconstitutional and demanded a legislative remedy within two years.

With regards to President Tsai Ing-wen, who made a pledge on same-sex marriage in her campaign in 2016 and who celebrated the new law as "big step towards true equality" making "Taiwan a better country", observers have cautioned that might face a backlash of this victory in her presidential race in 2020 given a referendum in November last year in which 67% had rejected same-sex marriage. [CNN] [Focus Taiwan] [BBC]

Taiwan: Ruling and main opposition party finding their methods to elect presidential candidate

(dql) In a far-reaching decision, Taiwan's opposition Kuomintang (KMT) decided last week to switch from the format of a presidential primary for the 2020 election to a single nationwide opinion poll, with the candidate to be named by late July.

Under new rules, approved the KMT Central Standing Committee last week, the nomination of the party's presidential candidate will not be decided by registered party members at a primary but will be based on the results of a public opinion poll which will

be commissioned to five different polling institutions, each with a sample size of not less than 3,000. The poll will be held from July 5-15. The candidate with the highest average score will represent the party in the presidential race. [Focus Taiwan 1]

Meanwhile, the ruling Democratic Progressive Party is facing an internal feud over technicalities of its primary. While representatives of incumbent President Tsai Ing-wen and her challenger former Premier William Lai agreed on televised debates and also on the inclusion of mobile phone polling as part of the primary election, both sides failed to reach agreement on what percentage the mobile phone poll should comprise in the national phone survey. While the Tsai camp proposed 80 percent of the phone survey should comprise mobile phones, but said it would also accept the 50 percent proposed by the party's Central Executive Committee, the Lai camp wanted 20 percent of the phone survey to comprise mobile phones. [Focus Taiwan 2] [Taiwan News]

Law and Politics in South Asia

India: Polls close in national elections, data suggests P.M. Modi will retain power

(zf) Voting in India's marathon election ended late last week. In the final phase of voting, nearly 100 million people were eligible to vote. Uttar Pradesh, the most populous state in India, was among the constituencies that voted in the last round. In all, some 900 million Indians were eligible to vote in the elections. The results will be announced on May 23rd [Al Jazeera].

The tone of the election was generally fraught and bitter. The leaders of the two major national parties, Bharatiya Janata's (BJP) Narendra Modi and Indian National Congress' (INC) Rahul Gandhi, routinely hurled insults at each other over the course of the campaign. As the phases wound down, Modi routinely called Gandhi a "fool", while Gandhi derided Modi as a "thief." It is estimated that money spent on the election could top $7 billion, constituting it as one of the most expensive campaigns ever. [Bangkok Post] By contrast, the 2016 U.S. election (including congressional races) cost an estimated $6.5 billion. [Washington Post]

Exit polling data suggests that Prime Minister Narendra Modi will retain power. At least seven different exit-polling organizations throughout the country predicted BJP and its allies would win at least 280 of the 545 seats in the lower house. This would allow them to choose the next prime minister. If these numbers are confirmed in the official count, it would give BJP a decisive victory, generally outperforming many analyst's expectations. As for INC, while exit polling showed they improved on their dismal performance in 2014, they are expected to remain a distant second to BJP.

As the polls closed, INC's Gandhi criticized the Election Commission for "capitulation before P.M. Modi." He claimed that the election schedule was unfairly tilted to BJP's advantage, and also criticized it for promoting continuous coverage of the Prime Minister and his activities during the election at the expense of other parties. [The Hindu]

Despite these concerns, polling data clearly demonstrates continued popularity for Mr. Modi and his party. While Mr. Gandhi sought to run a campaign based on the ideals of a secular, multicultural India, his campaign generally struggled to garner widespread enthusiasm. Mr. Modi, by contrast, emphasized a tribal, Hindu-centric vision for the country, while at the same time maintaining a tough foreign policy stance, particularly in regards to archrival Pakistan. His ongoing popularity is all the more impressive given the significant economic concerns that his party has weathered over the course of his first term, including a unpopular demonetization scheme, high unemployment rates, and stagnant growth numbers. [Bloomberg]

Overall, BJP's strong performance signals continued support by voters across the globe to respond positively to nativist, hyper-nationalist politics. Emphasizing the importance of his Hindu identity, Mr. Modi spent the final days of the campaign on a pilgrimage to a remote shrine in the Himalayas; images

of him meditating in a cave were shared widely on social media. [NDTV]

Bangladesh, Nepal, Pakistan: Freedom of expression and the press under continued pressure

(ls) According to a Human Rights Watch report, three persons have been detained over critical online posts in Bangladesh. Two of them have been released since. Last year, Parliament revoked the rigid Information Communication and Technology (ICT) Act and replaced it with the Digital Security Act 2018, under which, however, crackdowns on freedom of speech have continued. According to the new Act, "propaganda or campaign against the liberation war, the spirit of the liberation war, the father of the nation, national anthem, or national flag" is punishable with life imprisonment. [Human Rights Watch]

In Nepal, domestic and international concerns over the curtailing of press freedom are growing. A new bill aims to create a new Media Council that would fall under the oversight of the ministry of communication and technology and could issue serious fines against journalists. Last year, the government already introduced new criminal provisions prohibiting journalists from providing information without prior consent or for satirizing an individual. Journalists have also been detained under the Electronic Transaction Act 2008. In February this year, the government tabled an Information Technology bill which proposed that the authorities be able to block any social media sites if they are not registered in Nepal. [The Wire]

The Nepali Times writes that, ever since the united Nepal Communist Party came to power, it has been taking incremental steps to gag the media. Not with a sudden, swift crackdown but softly, in instalments – a "creeping coup". The article provides several examples of this process. [Nepali Times]

In a special report, Dawn describes how journalists in Pakistan who dissent from the official narrative are subjected to prosecution by state authorities and how advanced forms of censorship is being used to silence them online. According to the report, a coordinated network of government supporters populates Pakistan's Twitter landscape, and the influence of propaganda accounts and such coordinated networks on national discourse has intensified recently. [Dawn]

Pakistan: Civil-military relations in spotlight over disagreements between P.M. Khan and army chief

(ls) Pakistan Prime Minister Imran Khan's relationship with the country's powerful army chief Gen. Qamar Bajwa appears to have deteriorated significantly. Bajwa is said to have put his weight behind a recent cabinet reshuffle that resulted in the appointment of the new Interior Minister, Brigadier Ijaz Shah. Shah was the director of the Intelligence Bureau under Pervez Musharraf and is alleged to have run terrorist operations in Jammu & Kashmir when he served in the Inter-Services Intelligence. He was accused of playing a key role in harboring Osama bin Laden and was named by Benazir Bhutto as someone plotting to kill her. According to the Economic Times, insiders say that Khan now wants to send a signal to the outside world that he is not the military's puppet and should not be treated as one. [Economic Times]

Pakistan: Opposition parties to hold protests and call an All Parties Conference

(cl) Leaders of the opposition parties on Sunday announced their plans to "launch protests inside and outside the parliament" and hold an All Parties Conference (APC) to "chalk out a joint strategy on how to tackle the problems facing Pakistan". The announcement was made by PPP chairman Bilawal Bhutto-Zardari at a press conference that followed an Iftar dinner which was attended by a delegation of arch-rivals-turned-allies PML-N and other major opposition parties. [Dawn]

While political analysts and media circles had given importance to the Iftar dinner, opposition leaders had tried to downplay the occasion, terming it "merely a get-together". However, background interviews with a number of office-bearers and members of the opposition parties revealed that an internal discussion on the "mode of protest" is going on in all the parties. The participants were unanimous that if they did not protest against recent government decisions to increase the prices of electricity, gas and oil, it would "politically damage" the PPP. Party members were, however, undecided on the timing and mode of protest.

Pakistan: More deadly attacks on police in Balochistan

(ls) At least four policemen have been killed and several others wounded after a bomb attack targeted their vehicles while they stood guard outside a mosque on last week's Monday in Pakistan's southwestern Balochistan province. The attack came only two days after gunmen stormed a five-star hotel in the southern Balochistan port city of Gwadar, about 700km south of Quetta, killing at least five people. The Baloch Liberation Army (BLA), an armed ethnic Baloch separatist group, claimed responsibility for that attack. In response, Pakistani security forces killed nine Islamic State militants in a raid. [Al Jazeera] [Reuters]

Pakistan: Legal issues related to detentions in ex-Fata continue to surface

(cl) With the merger of Federally Administered Tribal Areas (Fata) into Khyber Pakhtunkhwa last year, the legal issues related to detentions in those tribal areas have now been in focus. These issues include the continuous detention of hundreds of internees in different notified internment centres in former Fata and Provincially Administered Tribal Areas (Pata) as well as the cases of those suspects who had remained in custody of security forces for many years and were subsequently handed over to the administration in respective tribal districts.

When the Constitution (Twenty-Fifth Amendment) Act, 2018, was enacted in May 2018 and Fata and Pata were merged into Khyber Pakhtunkhwa, one major lapse on the part of the government was that no "saving clause" was included in said Act for providing protection to existing laws in Fata and Pata. The Pakistani Constitution considers Fata a part of the country, but explicitly bars the nation's courts and Parliament from exercising jurisdiction there. Rather, the law dates back to 1901, when British colonial forces introduced the Frontier Crimes Regulations, a truce with local tribesmen. [The Nation]

Significantly, the apex court has since ruled, on the issue of applicability of laws in tribal districts, that "whether they be residents of Fata on one hand or of Peshawar or Mardan, etc. on the other, they cannot be discriminated against and any classification between them despite being residents of the same province, with no obvious or reasonably deducible distinction between them, will be arbitrary and against the

recognised principles of natural justice and the rule of law". [Dawn]

Sri Lanka: Still no justice 10 years after end of civil war – New violence against Muslims

(ls) Sri Lanka marks 10 years since its bloody civil war came to an end in 2009 with the total defeat of the Liberation Tigers of Tamil Eelam (LTTE). Since then, the Sri Lankan government pledged to provide justice for wartime abuses and to take other measures to promote respect for human rights in a United Nations Human Rights Council resolution adopted in October 2015. However, Human Rights Watch has again pointed to the fact that most atrocities committed by both sides remained uninvestigated, resulting in a lack of accountability and the absence of reparations for the victims. [Human Rights Watch]

At the same time, many ethnic Tamils are still searching for missing relatives and family members, particularly in Sri Lanka's Northern Province. Unresolved disappearances of thousands of people linked to the LTTE remain one of the main contentious issues. An Office on Missing Persons was set up in September 2017 but has produced little results. [South China Morning Post]

Sri Lanka's President Maithripala Sirisena, however, marked the 10th anniversary by vowing to crush Islamist militants responsible for Easter bombings that killed 258 people. He said Sri Lankan security forces and intelligence units could use their experience in defeating separatist Tamil guerrillas a decade ago to meet the new challenge from religious extremists. The government has blamed a local extremist group for the April 21 attacks against three churches and three luxury hotels. [Straits Times]

Meanwhile, mobs slashed to death a Sri Lankan Muslim man despite a nationwide curfew after anti-Muslim riots spread to three districts north of the capital in a violent backlash against Easter suicide bombings. Police said there were sporadic incidents of mobs throwing stones and torching shops, motorcycles and cars owned by Muslims. Internet service providers said they have been instructed by the telecommunications regulator to block access to Facebook, WhatsApp, YouTube and Instagram. [The Hindu]

Authorities said that Buddhist groups were likely to blame for the riots. They arrested dozens of suspected rioters, including three described as Sinhala Buddhist hardliners who had been investigated for similar actions in the central province of Kandy last year. Buddhist hardliners, led by the Bodu Bala Sena (BBS) or "Buddhist Power Force" have stoked hostility against Muslims in recent years, saying Middle Eastern influence had made the community more conservative and insular. [Al Jazeera]

Law and Politics in Southeast Asia

Indonesia: Jokowi officially named winner of Presidential Election

(jk) Indonesia's General Elections Commission has officially named Joko Widodo as the winner of the Presidential Elections that were held across Indonesia in April. Although the announcement does not come as a surprise, it is relevant as it draws a line under allegations by the opposing camp led by former General Prabowo Subianto that the elections were skewed and that the results were somehow not valid. In fact, even after clear exit polls and preliminary results in favour of Jokowi were published by different reputable and widely trusted organisations, Prabowo went ahead and declared himself the winner. His camp has alleged vote-rigging and structural problems with the voting at many polling stations across the country.

While there have undoubtedly been some problems and issues as is almost inevitable with an election of that scale (the elections were in fact a combination of elections, including some legislative elections), no

evidence has been brought forward of systematic vote-rigging [Straits Times] and it is almost certain that even a recount or a new vote at the problematic polling stations would not altered the outcome. Winning margins were very clear with official results showing that Jokowi and his running mate Ma'ruf Amin received 85 million votes or 55.5 percent, while the Prabowo Subianto and Sandiaga Uno secured 68 million (44.5 percent).

Barring legal challenges - the Prabowo camp is still contemplating filing a challenge with the country's Constitutional Court - the KPU will officially name Jokowi and Ma'ruf as president and vice president later this week. [Jakarta Post] Since results have been announced, thousands of soldiers and police are stationed around Indonesia's election commission (KPU) HQ and across Jakarta. Prabowo supporters have announced they will protest against the results.

Philippines: Duterte allies win big in midterm elections

(zf) President Duterte and his allies secured a resounding victory in the midterm elections this week. Unofficial results show that all 12 of the Senate seats up for grabs are expected to go to Duterte allies, strongly consolidating his legislative power. While it was expected for Duterte allies to do well, the results confirm that Duterte's strongman policies – including a bloody war on drugs that has left an estimated 25,000 people dead – were not a deterrent to voters' support. [The Washington Post]

Up to this point, the Senate has been the one institutional body that has acted as a check on Duterte's more controversial proposals, including lowering the minimum age for crime prosecution to 9 years old, reviving the death penalty, and the ending of term limits. The opposition, a coalition of candidates known as "The Straight Eight," all lost their election bids. In a statement, an administration spokesman said, "The victory of the administration candidates and the shutout of the [Straight Eight] candidates send a strong message that our people yearn for stability and continuity of the genuine reforms that the administration started. He said the new Senate would help in "crafting the president's legislative agenda." But others cautioned that the new senators might not necessarily push through every law proposed by the Duterte administration. A political analyst at De La Salle University in Manila said that most of the new senators are, "tactical allies with their own points of

view," not through-and-through Duterte supporters. In a poll conducted before the elections, approval ratings for Mr. Duterte hovered around 80 percent. [New York Times]

Cyber-Security in Singapore: Red Cross website hacked, details of over 4,000 potential blood donors leaked

(cl) A hack of the Singapore Red Cross (SRC) website, likely helped by a weak administrator password, is the latest of a string of data breach incidents affecting health-related organisations in Singapore. [Today] [Channel News Asia].

The incident is yet another breach of personal data privacy in the past few months. In March, the Health Sciences Authority (HSA) said that the personal information of more than 800,000 people who had donated or registered to donate blood in Singapore since 1986 was improperly put online by a HSA vendor for more than two months. [Straits Times] In January, the Ministry of Health revealed that the confidential information of 14,200 HIV-positive individuals had been leaked online. [Straits Times 2] Last year, Singapore experienced the "most serious breach of personal data", with 1.5 million SingHealth patients' records accessed and copied while 160,000 of those had their outpatient dispensed medicines' records taken, according to the Ministry of Health and Ministry of Communications and Information. [Channel News Asia 2]

Timor-Leste wants to become world's first plastic-neutral nation / regulations on shipments of plastic waste

(jk) Timor-Leste has signed a memorandum of understanding with Australia based Mura Technology for the development of a $US40 million chemical recycling plant. It aims to recycle all its plastic waste turning 100 percent of used plastic into new products rather than producing waste. [University of Sydney]

According to scientists, over eight million tonnes of plastic are dumped in the world's oceans each year. Asian countries such as China, Vietnam, Indonesia, the Philippines and Thailand are among the main polluters as in some cases, in addition to their own waste, other countries export their rubbish in particular to

Southeast Asian nations. Last week, the UN agreed to amend the Basel Convention to make global trade in plastic waste more transparent and regulate it better to curb such trade. This step, as well as the plant that is planned to begin to operate in 2020 in Timor-Leste are small but hopeful steps in improving plastic waste management. [Straits Times] Thailand, another country heavily involved in producing plastic waste, recently set a target to recycle all plastic in the country by 2030. [Bangkok Post]

Incidentally, ties between the Philippines and Canada have been deteriorating since a Canadian company sent 100 shipping containers that included rotting rubbish wrongly labelled as recyclable to Philippine ports in 2013 and 2014. In April, Duterte threatened to unilaterally ship the rubbish back to Canada. [New York Times].

While Canada has since said it is working to arrange for the containers' return since Manila set a May 15 deadline, it has not said when exactly this would happen. [Channel News Asia] On Thursday, Philippine Foreign Secretary Teodoro Locsin said letters recalling the ambassador and consults to Canada have been sent as Canada missed the May 15 deadline.

In "New Malaysia", reality bites a year after historic Pakatan Harapan victory

(cl) Debates are raging as to whether the new government has performed or not. For the new opposition, the government has failed on the two things that seem to matter to them most, despite the fact that these same issues were among those that caused them to lose: race and religion. [Straits Times] Support for the government fell to just 39% in March, sharply down from the 66% rating in August 2018, according to a survey by independent pollster Merdeka Centre.

Following protests by Malays and a series of by-election defeats for the ruling Pakatan coalition this year before a recent win in Sandakan [Chanel News Asia], many of its planned policies have been put on the backburner. For instance, as AiR readers know, Malaysia has rolled back efforts to abolish the death penalty and revoke repressive security laws after pro-Malay groups raised objections. [Channel News Asia 1]

Most recently, the increase in the number of places on the government matriculation programme, of which 90% of places are reserved for the indigenous Malay population, has drawn flak from minority ethnic

groups. Many non-Malays had hoped that the one-year-old Pakatan Harapan (PH) government would move away from race-based policies. However, this move signals an administration treading lightly around Malay ethnic privilege, especially after it suffered a string of by-election losses that indicate wavering support from Malay voters. [The Diplomat] Amid this tussle between the PH government and Malay groups, a debate has broken out over postage stamps bearing a local church, which Malay rights group, Isma, said was "another example of Muslims being bullied" since PH won power, but was quickly rebutted by a civil rights lawyer who pointed out that the stamps were first issued in 2016 when Barisan Nasional was the government. [Straits Times 2]

Malaysia plans stiffer penalties for pollution offences

(cl/jk) More awareness of environmental issues as well as a recent controversy over illegally imported plastic waste have prompted work on a new Environment Act, which would incur much heavier penalties than the current Environmental Quality Act of 1974. Should it come to pass, fines of up to US$ 1.2 million would be imposed for environmental offences which deal with restrictions against air, noise, land and water pollution, as well as open burning. [The Star] Most of the pollution offences also come with up to five years in jail and additional fines on a daily basis. A trust fund is also being set up to reward whistle-blowers for effective enforcement. [Straits Times]

The new laws have been in the making since March, when the Energy, Science, Technology, Environment and Climate Change Minister announced that the government was planning to introduce a law to compel those who pollute to pay for the clean-up operations and other damage that they cause.

The moves also come in the wake of the recent toxic waste dumping into Johor's Sungai Kim Kim river, which at its peak sent more than 4,000 people to hospitals. [New Straits Times] Malaysian authorities have charged a Singaporean and two Malaysian nationals over the incident. [The Star]

Malaysia forcibly returns Thai Asylum Seeker

(jk) According to Human Rights Watch, a Thai political activist who was registered as an asylum seeker by the United Nations High Commissioner for Refugees (UNHCR), was returned to Bangkok last week. Earlier in April she was arrested by Malaysian police at the request of Thai authorities. She had fled Thailand and applied for refugee status with the UNHCR for fear of unjust prosecution and her overall safety in Thailand where she is accused of sedition and organized crime for her involvement an anti-monarchy group. She was then designated a "Person of Concern". [HRW]

Vietnam ranked as 176th out of 180 countries in the 2019 World Press Freedom Index

(cl) Vietnam's media environment is one of the harshest in Asia, according to the US government-funded rights group, Freedom House, which labelled the Press Freedom Status in the country as "not free". Recently, Vietnam was ranked 176th out of 180 countries in the 2019 World Press Freedom Index. [Reporters without Borders] Reporters without Borders, which published the annual list, said the "level of terror has risen sharply in the past two years, with many citizen-journalists being jailed or expelled in connection with their posts". At least 30 journalists and bloggers are now held in Vietnam's jails, where mistreatment is common, it added. [Reporters without Borders 2]

According to Human Rights Watch, Vietnam's government remains "one of the most intolerant in the region". [Human Rights Watch] Various journalists stated that local reporters are issued guidelines on reporting and government minders accompany journalists during reporting trips. They added that representatives of foreign media reporting outside the capital need official permission to travel and are asked to list specific details of their interviews, including questions to be asked. [Aljazeera]

Authorities have also been accused of using intimidation tactics against journalists, while strict surveillance has forced many into self-censorship and caused "fear and paranoia". The government and ruling party own most of the country's press, and while there are several privately-owned news outlets, they are tightly controlled by the state. [International Media Support]

Thailand: New Thai Senate/discussion about coalition options continue

(jk) After the election results have officially been announced, Thailand's political landscape is far from settling down. Last week, King Vajiralongkorn endorsed the 250 newly selected members of the upper chamber of Thailand's parliament. As had been widely expected, the selection of Senators strongly indicates that the pro-NCPO Phalang Pracharat Party will form the next government. Many Senators are former Ministers or lawmakers that were part of the NCPO government, and some are active-duty military commanders such as Army Chief Apirat Kongsompong. General Preecha Chan-ocha, the PM's brother, will also be a member. According to the constitution, the Senate, in particular over the coming five years, will be a very influential body and without its support, it will be very hard to govern. [ISEAS]

As for the lower house, potential coalitions are still being discussed widely. The Bhumjaithai Party has decided to hold talks with other parties which also remain undecided. They have again refuted rumours from last week that it is attempting to set up a "third alliance" between them, the Pheua Thai bloc and the Democrat Party its leader Anutin Charnvirakul as prime minister, but a meeting of its 51 MPs in has failed to produce a clear-cut decision.

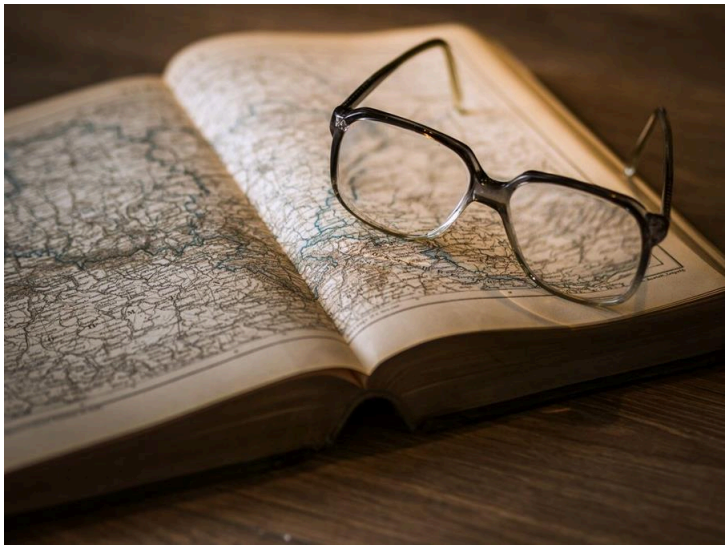
The Democrat Party itself is essentially faced with three options and also remains undecided. They could join either of the two camps - pro or contra the current government- or indeed remain independent and not join either faction. An excellent summary and analysis of the options is provided by former Foreign Minister and Democrat Party Member H.E. Kasit Piromya in his newly established and highly recommendable [youtube channel]. He recommends to remain independent of both the Pheua Thai as well as the Phalang Pracharat block.

In addition to the two parties mentioned, Chartthaipattana Party (10 seats), and the Chartpattana Party (3 seats) have yet to announce their decisions on questions of coalition.

Future Forward Party leader Thanathorn Juangroongruangkit announced last week that his party would be ready to take the lead in forming a coalition government and that he was ready to be prime minister. This of course is highly unlikely to happen and in addition to the fact that he would struggle to receive any kind of support from the Senate, he still faces numerous legal cases which could

see him lose his seat in parliament, be banned from politics for a significant number of years or even go to prison. The Election Commission has found "sufficient evidence" that he violated election regulations by holding stakes in a media firm after registering as an MP candidate and forwarded the case to the Constitutional Court [KhaoSod]. The Court will decide later this week whether or not it will consider the case. [Bangkok Post] Adding to these legal troubles, a new charge of defamation might be filed against him after Thanathorn spoke at a public panel discussion in Bangkok last week where he claimed that a senior Phalang Pracharath member had approached his mother with an offer to drop charges against him. [Khaosod]

International Relations, Geopolitics and Security in Asia



China-USA relations: Trump's executive order against Huawei and US Department Home Security's warning of Chinese drone companies

(dql) Citing a "national emergency", US President Trump last Wednesday signed an executive order [White House] giving the Secretary of Commerce the power to block US companies from purchasing foreign-made telecommunications equipment deemed a national security risk. While the order does not name specific countries and companies, it is widely seen as the latest strike of the Trump administration against

China's telecoms and smartphone manufacturing giant Huawei.

The Commerce Department's echoed this with a separate announcement on placing Huawei and affiliates of the company on a list of firms considered a risk to national security. The listing requires Huawei to seek approval from the US government before purchasing US-American parts and technologies without seeking. [New York Times]

Meanwhile, CNN is citing a report of the US Department of Homeland Security which warns of threats from Chinese drone companies referring to "certain Chinese-made (unmanned aircraft systems)-connected devices capable of collecting and transferring potentially revealing data about their operations and the individuals and entities operating them, as China imposes unusually stringent obligations on its citizens to support national intelligence activities." [CNN]

Washington's moves come after a number of high-level trade talks in the past months failed to yield a trade deal to end the trade dispute between the world's two largest economies and have led to the resumption of tit-for-tat tariffs. [AiR 3/5/2019]

In phone conversation with US Secretary of State Mike Pompeo, China's top diplomat Wang Yi stressed China's fierce rejection of recent US remarks and actions damaging Chinese interests in various fields, including cracking down on Chinese enterprises' normal operations through political measures, and urged Washington "not to go to far", but "to adopt new way and prevent deepening damage to Chinese-US relations". [Xinhua, in Chinese]

US warship sails in disputed South China Sea

(dql) Guided-missile destroyer USS Preble on Sunday sailed within 12 nautical miles of the disputed Scarborough Shoal in the South China Sea. According to the spokesman for the Seventh Fleet, the operation, which comes at a time of heightened tensions between China and the US following the re-escalating trade dispute, was carried out to "challenge excessive maritime claims and preserve access to the waterways as governed by international law'. [The Guardian]

China-European Union trade relations: Progress and constraints

(dql) China and the European Union signed aviation deals under which recognition of each others' evaluations and certifications for aeronautical products will be facilitated and flights between the 28-nation European Union and China will be easier for EU and Chinese airlines. European Commission President Jean-Claude Juncker hailed the agreements as "big step" towards creating jobs, boosting trade and accelerating economic growth. [Reuters]

At the same time, the European Union Chamber of Commerce in China announced results from its annual survey involving 585 European companies. Among other findings, forced technology transfer for market access was reported by 20% of the members, compared with 10% two years ago. Another complaint refers to the failure on the Chinese side to live up to promises to improve its business environment for foreign companies. Despite these frustrations, European officials expressed that they do not support the use of tariffs as a solution. [Bloomberg]

USA approves missile sales to Japan and South Korea as tensions with Pyongyang return

(dql) The US State Department last week approved over 600 million USD in air defense missiles sales to Japan and South Korea, including 94 SM-2 missiles used by ships against air threats, along with 2 guidance systems, and 160 anti-air AMRAAM missiles and related guidance equipment to Japan. [Japan Times]

The move comes after North Korea last week tested what the South Korean military said appeared to be two short-range missiles in its second launch in less than a week and after North Korean leader Kim Jong-un called for "full combat posture" after the seizure of a North Korean cargo ship by the US. [AiR 3/5/2019]

Japan seeks arbitration panel over South Korean wartime labor compensation claims

(dql) Japan has called for the setup of an arbitration board to rule over compensation claims of Korean victims of forced labor during Japan's rule on the Korean Peninsula from 1910 to 1945. The move follows failed efforts over the past months to resolve through diplomatic channels the dispute over contentious rulings of the South Korean Supreme Court ordering compensation payments for Korean forced to work for Japanese companies during wartime.

Japan claims that the 1965 pact between both countries has declared compensation issues involving Japan's colonial rule as "settled completely and finally." The South Korean Supreme Court, however, argued in its rulings last year that the 1965 pact does not apply to "claims for consolation money" for "inhuman, illegal acts by Japanese firms that were directly linked to the illegal colonial rule." [Japan Times]

According to the pact, disputes should be settled through diplomatic channels. Matters in which those channels are exhausted without success should go to arbitration. In this case the two countries are to select a third-party arbitrator on their own, or have appointments made if they cannot decide. South Korea has to respond to Japan within 30 days of receiving its official letter.

Inter-Korean relations: South Korea provides 8 million USD aid package to ease humanitarian crisis in North Korea

(dql) As North Korea faces a humanitarian crisis in the wake of the country's worst harvest in decades, South Korea announced last week that it would provide – through the World Food Program and the United Nations Children's Fund – 8 million USD in humanitarian aid to help North Korea's malnourished children and pregnant women.

The South Korean government stressed that the aid would be provided regardless of stalled talks on the denuclearization of North Korea. [The Diplomat] [New York Times]

Japan pushes for deepening cooperation with Central Asian countries

(dql) Japan's Foreign Minister met with his counterparts from the Central Asian countries Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan to

promote Japan's high-quality infrastructure exports to this region.

The joint statement confirmed the importance of investment "based on international standards", the significance of Japan's infrastructure investment based on transparency and fiscal soundness of the recipient countries as well as efforts to boost tourism cooperation between all countries. [Japan Today]

The meeting was held in Dushanbe, the capital of Tajikistan, and came at a time when China assertively and rapidly expands its influence in the Central Asian region through its "Belt and Road" initiative.

Kashmir: Militants, civilians and soldiers killed in clashes

(ls) Five militants, two civilians and two soldiers were killed in two separate encounters in Pulwama in Jammu and Kashmir on Thursday. According to the police, three Jaish-e-Muhammad (JeM) militants were killed during a cordon and search operation in Pulwama's Dalipora area. In a separate gunfight, security forces killed two militants at Shopian's Handew village. [The Hindu]

The incidents triggered anti-India protests and clashes as hundreds of residents tried to march to the site of the battle in solidarity with the fighters despite security lockdown in the area. Government forces fired shotgun pellets and tear gas at protesters who threw stones at them. [Dawn]

Pakistani skilled workers to get jobs in Japan following new type of working visa

(cl) Pakistan and Japan are exploring ways to expand cooperation for employment of Pakistani skilled workers in Japan. Japan is facing serious labour shortage, and the government has decided to accept foreign human resources, with specific expertise and skills. A new "Status of Residence" for specific skilled workers has been created that became effective on April 1. For this purpose, the Japanese government has amended the "Immigration Control Act" and took comprehensive measures for the acceptance of foreign workers residing in Japan. [The Nation, Ary News]

The Japanese government has already signed a memorandum for cooperation with the Philippines,

Cambodia, Mongolia, Myanmar and Nepal. Agreement with Vietnam has been reached substantially. [Mainichi] In February, Pakistan and Japan had signed a memorandum of cooperation in Tokyo on technical intern training programme. This is the first institutional arrangement between the two governments which will open up Japanese market for Pakistani workers. [Infoomni]

It is said that the intern training programme was different from the skilled worker programme, and it would establish a direct link between the Pakistani and Japanese companies in the private sector. The two sides would liaise to connect the Pakistani interns with the Japanese companies. The memorandum could play a vital role in contributing to the human resource and economic development of Pakistan as well as in promoting bilateral cooperation. [Dawn]

Singapore and Malaysia meet to discuss maritime boundaries

(cl) Singapore and Malaysia held discussions on the delimitation of maritime boundaries, following a dispute that flared up last year. A committee set up to resolve the issue met for the first time last week.

The dispute was sparked when Malaysia unilaterally extended the Johor Bahru port limits off Tanjung Piai, which overlap with Singapore's port limits off Tuas. [Straits Times] In response, Singapore had extended port limits of their own and its Maritime and Port Authority issued a circular in November instructing ship masters and owners of vessels to disregard Malaysia's notices, "which impinge on Singapore's sovereignty". [Channel News Asia] Earlier in April, Malaysia and Singapore had mutually suspended the implementation of their overlapping port limits, going back to the port limits in place prior to the dispute to reduce tensions. [Today]

Vietnam and Malaysia agree to enhance economic cooperation and work closer together

(jk) The countries' two Foreign Ministers met last week and agreed to enhance economic cooperation to US$15 billion by next year, as well as reducing trade barriers and increasing exchanges of high-ranking delegations to deepen the strategic partnerships. They also explicitly committed to promote and sign new

cooperation agreements in defence and security. [Vietnamnews]

ASEAN, Chinese officials convene meeting on the implementation of the Declaration on the Conduct of Parties on the East Sea / South China Sea

(cl/jk) The ASEAN-China joint working group on the implementation of the Declaration on the Conduct of Parties on the East Sea (DOC) met last week to look into the situation on the East Sea/ South China Sea, review the implementation of the DOC and continue negotiations on the Code of Conduct on the East Sea (COC).

Addressing the meeting, head of the Vietnamese delegation Deputy Foreign Minister acknowledged the progress made in the implementation of the COC and negotiations for the COC. [Viet Nam News] At the same time, he shared Vietnam's concerns about complications in the East Sea caused by strategic competition among powers and unilateral actions that ran counter to the 1982 United Nations Convention on the Law of the Sea, particularly military actions, which have undermined trust.

Emphasising that the East Sea was facing other challenges such as illegal, unreported and unregulated fishing, population and plastic waste, the Deputy FM Dung informed the meeting that Vietnam would organised a seminar within the framework of the DOC on the fair and humane treatment of fishermen.

Despite the meeting and continued efforts, after over two decades of working on a COC, or some version thereof, the objective observer will find it hard to believe that a COC, let alone one that will be abided by, is going to be achieved anytime soon.

Philippines prefers Chinese cash rather than US "strategic confusion" in South China Sea, says foreign minister

(cl) The US is projecting "strategic confusion" in the South China Sea, the Philippines' Foreign Affairs Secretary, Teodoro Locsin, said. This has prompted the Philippines to deepen its ties with China, preferring China's offer of loans and investments in the absence

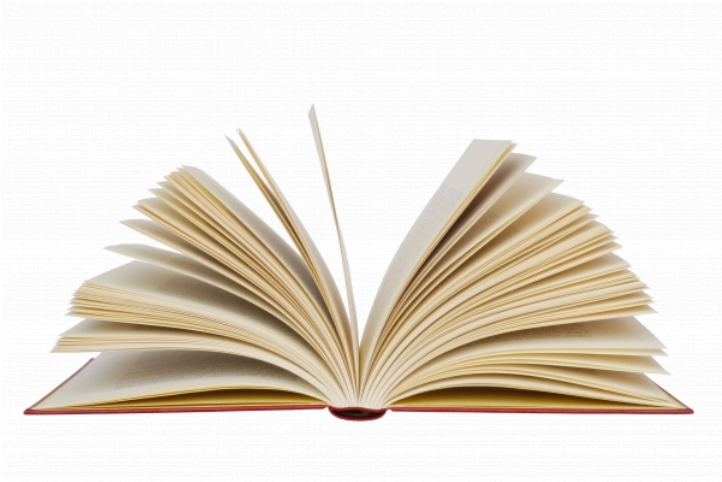
of a clearer stance from the US. [South China Morning Post]

However, Locsin also said that the Philippines feels "very assured" by US officials' statements that "we have your back", and stresses that the Philippines continues to be a US military ally and will come to its side if conflict erupts. US Secretary of State Mike Pompeo has also assured Manila of the Trump administration's commitment to making sure the South China Sea remains open. [Rappler]

Tensions have flared between the US and China in the resource-rich South China Sea amid the two sides' ongoing trade war. The US sent two warships near disputed islands earlier this month, a move that drew opposition from China. [Bloomberg]

Duterte plans to further boost ties with China, Locsin said, adding that Manila's renewed friendship with Beijing had resulted in infrastructure funding, trade deals and investments. Locsin said, "our defence treaty with the US does not preclude increasing or deepening economic relations with China". He also stressed that the Philippines will not yield its South China Sea claims in exchange for improved economic ties, adding that his department will file more diplomatic protests against China over the continued presence of its ships near a Philippine-occupied island in the disputed sea.

Background Reading



India: How Ayodhya became the main battleground of Hindu nationalist politics

(ls) In a New York Times opinion piece, the rise of Hindu nationalist politics in India is exemplified in the

fate of the city of Ayodhya, considered holy by Buddhists, Jains and Muslims, and believed by most Hindus to be the birthplace of Ram, one of Hinduism's most revered deities. The author describes how the city transformed since the violent clashes of 6 December 1992 and, more recently, how Prime Minister Modi and his party have been seeking re-election by promising the Hindu majority that their interests will take precedence over those of the Muslim minority. [New York Times]

Constitutional guardianship in Nepal

(ls) More than three years after the adoption of Nepal's Constitution, an opinion piece in the Nepali Times describes how the country's constitutional court has yet to embrace one of its most important roles: framing and shaping the course of constitutional federalism, particularly regarding intergovernmental relations. The authors argue that this has contributed to ongoing legal and jurisdictional paralysis, which hampered effective functioning of provincial and local governments. [Nepali Times]

Facebooking in Myanmar: From Hate Speech to Fake News to Partisan Political Communication

(jk) Facebook is incredibly wide-spread in Myanmar. It is used for all kinds of communication and provides plenty of opportunity to communities near and far from cities. At the same time, the platform is notorious for hate speech and fake news. The government seeks control and regulation over social media by establishing a monitoring body and preparing a cyber law. Facebook itself has removed accounts and pages allied with or supportive of the Myanmar military, and those that are engaged in coordinated deceptive behaviour. How can one control what is on Facebook without hampering its useful and necessary applications for an opening country? [ISEAS]

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German-Southeast Asian Center of Excellence for Public Policy and Good Governance - CPG
Room 204, Faculty of Law, Thammasat University, 2 Prachan Road, Bangkok 10200, Thailand

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