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Asia in Review

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Dear Readers,

With greetings from the AiR team and the hope that you are healthy and well, I am presenting you the AiR for this week and wish you a good read.

With best wishes,

Henning Glaser

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Law and Politics in Asia

Asia: Cracking down on coronavirus 'fake news'

(hg) According to Agence France-Presse, hundreds of people have been arrested across Asia for posting purported false information on the coronavirus situation with governments targeting "fake news" and silencing dissenting opinions and the report of inconvenient facts. [AFP]

Human Rights Watch (HRW) deputy director Phil Robertson is quoted as saying that "Governments are using the 'fake news' label to dress up their rights-abusing efforts to censor views and statements that are at odds with whatever strategy they have taken to deal with the Covid-19 crisis." [Straits Times]

In ten Asian countries, from Thailand to India and Mongolia, at least 266 people have been arrested and others punished with fines for posting coronavirus-related information. This includes a local politician in India for a Facebook claim that the government was downplaying virus fatalities and who is only one among nearly one hundred more people in India; a Malaysian TV personality who was ordered to a several thousand US dollar fine for a YouTube post criticizing a hospital's handling of the pandemic; a Sri Lankan woman locked three days in custody after posting a prank message on Facebook about the president's health; the case of a journalist in Cambodia (see in this issue) in which four opposition politicians and a dozen more people have been arrested as well, and more than 80 arrests made in Indonesia. [AFP]

Restrictions of the free expression of opinion are particularly problematic in times in which the rights to

the freedom of assembly and association can virtually not be exercised and during which surveillance is about to be enhanced by a variety of measures.

Law and Politics in East Asia

China/Hong Kong: Masks at unlawful assemblies unconstitutional

(dql) In an attempt to walk a fine line between government and protesters, Hong Kong's Court of Appeal last week ruled that the invocation of the city's emergency law to enact a ban on wearing masks at unlawful assemblies is constitutional. However, the judgment also confirmed that for lawful public gatherings both the ban on facial coverings and the power granted to police officers to remove masks, were still unconstitutional. [Reuters]

The ruling refers to the anti-mask law enacted by the Chief Executive Lam in October last year at the height of the anti-government protests. The law was ruled unconstitutional by the lower court in November. The city government appealed against this judgment. [AiR No. 41, October/2019, 2] [AiR No. 47, November/2019, 3]

In response to the present ruling, the pro-democracy camp announced to challenge it before the Court of Final Appeal, the city's top court. Members of the city's cabinet argue that it was too early to abolish the law. [South China Morning Post]

China: Beijing angered by filibuster of Hong Kong opposition lawmakers

(dql) Beijing has expressed dissatisfaction with opposition lawmakers in Hong Kong, criticizing them for paralyzing the work of the Legislative Council (LegCo) by delaying through filibuster the naming of the head of the House Committee. The latter is in charge of scrutinizing bills and subsidiary legislation tabled for approval in the Council. Since the start of the new legislative year last October and after 14 meetings, the filibuster has affected at least 14 bills and 80 subsidiary legislation.

Opposition lawmakers dismissed Beijing's criticism arguing that Legco's operations are the city's internal affairs and not to be subsumed under "national defence" or "diplomacy" identified as Beijing's jurisdictions under the city's Basic Law. [The Standard] [South China Morning Post]

China: Two thousand years old house registration system set to be dismantled?

(dql) As laid out in a recent policy framework paper of the Communist Party Central Committee and the State Council, one of the major reform steps to further liberalize China's land, labor and capital markets, will be to permit domestic migrants to register for residency in all cities in China – except a few major metropolitan areas –, along with the offer of equal access to public services, from education to health care. This reform, if implemented, would be the dismantling of China's two millennia-old house registration system, which has long been criticized for depriving domestic migrants of access to public services. [South China Morning Post] [Gov.cn, for the policy framework paper in Chinese]

The release of the policy blueprint comes at a time when Beijing's commitment to market-oriented reforms is facing skepticism at home and abroad, while the country hurtles towards its first economic contraction since 1976 due to the coronavirus outbreak.

China: Critic of government's Covid-19 handling under investigation

(dql) Earlier, AiR has reported about the disappearance of Ren Zhiqiang, a critic of the Chinese government's response to the outbreak of the coronavirus, who accused the Communist Party of having "concealed the cause of the outbreak" and using "propaganda to hush a scandal". [AiR No. 11, March/2020, 3]

Last week, Chinese authorities announced that he has been put under investigation for "serious violations of discipline and law." [South China Morning Post]

South Korea: Opposition party expels candidate shortly before the world's first "Covid-19" national election

(ef/dql) In a move to minimize damage for the party in the general election this Wednesday, the main opposition United Future Party (UFP) on Monday expelled an election candidate over controversial remarks about families of the victims of the 2014 Sewol ferry disaster claiming that they had engaged in "promiscuous conduct". The candidate has announced to file a court injunction [Korea Herald 1] [Korea Times].

Due to positive assessments of the government's response to the Coronavirus outbreak, it is widely expected that President Moon's ruling Democratic Party (DP) will emerge stronger from the election. Latest polls saw Moon's approval ratings at a 17-month high last week, while the DP's popularity was 15% higher than that of the strongest contender, the UFP. [The Guardian] [KBS]

The election will be the first national election under Covid-19 circumstances in the world. Coronavirus patients have started to cast their votes at eight designated polling stations, while a total of 3.500 stations have been set up for early voting in the hope of avoiding crowding on April 15. In a related development, the Health Ministry on Sunday announced that self-isolators will be allowed to cast ballots if they do not show symptoms of a coronavirus infection and arrive at the polling stations not by public transportation, but by foot or car. As of time of writing, a total of 10.564 infections and 222 deaths have been recorded for South Korea. [Straits Times] [Yonhap] [Korea Herald 2]

Taiwan: Defeated Kuomintang presidential hope to lose in Kaohsiung

mayor recall motion, too?

(dql) Only a few months after losing the presidential race against Tsai Ing-wen, Kaohsiung Mayor Han Kuo-yu is facing another bitter political defeat. The Kaohsiung City Election Commission announced that the petition to recall him has passed the second of three stages after a total of 377.662 signatures out of 406.880 submitted were confirmed as valid. The required minimum stands at 228.134. If the Central Election Commission approves this result, a recall vote will be held within 60 days. [Taiwan News]

Han stands accused of dereliction of duty as city mayor during his presidential campaign. In January, the petitioners took the first stage. [AiR No. 3, January/2020, 3]

Meanwhile, Han's lawyers filed an administrative litigation, requesting the court to review whether a recall vote against him should be allowed to proceed, arguing that the groups which launched the recall petition violated the Civil Servants Election and Recall Act by collection signatures long before Han had been in office for one year. [Focus Taiwan]

Law and Politics in South Asia

India: Anti-Muslim violence over virus spreading allegations

(hg) After the Indian government's crackdown on Kashmir, and the new citizenship law, India's 200 million Muslims face another challenge over allegations of a "Muslim virus" and "Corona-jihad".

Like in many other countries such as Malaysia, Pakistan, or South Korea, religious gatherings have accelerated the spread of the virus also in India where a single Islamic missionary organization, Tablighi Jamaat, held a gathering that was attended by about 8,000 people and seems to have been responsible for a significant share of India's coronavirus cases.

Since, officials and privates blame Muslim for spreading the coronavirus with India's health ministry speaking of "human bombs" and "corona jihad" and the spread of social virus of religious hatred and violence across the country. Muslims have been attacked in mosques, beaten up and nearly lynched. The ugliness of this is well reflected by the assault on a young Muslim who passed out food to the poor suffering from the general lockdown. The leader of the Maharashtra Navnirman Sena, a far-right nationalist party, even called on the public to shoot Tablighi Jamaat members. [New York Times]

For a fair, shorter take on the development see [The Guardian].

A personal perspective on the broader context of the spreading intolerance and religious hatred in India is provided in [The Atlantic] where the author gives a long-term view on India's transitioning away from its secular tenets to a state of the country in which "India is no longer India" as the essay is titled.

India extends nationwide corona lockdown with uncertain economic and political costs

(ls) The Indian government has decided to extend its nationwide lockdown until 3 May. Several states had urged Prime Minister Narendra Modi to extend it, even as concerns have risen that the shutdown has put millions of poor people out of work and forced an exodus of migrant workers from cities to villages. [Reuters]

In addition, India's government is likely to divide the country into red, orange and green zones, depending on the number of registered Covid-19 cases. Whereas no activity would be allowed in red zones, activities such as limited opening of public transport would be allowed in orange zones. The green zones, where no cases of have been reported, would allow the widest range of activities. [Straits Times]

In a video interview with The Wire, political strategist Prashant Kishor discusses the government's crisis management efforts so far and projects how the crisis could affect Indian politics in the future. [The Wire]

The Interpreter assesses how South Asian countries might get through the crisis, arguing that several factors, in particular the region's demography, may shield them from the worst impacts. [The Interpreter]

Bangladesh extends lockdown, too

(ls) In Bangladesh, the government extended the nationwide lockdown by 11 more days. The army has previously already been deployed across the country to enforce social distancing measures. Meanwhile, some observers fear devastating effects on the country's economy. [Channel News Asia]

The large Rohingya refugee camp in Cox's Bazar has been put under a complete lockdown as well. Movement restrictions on aid workers has also been imposed, which cuts the manpower by 80 percent. Only emergency food supply and medical services can continue to be delivered in the camp. [RFI]

Why Sri Lankan political reform efforts have failed so far

(ls) Two articles published by the East Asia Forum inquire why Sri Lanka has not been able to introduce meaningful political reforms but rather brought the Rajapaksa family back to power. The first piece argues that former president Maithripala Sirisena and his prime minister Ranil Wickremesinghe's reform coalition was ultimately unable to make a coherent political offer, despite election promises of strengthening democracy and social justice principles and fighting corruption. Institutional resistance and the prevalence of informal networks have been firm barriers against actual change. [East Asia Forum 1]

Another article looks at how governments have dealt with the large-scale disappearances of Tamil civilians during the country's civil war. The author argues that, without greater accountability and reform of the Sri Lankan security apparatus, Sri Lanka's political future will involve more inhumane violence against its own citizens. [East Asia Forum 2]

Meanwhile, Sri Lanka commemorated last year's Easter Sunday attacks on Christian churches by which 253 persons lost their lives and several hundred persons were injured. A generally hostile environment for minorities contributes generally to radicalization and violence in Sri Lanka and is directed against Muslims as well. Moreover, the weak response to the attacks by the former Sirisena/Wickremesinghe government led to calls for a strongman, prompting former defense secretary Gotabaya Rajapaksa to run in the presidential elections and eventually win in 2019. [Open Democracy]

Law and Politics in Southeast Asia

Cambodia: Emergency laws prepared

(jk) Cambodia may soon join the countries currently operating under emergency rule in the fight against Covid-19. Parliament approved such legislation last week. The legislation is currently being discussed in the Senate. [Khmer Times]

Much like in the case of the Philippines and Thailand [Asia in Review No. 13, March/2020, 5], or maybe even more so, there is widespread concern over increasing Prime Minister Hun Sen's power after he already heavily curtails democratic freedoms and opposition forces in the country. The new legislation, unsurprisingly, is formulated very broadly and includes wording such as "other measures that are deemed appropriate and necessary in response to the state of emergency". [The Guardian] [The Straits Times]

Fanning concerns over a misuse are numerous stories of how powers are used in Cambodia to stifle dissent and critics in general. In an incident last week, a journalist was charged with incitement after he had "accurately posted on Facebook a comment by Hun Sen [...] telling motorbike-taxi drivers who go bankrupt because of the coronavirus outbreak to “sell your motorbikes ... [because] the government does not have the ability to help.” Allegedly, the reported had tried to incite chaos and harm social security by "selecting" this quote and not making clear that the PM was joking. [Radio Free Asia]

Philippines: Harry Roque returns as presidential spokesperson

(jk) Former presidential spokesperson Roque returns to the position he held from 2017 to 2018. Roque - a former human rights lawyer - supported and defended Duterte’s war on drugs and his decision pull out from the International Criminal Court in March 2018. He was toeing Duterte's line so closely that critics said it would be misleading, to say the least, to continue referring to him as a "human rights lawyer".

Roque had initially resigned from the post to pursue a seat in the country's senate, which he has now given up, citing health reasons. [Inquirer]

Thailand: Blogger under fire for exposing alleged scandal

(jk) Last month, a blogger operating a popular Facebook page named "Queen of Spades" (since deleted) published video footage and photographs of an alleged hoarding scandal of some 200 million surgical face masks, implicating an aide to a controversial Deputy Minister of Agriculture from the largest governing-coalition Palang Pracharat Party.

Soon after the footage was released, allegations were made that the footage was doctored and the Deputy Minister threatened to sue everyone who would link his name to the scandal. A month later, the blogger says she is now wanted by the police [Thisrupt 1] criticising how her case has been handled after another member of Palang Pracharat Party accused her of spreading fake news in violation of the Computer Crime Act.

The blogger claims she has done nothing but sharing material from the social media page of a businessman who was involved with the face masks and raises the question of a reasonable use of the Computer Crime Act and using fake news to silence critics. [Thisrupt 2] Critics consider the vague definition of "fake news" and very broad, sometimes overlapping laws governing them, paired with the serious consequences of spreading as an invitation to misuse by actors with ulterior motives.

Thailand: Southern unrest pauses amid Covid-19

(jk) At the beginning of April, insurgent Barisan Revolusi Nasional - the National Revolutionary Front (BRN) declared that it was ceasing all hostile actions against the Thai military due to the ongoing struggle against the coronavirus pandemic. Referring to "humanitarian grounds", the group also made clear it would resume hostilities if the Thai military attacked its forces. [Benar News]

The Thai government has not yet officially responded to the message. It comes after some intense violent clashes earlier this year, including "one of largest operations in the conflict to date" in March when security forces fought rebel fighters in the marshlands near Yala city, and their presumed retaliation in form of a bomb attack on March 17 on the Southern Border Provinces Administration Center (SBPAC) in the city. [Asia Times] [Asia in Review No. 11, March/2020, 3]

A piece on [Asia Sentinel] brings up some interesting developments in the conflict on the side of the insurgents. It looks at some of the differing strands within the separatist movement and for instance raises some doubt that the BRN in particular, which is since the beginning of the year engaged in "discussions" [Asia in Review No. 4, January/2020, 4] with the Thai government in Malaysia, is speaking with one voice. Rather, according to the author, there is the "old guard", represented in KL at the talks, and a more hard-line and fundamentalist faction.

Indonesia warned to be on guard for anti-Chinese violence amid pandemic

(jk) The Institute for Policy Analysis of Conflict (IPAC), a Jakarta-based Think Tank, warns of a possible increase in anti-Chinese violence by extremist religious groups

amid the ongoing corona crisis amid intensifying anti-Chinese rhetoric on social media.

Drawing some parallels to some white supremacists in the US the report points out that terror groups in Indonesia might exploit the crisis by increasing activity while the government's resources are tied up fighting the pandemic, or even using deliberate spreads of the virus as a weapon to further destabilise the state. [RSiS]

However, for the moment, the pandemic has decreased terrorist activities despite "ISIS central's" call to "take advantage of the enemy's preoccupation with the virus and mount strikes." [Institute for Policy Analysis of Conflict]

Incidentally, the man and woman accused of stabbing the former Coordinating Minister for Security Wiranto in October last year [Asia in Review No. 42, October/2019, 3], who are affiliated with ISIS-linked Jemaah Ansharut Daulah (JAD), went to trial last week. Both face the death penalty if convicted. [Benar News]

Myanmar: Voice of Myanmar journalist released after Arakan Army interview got him arrested

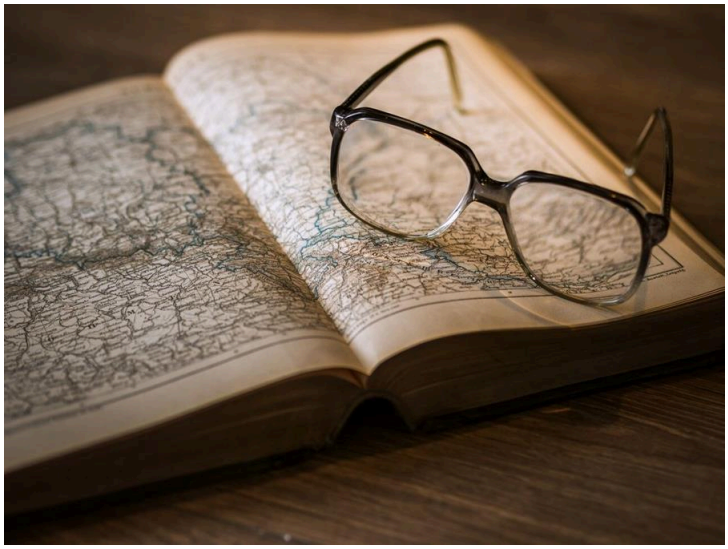
(jk) At the end of last month, an editor of the Voice of Myanmar was arrested on terrorism charges after he had published an interview with a spokesperson of the Arakan Army which was recently declared a terrorist group. The interview discussed the labelling, but under the Counter-Terrorism Laws, it is prohibited for organizations and individuals to associate with outlawed organizations, now including the Arakan Army. [Al Jazeera]

10 days later, the editor who was facing a potential life sentence over the charge, was freed and said that the prosecutors for the case decided that he "had not violated Sections 50(a) and 52(a) of the Counter-Terrorism Law [...], and CID [Central Intelligent Department] officers immediately came to my cell to tell me about my rights and release me". [Radio Free Asia]

Timor-Leste: PM withdraws resignation to tackle coronavirus

(jk) Prime Minister Taur Matan Ruak of East Timor who had tendered his resignation in late February after failing to pass a budget for 2020 [Asia in Review No. 9, March/2020, 1], has temporarily withdrawn his resignation to fight the Covid-19 crisis. [The Straits Times]

International Relations, Geopolitics and Security in Asia



China-USA relations: Commissioned mercenaries to fight Chinese economy at sea?

(dql) Pointing to the fact that the USA has not signed or ratified any international treaties or conventions banning the use of privateers, US military researchers have suggested the use of privateers to fight the Chinese grey-zone merchant fleet at sea. The researchers argue that "[p]rivateering, authorized by letters of marque, could offer a low-cost tool to enhance deterrence in peacetime and gain an advantage in wartime," and adding that "[i]n wartime, privateers could swarm the oceans and destroy the maritime industry on which China's economy - and the stability of its regime - depend. The mere threat of such a campaign might strengthen deterrence and thereby prevent a war from happening at all." [U.S. Naval Institute] [South China Morning Post]

David Axe at [National Interest] gives a critical take on this 'privateers' suggestion arguing that it misses to see that China in such a scenario might retaliate with its

own commissioned seafarers to equally damage US trade.

For an account on the current capabilities of the Chinese naval force see Roderick Lee at [Jamestown Foundation: China Brief] who suggests that the People's Liberation Army Navy "is close to being able to execute offensive naval operations outside of the first island chain (and perhaps beyond the second island chain) in a wartime environment."

With regards to the "looming threat from China in space", see Douglas Mackinnon at [The Hill] who cites the US Defense Intelligence Agency to say "that China has a massive upper hand in the militarization of space."

Africa between China and the USA over Covid-19

(dql) The Africa Union (AU) has rejected US President Trump's criticism towards the World Health Organization (WHO), who accused the body and its Ethiopian director general Tedros Adhanom Ghebreyesus of being too China-centric in its handling of the coronavirus pandemic and threatened to suspend future funding. With 893 million USD during the current two-year funding period of the WHO, the United States is the largest single donor to the WHO. [Wall Street Journal] [WHO, for a list of donors and their contributions]

The AU, however, applauded the WHO for its "good work" in dealing with the pandemic and its director general for his "exceptional leadership", who has come under pressure his defense of China's pandemic handling. [South China Morning Post] [Reuters]

In a related development, the WHO rejected accusations from Washington that it had ignored Taiwan's warning of human-to-human transmission of the new coronavirus soon after its outbreak in China late last year and by doing so helped China conceal the gravity of the pandemic. [Hong Kong Free Press]

Meanwhile, African officials and African countries' ambassadors in China have denounced racial discrimination against Africans in China after Africans are reportedly being banned from places such as hospitals and shopping malls, forced out of their homes and hotel rooms, and face violence in the streets following positive Covid-19 test results of five Nigerians in Guangzhou. [South China Morning Post 2] [Forbes]

South-Korea relations: Still no agreement on defense cost-sharing

(dql) Talks between Seoul and Washington USA on cost-sharing for the stationing of 28.500 US soldiers in South Korea remain inconclusive. A latest offer by South Korea – a hike of at least 13% from the previous deal – was reportedly rejected by US President Trump as it was still far below even the substantially lowered expectations of the Trump administration, which had initially sought an nearly five-fold increase from 900 million USD, as agreed for 2019, to 5 billion USD. [Reuters]

North Korea: High-profile missiles fired a day before legislative election in South Korea

(dql) One day ahead of the national election in South Korea and the 108th birthday of North Korea's founding father Kim Il-sung this Wednesday, North Korea has fired a salvo of suspected cruise missiles towards the Sea of Japan, in a major show of force. The launches are the most high-profile actions among a series of weapon tests the country has conducted recently amid frosty relations with the USA over stalled nuclear talks. [Aljazeera]

Six US military aircraft appearances in South Taiwan in one week

(dql) Last week, AiR reported about intensified US military activities in recent months in the South China Sea. [AiR No. 14, April/2020, 1] This trend continues with six appearances of U.S. military aircraft in the same area of South Taiwan in the past week while China sent its aircraft carrier Liaoning along with five accompanying warships near Japan and Taiwan at the past weekend. [Focus Taiwan] [Stars and Stripes]

The heightened frequency of military aircraft passages in the region comes at a time when Washington is even further deepening its ties with Taipei both through legislation such as the recent TAIPEI Act and diplomatic efforts to help Taiwan to access international organizations such as the WHO. [AiR No. 14, April/2020, 1]

Kashmir: Artillery fire between Indian and Pakistani forces

(ls) Indian and Pakistani forces exchanged heavy artillery fire in Kashmir along the Line of Control that divides the Indian and Pakistani controlled parts. At least four civilians were killed, including a two-year-old boy, and several more injured. Both sides accused each other with violating the 2003 ceasefire. The weekend before, five Indian special operation forces and five rebels were killed in fights along the frontier. [ABC News] [Al Jazeera]

Pakistan's foreign ministry had summoned an Indian official to lodge a protest over the incident, also blaming India of hundreds of ceasefire violations this year alone. India accuses Pakistan of training and sending militants across the border to launch attacks and support a Kashmiri separatist movement against Indian rule. [Reuters]

US approves possible sale of Mk 54 torpedoes to India

(hg) The U.S. Department of State has approved a possible sale of 16 Mk 54 lightweight torpedoes and related equipment to India worth USD 63 million. The Mark 54 Lightweight Hybrid Torpedo is developed by Raytheon Integrated Defense Systems and a standard anti-submarine warfare torpedo that is supposed to be used on India's P-8I patrol aircraft. [Defense Post]

Bangladesh: Shanghai Electric's power plant begins operations

(hg) Shanghai Electric has successfully converted and enhanced an existing power plant in the city of Sylhet. The facility is supposed to fulfill the electricity demands in Bangladesh's eastern region without interruption and represents the fifth project of the Chinese company in Bangladesh since 2002. [Power Technology]

Philippine Government expresses "deep concern" after China-Vietnam incident in

South China Sea

(jk) After a Chinese maritime surveillance vessel rammed and sunk a Vietnamese fishing boat near the Paracel Islands [Asia in Review No. 14, April/2020, 1], the Philippine Department of Foreign Affairs released a statement indicating it is increasingly worried about Chinese actions in the South China Sea and that "trust in a friendship is lost" after such incidents. It cites "momentum" in talks on a Code of Conduct, as well as the current Covid-19 pandemic, which requires coordinated responses and mutual trust. [Department of Foreign Affairs]

While Chinese activity may not have increased since the onset of the corona crisis, its continuation despite an obvious need for cooperation and trust in extraordinary circumstances has not gone unnoticed in ASEAN. The US The Department of Defense also released a statement on the incident, echoing this point: “The COVID-19 pandemic underscores the importance of the rules-based international order, as it sets the conditions that enable us to address this shared threat in a way that is transparent, focused, and effective. We call on all parties to refrain from actions that would destabilize the region, distract from the global response to the pandemic, or risk needlessly contributing to loss of life and property”. [US Department of Defense]

ASEAN Foreign Ministers meet online and endorse plans for pandemic fund

(jk) In video meeting, led by current ASEAN Chair Vietnam, ministers endorsed several "collective steps to fight the pandemic". These include a COVID-19 ASEAN response fund and information and strategy sharing, designed to "ease the impact of the global health crisis on people and the economy", according to a statement by the Philippine Department of Foreign Affairs. [Japan Today]

Vietnam's Deputy Foreign Minister also said that there is a possibility many more ASEAN events and summits could be held online just like the ASEAN Special Summit and the ASEAN+3 Special Summit on COVID-19 Response Tuesday this week where final approvals of response measures and a joint statement are expected.

The 36th ASEAN Summit, originally scheduled to take place this past weekend, has for now been postponed to the end of June. [Vietnam News]

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