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Asia in Review

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Dear Readers,

Welcome to the second issue of 'Asia in Review' (AiR) in the new year updating you on the latest developments in geopolitics and international relations as well as constitutional politics, law reform and governance in Asia.

I wish you an informative read.

With the best wishes,

Henning Glaser

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Law and Politics in East Asia

China/Hong Kong: Protesters demand universal suffrage in upcoming LegCo election

(dql) On past Sunday, thousands of people joined a rally in Hong Kong to demand universal suffrage in the Legislative Council election in September and to call on the international community to impose sanctions on Hong Kong officials if the demand would not be met. The demand of universal suffrage is directed against those 35 of the 70 seats in the city's legislature which are indirectly elected through interest-group-based functional constituencies with limited electorates.

The sanctions could include freezing their overseas assets or imposing economic sanctions on the city, according to the Hong Kong Civil Assembly Team, the rally organizer. [South China Morning Post 1]

Meanwhile, Human Rights Watch executive director Kenneth Roth was barred from entering Hong Kong after arriving at the city's airport on Monday. He had planned to release the organization's World Report 2020 this Wednesday, containing a lead essay on China's "intensifying assault on the international human rights system". [Human Rights Watch]

In an assertive response, Beijing justified this move by saying that “abundant facts and evidence have shown that the NGOs concerned have been supporting anti-China rioters in Hong Kong through various means, inciting violence and inflaming separatist activities for ‘Hong Kong independence’. They bear major responsibility for the current chaos in Hong Kong. Sanctions on these organizations are therefore fully justified as they should pay the price for what they've done.” [Ministry of Foreign, China]

In earlier move last week, pro-democracy political party Demosisto decided to remove the term "self-determination" from its manifesto and to replace it by the phrase "promoting Hong Kong's democratic and progressive values". The decision is a concession to political and judicial realities following the disqualification of one of its leader’s candidacy in the city’s district council elections last November. [South China Morning Post 2] [No. 45, November/2019, 1]

Taiwan: President Tsai reelected

(dql) Taiwan’s President Tsai Ing-wen of the Democratic Progressive Party (DPP) secured a second term in office after a landslide victory in Saturday’s presidential election. She garnered 57.13% of the votes, compared with 38.61% for her main contender Han Kuo-yu of the Kuomintang. [Focus Taiwan 1]

In the simultaneously held legislative election, the DPP was able to win 61 out of the total of 113 seats, securing the party the majority in the parliament. [Taiwan News]

While Tsai, who campaigned with a strong anti-unification stance, hailed in her acceptance speech the election results for demonstrating "that when our sovereignty and democracy are threatened, the Taiwanese people will shout our determination even more loudly back," Chinese Foreign Minister Wang Yi warned that "[s]plitting the country is doomed to leave a name that will stink for eternity," adding that the “one-China principle” will "not be affected in the slightest by a local election in Taiwan." [Foucs Taiwan 2] [Aljazeera]

South Korea: Parliament passes bills allowing police to conclude criminal investigations

(dql) As part of the reform of the country's reform of the prosecution, South Korea's parliament passed bills under which the police are able to close probes without approval by the prosecution. The move brings the long-standing spat between police and prosecution over their roles and powers in criminal investigations to an end. So far the former have only been able to initiate investigations but have not been allowed to close them without the latter's approval. [Korea Herald]

Meanwhile, tensions between the government and the prosecution over the latter's reform have deepened after newly appointed Justice Minister Choo Mi-ae last week replaced 32 senior prosecutors in a reshuffle. Among the replaced are senior prosecutors in charge of an investigation into scandals involving ex-Justice Minister Cho Kuk and some presidential officials, all close to President Moon. [Yonhap 1]

In a related development, rallies for and against the government's reform of the prosecution were staged this weekend. While one group of protesters took to the streets to demand President Moon's resignation and to express their anger over the reshuffle, which they see as an attempt to thwart the prosecution's probe into two high-profile scandals involving the Presidential Office, another group of citizens joined a candlelight vigil to voice their endorsement of the government's prosecution reform. [Yonhap 2]

In an earlier move last week, the main opposition Liberty Korea Party (LKP) submitted an impeachment against Justice Minister over the reshuffle, calling it an attempt to "massacre" the prosecution service. [Yonhap 3]

Mongolia: Parliament approves law to write off loans of pensioners

(dql) Mongolia's parliament approved a law to write off loans of pensioners. The move follows President Khaltmaa Battulga's a decision at the end of the last year to pay off the loans of pensioners to help them get out of debt. Under the law, loans of up to almost 2,200 USD of each pensioner will be written off. [AKI Press]

Law and Politics in South Asia

Pakistan: Death Sentence for Pervez Musharraf overturned

(jk/tk) In December 2019, the former leader of Pakistan General Pervez Musharraf was sentenced to death after being convicted of high treason and subverting the Constitution. The verdict was based on him taking undue influence over much of the judiciary and imposing a state of emergency in an attempt to block a political opposition movement. As reported then, the case marked the first time that a military chief had been handed a death sentence for high treason and it was strongly criticized by the military. The historic verdict, it was said, challenged the military's predominance and demonstrates the growing assertiveness of the judiciary. [Asia in review, No. 52, December/2019, 4]

In a turn of events, on Monday, the Lahore High Court found that the special court that issued the sentence was unconstitutional. The judges said, that the case against Mr. Musharraf was politically motivated and that the crimes he was accused of committing were "a joint offense" that "cannot be undertaken by a single person." The death sentence has been annulled. [New York Times]

India: Court rules on internet shut-down in Kashmir

(lf) Last Friday, the Indian constitutional court has ruled the over 150 days long internet shut down illegal in Kashmir. The court's ruling states an internet shut down can only be temporary and has ordered the Indian government to review the shutdown immediately. [Reuters 1]

India has also opened Kashmir´s doors for foreign diplomats for the first time since August. 15 countries have followed the invitation of a two days organised trip to the region, which lost its autonomy last August and has since then been under lockdown. The Indian government had been highly criticised previously by several foreign governments for blocking diplomats from the US, UK and Germany from entering the region. While the US has been part of the visit of the delegation to Kashmir, several countries including from the EU have declined an invitation and called the visit orchestrated, as it didn't allow for free movement of the diplomats. [Reuters 2]

India begins implementation of Citizen Amendment Act

(lf) In Uttar Pradesh, the government has started identifying illegal immigrants who might be eligible for citizenship under the Citizen Amendment Act. Uttar Pradesh, which is ruled by the Bharatiya Janata Party, has experienced extremely violent protests with 30 deaths. Uttar Pradesh has a large Muslim population, who fear the CAA will marginalise them [BBC].

Sri Lanka: Human Rights concerns under new Rajapaksa leadership

(lf/jk) Human Rights Watch has called out Sri Lanka for withdrawing a proposed replacement law supposed to replace the Prevention of Terrorism Act (PTA). The PTA was put in place in 1978 as a counter-terrorism law during the civil war against the Tamil Tigers.

The move goes against pledges made towards the UN human rights commission and the EU and is not the only step taken by newly elected President Gotabaya Rajapaksa threatening human rights protection in Sri Lanka. President Rajapaksa also placed several civil security instances such as the police under the Defence Ministry and is seen to increase the influence of the military. [Human Rights Watch].

Bangladesh: Singer arrested under Digital Security Act

(lf) A Sufi singer has been arrested under the Digital Security Act for allegedly hurting religious sentiments

of Muslims. Sufism is a mystical branch of Islam and music is an essential part of it. [Economic Times India Times], but singers feel their artistic liberty is under threat with this new law. While Sufism has been part of Bangladesh history, in recent years several followers and leaders of the branch have been killed by Islamic fundamentalist groups, which consider them heretics of Islam. [Al Jazeera]

The controversial internet law has been in place since 2018 and has faced high criticism for being a threat to freedom of expression and this new case is part of a pattern regarding freedom of expression and speech in Bangladesh. The government, for example, blocked a Swedish news site early January, which accused a minister of corruption [Al Jazeera 1] and in May of last year arrested writers and activist under the same law [Al Jazeera 2].

Law and Politics in Southeast Asia

Thailand: Rallies in opposition and in support of the Prime Minister as annual budget is passed

(ls) Two rallies, each gathering thousands of participants, were held in Bangkok last weekend. The anti-regime event was called "Wing Lai Lung" (Run to Oust the Uncle), whereas the rally in support of Prime Minister Prayut Chan-o-cha was titled "Dern Cheer Lung" (Walk In Support of the Uncle). Future Forward Party (FFP) leader Thanathorn Juangroongruangkit and spokeswoman Pannika Wanich were among the politicians who joined the anti-Prayut run. A similar

event is being scheduled in Chiang Mai on February 2. [Bangkok Post]

Authorities in the provinces Ubon Ratchathani and Phayao, however, refused to allow people to take part in local versions of the campaign-run, citing reasons related to security and obstruction of traffic. [Bangkok Post] According to Thailand's Public Assembly Act of 2015, public assemblies are subject to approval by the competent authority. [Public Assembly Act translation]

The contrasting demographics of the events reflected splits in age, class and politics, with many older people leaning towards the army-aligned establishment and younger participants favoring Thanathorn's message of change. However, Prime Minister Prayuth gained a political victory when parliament approved the 3.2 trillion baht annual budget on Saturday after a months-long delay. It was the biggest budget in the country's history. The bill was viewed as a test of his ability to bring key legislation through a strongly divided legislature. [South China Morning Post]

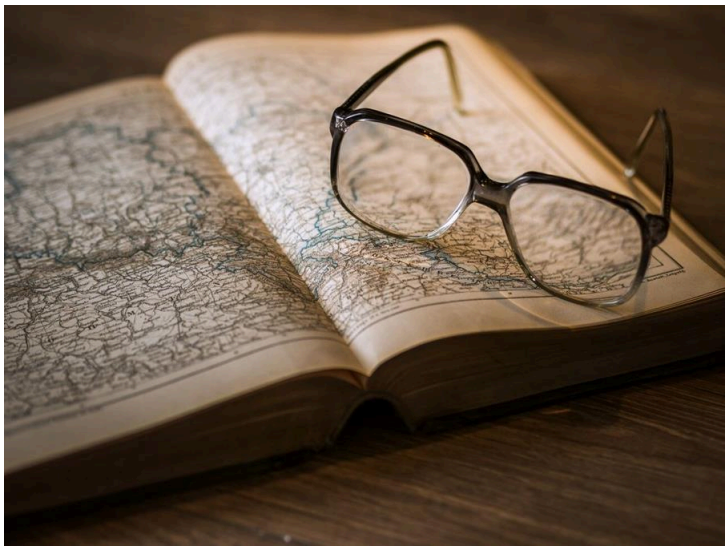
The government coalition held a thin majority in the 500-member Lower House a few months ago with just 251 seats in the 500-seat lower chamber but the grouping, which comprises 18 parties, now holds 259 seats against the opposition's 240. This is due to two by-election victories and six new MPs joining the coalition - two independents and four expelled from Future Forward for voting against the party. [Straits Times]

Singapore's first terrorism financing charge case

(tk) Even though Singapore has itself not been a direct victim of successful terrorist incidents involving the Islamic State, it has engaged in a series of actions to counter terrorism over the years. To respond to terrorism on the financing front, it passed the Terrorism Suppression of Financing Act in 2002. Now, a Singaporean national who had been accused of providing money to a person in Turkey for the publication of ISIS propaganda has stood trial. This was the first charge of its kind under the named Act. [The Diplomat]

International Relations, Geopolitics and Security

in Asia



China demand USA to halt sanctions against Chinese companies doing business with Iran

(dql) Following new US sanctions against Iran in the wake of attacks on US and allied troops in Iraq last week, Beijing urged Washington to stop sanctions on Chinese companies which continue to do business with Iran. Denouncing the sanctions as “wrongful action”, Beijing insisted that cooperation between China and Iran was “legitimate and law-abiding”. [South China Morning Post]

Meanwhile, US Treasury Secretary Steven Mnuchin announced that China “has cut off all of the state companies from buying oil” and that the USA and China work together to make sure that China stops “all additional oil activities." [Fox Business]

China-USA relations II: Beijing not anymore considered currency manipulator

(dql) Ahead of the signing of the ‘phase one’ trade deal between China and the USA, expected for this Wednesday, the US Treasury Department has announced to remove China from the list of countries considered currency manipulators on which it was put in August last year amid heightened trade tensions. [BBC]

Pakistan-China naval exercise in Karachi

(jk) The sixth instalment of the Pakistan-China joint Naval exercise "Sea Guardians 2020" commenced in Karachi past week. The two navies are working to increase inter-operability and deepen their security cooperation. [The News Pakistan]

Reportedly, India has expressed some concerns over the exercise as they occur in the Arabian Sea region which hosts many important Indian ports as well as Pakistan's deep water Gwadar port which is being developed on Chinese finance. In what is seen as a direct reaction to the drills, India has deployed its aircraft carrier to the region. [VoA] [The Economic Times]

Japan rejects South Korea's latest suggestion on solving forced labor dispute

(dql) Tokyo has strongly rejected a latest suggestion made by Seoul to solve the countries' dispute over compensation payments to South Korea victims of forced labor during Japan's colonial rule on the Korean peninsula.

Last week, South Korea's Ministry of Foreign Affairs announced that it is endorsing a proposal of South Korean and Japanese lawyers to establish a consultative body, involving government officials, lawyers, representative of victims, scholars and business officials from the two countries, to support victims. Japan's Chief Cabinet Secretary Yoshihide Suga dismissed the proposal, arguing that the forced labor issue has been resolved through the 1965 "Agreement Between Japan and the Republic of Korea Concerning the Settlement of Problems in Regard to Property and Claims and Economic Cooperation". [Korea Herald]

Bangladesh: Deputy foreign minister cancels visit to India

(lf/jk) While the Foreign Ministry has announced the cancellation has nothing to do with the Citizen Amendment Act (CAA) or the issue of National Register of Citizens (NRC), the Deputy Foreign Minister is the fourth senior official to cancel a visit to India since the protests started.

The CAA addresses minority religion refugees - who are not Muslim- that have experienced religious discrimination in Afghanistan, Pakistan and Bangladesh. While the Indian government has clarified that persecution in Bangladesh occurred prior to the rule of current Prime Minister Sheikh Hassani, Bangladesh has made clear that it is not happy with the characterisation of a country that discriminates against religious minorities.

It has also voiced concern over India deporting those deemed "illegal" to Bangladesh and with that putting further strain on bilateral relations. Bangladesh is worried both the NRC and CAA could lead to dramatic increases in refugee flows to the country. [The Hindu] [The Print]

Environmental and strategic importance of the Mekong river in the spotlight

(ls) Along the Mekong river, the impacts of dams and climate change are becoming increasingly visible. In recent months, the river has changed its color from ochre to blue as sediments, which are important for the fauna and soils, have been significantly reduced. As hydropower dam projects in Laos have begun operating, the Mekong's even flow through and along neighboring countries has been disrupted. River levels are fast changing as water is stored and released. Dry and wet seasons have become confused. Fish breeding is irregular, and passage has become problematic as water levels drop to record lows. [Channel News Asia]

As China is testing equipment at one of its 11 dams in the upper Mekong, sudden water fluctuation has destroyed crops along the river in Thailand. The Mekong River Commission (MRC), an inter-governmental body made up of representatives from Laos, Cambodia, Thailand, and Vietnam, said that China would be testing its equipment, warning of a potential 50 percent drop in water outflows. The water level in the Golden Triangle has been reduced by approximately 40 percent from three meters to less than one. [Al Jazeera]

Moreover, China has plans to dredge the riverbed in northern Thailand from rocks to open passage for cargo ships and potentially military vessels. Ultimately, a link could be carved from Yunnan province thousands of kilometers south through the Mekong countries Myanmar, Laos, Thailand, Cambodia and Vietnam. There, the river emerges into the South China Sea. However, activists in Northern Thailand resist. The

Bangkok Post has published an interesting AFP piece on the topic. [Bangkok Post]

China-Indonesia tensions around Natuna Islands eased

(ls/lf) The Chinese vessels that had entered Indonesia's Exclusive Economic Zone around the Natuna Islands have exited the area, easing the tensions between the two countries. Before, the Indonesian air force had deployed four F-16 fighter jets to monitor the situation. As reported last week, Beijing contends that the waters are part of its "traditional" fishing grounds and that the area is within its "nine-dash line". Indonesian President Joko Widodo declared that the incident shall not harm the friendly relations between the two countries. [South China Morning Post] [Reuters 1]

China is Indonesia's biggest trading partner and a major investor. Both countries enjoy broad cooperation, including in infrastructure development such as the high-speed railway project linking Jakarta with Bandung. The US$6 billion project is part of Beijing's Belt and Road Initiative to connect China with Asia, Europe and beyond. [Straits Times]

Meanwhile, however, President Widodo asked Japan to step up investment in fisheries and energy in some of its South China Sea islands, in particular also the Natunas. Foreign Minister Retno Marsudi declared that the two countries also wanted to strengthen coastguard coordination. Japan last year gave Indonesia 100 billion rupiah ($7.26 million) to build a fish market in Natuna, which will be named Tsukiji after the famous Tokyo market. [Reuters 2]

India urges boycott of Malaysian palm oil after diplomatic tensions

(ls/tk) The Indian government as informally pressured Indian palm oil importers to effectively stop all purchases from top supplier Malaysia, following Malaysian Prime Minister Mahatir's criticism of India's actions in Kashmir and its new citizenship law. India is the world's largest importer of palm oil, buying more than 9 million tons annually, mainly from Indonesia and Malaysia. The block of imports could push up the country's palm oil inventories and put pressure on its prices, which set the global benchmark for the oil. [Reuters]

Mahathir said at the 74th session of the UN General Assembly in October that India "invaded and occupied" Kashmir. And regarding the new Citizenship Amendment Act, which critics say undermines the country's secular foundations, he said India was stoking unrest. [Economic Times]

Under Prime Minister Mahatir, Malaysia has been increasingly engaged with Pakistan, while criticizing India's treatment of Muslims. According to observers, the case is a vivid demonstration that Mahathir's moralistic rhetoric can have actual costs for Malaysia's economy. India, however, is reminded that its approach to Kashmir poses complications not only for its domestic politics or alignments with Western countries, but also for select Muslim-majority countries in Asia. [The Diplomat]

Philippines evacuates citizens from the Middle East

(lf) The Philippines have started efforts to evacuate citizens from the Middle East, mostly from Iran and Iraq, by sending two navy ships. Over 8,000 Filipinos are employed in Iran and Iraq and, with the rising US–Iran tensions, would like to return home. The Middle East is one of the main destinations for oversea Filipino workers and the instability of the region as significant implications on the country. [Inquirer] The Diplomat]

Laos receives support from the U.S. to counter human trafficking

(tk) The U.S. has made a commitment to support Laos in its fight against human trafficking by launching a new three-year Laos Counter Trafficking in Persons (CTIP) program. The $2.3 million promised by the Memorandum of Understanding are funded by the U.S. Agency for International Development (USAID) in order to reduce vulnerability to human trafficking among targeted populations by supporting vocational training and employment opportunities. [Vientiane Times]

Background Reading

Was Majapahit really an empire?

(ls) The New Mandala has published a piece on the old Javanese state, which is often called the 'Majapahit Empire' and which flourished throughout the 14th and 15th centuries. The article inquires whether it was really an empire, and what the notion 'empire' meant in premodern Southeast Asia. It refers to government inscriptions from east Java, Bali and Sumatra, Javanese chronicles, official records of the Ming court, and other sources. [New Mandala]

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