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Asia in Review

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Dear Readers,

Welcome to the first issue of 'Asia in Review' (AiR) in November providing you an update on the latest developments in constitutional politics, law reform and governance as well as in geopolitics and international relations in Asia.

I wish you an informative read.

With the best wishes,

Henning Glaser

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Law and Politics in East Asia

Japan: Justice Minister becomes second minister to resign in less than a week

(ls) Japanese Justice Minister Katsuyuki Kawai resigned on Thursday following media reports of election irregularities by his wife who is a ruling party lawmaker. Kawai said he was stepping down to avoid harm to public trust in the justice system. He became the second cabinet minister to step down in less than a week. [Reuters]

Before, Trade Minister Isshu Sugawara has already resigned over similar allegations. Both are alleged to have given gifts to voters. Some observers say that the development are signs of party hopefuls competing for the right to succeed Prime Minister Abe, alleging that the relevant leaks to a tabloid may have come from rival factions within the Liberal Democratic Party (LDP). [Straits Times]

The Japan Times sees nothing unique in the reshuffle and writes that it was a demonstration of Abe's command over the LDP and that the Cabinet is filled with members of Abe's inner circle and close allies.

According to this reading of events, Kawai and Sugawara did not belong to this circle. [Japan Times]

South Korea: Bill on combatting child pornography tabled

(ls) According to a draft bill, South Korea is moving to clarify its definition of child pornography and increase sentences for people convicted of owning such imagery following a global investigation into a South Korea-based dark website. The new bill calls for the penalties to be raised to up to three years in prison or 30 million won ($25,740) in fines, while defining child pornography as “abuse”. [Al Jazeera]

Hong Kong: Joshua Wong barred as candidate for District Council Elections

(jk) Joshua Wong, Hong Kong's well-known pro-democracy activist, was barred last week from running in district council elections to be held later in November. The number of candidates in local elections that are from the pro-democracy camp have increased in Hong Kong since the beginning of the ongoing protests against the increasing control of the PRC government, but thus far, no other candidates have been banned.

Wong will not be able to stand in the elections for his "advocacy of self-determination" of Hong Kong which does not comply with "requirements of the relevant electoral laws, since advocating or promoting ‘self-determination’ is contrary to the content of the declaration that the law requires a candidate to make to uphold the Basic Law and pledge allegiance to the HKSAR,” according to a government statement.

Wong rose to the top of the pro-democracy movement in 2014 when he was part of the student leadership of the umbrella movement. To him, his ban all but proves the PRC's manipulation of elections in Hong Kong. [Hong Kong Free Press] A number of District Council representatives is also involved in the election of Hong Kong's Chief Executive from a pre-selected pool of candidates.

PRC: China launches 5G in major cities

(jk) Three of China's big telecom companies started selling 5G plans starting at around 20 USD per month on November 1 [Reuters]. The new mobile phone networks are up to 100 times faster than before and the technology promises to support many new technological innovations such as autonomous driving. China now has the largest commercially operating 5G network in the world, with country's largest provider, China Mobile, which has 900 million subscribers, saying it will be able to offer 5G services in over 50 cities this year. [Al Jazeera]

PRC: CCP's Central Committee holds Fourth Plenum of the 19th Party Congress in Beijing

(jk) The anticipated fourth plenum held in Beijing last week came to a conclusion, widely regarded as having focussed mainly on doubling down on current developments and refrained from indicating any meaningful changes. Most importantly, as there was a lot of talk about changes in leadership or even indications of who may follow Xi Jinping as President, no major changes occurred in the end.

By and large, the plenum focussed on the notion that the Party needs to lead everything and the advantages of the PRC's system of socialism with Chinese characteristics. [Sinocism, Radio Free Asia]

PRC: Beijing extends benefits for Taiwanese weeks before Taipei election

(jk) The PRC government has announced "26 measures" that will grant Taiwanese people and businesses more equal treatment with mainlanders. The measures are designed to attract more people and business from Taiwan to the mainland but are being dismissed by the government in Taipei's Mainland Affairs Council (MAC) as a mere attempt to buy political support ahead of the elections in January. A similar package, containing 31 measures, was decided upon back in March, but according to the MAC, the measures had not been executed properly.

Joseph Wu, Taiwan's foreign minister, responded with a tweet, written in simplified Chinese: "China's Taiwan Affairs Office came out with 26 measures and last year there were 31 – it looks like there are so many measures. But we in Taiwan do not need one country, two systems, so there is really no need to be so polite.

Giving your people more freedom is also good!" [Focus Taiwan, South China Morning Post]

Law and Politics in South Asia

India to build nation-wide face recognition system

(ls) The Indian government has started the procurement procedure for its planned National Automated Facial Recognition System which is aimed to provide a centralized database for police forces across its 28 states. Once in place, it will be the world's largest facial recognition system. According to current plans, the connected database will draw on images from existing records of prisoners, photos in passports, and "any other image database" with any entity. The Indian parliament did not debate the issue so far. [Straits Times 1]

Meanwhile, several professors, journalists, human rights lawyers and activists have been the victim of a hacking attack that compromised several WhatsApp accounts, enabling the hackers to monitor chats. The attacks appear to have been conducted with use of the spyware Pegasus, which was also used to hack into the phones of around 1,400 users globally over two weeks in May. Opposition leaders and critics accused the Modi government of being caught snooping, a charge dismissed by officials. [Straits Times 2]

Pakistan: Mass protests demand Prime Minister Khan to step down

(ls) Thousands of protesters gathered at an anti-government rally in Pakistan's capital Islamabad over several consecutive days last week, starting a sit-in to force the government to step down. Conservative opposition leaders called Prime Minister Imran Khan's government illegitimate and incompetent and criticized the military's close ties with Khan's Pakistan Tehreek-e-Insaf (PTI) party. The military denied meddling in politics and declared its continued support for Khan's government. During the past year, the government has arrested and prosecuted several high-ranking opposition politicians, including former Prime Ministers Nawaz Sharif and Shahid Khaqan Abbasi. [Al Jazeera] [Reuters]

The Tribune describes why the history of anti-government marches, some of which invited military intervention, is as old as Pakistan itself. Since 1953, almost all political and religious parties have used them as a tactic to pressure or topple governments in the past. In 2014, PTI supporters with then opposition leader Khan besieged the parliament for 126 days seeking the resignation of Nawaz Sharif over alleged electoral fraud. [Tribune]

Sri Lanka: Analyses before the upcoming presidential election

(ls) In the lead-up to Sri Lanka's presidential election on 16 November, Marwaan Macan-Markar analyzes Gotabaya Rajapaksa's election strategy and his family's persistent influence in Sri Lankan politics. He argues that the Rajapaksas are set to fight this election on the populist staples of security, ethnicity and religion, and that the vote could profoundly shape the direction of Sri Lanka's politics, as the clan was working to establish a political dynasty, threatening to unwind more than four years of democratic progress. [Nikkei Asian Review]

From a constitutional law perspective, Asanga Welikala predicts that the winning political bloc will summon up all political muscle, possibly with little respect for the formal procedures set down in the Constitution. He argues that, while the Constitution now embodies an institutional model of executive power-sharing, the winner-takes-all political culture may not yet be ready to embrace the implications of that framework. [Sunday Observer]

Meanwhile, Sri Lanka's governing party presidential candidate, Sajith Premadasa, who is the main opponent of Rajapaksa, has also pledged to refocus

the country's security policy and introduce tough laws to tackle religious extremism, illegal drugs and corruption. He also aims to introduce new legislation to provide severe penalties for hate speech and misinformation. [Al Jazeera]

Bangladesh: Opposition politician sentenced for critical remarks

(nj) A member of the opposition Bangladesh Nationalist Party was sentenced to three years for statements that criticized Prime Minister Sheikh Hasina. The charges were public mischief and criminal conspiracy. The affair started at a rally in 2018 when the politician gave a speech saying that Hasina's fate would be worse than that of her father, who was Bangladesh's first president and assassinated in 1975. The opposition claims that the court decision is politically motivated and another example of the suppression of freedom of expression by the government. [Aljazeera]

Law and Politics in Southeast Asia

Singapore: Discussion on academic freedom amid cancellation of Yale-NUS course

(jk) Earlier in September, Singapore's Yale-NUS collage cancelled a course on dissent only two weeks before it was scheduled to start, sparking a wider discussion on academic freedom in Singapore. One if the reasons for

the cancellation, Yale-NUS said was that students could have been at risk of breaking the law. [Bangkok Post]

Reflecting on attitudes towards activism and dissent in Singapore more broadly, is the Chief Editor of [New Narratif], a platform often in the government's focus with regards to online dissent and critical perspectives on Singaporean leadership.

Philippines: Baghdadi's death affecting SEA, return of ISIS sympathizers

(nj) The recent reports on the death of Isis leader Abu Bakr al-Baghdadi led Indonesia, Malaysia and the Philippines to take precautions for possible retaliatory attacks from radical sympathizers and Southeast Asian militants returning to the region. Baghdadi's death is a massive backlash for Isis, however, many people still believe in the ideology hoping to find a solution for their problems as economic hardships and discrimination remain.

In Isis largest attack in Southeast Asia in 2017 pro-Isis-cells and groups managed to control territory and obtain military experience for five months due to large ungoverned spaces and poorly secured areas on the southern Philippine island Mindanao. While government troops taking back control that Oct. 1.100 people were killed in the fights. Terrorist experts are therefore assuming that Isis sympathizers are likely to travel to the Philippines as a "hotbed" for terrorist and separatist groups. [The South China Morning Post]

Myanmar: 1-year jail sentence for making fun of Myanmar's military

(nj) Five members of a group of satirical actors have been sentenced to one year jail by a Myanmar court for making fun of the country's military during a traditional satirical dance performance. The actors posted a Facebook live-stream of the performance to reach the masses and approached the wide-spread discontent concerning the dominant involvement of the military in economy. A total of seven people were arrested in April this year during Myanmar´s New Year Festival and have been held in Yangon´s prison since then after being denied bail. [The Washington Post]

"Thangyat" - the performance- is a Burmese traditional dance and music performance, often used to voice opinions on social and political issues. The tradition

had been banned for over twenty years by the military. [Aljazeera]

Indonesia: man flogged 28 times for adultery

(nj) An Indonesian man was flogged 28 times for having an affair with a married woman. The punishment had been carried out in Aceh province, the only region in Indonesia that imposes Islamic law. The man found guilty of adultery helped to draft the law outlawing consumption of alcohol, gay or premarital sex and adultery. [The Guardian] [BBC]

Human rights groups criticise East Asia Summit for not including human rights issues

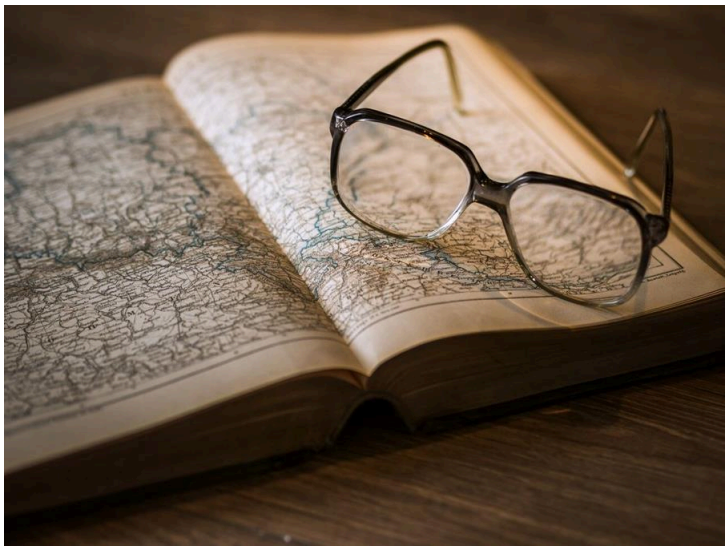
(jk) Rights groups criticised the state of human rights protection in Southeast Asia in particular over the weekend as they pointed out that the big summits, such as the East Asia Summit, do not include official discussions or statements on the deteriorating human rights situation in the region.

Human rights watch and other organisation expressed grave concern over the fact the Rohingya crisis, the war on drugs in the Philippines, the punishment of the LGBT community or enforced disappearances of activists were largely ignored throughout the summit. [Bangkok Post]

The Rohingya refugee crisis, although not in these terms, was mentioned at length in the final statement of the 35th ASEAN Summit however. ASEAN leaders noted their desire to facilitate the safe, secure and dignified return displaced persons currently in Bangladesh to Rakhine State from which they fled. [Chairman's Statement Of The 35th ASEAN Summit] At the same time, they commended the work of AICHR, the ASEAN Intergovernmental Commission on Human Rights [for background on AICHR, see this article in CPG's COM Online Magazine 4/2019]

International Relations, Geopolitics and Security

in Asia



U.S.-Taiwan cyber exercises open in Taipei

(jk) Taiwan and the US are hosting a multinational security exercise in Taiwan, focussing on cyber-attacks, in particular from mainland China. In 2018, Taiwan's public sector faced "an average of 30 million cross-border cyberattacks per month [...] with about half of all the attacks [coming] from China". The US and Taiwan have also invited other nations to join the exercise, including teams from Australia, Japan, Malaysia and the Czech Republic [Focus Taiwan].

"Phase One" U.S.-China trade agreement postponed after Chile canceled APEC

(jk) After Chile has canceled major global summits on the economy and environment in the coming weeks due to unrests in the country, US President Trump will now not be able to sign a first-step trade deal with China as had been hoped for. US White House officials had said there were plans to meet with China's President Xi Jinping to sign a "phase one" trade pact in preparation for a more comprehensive trade deal next year at the scheduled Asia-Pacific Economic Cooperation (APEC) summit. [Washington Post]

Although no alternative concrete arrangements to sign a phase-one, or any agreement at all, have been made, Chinese Vice-Premier Liu He spoke with US Trade Representative Robert Lighthizer and Treasury Secretary Steven Mnuchin on Friday, indicating that alternatives are being discussed. [China Daily] Despite the APEC cancellation, signing a phase-one deal is

likely, but the question of how substantial it will be and how fast one can proceed to the next phase, remain.

Chinese deal with Solomon Islands strengthens its hand in the Pacific

(jk) Chinese companies will build and control important infrastructure such as power and port facilities, roads, rail and bridges on Guadalcanal, in the Solomon Islands, as part of a US$825 million deal to revive an abandoned gold mine. New details emerged on the deal that was announced in September, just after the Solomon government announced a switch of diplomatic ties from Taipei to Beijing. [Reuters]

Earlier in October, it was also announced that the People's Republic of China had leased the island of Tulagi from Solomon Islands - a strategically relevant base for base for commercial or military activity. [ASPI Strategist]

Japan-South Korea relations ready to improve?

(ls) South Korea's President Moon Jae-in and Japanese Prime Minister Shinzo Abe met on the sidelines of the ASEAN summit in Bangkok and resolved to enter into high-level talks on the deepening political and trade row between the two countries. South Korea has been urging Japan to lift trade measures it imposed after South Korea's Supreme Court ordered Japanese firms to compensate wartime forced laborers. If Japan agrees, South Korea says it could revoke a decision to end the General Security of Military Information Agreement (GSOMIA) on the sharing of military intelligence. [Reuters]

Meanwhile, also South Korean Minister of National Defense Jeong Kyeong-doo called for the country's military information-sharing pact with Japan to be maintained, saying it contributed to South Korea's national security. The United States has also been calling on Seoul not to withdraw from the agreement. [Japan Times]

Before, also Japanese and South Korean lawmakers agreed to work towards easing the tensions. [South China Morning Post]

North Korea launches rocket ahead of possible talks with U.S.

(ls) North Korea has conducted its third test-firing of a new “super-large” multiple rocket launcher that it says expands its ability to destroy enemy targets in surprise attacks. The launches followed statements of displeasure by top North Korean officials over the slow pace of nuclear negotiations with the United States and demands that sanctions and pressure on their country were eased. [South China Morning Post]

Meanwhile, South Korean member of parliament Lee Eun-jae said that North Korea and the United States could hold another round of working-level talks as soon as mid-November to expedite progress before a year-end deadline set by the North. [Reuters]

The United States and South Korea are also likely to suspend a planned air force military drill for the second straight year to avoid increasing tensions. [Straits Times]

ASEAN: Vietnam assumes ASEAN chairmanship under “Cohesive and Responsive” Theme

(jk) Following the closing ceremony of the 35th ASEAN Summit and related summits in Bangkok on November 4, the ASEAN chairmanship for 2020 was passed on to Vietnam. Vietnamese PM Phuc stated in his speech that Vietnam's theme for the ASEAN Year 2020 will be “Cohesive and Responsive”. He laid out that Vietnam will focus on "fostering the bloc’s sustainable cohesiveness through consolidating solidarity and unity, increasing economic connectivity, further intensifying the values and identities of the ASEAN Community, improving the efficiency of ASEAN’s apparatus, and stepping up relations with the bloc’s partners in the global community." [Saigon Online]

RCEP: 15 countries (RCEP minus India) declare they have agreed and will sign in 2020

(jk) During the Regional Comprehensive Economic Partnership (RCEP) summit in Bangkok on Monday, 15 countries (The ASEAN-ten, Korea, China, Japan, Australia and New Zealand) agreed to all 20 chapters

of the RCEP and stated that they were "willing to sign" the deal in 2020.

All participating countries agreed to make efforts to resolve the remaining issues surrounding India's concerns, so it too, can participate. [The Korea Herald]

Despite the positive spin on this development, it will remain a disappointment that RCEP could not be completed and signed by the end of this year as it was initially (if very optimistically) stated.

This disappointing if not entirely unexpected outcome was underscored by the US decision to downgrade US representation at the East Asia Summit, also held in Bangkok this past weekend. It was the first time since the EAS was established in 2005, that a country at the summit was represented by an official below the rank of foreign minister. Instead the US sent the new National Security Advisor, Robert O'Brien, as the Special Envoy to the upcoming EAS and the US-ASEAN Summit. [ISEAS Commentary]

India effectuates Jammu and Kashmir's end of autonomy, sparking diplomatic protest

(ls) Last Wednesday, the Indian government formally revoked Jammu and Kashmir's constitutional autonomy and split it into two federal territories, Jammu and Kashmir, and Ladakh. The state's constitution, its penal code and state flag were nullified. The region is now subject to the same central laws as all other Indian territories. Jammu and Kashmir will have its own state legislature, while Ladakh will be controlled from the capital. In August, the government of Prime Minister Narendra Modi had tabled the relevant legislation in the Indian parliament to approve the end of article 370 of the constitution, which for over 70 years has guaranteed special privileges to the predominately Muslim region. [The Guardian]

Pakistan's government rejected the move and said that the latest political maps issued by India, which showed the entire Kashmir region as part of India, were "incorrect and legally untenable" under international law. [Telegraph India] China, which considers parts of Ladakh as part of its territory, also condemned India's decision. A spokesperson of the Foreign Ministry said that "this is awful and void, and this is not effective in any way and will not change the fact that the area is under China's actual control." [Reuters]

Germany-India relations: Chancellor Merkel in New Delhi

(ls) Last week, German Chancellor Angela Merkel's visited New Delhi and met with Indian Prime Minister Narendra Modi. The talks were focused on trade, investment, regional security and climate change. Merkel called for a new attempt to negotiate a European-Indian free trade agreement. Negotiations for a comprehensive Free Trade Agreement (FTA) between the EU and India were launched in 2007 and, according to information from the EU Commission, suspended in 2013 due to a "gap in the level of ambition between the EU and India." [DW] [European Commission]

Merkel also pledged one billion euros to help Indian cities switch to green transport over the next five years. During her visit, she witnessed New Delhi's pollution which, as often at the beginning of November, reached "emergency" levels. [South China Morning Post] Speaking about the situation in Kashmir, Merkel said that the conditions in which the people of Kashmir were living were unsustainable and had to be improved. [India Today] Shortly before her visit, almost 30 Members of the European Parliament, mostly from far-right parties, traveled to Indian-administered Kashmir in an unofficial visit. [Al Jazeera]

India cooperates with Saudi Arabia on security issues

(ls) India and Saudi Arabia emphasized their good cooperation on security issues, including counter terrorism, as Indian Prime Minister Narendra Modi was on a visit to Riyadh earlier last week. Saudi Arabia is a key ally of Pakistan. Nonetheless, Modi said the two countries were also in the process of entering into agreements on security cooperation, collaboration in defence industries, and that they have agreed to hold a comprehensive security dialogue mechanism between them. Saudi Arabia last month said it was looking at investing $100 billion in India in areas of energy, refining, petrochemicals, infrastructure, agriculture, minerals and mining. [The Hindu]

Background Reading

Victim's tale of time in Xinjiang prison

(jk) [Focus Taiwan's] report on the experiences of a female prisoner who says she has spent 15 months inside a Chinese "re-education" camp in Xinjiang.

The effects of American anti-abortion policies on Nepal

(ls) A detailed report on Buzzfeed describes the effects of conservative American politics on parts of Nepal's health care sector. It lays out how, shortly after U.S. President Donald Trump was elected, he activated a "global gag rule" (GGR), banning US funding of foreign NGOs that provide abortion counseling or referrals. The article argues that, for a country like Nepal where the health care sector relies heavily on U.S. aid, the effects were very negative for women's health. [Buzzfeed]

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