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Asia in Review

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Dear Readers,

AiR's team is presenting you the fourth 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: First government/citizen dialogue session announced amid escalating protests

(dql) Protests in Hong Kong continue with no signs of abating as demonstrators took to the streets for the 16th consecutive weekend of unrest and tensions escalating a week ahead of the 70th anniversary of the founding of the People's Republic of China. Riot police responded with teargas, pepper spray and bean bag rounds on protesters to protesters vandalizing metro stations and setting improvised barricades on fire. [CNN]

Meanwhile, Hong Kong's Chief Executive on Monday announced the official launch of the dialogue platform between government and citizens, aimed at paving the way for a resolution of the crisis through dialogue. The first session is slated for Thursday this week to which 150 people from the community will be invited based on computer lot drawing from a total of more than 20000 people who had registered for the meeting. [China.Org]

China: Nationwide loyalty test for Chinese journalists to be introduced

(dql) According to a South China Morning Post report, Chinese state media journalists are set to undergo a nationwide examination testing their loyalty to President Xi Jinping which will be held after 'pilot test' in October.

To be taken by around 10.000 reporters and editors from China's 14 state-run online media outlets, the test will consist of five sections with one containing questions on President Xi Jinping's political thought. Only those passing the text will have their press passes updated. [South China Morning Post]

China: Increased government oversight of companies

(dql) In a latest sign of tighter ties between state and private sector in China, the Hangzhou city government is assigning officials to local companies to "coordinate the resolution of any government affairs and to open the information and communication flow." Targeted by what the city government calls 'New Manufacturing Industry Plan" are the city's largest 100 enterprises, including Alibaba and automaker Geely. [The Paper, in Chinese]

For a critical view on this move raising concerns over increased state control over companies see [Forbes] and [Financial Times].

Japan: Opposition parties join forces to counter ruling coalition in parliament

(dql) The parliamentary groups of Japan's two largest opposition parties, the Constitutional Democratic Party and the Democratic Party for the People, last week reached an agreement to work together in both Houses of the Diet to counter the ruling bloc of the Liberal Democratic Party (LDP) and Komeito in the upcoming extra-ordinary Diet session, scheduled to convene next week. There, Prime Minister Abe is believed to urge the opposition to engage in parliamentary discussion on the controversial reform of the constitution for which Abe needs support from

the opposition in the Upper House to gain the two-thirds majority needed for the constitutional reform. [Mainichi]

South Korea: Embattled justice minister holds first dialogue with prosecutors over reform of prosecution

(dql) South Korea's recently appointed justice minister Cho Kuk last Friday has kicked off his work on the controversial reform of the country's prosecution system with a closed-door meeting with more than three dozen of prosecutors and investigators. At the core of the controversy of the reform lies the government's goal to strengthen oversight over the prosecution. [Yonhap]

Cho's appointment as justice minister by President Moon Jae-in two weeks ago has been heavily criticized by opposition parties and parts of the public over his alleged involvement in an investment deal as well as in his wife's forgery of a school award to help their daughter enroll in a medical school. In the frame of those allegations Cho's home was raised on Monday by the prosecution. [Korea Herald]

Earlier last week, students and alumni of country's three most prestigious universities held candlelight vigils on their campuses last Thursday night to express their protest against Cho's appointment as justice minister. [Korea Bizwire]

Law and Politics in South Asia

India: Senior pro-India politician Farooq Abdullah arrested in Jammu and Kashmir

(ls/td) In India, the former chief minister of the Indian-administered Jammu and Kashmir Farooq Abdullah was arrested under the Public Safety Act (PSA) that allows authorities to imprison someone for up to two years without charge or trial. Abdullah is a senior pro-India Kashmiri politician. He has been under house arrest since 5 August when Indian Prime Minister Narendra Modi's government stripped Kashmir of its special status and imposed a security lockdown. [Time]

In April, Abdullah had warned that India was "on a precipice" as far as the Kashmir crisis was concerned. His detention and the crackdown against Congress party members in Indian-administered Kashmir indicate a further shrinking of New Delhi's allies in the region. The Abdaullah family is close to India's Nehru-Gandhi family, which leads the main opposition Congress party. [Al Jazeera]

In a separate development, Congress president Sonia Gandhi and former Prime Minister Manmohan Singh visited former Finance Minister Chidambaram in jail. Chidambaram was arrested by the Central Bureau of Investigation (CBI) on 21 August in what some observers as a continued crackdown on opposition politicians. [India Today]

India bans e-cigarettes

(ls) The Indian government has approved an ordinance banning production, import, distribution and sale of electronic cigarettes. The decision was taken due to possible health risks to the youth. The government is expected to replace the ordinance with a bill in the next session of Parliament. India has 106 million adult smokers, second only to China in the world, making it a lucrative market for firms making e-cigarettes. [Indian Express]

India: Major reform of water governance

(ls) In possibly the most ambitious change to India’s water governance since the founding of the country in 1947, the central government is pushing to bring all inter-state river basins under its control in order to end India’s long history of inter-state water disputes. The new law would allow the central government to take

over management of inter-state river basins from state governments, starting with the 13 largest basins. This has led to a sharp response by many water activists and some state governments, who point to the successes of the decentralization of water management. The Daily Star reports on the backgrounds. [Daily Star]

Maldives becomes signatory to New York Convention

(ls) The Maldives has become a signatory to the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the New York Convention. As a party to the convention, Maldivian courts will be obliged to recognize and enforce arbitration awards determined in other states. The Maldives became the 161st nation to sign the convention and will need to ratify it after enacting a new law. [Maldives Independent]

Pakistan: Mob violence against Hindu over alleged blasphemy

(ls) In Pakistan's southern province of Sindh, a crowd ransacked a school and a Hindu temple after a Hindu principal was accused of blasphemy. The violence erupted after a student accused the Hindu principal of blasphemy in comments about the Muslim Prophet Mohammed. It is the latest case to raise concern about the fate of religious minorities in the predominantly Muslim country. Insulting the Prophet Mohammed carries a mandatory death penalty in Pakistan. [South China Morning Post]

Sri Lanka: New investigation into Easter bombings

(ls) After allegations that current probes are not independent, a fresh inquiry into the Easter suicide bombings that hit Sri Lanka and killed at least 258 people was ordered by President Maithripala Sirisena. While the newly launched inquiry is being carried out by a cross-section of Members of Parliament, many opposition members are boycotting it. They say the commission is being used by political parties to deflect any responsibility for failing to stop the attacks. In the aftermath of the attacks, the government blamed a

local militant group, the National Thowheeth Jama'ath (NTJ) while the Islamic State in Iraq and Syria militant group also claimed responsibility. [Straits Times]

Law and Politics in Southeast Asia

Myanmar's ASSK could face prosecution over Myanmar military's actions

(jk) UN investigators said last week that Myanmar's civil leader, Aung San Suu Kyi, could face prosecution for ongoing crimes against humanity because of the military's attacks on Rohingya Muslims in the country.

The Independent International Fact-Finding Mission on Myanmar [United Nations Human Rights Council] released a report last week finding that the over half a million remaining Rohingya in Myanmar today are facing systematic prosecution and that "Myanmar is failing in its obligation to prevent genocide, to investigate genocide and to enact effective legislation criminalizing and punishing genocide". The conditions of grave human rights violations and persecution are prevailing in Myanmar today.

For this, the investigators state, Aung San Suu Kyi has extensive responsibility. While had "no control over the actions of the Tatmadaw", she as head of a party "that controlled 60 percent of the seats in Myanmar's Parliament [...] led a government that had the power to change every law except the Constitution." [New York Times]

Myanmar: NLD sues two Facebook users for making fun of Mandalay Chief Minister

(jk) In line with the trend of increasing online defamation charges under the 2013 Telecommunications Law since the New League for Democracy (NLD) took over the government in 2016, this case yet again exemplifies the growing intolerance for political criticism in Myanmar. Purposefully vaguely worded article 66(d) of the law punishes online defamation with a fine and up to three years in prison. The NLD has last week made a new claim under the article against two Facebook users who shared memes on a page making fun of the Mandalay Chief Minister. [Myanmar Times]

Indonesia raises minimum age for brides to end child marriage

(td) Indonesia's parliament has revised the country's marriage law to lift the minimum age at which women can marry by three years to 19, a move welcomed by campaigners as a step toward curbing child marriage in the world's biggest Muslim majority-country. (Reuters)

All factions in parliament agreed the revision at a plenary session on Sep 16, according to a statement on its website. Indonesia is among the 10 countries in the world with the highest number of child brides. One in four girls is married before they turn 18.

Indonesia previously allowed girls of 16 to get married or younger - with no minimum age - if their parents requested it. Indonesia's Constitutional Court ruled in December that it was discriminatory to have a lower marriage age for women than for men, who could legally marry at 19.

Child marriage in Indonesia has been blamed for causing maternal and infant deaths, as well as encouraging child labor, Women's Empowerment and Child Protection Minister said in a statement. (Channel News Asia) (Straits Times)

Indonesia’s President Halts Bill That Would Ban Sex Outside Marriage (law)

(td) On Sep 21 Indonesia's president Joko Widodo pushed back a legislation that would have criminalized sex between unmarried people, including gays and lesbians, days before it had been expected to pass. The provision intends a punishment of up to one year in prison.

The measure, aimed at overhauling Indonesia's penal code, had appeared likely to win approval on Sep 24 from the country's outgoing Parliament.

But after an outpouring of opposition to many of its provisions from rights activists, women's groups, legal experts and others, President Widodo announced that he had asked lawmakers to drop the legislation and leave the matter for the next Parliament, which will be seated in October.

Many of the wide-ranging bill's provisions — it had 628 articles — mirrored elements of Shariah, the Islamic legal code. It would have restricted access to contraception for minors, outlawed cohabitation without marriage, restricted freedom of speech, reduced the rights of religious minorities and imposed harsh punishment for insulting the dignity of the president.(New York Times) (Straits Times)

Couples in Indonesia's Aceh whipped over public displays of affection

(jk) Charged with breaking local Islamic law by publicly displaying affection, three couples have been publicly caned in Indonesia's Aceh province last week. The six men and women were struck between 20 and 22 times by a masked sharia officer. [South China Morning Post]

Continuing violence in West Papua, dozens confirmed dead and wounded

(jk) According to latest reports, at least 26 West Papuan demonstrators as well as an Indonesian soldier have been killed and wounded in clashes in the regional capital of Jayapura and in Wamena [Straits Times]. According to footage that surfaced on social media, the protesters, among them many students, clashed with pro-Jakarta forces who are taking an exceedingly tough and violent approach with several demonstrators suffering from bullet wounds. In Wamena, protesters set ablaze government offices. Amidst the new outbreak of violence, the administration in Jakarta has

reinforced its claim that everything is under control. [ABC] [SBS]

Thailand: PM ignores incomplete oath taking in parliamentary debate after Court declined to rule on the matter

(jk) After the constitutional court declined to rule on the matter of the incomplete oath as reported last week [Asia in Review No. 38, September/2019, 3], the country's PM was to face parliament's question's on the issue last week. He however decided not to speak on or clarify the issue during his remarks.

Instead, Deputy PM Wissanu cited the Constitutional Court's remarks and explained that the oath-taking concerned a "specific relationship" between the cabinet and the monarchy. [Bangkok Post 1]

In critical commentary in the [Bangkok Post 2], two recent Constitutional Court decisions are looked at from a non-legal perspective. The ruling on the oath-taking is one of them and the commentator finds it bewildering that the Constitutional Court would decide not to rule on an issue that clearly deals with an individual (the PM) violating the constitution.

The second ruling regarded PM Prayuth's status as head of the National Council for Peace and Order (NCPO) and whether or not it falls within the definition of "other state official". If he was indeed a state official then, it would have been against regulations to nominate him as the prime ministerial candidate by the Palang Pracharath Party.

The ruling was delivered on Wednesday last week and it came out in favour of the PM as the court ruled he was not a state official. "The position of the NCPO chief was the result of the seizure of power by coup-makers in 2014. The NCPO chief was not under the command or supervision of the state, and the position was not appointed by any laws". [Bangkok Post 3]

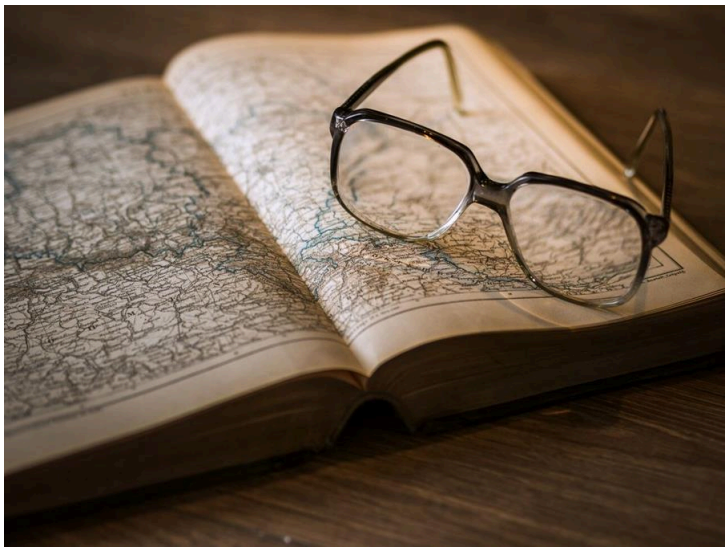
The commentator again struggles to understand the ruling and cites Thammasat University's political scientist Prajak Kongkirati asking some obvious questions: "[Gen Prayut] uses state power but he is not accountable to the state? He was not appointed by any law but issued and enforced laws concerning all public and private entities as well as the people? He was not legally a state official but received a salary from the public purse? He held on to power temporarily but

stayed on for more than five years, longer than any elected government in Thai political history?"

Thai police requesting information about minority Muslim students from universities around the country

(jk) In an effort to create a national security database, police has requested universities to supply information about the "numbers, place of origin, sect affiliation and other details about Muslim-organized student groups". Muslim student organisations have called the move discriminatory, as has former Human Rights Commissioner Angkhana Neelapaijit who added that it was "an interference to personal rights and a discrimination based on religion," and therefore not in line with the country's constitution. [Reuters]

International Relations, Geopolitics and Security in Asia



On Geopolitical Alignments and the Future of Sino-Russian Friendship

(dql) During the Chinese-Russian heads of government meeting last week in Moscow, Russia's President Vladimir Putin declared the implementation of a comprehensive partnership between Russia and China "Russia's unconditional foreign policy priority".

In a special feature to this AiR issue, Henning Glaser provides an account of the current status of Sino-Russian relations against the background of what the above mentioned message of the Russian president signals to the West and what it means for global order and geopolitics in the foreseeable future. [AiR Special Issue 39/2019]

China officials held talks with Taliban delegation in Beijing

(dql) On Sunday, China's special representative for Afghanistan met with a nine-member delegation of the Taliban in Beijing to discuss group's peace talks with the United States.

The meeting came a week ahead of the presidential elections in Afghanistan this Sunday - the fourth presidential elections since US-led forces toppled the Taliban from power in 2001-, and after US President Trump two weeks ago called off planned secret talks with Taliban representatives in Washington following a deadly attack by insurgent groups in Kabul that killed a US soldier. [Channel News Asia]

China sees Afghanistan as a part of its controversial global infrastructure endeavor, the Belt and Road Initiative. Beijing and Washington clashed last week over Beijing's insistence on including a reference to the belt and road plan in a resolution on the United Nations' political mission in Afghanistan, with Washington accusing Beijing of pursuing a resolution on "Chinese national political priorities rather than the people of Afghanistan". [No. 38, September/2019, 3]

China: European business lobby calls for 'competitive neutrality' of Chinese state

(dql) In its latest report on business conditions in China released on Tuesday, the European Chamber of Commerce in China has demanded China to fulfill its promises of reforming its state-owned enterprises (SOE) sector and to introduce a system of 'competitive neutrality' ensuring equal treatment of state, private and foreign firms pointing to a 'resurgent state-owned economy' reflected in more funding, government contracts, and subsidies provided to SOEs than ever before resulting in Europeans squeezed out and global economic standards flouted. [South China Morning Post] [Reuters]

Japan-South Korea relations: Seoul not invited to Japan naval review

(dql) Reflecting frosty relations between Japan and South Korea, Seoul has confirmed that it will not partake in Japan's naval fleet review in October, as it had not received an invitation from Tokyo. The upcoming event is expected to involve US, British and Chinese warships. South Korea joined the previous naval review in 2015, attended by Australia, France, India and the U.S. [Japan Times]

Both countries have been locked since months in disputes over mutual export curbs and wartime forced labor. In a latest development of these disputes, South Korea last Wednesday formally removed Japan from its list of trusted trade partners, retaliating Tokyo's same move earlier in August. [Straits Times]

Japan failed to track recent North Korean missiles launches

(dql) In a blow to Japan's missile defense network, Japanese radar stations and Maritime Self-Defense Force crews failed to track the trajectory of some of North Korea's new types of short-range missiles in a recent series of launches. Among them were missiles capable of reaching Japan. [Defense World]

Taiwan: Down to 15 allies

(dql) After the island nation of Kiribati decided to switch diplomatic recognition to Beijing, the number of Taiwan's allies has been reduced to 15. Kiribati's move comes shortly after the Solomon Islands cut diplomatic ties with Taipei. [Aljazeera] [AiR No. 38, September/2019, 3]

Meanwhile, Taiwan's Defense Minister confirmed on Monday Taiwan's request to buy M109A6 Paladin self-propelled howitzers from the USA, in a move to strengthen its defense capabilities. [Focus Taiwan]

U.S. lawmakers demand end to sanctions against India as Modi joins Trump rally

(ls/td) A group of parliamentarians of the U.S. Congress have urged the government to restore trade concessions to India, saying the withdrawal of the privilege had led to retaliatory tariffs from New Delhi which were hurting U.S. industry. In June, the United States ended its preferential trade treatment for India, removing it from the Generalized System of Preferences (GSP) program that allowed duty-free entry for up to $5.6 billion worth of its annual exports to the United States. India responded with retaliatory tariffs on several products. [India Today]

Meanwhile, Indian prime minister Narendra Modi appeared at a rally of U.S. President Trump in Texas, sending a message of unity despite trade tensions. About 50,000 Indian Americans attended the "Howdy Modi!" rally in Houston. The two leaders pledged to fight terrorism while heaping praise on each other's achievements. India and the US have gradually become natural allies over the past few decades as China's influence in the region grows. [Guardian]

Pakistan refuses Indian airspace request; independence movement in Pakistan-controlled Jammu and Kashmir grows

(ls) In a continued tit-for-tat over the situation in Kashmir, Pakistan refused a request from Indian Prime Minister Narendra Modi to cross its airspace on a flight to Germany last week. Earlier this month, Pakistan also denied use of its airspace to India's President Ram Nath Kovind. [Reuters]

Meanwhile, news of violence and use of force in Indian Kashmir is spreading. Evidence of torture is mounting. New Delhi says the lockdown, with mobile service and the Internet still cut in most areas, is to prevent "terrorists" backed by Islamabad from stirring up trouble. India's national security adviser has denied that the military has committed any atrocities. [Straits Times]

At the same time, Pakistani security responses to a growing independence movement can be seen in Pakistan-controlled Jammu and Kashmir. Pro-independence demonstrations that once attracted dozens of protesters are now attracting thousands. This may be due to fears that the possibility to reunify has been slowly slipping away ever since India increased its control of the divided territory and Pakistan did little to stop it other than to offer negotiations that India refused. [New York Times]

The Maldives's renewed partnership with China in the spotlight

(ls) The Maldives' Foreign Minister Abdulla Shahid met Chinese Vice President Wang Qishan and Chinese Foreign Minister Wang Yi during his first official visit to China. The meeting demonstrates the importance of the Maldives as a partner in China's Belt and Road Initiative. Under the former president Abdulla Yameen, the Maldives forged a close partnership with China, which financed key developmental projects. The current administration came to power after criticizing the mounting debt owed to China and quickly moved to repair relations with India. [Maldives Independent]

The ruling Maldivian Democratic Party fears the debts to China could run as high as $3 billion and risk sinking the economy. Chinese Foreign Minister Wang Yi insisted that the Maldives are not caught in a debt trap and that China's cooperation with the Maldives aims to promote the well-being of the Maldivian people, without political intentions and without seeking geopolitical interests. [Reuters]

Sri Lanka: Presidential candidate Rajapaksa vows to forge closer ties with China

(ls) Sri Lankan presidential nominee Gotabaya Rajapaksa would restore relations with China, the country's top lender, if he wins the November 16 election. Opposition politician Rajapaksa, who is the brother of former president Mahinda Rajapaksa, is widely seen as the frontrunner in November's election due to his popularity among Sri Lanka's Sinhala Buddhist majority for his role in ending a 26-year civil war in 2009. Prime Minister Ranil Wickremesinghe's ruling United National Party (UNP) will name its candidate this week. Ties between Colombo and Beijing soured when current president Sirisena, upon his election in 2015, suspended all Chinese investment projects, citing allegations of corruption, overpricing and violation of government procedures. [Reuters] [Xinhua]

Nepal: Energy politics with India and Bangladesh

(ls) As relations between India and Nepal are deteriorating under Kathmandu's communist government, the Himalayan country's electricity export outlook is also worsening. Over the last four years, two foreign companies have pulled out of two hydropower projects due to the less attractive prospect. Despite signing a Power Trade Agreement in 2014 aimed at easing flows of electricity across the frontier, the process has been stalled by the lack of a policy framework on both sides. However, Nepal also sees Bangladesh as a potential buyer of its energy. Hydropower is one of Nepal's major export sectors. [Nikkei Asian Review]

PM Lee and President Trump renew key defence pact on US use of Singapore air and naval bases

(jk) When the two leaders met in New York on Monday, they renewed a defence pact which allowing American forces to use Singapore's air and naval bases. The renewal added another 15 years and extended the timeline to 2035. [Straits Times]

Philippines' hedging strategy?

(jk) A couple of weeks ago, the Philippines and the US concluded this year's Mutual Defense Board meeting, agreeing to increase joint security activities for 2020. The activities are supposed to go up from 281 planned security cooperation activities this year to "more than 300" for the next. [PhilStar]

At the same time, the Philippine army has signed a deal with a Chinese state telecommunication company that will allow communications equipment to be installed at military bases. While Duterte's office insists that the fears are bordering on paranoia, many lawmakers and outside observers are afraid of possible espionage. [Reuters]

President Duterte's behavior, bizarre as it at times is, is viewed by this pundit as a fairly traditional hedging strategy, and not as bandwagoning with Beijing. [Bloomberg]

First Singapore-India-Thailand trilateral maritime exercises (SITMEX) in Andaman

Sea

(jk) An inaugural trilateral exercise of the Republic of Singapore Navy (RSN),the Royal Thailand Navy (RTN) and the Indian Navy (IN) took place at Port Blair, an Indian territory in the Bay of Bengal, last week. The exercise seeks to improve maritime inter-relationships amongst the three navies and contribute to the overall maritime security in the region. [Devdiscourse]

China holds keel laying ceremony for Royal Thai Navies' first Chinese submarine

(jk) The keel laying ceremony, signalling the beginning of the construction of the vessel, was held earlier this month in Wuhan, China by Chinese shipbuilding group CSIC (China Shipbuilding Industry Corporation). The purchase of the submarine from China was approved back in January 2017 and the first delivery is set for 2023. [Naval News]

The same Chinese company has earlier this month publicised that an agreement with the Royal Thai Navy has been signed on the construction and sale of a Type 071E amphibious transport dock ship. The vessel is set to become Thailand's biggest warship and according to the company, the deal will "substantially deepen collaboration in the arms trade and also help strengthen regional peace and stability." [China Daily]

Thai Princess Sirindhorn to receive China's Friendship Medal

(jk) Her Royal Highness Princess Maha Chakri Sirindhorn, the second daughter of late King Rama IX, will receive China's Friendship Medal next month as the PRC celebrates its 70th anniversary for her efforts in the relations between the two countries. [South China Morning Post]

Background Reading

Myanmar: Origins of the longest civil war in the world

(jk) This is the first of a three part series on the longest civil war in the world. Part one explores the history of Myanmar's conflicts going back hundreds of years when ancient kingdom were struggling for dominance, eventually resulting in domination by the Burmans. An audio version of the article is available. [Global Ground Media]

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