
THE JAPAN-CHINA DIALOGUE

**“Toward Building Confidence Between Japan
and China in ‘New Domains’”**

Conference Papers

January 15 - 16, 2014
Tokyo, Japan

Co-sponsored by

The Global Forum of Japan (GFJ)

The Japan Forum on International Relations (JFIR)

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1. Program

The Japan-China Dialogue: Toward Building Confidence Between Japan and China in "New Domains"

Wednesday, 15th January, 2014

International House of Japan "SAKURA"

Working Dinner *Invitation Only	
18:00-20:00	Working Dinner hosted by ISHIKAWA Kaoru, Senior Executive Director / Director of Research, JFIR

Thursday, 16th January, 2014

【Closed Session】 JFIR Conference Room

Closed Session	
10:00-12:00	All Participants
12:00-13:00	Lunch

【Open Session】 International House of Japan "Lecture Hall"

Opening Remarks	
13:30-13:40	
Opening Remarks (10 min.)	ISHIKAWA Kaoru, Senior Executive Director / Director of Research, JFIR
Session I	
13:40 -15:30	Current Situations and Issues on Outer space, Cyber space and the Arctic as Seen by Japanese and Chinese Scholars
Chairperson	AOKI Setsuko, Visiting Superior Research Fellow, JFIR / Professor, Keio University
Paper Presenter A (8 min.)	LI Shouping, Deputy Dean, School of Law / Director, Institute of Space Law, Beijing Institute of Technology (BIT)
Paper Presenter B (8 min.)	HASHIMOTO Yasuaki, Head, Government and Law Division, Security Studies Department, The National Institute for Defense Studies
Paper Presenter C (8 min.)	LUO Chuxiang, Associate Professor, School of Humanities, Law and Economics, Beijing University of Posts and Telecommunications
Paper Presenter D (8 min.)	SATO Heigo, Professor, Institute of World Studies, Takushoku University
Paper Presenter E (8 min.)	LIANG Shuying, Professor, Faculty of International Law, China University of Political Science and Law (CUPL)
Paper Presenter F (8 min.)	OKAMATSU Akiko, Professor, Faculty of Humanity and Environment, Hosei University
Free Discussions (50 min.)	All Participants
Summarization by Chairperson(10min.)	AOKI Setsuko, Visiting Superior Research Fellow, JFIR / Professor, Keio University
15:30-15:40	Break

Session II

15:40-17:30

**How to Move Forward to Confidence Building between Japan and China
Regarding Outer Space, Cyber space and the Arctic**

Chairperson	ISHIKAWA Kaoru, Senior Executive Director / Director of Research, JFIR
Paper Presenter A (8 min.)	KIYOKAWA Yuji, President, Japan-China Organization for Business, Academia & Government Partnership
Paper Presenter B (8 min.)	WANG Guoyu, Associate Professor, School of Law / Deputy Director, Institute of Space Law, BIT
Paper Presenter C (8 min.)	AOKI Setsuko, Visiting Superior Research Fellow, JFIR / Professor, Keio University
Paper Presenter D (8 min.)	LAN Hua, Associate Professor, Faculty of International Law, CUPL
Paper Presenter E (8 min.)	KAYAHARA Ikuo, Professor Emeritus, Takushoku University
Paper Presenter F (8 min.)	LI Juqian, Professor / Deputy Dean, Faculty of International Law, CUPL
Free Discussions (50 min.)	All Participants
Summarization by Chairperson(10min.)	ISHIKAWA Kaoru, Senior Executive Director / Director of Research, JFIR

[NOTE]Chinese-Japanese simultaneous interpretation will be provided

2. Biographies of the Panelists

【Chinese Panelists】

LI Shouping

Deputy Dean, School of Law / Director, Institute of Space Law,

Beijing Institute of Technology (BIT)

Received Ph.D. in International Law from Wuhan University in 2001. Served as Visiting Professor at the University of Aberdeen, the United Kingdom, and the University of Mississippi, the United States. In addition to serving as Deputy Dean of School of Law and Director of Institute of Space Law at BIT, concurrently serves as a member of Institute of International Space Law, an executive director of Chinese Institute of Space Law and Beijing Society of International Law, and a vice president of Chinese Institute of EU Law. He is the author of “Legal system on Modern International Responsibility”, “Introduction to Outer Space Law” and “The Issue on Environment Protection in the Framework of Multilateral Trade System”. He is also an editor in chief of Chinese Yearbook on Space Law

LUO Chuxiang

Professor, School of Humanities,

Beijing University of Posts and Telecommunications

Received Ph.D. in International Private Law from Wuhan University in 1999. Served as Deputy Director General of Wuhan Water Conservancy Bureau, Chief of Office of Wuhan Arbitration Commission. In addition to serving as Associate Professor of Beijing University of Posts and Telecommunications, concurrently serves as Research associate of the internet & the legal research center of Beijing University of Posts and Telecommunications, Director of Chinese Institute of the International Private Law, Director of Hubei Institute of Arbitration Law, Arbitrator of Wuhan Arbitration Commission, Taiyuan Arbitration Commission, Tianjin Arbitration Commission, and Assistant of Dean and Head of Law Department in School of Humanities, Beijing University of Post and Telecommunications. He is the author of “the expression freedom & restrictions of the cyberspace,” partly comments on the administration of the internet.

LIANG Shuying *Professor, Faculty of International Law, China University of Political Science and Law (CUPL)*

Served as a Visiting Scholar at the University of Mississippi from 1987 to 1988, and invited to U.N. Conference of International Public Law in 1995. Also took an active part in promoting international cooperation in international law and having been to the United Kingdom, France, South Korea, Thailand and other countries for attending conferences and giving lectures from 1999 to 2001. In addition to serving as Professor of CUPL, concurrently serves Standing Member, China International Law Society, Vice-President, China Private International Law Society, Administrative vice president of Beijing International Law Society and member of the council, Beijing Law Society. She is also on the experts list of the Law Committee of the National People's Congress of People's Republic of China.

WANG Guoyu

Associate Professor, School of Law / Deputy Director, Institute of Space Law, BIT

Received Ph.D. in Law and Economics from Jilin University. Served as a Visiting Scholar at the National Center for Remote Sensing, Air and Space Law in the University of Mississippi from 2011 to 2012. In addition to serving as Associate Professor, School of Law/ Deputy Director of Institute of Space Law at BIT, concurrently serves as a member of the International Institute of Space Law (IISL), Chinese Institute of Space Law, (CISL), Chinese Institute of Private International Law, and the Standing Director of Institute of Aerospace Law of Beijing Society of International Law. He is a Chinese delegate under the UNCOPUOS Long-term Sustainability of Outer Space Activities Working Group and Affiliated Experts Group, as well as a member of the experts group working on the China's space legislation, the draft of departmental rule “the Statue about the Development of Civil Airplane Industry” and on the draft of a governmental document named “the Interim Administrative Measures on the Space Debris Mitigation and Protection”.

LAN Hua*Associate Professor, Faculty of International Law, CUPL*

Received Ph.D. in International Law from Wuhan University in 2006, Served as Coach of CUPL Team for Jessup International Law Moot Competition in both national round and international round(in Washington) since 2006 and team leader for the team in ICC Moot Court Competition. Served as academic visiting scholar in Duquesne Law School in 2013. Invited and supported by Foreign Ministry of Netherlands in "Dutch Visitor Program" in 2013, as Associate Professor ,having taken part in and making presentations in academic conference in Countries such as Korea and Canada. Her academic bibliography is "Implementation Mechanisms of Multilateral Environmental Agreements," by Intellectual Property Publishing House 2011 and "European Environment law, in European Law," Renming University Press of China 2011.

LI Juqian*Professor / Deputy Dean, Faculty of International Law, CUPL*

Received Ph.D. in law from China University of Political Science and Law (CUPL) in 1999. Serving as a Visiting Professor in Korea from 2004 to 2005, and Iceland in 2006, and a teacher for Chinese astronauts (Taikonauts) in China Astronaut Center. In addition to serving as Professor / Deputy Director of Faculty of International Law at CUPL, concurrently serves as Associate Director of International Law Center of CUPL, Executive Director of China Space Law Institute, Standing Council-Member of Beijing International Law Association, and Council-Member of Space Security Council of World Economic Forum. He is an Author of 15 books and 20 articles on international law and international economic law, including Introduction of Space Law, WTO Dispute Settlement Mechanism, International Law and International Law Commentary.

【Japanese Panelists】**ISHIKAWA Kaoru** *Senior Executive Director / Director of Research, The Japan Forum on International Relations (JFIR)*

Graduated from University of Tokyo and joined the Ministry of Foreign Affairs in 1972. Studied at l'Ecole Nationale d'Administration in France. Served as Research Associate of International Institute of Strategic Studies (IISS), London and Minister-Counselor to France, G8 Summit foreign affairs Sous-Sherpa (1999-2001 and 2005-07), Director General of Global Affairs Department (2002-05), Director General of Economic Affairs Bureau (2005-07), Ambassador to Egypt and then to Canada. Also served as Part time lecturer at Waseda University and Visiting Professor at the University of Tokyo. In addition to serving as Senior Executive Director of JFIR, he concurrently serves as Opinion Leader Member of Global Forum of Japan (GFJ), and Executive Vice-President of Council on East Asian Community (CEAC).

AOKI Setsuko*Visiting Superior Research Fellow, JFIR, Professor, Keio University*

Received Doctor of Law from Institute of Air and Space Law, Faculty of Law, McGill University (1993). Served as an associate professor at National Defence Academy of Japan and Keio University, she has been a professor of Keio University since 2004. She concurrently serves as a member of various governmental committees including Space Policy Committee, Cabinet Office, Japan. Her main works include Japan's space strategy (Keio University Press, 2006).

HASHIMOTO Yasuaki*Head, Government and Law Division, Security Studies Department,
The National Institute for Defense Studies*

Graduated from Kanazawa University (1983), received LL.M. from Keio University (1987) and PhD candidate of Leiden University. Having served for The National Institute for Defense Studies (NIDS), he is currently the Head of Government and Law Division, Security Studies Department and also ad hoc member of Space Policy Committee, Cabinet Office. His main publications include East Asian Strategic Review 2011 (The Japan Times, 2011) (co-author) and "Terrorism and International Law", NIDS Security Reports, No.6, 2005 (co-author).

SATO Heigo*Professor, Takushoku University*

Graduated from University of Tsukuba (1989) and received M.A. in Political Science from George Washington University (1997) and Doctor of Law from Hitotsubashi University (1999). Having served as a research fellow and so forth at NIDS, he has been a professor of Takushoku University since 2006. His main works include "Toward building Asian nuclear safety cooperation after Fukushima", Chuo Koron (December 2012).

OKAMATSU Akiko*Professor, Hosei University*

Received M.A. from Sophia University in 1997. Having worked for Sophia University, National Institute for Environmental Studies, Ocean Policy Research Foundation and Shobi University, she became an associate professor of Hosei University in 2008. She has been a professor of Hosei University since 2013 and concurrently serves as a visiting scholar of Harvard Law School from April 2013 to March 2014. Her main works include Environment and Law (Sanwa co. Ltd., 2010)(co-editor).

KIYOKAWA Yuji*President, Japan-China Organization for Business, Academia & Government Partnership*

Graduated from University of Tokyo and joined the Ministry of International Trade & Industry (MITI) in 1965. Served as Consul, Consulate-General of Japan, San Francisco, U.S.A, Director-General for Basic Industries Bureau, MITI, Commissioner of Patent Office and Vice-President of the Overseas Economic Cooperation Fund, Japan (OECF). Then, he worked for Toshiba Corporation as Director, Corporate Executive Vice-President. Having served as President of Japan-China Economic Association, he has been President of Japan-China Organization for Business, Academia & Government Partnership since 2011.

KAYAHARA Ikuo*Emeritus Professor, Takushoku University*

Graduated from National Defence Academy and appointed as an officer of the Japan Ground Self-Defence Force (JGSDF) in 1962. Having taken up various positions of JGSDF (former Major General), he converted to a civilian researcher in 1994 of NIDS, Director of Researcher Dept. Also he had worked for China and Mongolia Division, Ministry of Foreign Affairs,. He became a professor of Takushoku University in 1999 and has been an emeritus professor since 2009. He serves as Opinion Leader Member of Defense Ministry. Director of Japan Defense Studies. His main works include The Original Point of China as Military Power (Sososha, 2012).

(In order of appearance)

3. Presentation Papers

*Session I: Current Situations and Issues on Outer Space,
Cyber Space and the Arctic,
as Seen by Japanese and Chinese Scholars*

LI Shouping

**Deputy Dean, School of Law / Director, Institute of Space Law,
Beijing Institute of Technology (BIT)**

Current situations and issues on exploration and use of outer space

1. current situations on exploration and use of outer space

During the past five decades, space activities of human being have been developed along two paralleling trends. On the one hand, the exploration and use of outer space turned from militarization to weaponization. On the other hand, with the development of space technology and the privatization of space activities, the commercialization of out space is more apparent.

In the past 50 years, military use of satellite has been a reality. Military use of satellite inevitably brought the development of anti-satellite weapon. With the development of space weapon lunched from land or sea and deploying space weapon in outer space, space activities of mankind is being on the edge of arms race. Based on the background, we can draw a conclusion that outer space has been military used in the past 50 years.

With the development of space technology, commercial use of outer space has become a trends parallel to military use of outer space in recent 30 years. Commercial lunningh service, commercial communication service, commercial use of space resources and satellite commercial application have been developed in the past 30years.

Military use of outer space has been supported and submitted subsidies by states, so space technology have been developed in military use of outer space. High space technology promoted the parallel development of commercial use of outer space and military use of outer space. In the recent 30 years, commercial use of outer space has been developed, but commercial use of outer space hasn't obstructed the development of military use of outer space.

2. Current issues on exploration and use of outer space

There are two main issues on exploration and use of outer space which include issues on safety and security of space activities and promotion of the development of commercial use of outer space.

In order to safeguard safety and security of space activities, issues on space debris mitigation, TCBMs, prevention of arms race in outer space and deploying weapon in outer space are urgent issues to be studied.

In the development of commercial use of outer space, issues on space intellectual property protection, international regime on commercial use of space resources, liability arising from private subjects of space activities and legal basis of commercial use of outer space are main issues for us to further studied.

3. Current situations and issues on exploration and use of outer space in China.

In recent years, China has made rapid progress in its space industry. Breakthroughs have been made in major space projects, including human spaceflight and lunar exploration; space technology has been generally upgraded remarkably; the economic and social benefits of space applications have been noticeably enhanced; and innovative achievements have been made in space science.

With the launching of Shenzhou 10 and Tiangong 1 and completing its' space rendezvous and docking test, China's space station is being on the way. Since China start the Lunar exploration program in 2007, Change-3 was launched on Dec. 2 2013, China's lunar exploration has been completed two steps. At present Beidou navigation system is going smoothly according to the "Three-Step" development strategy. 16 satellites have been lunched now. It can provide service for China and part of Asia-Pacific area. It can provide global service in 2020.

The main issues on exploration and use of outer space in China include two aspects. On the one hand, it is essential to establish a comprehensive space law. On the other hand, it is important to promote the development of commercial use of outer space.

HASHIMOTO Yasuaki

**Head, Government and Law Division, Security Studies
Department, The National Institute for Defense Studies**

Current Situation and Issues on Outer Space

-For Future Confidence Building between Japan and China

1. *Outer Space Development by Japan & China*

Japan & China actively develop Outer Space from 1970 when both countries successfully launched their first satellites into the earth orbit. Both countries are limited space powers which can make satellites and launching rockets and operate satellites by themselves. Japan & China will continue their space development.

2. *International Space Law and Japan & China*

There are four major treaties which regulate outer space development. Those are Space Treaty (1967), Rescue Agreement (1968), Liability Convention (1972) and Registration Treaty (1975). Japan & China are member countries of those 4 treaties. However, in recent years new legal proposals are emerging.

3. *New Legal Proposals on Space Utilization*

Recently some schemes are proposed to solve new problems in outer space. European Union (EU) has made their code of conducts proposal for confidence building and asked space powers to join it. Japan accepts this code of conducts. USA has proposed Space Situational Awareness (SSA) to observe space debris and satellite maneuvers properly for space safety. EU, Australia and Japan accept this SSA proposal. However China did not accept those proposals. On the other hand, China sometimes proposed a draft for prevention of the weaponization in outer space with Russia and some countries. However, Japan, US etc. did not accept such a draft. Japan & China have different positions for those new legal proposals.

4. *For Future Cooperation between Japan & China*

Though Japan & China have long history for their space development as space powers, they have different positions about recent international legal scheme proposals. Considering this gap, the space cooperation between Japan & China should focus on the activities by which both countries can get a concrete benefit. For instance, space debris observation cooperation provides benefit to both because Japan & China can use safer outer space by this activity. Additionally some remote sensing cooperation might be useful for both countries. For examples, natural disaster, air and water pollution, piracy, WMD proliferation,

narcotic cultivation and its illegal traffic, large scale military activities will be observed and the observed information might be shared by both countries.

For accelerating our space cooperation, academic exchange between Japan & China will be also very beneficial. We can easily continue this academic activity because such exchange will be done on the academic freedom base. This type exchange may include bilateral as well as multilateral one including Asia Pacific countries. Through these exchanges I believe that Japan & China will be able to ensure our mutual confidence.

LUO Chuxiang

**Associate Professor, School of Humanities, law and Economics,
Beijing University of Posts and Telecommunications**

Perspective of China's Internet legal issues

First, protection of personal information on the Internet.

- (1) Frequent leakage of personal information in China in recent years.
- (2) Greater attention to personal information protection.

Second, the standardization of electronic commerce.

- (1) Further protection on consumers' rights and interests of e-commerce users.
- (2) Strengthening supervision on the trading platform and network operators of goods and service.

Third, the financial problems on the Internet

- (1) Strengthening the Bitcoin Regulation
- (2) Further standardizing the P2P network lending.

The situation of network lending in China; Network lending was designated by a red line; The three kinds of behavior, defined by the People's Bank of China as "illegal fund-raising in the name of P2P network lending business".

Fourth, Internet rumors

- (1) Bad influence caused by Internet rumors
- (2) Strengthening the fight against and regulation on Internet rumors and defamations. Interpretations on legal issues of criminal cases hereof defamation under the use of network, issued by the Supreme People's Court and the Supreme People's Procuratorate . September, 2013

Fifth, issues of unfair competition on the Internet

- (1) Unfair competitions heat up on the Internet such as the 3 Q war, 3B war and 3 Dogs war.
- (2) The current laws and regulations do not play effective roles on the issues of unfair competitions and monopolies on the Internet.

SATO Heigo

**Professor, Faculty of International Studies Institute of World
Studies, Takushoku University**

Cybersecurity and Japan-PRC Cooperation

The security issue surrounding Cyberspace is least explored area in the Security Studies. The lack of development in this area corresponds with lack of common understanding on complex and dynamic nature of cyberspace.

Immaturity of rulemaking in cyberspace and cybersecurity has been brought up by various actors ranging from technician to politician in recent years, arguing that the lack of which might end up in serious security consequence. With only viable and productive effort done by EU and U.S. at present, the countries in the Asia Pacific is becoming to be a recipient of those efforts rather than initiators. Nevertheless, governance in the cyberspace have critical importance to these countries who leads the world in the development of hardware and software technologies.

Japanese Government issued National Security Strategy (hereafter NSS) in December 2013. NSS clearly states that the cyber space is an international public goods where free access must be guaranteed. The document outlines the risk associated to cyber space as; information diversion, destruction of critical social infrastructure, disturbance to the military

assets. It calls for increased investment for development of measures associated cyber defense, and also strengthening of cybersecurity. Countering to the risk from cyberspace is not capable with a unilateral effort, but necessitates multilateral effort to combat, deter, and prevent those risks from reaching the real world.

However, an international cooperation on cybersecurity is still at initial stage. We need to streamline the definition of cybercrime, and draw a line between legal and illegal use of cyberspace. It is true that commercial and social aspect of cybercrime is defined by law in some countries, but we still do not have well organized debate on security aspects. For example, we have not succeeded in demarcating primary and secondary effects of cyber-attack over our society which has significant effects on legal argument at security and defense.

Japan and China both have to agree and comprehend that “cyber-weapon” have totally different characteristic compared to traditional ones, so that traditional understanding and definitions such as war and/or right of self-defense would be irrelevant at same time. In this regards, features of the risk management will be different from how we understood them. Confusion in this area could be a source of instability, and those are the things both countries have a common interest to avoid.

LIANG Shuying

Professor, Faculty of International Law,

China University of Political Science and Law (CUPL)

I. Introduction to the Arctic Pole Region

The Arctic region includes the area that lies north of the Arctic Circle, which is an imaginary circle situated about 66.33 degrees north of the Equator as the division line between the north frigid zone and the north temperature zone. This is the definition of the Arctic Pole Region in geography. It is consisted of the Arctic Ocean, which is dotted with many large and small islands, and the surrounded lands, including the most part of Greenland, the north part of Nordic countries, Russian Federation and Alaska State of the United States and Canada. It covers 21,000,000 square kilometers, about 1/25 of the Earth.

II. The Seabed Natural Resources in Arctic Pole Region and Its Legal Status

1. The Seabed Resources in Arctic Pole Region

There is rich natural resource, such as oil, natural gas, coal and iron the Arctic Pole Region. It is estimated that the Arctic holds 250 billion barrels of oil, about 25% of the world reserve and 80 trillion cubic meters of natural gas, about 41% of world reserve; 9% of world coal reserve and plenty of iron, such as the well-known world level iron mine in Kola Peninsula. It also holds rich fishery resources. The seabed resources in this region is also rich, especially oil and nature gas. It is anticipated that the ice would melt in about 25 to 30 years, which would make the seabed resources exposed. The U.S. Geological Survey announced in 2008 that about 13% of the world's unexploited oil (90 billion barrels) and 30% of the natural gas reserves (47 trillion cubic meters) lie under the seas around the north pole. A report of the Russian resources organ demonstrated that the economic value of the mineral resources in Russian Arctic Region is worth \$2000 trillion.

2. The Legal Status of Seabed Natural Resources in Arctic Pole Region

The seabed resources are located in two kinds of seabed: continental shelf and international seabed area, which have different legal status in accordance with the United Nations Convention on the Law of the Sea.

(1) The Legal Status of Natural Resources in Continental Shelf

The natural resources, which consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil. Article 77(1) and (2) of UNCLOS provides that The coastal State exercises over the continental shelf sovereignty rights for the purpose of exploiting its natural resources and the rights are exclusive in the sense that if the coastal State does not explore the continental shelf or explore its natural resources, no one may undertake these activities without the express consent of the coastal State. Article 81 further provides that the coastal State shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes. In accordance with Article 82, the coastal State shall make payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. Currently, the five coastal States, i.e., Russian Federation, Norway, Denmark, Canada, and the United States all claimed for continental shelf beyond 200 nautical miles from the baselines.

(2) The Legal Status of Natural Resources in International Seabed Area of the Arctic Pole Region

The international seabed area is a new concept developed by the UNCLOS, which refers to the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

The international seabed area in the Arctic Pole Region is the seabed and ocean floor and subsoil besides the continental shelf of the five continental states. It does exist, though the limit is not certain. It will be settled once the continental shelf is delimited. According to Article 136 and 137, the international seabed area and its resources are the common heritage of mankind; no state shall claim or exercise sovereignty or sovereignty rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights nor such appropriation shall be recognized; and No State or natural or juridical person shall claim, acquire or exercise rights with respect to the minerals recovered from the Area except in accordance with this Part. All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the International Seabed Authority shall act. These resources are not subject to alienation and the mineral may only be alienated in accordance with the UNCLOS, and regulations and procedures of the Authority.

III. China's Position on Natural Resources regarding Seabed Natural Resources in Arctic Pole Region

OKAMATSU Akiko

Professor, Faculty of humanity and Environment, Hosei University

Arctic Area

It is said that the current global warming situation is leading to Arctic sea ice shrinkage. This ice shrinkage may cause new problems such as issues concerning the new waterways through the Arctic and in the exploitation of natural resources. Regarding such waterways as the Northwest Passage, the ice used to prevent regular marine shipping throughout most of the year, but global warming has reduced the ice, and this has made this passage more navigable. As a result of this phenomenon, ship-source pollution could become a serious problem.

Regarding the natural resources, the Arctic contains oil, gas, minerals, fresh water, and fish, and modern technology might make it possible to explore them. The former Soviet Unions, now Russia, is actively exploring the resources under the continental shelf and also trying to expand the continental shelf to the North Pole. China also started exploitation there.

In spite of these situations, there are no unique rules over this area and unilateral

acts by states appear to be preceding legislation. The Arctic Council, which seems to play a most important role, provides this sort of high level forum. Although it does not have authorized power for policy-making, it would be important because it can maintain the interests of the coastal states including the customs of indigenous peoples who have historically used this area, and as it allows many observers, other states can insist on their opportunities to use the Arctic.

In May 2013, both China and Japan became observers of the Arctic Council and we expect to play a certain role in formulating rules in this area. Order-making should be discussed in the international forum concerning comprehensive agreements involving various interest states, organizations and groups. In this point, the role of the Arctic Council should be reinforced; moreover, China and Japan are expected to participate in this process. Arctic policy priorities differ from state to state, and China and Japan can share interests similar to those of non-coastal states. In this situation, unilateral acts should be avoided; rather cooperation and collaboration for the interests of non-coastal states need to be considered in the rules there.

Session II : How to Move Forward to Confidence Building between Japan and China Regarding Outer Space, Cyber space and the Arctic

KIYOKAWA Yuji

President, Japan-China Organization for Business, Academia & Government Partnership

Background

I would like to address Japan-China confidence-building efforts in terms of business and economic background. This Organization holds a series of Japan-China-Korea international symposia, dialogues and seminars to facilitate the J-C-K trilateral Free Trade Agreement negotiations from a private sector standpoint. This is a joint business conducted in cooperation with China Center of International Economic Exchanges and Korean International Trade Association. One example of this joint effort was the International Forum on the Prevention of the Air Pollution held in Xianghe, in the suburbs of Beijing last December.

Japan-China Economic Association, of which I served as President, has been endeavoring to nurture mutual understanding and confidence between our two countries. It is not an exaggeration to say that the history of this Association is the bilateral confidence-building process itself. Japan's business world embarked on a trade relationship with China on a private basis in spite of the political difficulties prior to the 1972 normalization of diplomatic relations between Japan and China. That was followed by the L-T Memorandum Trade based on the high-level dialogue between Chinese Prime Minister Zhou Enlai and the Japanese Minister for International Trade and Industry, Mr. Tatsunosuke Takasaki. The normalization of diplomatic relations in 1972 resulted in establishing the Japan-China Economic Association mentioned above as the successor of the L-T Office in Beijing.

The Japan-China Economic Association has been engaging in a wide range of activities. Here, I refer to only four points as below:

1. This Association has been dispatching delegations comprising of leaders of most important companies in Japan every year. Economic exchanges have been expanded through the meetings of Japanese delegations with Chinese prime ministers, vice-prime ministers and high-level government officials;

2. This Association has been exchanging views with China's senior policy makers on Japan's economic system, economic policy and its operational aspects which may be a reference for the Chinese economic development;

3. Japan-China Forum on Energy Conservation and Environment, established by the two Governments in 2006 has been a tool to transfer environmental technology developed by Japanese companies to China as increasing emphasis has been placed by China on conserving energy and environmental protection policy; and

4 . This Association has invited Chinese students in the Beijing area to Japan so that they can experience Japan themselves.

Present Sino-Japan Situation

Some encouraging signs of recovery have been shown concerning bilateral relationship, especially that of business although the number of tourists to China remains decreased. It is said that a vague sense of fear to China has not been eradicated on Japan's side.

Hope for the future

For the future, more efforts should be made to nurture relationship of mutual trust between both nationals. True that there are many ways to achieve a mutual trust-building, but nothing can substitute a face-to-face relationships with continuous dialogues. I believe that increasing opportunities be offered to visit and experience the other country for the deepening mutual understanding that could develop into a mutual trust. The idea that China and Japan are "same race and same script" could worsen misunderstanding unless we become conscious of the differences each other. In other words, the scientific approach for the confidence-building is required, which include the efforts to acquire correct knowledge on each other's social and political systems in the spirit of mutual respect.

WANG Guoyu

**Associate Professor, School of Law / Deputy Director,
Institute of Space Law, BIT**

Necessities and Possibilities for China-Japan cooperation on outer space activities and codes of conduct

I. Necessities

- i. Common goal: Safety, security, long-term sustainability of out space activities
- ii. Common needs: striking balance between Eastern and Western interests towards a new space order
- iii. Outer space: a new region of ice sea or to break the ice?

II. Possibilities for China-Japan cooperation on outer space activities

i. Rationale

Premise: Mutual beneficial

Core method: information sharing

Primary object: confidence building

Additional outputs: trade of products and technology

ii. Sample areas

Space-based disaster management and emergency responses

Space Weather management

Deep-space exploration

possibilities for general cooperation in Asia-Pacific area

iii. Outreach: cooperation between China and Japan's academia

Space capacity building (i.e. cooperation on space law research and education)

III. Possibilities for China-Japan cooperation on codes of conduct in outer space activities

i. Initiatives within U.N.

PPWT, LTS, TCBMs, items under UNCOPUOS

ii. Initiatives beyond U.N

ICOC

iii. Possibility of Co-proposal or initiatives from China-Japan

IV. Conclusion remarks

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How to Move Forward to Confidence Building between Japan and China Regarding Outer Space, Cyber space and the Arctic

It is a widely-shared notion that no other time has Japan-China relationship been as suffering as today. If this assessment is true, as the World's second and third largest economies, both China and Japan are responsible for playing a major role in tackling global issues such as increasing disasters stemming from climate change as well as food and energy security. The two also have to endeavor to search for sustainable cooperative measures to enhance the regional and bilateral security. Should a mutual distrust looms, then Japan and China may yet start finding a way to reach sustainable and resilient actions for confidence-building from the less controversial areas of the bilateral relationship: such categories would include cultural exchanges; mitigation and prevention of the borderless environmental pollution and infectious diseases; and issues potentially to affect the bilateral relationship in future while they remain controllable today. The "New Domains", or outer space, cyberspace and the Arctic region seem to be exactly fit in the last category.

A specific issue of conflict has not been noticed in the "New Domains" while cyberspace may be a candidate in the near future between China and Japan. Without sensible actions, cyberspace may be a major concern between the two which is difficult to be addressed in a reasonable manner.

Some specific issues of conflicts may also occur in outer space and the Arctic in the medium-to long-term perspective. Thus, making the most of this borrowed time, a forum of scholars and researchers should be constructed to periodically meet and exchange of their own purely academic views under international law. In this regard, I am of the view that the first several years should be reserved for the joint research of the current achievements and

challenges of each domain in international law rather than discussing the bilateral issues.

The stance of Japan and China to each domain as well as the maturity in terms of the established rules in international law differs relating to the three domains. The most advanced as having rules in international law is the Arctic region thanks to the universally adhered the Law of the Sea Convention that sets standard for the development and the use of that region. Such situation may allow researchers in this field to start a study of the interpretation of the Convention in this field and the national laws to implement the Convention.

Outer space is characterized as being the most active domain in terms of making new international rules among the three domains. As such rules are not legally-binding in nature, it may be easier to reach consensus in international society. Since both China and Japan attend every such international conferences and meetings to discuss new rules of behavior, researchers of both sides can discuss the international non-binding rules and recommended practices.

Most controversial of the three, cyberspace is the least advanced area with respect to the established rules in international law of this specific domain. Worse, the views of Japan and China is not necessarily shared in making new rules of road in various international fora including the United Nations. Thus, I am of the opinion that a joint study of a certain basic work- it could be a renowned textbook- could be a starting point to address cyberspace issues.

If such international Law research from a disinterested perspective advances to a certain degree, and if the points to agree and disagree become clear in interpreting certain international rules among researchers, it can be evaluated a big success. It follows that there can be found a basis for discussion to reach a solution should an incident occur between Japan and China with respect to any of the new domains. That is a long way, but nurturing the human network shall be the first step where we are now. There is a saying that "if one is in a hurry, it is best to take a roundabout way".

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Toward Building Confidence between Japan and China in the Arctic: Possibility and Necessity

I. Possibility for Building Confidence in the Arctic

It is possible for China and Japan to build confidence in the Arctic. To be more specific, the main reasons for such possibility can be divided into two parts. One is the necessity for building such confidence between China and Japan. Both China and Japan are geographically non-arctic countries. To participate in the issues of the Arctic, there are legal basis for both countries to participate in the issues of the Arctic, among widely accepted rules of international law and equitable principle. However, both countries face similar barriers from international relations and international politics and have some similar necessities, which lay the foundation and possibility to build confidence between them.

The other factor for building such confidence is objective factor. Both China and Japan have shared interests in the Arctic, especially in the issues of the sustainable development of the arctic resources, environmental protection, and making use of the northwest and northeast passage. For example, to secure the access, at reasonable cost, to Arctic shipping routes when conditions permit regular commercial shipping is the need cherished by both countries as far as their trade volumes are concerned. This fact makes it possible and available for the confidence and cooperation between them.

II. How to promote the confidence in the Arctic

China and Japan may build confidence in the Arctic by more communication and cooperation in the issues with shared interests bilaterally, regionally and internationally, and by cooperation in the Arctic Council.

The issue of navigation can be one of the priority issues. As large shipping countries of the world, both China and Japan may promote communication in the issue of navigation, such as securing access to the Arctic shipping route internationally and legally. To negotiate proposals relating the freedom of navigation in the arctic and against the claims and control of some arctic countries is a necessary and possible measure.

Strengthening their ability as non-Arctic states to access the region's resources and fishing waters is also an important and possible issue for building such confidence.

More communicate in the framework of the Arctic Council will also help for the building of such confidence.

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How to Move Forward to Confidence Building between Japan and China Regarding Outer Space, Cyber space and the Arctic

1. *New domain issues are on the key list of global concerns.*

All countries are concerning the new domains issues for their fundamental influence to our current world. Outer space is concerned for sustainability of long-term use, Arctic is concerned for international navigation, and cyber space is concerned for information safety.

2. *The possibility and feasibility of international cooperation in the new domains.*

Firstly, the problems in the new domains cannot be resolved by one country solely, even for big powers or super power.

Secondly, international cooperation in the new domains area has its solid legal basis, which can be observed from the current treaties.

Thirdly, international cooperation is inevitable in the new domains, and it is also the obvious fact which can be observed in daily life. For example, all the astronauts from different countries in International Space Station need Russian space craft for supply.

Fourthly, geopolitics is the hard fact which must be faced by China and Japan, which means international cooperation has its special importance for our two countries.

3. *The ways for confidence building between Japan and China in the new domains for international cooperation.*

Firstly, proper recognizing of the historic issues is the fundamental basis for confidence building. Today's problems are rooted in historic issues, which are the key concerns of China, and will definitely affect our tomorrow.

Secondly, recognizing the common interests and common concerns are the possible political way for confidence building. China and Japan have common interests and common concerns in this era of globalization world.

4. An Introduction to The Global Forum of Japan (GFJ)

【Objectives】 As we embrace the 21st century, international relations are becoming increasingly interdependent, and globalization and regionalism are becoming the big waves. In this global tendency, communicating with the world, especially neighboring countries in the Asia-Pacific region at both governmental and non-governmental levels, is one of the indispensable conditions for Japan to survive. On the basis of such understanding, The Global Forum of Japan (GFJ) aims to promote the exchange of views on commonly shared interests and issues in the field ranging from politics and security to the economy, trade, finance, society and culture, and to help business leaders, Diet members and opinion leaders both in Japan and in their counterpart countries to discuss the formulation of new orders in global and regional arenas.

【History】 The 1982 Versailles Summit was widely seen as having exposed rifts within the Western alliance. Accordingly, there were expressed concerns that the summit meetings were becoming more and more stylized rituals and that Western solidarity was at risk. Within this context, it was realized that, to revitalize the summit meetings, there must be free and unfettered exchanges of private-sector views to be transmitted directly to the heads of the participating states. Accordingly, Japanese former Foreign Minister OKITA Saburo, U.S. Trade Representative William BROCK, E.C. Commission Vice President Etienne DAVIGNON, and Canadian Trade Minister Edward LUMLEY, as representatives of the private-sector in their respective countries, took the initiative in founding The Quadrangular Forum in Washington in September 1982. Since then, the end of the Cold War and the altered nature of the economic summits themselves had made it necessary for The Quadrangular Forum to metamorphose into The Global Forum established by the American and Japanese components of The Quadrangular Forum at the World Convention in Washington in October 1991. In line with its objectives as stated above, The Global Forum was intended as a facilitator of global consensus on the many post-Cold War issues facing the international community and reached out to open its discussions not only to participants from the quadrangular countries but also to participants from other parts of the world. Over the years, the gravity of The Global Forum's activities gradually shifted from its American component (housed in The Center for Strategic and International Studies) to its Japanese component (housed in The Japan Forum on International Relations), and, after the American component ceased to be operative, the Board of Trustees of the Japanese component resolved, on February 7, 1996, that it would thereafter act as an independent body for organizing bilateral dialogues with Japan as a hub for all countries in the world, and amended its by-laws accordingly. At the same time, The Global Forum's Japanese component was reorganized into The Global Forum of Japan (GFJ) in line with the principle that the organization be self-governing, self-financing, and independent of any other organization.

【Organization】 The Global Forum of Japan (GFJ) is a private, non-profit, non-partisan, and independent membership organization in Japan to engage in and promote international exchanges on policy-oriented matters of bilateral, regional and global implications. While the secretariat is housed in The Japan Forum on International Relations, GFJ itself is independent of any other organizations, including The Japan Forum on International Relations. Originally established as the Japanese component of The Quadrangular Forum at the initiative of HATTORI Ichiro, OKITA Saburo, TAKEYAMA Yasuo, and TOYODA Shoichiro in 1982, GFJ is currently headed by OKAWARA Yoshio as Chairman, ITO Kenichi as President and HIRABAYASHI Hiroshi as Vice President. The membership is composed of 10 Business Leader Members including the two Governors, MOGI Yuzaburo and TOYODA Shoichiro; 18 Diet Members including the three Governors, ASAO Keiichiro, KOIKE Yuriko, and TANIGAKI Sadakazu; and 93 Opinion Leader Members including the two Governors, SHIMADA Haruo, and WATANABE Mayu.

【Activities】 Since the start of The Global Forum of Japan (GFJ) in 1982, GFJ has shifted its focus from the exchanges with the Quadrangular countries for the purpose of contributing to the Western Summit, to those with neighboring countries in the Asia-Pacific region including the U.S., China, Korea, ASEAN countries, India, Australia, European countries, and Wider Black Sea area, for the purposes of deepening mutual understanding and contributing to the formation of international order. GFJ has been active in collaboration with international exchange organizations in those countries in organizing policy-oriented intellectual exchanges called "Dialogue." In order to secure a substantial number of Japanese participants in the "Dialogue," GFJ in principle holds these "Dialogues" in Tokyo. A listing of topics of "Dialogues" and its overseas co-sponsors in the last five years is given below.

Year	Month	Topic	Co-sponsor
2014	January	Toward Building Confidence Between Japan and China in 'New Domains'	The Japan Forum on International Relations
2013	October	Toward the Making of Shared Values in Foreign Policy	Washington College International Studies Program Foundation of Research on Transformation of Malaysia
	March	Future Prospect of the Japan-GUAM Partnership for Democracy and Economic Development	GUAM-Organization for Democracy and Economic Development
	February January	How to Develop Japan and Black Sea Area Cooperation Toward a Future-Oriented Japan-China Relationship	Organization of the Black Sea Economic Cooperation (BSEC) School of Environment, Beijing Normal University World Resources Institute College of Public Administration, Zhejiang University
2012	September	Japan-U.S. Alliance at a New Stage: Toward a Provider of International Public Goods	Institute for National Strategic Studies, National Defense University ASEAN Institutes of Strategic and International Studies
	March March	The Future of ASEAN Integration and Japan's Role The Rise of Emerging Countries and the Future of Global Governance	Fudan University Nanyang Technological University The Carnegie Endowment for International Peace
	February	The Asia-Pacific Region in Transition and the Japan-U.S.-China Relations	China Association of Asia-Pacific Studies
2011	October July	The Japan-China Relations at Crossroads The Great East Japan Earthquake and Regional Cooperation on Disaster Management	China Institutes of Contemporary International Relations (CICIR) National Graduate Institute for Policy Studies, etc
	February February	The Japan-U.S. Relations in the Era of Smart Power East Asia in Transition and New Perspectives on Regional Cooperation	The Center for Strategic and International Studies (U.S.) International Studies Department, Vietnam National University (Vietnam)
2010	September May	East Asian Regional Architectures and Japan-India Relations Promoting Japan-U.S. Cooperation in Non-Traditional Security: the Case of Counter Piracy	The Federation of Indian Chambers of Commerce and Industry (India) National Bureau of Asian Research (U.S.)
	February	Promoting Japan-China Cooperation on Environmental Issues of the 21st Century: In Pursuit of Recycling Society	School of Environment, Beijing Normal University (China)
	January	Prospects of Changing Black Sea Area and Role of Japan	Organization of Black Sea Economic Cooperation
2009	September June	Japan-ASEAN Cooperation amid the Financial and Economic Crisis Prospect of Japan-China Relationship in the Changing World	ASEAN-ISIS China Institutes of Contemporary International Relations (China)
	April	US-Japan Relations Under the New Obama Administration	National Committee on American Foreign Policy (U.S.)

5. An Introduction to The Japan Forum on International Relations (JFIR)

The Forum conducts a variety of activities hosting conferences, organizing research programs, and publishing research reports and policy recommendations, etc.

[History]

The Japan Forum on International Relations, Inc. (JFIR or The Forum) was founded on March 12, 1987 in Tokyo on the private initiative of Dr. OKITA Saburo, Mr. HATTORI Ichiro, Prof. ITO Kenichi, and 60 other independent citizens from business, academic, political, and media circles of Japan, recognizing that a policy-oriented research institution in the field of international affairs independent from the government was most urgently needed in Japan. On April 1, 2011, JFIR was reincorporated as a “public interest foundation” with the authorization granted by the Prime Minister in recognition of its achievements.

[Purpose]

The Forum is a private, non-profit, independent, and non-partisan organization dedicated to improved understanding of Japanese foreign policy and international relations. The Forum takes no institutional position on issues of foreign policy, though its members are encouraged not only to analyze but to propose alternatives on matters of foreign policy. Though the Forum helps its members to formulate policy recommendations on matters of public policy, the views expressed in such recommendations represent in no way those of the Forum as an institution and the responsibility for the contents of the recommendations is that of those members of the Forum who sign them alone.

[Organization]

JFIR is a membership organization with four categories of membership, namely, (1) corporate, (2) associate corporate, (3) individual and (4) associate individual. As for the organizational structure of JFIR, the “Board of Trustees” is the highest decision making body, which is in charge of electing the “Directors” and of supervising overall activities of JFIR, while the “Board of Directors” is an executive body, which is in charge of the management of day-to-day operations of JFIR.

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[Activities]

In tandem with the core activities of the “Policy Council” in making policy recommendations, another important pillar of JFIR’s activities is the e-forum “Hyakka-Seiho” which means “Hundred Flowers in Full Bloom” (<http://www.jfir.or.jp/cgi/m-bbs/>). The e-forum, which started on April 12, 2006, is open to the public, functioning as an interactive forum for discussions on foreign policy and international affairs. All articles posted on the e-forum are sent through the bimonthly e-mail magazine “Meru-maga Nihon Kokusai Fōramu” in Japanese to about 10,000 readers in Japan. Furthermore, articles worth attention for foreigners are translated into English and posted on the English website of JFIR (<http://www.jfir.or.jp/e/index.htm>) as “JFIR Commentary.” They are also introduced in the e-mail magazine “JFIR E-Letter” in English. “JFIR E-Letter” is delivered bimonthly to about 10,000 readers worldwide.



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