German-Southeast Asian Center of Excellence for Public Policy and Good Governance
CPG

Get the pattern, read the trend

Asia in Review

No. 42, October/2019, 3

Brought to you by CPG

Dear Readers,

Please find enclosed the latest Asia in Review (AiR) with many thanks to those who responded with valuable feedback to our invitation to provide ideas for improvement of our 'new' Asia in Review. Your ideas and opinions will greatly help us to hopefully soon come up with an even better format of the AiR.

In the meanwhile, 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/Hong Kong: Rally for U.S. Bill Supporting City's Autonomy

(dql) Following another violent protest weekend, tens of thousands of pro-democracy protesters rallied on Monday in Hong Kong to call for Washington to pass the Hong Kong Human Rights and Democracy Act. The bill, if passed, will impose penalties upon Hong Kong and mainland Chinese officials found guilty of infringing upon "basic freedoms" in the city, including freeze of their US-based assets and denial of entry into the US. Apart from that it would require Washington to review whether the Hong Kong should continue to enjoy economic and trade privileges under the 1992 US-Hong Kong Policy Act. [Hong Kong Free Press]

For the Act see [House.Gov]

Meanwhile, China's state broadcaster CGTN cited Chinese President Xi Jinping saying during his visit to Nepal on Sunday: "Anyone attempting to split China in any part of the country will end in crushed bodies and shattered bones," adding that "[...] any external forces

backing such attempts dividing China will be deemed by the Chinese people as pipe-dreaming!" [Reuters]

China: Government satisfied with whistle-blowers keeping internet free of 'harmful' content

(dql) Meanwhile, the Cyberspace Administration of China (CAC) announced that in 2018 165 million reports on internet content considered harmful were submitted to the country's internet regulator indicating a large number of whistleblowers among the China's online population and further increasing concerns about censorship in China. [South China Morning Post]

China: Government destroying Uighur graves, satellite images reveal

(dql) According to an analysis, based on satellite images, the Chinese government has, exhumed and flattened at least 45 Uighur cemeteries since 2014, including 30 in the past two years.

While official explanation include reconstruction and standardization, critics see in the destruction of cemeteries an attempt to eradicate Uighur history and identity. [Asia Times]

South Korea: Justice Minister quits after only one month in office

(dql) South Korea's Justice Minister Cho Kuk, appointed by President Moon only last month, resigned on Monday. His appointment came amid a prosecution investigation into his family's financial investments and his children's' university admission and had fuelled massive public discontent in recent weeks, with hundreds of thousands taking to the streets demanding him stepping down. [Channel News Asia] [No. 41, October/2019, 2]

Cho was appointed by Moon with a particular assignment to carry out the reform of the country's prosecution which has been criticized for concentrating too much power as it is exclusively authorized to indict and seek warrants for criminal suspects and control police investigative activities, as

well as to launch criminal investigations even when no complaint has been made. [Aljazeera]

Following Cho's resignation, the main opposition Liberty Korea Party announced that it will remain opposed the government's plan to create a separate agency for investigating crimes by senior government officials. The ruling Democratic Party considers this agency as the core of the prosecution reform. [Korea Herald 1]

In a latest development, Moon's cabinet on Tuesday approved partial restructuring of the prosecutors' office proposed as part of prosecutorial reform plans announced hours earlier. The restructuring involves the shut down of four of the seven special investigation divisions at district prosecutors' offices while the remaining three will be renamed anti-corruption investigation divisions.

The special investigation division, first established in January 1973 and charged with dealing with high-profile cases including those involving major political and corporate figures, had become the embodiment of the prosecution's power. [Korea Herald 2]

Taiwan: KMT presidential candidate Han recall petition hits first of three legal thresholds

(dql) Main opposition Kuomingtang (KMT) presidential candidate Han Kuo-yu is facing political pressure after a petition to recall him as Kaohsiung Mayor reached 300.000 signatures, surpassing the estimated legal threshold in the first of three stages of the recall process. [Focus Taiwan]

The petition was launched in July by the local NGOS accusing Han of neglecting his duties as the city's mayor while pursuing his ambition to become Taiwan's president in the upcoming presidential elections next January.

Law and Politics in South Asia

India's economic slowdown continues

(jk) India's central bank has adapted its forecast for the country's economic growth to 6.1 per cent for this year, down from a previous estimate of 6.9 per cent and has cut interest rates for the fifth time in a year last week. In an attempt to stop the economy from its continuing deceleration, PM Modi last month announced a hefty corporate tax cut from 30 to 22 per cent and moves to privatise some state-run businesses. [Financial Times]

India: Nationwide protests against RCEP launched

(jk) An organisation close to the Hindu-nationalist movement and the ruling BJP party has announced a 10-day protest in India against the Regional Comprehensive Economic Partnership (RCEP). [Live Mint]

India has a number of concerns regarding the trade-deal, including that a liberalisation would crush domestic manufacturers and industries while allowing too many - in particular Chinese goods - to flood its market. Other issues include the local storage of personal data in e-commerce and what type of regulations should govern data storage within RCEP. [South China Morning Post]

Bangladesh forces kill more than a dozen Rohingya refugees over a few weeks

(jk) The recent murder of a ruling party politician in Bangladesh led to violent actions against some Rohingya refugees inside of the refugee camps who

were alleged to have been involved in the murder. In addition to this particular incident, refugees are often accused of being involved in other illegal activities such as drug smuggling or robberies. Human Rights groups say that over the past few weeks more than a dozen Rohingya were killed by Bangladeshi security forces, with local law enforcement not intervening to protect the refugees. [Al Jazeera]

Bangladesh: Thousands of students protest after killing of a student over Facebook post

(nj) Thousands of university students took to the streets in the capital Dhaka and Rajshahi city after a 21-year old student was allegedly beaten to death by some members of the Bangladesh Chhatra League – the student wing of the governing Awami League party - over his Facebook post critical of Bangladesh's recent water-sharing agreement with India, an issue the two countries have been sparring over for decades. [Aljazeera] [India Today]

Prior to killing him, Chhatra League members "interrogated" him over his alleged involvement with Chhatra Shibir – the student wing of Jamaat-e-Islami, the country's largest Islamist party - which has political ties with the main opposition Bangladesh Nationalist Party (BNP).

In his last Facebook post, he had stated three historical instances, in which Bangladesh failed to attain some achievements regarding interests like use of port, water sharing and export of energy resources from its neighbor. [Dhaka Tribune]

Maldives: Government shuts down human rights organisation

(jk) The Maldives government “temporarily” shut down the country’s leading human rights organization, the Maldives Democracy Network (MDN) in order to maintain “public order and communal harmony.” The group had been under pressure from critics, in particular hard-line Islamist groups, claiming that it had insulted Islam when it published a report on radicalisation on its website back in 2015. [Human Rights Watch]

Law and Politics in Southeast Asia

Cambodia: Upcoming return of Sam Rainsy sparks concerns

(ls) As leaders and supporters of Cambodia' dissolved main opposition party, the Cambodia National Rescue Party (CNRP), announced to return to Cambodia from a four-year exile next month (Nov. 9), prime minister Hun Sen said he would regard their comback as an attempted coup d'etat. From his exile, CNRP founder Sam Rainsy has called for an uprising against the longtime leader. The CNRP had been disbanded months before 2018's election by the Supreme Court, following the 2017 arrest of party leader Kem Sokha. [Reuters]

Cambodian authorities have already launched a crackdown on activists and opposition supporters. 37 activists affiliated with the party and former officials have been arrested this year and placed in pre-trial detention; thirteen in September. Since then, four more members have been arrested. [Cambodia Daily]

Indonesia: Chief security minister attacked by suspected terrorist sympathizer

(ls/nj) Indonesia's Coordinating Political, Legal and Security Affairs Minister Wiranto was attacked with a knife by a man suspected to be a sympathizer of the local terrorist group Jamaah Ansharut Daulah (JAD) on Thursday during a visit to a town on the island of Java.

Wiranto has been designated by President Joko Widodo as the person in-charge with the handling of the unrest in the country's West Papua region. He had been previously accused of committing atrocities during Indonesia's occupation of East Timor but was not found guilty. [Al Jazeera] [Jakarta Post]

Malaysia revokes "Anti-Fake News Act" but government remains committed to fight "wrong views"

(ls) As anticipated in last week's AiR edition, Malaysia's parliament on Wednesday revoked the "Anti Fake News Act" of 2018, which made the malicious communication of "fake news" a crime. The lower house of parliament had already voted to abolish the law in August 2018, but the repeal was rejected by the Senate. [Reuters]

Nonetheless, the government expressed the view that fake news needed to be tackled with other laws, such as the Penal Code, Printing Presses and Publications Act, as well as Communications and Multimedia Act. Earlier this month, Prime Minister Mahatir Mohamad said, "the anti-fake news law is good because on social media you find a lot of wrong views coming out and they affect the thinking of the people." He affirmed that the government needed to "curb somewhat the use of fake news, but we have to do that without also curbing the real news." [CNA] [MSN]

Malaysia: Bill on controlling police misconduct not passed

(ls) Malaysia's parliament has not passed the long-awaited Independent Police Complaints and Misconduct Commission (IPCMC) bill. Rather, it was decided that the proposed legislation be referred to Parliament's Special Select Committee for Consideration of Bills. The bill aims to make the police more accountable for its actions, including for the deaths of criminal suspects while in police custody. The call for the law gained support this year following a public inquiry into the disappearances of Malaysian activists in 2016 and 2017. Overall, more than 1,650 custodial deaths were reported in Malaysia between 2010 and 2017. [Straits Times]

The bill's latest edition has been subject to severe criticism from civil rights groups. It accords the prime minister broad discretionary powers to appoint or

dismiss IPCMC commissioners. It also diminishes investigatory powers, does not allow for public hearings and does not clarify procedural ambiguity. Modelled on the Independent Police Complaints Council of Hong Kong and Independent Police Complaints Commission in Britain, Malaysia's IPCMC was to be established by 2006, but the idea was met with political resistance as well as pushback from the police. [South China Morning Post]

Malaysia: Parliamentarians arrested for support of Tamil Tigers

(ls) Two Melakan state parliamentarians from the Democratic Action Party (DAP), which is one of four parties in Malaysia's governing coalition, were arrested on police claims that they support the banned Sri Lankan of the Liberation Tigers of Tamil Eelam (LTTE) militant group. The arrest raised tensions within the Malaysian government. Prime Minister Mahatir Mohamad, however, said the move was not meant to weaken any coalition party. [Straits Times]

Philippines: Increased poverty due to drug war, study finds

(ls) According to a report by development researchers, hundreds of families in the Philippines have plunged deeper into poverty amid the drug war, which was launched by President Rodrigo Duterte about three years ago and in which more than 20,000 people have been killed, according to some estimates. In June 2019, the Philippine National Police put the number at 6,660. The report points out that the death of the male heads of households has reduced the families' incomes for food, clothing, shelter and health. And it left the children at a greater "risk of child labor and exploitation". [South China Morning Post]

Meanwhile, President Duterte's top police chief, General Oscar Albayalde, has been forced to resign following allegations in a Senate hearing that he intervened as a provincial police chief in 2013 to prevent his officers from being prosecuted for allegedly selling a huge quantity of seized drugs. Some of Duterte's political opponents also claim that his son, Paolo, a congressman, and his son-in-law were involved in the shipment of narcotics to the Philippines. [Al Jazeera]

Thailand: Army chief accuses certain politicians of undermining the country

(ls) In a widely discussed and controversial lecture, the Thai army chief General Apirat Kongsompong accused some politicians, academics and "old communist elements" of using "hybrid warfare" to undermine the country and the monarchy. In particular, but without naming him, he referred to Future Forward Party leader Thanathorn Jungroongruangkit. General Apirat said that those involved in supporting domestic unrest cannot operate without the support of both local people and allies abroad. [Bangkok Post 1]

In a separate development, a sedition complaint by the Internal Security Operations Command (ISOC) was filed with police in Pattani province against 12 people who shared their views on the constitution during a public discussion. One academic who took part in the discussion referred to the possibility of amending Section 1 of the constitution, which requires that Thailand remain an indivisible kingdom. [Bangkok Post 2]

International Relations, Geopolitics and Security in Asia

China-USA trade relations: Preliminary deal reached

(dql) Beijing and Washington reached a preliminary trade deal last week, with US President announcing on Friday a “very substantial phase one deal”, adding that both sides have “come to a deal on intellectual property, financial services, a tremendous deal for the farmers - a purchase of from $40-50 billion worth of agricultural products." Furthermore, Treasury Secretary Steve Mnuchin confirmed that a threatened tariff hike, scheduled to take effect next week, has been suspended. [CNN]

China: On Beijing’s ‘data-driven power expansion’

(dql) A recently released policy brief claims that China is “engag[ing] in data collection on a massive scale” aimed to “support its efforts to shape, manage and control its global operating environment, and to generate cooperative and coercive tools of control.” It cites Global Tone Communications Technology Co. Ltd, a subsidiary of a Chinese state-owned enterprise supervised by Central Propaganda Department. The big data and AI company collects data from around the world in more than 65 languages and claims that just one of its platforms harvests “10 terabytes of data per day (equivalent to 5 trillion words of plain text) as part of its ‘cross-language big data’ business, and 2–3 petabytes annually (equivalent to 20 billion photos on Facebook).“ [ASPI]

Cross-Strait relations: Tsai's message of defiance to Beijing on National Day

(dql) Hardening her anti-China stance, Taiwan’s President Tsai Ing-wen in her speech on the National Day last week accused China of “challeng[ing] free, democratic values and the global order through a combination of authoritarianism, nationalism, and economic might,” adding that under these conditions “Taiwan has become the first line of defense for democratic values.”

Tsai’s remarks come about three months ahead of the presidential election. Benefiting from the developments in Hong Kong, she is far ahead of Kuomingtang contender Han Kuo-yu, with approval rating at 41% in latest polls. [Nikkei Asian Review]

Menawhile, Beijing has been accused of resorting to “visa blackmail” to exert pressure on Taiwan after it was reported that a US congressional delegation

was denied entry to China because a visit to Taiwan was also planned. [Wall Street Journal]

China and Russia sign huge petrochemical agreement

(dql) China National Chemical Engineering Group Corporation and Russian RusGasDobycha have signed an petrochemical contract worth around 13.25 billion USD to build a natural gas processing and chemical plant.

This project is said to be the world's ethylene integration project, the biggest single contract in the global petrochemical field, as well as the biggest contract signed by Chinese enterprises. [China Daily]

Pakistan-India-China: Imran Kahn's China Visit and Modi-Xi meeting

(jk) For the third time in a year, Pakistan's PM Imran Khan visited Beijing last week. While Pakistan has been one of the largest recipients of Chinese BRI investment, its financial input has dropped sharply (77%!) over the past fiscal year. [Bloomberg] Despite the economic slowdown, China has been supportive of Pakistan, not least with regards to the ongoing situation Kashmir vis-a-vis India. The visit came just days before Chinese President Xi was scheduled to meet Indian PM Modi.

PM Khan was accompanied by army chief General Qamar Javed Bajwa, who met with Senior Chinese Generals. China has long been supportive of Pakistan's army and plays an active role in most of Pakistan's defence deals. A recent one included support to build and sell (not least by handing out a loan to the purchasing party) JF-17 fighter jets to Myanmar. [Nikkei Asian Review]

The India Summit, a two-day informal summit in India that followed, saw a lot of public "understanding" of each other's policies and sensitivities, as well as commitments to boost economic ties. The leaders addressed the trade deficit India has with China (some $53bn) and also India's ongoing concerns over a lack of market access to the Chinese market and the Regional Comprehensive Partnership Agreement (RCEP). The issue of Kashmir was not discussed. [Al Jazeera] Ahead of Xi's arrival, police detained the chief of the Tibetan

Youth Congress and 11 Tibetan students who were allegedly planning to protest during the visit.

On more general level, an interesting recent background paper describes how Pakistan and China are driving Indian defence policy and how the Indian defence sector must reform to stay relevant. [KAS]

Chinese President visits Nepal

(jk) After Xi's India visit (above), he went on to Kathmandu to meet and discuss Beijing's infrastructure development programme there. Among the more ambitious projects are a 70-km rail link that will connect Gyiron in Tibet with Nepal's capital city and a proposed 28-km road tunnel that will more than halve the distance from Kathmandu to the Chinese border.

The visit was controversial for Nepal is traditionally a close ally of India and this was the first such visit in over two decades. The geopolitical and domestic political shifts of late are affecting Nepal which is looking to diversify its external relations.

Xi and Nepal's President Bidya Devi Bhandari announced a "strategic partnership of cooperation featuring ever-lasting friendship for development and prosperity". A number of MoUs were signed, in addition to a promise of investing around US$500 million in different development projects. [India Today]

An additional point of contention is the fact that Nepal is home to thousands of exiled Tibetans, who are facing and increasingly tough communist government that is moving closer to Beijing and "would never allow any anti-Chinese forces to operate in Nepal". [South China Morning Post 1] [South China Morning Post 2]

Two Bangladesh Navy ships in India for maiden bilateral exercise

(jk) Two ships of the Bangladesh Navy have reached India for a four-day bilateral navy exercise which will mark the first time the two navies exercise bilaterally. [India Today]

India takes first delivery in controversial Rafale jet deal from France

(jk) India last week received its first of 36 Rafale fighter jets ordered from France in 2016 after the deal was held up by numerous allegations of corruption brought forward by the opposition Congress Party. Although allegations have not gone away entirely, in December last year a court decision in India dismissed calls for an investigation into the deal, saying it saw no evidence of "commercial favouritism." [Asia Times]

Are China and Bhutan close to striking a Doklam deal?

(jk) [The Print], citing a "top government official" claims that "China and Bhutan are working out something with regard to their dispute in the Doklam plateau. The status quo is being maintained and both sides (India and China) are holding on their positions as per the de-escalation move," which, if true, would mean that China were to keep the territory it has "claimed" since the Doklam stand-off two years ago.

In 2017, China moved into Bhutanese territory and began building a road in a strategically dangerous location for India. Indian forces then stepped in and physically prevented the road building to continue. After about two months, Chinese agreed to stop building the road and retreated a couple of hundred metres. This "holding line" could now become the "working boundary

RCEP negotiations in Bangkok struggling to accommodate India's demands

(ls) Negotiations on fourteen out of 20 chapters of the proposed Regional Comprehensive Economic Partnership (RCEP) have been concluded at a meeting of ASEAN trade ministers in Bangkok. RCEP includes ASEAN's ten member states, plus Australia, China, India, Japan, New Zealand and South Korea. Thailand, the current ASEAN chair aims to seal a deal that could be signed during the ASEAN summit next month. [Straits Times]

According to observers, the main hurdle for finalizing the agreement is the negotiation position of India. Among the controversial issues are provisions on the

mechanism for investor-state dispute settlement, exemptions for ratchet obligations and data localization. Key allies of Indian prime minister Narendra Modi's ruling Bharatiya Janata Party (BJP) have mounted a nationwide protest against the RCEP, claiming the deal will be ruinous to local industries. [South China Morning Post]

Duterte, following Vietnam, invites Rosneft to explore oil and gas field in South China Sea

(ls) Philippine President Rodrigo Duterte has invited the Russian company Rosneft to conduct oil and gas exploration in the Philippines, including the contested South China Sea (West Philippine Sea). The development needs to be seen against the background that Russian companies, including Rosneft, are already helping Vietnam explore for oil and gas in similarly contested waters. Despite warnings from Beijing, Russian firms have not abandoned the projects. Thus, it appears that Duterte may have adopted Vietnam's strategy in this regard. [Rappler]

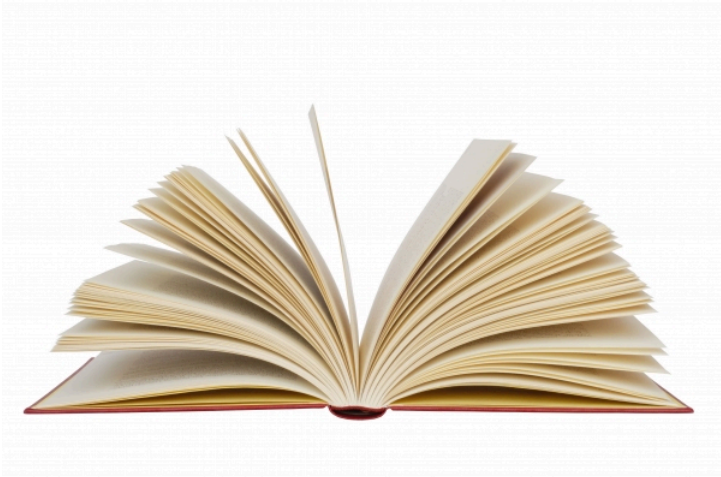
Power shifts between Laos and Vietnam as new dam opens this month

(ls) In Laos, the Xayaburi hydroelectric dam is scheduled to open this month. It is widely expected to reduce water, fish and sediment to about 50 million people downriver, many in Vietnam. However, Vietnam has not openly protested the dam. Observers consider that this is not only due to the countries' self-perception as socialist "brothers" but also because of China's growing influence in land-locked Laos. China has helped build infrastructure, most notably a high-speed rail line and special economic zones. Some of the projects fall under China's 6-year-old Belt and Road Initiative. As Vietnam is witnessing the growing Chinese influence in neighboring Cambodia, analysts say that Hanoi may not want to offend Vientiane and push it closer to Beijing too. [VOA]

At the same time, also Vietnam itself faces the dilemma how to overcome a domestic infrastructure bottleneck to promote economic growth while fending off unwarranted economic and security influences from China. Vietnam needs private capital and technical expertise to build projects in a timely and efficient manner. Reserving these projects for domestic

investors may cast doubt on the economic rationality of decision-making. [ISEAS]

Background Reading



Lord Reid and the framing of the Malayan federal constitution

(ls) The Journal of Southeast Asian Studies has published a piece by Joseph Fernando on the Scottish Lord Reid's influence on the framing of the Malayan (later: Malaysian) federal constitution. The article argues that Reid was the main playmaker and moderator during the constitution-framing process and played a critical role in ensuring a balance that was achieved between the competing demands of the federal government and the states, safeguarding the fundamental rights of the citizens against the state, and in moderating the various communal demands. [Journal of Southeast Asian Studies]

We would greatly appreciate your feedback! Please send any feedback you have regarding this newsletter to: info@cpg-online.de

Also, don't forget to Like CPG on Facebook, and browse our *website* for other updates and news!

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

Preferences | Unsubscribe