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Asia in Review

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Dear Readers,

The AiR team is presenting you the first issue of 'Asia in Review' (AiR) in December 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

Hong Kong protests: Violence returns

(dql) Hong Kong's district elections last week [No. 48, November/2019, 4] saw violence pause for the first time in months of unrest. This past weekend, however, clashes between protesters and police returned during a protest on Sunday in which the demonstrators reasserted their five demands, among them universal suffrage for Hong Kong's leader and legislature and an independent inquiry into alleged police brutality during the protests. So far, the city's government has only accepted one of those demands by withdrawing the extradition law. [ABC].

In support of the protest movement, over 1,000 Hong Kong advertising workers on Monday staged a rally in the city to begin a week-long strike to be held over lunchtime on each day until Friday. [Hong Kong Free Press]

In a latest development, pro-democracy lawmakers have presented a draft bill to amend the Hong Kong's Public Order Ordinance. It calls for a change of the definitions of unlawful assembly and riot as well as for a reduction of the relevant punishments from maximum five years to maximum six months for unlawful assembly and from maximum ten years to

maximum three years for rioting. [South China Morning Post]

China: New regulation requires face scan for mobile phone registration

(dql) On 1 December a regulation of China's Ministry of Industry and Information Technology of September has come into force requiring a face scan of the customer when registering mobile phone services, in addition to providing a copy of the identity card.

According to the Ministry, the regulation is supposed to "protect the legitimate interest of citizens in cyberspace" by using artificial intelligence and other technologies to secure that the faces of customers buying new SIM cards match their identity documents. Critics, however, have raised concerns over a deepening of China's already far-reaching surveillance regime. [South China Morning Post] [Ministry of Industry and Information Technology, China, in Chinese]

South Korea: Filibuster threat paralyzes parliament

(dql) South Korea's main opposition Liberty Korea Party (LKP) is playing legislative hardball in their attempt to stop contentious bills pending in the parliament. Last week it announced to make use of filibuster on 199 bills which had been scheduled to be voted on last Friday, including those on the electoral reform bill and the bill on the set up of a independent agency to investigate corruption cases involving high ranking officials which the LKP fiercely rejects. Due to the filibuster threat Friday's plenary session was suspended leaving the 199 bills pending.

The DP, accusing the LKP of an "anti-democratic and treacherous act", announced that it would take "strong, emergency action" and seek cooperation with four minor parties. [Yonhap] [Korea Times]

Law and Politics in South Asia

India: Breathtaking finale in Maharashtra government formation sees BJP lose

(ls) Reversing last week's news about the formation of a Bharatiya Janata Party (BJP)-led government in India's prosperous Maharashtra state, BJP's already sworn-in chief minister Devendra Fadnavis resigned on Tuesday. This move came after the Supreme Court on Monday had stepped in following a petition filed by the opposition alliance. It ordered a test vote in the legislature so that Fadnavis could prove his majority. This vote, however, was won by the opposition, consisting of Shiv Sena, the Congress and the Nationalist Congress Party. Before the vote, several MPs changed their allegiances in high frequency. Political analysts describe the developments in Maharashtra as unprecedented. To prevent further defections, the opposition alliance took away mobile phones and confined MPs in hotel rooms. [Straits Times] [The Hindu]

Since last year, the BJP has been removed from several state governments. Though Prime Minister Narendra Modi celebrated a landslide victory in this year's federal elections, key states have been lost. Maharashtra is considered particularly important due to its elevated economic and financial status. [The Wire]

Pakistan Supreme Court confronts army chief and prime minister

(ls) The Supreme Court of Pakistan has granted a six-month extension to the term of the country's army head, General Qamar Javed Bajwa, after initially blocking a three-year extension of his tenure over several irregularities. The decision could weaken the authority of the government, led by Prime Minister Imran Khan's Pakistan Tehreek-e-Insaf (PTI) party. The

government has enjoyed good relations with the armed forces. During Bajwa's tenure, the military has been accused by opposition politicians of helping Khan win the election last year. [Al Jazeera]

The Court directed the government to complete the necessary legislation regarding the extension rules in the constitution if it wants to extend Bajwa's term beyond six months. In its judgment, the Court observed that the government kept changing its stance, sometimes referring to a reappointment and other times mentioning an extension. [Gulf News]

The Court's ruling is seen as a challenge to the army chief's position, which is rare in a country that has been ruled by the army for more than half of its seven decades. In the last two decades, only General Raheel Shareef retired on time, while General Ashfaq Parvez Kayani and President General Musharraf stayed on beyond their prescribed tenures. The current situation reminds of a face-off in 2007 between Musharraf and the judiciary under then Pakistan Chief Justice Iftikhar Chaudhry, who had been removed by the military ruler. Eventually, this contributed to the downfall of the Musharraf regime. [Indian Express]

Maldives: Ex-president Yameen sentenced to five years in prison

(ls) Former Maldivian president Abdulla Yameen has been found guilty of money-laundering by a criminal court. The 60-year-old opposition leader was fined US$5 million and sentenced to five years in prison, the minimum jail term stipulated in the 2014 anti-money laundering law. Yameen had served from 2013 to 2018. During his tenure, several opponents were exiled and jailed. A famous critic/blogger was killed. [Maldives Independent]

During the five years that Yameen was president, the relationship between the Maldives and India deteriorated because of Yameen's favorable stance toward China which invested millions of dollars in the archipelago. After Yameen's tenure ended, relations between India and Maldives have improved. [Indian Express]

Bangladesh: Death penalties for seven terrorists over 2016 attack that killed 22

(ls/nj) An anti-terrorism tribunal in Bangladesh has sentenced seven suspects to death for the killings of 22 people in a major terror attack in Dhaka suffered three and a half years ago. In the attack, the militants shot dead several foreigners, including nine Italians, seven Japanese, a US citizen and an Indian. Two police officers were killed in grenade blasts as they tried to take the assailants on inside the café. Two employees of the eatery also died in the attack. [BDNews24]

Law and Politics in Southeast Asia

Philippines: Duterte's promise more 'build build build' but doubts remain

(jk/nj) President Rodrigo Duterte wants to have started a hundred projects under his programme 'build, build, build' before he steps down in 2022. When Duterte took office in 2016 he promised to spend billions of USD to improve infrastructure by for example expanding roads, railways, dams and airports. The program initially consisted of 75 key projects, out of which two have been completed, others recently "shelved" as they were deemed unfeasible.

His current plan is nevertheless to increase that number of projects and to steer away from developmental aid for financing and including more private funding from national companies. Besides bureaucratic delays and financial challenges, "build, build, build" faces problems like corruption and worker shortages. [South China Morning Post 1][Nikkei Asian Review 1]

The upcoming Southeast Asian Games which are hosted by the Philippines bring additional, unwanted attention to both the infrastructure problems in the country as well as the difficulties getting "build, build, build" properly off the ground. While athletes have complained about running short of food options or getting stuck at the airport, other accusations roam from unreasonable spending on new facilities to outright fraud. [Nikkei Asian Review 2] Duterte has announced that there will be an official investigation into the preparation failures surrounding the games. [Today Online]

In addition, concerns remain about increasing Chinese influence in the programme and whether it is wise to court Chinese investment more broadly. One opposition senator for instance fears growing control over the country's power grid by Chinese stakeholders and wants to push investigations by the senate into allegations that China can randomly shut down the energy supply in the country.

China holds a 40 percent stake in the National Grid Corporation of the Philippines (NGCP) which is responsible for the energy supply in the country. However, the NGCP denied those allegations and labeling it ‘baseless’ and ‘purely speculative’. The company’s president and CEO stated that remote access will only be granted to a Filipino CEO in case of emergency after passing a highly confidential approval process. [South China Morning Post 2]

Malaysia: Two communications service provider announce cooperation to roll out 5G - with Huawei

(jk) Celcom and Maxis, two Malaysian telecommunication service providers, have announced that they will explore a possible cooperation on the roll-out of 5G in Malaysia next year. The two providers already share some communication infrastructure and stated that joined resources will allow for a faster and smoother roll-out. [The Edge Markets]

While the announcements make no mention of other companies, it is crucial to remember that back in October, both companies have agreed to cooperate with Chinese telecommunications provider Huawei who will undoubtedly be involved in Malaysia's 5G infrastructure. Malaysia has repeatedly said it is not concerned about the spying allegations against Huawei brought forward by the US government and is making

its decision based on affordability of Huawei products. [Reuters]

Cambodia: PM Hun Sen thanks Donald Trump for not seeking regime change

(jk) As reported a couple of weeks ago, the European Union - which initiated the procedure to temporarily withdraw tariff preferences granted under the Everything But Arms (EBA) arrangement in February this year - will decide early next year of how to proceed in the matter. [Asia in Review, No. 47, November/2019, 3]

Cambodia, increasingly looking for partners in China amid political pressure from the West, has openly reconsidered its ties with both the US and the EU. US President Donald Trump has reached out to Hun Sen in a letter offering to improve ties again, but also urging him to put democracy in Cambodia back on track. Hun Sen has reacted positively and replied that he thanked the US President for his assurances that the US was not seeking regime change in Cambodia. [Reuters]

Indonesia: Chinese 'fake cop' scam leads to mass arrest

(nj) Indonesian police arrested 85 Chinese suspects who are accused of running a 'fake cop' scam with the majority of the victims living in china. The fraud lured the victims with promising investments or simply pushing them into paying large amounts of money to fake police officers or prosecutors. Suspects are believed to have moved to Indonesia or other countries in the region because they fear a harder crack down by the Chinese government.

The latest scam is estimated to have cheated its victims out of USD 2.5 million, with similar scams occurring in Indonesia, Malaysia and Singapore. [South China Morning Post] [The Straits Times]

Indonesia: Jokowi seeks to boost image by putting influential media giants in government

(jk) President Jokowi of Indonesia is being criticised for appointing a number of influential media figures - or family members of them - to cabinet and government advisory positions. Critics call this a strategy in order to influence large media organisations and the way the report on the government. Among the appointments are the new tourism and creative economy minister and his deputy, the minister for state-owned enterprises and a number of advisors. [Nikkei Asian Review]

Singapore orders Facebook to comply with fake news law

(jk) The Singaporean government has for the first time since the Protection from Online Falsehoods and Manipulation (POFMA) Act came into forced Facebook to issue a correction notice alongside a post that violates POFMA.

The post on the States Times Review Facebook page included several falsehoods, for example the assertion that Singapore's Home and Law Minister had ordered the arrest of a person behind a separate Facebook post. The page is run by a man based Australia who is known to be critical of the government in Singapore and has previously run as an opposition candidate there.

This is the second time the law has been used involving Facebook, though the first time last week, the complaint was accepted by the author who agreed he had made some mistakes and altered the post. This time, the author refused to take down the post or alter it.

Facebook, facing fines for non-compliance with POFMA has added a label to the post that can be seen only if accessed from Singapore, stating that it was legally required to say that the post is determined by the Singapore government to contain false information at the bottom. [BBC]

Thailand: Coalition government suffers defeat in parliament vote on a review committee on Section 44 impacts

(jk) The opposition in the Thai parliament put forward a motion to review the impacts of section 44 which was voted upon and led to a surprising defeat for the government after six Democrat Party MPs voted in its

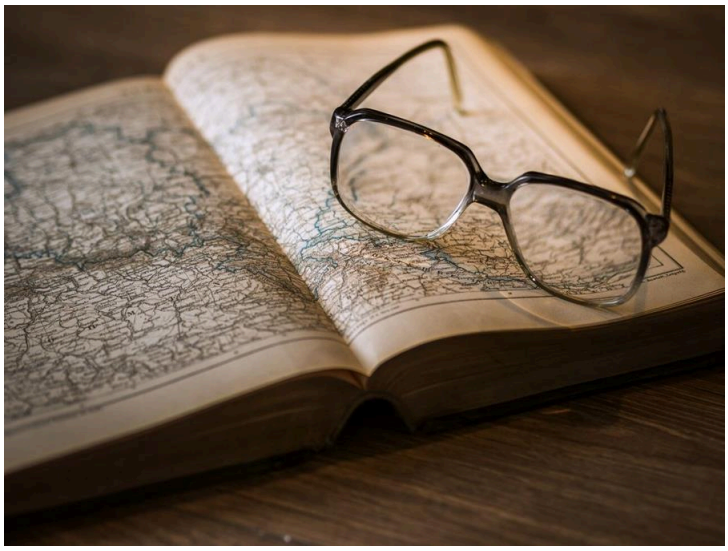
favour last week. The immediate response to the loss by the governing coalition was to request a re-count of the vote which led to protests and a walk-out by many opposition MPs which avoided such re-count. [Bangkok Post]

The vote again shows how tricky it can be for the government to operate on such a narrow majority. Section 44 empowered the Thai leadership prior to convening the new cabinet after the 2019 elections to issue essentially any order deemed necessary to prevent any act that undermines public peace or threatens national security. It was referred to as General Prayuth's "magic wand" and often criticized.

Vietnam jails 3 more activists over political Facebook posts

(jk) Three people have been jailed for anti-government posts on Facebook deemed to defame the ruling Communist Party and the state last week. Earlier in November, two others had been jailed on similar charges and an Amnesty International spokesman said previously that at least 16 people had been arrested this year prior to that. [Reuters]

International Relations, Geopolitics and Security in Asia



China-USA relations: Beijing counters US Hong Kong Act

(dql) Beijing retaliated against Washington's Hong Kong Human Rights and Democracy Act with suspending visits of U.S. military ships and aircraft to Hong Kong. It also announced to sanction U.S. non-government organizations in China held responsible for encouraging protesters to "engage in extremist, violent and criminal acts." [CNBC]

Last week, US President signed the Act following its passage in the both Houses of Congress. The Act requires the State Department to annually review whether Hong Kong retains enough autonomy in making decisions related to human rights, law enforcement and other areas to enjoy special US trade treatment. Furthermore, it also would provide for sanctions against officials found responsible for human rights violations in Hong Kong. [New York Times] [No. 48, November/2019, 4]

China and Russia launch landmark gas project

(dql) In a sign of increasingly close relations and growing cooperation between China and Russia, both countries on Monday launched a giant pipeline project on Monday, worth 363 billion USD and stretching over 3,000 kilometer. [Deutsche Welle]

The launch comes at a time of worsening relations between Russia and the West with the former facing sanctions from the USA and the EU over Crimea.

China-Australia relations: Canberra to set up anti-China Counter Foreign Interference Taskforce

(dql) In a move likely to strain Chinese-Australian relations, the Australian government announced the set up of a high-level intelligence task force to combat foreign interference. The new taskforce would involve all top intelligence agencies of the country as well as the Australian Federal Police "to disrupt and deter anyone attempting to undermine our national interests". [South China Morning Post]

While the announcement did not mention any target country, the move comes amid accusations against China of attempting to “take over” Australia through foreign interference, including a plan to plant a Chinese spy in the parliament. [ABC]

China and Vietnam vow to work together on peaceful solution in disputed waters

(dql) Last week, China and Vietnam held a vice-ministerial level meeting to discuss border cooperation on land and maritime issues. Beijing and Hanoi agreed to join efforts for a peaceful resolution in disputed waters.

The meeting came after earlier in November the months-long Vanguard Bank standoff between China and Vietnam had ended, but also after Vietnam announced that it, while prioritizing bilateral dialogue, is also considering legal measures including filing a complaint with the Permanent Court of Arbitration at The Hague over China’s claims. [South China Morning Post]

North Korea’s heavy reliance on China’s trade

(dql) Data presented by the Korea International Trade Association, a private non-profit trade organization representing almost the entirety of South Korea's international trade community, have revealed that North Korea's trade reliance on China has jumped more than fivefold since 2001. While China's proportion of the North's overall external trade stood at 17.3% in 2001, it rose to 91.8% in 2018.

Meanwhile, Pyongyang reportedly launched two unidentified projectiles last week, the latest of 13 weapons tests so far this year. The test is seen as attempt to press the USA to meet the year-end deadline set by North Korea to offer a new initiative to salvage nuclear talks. [CBS]

South Korea, Malaysia set to become strategic partners

(dql) At a summit last week, South Korean President Moon Jae-in and Malaysian Prime Minister Mahathir

bin Mohamad reached an agreement to elevate their countries relations to become strategic partners in 2020.

Further, MoUs were signed pertaining to promoting cooperation in various fields, including information and communications technology, public health services, water management and in establishing e-government systems. [Yonhap]

Japan promises 3 billion USD for ASEAN member states

(dql) Signaling efforts to counter China's influence in Southeast Asia, Japan's Foreign Ministry announce that Japan will provide ASEAN member states with a total of 3 billion USD in investment and loans over three years, beginning in 2020.

Besides boosting infrastructure, investments and loans are supposed to support female entrepreneurs and micro enterprises as well as to strengthen renewable energy development. [Japan Today]

India-Japan 2+2 talks result in commitment for closer defense cooperation

(ls) India and Japan held their inaugural foreign and defense ministerial dialogue (2+2) in New Delhi over the weekend. The meeting focused on cooperation in building a free and open Indo-Pacific, a U.S.-led strategy developed to counter growing Chinese influence. The ministers also discussed deepening ties in the development of weapons and military hardware in the framework of an Acquisition and Cross-Servicing Agreement. [Straits Times]

In the occasion of the meeting, the two countries agreed to conduct their first joint fighter aircraft exercise in Japan, involving fighter jets from the Japanese Air Self-Defense Force and the Indian Air Force. The ministers also declared their intention to boost exchanges of information on the Indian Ocean by utilizing the Information Fusion Center for the Indian Ocean region, an entity India set up in December last year. [Japan Times]

Indian Prime Minister Narendra Modi also met with the Japanese foreign and defence ministers, Toshimitsu Motegi and Taro Kono, and reiterated his government's

position on the Regional Comprehensive Economic Partnership (RCEP), excluding the possibility of India's joining the trade pact in its present form. Japan sees free trade as one of the pillars of the free and open Indo-Pacific strategy. After India's rejection of RCEP, the Japanese government now emphasizes the need for an increase of connectivity in particular. [Times of India]

New Sri Lankan government wants Hambantota port back from China, commits to India

(ls) Despite expectations that the newly elected Sri Lankan president Gotabaya Rajapaksa and his brother, newly appointed Prime Minister Mahinda Rajapaksa, will establish closer relations with China, the new government announced that it wants to undo the previous regime's 99-year lease of the southern port of Hambantota to a Chinese venture in return for $1.1 billion. That arrangement was made after it had turned out that it would be difficult to pay back the loans taken from China to build the project. Now, an economic adviser to the new government, citing national interests, said that it would be best if "we pay back the loan in due course in the way that we had originally agreed." Whether China concurs with this remains to be seen. [Business Standard]

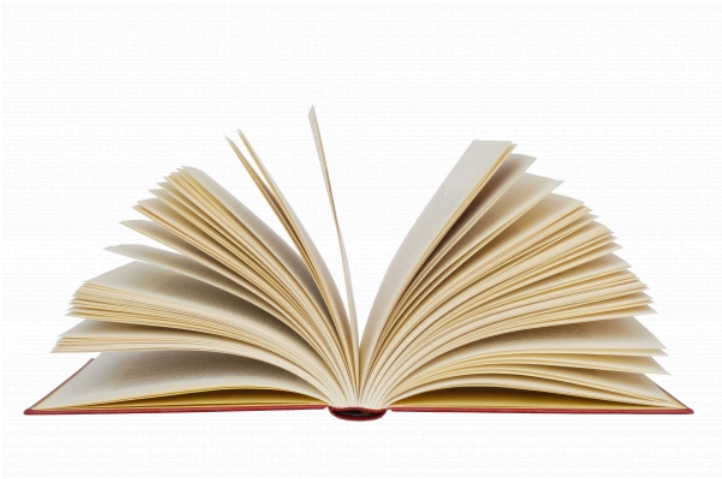
Meanwhile, on the first foreign visit by Gotabaya Rajapaksa to New Delhi, India extended two additional lines of credit worth $450 million for infrastructure and counter-terrorism. After a meeting with Indian Prime Minister Narendra Modi, Gotabaya stated, "whilst with India the cooperation is multifaceted with priority given to security-related matters, with other counties the initiatives for cooperation are by and large, economic and commercial." He also said that he would not allow any third force to come in between cooperation with India. Modi replied that "Sri Lanka is not only India's closest neighbor but most trusted friend." [The Wire] [Eurasia Review]

India and Sri Lanka traditionally have close cultural and historical links. Still, New Delhi had watched with concern the growing ties between Colombo and Beijing, particularly when Mahinda Rajapaksa was in power between 2005 and 2015. Observers consider that China will remain important for Sri Lanka in terms of aid and economic cooperation, whereas ties with India will continue to be marked by unavoidable ups and downs. [Straits Times]

Malaysia's first Defence White Paper tabled in Parliament

(jk) Malaysia's Defence Minister stated that the country's defence policy was reviewed so that its defence capacity and capabilities were appropriate regarding new and changing global security issues. The paper outlines the strategic directions for the national defence in the coming decade. The 90 page document which will be made available to the public highlights several threats in its eight chapters, including ripple effects of great power rivalry, returning jihadist fighters, the South China Sea dispute, and cyberterrorism. [South China Morning Post]

Background Reading



"Pracharat welfare" depoliticises Thailand's "political peasants"

(jk) This article traces the development of welfare in Thailand and explains how it is affecting ongoing changes in the relationship between the state and rural areas in the country. It explains how attitudes to welfare policy of a large section of Thais remains negative and that by linking the objectives of it to "the efficient use of state expenditure and stimulating the economy muddy the goal of reducing inequality and easily leaves it open to distortion under the guise of meeting the other objectives." Moreover, it finds that increasing "intimacy" between an undemocratic state and private conglomerates is the defining relationship driving welfare policy. [New Mandala]

Free download: CJCL Special issue on constitution-making in Asia-Pacific

(ls) A special issue on contemporary constitution-making in Asia-Pacific is available for temporary free download from Oxford's Chinese Journal of Comparative Law. The issue contains articles on Thailand, Sri Lanka, Myanmar, Timor-Leste and Bhutan. [Chinese Journal of Comparative Law]

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