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Asia in Review

No. 37, September/2019, 2

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Dear Readers,

Welcome to the second issue of 'Asia in Review' (AiR) in September 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: Protesters call for US support amid Lam's announcement of withdrawal of extradition bill

(dql) Despite Hong Kong leader Carrie Lam's announcement that controversial extradition bill will be withdrawn last Wednesday, anti-government protesters again took to the streets this weekend. Leading protest figure Joshua Wong criticized that the withdrawal was “too little too late” and insisted that Lam has to accept all demands including a stop of prosecution of protesters, the retraction of the designation of protesters as rioters, an independent inquiry into police conduct and free election. [Hong Kong Free Press][BBC]

The 14th consecutive weekend of anti-government protests saw again multiple clashes between police and protesters. In the course of the march protesters, waving US flags, gathered near the US consulate to call for the passage of the amendment bill to the US ‘Hong Kong Policy Act of 1992’. Among others, the bill which is currently moving through the US Congress calls for sanctions against officials in mainland China and Hong Kong suppressing freedoms in the semi-autonomous

Chinese territory, as well as for an annual assessment of the status of Hong Kong's autonomy as basis on which to decide whether or not to grant Hong Kong special trade and business privileges. [South China Morning Post] [Quartz] For the text of the bill see [Congressional-Executive Commission on China].

The Chinese state-run newspaper Global Times denounced the bill as "deep intervention in Hong Kong affairs" insisting that "China has the ability to move forward getting rid of US interference. [...] The city's future will depend on how strong China is, and not on US attitude toward Hong Kong." [Global Times]

Echoing recent assertive statements of Beijing on the protests in Hong Kong [AiR No. 36, September/2019] [No. 35, August/2019], President Xi Jinping, meanwhile, urged in a speech at the Central Party School last week young and middle-aged party officials to "fight and overcome with determination any risks and challenges harming the leadership of the Chinese Communist Party and the socialist system, China's sovereignty, security, and development interests, the core and fundamental interests of the country and the people, or the realization of the two centenary goals and the Chinese Dream of national rejuvenation." [Xinhua, in Chinese]

South Korea: Moon appoints new justice minister amid fierce political opposition

(dql/jd) Defying fierce criticism by opposition parties, President Moon Jae-in has appointed Cho Kuk, a trusted aide of Moon for many years, as new justice minister. Cho, until July a senior secretary to the President for Civil Affairs, is facing heavy political pressure over allegations of nepotism and other unethical conduct including shady family investments and using connections to secure his daughter a prestigious internship and to help her enroll in a top medical school.

Moon defended his move, widely expected to trigger a public and political backlash, by saying that he would set a "bad precedent" if he would not appoint Cho in the face of unconfirmed suspicions of illicit acts. [Korea Herald] [Korea Times]

Law and Politics in South Asia

Mobile blackouts as a security tool: More case studies from Bangladesh and Pakistan

(ls) Across Asia and other parts of the world, a new security trend is gaining increasing traction: the blocking of mobile internet services. India, Sri Lanka, Indonesia (Papua) and Sudan are among the recent examples. Whereas state authorities cite possible threats to national security and public order as justification, it can reasonably be argued that such interventions may constitute deep restrictions of private life as well as business activities. Taking into account the importance of communication in the era of digitalization, widespread mobile blocking cuts people off from essential services and often disables access by independent observers to information on the ground. Last week, two more case studies from South Asia can be added to the trend.

Bangladesh's telecommunications regulatory body has asked operators to shut down cellphone services in camps where hundreds of thousands of Rohingya refugees from Myanmar live. The authority referred to a security threat and illegal phone use, for example for drug trade, as reasons for the measure. Operators have already been asked to suspend data and internet service between 5 pm and 5 am every day in the camps in Cox's Bazar district. Many Rohingya refugees use mobile services to stay in touch with their families. [Firstpost]

Human Rights Watch has criticized the most recent mobile blocking in Bangladesh as a clampdown. [Human Rights Watch]

In Bangladesh, only Bangladeshis with national identity cards are allowed to possess local SIM cards. The sale of cellphone services is banned in the camps. The

Rohingya, most of whom fled over the border to Bangladesh in 2017 following a violent campaign led by the Myanmar military, are largely stateless. [New York Times]

Authorities in Pakistan suspended mobile services in Karachi and Nawabshah as part of security measures during Muharram processions on Sunday. Similar actions have been taken in other provinces too. In the Pakistani province of Punjab, 3,000 security personnel have been deployed in Rawalpindi to ensure the safety of the procession. [India Today]

India: Another Congress leader arrested for money-laundering

(td) Last week, protests broke out in several parts of Karnataka in India following the arrest of senior Congress leader D K Shivakumar by the Enforcement Directorate in New Delhi in connection with a money laundering case. [The Hindu Business Line] [NDTV] Three weeks ago, investigators of India's Central Bureau of Investigation (CBI) already arrested Palaniappan Chidambaram, another key opposition Indian National Congress party leader and former finance minister, in a suspected money laundering case.

Nepal: Arrest of a popular journalist illustrates deterioration of press freedom

(ls) In Nepal, the arrest of one of the country's most popular journalists has exposed widespread disaffection with politicians and the direction in which the country is headed more generally. Last month, police detained Rabi Lamichhane, a television show host, from his studio in Kathmandu in connection with the death of a former employee. Although the charges against are not directly related to his reporting activities, observers see the case as a crackdown on freedom of speech. A number of journalists have been arrested since the Nepal Communist Party (NCP) won national elections in a landslide in 2017.

Law and Politics in Southeast Asia

Singapore: Electoral Boundaries Review Committee is set up, indicating election preparations

(jk) The set-up of the Electoral Boundaries Review Committee is seen as a formal step towards a general election. Singapore must hold its next election before April 2021, but according to observers an earlier date is more likely. In no previous instance, it has taken more than six months from the set-up of the committee to the actual elections. Government sources according to the South China Morning Post state that a “December election is now very likely”. [South China Morning Post]

Singapore: PM sues Chief Editor of Singaporean news outlet over "false statements"

(jk) The chief editor of the Singaporean news outlet "The Online Citizen" has received a notification that he will be sued over and article allegedly containing “false” statements about a recent controversy regarding the family house of the PM, once owned by his father. The editor had previously been asked to apologize and remove the article and Facebook post, but has chosen not to oblige.

The article and the post on Facebook alleged that today's PM Lee misled his father in order to achieve that the house will not be demolished, as was Lee Kuan Yew's wish. The PM’s lawyers state that the article has “gravely injured” his character and reputation. [The Independent Singapore]

Singapore: Better protection for abused, neglected children after changes to Children and Young Persons Act passed

(td) Amendments to the Children and Young Persons Act (CYPA) were passed in Parliament to better protect children who may be neglected or abused by their caregivers. The Act aims to provide greater support to youth offenders to reintegrate into society. The Parliament also raised the age limit for what is considered a young person from 16 to 18. This would allow the authorities to intervene in cases of abuse involving older children and the definition of emotional injury has also been sharpened, so that there is clarity on when stakeholders like the Ministry of Social and Family Development (MSF), social service agencies and the court can and should intervene, and when they should not.

Another change to the CYPA is the new Enhanced Care and Protection Order. It allows MSF and designated caregivers to children who are in out-of-home care to make day-to-day as well as more substantive decisions such as overseas travel. [Channel News Asia] [The New Paper]

Indonesia restores internet access in parts of restive Papua region

(td) Indonesia has partially lifted an internet blackout imposed following civil unrest in the country's easternmost region of Papua, but is yet to restore access in areas where the most violent protests erupted. These include places where protesters torched buildings, such as the capital of Papua province Jayapura and the capital of West Papua province of Manokwari.

The government had throttled internet speeds in the region for a few days before cutting off access entirely in the two provinces in the region from Aug 21. [Channel News Asia] [The Straits Times]

The region of Papua has suffered the most serious civil unrest in years since mid-August over perceived racial and ethnic discrimination. Some protesters have also demanded an independence referendum, something Jakarta has ruled out. About 6,000 police and military personnel have been flown in to Papua, reinforcing a heavy military presence in a region that has endured decades of mostly low-level separatist conflict. [AiR 36, September/2019, 1]

Philippines: Rebels hand in armory according to Muslim peace deal

(jd) Muslim rebels from the southern Philippines officially began handing their guns to independent foreign monitors as per a peace treaty aimed at ending the decades-long Muslim insurgency in the country's south. The peace treaty aims at transitioning the Moro Islamic Liberation Front from one of the country's largest insurgency forces into a regular political party.

The first phase of the decommissioning process is expected to see a third of the forces retiring. [Channel News Asia] President Duterte has also reassured that the government is ready to assist in the decommissioning process, as well as reintegration process for the fighters. [CNN Philippines]

Meanwhile, a bomb blast, occurring hours before the decommissioning process began, adds another incident in the country's recent surge of bombings. It has wounded at least eight people. [South China Morning Post]

Philippines: No progress on LGBTQ rights

(jk) The Philippines' highest court has rejected a case that could have become a landmark case for LGBTQ rights in the country. The plaintiff had raised a fundamental violation of his rights due to him not being able to legally marry his partner. The Court has however unanimously refused to take the case, based on the fact that the plaintiff had not actually "tried to get married". The move is a reminder of the difficulties faced by the LGBTQ community in the majority Catholic country.

Additionally, lawmakers in the House of Representatives are split at best over the Sexual Orientation and Gender Identity or Expression (SOGIE) bill that has been proposed. The bill is meant to address workplace discrimination based on gender biases. While it did excite the LGBTQ community in the country, many in Congress remain against the bill. [Philippine Star]

Lao activist and asylum-seeker goes missing in Thailand

(jk) A man from Laos who fled to Thailand has gone missing after seeking refugee status with the United Nations. He was a political activist who criticized and protested against his government frequently. He was also registered as a person of concern with the UNHCR in December 2017. [Bangkok Post]

After a number of such disappearances in the region of late, human rights group fear that some ASEAN countries may have struck an informal deal to "help" each other when it comes to dealing with their respective dissidents who often flee to neighbouring countries. No such deal has been admitted to by any official side.

Thailand: Ex-PAD leader receives royal pardon

(jk) The co-founder of the People's Alliance for Democracy (PAD), Sondhi Limthongkul, sentenced to 20 years by the Supreme Court in September 2016, was released from prison last week after receiving a royal pardon. The PAD was formed to lead demonstrations against the government of Thaksin Shinawatra and is internationally known in particular for seizing Bangkok's major airport in 2008. [Bangkok Post 1]

In 2012, Sondhi was convicted of violating the Securities and Exchange Act, but did not actually go to prison as he was out on bail until the Supreme Court ruled that he must serve 20 years of his sentence in prison. His sentence, as was stated back then, was not to be suspended. [Khaosod]

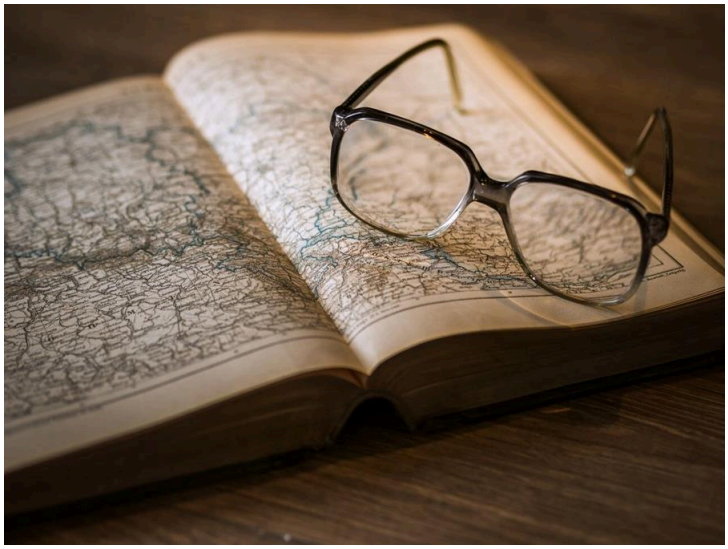
In the meantime, Thailand's ex-commerce minister has received an additional 6 year jail sentence on top of his already 42 years received in 2017 over the Yingluck administration's rice-pledging scheme. The verdict by the court's Criminal Division for Holders of Political Positions was part of a ruling on an appeal filed by him. [Bangkok Post 2]

Thailand: Minister in the hot seat after more details on dark past emerge

(jk) Last week, evidence has emerged that the deputy agriculture minister spent four years in a Sydney jail in the 1990s after pleading guilty to conspiring to import heroin. He was deported upon his release. He was previously questioned on this matter but had so far maintained that he had been arrested, but never convicted on drug charges while living in Australia. [Sydney Morning Herald]

The story was first discussed back in July after the new Thai cabinet was announced and his name was amongst the ministers. In addition to the criminal past in Sydney, after returning to Thailand, he was arrested and detained in prison for three years in connection with the murder of a gay man, but he stated that the Criminal Court eventually acquitted him after finding two other men guilty in the case. [Bangkok Post]

International Relations, Geopolitics and Security in Asia



China-India relations: Delhi to challenge Beijing in the South China Sea with a MoU with Russia on Indo-Pacific sea route

(dql) China's is to face growing challenge by India over the influence in the South China Sea after India and Russia last Wdenesday signed a memorandum of understanding on the sidelines of the 5th Eastern Economic Forum in Vladivostok at which Indian Prime Minister Narendra Modi participate as chief guest. Under the agreement a new Indo-Pacific sea route will extend from the port city of Vladivostok, in Russia's Far

East, to Chennai, on the Bay of Bengal in eastern India with the shipping route partly traversing the South China Sea. Furthermore, both countries also signed a number of energy and defence deals on the same day.

In a related development, Russia's Deputy Prime Minister on Monday confirmed that S-400 surface-to-air missile systems will be delivered to India in 18 to 19 months according to schedule of the deal India signed with Russia last October. [South China Morning Post] [India Today] [News 18]

For an assessment of prospects and potentials of a possibly emerging third order centered on Indo-Russian lines next to the US-led order and the China-led order see [The Diplomat].

Meanwhile, China's Foreign Minister during his visit to Pakistan at the weekend described the China-Pakistan relationship as 'rock solid' and re-affirmed China's support in safeguarding Pakistan's sovereignty and territorial integrity and reiterated opposition to any unilateral action as well as the measures on Indian side that could further complicate the situation. [South China Morning Post 2]

China-Germany relations: German Chancellor in China

(dql) During Chancellor Angela Merkel's 12th visit to China, companies of both countries signed 11 deals in the areas of aircraft construction, shipping, energy, finance, insurance and other types of cooperation. While both sides celebrated the deals and re-affirmed their commitment to multilateralism and free trade, German-Chinese trade relations are burdened by Berlin's move last year to lower the threshold at which the German government can launch security probes into acquisitions by foreign companies, leading to a sharp fall in Chinese investments in Germany. [Financial Times]

Apart from witnessing the signing of these deals, Merkel exchanged with Chinese Premier Li Keqiang on the Hong Kong protests. While the former called for the protection of the rights and freedoms of Hong Kong residents and a peaceful resolution of the crisis, the latter stressed that the "Chinese people have the capability and wisdom to manage well our own affairs." [South China Morning Post]

In a related development, Beijing has lodged representations with Germany after the German Foreign Minister met today with Joshua Wong in

Germany, one of the leaders of the Hong Kong protest movement. [Channel News Asia]

Taiwan: Cabinet approves F-16 fighter jets budget bill

(dql) Last week, Taiwan's Cabinet passed a draft bill that paves the way for the purchase of a new fleet of advanced F-16 fighter jets from the United States for 8.08 billion USD. The purchase aims to strengthen Taiwan's defense capabilities amid an increasingly assertive China. [Focus Taiwan]

In an earlier move, the U.S. State Department approved in August the possible sale of F-16 jets to Taiwan. [AiR No. 34, August/2019]

Japan-Russia relations: Deadlock over territorial dispute continues

(dql) Japan and Russia remain deadlocked over their territorial dispute over four Japanese-claimed, Russian-held islands off Hokkaido as a meeting between Japanese Prime Minister Shinzo Abe and Russian President Vladimir Putin last week on the sidelines of the 5th Eastern Economic Forum in Vladivostok ended without yielding any substantial results. Furthermore, the Russian President cited Japan's security alliance with the United States as an obstacle to a peace treaty between both countries. [Reuters]

South Korean-Japan relations: South Korean city parliaments enact ordinances labeling Japanese companies as 'war crime companies'

(dql/jd) Deepening strained relations between South Korea and Japan over historical, territorial and trade disputes, the parliaments of the two largest South Korean cities Seoul and Busan have approved non-binding ordinances to label Japanese companies accused of employing forced labor or producing military supplies during World War II as 'war crimes companies'. The measure targets 284 Japanese companies. Mayors and other officials of the cities are requested not to by products from them in the future. [Japan Today]

The measure is the latest round in the ongoing anti-Japan boycott drive in South Korea triggered by Tokyo's move in August to remove Seoul from Japan's trade white list which is seen by South Koreans as a retaliatory response to rulings of the South Korean Supreme Court ordering Japanese companies to pay compensation to victims of forced labor during the Japanese rule over the Korean peninsula. [Strait Times]

South Korea affirms ties with Russia, Central European nations

(jd) During the Korea-Russia Local Cooperation Forum on Friday, local governments from South Korea and Russia agreed to expand cooperation between their two nations, with focus on trade, education, economic, science. Both sides also agreed to improve transportation and logistics between the two nations. [Korea Herald]

Meanwhile, at the Seoul Defense Dialogue, South Korean vice defense minister met with his counterparts from countries of the Visegrad group, Slovenia, Hungary, Czech Republic and Poland. The countries agreed to boost multilateral cooperation and improve defense fields, particularly in cybersecurity. [Yonhap]

South Korea's New Southern Policy: Moon strengthens ties with Thailand, Myanmar and Laos

(jk/dql) In a move to push for South Korea's New Southern Policy and to strengthen the country's strategic partnership with Southeast Asian countries President Moon Jae-in's last week completed a three-nation Southeast Asia tour, including Thailand, Myanmar and Laos.

South Korea and Thailand vowed to enhance cooperation on issues ranging from security to economics as part of efforts to promote ties between the East and Southeast Asian regions. Both sides also agreed to seek the conclusion of negotiations for the Regional Comprehensive Economic Partnership (RCEP) by the end of this year, apart from concluding six Memorandums of Understanding covering smart cities, Industry 4.0, education; water development; rail, transport and infrastructure development; and military cooperation. [Bangkok Post]

Myanmar and South Korea also signed a number of Memorandums of Understanding and at least one agreement on financial, trade and investment cooperation and infrastructure projects during a three-day visit by the South Korean President last week who was in the country advancing South Korea's New Southern Policy. [The Irrawady]

A framework agreement has been signed under which South Korea will provide US$1 billion to Myanmar which has said will focus the investment on infrastructure projects. [Myanmar Times]

However, a series of coordinated attacks as reported previously [AiR 34, August/2019, 3] in Mandalay and Shan State has not only brought about disruption in trade between Myanmar and China in particular, but also pointed to the difficulties with foreign investment in a country where a peace deal between the government and several rebel groups seems as far out of reach as ever.

In Vientiane, Moon pledged to elevate ties between South Korea and Laos by providing assistance to South Korean companies to encourage them to invest more in hydropower, renewable energy, smart cities, digital infrastructure and water resource development in the Southeast Asian country. Moon is the first South Korean President to make a state visit to Laos. [Korea Times]

North Korea: UN warns against Pyongyang's cyberattacks on cryptocurrency exchanges amid plans for resumption of de-nuclearizations talks

(dql/jd) Amid stalled U.S.-North Korean denuclearization negotiations, the UN Security Council released a report which accuses Pyongyang of "us[ing] cyberspace to launch increasingly sophisticated attacks to steal funds from financial institutions and cryptocurrency exchanges to generate income". The report also suggests that North Korea continues to advance its nuclear and missile programs referring to Pyongyang's recent missile tests. [United Nations]

Despite these findings, the resumption of denuclearization talks between Washington and Pyongyang seems to be within reach. While US Secretary of State Pompeo affirmed North Korea's right to defend itself and assured Pyongyang of Washington's security guarantees in case the regime

would scrap nuclear weapons program. In response, North Korea voiced willingness to engage in "comprehensive discussions" with the United States in late September at a time and place agreed between both sides. Pyongyang, however, insists that Washington would have to “come out with an alternative based on a calculation method that serves both sides’ interests and is acceptable to us." [Yonhap] [Aljazeera]

Shortly after this statement, North Korea fired two unknown projectiles from South Pyongan Province toward the sea off North Korea's east coast, as confirmed by South Korea's Joint Chiefs of Staff. [Voice of America]

Mongolia and Russia elevate ties to comprehensive strategic partnership

(dql) Mongolia and Russia have lifted their relationship to the level of a comprehensive strategic partnership after Russian President Vladimir Putin and his Mongolian counterpart, Khaltmaagiin Battulga, signed a permanent treaty on friendship during the former's visit to Ulan Bator last week. Both leaders celebrated the begin of a new era in their countries' relationship with Putin highlighting the opportunity to expand cooperation in all areas on the basis of the treaty. He further described anti-terrorism and military-technical cooperation between both countries as a significant contribution to ensuring security in Asia. [TASS]

Kashmir: Tensions remain high as tit-for-tat between India and Pakistan continues

(ls) Amid a growing crackdown across Kashmir, Indian authorities have imposed curfews in several parts of the territory which is contested by Pakistan. Authorities tightened restrictions after police clashed with Shiite mourners during a banned religious procession. The security situation has deteriorated since India withdrew Kashmir’s special autonomous status by revoking Article 370 of the Indian Constitution, deployed troops in the Kashmir valley, restricted movements and cut off communication. [DW]

In the continued tit-for-tat between the two South Asian nuclear states, Pakistan refused a request by India’s President Ram Nath Kovind to fly through its

airspace due to New Delhi's recent "behavior". Such permissions are usually granted. In August, Islamabad had already downgraded its diplomatic ties with India, expelling the Indian envoy, suspending trade and calling back its ambassador. [Al Jazeera]

Earlier this week, Pakistani Prime Minister Imran Khan said, "We are prepared to give the enemy the fullest possible response. Failing, the world community will be responsible for the catastrophic aftermath." [Reuters]

India's moon mission ends in failure, but NASA offers cooperation

(ls) Shortly before landing on the surface of the moon, India's robotic lander Vikram, which is part of the Chandrayaan-2 mission, lost contact with ground control. A successful landing would have made India just the fourth country to touch down anywhere on the lunar surface, and only the third nation to operate a robotic rover there. Nevertheless, the Chandrayaan-2 mission's orbiter remains safely in lunar orbit, with a year-long scientific mission ahead of it. [National Geographic]

The US space agency Nasa, however, said it was "inspired" with the Chandrayaan-2 mission and that it was ready for a joint exploration of the solar system. Nasa's contributed a laser reflector array on board Vikram which was meant to track the lander's location and calculate the distance between Earth and Moon. [Times of India]

Indian Ocean Conference in the Maldives

(ls) The fourth Indian Ocean Conference 2019 took place this week in the Maldives. It was also attended by the Maldives' President Ibrahim Mohamed Solih, Sri Lankan Prime Minister Ranil Wikremesighe, Singaporean Minister of Foreign Affairs Vivian Balakrishnan and Indian External Affairs Minister Subrahmanyam Jaishankar. The focal points of the conference were marine ecology, terrorism and navigational security. [The Edition]

On the sidelines of the conference, India and the Maldives signed a Mutual Legal Assistance Treaty (MLAT) on criminal matters with the objective to enhance effectiveness in investigation and prosecution of crime through cooperation. India will also assist the Maldivian government against growing Islamist

radicalization and institutionalized corruption that gathered momentum during the previous Yameen regime. [Asia Times]

Sri Lankan Prime Minister Ranil Wickremesinghe on Tuesday addressed the Maldives parliament during his official visit to the country. Several agreements of cooperation in visa facilitation, water supply, youth development, vocational training, higher education and social empowerment were signed on the occasion. The Maldives is the third largest export destination for Sri Lanka among South Asian nations after India and Pakistan. [Maldives Independent]

Cambodia: Two Indian naval ships dock in Sihanoukville

(jk) Amid much discussion on Cambodia's ever-closer relationship with the PRC, two Indian naval vessels arrived for a four-day goodwill visit to Sihanoukville harbour at the end of last month, intended to boost bilateral ties between Cambodia and India. The two countries held a joint maritime exercise this week. [Khmer Times 1, Khmer Times 2]

China offers funds for Philippines infrastructure drive

(jd) As China-Philippine relations continue to sour over China's increased presence along the disputed islets in the South China Sea, China has pledged to help fund a $169 billion infrastructure renewal drive.

This offer comes a week after Philippine President Duterte met with Chinese President Xi and Chinese Premier Li. During the meeting, Xi also mentioned that this should be accompanied with China's Belt and Road Initiative. [VOA News] [AiR 36, September/2019, 1]

Background Reading

Timor-Leste: Domestic troubles but steady improvements on foreign relations

(jk) On the occasion of the 20th anniversary of East Timor's independence last week [AiR 36, September/2019, 1], this short background article looks at the young country's relation with its neighbors, specifically Australia, Indonesia and ASEAN more broadly. While the country is facing some domestic issues with regards to mistrust between President and government, fanned by allegations of corruption, East Timor's foreign relations are more hopeful and it continues to pursue its aim to join ASEAN. [RSIS]

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