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Asia in Review

No. 34, August/2019, 3

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Dear Readers,

AiR's team is presenting you the third issue of 'Asia in Review' (AiR) in August 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

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Law and Politics in East Asia

China/Hong Kong: First peaceful protest since weeks

(dql) At the weekend, hundreds of thousands of protesters again took to the streets in Hong Kong to demonstrate against the suspended extradition bill signaling a continued broad support for the protest movement among the city's population. While the protest organizers claimed that 1.7 million people participated in the march, the police put the number at 120,000. Different from the protests in the past weeks, this weekend's march remained peaceful. [CNN]

In a separate rally, tens of thousands of people marched on Saturday to express support for the police, with some waving Chinese flags. [Hong Kong Free Press]

For an account on how Hong Kong's police over the past weeks reached at a position of strength following wide criticism by the public see [South China Morning Post].

Meanwhile, video footage has shown members of China's paramilitary People's Armed Police and the regular police holding a drill in Shenzhen across from Hong Kong. The exercise is widely seen as threat

against the anti-extradition bill protesters whereas Beijing denied any direct relation to Hong Kong. [Reuters]

In another development, indicating growing pressure from China, Twitter and Facebook announced that they have suspended and removed accounts, pages and groups alleged to be part of a Chinese government-backed campaign or China-originated network aiming to sow political discord in Hong Kong and to undermine "the legitimacy and political positions of the protest movement on the ground." [The Verge]

China's internet censorship: Beijing set to soften VPN stance

(dql) In an attempt to attract foreign investment, the city of Beijing has announced plans to permit investments of overseas firms in virtual private network (VPN) services with a 50% cap of foreign ownership within a trial zone by the end of the year.

The move signals a shift in China's internet policy, as Chinese authorities in the past imposed stringent laws around VPN products and services, even jailing those who dared to sell VPNs in the country illegally, to uphold a very restrictive filtering system. Currently, China blocks access to 135 of the world's top 1,000 websites, including Google, Facebook, Twitter and YouTube, with individuals and organizations only able to access the internet through channels provided by the government. [Tech Radar] [Tech Nadu]

Meanwhile, Chinese authorities have detained a former journalist accused of "picking quarrels and provoking troubles". He became notable after calling on the US to help "tear down" Beijing's online censorship regime during a 2014 meeting with then US-Secretary of State John Kerry. [Channel News Asia]

Taiwan: New pro-independence political party created

(dql) Following the establishment of two new political parties, the Formosa Alliance [AiR No. 30, July/2019] and the Taiwan People's Party [AiR No. 33, August/2019] in recent weeks, a third new party has been launched in form of the Taiwan Action Party Alliance which, according to its leaders, aims to make Taiwan a "normal, independent country" under a new name "Republic of Taiwan". [Taipei Times]

While the party announced that it will not nominate a candidate for the 2020 presidential election, it will run in the legislative election rivaling the ruling Democratic Progressive Party to win votes among Taiwan's independence-leaning electorate.

Law and Politics in South Asia

India: Amendment to Anti-Terror Law

(jk) The Indian Parliament earlier this month approved the Unlawful Activities (Prevention) Amendment Bill, 2019 that seeks to amend the Unlawful Activities (Prevention) Act from 1967. It is an amendment to an anti-terror law, giving powers to the central government to designate individuals rather than organizations as terrorists and seize their properties.

The bill faced stern opposition based on the fact that the provision can be easily misused by the government against its critics and can lead to a number of human rights violations. The designation of individuals is the main bone of contention, but the Home Minister has assured that the government would never misuse its provisions, that there will be sufficient scrutiny before any designation and that the bill will only help to combat terrorism. [Rajya Sabha TV]

India reimposes some curbs in Kashmir as protests continue

(jk/td) Indian authorities reimposed restrictions on movement in parts of Kashmir after overnight clashes between residents and police in which Indian troops fired tear gas, irritant pepper grenades and pellets to disperse protesters.

Despite promises to ease restrictions imposed on the region after the weekend [Wire], there are currently no sign of detainees being released or internet and mobile phone services being restored. [Reuters] [CNN News]

AFP reports that thousands of people have been detained over fears of more outbreaks of unrest, including more than 4 000 under the Public Safety Act, allowing authorities to imprison people for up to 2 years without charge. Many detainees are flown out of Kashmir as prisons are at their maximum capacity. [Straits Times]

Nepal: PM KP Oli says he will not step down

(jk) KP Oli became prime minister for the second time in February 2018 when he was sworn in after a communist alliance won a landslide victory in the elections, winning almost two-thirds of all seats. Allegedly, at the time and amidst negotiations to unify, a power sharing agreement was made between his party and the Communist Party of Nepal (Maoist), led by Pushpa Kamal Dahal ''Prachanda'', that would see Oli hand over power to Prachanda after half of his five-year term. Since the parties unified and created the Nepal Communist Party, cracks in the ruling party remained visible despite a "unified face". [Kathmandu Post 1]

Now, two-and-a-half years in, PM Oli has addressed parliament on the matter and made a clear that he intends to “remain as the Prime Minister of the country until the next election". [Kathmandu Post 2]

Sri Lanka: General accused of war abuses named army chief

(jk) Maj. Gen. Shavendra Silva was appointed as the new Commander of the Sri Lanka Army this week. Human Rights Groups accuse him of grave human rights abuses during Sri Lanka's civil that ended in 2009. [NewsFirst] [Star Tribune]

Law and Politics in Southeast Asia

Indonesia: President Jokowi proposes to move capital to Borneo

(ls) A day before Indonesia's Independence Day holiday, President Joko Widodo ("Jokowi") suggested in a speech to parliament to move the country's capital from Jakarta to a place in Kalimantan, on the Indonesian side of the Borneo island shared with Malaysia and Brunei. Moving the capital to a safer, less congested location would cost up to $33 billion, according to planning minister Bambang Brodjonegoro. [Reuters]

The major underlying reason for the plan seems to be an environmental one as Jakarta is overdeveloped and overcrowded. The government is expected to choose the new administrative capital from three regions on the island of Borneo - in East Kalimantan, Central Kalimantan and South Kalimantan. [Straits Times]

It would not be the first Southeast Asian capital to be moved. In 2005, Myanmar changed its capital from Yangon to Naypyidaw. In Malaysia, Mahathir Mohamad built an administrative capital in Putrajaya, about 33 km from Kuala Lumpur, in the 1990s.

Indonesia: Constitutional Court rules in favor of woman accused of photoshopping her way to election win

(td) Indonesia's Constitutional Court has ruled in favor of senator-elect Evi Apita Maya from West Nusa Tenggara (NTB) and thereby rejected a legal challenge filed by her rival who accused her of excessively editing her ballot photo to attract more voters in April's legislative election. The court could not find a relation between the use of a digitally enhanced profile photo and the voters' preferences. Justice Suhartoyo said: "It is hard to measure the relevance of a candidate's photo on the ballot with their chance of winning, as each voter has his or her own preferences in casting their vote and they keep their choice private." [The Jakarta Post]

Malaysia: High Court postpones Najib's 1MDB trial to August 26

(td) Malaysia's High Court has postponed the highly anticipated trial of former Prime Minister Najib Razak involving 1Malaysia Development Bhd (1MDB) to make way for the completion of his trial involving the misappropriation of RM42mil in SRC International Sdn Bhd funds. After hearing submissions from both parties, the court allowed to postpone the hearing to August 26.

As for the ongoing trial, Najib faces seven charges, three of which are for criminal breach of trust, one for abuse of power and three for money laundering involving SRC International funds totalling RM 42 mil. He is also facing four separate charges under the Malaysian Anti-Corruption Commission (MACC) Act and 21 counts of money laundering involving 1MDB funds amounting to RM 2.28 bil. He is alleged to have committed the offences between 2011 and 2014. [The Star] [The Borneo Post]

Malaysia: Protests against government's decision to renew rare earth plant license

(ls) Hundreds of protesters showed up at Taman Gelora in Kuantan to express their displeasure at the recent announcement by the Malaysian government that a license extension would be granted to the Malaysian unit of Australian rare earths producer Lynas Corp. The protesters accused the ruling Pakatan Harapan coalition of breaking earlier promises to shut down the site. Moreover, the government's decision to scrap a requirement for the rare earth plant to ship back its feared radioactive waste sparked a public outcry. [Straits Times]

Myanmar: Severe fights in Shan state – Return of Rohingya refugees taking shape

(ls) In Myanmar's Shan state, the Northern Alliance, a collection of armed groups in the region, attacked an elite military college and other government targets, killing at least 15 people. The attacks mark a major escalation in a decades-old conflict in the region. Though a ceasefire agreement was recently extended until 31 August, the Northern Alliance said it was responding to recent army action in ethnic areas. [Reuters]

The area around Lashio is marked by a patchwork of ethnic rebel groups fighting the military for more autonomy and control over land and resources. It is also home to what experts believe is the world's largest methamphetamine-producing region, fueling a complex web of conflict. [Straits Times]

As to the country's other hotbed of violence, Rakhine state, the government of Myanmar has confirmed that 3,450 Rohingya refugees are eligible to return from Bangladesh. Over one million Rohingya are now living in refugee camps in Bangladesh's Cox's Bazar but most fear return to Myanmar over concerns they would be placed in large government camps. [The Guardian]

Thailand: Ruling coalition loses one party

(ls) Thailand's ruling coalition has lost one party. The Thai Civilized Party, with one seat in parliament, is leaving the coalition less than a month after the Cabinet was sworn in. Its leader, Mongkolkit Suksintharanon, said the party is unsatisfied with government policies and will become an independent opposition. The development moves the government closer to losing its thin majority. [Bloomberg]

In a separate press conference, nine other small parties - each with one parliament seat - pledged continued support for Prime Minister Prayuth's 18-party coalition. [Khaosod English]

However, also the Thai Forest Conservation Party threatened to withdraw from the coalition government if it implements projects that will adversely affect forest resources. In response, Deputy Prime Minister Prawit Wongsuwon said, "Don't make threats. The government is not breaking any laws. During the past

five years, we have never done anything that is against the law." [Bangkok Post 1]

Prawit himself has been appointed chief strategist of the Palang Pracharath Party (PPRP). In the past, he has always denied having ties with the PPRP, provoking scepticism among political observers. [Bangkok Post 2]

Thailand: Insurgent group in deep south in talks with government

(ls) Barisan Revolusi Nasional (BRN), the main group fighting an insurgency in Thailand's largely Muslim south said it had held its first meeting with officials from the new Thai government. The BRN, unlike less militarily active southern factions, has not been in formal talks with the government although contacts did take place at least twice with the former military junta. The past contacts with the BRN never led to talks, and the group has continued a guerrilla war to demand independence for Yala, Pattani and Narathiwat provinces. [Reuters]

International Relations, Geopolitics and Security in Asia

China-USA relations: Washington blacklists Chinese nuclear firms, appoints Uyghur-American academic as director for China at National Security Council

(dql) Amid difficult trade negotiations between China and the USA, Washington last week put a Chinese state-owned nuclear power firm and its subsidiaries accused of stealing advanced American technology for military use in China on a trade blacklist, effectively blocking US companies from selling products and services to the firms. [Financial Times]

In another move, also likely to increase Sino-US tensions, Uyghur-American academic Elnigar Iltebir was appointed the US National Security Council's director for China. Her appointment is significant as she is a member of the Uighur ethnic group, the marginalized, mostly-Muslim community mostly based in the western Chinese region of Xinjiang where up to 1.5 million of them are believed to have been detained in internment camps. [Foreign Policy]

Meanwhile, Beijing has released a white paper titled "Vocational Education and Training in Xinjiang" in which it informs that "Xinjiang has established vocational education and training centers in accordance with the law to prevent the breeding and spread of terrorism and religious extremism, effectively curbing the frequent terrorist incidents and protecting" and confirms that "[e]ducation and training in Xinjiang has succeeded to an enormous extent in eliminating the soil and conditions in which terrorism and religious extremism breed, rehabilitating those who have committed unlawful or criminal acts, and protected basic civil rights." [Xinhua 1] [Xinhua 2, in Chinese]

China-Japan relations: Chinese fishermen instructed to stay clear of waters of disputed islands

(dql) In an attempt to remove an irritant in Sino-Japanese relations ahead of the planned visit of Chinese President Xi Jinping to Japan next spring, China has instructed its fishermen to stay away from waters surrounding the disputed Senkaku Islands/Diaoyu Islands. [Japan Times]

Despite recently improved ties between Beijing and Tokyo, it remains to be seen how effective this instruction will be as similarly instructions in the past were frequently violated.

Japan-South Korea relations: Standoff in trade dispute continues

(jd) South Korean President Moon once more made an appeal to Japan to end the trade dispute between the two countries, as the two countries held celebrations last week to commemorate the anniversary of the end of the Japanese colonial occupation and of the end of World War II respectively.

Moon appealed for a dialogue between the two countries, promising that Seoul will "gladly join hands" if Tokyo accepts calls to resolve the dispute. [The Straits Times] Japan's Foreign Minister rebuffed the offer, accusing him instead of violating international law for insisting that Japan has not compensated when a 1965 bilateral agreement was signed for that sole purpose. [JoongAng Ilbo]

Meanwhile, Japan has demanded an explanation for Seoul's removal of Japan from their trade white list, set to take effect in September. [The Straits Times] [The Japan Times]

Amid these tensions, on Monday Japan's government approved export of photoresist to South Korean chipmaker Samsung Electronics. It was the second shipment of an industrial material under its export restrictions to South Korea, following the first one early this month. [Reuters]

The move comes ahead of a meeting of the Foreign Ministers from South Korea and Japan with their Chinese counterpart in Beijing this week to re-evaluate the three-way cooperation where they are scheduled for bilateral talks on the sidelines of the meeting. [Hankyoreh]

North Korea: Kim Jong-un rejects calls for continued dialogues, turns to China

(jd) South Korea confirmed that North Korea launched at least two more ballistic missiles on Friday, the sixth of such a test in the past month. The missile launches are part of a protest against the joint military drill between the United States and South Korea which kicked off early August and are scheduled to end this week. Pyongyang called the exercise a "rehearsal for war." [Reuters]

Around the same time as the drills, Pyongyang issued scathing remarks towards South Korea's President Moon's "foolish" belief of continued dialogues towards Korean reunification. The statement blames South Korea for the suspension of peace talks, and further

rejects Moon's calls for dialogue towards reunification. [Aljazeera]

Relations between the two Koreas continue to frost over as high-level military officials from North Korea and China met on Friday, and pledged stronger military cooperation between their two countries as denuclearisation talks between Pyongyang and the Washington stall. [JoongAng Ilbo] On top of that, North Korea has condemned US plans of placing new intermediate-range missiles in South Korea. If implemented, Pyongyang said that it will trigger a "new Cold War." [The Hill]

Meanwhile, Tokyo has informed Washington that it is willing to provide its robotics technology for use in dismantling nuclear and uranium enrichment facilities in North Korea. The offer reflects Japan's effort to gain a foothold in North Korea's denuclearization issue. [Japan Times]

Taiwan-US relations: Trump administration approves F-16 Fighter sales to Taiwan

(dql) U.S. President Donald Trump has approved a plan by his administration to sell new F-16 fighter jets valued at 8 billion USD to Taiwan after the State Department announced last week that it had approved the sale and submitted the proposal to Congress. The sale of 66 jets would be one of the largest single arms package transactions between the United States and Taiwan. [Focus Taiwan] [The Diplomat]

In July, the U.S. State Department already gave green light for the sale of tanks, along with a range of support equipment and arms worth estimated 2 billion USD. [AiR 2/7/2019]

UN Security Council holds first formal meeting on Kashmir in almost 50 years

(jk) The UNSC meeting, which were requested by Pakistan and China, took place behind closed doors last week. India's ambassador to the UN however told the press that "[w]e do not need international busybodies to try to tell us how to run our lives. We are a billion plus people". [South China Morning Post 1]

The meeting did not produce concrete outcomes, although it is perceived as a calming signal that the

UNSC is engaging with the issue. According to diplomats present, the U.S. and France blocked "a Chinese attempt to get the 15-member body to publicly urge parties to refrain from actions that exacerbate tensions along the line of control". [Bloomberg]

A few days prior to the meeting, the Pakistani military claimed that five Indian soldiers were killed by return fire at Line of Control. The incident was not confirmed by the Indian side. [South China Morning Post 2].

India's adherence to the principle of 'no first use' of nuclear weapons open for discussion

(jk) India's Defence Minister has recently stated that while India has always strictly adhered to its no-first-use (NFU) doctrine, "what happens in future depends on the circumstances". [The Quint 1]

While India's NFU policy has long been a subject of discussion amongst those who claim India is putting herself at a disadvantage and those who feel NFU contributes to regional stability, the discussion and the remarks in particular have received more attention since the revocation of article 370 and 35a and ensuing tensions with Pakistan - also a nuclear armed state, but officially with a considerably lower nuclear threshold [Pakistan's Nuclear Use Doctrine - Carnegie Endowment for International Peace]. For a thirty minute discussion on the comments by the Defence Minister, see [The Quint 2].

Pakistan's PM Khan came spoke out on India's nuclear arsenal too. He said that the fact that India's nuclear weapons are in the control of "the fascist, racist Hindu supremacist Modi government [...] impacts not just the region but the world". He also tweeted: "India has been captured, as Germany had been captured by Nazis, by a fascist, racist Hindu supremacist ideology and leadership. This threatens nine million Kashmiris under siege in IoK for over two weeks which should have sent alarm bells ringing across the world with UN observers being sent there". [Dawn]

Bangladesh and Myanmar planning to send back thousands of Rohingya

(jk) The governments of Myanmar and Bangladesh agreed to begin the process of repatriation of some

Rohingya Muslims from refugee camps in Bangladesh to the Rakhine State. 3,540 refugees have been cleared for return to Myanmar, however community leaders say they have not been consulted and many fear continued persecution if and when they return to Myanmar. [The Guardian]

Cambodia: Khmer Rouge Tribunal in spotlight after Nuon Chea has died

(ls) Japan and France have urged the U.N.-backed Khmer Rouge tribunal to expedite the trial of the sole surviving senior leader of the 1970s Khmer Rouge regime, Khieu Samphan. The development came after Nuon Chea, who was the regime's No. 2 leader, had died at the age of 93 before the judicial process in the Extraordinary Chambers in the Courts of Cambodia was complete. [Japan Times]

In 2014, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) found both men guilty of crimes against humanity and sentenced them to life in prison. The sentences were upheld on appeal in 2016. In November 2018, they were also convicted of genocide and other crimes against humanity. Both of them appealed last month against this conviction.

The Khmer Rouge Tribunal is seen critically by observers. Its work has been made difficult by interventions from the Cambodian government that undermined the proceedings. Some judges, prosecutors and other court personnel installed at the tribunal by the government blocked trials for other alleged senior former Khmer Rouge figures beyond the five who were indicted. International prosecuting judges still want to charge three other individuals, but Cambodian judges disagree, and Cambodian Prime Minister Hun Sen did not want to see any more trials. Some of the foreign judges have quit. [World Politics Review]

However, it is also argued that the trials have given the Cambodian people permission to discuss a previously taboo topic, which is helping them to reconcile one with another. That alone would make the tribunal worthwhile. Indeed, a duly constituted court has ruled that, in fact and in law, it was Nuon Chea and his comrades who perpetrated the crime of genocide in Cambodia. The Tribunals judgments will allow future generations of Cambodians to know the truth. [Nikkei Asian Review]

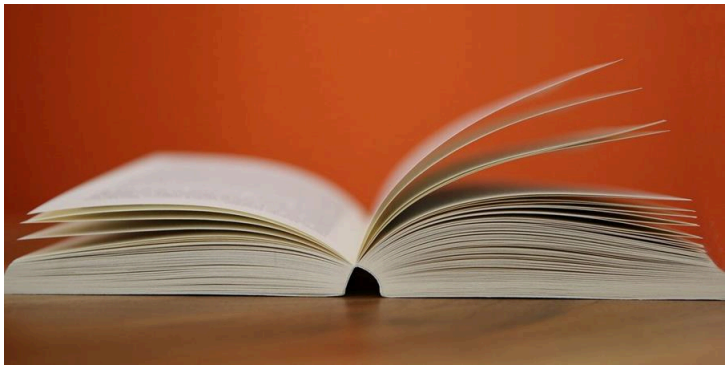
South China Sea: Continued tensions between Vietnam and China – Protest by the Philippines

(ls/jd) Vietnam has again demanded that the Chinese survey ship Haiyang Dizhi 8 and its escorts leave contested waters around Vanguard Bank in the South China Sea. [Nhan Dan (Official)] The Chinese ships were being tracked by at least two Vietnamese navy vessels.

Moreover, China decided to lift the annual fishing ban, in place since May, in parts of the South China Sea. This means that hundreds of fishing vessels from southern China are likely to head for the Gulf of Tonkin and contested waters around the Paracel Islands and Scarborough Shoal. The decision is likely to raise tensions further. Fishing rights have become one of the most contentious issues between China and the other claimants, due to decreasing fishing reserves. [South China Morning Post]

Five Chinese warships also entered the Philippine waters off Sibutu Strait between July and August, an internationally-recognized sea lane used for the right of innocent passage. This has urged the Philippine Foreign Affairs Secretary Locsin to file a fresh diplomatic protest against China for trespassing into Philippine waters. Locsin has urged the Department of Foreign Affairs to “fire at will” without the confirmation from intelligence reports. He further called for more “explicit” expressions of dismay, instead of formal diplomatic language to express protest. [CNN Philippines]

Background Reading



India since independence: less and less democracy

(jk) Commenting on history and what Indians have done with 72 years of freedom, a historian of modern India and biographer of Mahatma Gandhi argues that India, despite many achievements, is now less democratic than it once was. In fact, he concluded twelve years ago that India was a “50-50 democracy”: free and fair elections, free movement of people, but also political corruption or discrimination based on caste, gender and religion. Today, "[g]iven the lack of any sort of credible opposition to the BJP, the atmosphere of fear among religious minorities and the attacks on a free press, we are now a 40-60 democracy, and — if the recent abuse of state power in Kashmir is any indication — well on the way to becoming 30-70." [The Washington Post]

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