

Culture and Society in Asia V (Course Outline)

April 11, 2016

Mizuno Mitsuaki

IMPORTANT NOTICE

At this class, English is used mainly. But some course materials are in both English and Japanese.

(この講義は英語で行われる。試験も英語で行われる。一部の資料では英語と日本語が用いられる。英語を学ぶのではなく、英語を使って領土と領土教育を学ぶ。)

Exchange students are welcomed highly and warmly, and can use English.

(交換留学生の履修も歓迎する。一年程度、日本語を勉強したことがあれば、この授業を理解することができる。)

Purposes of this class:

to understand:

1. What is territory?
2. What and how territory is defined? Land, Sea, Air (aerospace) and space.
3. What is a territorial education at elementary school, junior high school and high school levels in Japan?

For these purposes, we will introduce and discuss:

1. the exact definition of territory from legal aspect. We will NOT take historical approach.
2. the difference between legal approach and historical approach.
3. the territorial education in Japan.

Case study:

China's activities in the South China Sea

the US's and Japan's reactions to China's activities in the South China Sea

NOTICE

1. evaluation

The evaluation of this class depends on the term-end written examination. Its details will be explained later.

(For exchange students, the evaluation may depend on the term-end research paper.)

Your attendance of this class may NOT be considered.

2. how to contact

You have to use internal web site (学内ポータルサイト).

Culture and Society in Asia

April 25, 2016
Mizuno Mitsuaki

1. Today's key words and points

The definition of sovereign territory of the state

The sovereign territory of the state consists of 1) territorial land or land, 2) airspace or air and 3) territorial waters

1) territorial land or land

the place where sovereign power of a country or nation exists.

2) airspace or air

The airspace consists of 1) controlled airspace and 2) uncontrolled airspace.

The difference between controlled airspace and uncontrolled airspace is whether airplanes is controlled or not.

3) territorial waters

The territorial waters, often the sea, is a belt of coastal waters extending at most 12 nautical miles from the baseline of a coastal state (usually the mean low-water mark).

Foreign ships (both military and civilian) are allowed innocent passage through it.

As for the territorial waters, we will discuss them more later.

領域にかんする主要用語集

sovereign territory of the state:領域、国家の主権が及ぶ領域

land or territorial land:領土

airspace or air:領空

controlled airspace:管制空域 (航空管制の実務)

uncontrolled airspace:非管制空域 (航空管制の実務)

territorial waters or sea:領海

nautical miles:海里

Culture and Society in Asia

May 8, 2016

1. Today's points:

To understand the key terms on waters.

2. baseline, internal waters, territorial sea, contiguous zone, Exclusive Economic Zone, international waters

a) baseline 基線

Normally, the baseline from which the territorial sea or water is measured is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal state.

b) internal waters 內水

Waters landward of the baseline are defined as internal waters, over which the state has complete sovereignty; not even innocent passage is allowed.

c) territorial sea 領海

A state's territorial sea extends up to 12 nautical miles (about 22.2 km) from its baseline. If this would overlap with another state's territorial sea, the border is taken as the median point between the states' baselines, unless the states in question agree on otherwise. A state can also choose to claim a smaller territorial sea.

d) contiguous zone 接統水域

The contiguous zone is a band of water extending from the outer edge of the territorial sea to up to 24 nautical miles (about 44.4 km) from the baseline, within which a state can exert limited control for the purpose of preventing or punishing "infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea". This will typically be 12 nautical miles (about 22km) wide, but could be more (if a state has chosen to claim a territorial sea of less than 12 nautical miles), or less, if it would otherwise overlap another state's contiguous zone.

e) Exclusive Economic Zone (EEZ) 排他的經濟水域

An exclusive economic zone extends from the outer limit of the territorial sea to a maximum of 200 nautical miles (about 370.4 km) from the territorial sea baseline, thus it includes the contiguous zone. A coastal nation has control of all economic resources within its exclusive economic zone, including fishing, mining, oil exploration, and any pollution of those resources. However, it cannot prohibit passage or loitering above, on, or under the surface of the sea that is in compliance with the laws and regulations adopted by the coastal State in accordance with the provisions of the UN Convention, within that portion of its exclusive economic zone beyond its territorial sea.

f) international waters 公海

Outside of territorial waters, the sea is defined as international waters.

3. continental shelf 大陸棚

The continental shelf of a coastal nation extends out to the outer edge of the continental margin but at least 200 nautical miles (about 370 km) from the baselines of the territorial sea if the continental margin does not stretch that far. The outer limit of a country's continental shelf shall not stretch beyond 350 nautical miles (about 650 km) of the baseline, or beyond 100 nautical miles (about 190 km) from the 2,500 meters isobath, which is a line connecting the depths of the seabed at 2,500 meters. The foot of the continental slope is determined as the point of maximum change in the gradient at its base.

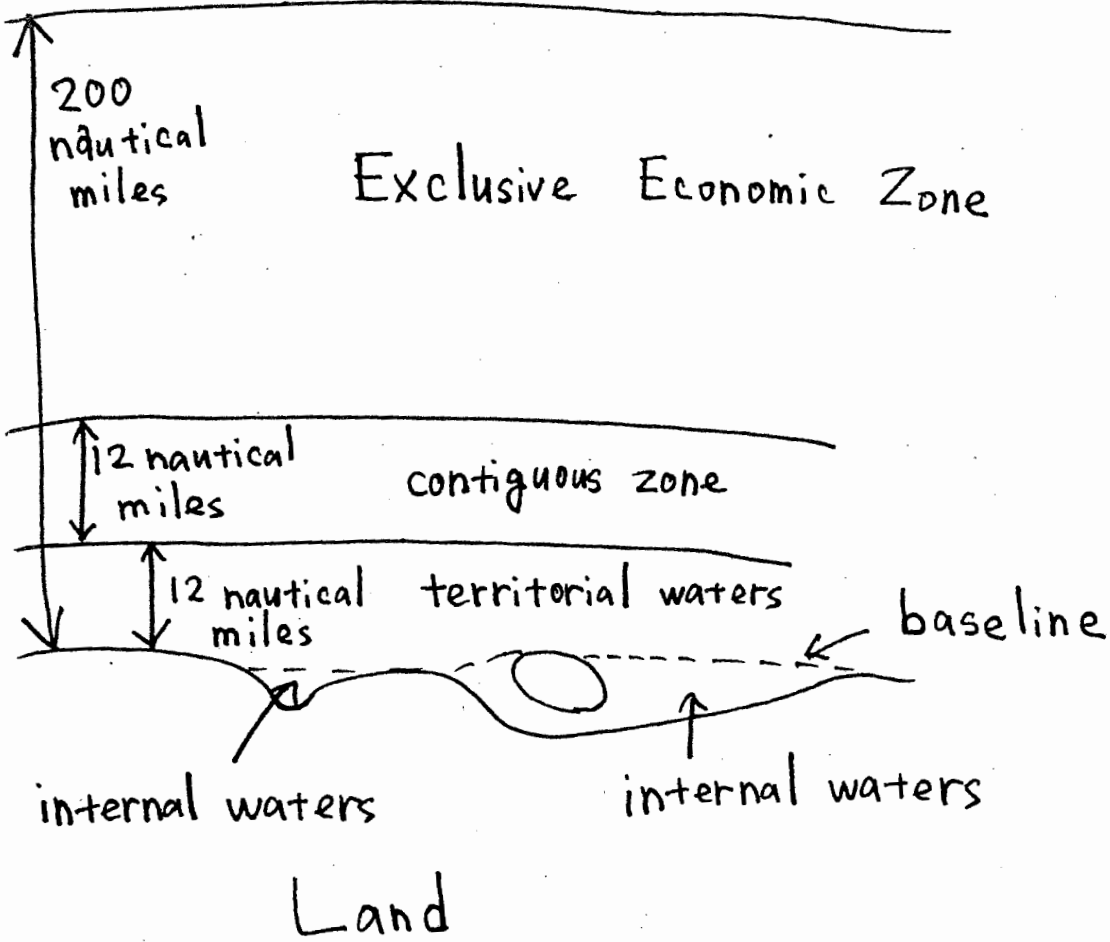
4. rights over the continental shelf

Articles 77 to 81 of the United Nations Convention on the Law of the Sea (国連海洋法条約) define the rights of a country over its continental shelf.

A coastal nation has control of all resources on or under its continental shelf, living or not, but no control over any living organisms above the shelf that are beyond its exclusive economic zone. This gives it the right to conduct petroleum drilling works and lay submarine cables or pipelines in its continental shelf.

An example of this is the ongoing dispute over resources in the Arctic area, which will be decided by the exact mapping of the continental shelves.

international waters



Culture and Society in Asia

May 16, 2016

Mizuno Mitsuaki

1. Today's points:

- a) to understand what is happening in or around the East China Sea and the South China Sea.
- b) to understand why are the above mentioned situations occurring?
- c) to understand why is the United States' interested in them, although they are very far from the US.

2. disputes in the East China Sea and in the South China Sea

common: disputes around the waters; disputes around China; China's position

difference: the number of the party members. In the East China Sea case, the key members are: China and Japan. But in the case of the South China Sea case, the main members are: China, Taiwan, Vietnam, the Philippines, Malaysia and Brunei.

3. claims by the concerned members:

the East China Sea's case:

the South China Sea's case:

4. ASEAN and the South China Sea's case

Declaration on the Conduct of Parties in the South China Sea, known as the DOC, signed by all the members of the ASEAN and the People's Republic of China on November 4, 2002.

5. the US's stance toward the South China Sea's case

Freedom of Navigation Operation

The United States Freedom of Navigation program challenges territorial claims on the world's oceans and airspace using diplomatic protests and/or by challenge. The country's position is to insist that all nations must obey the international law of the sea, as stated by the UN Law of the Sea Convention.

On several occasions, US armed forces have conducted operations in areas claimed by other countries but are international waters, such as naval operations in the Gulf of Sidra in the 1980s. Throughout the years, US forces have been performing "Freedom of Navigation" operations in the Straits of Gibraltar, Strait of Hormuz, Straits of Malacca, and the Indonesian Archipelago, the Black Sea under the name 'Silver Fox',

In 2014, China Youth Daily called the American program an infringement of China's "rights" to "reclaim" the South China Sea and East China Sea, two large bodies of waters that are considered international waters.

In October 2015, the US destroyer USS Lassen sailed within 12 miles of the artificial islands China has created in the disputed Spratly archipelago to reiterate the fact that the sea

China is building islands in are international waters.

Society and Culture in Asia

May 23, 2016

today's topic:

education on the territory at the elementary school, junior high school and high school level.

today's points:

to understand the followings:

1. What does the MEXT Minister say on the education on the territory?
2. What is the difference among Curriculum guidelines, Regulations of the School Education Law, the commentary to the Curriculum guidelines?
3. What is the Senkaku islands issue? And what and how do the textbooks say on this issue?
4. What is the Takeshima islands issue? And what and how do the textbooks say on this issue?

1. press conference of the Minister of Education, Culture, Sports, Science and Technology

The Minister stresses the importance of education on the territory.

All textbooks used at elementary school, junior high school and high school may handle the territorial issue around Japan, especially Senkaku or Takeshima islands 'issues'.

2. Curriculum guidelines, Regulations of the School Education Law, the commentary to the Curriculum guidelines

Curriculum guidelines (学習指導要領) is a standard issued by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) that specifies materials taught at all of elementary, junior and senior high schools in Japan, either public or private. The authority of the ministry to issue the standard is due to the enforcement regulations of the School Education Law (学校教育法施行規則). The ministry also publishes the commentary to the curriculum guidelines (学習指導要領解説) that accompanies the guidelines. Nominally, the commentary is not legally binding.

more...

If you are teachers at elementary school, junior high school or high school, how and what do you teach the territorial issues?

Society and Culture in Asia

May 30, 2016

today's key words:

artificial islands, islands and rocks

artificial islands:人工島、islands:島、rocks : 岩

As for Artificial islands, islands and rocks, United Nations Convention on the Law of the Sea says:

United Nations Convention on the Law of the Sea:国連海洋法条約

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Article 60

Artificial islands, installations and structures in the exclusive economic zone

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

(a) artificial islands;

(b) installations and structures for the purposes provided for in article 56 and other economic purposes;

(c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in

this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

第 60 条

(排他的経済水域における人工島、施設及び構築物)

1. 沿岸国は、排他的経済水域において、次のものを建設し並びにそれらの建設、

運用及び利用を許可し及び規制する排他的権利を有する。

- a 人工島
- b 第 56 条に規定する目的その他の経済的な目的のための施設及び構築物
- c 排他的経済水域における沿岸国の権利の行使を妨げ得る施設及び構築物

2.沿岸国は、1 に規定する人工島、施設及び構築物に対して、通関上、財政上、保健上、安全上及び出入国管理上の法令に関する管轄権を含む排他的管轄権を有する。

3.1 に規定する人工島、施設又は構築物の建設については、適当な通報を行わなければならない。また、その存在について注意を喚起するための恒常的な措置を維持しなければならない。放棄され又は利用されなくなった施設又は構築物は、権限のある国際機関がその除去に関して定める一般的に受け入れられている国際的基準を考慮して、航行の安全を確保するために除去する。その除去に当たっては、漁業、海洋環境の保護並びに他の国の権利及び義務に対しても妥当な考慮を払う。完全に除去されなかった施設又は構築物の水深、位置及び規模については、適当に公表する。

4.沿岸国は、必要な場合には、1 に規定する人工島、施設及び構築物の周囲に適当な安全水域を設定することができるものとし、また、当該安全水域において、航行の安全並びに人工島、施設及び構築物の安全を確保するために適当な措置をとることができる。

5.沿岸国は、適用のある国際的基準を考慮して安全水域の幅を決定する。安全水域は、人工島、施設又は構築物の性質及び機能と合理的な関連を有するようなものとし、また、その幅は、一般的に受け入れられている国際的基準によって承認され又は権限のある国際機関によって勧告される場合を除くほか、当該人工島、施設又は構築物の外縁のいずれの点から測定した距離についても 500 メートルを超えるものであってはならない。安全水域の範囲に関しては、適当な通報を行う。

6.すべての船舶は、4 の安全水域を尊重しなければならない。また、人工島、施設、構築物及び安全水域の近傍における航行に関して一般的に受け入れられている国際的基準を遵守する。

7.人工島、施設及び構築物並びにそれらの周囲の安全水域は、国際航行に不可

欠な認められた航路帯の使用の妨げとなるような場所に設けてはならない。

8.人工島、施設及び構築物は、島の地位を有しない。これらのものは、それ自体の領海を有せず、また、その存在は、領海、排他的経済水域又は大陸棚の境界画定に影響を及ぼすものではない。

Article 121

Regime of islands

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

第 121 条 (島の制度)

1. 島とは、自然に形成された陸地であつて、水に囲まれ、満潮時においても水面上にあるものをいう。
2. 3に定める場合を除くほか、島の領海、接続水域、排他的経済水域及び大陸棚は、他の領土に適用されるこの条約の規定に従って決定される。
3. 人間の居住又は独自の経済的生活を維持することのできない岩は、排他的経済水域又は大陸棚を有しない。