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Asia in Review

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Dear Readers,

Welcome to the second December issue of 'Asia in Review' (AiR) 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 protest: Mass rally followed by failure of planned citywide anti-government strike

(dql) A day before the six-month anniversary of the anti-government protests and two weeks after the landslide victory of the pro-democracy camp in the district elections [No. 48, November/2019, 4], hundreds of thousands of protesters took to the streets on Sunday in Hong Kong to continue pressing the city's government to fulfill their five demands including full withdrawal of the anti-extradition bill; an independent investigation of police conduct; retracting the riot charges against protesters; amnesty for arrested protesters; and universal suffrage. The protest organizers estimated a turnout of 800,000 while police said 183,000 joined the rally at its peak. [CNBC] [Reuters]

Meanwhile, a citywide strike planned for Monday to mark the six-month anniversary of the anti-government protests fell through as protesters stayed home ignoring the call for the demonstration of which the organizers said it would paralyze the city. [South China Morning Post]

In an earlier development, last week a motion to remove Chief Executive Carrie Lam on grounds of dereliction of duty failed to obtain the approval of the Legislative Council after a vote of 26 for to 36 against. Despite being crushed, the impeachment bid, initiated by lawmakers of the pro-democracy camp, represents the politically most high-profile measure since the start of the protest in June. [Radio Free Asia]

China: Regime-critical ex rights lawyer detained

(dql) Prominent former Chinese rights attorney Qin Yongpei, who is known for his frank criticism of the Chinese government on social media and was disbarred last year, was arrested on suspicion of "inciting subversion of state power". The move is widely seen as a sign of the continued crack down on political dissent in China. [The News]

South Korea: National Assembly operations normalized

(dql) The ruling Democratic Party and main opposition Liberty Korea Party (LKP) have reached an agreement to normalize parliamentary operations after they had been paralyzed by the LKP's threat to stage a filibuster to prevent the vote on fast-tracked bills on electoral and prosecutorial reforms which the party strongly rejects. [No. 49, December/2019, 1]

While the LKP has dropped its filibuster plans, the DP agreed to postpone voting on the mentioned controversial bills. [Yonhap]

Meanwhile, last week the prosecution raided a division of the presidential office in the frame of its investigation of an alleged cover-up of an inspection into an ex-vice mayor who is accused of bribery. The DP condemned the raid as abuse of power and a move to resist the reform of the prosecution while suspecting collusion between the LKP and the prosecution. [Korea Times] [Korea Herald]

Japan: Economic stimulus package approved

(dql) Last week, Prime Minister Shinzo Abe's Cabinet approved an economic stimulus package worth 239 billion USD, in a move to support the country's slowing economy which faces the impacts of a weakening global economy and trade disputes, but also difficult domestic structural economic challenges such as an aging population and a deep underemployment of female labor force. [Japan Times] [New York Times]

Taiwan: Tsai likely to win presidential election

(dql) Four weeks ahead of the presidential election in Taiwan, incumbent Tsai Ing-wen is likely to win a second term according to latest polls which see her enjoying a comfortable margin of 46% of the vote for her and 31% for main contender KaoHsiung mayor Han Kuo-yu from the opposition Kuomintang.

Tsai, who around this time a year ago was heavily criticized and even faced calls for withdrawing from running for presidency within her own Democratic Progressive Party after the crushing defeat in the local elections in 2018, was able to gain ground over the course of this year as she managed to present herself as defender of Taiwan's democracy in the wake of China's assertive rhetoric on unification and the ongoing Hong Kong protests. [South China Morning Post]

Law and Politics in South Asia

Pakistan: Allegations against justice system bowing to Chinese economic pressures

(jk) After work has begun earlier this year on a large human trafficking case in Pakistan, investigators recently compiled a list of over 600 Christian women and girls who were allegedly trafficked to China to be sold as brides or work as prostitutes.

Despite evidence warranting further investigations and prosecutions on both the Pakistani and Chinese side, officials now seem to be shutting down the investigation, allegedly in order not to jeopardise trade relations with China. [The Washington Post]

According to one report, investigators are being transferring to different areas to prevent them from pursuing the case. Back in October, 31 Chinese nationals accused of human trafficking were acquitted by at a trial after which it was said that several women brought by police to testify "were bribed or threatened to remain silent." [National Review]

Pakistani police charge hundreds of student protesters with treason

(jk) According to Pakistani police, hundreds of students and activists have been charged with sedition for making derogatory remarks against the military at a protest against a ban on political activity at universities.

According to the authorities, the protesters had chanted against “state institutions” and in response all 250 or 300 attendees would be charged. [NY Post]

India's lower House of Parliament passes controversial Citizenship Amendment Bill (CAB)

(jk) The CAB seeks to amend the Citizenship Act of 1955. It is, according to the opposition, unconstitutional as it is making religion a basis for citizenship and therefore violates guarantees of equality.

The bill aims to grant citizenship to people who illegally migrated to India from Afghanistan, Bangladesh and

Pakistan - unless they are Muslim. The proposed bill was first introduced into Parliament in 2016, but was met with violent anti-migrant protests in particular in north-eastern India.

In addition to anti-migrant sentiments, opposing lawmakers claim the bill is part of the government's agenda to marginalise Muslims. The government however says the bill is meant to help refugees fleeing from prosecution.

The bill was passed in the Lok Sabha this week and will now be passed on to the upper House, where the Bharatiya Janata Party does not have a majority. [Al Jazeera] [BBC]

India: Violence against women and cases of self- or extrajudicial justice are commonplace, highlighted by two incidents this past week

(jk) India is a country with notoriously high crime rate, in particular against women, including many public officials and MPs with serious criminal records and an equally notoriously slow justice system. Two violent incidents that received a lot of publicity occurred last week, highlighting both problems.

In one case, a woman who was on her way to attend a court hearing regarding her alleged rape has been set on fire by a gang of men before she could board the train taking her to the court. The gang that set her on fire and with that, caused her death, included the alleged rapists. The case has caused many to point at the government for failing to protect more vulnerable members of society. [The Guardian]

A second case, another case of gang-rape, highlights support by the population and even the police to deliver "justice" outside of the legal system. Four alleged rapists have been shot by police during a so-called re-enactment of the crime - an act which drew outburst of applause by many at the scene.

According to the police, the alleged rapists were planning to escape, human rights groups however are suspicious and point towards evidence that such extra-judicial police killings are not uncommon. The support by police and many members of the pubic as displayed after this incident is a worrying trend towards a "swifter" way of delivering "justice".

"Over the decades extrajudicial killings and custodial torture have assumed legal sanctity in India," according to a Supreme Court lawyer and founder of the Human Rights Law Network. [The South China Morning Post]

The National Human Rights Commission has since begun an investigation into the incident, fearing it would send "the wrong message to the public". [The Straits Times]

India continues to discuss Personal Data Protection Bill

(jk) While the first draft of the bill was published last year, it has now been cleared by the Cabinet and will be presented to Parliament "soon". But even once taken up by parliament, many believe it will be a while for the law to come into effect as it will likely first be reviewed and discussed further by expert committees or special panels.

Amongst the latest discussions on the bill that have surfaced is a potential requirement for social media companies to offer an option for verifying the identity of its users. As per the latest draft, it would however not be mandatory for users to identify. [The Straits Times]

Sri Lanka suspends Parliament ahead of early elections

(jk) President Rajapaksa, after announcing a snap election to be held in March next year which he hopes will give him a majority in parliament, [Asia in Review, No. 48, November/2019, 4] has now suspended parliament and said the new session will commence in early January. Reportedly, "the official announcement of calling a fresh session of the legislature will give the minority government of Mr Rajapaksa more control over parliamentary oversight committees." [The Straits Times]

Sri Lanka: Military officer appointed as new intelligence chief

(jk) Sri Lanka's State Intelligence Service (SIS), which has been heavily criticized after failing to prevent the Easter Bombings this year has a new chief. For the first

time, a military officer - Brigadier Suresh Sallay, the former director of the Military Intelligence - has been appointed.

The previous SIS leader was dismissed after he was asked to take responsibility for failing to pass on information that could have prevented the Easter Bombings that killed over 250 people. He refused to step down and appealed to the Supreme Court over his "unfair dismissal". [India Today]

Maldives: New Chief Justice for overhauled Supreme Court

(jk) The parliament in Male confirmed President Soliih's nominee, Muthasim Adnan as new chief justice. Adnan was removed former President Yameen's regime in 2014 (UN OHCHR:2014). [Edition]

The new parliament has now removed all five Justices inherited from the Yameen administration with the last justice leaving office last week. [The Maldives Independent]

Law and Politics in Southeast Asia

Malaysia: Infighting in PKR as Umno and PAS announce alliance

(ls/fs) As reported in previous weeks, the growing uncertainty over who succeeds Malaysian Prime Minister Mahatir Mohamad once he steps down has

sparked rampant infighting in the People's Justice Party (PKR), the largest party in the ruling Pakatan Harapan coalition. There are two rival factions: supporters of Anwar Ibrahim, who has been announced by Mahatir as his successor, and those backing Azmin Ali, the PKR's deputy president and current Economic Affairs Minister. At the PKR's annual meeting on the weekend Anwar alluded to "traitors" within the party, which sparked Azmin to leave the meeting under protest. [South China Morning Post]

Anwar apparently referred to a recent event where Azmin invited dozens of opposition members to his home for a clandestine discussion. At the same time, both Anwar and Azmin have been the target of sexual harassment claims. As for Anwar, this marks the third time the 72-year-old politician has been accused of indecent exposure by a former male employee. He has been imprisoned twice over the past two decades for sodomy, charges which he had denied and denounced as politically motivated. [Business Insider] [Straits Times 1]

Meanwhile on the opposition side, a new Malaysian alliance called Muafakat Nasional (national consensus), combining the two largest Malay-Muslim-based opposition parties, Umno and Parti Islam SeMalaysia (PAS), will be concluded in about six months, according to Umno president Ahmad Zahid Hamidi. The Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC) will also be part of the alliance. Thus, Barisan Nasional will soon be replaced by Muafakat Nasional, which is expected to become a strong competitor of the ruling Pakatan Harapan coalition. [Straits Times 2]

As AiR reported before [No. 43, October/2019, 4, No. 38, September/2019, 3], the former arch-rivals have agreed on the alliance, following informal cooperation earlier this year, which lead to Umno winning four by-elections. The alliance arose fear of increased racial polarization against non-Malays and non-Muslims. Zahid, however, claimed Muafakat Nasional will be a 'non-extremist movement beyond Malay and Islam'. [The Star Online]

Indonesia: Is the first presidential contender already warming up for 2024?

(ls/nj) After the election is before the election: In Indonesia, where President Jokowi won his re-election bid earlier this year, Jakarta Governor Anies Baswedan attended a conservative Muslim rally – the third

anniversary of a rally that eventually brought down previous governor Basuki "Ahok" Tjahaja Purnama in 2016. Anies' presence on the stage raised widespread attention, ueling suspicions that he is lining himself up as a contender for the 2024 presidential election. Critics suggested that he is willing to change his image as a moderate to court the Islamist vote. Over recent years, a growing tide of conservatism across age groups has led to deepening divisions in the Indonesian society. [South China Morning Post]

Singapore: Google suspends political advertisements due to "fake news"-related legislation

(ls) Google has stopped accepting political advertisements in Singapore months before a widely expected election. The internet company said that it complies with Singapore's new Code of Practice for Transparency of Online Political Advertisements, which has been enacted along the Protection from Online Falsehoods and Manipulation Act (POFMA) earlier this year. The decision led the small Singapore Democratic Party to complain that this closes down a major channel through which opposition parties could compete with the ruling People's Action Party (PAP). Facebook, however, is still accepting political advertisements in Singapore after implementing new rules under the "fake news" laws in September. [Reuters]

CPG's Lasse Schuldt describes how Southeast Asian governments have been stepping up their efforts to actively manage the truth by combatting false information. Among the main tools are correction orders and state-run "fake news centers" that monitor and "rectify" alleged falsehoods online. In addition, government discourse employs increasingly belligerent language to denounce the perceived threats. Schuldt argues that the protection of the truth is becoming an increasingly accepted ground for restricting free speech. [Verfassungsblog]

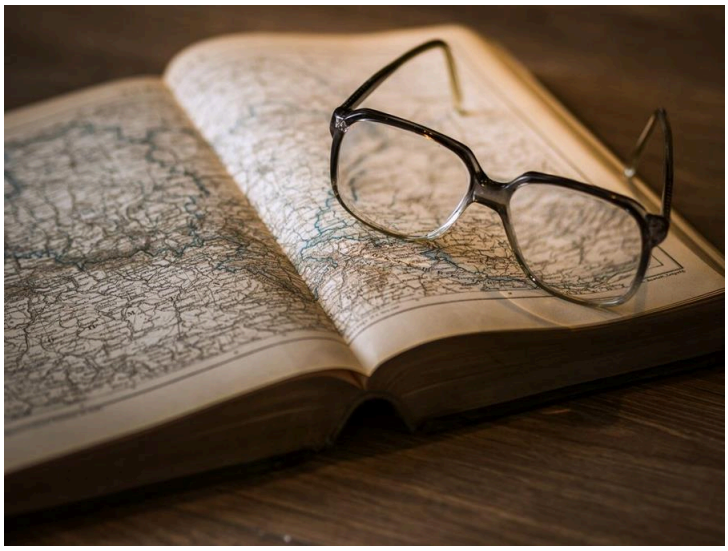
Thailand: Government coalition defeats "Section 44" motion

(ls) After the week's surprise win of the opposition in a parliamentary vote over a motion to scrutinize the impacts of orders issued under Section 44 of Thailand's interim charter, a second vote last week defeated the

motion. Again, the opposition left the chamber before the vote. However, eleven opposition MPs did not joint their colleagues. The second vote was called after the government whip had invoked parliament regulation No. 85 which allows for a "recount". According to observers, the opposition is likely to forward the issue to the Constitutional Court. [Bangkok Post] [ilaw]

The government coalition relied also on the vote of an MP who has been stripped of his MP status and who faces an arrest warrant issued by the Supreme Court for his role in disrupting the 2009 ASEAN Summit. How he was able to get into the Parliament undetected has remained unclear. [The Thaiger]

International Relations, Geopolitics and Security in Asia



China on NATO's watchlist

(dql) At the NATO meeting last week, marking the 70th anniversary of the alliance, 29 leaders pledged to work together against Russia as threat to Euro-Atlantic security and against terrorism as threat to all. China's rise, meanwhile, presents "both opportunities and challenges that we need to address together as an Alliance," as stated in the joint declaration. [Euractive]

According to NATO Secretary General Jens Stoltenberg, NATO leaders will attempt to have China incorporated in an international arms control regime. To experts, however, this plan will be an uphill battle as China has

repeatedly turned down proposals to be included in the now-defunct Intermediate-Range Nuclear Forces Treaty between the U.S. and Russia. [Defense News]

With regards to Russia, Stoltenberg stated that NATO needs to improve its relationship with the country. French President Macron who had call the NATO brain dead in the run up to the meeting echoed Stoltenberg's statement saying that “not everyone considered Russia an ‘enemy’ and that although Russia is a ‘threat in certain areas’, it is also a neighbouring country and partner in other areas.” [Euronews]

China: Anger over House of Representatives’ approval of Beijing-critical “Uighur Act”

(dql) Following President Trumps signing of the Hong Kong Human Rights and Democracy Act [No. 49, December/2019, 1] late last month, the US House of Representatives last week approved another China-critical bill: the Uighur Intervention and Global Humanitarian Unified Response Act of 2019 which calls on the president to condemn abuses against Muslims and demand the closure of mass detention camps in Xinjiang. It also provides for sanctions, including asset freezing and banning from entering US soil, against senior Chinese officials viewed as “responsible for” or “knowingly engaged in serious human rights abuses against Turkic Muslims in the Xinjiang Uighur Autonomous Region and elsewhere in China” and specifically identifies among those the Xinjiang Communist party secretary and politburo member Chen Quanguo, widely believed to be the mastermind behind the implementation of the police state in Xinjiang since he took over power there in 2016. [Deutsche Welle][Congress, USA]

The move prompted harsh reactions from China’s Foreign Ministry and state media outlets condemning the legislation as interference in domestic affairs of China, insisting that “Xinjiang-related issues are not about human rights, ethnicity or religion, but about fighting violence, terrorism and separatism” and accusing Washington’s lawmakers of “harbor[ing] evil intent” and of using Xinjiang as pretext to “undermine Xinjiang’s prosperity and stability and curb China’s development.” [Telegraph] [Reuters] [The Guardian]

China: Foreign computer equipment and software banned from government and public offices

(dql) Amidst ongoing trade negotiations with the USA in which technology issues play a crucial role, China has reportedly ordered all government offices and public institutions to remove foreign computer equipment and software over the next three years.

The move is seen by observers first as a response to measures taken by the Trump administration to curb the use of Chinese technology in the US and its allies and second as part of efforts of the Chinese government to strengthen reliance on home-made technologies. The latter is fueling concerns of economic decoupling between China and the USA. [Financial Times]

China: Huge investment in El Salvador infrastructure signed

(dql) Reflecting China's growing role in Central America, China and El Salvador last week agreed that China will provide support for several major infrastructure projects in El Salvador including a stadium and water treatment plant. Both sides, however, did not disclose the investment amount.

El Salvador broke off diplomatic relations with Taiwan and switched to China in August last year. [South China Morning Post]

For an account of China's growing technology influence in Latin America see [Pan Daily].

Japan to buy East China Sea island to strengthen position against China

(dql) In a move to deepen Japanese-US military cooperation and to strengthen Japan's defense capability in the East China Sea, Japan will purchase Mageshima Island for 146 million USD, an uninhabited outcrop 34 kilometers from the southernmost Japanese main island of Kyushu, according to an announcement of the government last week.

The island will be used for US Navy and Marine Corps planes to simulate aircraft carrier landings, but might

also be used as a permanent base for Japan's Self Defense Forces to boost Japan's position along the East China Sea where Japan and China are in dispute over islands. [CNN]

Meanwhile, Japanese and US soldiers kicked off on Monday eight-day exercises to train combat cooperation involving the use of cyber attacks and electromagnetic weapons. [NHK]

South Korea calls for China's support in denuclearization process amid bleak prospects for US-North Korean talks

(dql) During the visit of Chinese Foreign Minister Wang Yi to South Korea last week, South Korea's President Moon Jae-in called for China to play am important role in denuclearizing the Korean peninsula, while Wang urged to established stronger strategic communication between Beijing and Seoul. [South China Morning Post]

The statements come amid concerns that the US-led denuclearization diplomacy will fall apart after North Korea's ambassador to the United Nations at the weekend declared that denuclearization is off the negotiating table with the United States. [CNBC]

India's efforts to increase engagement in the Indian Ocean

(jk) Propelled by increasing concern in India over Chinese presence in the Indian Ocean, India plans on bolstering its own capabilities in the area as well as fostering its alliances with partners vital to the region.

India has plans to upgrade its military capabilities in the Andaman and Nicobar Islands, from where it expelled a Chinese research ship last week. Notwithstanding, according to the Indian Naval Chief, seven or eight Chinese ships can be found in the region at any time. [South China Morning Post]

In addition to military investments, India is also looking to improve its maritime domain awareness by signing access agreements and forging cooperation strategies with other regional security actors as well as establishing port facilities in cooperation with its neighbours. Partly in reaction to Chinese investment in for example Hambantota in Sri Lanka and Gwadar in, India is also investing in the development of commercial ports and airports in the region.

The Asia Maritime Transparency Initiative [AMTI] has developed an interactive map detailing relevant military and strategic investments.

The Indian Navy has also made a decision to transfer one of its Kilo-class diesel-electric submarines to Myanmar's Navy. This, according to some observers, is very much part of India's approach to limiting Chinese military influence in the region. In addition, it helps Myanmar "in its emerging naval competition with Bangladesh". [The Print]

India and China hold 'Hand-in-Hand' military exercise

(jk) Notwithstanding India's attempts to reduce Chinese influence as indicated above, regular joint military exercises between the two nations continue.

The eighth edition of the joint exercise focussing on countering terrorism under a United Nations mandate is conducted in Northwest India from 7-20 December. Involved are around 130 personnel from the Tibet Military Command and an Indian contingent of similar size.

Last year, the exercise was also conducted in December, but in 2017 it did not take place due to the military stand-off between the two armies at Doklam. [The Statesman 1]

Later this month, Chinese Foreign Minister Wang Yi is expected to visit India to hold boundary talks with India's National Security Advisor. [The Statesman 2]

Bangladesh: China offers 2.13 billion USD in new loans

(jk) The decision by China to loan more money to Bangladesh came after a meeting of a Bangladesh-China Joint Working group in Dhaka this week. The group was established to look into the lacking progress of 27 projects involving around 20 billion USD that China promised to provide during President Xi's visit to Bangladesh three years ago.

One of the two new projects that both countries are supposed to sign in June includes critical infrastructure, i.e. "strengthening the Power Grid

Company of Bangladesh's power grid network." [The Daily Star]

Myanmar at the ICJ: Aung San Suu Kyi representing her country this week

(ls/nj) This week, Nobel peace prize winner Aung San Suu Kyi appears in person to defend Myanmar against accusations of genocide before the International Court of Justice (ICJ) in The Hague. She will attend the hearing in her capacity as the Union Minister of the Foreign Affairs. It will deal with jurisdictional questions and the possibility of provisional measures that would mandate Myanmar to halt a continuing genocide. Closing submissions from both sides at the ICJ will be made on Thursday. The judgment is expected to be reserved. [The Guardian] [Eleven Myanmar]

Human Rights Watch has put together an overview of Questions & Answers regarding the case. [Human Rights Watch]

Press releases from the International Court of Justice on this case are published here: [ICJ]

Meanwhile, Thai authorities announced that they will delay the deportation of the arrested wife and children of Tun Myat Naing, the commander of the Arakan Army, and carry out a full investigation. The Arakan Army is an ethnic armed group that fights for greater autonomy of Rakhine state. Rights groups have criticized the arrests, worrying that the family could be forced back to Myanmar in what has been an increasing pattern by Southeast Asian states to send home each other's dissidents. [Reuters]

Philippines-China dispute: ICC rejects jurisdiction

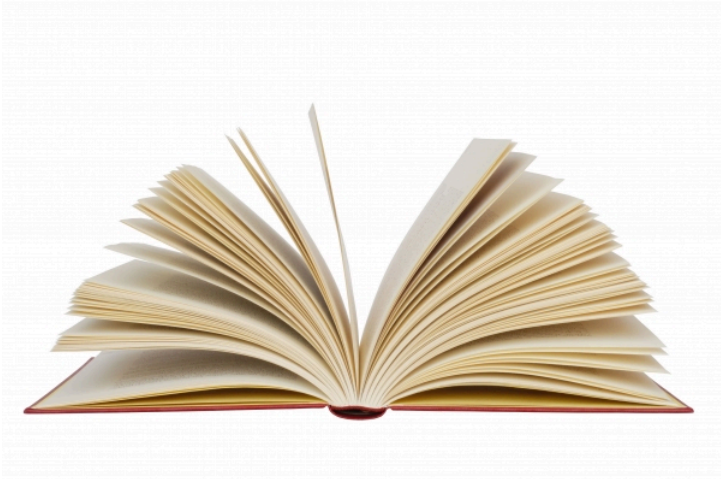
(ls/nj) The Office of the International Criminal Court (ICC) Prosecutor has ejected the Philippines' case against China for violations in the West Philippine Sea from the Court's docket, citing lack of jurisdiction, stating that the crimes allegedly committed "do not fall within the territorial or otherwise personal jurisdiction of the Court" since the alleged actions took place outside the Philippine territory. Former Philippine foreign secretary Albert del Rosario and former ombudsman Conchita Carpio Morales had filed the communication in March on behalf of Filipino

fishermen. They named Chinese President Xi Jinping and other Chinese officials as respondents. [Rappler]

The office of President Rodrigo Duterte welcomed the ruling, saying that it will continue to pursue negotiations with Beijing to resolve existing disputes. In 2016, the Permanent Court of Arbitration ruled in favor of the Philippines, invalidating China's extensive claims to the South China Sea. Duterte, however, has refused to invoke the arbitral ruling and instead opted to seek engagement with Beijing about the unresolved maritime dispute. [Philippine Canadian Inquirer]

The ICC's preliminary investigation against Duterte and other officials over allegations of crimes against humanity committed in the course of the government's "war on drugs" continues meanwhile.

Background Reading



Indonesia's democratic paradox

(ls) In a piece written for the New Mandala, Edward Aspinall and Marcus Mietzner argue that, though the co-existence of Indonesia's competitive elections with illiberal trends appears contradictory, the two are in fact interrelated. [New Mandala]

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