

Culture and Society in Asia V (Course Outline)

April 9, 2018

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 23, 2018
Mizuno Mitsuaki

Key issue:

wartime comfort women or wartime sex slaves and Japan-South Korea relations

AMBASSADOR RETURNS TO S. KOREA

April 5, 2017

Japan's ambassador to South Korea is back in Seoul after an absence of almost three months. Japan had recalled him and a consul general in protest of a statue symbolizing people referred to as wartime comfort women. A South Korean civic group installed it in front of Japan's consulate in the city of Busan.

Ambassador Yasumasa Nagamine (長嶺安政) arrived in Seoul on Tuesday evening.

(Yasumasa Nagamine / Japanese Ambassador to S. Korea)

"I want to meet in person with acting president Hwang Kyo-ahn and other officials as soon as possible in order to demand that South Korea abide by the agreement with Japan."

Japanese officials claim the installment of the statue runs counter to a 2015 bilateral agreement. South Korea promised to strive to solve the issue of a similar statue in front of the Japanese Embassy in Seoul.

Even though there was no progress on the issue, Japan decided to have the envoys return to their posts. They have to prepare for the new administration as a presidential election is scheduled for early May.

source :

<https://cgi2.nhk.or.jp/e-news/news/index.cgi?ymd=20170413>

As for 「従軍慰安婦」, there is another expression, wartime sex slaves, besides wartime comfort women mentioned in the NHK news.

For example, BBC has reported this issue as follows:

Japan recalls Korean envoy over 'comfort women' statue

6 January 2017

Japan has temporarily withdrawn (召還する) its ambassador to South Korea, amid an escalating row over a statue representing wartime sex slaves.

The statue was installed by activists outside the Japanese consulate in the South Korean city of Busan last month.

South Korea has long called for reparations for "comfort women", who were forced to work in Japanese military brothels during World War Two.

Japan says the statue violates a previous agreement on the issue.

Why is the statue such a big deal?

The 1.5m-tall (5ft) bronze statue depicts a young, barefoot woman sitting in a chair.

It has become a symbol of hardships faced by the women and the perceived lack of adequate apology and compensation from Japan.

Many of the estimated 200,000 (two hundred thousand) women forced to be wartime sex slaves were Korean. Others came from China, the Philippines, Indonesia and Taiwan.

It is a perennial (長期間にわたる) issue that has dogged (影を落とす) relations with Japan.

The matter has only escalated with each passing year as many of the survivors are old and dying. About 46 survivors are thought to remain in South Korea.

Is it the only statue?

No. In fact a more famous statue is outside the Japanese embassy in the South Korean capital, Seoul.

It was put up in 2011 to mark the 1,000th rally by activists calling for an apology and compensation.

Another 37 are thought to exist in South Korea, while in Australia a

similar statue has sparked a row between Korean and Japanese community groups.

What has happened in the latest incident?

South Korean activists put up the statue in Busan on 28 December as a protest against a deal struck exactly one year before, in which Japan apologised and promised to give 1bn yen (£7m; \$8.6m) to a fund for Korean women.

Critics say it was reached without consultation with victims, did not contain Japan's acknowledgement of legal responsibility, and did not provide direct compensation to the victims.

Busan police initially removed the statue but there was fierce (激しい) domestic pressure for it to remain, reported The Korea Herald.

Days later, after Japan's defence minister visited a controversial war shrine (議論の的になっている戦争の神社;靖国神社) in Tokyo, local authorities allowed it to be reinstalled.

What has Japan said about this?

Japan says the statue violates the 2015 deal, which agreed that Japan's reparations would "finally and irreversibly" (最終かつ不可逆的に; 2015年の慰安婦問題日韓合意) resolve the issue.

In a statement on Friday, Japanese Prime Minister Shinzo Abe said it was important that both countries carry out their agreement.

It has withdrawn its Busan consul-general and South Korean ambassador. It also suspended a currency swap (為替スワップ; [意味は各自で調べて下さい]) and postponed high-level economic discussions.

"We have repeatedly asked South Korea to handle the resolution of this issue appropriately, but the situation has not improved, so we have taken this action," Japanese Chief Cabinet Secretary Yoshihide Suga said.

The statues have been a constant source of irritation for the Japanese.

Japan has previously claimed the statue outside its Seoul embassy is illegal as it breaches the 1961 Vienna Convention, which dictates that host countries must protect the premises of diplomatic missions.

source:

<http://www.bbc.com/news/world-asia-38526914>

1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS

ARTICLE 22

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

外交関係に関するウィーン条約

第二十二條

2 接受国は、侵入又は損壊に対し使節団の公館を保護するため及び公館の安寧の妨害又は公館の威厳の侵害を防止するため適当なすべての措置を執る特別の責務を有する。

Issues

1. What is so-called wartime sex slaves or wartime comfort women issue?
2. What did Japan and South Korea agree on this issue in 2015?
3. Why South Korean people are not satisfied with this agreement? At least, at the legal level, Japan's reparations have "finally and irreversibly" resolved the issue. If South Korea was not satisfied with it, they should not have signed or ratified it.
4. According to the BBC news, many of the estimated 200,000 (two hundred thousand) women forced to be wartime sex slaves were Korean. Others came from China, the Philippines, Indonesia and Taiwan. What did China, the Philippines, Indonesia and Taiwan react to this issue?

Culture and Society in Asia

April 23, 2018

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.

Recently, space and cyber space are considered new elements of the territory. Space is the region beyond the earth's atmosphere or beyond the solar system. But how far from the earth's atmosphere is not defined exactly. The Fédération Aéronautique Internationale (国際航空連盟) has established the Kármán line (カーマン・ライン) at an altitude of 100 km as a working definition for the boundary between aeronautics (航空機が航行する空間) and astronautics (宇宙飛行士が活動する空間). The United States designates people who travel above an altitude of 80 km as astronauts.

Although several definitions of cyberspace can be found both in scientific literature and in official governmental sources, there is no fully agreed

official definition yet.

“Cyberspace is a global and dynamic domain (subject to constant change) characterized by the combined use of electrons and electromagnetic spectrum, whose purpose is to create, store, modify, exchange, share and extract, use, eliminate information and disrupt physical resources.”

source:

The most recent analysis of the interaction of Cyberspace and International politics has been investigated in the MIT, Harvard and CFR ECIR project (Explorations in cyber International Relations).

<http://ecir.mit.edu/http://web.mit.edu/polisci/people/faculty/nazli-choucri.html>

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 21, 2018
Mizuno Mitsuaki

1. Today's key words and points:

- a) The definition of territorial land or land
- b) boundary / border
- c) demarcation and delimitation
- d) peaceful or legal settlement of the border disputes by the International Court of Justice
- e) *Uti possidetis juris* and colonial rule

2. Territorial land or Land

A territory is a term for types of administrative division, usually an area that is under the jurisdiction of a nation state. It is located in land, not waters. All the countries have their own territories, even some countries face the waters, and some do not face them.

3. Boundary / Border

Sovereign states are distinguished each other by the boundary or border, even they consist of many islands such as Archipelagic states (for example, the Philippines, Indonesia, Fiji and Papua New Guinea).

4. Demarcation / Delimitation

The border line is expressed physically or by written documents.

Demarcation (実地画定)	expressed physically	pillars or stones, fences	need delimitation before demarcation
Delimitation (机上画定)	expressed literarily	maps (in many cases)	

(註)

国内法では「確定」、国際法では「画定」という漢字を用いる。

5. Border or boundary disputes

A certain territory belongs to whom or what sovereign state / country?

In case of islands, there are different approaches from that of territorial land

cases.

International Court of Justice is dealing with many border or boundary disputes by its decisions.

Article 2 of the United Nations Charter says:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

6. *Uti possidetis juris*

Uti possidetis juris or *uti possidetis iuris* is a principle of international law which provides that newly formed sovereign states should have the same borders that their preceding dependent area had before their independence. Originally, it was applied to the border disputes in South America, and was later used to solve border disputes in Africa. *Uti possidetis juris* has been applied in modern history to such regions as South America, Africa, the Soviet Union (in Soviet case, it was only applied after the collapse of the Soviet Union), and numerous other regions where centralized governments were broken up, or where imperial rulers were overthrown. It is often applied to prevent foreign intervention by eliminating any contested *terra nullius*, or no man's land (無主地), that foreign powers could claim, or to prevent disputes that could emerge with the possibility of redrawing the borders of new states after their independence.

There are a lot of arguments whether it can be applied to border disputes in Asia and Pacific.

Culture and Society in Asia

June 4, 2018
Mizuno Mitsuaki

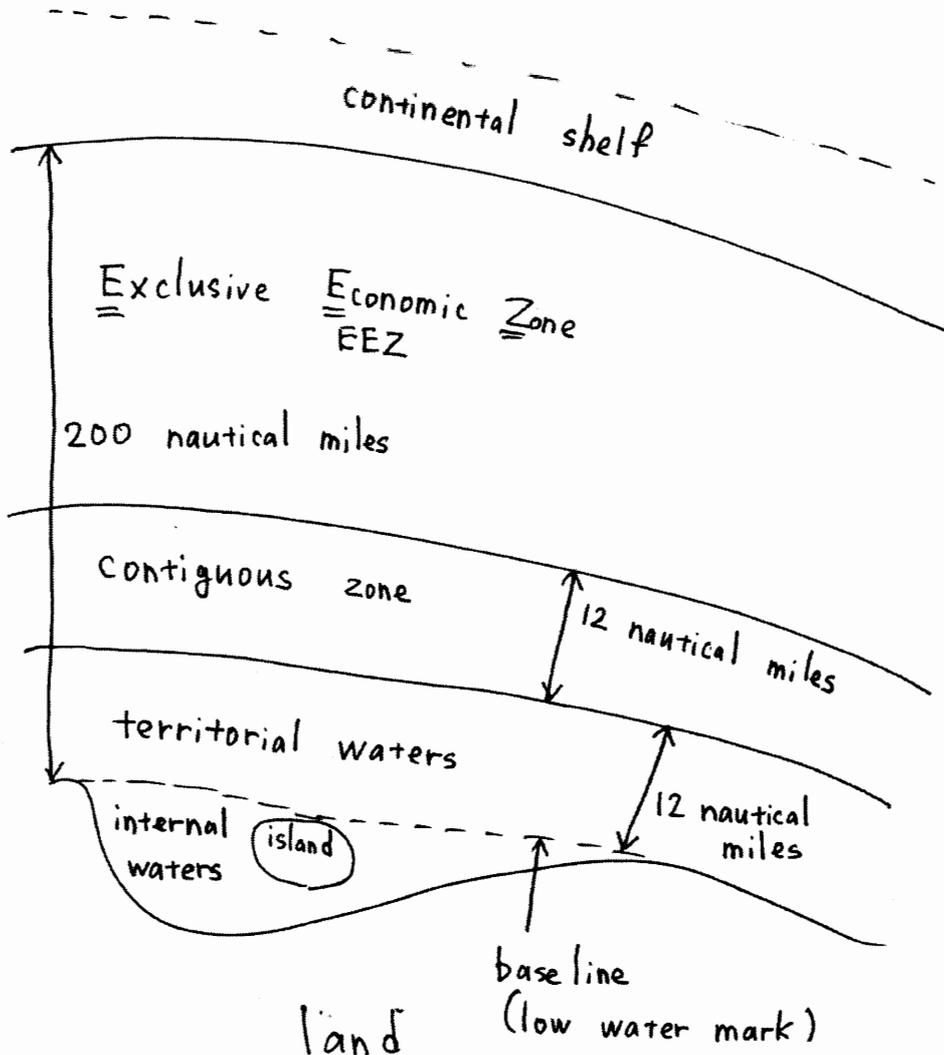
Territorial waters

1. Territorial waters

The United Nations Convention on the Law of the Sea says the territorial water(s) consist of territorial sea, internal water(s) and Archipelagic Water.

	From the baseline:	
Internal water(s)	---	Sovereignty of the state is equal to that which it exercises on the mainland.
Territorial water(s)	12 nautical miles	The territorial waters is regarded as the sovereign territory of the state, although foreign ships are allowed innocent passage through it.
Contiguous zone	24 nautical miles	Within contiguous zone, 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 waters".
Exclusive Economic Zone	200 nautical miles	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.
International water(s)	Outside of the territorial waters (territorial sea, international water and Archipelagic	Any state does not have the right of control. It belong to all nations equally.

	water)	
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2. Island

The article 121 of the UNCLOS says:

An island is a naturally formed area of land, surrounded by water, which is above water at high tide.

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.

Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

1 島とは、自然に形成された陸地であって、水に囲まれ、高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。

3. Innocent passage

UNCLOS says:

Article 17

Right of innocent passage

Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

Article 18

Meaning of passage

1. Passage means navigation through the territorial sea for the purpose of:

- (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) proceeding to or from internal waters or a call at such roadstead or port facility.

2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 19

Meaning of innocent passage

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities:

(a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(b) any exercise or practice with weapons of any kind;

(c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;

(d) any act of propaganda aimed at affecting the defence or security of the coastal State;

(e) the launching, landing or taking on board of any aircraft;

(f) the launching, landing or taking on board of any military device;

(g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;

(h) any act of wilful and serious pollution contrary to this Convention;

(i) any fishing activities;

(j) the carrying out of research or survey activities;

(k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;

(l) any other activity not having a direct bearing on passage.

第十七条 無害通航権

すべての国の船舶は、沿岸国であるか内陸国であるかを問わず、この条約に従うことを条件として、領海において無害通航権を有する。

第十八条 通航の意味

1 通航とは、次のことのために領海を航行することをいう。

(a) 内水に入ることなく又は内水の外にある停泊地若しくは港湾施設に立ち寄ることなく領海を通過すること。

(b) 内水に向かって若しくは内水から航行すること又は(a)の停泊地若しくは港湾施設に立ち寄ること。

2 通航は、継続的かつ迅速に行わなければならない。ただし、停船及び投びよ

うは、航行に通常付随するものである場合、不可抗力若しくは遭難により必要とされる場合又は危険若しくは遭難に陥った人、船舶若しくは航空機に援助を与えるために必要とされる場合に限り、通航に含まれる。

第十九条 無害通航の意味

1 通航は、沿岸国の平和、秩序又は安全を害しない限り、無害とされる。無害通航は、この条約及び国際法の他の規則に従って行わなければならない。

2 外国船舶の通航は、当該外国船舶が領海において次の活動のいずれかに従事する場合には、沿岸国の平和、秩序又は安全を害するものとされる。

(a) 武力による威嚇又は武力の行使であつて、沿岸国の主権、領土保全若しくは政治的独立に対するもの又はその他の国際連合憲章に規定する国際法の諸原則に違反する方法によるもの

(b) 兵器(種類のいかんを問わない。)を用いる訓練又は演習

(c) 沿岸国の防衛又は安全を害することとなるような情報の収集を目的とする行為

(d) 沿岸国の防衛又は安全に影響を与えることを目的とする宣伝行為

(e) 航空機の発着又は積込み

(f) 軍事機器の発着又は積込み

(g) 沿岸国の通関上、財政上、出入国管理士又は衛生上の法令に違反する物品、通貨又は人の積込み又は積卸し

(h) この条約に違反する故意のかつ重大な汚染行為

(i) 漁獲行為

(j) 調査活動又は測量活動の実施

(k) 沿岸国の通信系又は他の施設への妨害を目的とする行為

(l) 通航に直接の関係を有しないその他の活動

Culture and Society in Asia

June 11, 2018
Mizuno Mitsuaki

China's activities in South China Sea and the response of the International community

Watch two NHK's programs, ニュースで英会話, and discuss the followings.

1. U.S. SENDS SHIP TO 12-MILE ZONE

October 27, 2015

U.S. commanders have sent a warship into waters claimed by Beijing in the South China Sea. The vessel sailed within 12 nautical miles of artificial islands built by China.

American and Japanese diplomatic sources say a U.S. Navy destroyer entered waters near the man-made islands in the disputed Spratly chain. The Spratlys are claimed by China, the Philippines, Vietnam, Malaysia, Brunei and Taiwan. International law says nations can declare up to 12 nautical miles from their coast as sovereign territory, but that does not apply to areas around artificial islands.

The decision to send the USS Lassen inside the zone indicates U.S. commanders are challenging China's claims over the territory. Officials in Washington have not officially confirmed they sent a ship, but they've stressed their commitment to freedom of navigation. It was the first time a U.S. military vessel entered the 12-mile zone in three years. U.S. commanders had been refraining from such operations, apparently over concerns about raising tensions with Beijing.

source: <https://cgi2.nhk.or.jp/e-news/news/index.cgi?ymd=20151105>

United Nations Convention on the Law of the Sea (国連海洋法条約) says that nations can declare up to 12 nautical miles from their coast as sovereign territory, territorial waters, but that does not apply to areas around artificial islands.

More details on the definition of territorial waters, will be introduced later.

Spratly Islands – Conflicting Claims



source:

<http://www.southchinasea.org/2011/08/19/spratly-islands-conflicting-claims-sc-www-v/>

2. COUNTRIES GATHER AT ARMS FAIR

April 19, 2016

Defense industry players are in Malaysia's capital to check out the latest in weapons technology. They've turned out at an arms expo in Kuala Lumpur in record numbers. Buyers from Southeast Asian countries are prioritizing spending amid rising tensions in the contested South China Sea.

Manufacturers are showing off their latest technologies, including reconnaissance drones and anti-submarine aircraft.

(Robert Laing / Lockheed Martin)

"The buyers in Southeast Asia are very careful, very knowledgeable, but very serious about finding solutions to deal with this maritime security issue."

ASEAN's 10 member countries are expected to spend 58 billion dollars on new military gear over the next five years, and much of it is expected to be used in the South China Sea. China has reclaimed small islands and reefs there and has built airfields and port facilities. The country is claiming almost all of the resource-rich waters as its own.

source: <https://cgi2.nhk.or.jp/e-news/news/index.cgi?ymd=20160428>

Issues to be discussed:

1)

Even the United States does not face the South China Sea, why the United States are interested in disputes in the South China Sea?

2)

What was ASEAN's response toward this issue?