

YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW — VOLUME 17, 2014  
CORRESPONDENTS' REPORTS

CHINA<sup>1</sup>

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*Treaties and Agreements*

☛ Ratification of *Convention against Terrorism of the Shanghai Cooperation Organization*

On 28 December 2014, the 12<sup>th</sup> Session of the Standing Committee of the Twelfth National People's Congress ('NPC') decided to ratify the *Convention against Terrorism of the Shanghai Cooperation Organization*. This convention shall not apply to Hong Kong Special Administrative Region, unless otherwise notified by the government of the People's Republic of China. This convention was signed by the former President Hu Jintao on behalf of the People's Republic of China in Yekaterinburg, Russia.<sup>2</sup>

☛ Signature of the *Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia*

On 6 May 2014, the Chinese Ambassador signed the *Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia* on behalf of China in New York, together with France, Russia, United Kingdom and United States. The Chinese government stated:

The Government of the People's Republic of China welcomes the opening for signature of the *Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia*. China supports the efforts of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan to establish a nuclear-weapon-free zone in Central Asia, which serves the purpose of strengthening the international nonproliferation regime, advancing the nuclear disarmament process, and promoting peace and security in the region and beyond. From the very first day of possessing nuclear weapons, China has made a solemn commitment of no-first-use of nuclear weapons at any time or under any circumstances, and promised that under no circumstances will it use or threaten to use nuclear weapons against non-nuclear-weapon states and nuclear-weapon-free zones. China is committed to strictly complying with the obligations of this protocol after signing and ratification. At the same time, China believes that any security agreement or treaty will not affect the position of the nuclear-weapon-free zone; interpretation and application of all the provisions of this protocol must comply with its aim and purpose of establishing a nuclear-weapon-free zone in Central Asia. China hopes this protocol will enter into force at an early date and is willing to make joint efforts with the Central Asian countries to achieve the goal of the complete prohibition and thorough destruction of nuclear weapons in the world.<sup>3</sup>

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<sup>2</sup> See <[http://www.npc.gov.cn/npc/xinwen/2014-12/29/content\\_1891923.htm](http://www.npc.gov.cn/npc/xinwen/2014-12/29/content_1891923.htm)>.

<sup>3</sup> See <<http://www.china-un.org/eng/hyyfy/t1153200.htm>>.

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☛ Two China-US Military MOUs Signed

On 12 November 2014, the Presidents of the People's Republic of China and the United States of America jointly declared that the defense ministers of the two nations signed the Memorandum of Understanding (MOU) on establishing the 'mutual reporting and trust mechanism on major military operations'<sup>4</sup> and the 'code of safe conduct on naval and air military encounters'<sup>5</sup> between the two sides. The Chinese Ministry of National Defense said this was an important step to strengthen the two sides' understanding of each other's strategic intentions, intensify strategic mutual trust, manage and control crisis, and prevent risks.<sup>6</sup>

☛ Ratification of the Treaties on Extradition with Iran and Afghanistan

On 28 December 2014, the 12<sup>th</sup> Session of the Standing Committee of the Twelfth NPC decided to ratify the *Treaty on Extradition between China and Iran*<sup>7</sup>, and the *Treaty on Extradition between China and Afghanistan*.<sup>8</sup>

☛ Ratification of the *Treaty on Mutual Judicial Assistance in Criminal Matters between China and Argentina*

On 24 April 2014, the 8<sup>th</sup> Session of the Standing Committee of the Twelfth NPC decided to ratify the *Treaty on Mutual Judicial Assistance in Criminal Matters between China and Argentina*. This treaty was signed by the former foreign minister on behalf of China in Buenos Aires, Argentina on 25 June 2012.<sup>9</sup>

*Legislation*

☛ Act on the Protection of Military Installations of the People's Republic of China Amended

On 27 June 2014, the Ninth Meeting of the Standing Committee of the Twelfth NPC adopted the decision to amend the Act on the Protection of Military Installations of the People's Republic of China (《中华人民共和国军事设施保护法》, hereinafter '2014 APMI'). The APMI was originally adopted by the Twelfth Meeting of the Standing Committee of the Seventh NPC on 23 February 1990 (hereinafter '1990 APMI'),<sup>10</sup> and first amended by the Tenth Meeting of the Standing Committee of the Eleventh NPC on 27 August 2009 (hereinafter '2009 APMI'). The 2014 APMI came into force on 1 August 2014.

The 2014 APMI made a number of amendments to the 2009 APMI. Among others, at least the following amendments might be relevant to international humanitarian law. First, it expands the definition of 'military installations'. According to Article 2 of the 2014 APMI,

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<sup>4</sup> The official Chinese version of this MOU is available at: <[http://www.mod.gov.cn/affair/2014-12/05/content\\_4555795.htm](http://www.mod.gov.cn/affair/2014-12/05/content_4555795.htm)>.

<sup>5</sup> The official Chinese version of this MOU is available at: <[http://www.mod.gov.cn/affair/2014-12/06/content\\_4555927.htm](http://www.mod.gov.cn/affair/2014-12/06/content_4555927.htm)>.

<sup>6</sup> See <[http://www.mod.gov.cn/affair/2014-12/05/content\\_4555795.htm](http://www.mod.gov.cn/affair/2014-12/05/content_4555795.htm)>.

<sup>7</sup> See <[http://www.npc.gov.cn/npc/xinwen/2014-12/29/content\\_1891953.htm](http://www.npc.gov.cn/npc/xinwen/2014-12/29/content_1891953.htm)>.

<sup>8</sup> See <[http://www.npc.gov.cn/npc/xinwen/2014-12/29/content\\_1891922.htm](http://www.npc.gov.cn/npc/xinwen/2014-12/29/content_1891922.htm)>.

<sup>9</sup> See <[http://www.npc.gov.cn/npc/xinwen/2014-04/25/content\\_1861223.htm](http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861223.htm)>.

<sup>10</sup> The English version of 1990 APMI is available at: <[http://www.china.org.cn/china/military/2007-07/27/content\\_1218750.htm](http://www.china.org.cn/china/military/2007-07/27/content_1218750.htm)>.

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frontier and coastal defense control facilities, if used by the State directly for military purposes, are listed as military installations. The same article adds that the temporary facilities set up necessary for the armed forces to perform missions are also defined as military facilities. The more that are listed as military installations, the more military objectives will be identified.

Second, in the Chapter on protection of militarily restricted zones (Chapter III) and the Chapter on Administrative Duty (Chapter VI), several new articles were introduced. From an international humanitarian law standpoint, they reflect the requirement of the principle of distinction, ie, the parties of an armed conflict assume the obligation to distinguish their own military objectives from civilian objects. For example, Article 16 of 2014 APMI provides that:

[I]t shall be prohibited, in water military restricted zones, to construct or set up non-military installations or to engage in aquaculture, fishing, and other activities that impede the operations of military vessels or jeopardize the security and confidentiality and the effective utilization of military installations.

Article 21 of the 2014 APMI further provides that, without authorization of military organs above the level of military regions, non-military installations shall not be constructed and installed in water military restricted zones. Article 26 of the 2014 APMI also provides that:

[I]n the clear air protection zones of military airports, it is prohibited from making constructions, buildings or any other installations beyond the clear air standards of airports, from conducting any activities endangering aviation safety and use efficiency of airport aviation assistance facilities.

Article 27 of the 2014 APMI adds that:

[W]ithin the protection scope of electromagnetic environment of military wireless fixed installations, it is prohibited from building, installing any equipment which affects the use efficiency of military wireless fixed installations and electromagnetic obstacles, from conducting any activities which affects electromagnetic environment of military wireless fixed installations.

The 2014 APMI adds in Article 28 that

[W]ithout the authorization of the State Council and the Central Military Commission or the organs authorized by the State Council and the Central Military Commission, it is prohibited from dismantling, moving any frontier, coastal defense control facilities, it is prohibited from building, installing any civil installations on the frontier, coastal defense control facilities. It is prohibited from arranging building programs around the frontier, coastal defense control facilities, it is prohibited from endangering safety and use efficiency of frontier, coastal defense control facilities.

It also adds in Article 29 that ‘the arrangement of building programs or creation of tourism places shall avoid from military installations’. In Article 30 it further sets out that:

[T]he making of military installation construction plans and organizing of military installation program construction shall take into consideration the need of local economic construction and social development, meet the overall requirements of urban-rural plan, and conduct security environment evaluation and environmental impact evaluation. If they are related to urban-rural plans, the army must consult the local people’s governments, and make effort to avoid from local construction hot spots and civilian installation dense areas.

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### *Oral Statements*

#### ☛ Status of the *Protocols Additional to the Geneva Conventions of 1949*

On 20 October 2014, a Chinese representative made a statement at the 69th Session of the United Nations General Assembly ('UNGA') on Agenda Item 79, Status of the Protocols Additional to the Geneva Conventions of 1949. He said:

China has supported and actively participated in the process initiated by the ICRC and the Government of Switzerland to strengthen the mechanisms of compliance with international humanitarian law. China believes that strengthening the implementation mechanisms of international humanitarian law should focus on enhancing the effectiveness of existing mechanisms, and proceed from the real needs related to the application and compliance with international humanitarian law. Any new measure should be based on consensus of all countries.<sup>11</sup>

#### ☛ Protection of Civilians in Armed Conflicts

On 12 February 2014, the Chinese Ambassador made a statement at the United Nations Security Council ('UNSC') Open Debate on Protection of Civilians in Armed Conflict. He said the following:

First, all parties in an armed conflict must comply with their obligation to protect civilians. The primary responsibility in protecting innocent civilians from the harm of conflict and wars lies with national Governments. At the same time, other parties involved in a conflict must also fully comply with international humanitarian law and the relevant Security Council resolutions and spare no efforts in protecting civilians. The assistance provided by the international community and external organizations must be in line with the purposes and principles of the Charter of the United Nations and fully respect the sovereignty and territorial integrity of the countries concerned. In addressing violations of human rights and international humanitarian law, the first priority should be given to the role of national judicial institutions, which are the main channels in that field. [...] Thirdly, in the protection of civilians, peacekeeping operations must strictly comply with Security Council mandates, respect the sovereignty of the countries concerned, maintain objectivity and impartiality and avoid becoming a party to the conflict. A peacekeeping operation's mandate to protect civilians is one of the important measures to help the countries concerned better protect civilians. As such, it cannot be a substitute for the responsibility and obligations to protect civilians incumbent upon States' Governments and parties to the conflicts. Fourthly, humanitarian aid operations in conflict situations must comply with United Nations guiding principles on humanitarian aid, maintain their humanitarian nature, neutrality, objectivity and impartiality, and fully respect the sovereignty of the countries concerned.<sup>12</sup>

#### ☛ Protection of Humanitarian Workers in Armed Conflicts

On 15 August 2014, a Chinese representative made a statement at the UNSC Open Debate on the Protection of Civilians. With regard to humanitarian workers, he said:

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<sup>11</sup> See <<http://www.china-un.org/eng/hyyfy/t1203054.htm>>.

<sup>12</sup> See <[http://www.fmprc.gov.cn/ce/ceun/eng/chinaandun/securitycouncil/thematicissues/civilians\\_ac/t1130686.htm](http://www.fmprc.gov.cn/ce/ceun/eng/chinaandun/securitycouncil/thematicissues/civilians_ac/t1130686.htm)>, see also UN SCOR, 7109<sup>th</sup> mtg, UN Doc S/PV.7109, (12 February 2014)[16-17].

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First, the protection of humanitarian workers is the inescapable responsibility of the parties to a given conflict. All parties to armed conflict should abide by international law, including international humanitarian law and the conventions governing the safety of United Nations personnel, and honour the obligation to protect humanitarian workers. With regard to attacks on and violent acts harming humanitarian workers, the international community should encourage the countries involved to carry out investigations, and we should respect their findings. Perpetrators must be held accountable, and assistance must be provided to countries in need of financial and technical support.

Secondly, United Nations humanitarian agencies and relief organizations, while carrying out humanitarian relief work in conflict, should comply with the Charter of the United Nations; uphold the principles of humanitarianism, namely neutrality, impartiality and independence; fully respect the sovereignty and territorial integrity of the countries involved; and avoid engaging in the conflict or supporting any of the parties. That is essential if humanitarian relief efforts are to win the understanding and trust of all parties. It is also an important guarantee of the safety of humanitarian workers.<sup>13</sup>

☛ **Japan's Forceful Drafting of 'Comfort Women' during the Second World War**

On 17 March 2014, the Chinese Ambassador made a statement at the General Debate of the 58th Session of the UN Commission on the Status of Women. With regard to Japan's forceful drafting of 'comfort women' during the Second World War, he said:

Sexual violence against women during war and conflict is the worst form of human rights violation, which has been unanimously opposed and condemned by the international community. A lot of historical evidence points to the fact that the Japanese military forcefully drafted a large number of the "comfort women" as sex slaves in an organized manner from China, the ROK and many other countries during WWII.

This heinous act of crime against humanity was the most shameful chapter in the human history of the 20<sup>th</sup> century. The women and girls forced to be "comfort women" were victimized by horrific sexual violence. 70 years later, only a few of them have survived, with unhealed physical and psychological trauma still haunting their twilight years. Most of them have left the world without seeing justice served.

In total disregard of the repeated calls of the UN human rights mechanisms, the Japanese government refuses to assume legal responsibilities and take concrete actions to compensate the victims. Senior leaders of the Japanese government have attempted to negate the history of aggression. Recently, due to international pressure, the Japanese government has stated that it has no intention to revise the Kono Statement. However, it added that it would continue with the so-called investigation on the circumstances behind the Kono Statement, trying every means in their attempt to whitewash and exonerate the Japanese militarists from this crime against humanity. Not long ago, Japanese Prime Minister Abe Shinzo and other leaders blatantly paid homage to the Yasukuni Shrine where 14 Class A war criminals from WWII are honored. These war criminals were the chief culprits responsible for the drafting of the "comfort women". What the Japanese leaders have done constitutes a serious affront to the rights and interests of the "comfort women" victims. It is a blatant provocation to human conscience and historical justice. It is a gross challenge to the post-WWII international order. It has met the strong condemnation and denunciation of the international community. Women's organizations around the world should unite as one and urge the Japanese government to squarely face

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<sup>13</sup> See <<http://www.china-un.org/eng/hyyfy/t1186618.htm>>.

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the historical facts and make formal and sincere apologies to the victims so as to let those deceased rest in peace and the traumatized souls of the survivors be consoled.<sup>14</sup>

☛ **Children and Armed Conflict**

On 7 March 2014, the Chinese Ambassador made a statement at the UNSC Open Debate on Children and Armed Conflict. With regard to comprehensive protection of children in armed conflict, he said:

First, the Governments concerned bear the primary responsibility for the protection of children in armed conflict. The key to the implementation of Council resolutions on the protection of children lies in the active support and cooperation of the Governments concerned. On the basis of full respect for the ownership of the countries concerned and through in-depth communication and coordination with them, the international community should support the countries concerned in strengthening their capacity-building and help them to resolve their practical financial and technological difficulties. The international community should also do its utmost to put an end to violations against children by armed groups.

Secondly, in order to protect children in armed conflicts, the various bodies within the United Nations system should work on the basis of their own responsibilities and strengths, fulfil their respective mandates and generate synergy. The Security Council should effectively fulfil its primary responsibility of maintaining international peace and security and reduce and curb conflicts through good offices, negotiations and mediation so as to create a safe environment for the growth of children. United Nations peacekeeping operations should act in accordance with the Council's mandate and increase their protection for children. We welcome the "Children, not soldiers" campaign launched yesterday jointly by the Office of the Special Representative of the Secretary-General for Children and Armed Conflicts and UNICEF. We hope that by 2016 we will reach the goal of complete elimination of child soldiers in national armies.<sup>15</sup>

☛ **Nuclear Disarmament and Non-Proliferation**

On 21 May 2014, a Chinese representative made a statement at the Conference on Disarmament Informal Discussions on Agenda Items 1 and 2 with a focus on nuclear disarmament. He said:

China unswervingly follows the path of peaceful development and is firmly committed to a nuclear strategy of self-defense. As a nuclear-weapon state, China has never evaded its due responsibilities in nuclear disarmament and has consistently stood for the complete prohibition and thorough destruction of nuclear weapons. China has never threatened to use nuclear weapons against any country and has adhered to the policy of no-first-use of nuclear weapons. China is the only nuclear-weapon state that has undertaken unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones. China has never provided "nuclear umbrella" to other countries, and has never deployed nuclear weapons in foreign countries.

China has persistently exercised the utmost restraint on the scale and development of its nuclear weapons. China has never participated in any form of nuclear arms race and

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<sup>14</sup> See <<http://www.china-un.org/eng/hyyfy/t1138163.htm>>.

<sup>15</sup> See <<http://www.china-un.org/eng/hyyfy/t1140292.htm>>.

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continues to keep its nuclear capabilities at the minimum level required for national security. These constitute our unique contribution to the nuclear disarmament.<sup>16</sup>

On 14 and 15 April, 2014, China hosted a P5 Conference in Beijing, during which the five nuclear-weapon states reaffirmed their commitment to strengthening the *Nuclear Non-Proliferation Treaty*. Recently, China hosted another meeting of the P5 Working Group on Glossary of the Key Nuclear Terms, during which agreement was reached on the main contents of the glossary and the follow-up arrangement.<sup>17</sup>

On 4 June 2014, the Chinese Ambassador made a statement at the Conference on Disarmament Informal Discussions on agenda items 1 and 2 with a general focus on *Fissile Material Cutoff Treaty* ('FMCT'). He expressed some of China's views on this issue. He said:

Firstly, FMCT is an important issue on international arms control agenda. The negotiation and conclusion of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices will contribute to promoting nuclear disarmament and nuclear non-proliferation, and achieving the ultimate goal of complete prohibition and thorough destruction of nuclear weapons.

Secondly, the four core issues on the agenda of the CD, namely nuclear disarmament, FMCT, PAROS and NSA, are all of great significance for promoting international nuclear disarmament process. Member states of the CD should attach importance to and fully accommodate each other's concerns, properly address the external factors which influence the work of the CD, adopt a comprehensive and balanced Programme of Work by consensus, and promote all the agenda items of the CD in a comprehensive manner, so as to create favorable conditions for starting the negotiation of FMCT.

Thirdly, in 1995, the CD adopted the mandate for the negotiation of FMCT as contained in the Shannon Report (CD/1299) by consensus. This mandate is the outcome of tough negotiations and has fully taken into consideration concerns of all parties. It has been confirmed by relevant UNGA resolutions and the Action Plan of the Final Document adopted by the 2010 NPT Review Conference. This mandate should be maintained so as to smoothly launch the negotiation of FMCT.

Fourthly, the membership of the CD covers all major stakeholders which are of great significance to the future FMCT. The objectives of nuclear disarmament and non-proliferation could only be truly realized by negotiating FMCT in the CD. China has participated in the work of the UN GGE on FMCT. According to its mandate contained in the relevant UNGA Resolution, the GGE's work should not constitute negotiation or pre-negotiation. Should the Conference on Disarmament adopt its Programme of Work, the GGE shall conclude and its work shall be submitted to the CD.

Fifthly, the FMCT involves various political, economic, military, legal and technical factors. The negotiation of FMCT should not undermine the security interests and the rights to peaceful uses of nuclear energy of all countries, and should promote the economic development of all countries. The elements of the FMCT such as framework, scope, definition and verification should be designed pragmatically, in order to ensure that the future treaty will be reasonable, effective and economically-affordable.<sup>18</sup>

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<sup>16</sup> See <<http://www.china-un.ch/eng/hom/t1164271.htm>>.

<sup>17</sup> See <<http://www.china-un.ch/eng/hom/t1199382.htm>>, see also <<http://www.state.gov/r/pa/prs/ps/2014/04/224867.htm>>.

<sup>18</sup> See <<http://www.china-un.ch/eng/hom/t1164274.htm>>.

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☛ *Chemical Weapons Convention*

On 2014, a Chinese representative made a statement at the general debate of the 19<sup>th</sup> Session of the Conference of State Parties to the Chemical Weapons Convention ('CW'). He said:

Firstly, the OPCW ['Organisation for the Prohibition of Chemical Weapons'] should consistently push the CW destruction forward. The CW destruction constitutes the core objective of the Convention and the primary goal of the OPCW. The CW possessor states concerned should work to complete the destructions at an early date, in accordance with the Convention and the relevant decisions adopted by the policy-making organs of the OPCW. The OPCW should continue to ensure its inputs in this regard. China welcomes the positive progress made in the destruction and verification of the Syrian CWs, and commends the efforts by the Syrian government, the Secretariat of the OPCW, the United Nations as well as the international community towards this end. China is looking forward to all the parties working to create favorable conditions for the destruction of the Syrian CWPFs as soon as possible.

Secondly, the international community should respond positively to the reasonable calls of the developing countries for international cooperation. China appreciates the efforts made by the Secretariat and relevant State Parties in the field of international cooperation, and calls on all the parties to seek guidance from the relevant documents of the Sixteenth Session of the Conference of State Parties, and the Third Review Conference, draw on the relevant experiences of the Secretariat, and take heed of all the views and needs of developing countries, with a view to discussing and formulating a guiding document on targeted efforts of international cooperation as the next step.

Thirdly, the destruction of chemical weapons abandoned by Japan (ACW) in China brooks of no further delay. This year, China has received 8 inspections of Japanese ACWs. Japanese ACWs have already caused quite a number of accidents involving casualties and injuries and they still pose a huge threat to the lives and properties of the people and the ecological safety in China. In reality, they have proved to be more harmful than stockpile chemical weapons, which makes their destruction even more urgent. China is gravely concerned about this issue, and is prepared to continue its cooperation with Japan pragmatically and constructively, in order to speed up the destruction process.

On this occasion, I wish to underscore the following. First, although the destruction in Haerbaling was officially launched a few days ago, the overall destruction pace of Japanese ACWs has been delayed twice, and is again lagging behind the schedule specified by the Council. China finds this situation deeply deplorable and worrying. China urges Japan to honor its obligations under the Convention faithfully and implement the relevant decision of the Council dutifully, by increasing its human and financial inputs, so as to complete the destruction as soon as possible, in accordance with the destruction plan jointly submitted by the two sides. Secondly, in keeping with the spirit of the Memorandum reached by China and Japan in 1999, Japan should ensure that the destruction process will not cause any environmental pollution and personal injury. China is deeply concerned over the recent stagnation of the destruction efforts caused by environmental problems (emissions exceeding the standards). Third, since Japanese ACWs are widely located and in large quantities, Japan should provide specific information about their burial as soon as possible, to make better targeted excavation and destruction possible. The discovery of Japanese ACWs cannot count merely on accidents, which would amount, in reality, to an indefinite delay of the destruction.



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China has consistently supported the objectives and purposes of the Convention, and fulfilled all its obligations under it in earnest. As the State Party with the largest numbers of declared and inspectable [sic] facilities under Article VI of the Convention, china has, up to date, received close to 400 OPCW inspections of all categories, with 37 already this year alone. In 2014, China and the OPCW jointly held in China the fifth assistance and protection workshop and the seminar on chemical safety and security in the Asian region. The two events were full success. On the occasions, China also conducted exchanges with Myanmar and other States not Parties. China hopes by different ways, such as seminars, training courses and bilateral exchanges, to assist other states actively in enhancing their abilities for implementing the Convention. China is also ready to make its contributions to the promotion of the universality and effectiveness of the Convention.<sup>19</sup>

• *Biological Weapons Convention*

On 1 December 2014, a Chinese representative made a statement at the 2014 Meeting of State Parties to the *Biological Weapons Convention* ('BWC'). He said:

First, international cooperation and assistance to promote peaceful use of biotechnology is an important pillar of the Convention, which is conducive to national capacity building of the States Parties. China hopes that States Parties will work together to further explore ideas and measures to promote earnest implementation of Article X of the Convention, taking into full consideration of the legitimate needs of developing countries for biotechnology and relevant materials and equipments [sic] in particular. China is ready to further promote relevant cooperation and assistance within the framework of the Convention.

Second, timely assessment of the impacts of biotechnology on the Convention, preventing its misuse, enhancing bio-safety and security capacity of the States Parties, strengthening oversight of dual-use scientific research is conducive to effective implementation of the Convention. To jointly tackle various biological risks and challenges, we should support the efforts by the States Parties, and strike a proper balance between development of biotechnology and its oversight.

Third, establishing implementation mechanism, strengthening domestic legislation, improving bio-safety regulations are conducive to enhancing the effectiveness of the Convention. The States Parties should be encouraged, on a gradual and voluntary basis, to further share their experiences on implementation, and strengthen their national implementing measures according to their own national conditions. It should be pointed out that the best way to enhance the effectiveness of the Convention is through concluding a protocol with verification regime aimed at strengthening the Convention in a comprehensive manner.

Forth, it is a legal obligation for the States Parties to provide assistance in case of possible violation of the Convention. It is necessary to further discuss detailed procedures and mechanisms to provide such assistance. Relevant international organizations, including WHO ['World Health Organisation'], OIE ['World Organisation for Animal Health'] and FAO ['Food and Agriculture Organisation'] can play an important role in helping the States Parties to enhance their national capacity for disease surveillance and response. Upon the request made by a States Party, the above-mentioned international organizations may provide public health or humanitarian assistance, in accordance with their mandates, to the States Party in actual need. China

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<sup>19</sup> See <[https://www.opcw.org/index.php?eID=dam\\_frontend\\_push&docID=18041](https://www.opcw.org/index.php?eID=dam_frontend_push&docID=18041)>.

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believes that the investigation of alleged use of biological and toxin weapons is very complicated and sensitive. The States Parties can invoke Article VI to lodge a complaint with the Security Council of the United Nations. The Security Council will decide whether or not to initiate the investigation and such investigation should be carried out under the responsibility of the Security Council.<sup>20</sup>

☛ *Convention on Certain Conventional Weapons*

On 14 November 2014, a Chinese representative made a statement at the Meeting of the High Contracting Parties to the *Convention on Certain Conventional Weapons* ('CCW'). He said,

The Chinese government attaches great importance to the humanitarian concerns caused by the indiscriminate use of certain conventional weapons, and has always been actively engaged in the process of conventional arms control. China supports constant reinforcement and improvement of the legal mechanisms for conventional weapons disarmament, on the basis of striking the balance between military security requirement and humanitarian concerns. All parties should promote military mutual trust with wide participation and consultation on the basis of equality, so as to promote the work of the Convention to greater progress. As a full Contracting Party to the Convention and its five Protocols, China attaches importance to and supports all the work under the CCW, and strictly implements its obligation under the Convention and its Protocols. China has been actively engaged in relevant international exchange and cooperation, timely submitted its national report, and constructively participated in relevant meetings of experts. China also continues its efforts on promoting the universality of the Convention, and has made annual contribution of 10,000 USD to the Sponsorship Programme to assist developing countries in participating relevant conferences and activities under the framework of the Convention. [...] In 2013, China has hosted demining training courses for Sudan, South Sudan and Laos in China, and will soon dispatch a team of experts to Cambodia for onsite training. China has also worked on the delivery of victim assistance to Sri Lanka and Jordan.<sup>21</sup>

☛ *Amended Protocol II to the CCW*

On 12 November 2014, a Chinese representative made a statement at the 16<sup>th</sup> Annual Conference of the High Contracting Parties to Amended Protocol II of the CCW. He said:

The Chinese military continued to carry out destruction of old anti-personnel landmines and other explosive devices which do not meet the requirements of the Protocol. At the same time, training courses and awareness-raising campaigns have been conducted for military personnel to better understand and implement the Protocol, as well as training demining experts. A series of publications on demining techniques have been compiled and published. Progress has also been made on developing safe and clean destruction technologies and improving detection and demining equipments [sic].

While promoting domestic implementation of the AP II, China has been actively engaged in international humanitarian demining cooperation and assistance. In 2014, China hosted demining training courses for Afghanistan and Cambodia respectively and

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<sup>20</sup> See <<http://www.china-un.ch/eng/hom/t1217534.htm>>.

<sup>21</sup> See <<http://www.china-un.ch/eng/hom/t1105170.htm>>.

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trained 50 demining operators for the two countries. China has also delivered victim assistance worth of 3 million RMB to the Laos.

China attaches importance to international exchange and cooperation on issues related to landmines. Recently, HE Mr Chum Bun Rong, the Secretary General of Cambodia Mine Action and Victim Assistance Authority, visited China at the invitation of the Chinese government. During his visit, Mr Chum had in-depth exchange with Chinese officials and observed the training for Cambodian demining operators. The visit is useful in strengthening mutual understanding between China and mine-affected countries such as Cambodia, and improving effectiveness of our future international cooperation and assistance programs.<sup>22</sup>

### ☛ Protocol V to the CCW (Explosive Remnants of War)

On 10 November 2014, a Chinese representative made a statement at the Eighth Conference of the High Contracting Parties to the Protocol V to the CCW. He said:

China gives high priority to ERWs [‘Explosive Remnants of War’] clearance and destruction. Over the past year, the Chinese Military and the Public Security authority carried out clearance and destruction of ERWs and other explosives as planned, including over 120,000 pieces of ERWs of various types. China has established a comprehensive management system on explosives, and put in place measures such as licensing, control by degree of danger, lifecycle monitoring, risk assessment and accountability. The Chinese Public Security authority has established an information management system on explosives for civilian use, putting in place strict lifecycle registration of and supervision over their production, storage, shipment, transfer and use. These measures are effective in preventing illegal diversion of explosives, and thus contributing to the protection of life and property of the people as well as regional peace and stability.

As a victim of ERWs, China fully understands the challenges encountered by other victim countries and supports international cooperation and assistance in this regard. Since 2010, as part of its annual international humanitarian demining assistance program, China has provided medical supplies to ERW and mine victims in Peru, Ethiopia, the Laos, Lebanon, Sri Lanka and Jordan, and carried out relevant international assistance and cooperation in clearing mines, cluster munitions and other ERWs.

There are still dozens of countries affected by ERWs. It might take decades or even longer to clear all ERWs scattered on the territory of some heavily contaminated countries. China always believes that the principle of “the user to clear” should be established by the international community. Countries that left behind ERWs in other countries should take primary responsibility for their clearance by providing necessary funding and technology, so as to rid the victim countries of the nightmare of ERWs at an early date.<sup>23</sup>

### ☛ Improvised Explosive Devices

On 12 November 2014, a Chinese representative made a statement about improvised explosive devices (‘IEDs’) at the 16<sup>th</sup> Annual Conference of the High Contracting Parties to Amended Protocol II of the CCW. He said:

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<sup>22</sup> See <<http://www.china-un.ch/eng/hom/t1213101.htm>>.

<sup>23</sup> See <<http://www.china-un.ch/eng/hom/t1213100.htm>>.

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China shares the humanitarian concerns caused by the abusive use of IEDs by non-state actors. China supports further discussions on the issue under the framework of the Protocol and pragmatic efforts to promote relevant work, focusing on exchange of views and sharing of experience while fully taking into account specific conditions of different countries and regions. China also supports regional cooperation in the context of each region's specific situation on the prevention of IEDs. We hope that the developed countries will actively provide assistance to developing countries in the field of capacity building, funding and technology. As a priority, the international community should pay close attention to the problems of acquiring IED-related materials and disseminating know-how on production of IEDs through internet by terrorist and extremist organizations.<sup>24</sup>

☛ *Convention on Cluster Munitions*

On 2 September 2014, a Chinese representative made a statement at the Fifth Meeting of the State Parties to the *Convention on Cluster Munitions* ('CCM') in San Jose, Costa Rica. She said:

China is of the view that full compliance with the UN Charter, non-interference in other countries' internal affairs, and resolution of disputes through political and diplomatic means to safeguard international peace and security, are fundamental safeguards against damages caused by cluster munitions. Latest developments in West Asia and North Africa demonstrate that blatant interference by force, irresponsible transfer of weapons to non-state actors are major causes for persisting regional turbulence [sic]. Against the current background, to prevent weapons inventory of countries in turmoil from falling into the wrong hands, and to deny extremist and terrorist organizations access to weapons including cluster munition, is of paramount importance to regional peace and security.

As the old Chinese saying goes, it is up to him who made the tie to untie. We believe in order to clear cluster munition remnants at an early date, it is of vital importance to explicitly establish the 'the user to clear' principle, ie the users of cluster munitions, particularly those who used cluster munitions on other countries' territory on massive scale, shall bear primary responsibility for clearance. At the same time, stark reality on the ground calls for enhanced international cooperation with emphasis on mobilizing more support for developing countries severely affected by cluster munitions and providing victims with timely and effective assistance.

China all along pursues an independent foreign policy of peace and a defensive national defense policy, and never deploys clustered munition in another country. China attaches great importance to humanitarian problems caused by cluster munitions and is of the hope that the international community continue working for a realistic and feasible solution to the issue, on the basis of taking into consideration both humanitarian concerns and legitimate military needs of each country. Over the years, China has played a constructive part in relevant international efforts under the framework of the Convention on Certain Conventional Weapons and has been faithfully implementing obligations arising from CCW and its annexed Protocols.

China attaches great importance to international cooperation and assistance in this regard. Since 1998, China has provided humanitarian assistance worth approximately 80 million RMB to more than 40 countries in Asia, Africa and Latin America, significantly enhancing these countries' capacity for clearance of landmines and other explosive

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<sup>24</sup> See <<http://www.china-un.ch/eng/hom/t1213101.htm>>.

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remnants of war. In 2013, China held technical training courses for deminers from Sudan, South Sudan, Laos and Cambodia and provided victim assistance to Sri Lanka and Jordan. At the request of Laos, China incorporated ERW disposal technology in the training course held for Laos, effectively boosting the trainees' ability to properly handle cluster munition remnants and other ERWs. In 2014, China held technical training courses for Afghanistan and Cambodia and provided victim assistance to Laos.

China ascribes to the goal and principles of the CCM and highly appreciates the humanitarian spirit embodied in the convention. Given its national conditions and national defence needs, China still could not accede to the convention at this stage. However, it does not in any way detract from China's efforts to cooperate with States Parties to the Convention.<sup>25</sup>

☛ *Arms Trade Treaty*

On 22 October 2014, a Chinese representative made a statement about the *Arms Trade Treaty* ('ATT') at the Thematic Debate on Conventional Weapons at the 69th Session of the UNGA First Committee. He said:

China supports international efforts to regulate international arms trade and played a constructive role in the negotiation of the Arms Trade Treaty. China is seriously studying the issue of signing the treaty. China stands ready to work with the international community and make unremitting efforts to properly solve the problem of illicit trade in conventional arms.<sup>26</sup>

☛ *Small Arms and Light Weapons*

On 22 October 2014, a Chinese representative made a statement about small arms and light weapons ('SALW') at the Thematic Debate on Conventional Weapons at the 69th Session of the UNGA First Committee. He said:

The Chinese government has been firmly against illicit trade in SALWs. We understand and sympathize with affected countries. China has always taken a prudent and responsible attitude towards arms export through continually strengthening arms export control mechanisms. In the meantime, China has made its due contribution through close cooperation with related countries and active participation in relevant international process.<sup>27</sup>

☛ *International Criminal Court*

On 22 May 2014, the Chinese Ambassador made explanatory remarks after UNSC voting on draft resolution on the referral of the situation of the Syrian Arab Republic to the International Criminal Court ('ICC'). He said:

First, China believes that any action to seek recourse to the International Criminal Court (ICC) to prosecute the perpetrators of serious violations should be conducted on the basis of respect for State judicial sovereignty and the principle of complementarity. China is not a State party to the Rome Statute. China always has reservations concerning the

<sup>25</sup> See <<http://www.clusterconvention.org/files/2014/09/China.pdf>>.

<sup>26</sup> See <<http://www.china-un.org/eng/hyyfy/t1203399.htm>>.

<sup>27</sup> See <<http://www.china-un.org/eng/hyyfy/t1203399.htm>>.

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referral by the Security Council of particular country situations to the ICC. This is our principled position.

Secondly, efforts to seek a political settlement to the question of Syria are encountering difficulties. The international community must shore up its confidence, remain patient and be steadfastly committed to the overall direction of the political settlement. What is most urgently needed now is to urge the Government of Syria and the opposition to immediately implement a ceasefire and put an end to the violence in order to start a third round of negotiations in Geneva so as to advance the political process and embark on a political transition. In the current circumstances, to forcibly refer the situation in Syria to the ICC is not conducive either to building trust among all parties in Syria or to an early resumption of the negotiations in Geneva. It will only jeopardize the efforts made by the international community to push for a political settlement.

Thirdly, for some time now, the Security Council has maintained unity and coordination on the question of Syria, thanks to efforts by Council members, including China, to accommodate the major concerns of all parties. At a time when seriously diverging views exist among the parties concerning the draft resolution, we believe that the Council should continue holding consultations, rather than forcing a vote on the draft resolution, in order to avoid undermining Council unity or obstructing coordination and cooperation on questions such as Syria and other major serious issues. Regrettably, China's approach has not been taken on board; China therefore voted against the draft resolution.<sup>28</sup>

In the general debate of the 13<sup>th</sup> Session of the Assembly of State Parties to the Rome Statute on 8-17 December 2014, a Chinese representative made a statement as an observer State. He said:

Since the issue of crime of aggression is closely related to international peace and security, the amendment shall be implemented orderly within the framework of international law established by UN Charter. The highest authority of the Charter shall be maintained, and all the international legislation should be consistent with the provisions of the Charter. To achieve this end, all parties should fully consult each other and seek consensus on the content and entry into force of the amendment, in an effort to reach the broadest agreement.<sup>29</sup>

• **Scope and Application of Universal Jurisdiction**

On 15 October 2014, a Chinese representative made a statement at the 69<sup>th</sup> Session of the UNGA on scope and application of the principle of universal jurisdiction. He said:

First, on the objectives and nature of universal jurisdiction. China believes that universal jurisdiction is of a supplementary nature. When a state is not the place of a crime committed, nor the state of nationality of the suspect or the victim, and its national security and major interests are not jeopardized by the crime, it may be explored that the state might exercise universal jurisdiction based on the nature of the crime in order to combat the most heinous international crimes and eliminate impunity. However, a clear distinction must be made between universal jurisdiction and other types of jurisdiction to prevent overlapping or conflict, so as to maintain the stability of the system of international law as well as inter-state relations.

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<sup>28</sup> See <<http://www.china-un.org/eng/hyyfy/t1161566.htm>>.

<sup>29</sup> See <[http://www.icc-cpi.int/iccdocs/asp\\_docs/ASP13/GenDeba/ICC-ASP13-GenDeba-China-ENG.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/ASP13/GenDeba/ICC-ASP13-GenDeba-China-ENG.pdf)>.

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Second, on the preconditions for the application of universal jurisdiction. China believes that exercise of universal jurisdiction must abide by existing principles and rules of international law, including observance of the purposes and principles of the UN Charter and the norms of international law, non-violation of the state sovereignty, non-interference in internal affairs, and non-violation of immunities enjoyed by states, state officials and diplomatic and consular personnel. Some countries have suggested that exercise of universal jurisdiction should meet certain specific conditions, such as the suspect being within the territory of the exercising state, and non-violation of the obligations of extradition or prosecution. These proposals also warrant our serious study.

Third, on the prudent application of universal jurisdiction. We appreciate the efforts made by the Working Group in drawing up a list of crimes to which universal jurisdiction may be applicable and believe that this will help clarify understanding and unify practices of various countries. We have noticed that except for an extremely limited number of serious crimes such as piracy on the high seas, there is no coherence in the positions and practices of various countries with regard to crimes to which universal jurisdiction is applicable. Under such circumstances, universal jurisdiction should be exercised cautiously in order to prevent its abuse. We have also noticed that in recent years, a few countries have amended their domestic legislation to limit the scope of application of universal jurisdiction. This fully demonstrates the serious reflections of the international community on this issue.<sup>30</sup>

☛ The Obligation to Extradite or Prosecute (*Aut Dedere Aut Judicare*)

On 31 October 2014, a Chinese representative made a statement on the topic of the obligation to extradite or prosecute (*aut dedere aut judicare*) at the 23<sup>rd</sup> meeting of the Sixth Committee of the 69<sup>th</sup> UNGA. He said:

The Final Report on this topic clearly detailed various types of obligation to extradite or prosecute and their specific contents. The result of this study demonstrates that this obligation applies to a great variety of crimes via widely different corresponding operational mechanisms. As such, its scope of application should be based on the provisions of specific treaties concerned. Therefore, the obligation to extradite or prosecute is a treaty-based obligation. There is no general practice or *opinio juris* to prove that it has become a rule of customary international law. China has taken note of the proposition in the Final Report that there is no definitive link between the obligation to extradite or prosecute and universal jurisdiction. We agree with this conclusion, and believe that the two are different and should not be mixed up.<sup>31</sup>

☛ Immunity of State Officials from Foreign Criminal Jurisdiction

On 31 October 2014, a Chinese representative made a statement on the topic of immunity of state officials from foreign criminal jurisdiction at the 23<sup>rd</sup> meeting of the Sixth Committee of the 69<sup>th</sup> UNGA. He said:

In recent years, there occurred time and again cases of abusing criminal prosecution against foreign state officials in disregard of their immunity from criminal jurisdiction. These occurrences hamper normal international exchanges and impair the stability of international relations. In order to maintain the rule of law at the international level and

<sup>30</sup> See <<http://www.china-un.org/eng/hyyfy/t1201303.htm>>.

<sup>31</sup> The statement is available at: <<http://www.fmprc.gov.cn/ce/ceun/eng/hyyfy/t1207044.htm>>, see also UN GAOR, 6<sup>th</sup> comm, 23<sup>rd</sup> mtg, UN Doc A/C.6/69/SR.23 (31 October 2014) [50].

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promote stable interstate relations, it is indeed necessary for the international community to pay attention to this topic. We should study it carefully and codify relevant rules of international law, rather than rush to develop new rules.

Draft article 2, para (e) adopted by the Commission defines “State official” as “any individual who represents the State or who exercises State functions”. On the whole, China believes it is a viable definition since it covers both the representative and functional characteristic of such officials. It must be emphasized that the representation by an official of a state or his exercise of state functions should be interpreted in a broad sense and on a case by case basis in accordance with the constitutional system, laws and regulations and the practical situation of his state, instead of being determined subjectively and arbitrarily by the state where the court is located.

The Chinese delegation would like to take this opportunity to reiterate its position on two basic issues. First, on the scope of immunity *ratione personae*. In addition to heads of state and government and foreign ministers, other high officials such as heads of parliament, deputy prime ministers and government ministers are increasingly taking part in international exchanges and exercising functions directly on behalf of states. Consequently, they should also be accorded immunity *ratione personae*.

Second, on exceptions to immunity of state officials, which the Special Rapporteur plans to study next year. Since immunity of state officials is procedural in nature, it does not exempt them from substantive liabilities. As stated by the ICJ in the Arrest Warrant case, these officials can still be held criminally accountable without prejudice to the immunity from foreign criminal jurisdiction through measures such as prosecution by their own national courts, waiver of their immunity, prosecution at the termination of their tenure of office, and prosecution by an international criminal justice organ. Therefore, immunity is not necessarily linked with impunity. Moreover, though the international community has identified crimes of genocide, ethnic cleansing, and crime against humanity as serious international crimes, it has not developed rules of customary international law on disregarding immunity of state officials in such crimes. When the Commission considers exceptions to such immunity in the future, it should research national practices comprehensively and handle the issue of exceptions to immunity prudently.<sup>32</sup>

### *Peacekeeping Operations*

#### ☛ China Assigns First Infantry Battalion for Peacekeeping Mission

On 22 December 2014 the Chinese peacekeeping infantry battalion left for South Sudan for a peacekeeping mission. The infantry battalion consisting of 700 people includes an infantry squad of 13 female soldiers, the first of its kind assigned by China to carry out peacekeeping tasks overseas. This was also the first time for China to send an infantry battalion for a peacekeeping mission in its history.<sup>33</sup>

### *Dissemination*

#### ☛ Moot Courts

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<sup>32</sup> The statement is available at: <<http://www.fmprc.gov.cn/ce/ceun/eng/hyyfy/t1207044.htm>>, see also UN GAOR, 6<sup>th</sup> comm, 23 mtg, UN Doc A/C.6/69/SR.23 (31 October 2014) [51-53].

<sup>33</sup> See <[http://eng.mod.gov.cn/DefenseNews/2014-12/29/content\\_4561146.htm](http://eng.mod.gov.cn/DefenseNews/2014-12/29/content_4561146.htm)>.



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In 2014, universities in China held the International Criminal Court Trial Competition both in English and in Chinese for the first time. On 8-9 March 2014, the first International Criminal Court Trial Competition (English edition) was held at China University of Political Science and Law, Beijing. This competition was jointly held by China University of Political Science and Law and the International Criminal Court (ICC). Teams from 17 Chinese universities participated in the competition. They submitted their memorials for the prosecution, the defense and the victims, and made oral submissions before the judges in English. In the end the best three universities, namely China University of Foreign Affairs, China University of Political Science and Law, and School of Transnational Law, Peking University were qualified to participate in the final round at Hague campus, Leiden University. This year, the international round attracted 49 teams from 35 countries worldwide to participate on 19-23 May 2014. On 23 May 2014, National Law University, Delhi, won the final round held in ICC Courtroom I in the Hague. Hebrew University of Jerusalem and China Foreign Affairs University won, respectively, second and third place.<sup>34</sup> It should be noted that China Foreign Affairs University created a new record in the history of Chinese universities' participation of this competition.

On 18-20 April 2014, the Third International Criminal Court Trial Competition (Chinese Edition) was held at Peking University School of Law, Beijing. It was jointly held by Chinese Initiative on International Criminal Justice and the International Criminal Court. Teams from 13 Chinese universities participated in the competition. In the end, the best three universities, namely Peking University, Fudan University, and Chinese University of Hong Kong were qualified to participate in the final round at the ICC, the Hague.<sup>35</sup> On 13 June 2014, Fudan University won the final round of the competition (Chinese Edition) held in ICC Courtroom I in the Hague. Peking University and Chinese University of Hong Kong won, respectively, second and third place.<sup>36</sup>

On 6–7 December 2014, the Red Cross Society of China, the International Committee of the Red Cross Regional Delegation for East Asia, and Jilin University School of Law jointly held the Eighth Red Cross International Humanitarian Law Moot Court Competition in Changchun, Capital of Jilin Province. This year the Competition attracted 30 Chinese universities. In the end, the team of John Hopkins University-Nanjing University Center for Chinese and American Studies won the final round. The teams of China University of Political Science and Law and Fudan University won the second and third places respectively, thus also qualified to participate in the 13<sup>th</sup> Asia-Pacific Red Cross International Humanitarian Law Moot Court Competition in Hong Kong in March 2015.

#### ☛ Symposiums, Seminars and Workshops

On 17-19 August 2014, the International Committee of the Red Cross Regional Delegation for East Asia held the fourth annual summer seminars for Chinese university teachers at China University of Political Science and Law, Beijing. Over 50 university teachers across China attended the seminar. Experts from the International Committee of the Red Cross ('ICRC'), the International Criminal Tribunal for the Former Yugoslavia, United Kingdom and China were invited to deliver lectures on various themes, in particular the law

<sup>34</sup> See <[http://www.icc-cpi.int/EN\\_Menus/icc/press%20and%20media/press%20releases/pages/1009.aspx](http://www.icc-cpi.int/EN_Menus/icc/press%20and%20media/press%20releases/pages/1009.aspx)>.

<sup>35</sup> See <<http://www.law.pku.edu.cn/xwzx/xwdt/9618.htm>>.

<sup>36</sup> See <[http://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/pr1017.aspx](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr1017.aspx)>.

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of the sea and maritime military operations, means and methods of naval warfare, and maritime jurisdictions and enforcement.<sup>37</sup>

On 29 August 2014, the Chinese Ministry of Foreign Affairs and the ICRC jointly held a symposium on 150<sup>th</sup> anniversary of the 1864 Geneva Convention in Beijing. The President of the ICRC, Vice Minister of Chinese Ministry of Foreign Affairs, Standing Vice President of the Chinese Society of Red Cross, diplomatic delegations to China, and many Chinese experts spoke at the symposium.<sup>38</sup>

On 22-27 September 2014, the People's Liberation Army of China ('PLA') and the ICRC jointly held the Senior Workshop on International Rules governing Military Operations ('SWIRMO') at Xi'an Political Academy of PLA in Xi'an, Capital of Shaanxi Province. 83 high military officers from 58 countries attended the workshop. This is the first time that China has hosted the SWIRMO.<sup>39</sup>

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<sup>37</sup> See <[http://web.cupl.edu.cn/html/ihr/ihr\\_2235/20140823170503859162192/20140823170503859162192.html](http://web.cupl.edu.cn/html/ihr/ihr_2235/20140823170503859162192/20140823170503859162192.html)>.

<sup>38</sup> See <<http://world.people.com.cn/n/2014/0829/c1002-25567059.html>>.

<sup>39</sup> See <[http://www.mod.gov.cn/photo/2014-09/22/content\\_4539111.htm](http://www.mod.gov.cn/photo/2014-09/22/content_4539111.htm)>.