Shanghai FORUM 上海论坛

政治・法律
Politics & Law

城市・社会
Urbanology & Sociology

研究报告
RESEARCHREPORT

经 济 全 球 化 与 亚 洲 的 选 择
ECONOMIC GLOBALIZATION AND THE CHOICE OF ASIA

亚 洲 智 慧 ： 在 多 元 中 寻 求 和 谐 发 展

ASIA'S WISDOM: SEEKING HARMONIOUS DEVELOPMENT IN DIVERSITY

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亚洲智慧：化解纷争之道

  谋发展、促合作是当今亚洲的主流，与此同时，由于历史和现实的原因，亚洲也存在着诸多的争端，从政治到经济，从领土到贸易，从能源到安全，从地区治理到双边关系，不一而足。能否有效地处理这些争端关系到亚洲长远的稳定与发展，更关系到亚洲在 21 世纪的世界地位。因此，作为聚焦亚洲的上海论坛，不仅要积极探讨如何深化亚洲的互利合作，也要思考如何有效化解亚洲的争端，特别是在这个过程中如何发挥亚洲的智慧，为和谐亚洲的构建提供坚实的理念支撑，也为推动和谐世界建设做出亚洲独特的贡献。

  基于此，本论坛将聚焦以下三个问题：处理纷争的亚洲智慧；亚洲处理纷争的成功案例；如何有效处理亚洲的纷争。

一、处理纷争的亚洲智慧

  亚洲国家在处理国家间关系上历来不乏智慧，亚洲的政治思想和智慧在人类政治文明中占有重要地位。冷战时期，在美苏两大阵营之外，亚洲新兴独立国家提倡的万隆精神、和平共处五项原则、不结盟运动等，至今仍然闪耀在国际关系思想史上。冷战结束以来，东盟方式、中俄边界争端解决、上合精神、和谐世界与和平发展等理念及其实践，为亚洲成为世界上引人注目的和平发展区而不是动荡冲突区，做出了重要的贡献。因此，亚洲不仅是世界重要的物质产品生产基地，同样也是国际关系思想与理念的诞生地。

  已有的智慧对于解决亚洲纷争发挥了重大作用，效果显著，这包括"和平共处五项原则、不结盟思想、'一国两制'、各种形式的'伙伴外交'、'搁置争议'方式、'和谐世界'、'东盟方式'"[1]，等等。

  作为亚洲地区最具影响力的国家之一，中国既是亚洲众多地区纷争的相关方，也为解决这些纷争的重要贡献者。中国在解决与自身有关的纷争中所坚持的原则体现出了中国所独特的处理

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[1] 关于"东盟方式"（ASEAN Way），可参见 Amitav Acharya and Jurgen Haacke, ASEAN's Diplomatic and Security Culture: Origins, Development and Prospects, London and New York: Routledge Curzon, 2003, p. 198; 也参见 Iain Johnston, Socialization in International Institutions: The ASEANW ay and International Relations Theory, G. John Ikenberry and Michael Mastanduno eds. , International Relations Theory and the Asia Pacific, New York: Columbia University Press, 2003.

纷争的智慧，也对亚洲纷争的解决提供有意的借鉴。

基于中国的快速发展，中国被西方国家主观刻画成几类如下形象：中国是整个地区体系和国际体系的挑战者；中国的崛起、另起炉灶的方式会重塑国际体系；中国是国际、地区体系中的异类；中国在国际体系、秩序体系中不守规则。但实际上，中国在整个亚洲地区的崛起基本上是遵循和平方式的，从实践上看，它通过"包容式改进"方式解构了许多潜在的地区冲突。[1]

"包容式改进"的基本原则就是在致力于本国发展强大的同时，并不以损害他国为代价和出发点，甚至在不损害自身利益的前提下，积极促进他国的发展和壮大。简而言之，"包容式改进"可以包含以下六大原则：

1. 在不触动国际体系中守成集团既得利益的前提下，努力开辟新的利益增长点。这是做加法而不是做减法的增量原则。

2. 在自身根本利益和总体利益不受损的前提下，尽量让对方（尤其是弱小的一方）先得利、多得利。这可视作"积极让利原则"。比如在台海关系中，中国大陆就通过对台湾地区积极让利，赢取两岸关系的互信，促进了海峡两岸的合作共赢，降低了冲突的机会和风险。

3. 不以损害别人，尤其是弱小方的利益的前提下谋求自己利益的扩大。中国的制度中有很多节制和自立的属性，很少通过主动实施对外冲突转嫁内部压力，而是通过内部制度创新和集聚内力的方式来避免受到国际体系冲击。比如在 1998 年亚洲金融风暴中，中国政府通过内部制度改革来化解危机，而不是以人民币贬值的方式将危及压力转嫁给亚洲领国。

4. 在对方不具备条件时，尽量帮助对方创造条件，为合作建立机会。比如帮助非洲国家建设基础设施，创造市场经济的基本条件，帮助其培育市场，改善民生。

5. 国际体系的任何改革，不以优势集团的利益最大化为指导原则。以保证弱势国家损失的最小化为底线。这可视作"公平比例和均衡原则"。

6. 在遵守规则中修改和完善规则。不像老牌资本主义国家在破坏规则中制定规则。这一原则跟中国文化对秩序的强调有很大关系，在不断的学习中适应通用规则，适应以后再改善规则。

其他重要的原则还包括："不过河拆桥"、不以中国的发展成就来否定外部世界的发展成就，也不以外部世界的成就来否定中国等。

由此可知，中国的包容式改进方式说明中国的崛起、发展是建设性的力量而非破坏性的力量，是和平的力量而非战争的力量，是合作的力量而非对抗的力量，而包容式改进方式是当前解决亚洲纷争的重要实践原则和智慧来源之一。

二、亚洲处理纷争的成功案例

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[1] 参见苏长和："走中国的国际体系建设道路"，《当代世界》，2012 年第 2 期。

亚洲各国悠远的优秀文化传统和政治智慧，"和平、发展、合作、共赢"的新型时代要求，各国寻求合作和化解纷争的坚持努力，中国建设负责任大国地位和建立"和谐世界"的坚定追求，不断地推动中国和亚洲地区的各国政府和政治家从理论和实践两个层面，创造了若干处理各种纷争的成功案例，成为亚洲各国人民和世界人民的共同财富。

在多边层面上，亚洲地区有成功建立并运作的多个多边安排，包括上海合作组织、东盟10+3、东盟 +1 和六方会谈等，也包含湄公河区域与图们江区域合作等；在双边层面，中国与诸多国家解决了领土问题，包括中俄边界问题的解决、中越陆地及北部湾边界问题的解决以及中国与缅甸、朝鲜、尼泊尔、中亚三国边界问题解决，另外，中国台海两岸关系也得到了有效缓和与改善，等等。

1. 中俄领土纠纷的成功解决

关于中俄领土问题的解决，可以说在亚洲地区领土纷争的解决中具有代表性，对亚洲其他有关领土纠纷的最终解决可以提供有益的参考。

中俄领土问题具有深刻的历史缘由。中俄关系历史上签订了三十个大大小小的条约，在进行中（俄、苏）谈判时也以十九个条约作为基础，这既为领土问题的解决提供了法律依据，但也埋下了矛盾的基础。可以说，中俄之间领土问题涉及的地域大，历史问题多，很容易产生误解。比如 1689 年的第一个条约被认为是公平条约，但 1858、1860、1864 的三个中俄条约被中国认为是不平等条约。尽管存在诸多矛盾和不同观点，但两国就领土问题的最终解决达成了共识。中俄的领土问题之所以能解决，有几点能作为经验值得借鉴。

第一，政治关系对于谈判有很大影响。在一种不好的政治关系下，正常的和平手段难以奏效，缺乏整体的良好关系的背景，领土问题的谈判是不会很顺利的。

第二，双方想解决问题的诚意很重要。如果没有真正决心和愿望，谈判只是个形式，很难真正解决实质性问题。

第三，边界谈判在和平条件下必须是双方妥协的结果，不可能一方赢一方输。小国的民族意识和民族感情和大国同样强烈，领土谈判不管大国之间还是大国和小国之间，都需要互相妥协和谅解。

第四，要营造正确、宽松的社会舆论环境。在极端民族主义的社会舆论下领土问题是很难解决的。一个国家在真正想解决领土问题时，需要主动营造有利的社会舆论作为引导。

第五，领土问题非常敏感，不能完全实行公开外交，谈判过程要保密。

第六，每个国家领土争端中的历史、地理、人员等问题都很复杂，难以用统一的准则来判定。国际法只是基本的准则，很多具体问题要靠双方协商，因为有些一般性的问题按照国际法可以清楚解决，有的问题难以放到国际法的框架中，就要单独拿出来另外研究，单独解决。

2. 中印领土纠纷的处理

除中俄领土纷争的解决之外，中印两个相邻大国也存在悬而未决的领土纠纷，并且两国因

此而发生过边界战争，印度议会在战争结束后还通过了一系列的反华法令，军事战略也作出了相应调整。一直到 70 年到后期，印度的对华政策才有所改善。尽管如此，两国目前基本上保持着良好的发展关系势头，没有让边界问题深刻影响两国整体关系，边界问题也处于可控状态。这部分得益于我国改革开放以后及时调整了国家发展战略，也提出了改善和发展中印关系的新的思路，这包括：

第一，以求同存异的方式改善双边关系。1979 年 2 月邓小平见印度外长时表示中印要实行求同存异，改善双边关系，包括 1）从中印关系大局出发，双方应该求同存异；2）双方对于边境问题可以通过和平协商方式解决；3）边境问题不应该妨碍中印关系在其他方面的改善关系。（即把边界问题和中印关系整体发展剥离开来）。

第二，本着互谅互让的精神解决中印边境问题。考虑到两国人民的民族感情，只能采取合情合理的方式，各让一些，才能各自说服自己的人民。

第三，在边界问题没有解决之前，推动其他领域的交流与合作。边境问题一时解决不了的话，可以先放一放，在贸易、经济、文化等其他领域还可以做很多其他事情。合作和交往改善了以后，必然会为最终解决边境问题创造条件。

第四，采取"一切向前看"的态度，着眼于未来，要忘记两国关系中的不愉快经历。

经过邓小平的推动，印度方便也作出了积极的回应。在对外战略中，不再把中国看作现实威胁，而是把改善中印关系作为外交重点，使印度同中国、美国和俄罗斯的关系趋于均衡发展。在双边关系方面，不再把解决边界问题作为中印交往的先决条件，而是在谈判的同时促进交往发展。在边境问题上，不再坚持把中国人赶出所谓印度的每一寸土地，而是明智地选择了政治解决方法和途径。在涉藏问题上，不再与西方保持一致，而是保持了适当的距离，并对达赖集团在印度从事反华活动进行了一定程度的限制。

在宽松的双边关系背景下，1993 和 1996 年中印签订两个重要协定，边界地区多年来也相安无事。由上可知，中印探索出行之有效的边境处理之道，把边境争端控制在了可控的范围之内。

3. 中日钓鱼岛问题管控

基于种种原因，中日关系当中的纠纷较多，但大多也基本上得到了控制，没有扩展开来，这样的状态维持了几十年。在经济方面，双方发挥智慧，以合作来缓解纠纷。中日双方的政治家也意识到领土问题最终会引起两国之间的大问题。

从制度建设上讲，日本鸠山首相主张学习欧盟，争取中日两国利益最大化、纠纷最小化，争取能够达到忽略纠纷的程度。日本的一些经济学者认为，随着科技的发展与新能源的开发，钓鱼岛周边的油气资源可能就不再具有很大的经济价值。我国前国务委员唐家璇倡导中国对于中日的经济关系要上大项目，比如崇明岛的项目、浙江的生态园，将双方的利益捆绑起来。日本福田首相也主张，通过区域合作建立大平台，发挥双方的各自优势，达到多方利益的捆绑，来尽可能

地化解领土争端。中日合作以后太平洋将成为内海，物资、人际的交流都更为方便，通过利益、人际的交流来缓解争端。

至于钓鱼岛问题，双方学者都花费了很大力气，但是解决争端的效果并没有达到预期。鉴于现实，钓鱼岛问题应该个案化，尽量还原到事件的本来状态，争取日方接受"搁置争议"的主张。中国现在采取的方法是表明事实争议，但存在与日本擦枪走火的风险。

4．中韩"高句丽问题"的处理

2004 年高句丽历史问题曾一度成为举世关注的问题。高句丽历史问题的产生起因于韩国民间出现的反华历史小说，中国学界起而反击，本无可非议，但双方处理都有不当之处。表现为中国方面高调宣言"东北亚工程"及韩国学者的曲解、高句丽世界遗产问题宣传不当、中国外交部网站"韩国"解说词的不适时改动等，引起了韩方强烈反应，百万人上街抗议，甚至出现焚烧中国国旗等极端的行为。这一事件的产生有韩国方面的因素，也与中国方面的某些失策有关。但中韩还是成功处理了这一历史问题产生的风波，有一些思路和方法值得总结。

第一，以大局为重。尽管双方在高句丽历史问题上存在原则分歧，中方认为高句丽是中国古代的地方少数民族政权，唐朝与高句丽的战争是统一战争；韩方认为高句丽是朝鲜古代的主要国家，如高句丽不属于朝鲜，则朝鲜历史的三国时代将不复存在，涉及重写朝鲜史，唐高战争自然也是侵略战争。这种分歧非常尖锐，难以调和。但这样的争执和分歧比较中韩两国的政治、经济、安全、外交等重要利益国家利益来说，并不重要，并非核心利益问题。双方达成的共识是不能让此类分歧以及由此而起的争执，甚至过激的做法，干扰双方友好合作的大局，断送来之不易的中韩关系蓬勃发展的大好形势。对于争执问题与两国关系发展，孰重孰轻？双方作出了正确判断，并让国民接受，这是处理好中韩高句丽历史问题的重要前提和主要经验。

第二，搁置争议。高句丽问题是对 1000 多年前东亚历史问题的评价，历史上一直存在不同意见，包括中国学者也是意见不一，不可能在短期内得到一致的结论，甚至永远都难以形成一致的看法，但并不影响当前两国的实际边界和领土问题。为此，应当搁置争议，允许双方各自保留自己的观点。中国一些学者提出的"一体两用论"得到比较广泛的认同。双方同意由学者们作为学术问题去研究，提出详细而充足的论证，求同存异，而不是把自己观点强加给对方学者和政府，这是中韩高句丽历史问题风波能很快平息的重要因素。

第三，高层沟通。对待高句丽历史问题这样的严重分歧，双方高层的及时沟通是非常重要的。如果都采取强硬态度，恶语相向，事态势必恶化。在处理高句丽历史问题的过程中，双方高层及时采用对话、谈判的方式，消除彼此的误会，澄清分歧的内容，避免可能发生的误判，心平气和地进行对话，是高句丽历史问题避免矛盾激化和恶化的重要原因。如果双方政府拒不见面，高调对应，不及时沟通，事态的变化可能是完全另外一个样子。

第四，相信后人智慧。对于高句丽这样的历史问题，双方都应该有足够的耐心，相信后人

可能会有更好的智慧和办法来解决。与其今日争得头破血流，不如留待将来心平气和、互谅互让，妥善得到双方都能接受的结果，这从中俄解决黑瞎子岛的案例中已经得到求证。高句丽历史问题也一样。笔者还以为，随着全球化的历史进程加快，人类正由国家公民向地球公民演进，对于1000多年前的高句丽是属于中国，还是韩国？在未来的地球公民眼中与今天的国家公民眼中的份量应该是大不一样的。如果东亚一体化的程度在未来发展到欧洲那样的水平，双方对于此类分歧的重视程度和争执程度定会随之大大下降，到那时应该会更有条件和可能合理地解决这些分歧，或者也可能这些分歧因不再重要而自行消解。

三、如何有效处理亚洲的纷争

目前，亚洲争端涉及许多领域，从领土问题到历史问题，从宗教冲突到资源争夺，都存在一时难以解决的尴尬局面。下文主要就中国与他国的领海和领土问题的可能解决进行深入探讨。

1. 基本思路

基本思路可分为两个方面，第一是对待主权的问题；第二是具体策略和实施办法。主权问题是最敏感的问题，但也是核心的问题，如果在这个问题上没有创新性，不改变老的观念，纷争的解决就会成为空谈。主权问题的创新也需要根据历史和现实进行，因此在具体的操作层面，需要有合理务实的策略。

（1）创造性地对待主权问题

首先，中国对待海洋主权要有新的突破，以打破僵局。由于陆地的边界可以分割得很清晰而海洋相对模糊，因此在海洋问题上要有超越传统的陆地主权观。

其次，海洋主权与海洋资源权可以分离。陆地画条线就能分割得很明确，而关于海洋利益纠纷的解决可以通过分享的办法实施，海洋资源可以采用共享而非分割的办法。

再次，主权模糊与分享的途径应该多样化。一是，坚持主权声索国各自的主权要求，但彼此承认在相应问题上存在争端（比如中日钓鱼岛争端）；二是，搁置主权争议（例如在南海问题上邓小平提倡的解决思路）；三是，主权共享（如同一个屋子只有一个屋顶，要分开很难，现在可先共享这个屋顶，再创造屋下的东西，这就是所谓"屋顶理论"[1]。台湾马英九上台后承认两岸都同属中华民族，然后再讨论具体的事务就依据了这一思路，有利台海关系稳定）。

（2）灵活性的策略实施

在海洋资源的争端上有三种解决途径：资源分割、共同开发、不开发（长期以来中日对钓鱼岛的处理）。具体的实施策略可以分为：

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[1] "屋顶理论"也可称为"部分秩序理论"。"屋顶理论"产生于1970年代，是当时西德总理为推动东向政策与东德、苏联和解下的产物。可参见张亚中：《两岸主权论》，生智文化事业有限公司（台北），第53—67页。

首先，在边界争端上（尤其是中印边界争端），要循序渐进，不能急于求成。避免官本位对国家利益产生冲击，追求暂时的政绩而忽略国家的战略利益。同时，要有解决争端的政治意愿（若领导人不愿承担政治风险，更愿把问题留给后人去解决，则问题的解决就会拖延）。

其次，要以善意出发，以和平、谈判和合理的方式解决冲突。为了问题的解决，双方应建立良好、适宜的双边关系，这是解决争端的基础，同时也要努力促进周边地区的和平与稳定。在这样的环境下，双方本着和平的基本方式，在相互体谅的精神指导下，以有取有予的态度进行谈判。同时，坚持依法办事，有正对性地做好法律研究及应对预案是解决争端的手段。

第三，通过某个问题的解决形成示范和连锁效应，为其他问题的解决奠定基础。中国要解决海洋问题，成为海洋强国，特别是要完成从区域性海洋强国到世界性海洋强国的转型，南海问题的解决是关键，是标志性问题。对此中国应就海洋通道安全设立国际论坛、区域论坛，发挥一个大国应该发挥的作用，同时，应跟东盟一些国家就实施渔业管理制度构建进行商讨。

2. 具体实施办法

（1）南海问题的解决

关于南海问题有两种解决思路，一是认为我国在快速发展，时势对我们有利，只要管控好，不要让更多的侵权事件发生就行，逐渐为问题的解决创造条件。二是认为南海问题必须尽快解决，循序渐进是行不通的。无论如何，南海问题的解决都应解决好如下几个问题。

首先，明确"九段线"的内涵与外延。

南海问题的核心是中国南海九段线的性质及线内水域的法律地位。没有九段线的划分，就没有中国对南海主权声索的合法依据。

国际社会关于海域划分主要有四种学说：历史性水域说、历史性权利说、海上疆域线说和岛屿归属线说。这些学说都可主张中国对南海岛礁的所有岛礁沙滩洲及其附近海域的主权，但是对南海九段线的水域法律地位主张不同，尤其不支持中国对线内水域进行有效管辖的权利。

所以九段线内南海岛屿归属及资源管辖线的权利应该明确如下几点内容。第一，段曲线内的所有岛礁沙滩洲主权都属于中国；第二，中国可以选择部分南沙岛礁为基线划定群岛水域。但是群岛水域应该不妨碍其他国家的过境通行权。采用南沙群岛的群岛水域是为了获取中国更多的水域面积；第三，中国在南沙群岛上面的上浮水域、海塘及其底土等自然资源具有主权权利。海域范围应该根据两个情况来加以界定：海洋法和历史权利；第四，在中国内水以外的海域，其他国家继续享有航行、飞跃及其他国际法有关的合法用途的权利。

无论如何，我国必须坚持南海段曲线的法律立场。各方面也要整合力量进行研究和商讨，特别是加强这一主题的出版和发行，也可邀请国外（欧美为主）的国家帮助我国做好宣传报道。

其次，法律权益与历史权益的有机结合。

坚持法律权利与历史性权利相结合的主张划定中国岛屿及其所辖海域。根据段曲线早已具

有了资源管辖线的性质，具体反映到线内水域的法律地位来看，线内水域具有两种类型不同性质并行存在的水域，一是海洋法制度下的水域，依据海洋法公约确定下来的水域，包括领海、专属经济区等等；二是基于历史权利下的特殊水域，即联合国海洋法公约1982年以前中国主要依据历史性权利，包括捕鱼权、测量权、航行权等等权利来确定的水域。这两类水域的法律地位是完全符合联合国海洋法公约的制度性规范和中国的国内法规定，特别是专属经济区和大陆架法和海洋环境保护法等等的规定。因此在坚持我国南海海洋权益时，法律权益与历史性权益应该有机结合，相互补充。

第三，法律手段与政治手段的有机结合。

作为联合国海洋法的签署国，我国应旗帜鲜明地主张依据该法来解决争端。但是不能依赖法律，迁就法律条文，被海洋法所束缚。这是因为使用法律方法无法解决南海问题特别是领土争议问题。

因为要用法律方法，包括要用国际法来管辖南海争议的话，必须得到相关方的同意，同意的方法有两种：选择性声明；通过应诉管辖的方法接受国际法院的管辖（甲方在不知道乙方是否接受管辖的情况下，向国际法院提交争议案件。乙方如果认为争议必须接受的，就可以接受应诉管辖的管辖）。菲律宾在1972年1月18日做出了接受国际法院管辖的声明，但是对与国际海洋管辖权、与菲律宾陆地领土有段的争端做出了保留。对菲律宾来说，与海洋管辖权和领土争端有关的国际法院没有管辖权。中国、越南、马来希腊等其他国家没有就国际法院规约第36条做出选择性声明，所以国际法院管辖存在很大困难。考虑到中国、越南、菲律宾都是联合国海洋法公约的缔约国，我们需要讨论国际海洋法法庭是否可以管辖南海领土争议问题。从中国来说由于2006年8月25日向联合国秘书长提交了排除国际司法或仲裁的书面声明，针对涉及海洋划界、领土争端、军事活动方面的争端，与中国重大利益有关的争议，中国排除了接受国际司法仲裁管辖的声明。如果中国不撤回该声明，或者说不进行应诉管辖的话，国际海洋法法庭也没有对领土争议问题进行管辖的权利。

同时，若坚持只通过法律途径解决南海问题也对会我国产生不利的局面。这是因为现行国际体系对我们不利，某些历史性权益也不能完全以诉诸法律方式来解决，反而增加解决争端的复杂性。

因此政治方法是解决南海争议问题的必要方法。这就要通过双边协商谈判等方式达成互谅互让，以促进双边整体关系为目的，以双边整体关系的发展为基础，以强烈的政治意愿促进南海问题的和平解决。基于此，与相关国家开展合作，促进事态朝向积极方向的发展是当务之急，比如合作开展海洋科学研究、海洋环保、海洋测量、海上搜救、打击海盗等。

（2）钓鱼岛问题的解决

首先，应让日本承认争议性的存在。

国际法指出，两个国家之间在法律或事实上的任何一个方面存在分歧，或者在法律观点或利益上面存在冲突的状况，就会被国际法承认为"争议"。

日本长期以来否认在钓鱼岛问题上存在争议，否认搁置争议共识的存在。日本 2012 年 9 月国有化的主要目的是为了向国际社会限制对其管辖，希望以后在国际司法实践中争取所谓有利地位，再加上美国偏袒的态度，使得中日两国的钓鱼岛争议解决出现了很大难度。让日本承认钓鱼岛主权争议性，具体的做法就是"争锋相对"。日本人上钓鱼岛我们也必须上去，现有的航标灯必须撤掉；海上日本的船只不能进入；空中日方飞机不能进入。通过针锋相对，不做任何让步地来压制日本，迫使日本承认争议。

其次，进一步地确认双方共识的存在及积极效果。

尽管各自争议在文件中没有出现，但是在《中日和平友好条约》换完后的两天以后的 1978 年 10 月 25 日邓小平在日本记者俱乐部回答记者提问时的内容可以看出，在中日邦交正常化，中日和平友好的谈判过程中，双方领导存在约定不涉及钓鱼岛问题的事实。在记者招待会上，日本政府也不做出否定或反对的表态，所以可以认为是默认。这种表态具有补充《中日和平友好条约》内容只具有原则性和抽象性的缺陷，从一定意义上来说具有解释性的作用和效果，是对条约来源和背景的进一步说明。

友好条约交换以后，到 2010 年为止，日本政府以搁置争议为原则精神来处理钓鱼岛问题。具体表现在：不登岛，不调查，不开发，不处罚。这对于中日两国处理钓鱼岛问题产生了一定的积极的效果和作用。

第三，应该让日本停止对钓鱼岛周边海域实施的所谓非法警备体制及其他非法活动。

中国于 2012 年 9 月 10 日公布领海基线以来，已经初步完善了领海制度，并实施了常态化管理。但是为了管辖日方的非法损害活动或有害行为，包括他们的海上保安厅的驱赶渔船、跟踪监视等行为，必须制定相关的法律制度，包括指定管辖海域巡航执法管理处罚制度。领海内外国船舶无害通过和有害通过的制度规范。当然加强两岸海洋问题合作也相当重要。

第四，在处理该问题是双方应坚持理性、和平和非武力的方式。

双方不采取进一步的行动来推进各自的主权诉求，维持现状，不使事态升级和恶化，不使问题复杂化，同时，不使用也不威胁使用武力，防止可能的暴力事件出现，探索危机预防和管控的措施。

四、对亚洲的建议

亚洲人口占世界五分之三，经济总量占三分之一，[1] 在经济全球化时代，它是国际社会的重要力量，也是充满希望的大洲。如今，在大多数国家处于快速工业化和现代化阶段，亚洲各国应以理性、平和、自主的方式解决内部纷争，自信地开展广泛合作，以维护亚洲的独立、团结、稳定与繁荣。在纷争解决的过程中，有如下几个原则需重点关注。

1. 立足亚洲，多方借鉴

较之其他地区，亚洲有其自身的独特性，这决定亚洲各类纠纷的解决首先应立足亚洲，借助亚洲智慧，以亚洲方式化解，不能照抄照搬西方或其他地区的冲突解决模式。因此深入了解和探索亚洲纷争的本源，尊重和遵循亚洲人民共同价值观和习惯，创造性地寻找切实可行的解决途径，不能一味以外部尤其是西方理论（如人道主义干涉、武力威慑等）为指南。[2]

在立足亚洲的基础上，不能一概否定其他地区的冲突解决模式对亚洲纷争的解决所具有的借鉴意义，应多方了解和学习其他地区在具有和亚洲相似背景和情境下的成功案例，为本地区的纷争解决找到有借鉴意义的线索和思路。

2. 循序渐进，和平自主

亚洲纷争从种类、激烈程度、所涉领域和国家(地区)都多种多样，极其复杂，这决定不能以简单、粗暴和一蹴而就的方式解决问题，而应遵循循序渐进、由浅入深、由简至繁、由易趋难的解决步骤。

另外，基于问题的复杂性和敏感性，寻求解决时应尽量避免非和平方式的运用，避免使用武力威胁、干涉和武装冲突，坚持主权独立与平等原则，以平等、和平、外交和谈判的方式解决冲突。同时，应将问题置于区域内部解决，坚持区域内自主解决的坚定立场，不应将问题解决延伸至域外，防止域外力量的不合理干涉，并使问题的解决复杂化。即使在域内，也应主张由相关各方协商解决问题，无关各方的参与会使问题更加复杂化，不利于解决。

3. 合作共赢，价值整合

应以积极和建设性的视角看待诸多矛盾和问题，从合作、共赢、发展的角度逐渐削弱问题的消极面，使之转化为积极面。努力挖掘可合作领域，以促进地区发展和繁荣为目标，加强经济、社会、科技、环境、资源、安全等诸多领域的深入与全面合作，实现合作的制度化和长期化。

同时，鉴于一体化进程对其他地区（尤其是欧洲地区）和平与繁荣的巨大推动作用，促进亚洲一体化也应是本地区共同努力的方向。考虑到本地区的复杂性和多元特质，在经济整合的基础上，在共同反帝反殖反霸的历史经验基础上，在悠久的传统政治和文化交往基础上，在共同的地缘背景

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[1] 《李克强：亚洲经济增长对世界的贡献率超过 30%》，2012 年 4 月 3 日，中国网：http://finance.china.com.cn/news/gnjj/20120403/634168.shtml

[2] 比如欧洲，在欧盟（the EU）基础上，实现了高度的综合性一体化，在经济和社会领域实现了部分主权的让渡，并由此解决了困扰欧洲几个世纪的国防安全问题，但这一理论和实践模式不适用于亚洲各国高度重视主权平等和独立，经济发展水平差距甚大，文化和宗教高度多元的现实。

下，逐步以发现、发掘、塑造和强化亚洲共同价值观为突破口，在实现共享价值观的条件下，将域内矛盾和冲突的性质与解决办法逐渐软化、弱化，以柔性方式和在共识基础上解决问题。[1]

4. 以史为鉴，面向未来

由于亚洲国家是世界主要文明的重要发源地之一，各国间关系历史悠久，各类问题的来源也大多具有深刻的历史渊源和复杂的演变历程，因此问题的解决不能只着眼于当前现状和采取机会主义与投机手法，应本着尊重历史，还原历史真相，在此基础上以面向未来、面向子孙后代的大局观，以寻求地区普遍和平、全面发展与繁荣为目的，致力于各类问题的解决。

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[1] 有学者论述欧洲一体化时认为，欧洲也是在国家层次的多元价值认同和欧洲层次的单一认同基础上发展一体化进程的，这些价值认同在一体化进程（伴随严重冲突的化解）中发挥着显著影响。相关文献可参考：Brie, Mircea and Polgar, Istvan and Chirodea, Florentina: Cultural Identity, Diversity and European Integration. Introductory Study. Published in Annals University of Oradea. International Relations and European Studies No. Supplement, 2012, pp. 1−342. Yusi Teng, Cultural Identity and European Integration, Munich, GRIN Publishing GmbH, 2008

亚洲法律智慧的多元性与统一化

韩涛、李世刚、马忠法、李传轩

引言：法律智慧与法律统一化

在比较法上，"欧洲法律智慧"长期受到高度重视，但"亚洲法律智慧"鲜为提及。亚洲地区是世界上法律传统最丰富、法系最多样化、法律"基因"最复杂的区域。在这里，有亚洲固有的中华法系传统和阿拉伯法系（伊斯兰法系），过去有研究者还认为亚洲存在着蒙古法系、印度法系、俄罗斯法系等等，还有英美法系（如印度、新加坡、马来西亚、巴基斯坦、孟加拉、文莱、中国香港特别行政区）、大陆法系（如日本、中国台湾地区），还有许多国家是跨法系的，兼具不同法系的特点。由于亚洲法律的多样性，使得亚洲法律智慧具有更丰富、更多元的特点。法律的多样性决定了法律智慧的多元性，这对于国际法律生态是一个客观事实，对于国际间法律相互借鉴是一种积极因素，但对于国际间法律合作却是一个难题或障碍。值得欣慰的是，亚洲法律智慧在当代，一定程度上体现了人类的普适价值，也为亚洲和谐和繁荣起到至关重要的作用。随着经济全球化和风险时代的到来，亚洲安全与非传统安全问题日益突显，如何实现亚洲法律智慧融合与统一，则是摆在亚洲各国面前的重要课题。

国际间"法律统一化"运动源远流长。以罗马法和自然法为基础的"共同法"观念已经归于消亡，取而代之的，是出现了以法律比较为基础的共同法。北欧国家特别是斯堪的那维亚各国的历史与文化共性，以及贸易扩大和交通联络改善，北欧各国在 19 世纪最后三分之一的时期里，开始在立法领域上紧密合作。1872 年，抱着促进北欧法律统一的目的，法学家们在哥本哈根举行会议，通过了一项决议，表示首要的目标是统一北欧票据法。瑞典、丹麦和挪威的司法部长们接受了这项建议，并迅速进行准备工作，于 1880 年在这三个国家全部同时实施统一的票据法。其后的若干年时间里，人们把注意力集中到商法的各种事项的统一上，并且在世纪转换之前，关于商标、商业登记、商号和代理权以及票据法，实质上实行了统一的法律。斯堪的那维亚的海洋法，自 1891–1893 年以来也建立在统一的立法基础之上。1899 年，有北欧法学家提出，不仅要统一商法，还要统一其他的私法，并且向着制定一部斯堪的那维亚民法典迈进。北欧各国政府对此建议达成一致意见。但大家还是首先着手统一财产法，出台动产买卖法草案后，于 1905 年在瑞典实施，1906 年在丹麦实施，1922 年在冰岛实施。北欧国家由于彼此合作，也提高了立法的质量。20 世纪以来，北欧各国共同法运动进一步发展，另一个成果就是"关于契约及财产法领域的其他法律行为"（——在瑞典的名称）。该法 1915 年至 1919 年先后在瑞典、丹麦和挪威实施，1929 年在芬兰实施。

　　"以法律比较为基础"的共同法观念确信，建立在经验基础上的、为各个文明国家所共有的法的一般原则，力图打破在各国法制间存在的反理性的壁垒。1900年8月在巴黎举办万国博览会之际召开的第一次国际比较法大会上，巴黎大学的萨莱伊教授提出"文明人类的共同法"，里昂大学的朗贝尔提出"立法共同法"，成为比较法的标志性口号。第一次世界大战后所显示的和平意向对比较法十分有利，朗贝尔曾感到建立包括中国和日本在内的"国际共同法"的可能性。当时"法律统一运动"也取得了进展，但由于集权主义国家观念出现，到第二次大战的危机到来之前，对"共同法"的热情已开始冷却。

　　历史上，由于受到传统和地区化的影响，亚洲，特别是以中日韩三国为主的东亚地区曾形成一个统一的文化共同体，谓之"儒家文化圈"。在法律智慧方面，历史上的东亚法作为整体通常被称为"中华法系"。中华法系有一些共同的特征，反映在东亚各国的法律智慧上，主要表现为除了中国自身以外，中华法系各国法都是在继受中国法的基础上发展起来的。尽管各自传统和习俗有所不同，但是从法文化传统上看，中国法是他们共同的基因。不论是法的观念还是法的精神与价值取向，都受到传统儒家思想的影响。然而，随着近代化浪潮的袭来，东亚共同的法律传统在近代开始发生变革，中华法系在西法东进中趋于解体。

　　日本的近代化始于1868年的"明治维新"，明治维新后日本逐渐放弃源自中国的律令体制，开始大规模的移植西方法，建成了以欧陆法为范本的近代法治。从模仿欧陆法开始到二战后受美国法影响至今，日本在法律体系上已经被纳入西方法系。而从19世纪后半期开始，朝鲜半岛也开始超着近代化开始努力。韩国独立前后法治的近代化，从受日本近代法支配到接受欧美法，体系上也被纳入了西方法系。作为中华法系母法的中国法，在近代开始后在西方列强的侵略下受到重创。特别是在新中国成立以后，在法律体系、立法和司法体制上与东亚其他国家有着很大的不同。从整体上看，东亚诸国的法律价值和目标是有很大差异的，在实行社会主义体制的国家与实行资本主义体制的国家之间，这种差异可以说是原则性的。虽然从现在的东亚法的实况出发，可谓是异同并存。除中国香港地区外，东亚法都是法典化的成文法，这是东亚地区共同的法律现象。有学者认为，现今东亚法中的"同"更多是形式上的、历史性的和表面化的，而"异"则是实体上的，现实性的。但是，这并不排除具有共同历史文化传统的亚洲国家在经济一体化的国际背景下，在法律统一化的机遇和需求上存在着一定的空间。

　　法律多元性为法律智慧的丰富提供了条件，同时，法律智慧为国家间的法律统一提供了依据，也创造了条件。21世纪以来，中国、韩国和日本等国的民法学家在一起共同研究探讨三国民商事法律统一的可行性方案，特别是以合同法和侵权责任法为主的"亚洲模范法"。在2013年5月举行的上海论坛－法律分论坛上，我们将把这个研究团队的主要代表性学者邀请到复旦大学，共同研究探讨亚洲民商法的统一化问题。

分主题一：亚洲和谐与法律智慧

亚洲是当今世界最具活力的区域，亚洲的和谐与发展，对于世界的和平稳定、全球的繁荣昌盛、人类的共同福祉，具有举足重轻的作用。

回顾历史，亚洲各国人民在漫长的发展过程中，充分发挥聪明智慧，创造了悠久的历史与灿烂的文明，形成了异彩纷呈的社会形态、政治体制、经济制度与思想文化。尤其是孕育了蔚为大观的法律文明，承续了雄浑厚重的法律传统，积淀了博大精深的法律智慧，对于人类自身的治理途径与社会秩序的维护方式，提出了各种独具特色、个性鲜明的样态与模式。无论是儒家法文化影响下的中华法系，还是深受宗教影响的印度法系、伊斯兰法系，以及其他各国的法律文化，均曾为亚洲的和谐稳定与有序发展，做出不可磨灭的贡献。

长期以来，亚洲各国在共同的经济文化交流与政治合作历程中，形成了良好的互动关系。由于文化的差异、制度的分歧、经济的纷争、法律的多元等原因，各国之间也发生过不愉快的冲突与争端，但历史的经验表明，亚洲各国之间一损俱损、一荣俱荣，只有亚洲的整体和谐，才有利于各国的成长与发展。而亚洲的法律智慧，在解决国际纠纷与争端的过程中，也发挥着越来越重要的作用，法律，已成为各国彼此沟通的桥梁、相互理解的枢纽、建立和谐关系的规则基础、解决纠纷的基本共识。

关照当下，当今世界，亚洲国家间的交流与协作，已经成为不可逆转的全球化潮流的一部分，亚洲内部的和谐，是世界文明发展之要求，是人类共同福祉之所系。而面对风云变幻的国际形势与日益多元的利益诉求，加强不同法律制度间的合作与和谐共处，更是势在必行。只有不同的文明，尤其是法律文明，和谐共处，求同存异，取长补短，融合会通，才能适应全球化的要求，提炼共同的价值基础，达到国家间的双赢与多赢。

展望未来，实现亚洲和谐与和平发展，是一项复杂的系统工程。需要亚洲国家整体面对、共同解决，需要亚洲国家相互之间更加密切的交流与合作，更需要来自政治、经济、文化等方面的集体智慧，尤其是法律层面的智慧支持。作为治理手段与生活方式，法律的智慧，将政治、经济等方面的争端与纠纷，纳入和平有序的轨道，并以法律体系的合作与共生、法律传统的转化与创新、法律文明的移植与借鉴等方式，促进法制的趋同化，形成普适的制度文明，在共同认可的价值基础上，实现纠纷与争端解决的和平化、秩序化、规则化，促进亚洲的整体和谐。最终以亚洲的和谐，推动世界洲际之间的和谐，推动人类文明的共同发展。

作为儒家文化影响下的文明古国，中国已经在亚洲的和谐中发挥了重要的作用。我们完全有理由相信，一个东方文明为基础的强大的法治化的中国，必将为亚洲未来的和谐与发展，提供更加重要的智慧与力量。

分主题二：风险社会的亚洲民商事法律统一化

随着经济全球化的进程，传统上完全的国家化社会结构正面临巨大的冲击和调整，作为社会结构中上层建筑组成部分的法律，也必然随之发生变化。近现代以来，随着科技的突飞猛进，新的社

会问题也如雨后春笋般的爆发出来。一个充满了各种风险的社会已成为当今世界各国所共同面临的困境，成了世界性的难题；而不同国家或地区之间的法律冲突也带来了新的风险抑或加重了风险的程度。因此，具有指引人们趋利避害的民商事法律的协调与统一工作就显得尤为重要。

亚洲学者对此已经形成一定的共识，并已经就民商事领域内最为基础的合同法与侵权责任法开始起草亚洲模范法，当然这仅是亚洲民商事法律统一进程序幕的开启。此次上海论坛必将为这一进程起到积极作用。

1. 对亚洲民商事法律协调与统一的认同

民商法地区之间的协调与统一是当代无法抗拒的浩荡潮流，欧盟官方与民间不断努力推动民商法律统一化即为例证。而亚洲作为世界上法律多元、复杂的地区，更具有民商法律的合作与统一的要求，以共同应对风险社会中的难题；而亚洲各国具有类似而不同于其他地区的文化与历史背景，使得民商法律的协调与统一具有了某种程度的可能。实务已经表明民商事法律的区域性统一不仅最具有可行性，更是亚洲各国、各地区之间加强人员、技术和物资交流的迫切需求。亚洲各国经济的一体化，尤其是市场经济在全球的普及，使国内市场与亚洲市场一体化，国内市场成为亚洲市场的一部分。劳动的分工与合作，市场的共享和互补，把各国的自然人，法人均连结在一起。

为此，亚洲各国的法律学者频繁奔走，上下求索，为促进亚洲民商事法律的统一做出了巨大贡献。2012 年 5 月举办的上海论坛首设"法律分论坛"，主题即为"亚洲未来十年的法律合作"。来自中、韩、日、俄、印等国著名的法学家聚首上海，共同研讨亚洲法律合作的前景。与会的日本著名民法学家森岛昭夫教授，曾代表日本帮助过越南、柬埔寨等亚洲国家制定民法，他在演讲中就倡议建立一种信息共享平台，来促进亚洲民商事法律统一化和合作，这一呼吁得到了与会者的积极响应。

可以说，面对全球与欧盟致力于法律的协调与统一的努力，亚洲学者高度认同对亚洲诸国民商法进行协调与统一的必要性与可行性。

近十几年来，亚洲学者之间的学术交流与会议颇为频繁，但亚洲学者们已不满足于对各国既有规则差异的认同与比较，他们已经开始推动亚洲民商事法律的协调与统一。

2. 亚洲民商事法律统一的重要环节：亚洲模范法的编制

亚洲学者已经着手于亚洲模范法的编制工作。他们首先选取了民商法领域内具有基础和支撑地位的两个部门——合同法和侵权责任法——开始起草亚洲模范法。这一实质行动开启了亚洲民商事法律协调统一的新阶段。

2.1 两部亚洲模范法的编制工作

2.1.1 就合同法而言，2009 年由中日韩三国学者共同倡议和开启了《亚洲合同法原则》起草工作。它旨在通过对三国及亚洲其他国家现行合同法作比较研究的基础上，整理出合同法的一般规则，为合同法在亚洲的趋同做出努力。在过去的三年间，起草工作以不定期论坛与学术研讨等形

式已分别在北京、东京、胡志明市、首尔等地举行了多次会议，就合同订立、合同效力、合同解释、合同履行、违约及救济规则进行了研讨，并形成了相应的草案。

2.1.2 就侵权责任法而言，2010 年"东亚侵权法学会"成立，并通过了"伊春宣言"，该学会旨在团结东亚各法域以及亚洲其他法域的侵权法学者和司法实务工作者，研究东亚各法域侵权法，制定《东亚侵权法示范法》，促进东亚各法域侵权法的统一，为亚洲侵权法的统一奠定基础。

2.2 复旦大学法学院对亚洲模范法编制工作的积极参与

复旦大学法学院的老师也积极参与和推动了这两个模范法的起草工作。例如 2011 年 7 月复旦大学举办了第二届世界民商法论坛和东亚侵权法论坛，在刘士国教授的积极促进下，会议邀请到"东亚侵权法学会"的核心成员，后者借此次论坛推进了《东亚侵权法示范法》的起草与后续工作。又如，李世刚博士作为《亚洲合同法原则》的起草人之一，一直参与和跟进该项目。《亚洲合同法原则》韩方负责人、韩国首尔大学教授李英俊先生，已经欣然接受邀请，将出席此次上海论坛，并已答应出任复旦大学法学院"国际咨询委员会"委员。可以说，复旦法学院一直重视和参与亚洲民商法的协调与统一工作，此次上海论坛将是复旦法学院对这一工作的又一重要贡献。

3. 亚洲民商事法律协调与统一的远景

虽然学者们孜孜以求，做出了极大的努力，但事实上，我们离亚洲民商事法律统一的目标还很遥远。技术上的困难主要来自于两方面：一方面，我们必须面对亚洲各国法律传统、政治背景、风俗民情的巨大差异和某些现实困难，认真细致地考察出合适的模范原则和规则，这将是一项十分艰巨的工作。另一方面，民商事法律涉及领域众多，前述合同法与侵权责任法不过是最为基础的一环。公司法、破产法、票据法、保险法、劳动法等领域规则的协调与统一将更具有消除法律差异所导致的风险问题，但同时法律的协调与统一也将更为艰难。

我们坚信，亚洲民商事法律最终能否统一并不重要，因为重要的是在这个制定模范法、寻求统一的过程中，各国学者将对邻国的经验和特别之处予以发现和理解，对本国法律的特殊之处予以检讨，最终会通过功能比较促进不同法域之间规则的协同。可以说，过程重于结果；探索重于解决。而探索与过程必然需要学者们的坚持与合作。我们相信，这次"风险社会亚洲民商事法律统一化"论坛必将为亚洲民商法律协调与统一工作做出不可磨灭的贡献。

分主题三：亚洲金融法走向统一化的可能性

金融，可谓是当今亚洲各国的核心关切。它关系着一国的治乱，更关系着区域乃至世界的稳定与繁荣。对亚洲而言，20 世纪末以降经济的飞速增长，已经深刻地影响了世界格局，乃至有"亚洲世纪"一说。根据亚洲发展银行（ADB）的报告， 到 2050 年，亚洲人均收入若以购买力计算，将六倍于今日欧洲之水平。然而，机遇也伴随着危机：金融发展犹如高速前行的火车，而作为"铁轨"制度却未及时跟进。在此意义上，金融法制的革新，乃是亚洲各国未来发展的头号拦路虎，也

日益成为头等大事。

在此语境下，这样一些问题值得我思考：

其一，原先亚洲各国的金融治理模式，局限何在？

就国内层面观察，亚洲各国的飞速发展，往往与其本国的独特模式紧密相关。亚洲国家普遍有着强国家传统，重团体而轻个体、重义务而轻权利……这一系列特征，以及基于这些特征的金融治理模式，是否足以使各国从容应对当今的挑战？现存的危机，与亚洲金融法制的统一化之间有何牵连？从法律人的视角，我们能为各国金融法制的发展方向提供怎样的思路？

其二，迄今为止，亚洲国家间金融法制合作的成败得失是什么？

从国际层面观察，迄今亚洲各国已日益彼此依赖，相互影响，也相互融合。它们开展了一系列合作，其中很多内容与法律制度的安排相关。其中，有哪些值得借鉴的经验，与值得反思的教训？

其三，在金融法制统一化的语境下，各种主体所扮演的角色分别是什么？

金融法制统一化需要经过漫长而艰难的改革，尤其是政府管理的现代化与体制的重组。立法机关、行政机关、司法机关、公民、企业、国家、国际组织……它们所各自承担的责任是什么？

分主题四：亚洲环境、资源与气候的法律问题

一、气候变化下亚洲环境与资源的脆弱性评估

受自然条件和经济发展因素的影响，非洲和亚洲成为世界范围内受气候变化影响最大的地区。以当前的或高于当前的速率排放温室气体，将会在 21 世纪期间造成温度进一步升高，亚洲地区气温增幅在 2°C 左右，[1] 环境与资源脆弱性显著：

1、资源：到，预计中亚、南亚、东亚和东南亚地区，大的江河流域可用淡水资源大大减少；生态系统压力增大，生物多样性、生态系统和服务严重受挫，生物资源短缺；

2、环境：来自海洋的洪涝增加、上升。

二、亚洲气候变化问题的应对：气候适应对气候减缓补充与替代

适应与减缓已是公认的应对气候变化的两条基本政策路径。早期的研究与实践更多关注减缓及减缓的合作方式，但近些年来，适应问题的更受重视，适应与减缓正一起被推至气候政策的前沿，关于两者之间关系的探讨也明显升温：不仅关注制度区分面，亦关注制度关联性。减缓与适应在应对气候变化问题中相辅相成，具有相互补充相互替代的特征。

（一）适应的制度逻辑。在气候变化趋势中或者在变化的未来气候条件下，通过调整人的生存和发展模式降低脆弱性，并改善和提高适应能力，可以减少气候变化的影响或者在气候变化过程中实现动态适应。

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[1] IPCC WGIII, Climate Change 2007 : Mitigation of Climate Change, New York: Cambridge University Press, 2007, pp.55.

（二）适应制度评价的短期性。从评价周期上讲，许多适应措施都可以在短期内显现预期效果。

（三）适应的多样性与差异性。气候变化通常对不同区域、地方或群体有着不同的影响，各个区域、地方或群体往往呈现彼此有所区别的适应条件和适应特征，因而，适应会因区域、地方或群体不同而呈现多样性与差异性。

结论：气候系统和社会经济系统内在的反应周期和运作惯性决定了减缓的紧迫性，自然条件的差异性也会造成减缓的局部低效性，行动的迟延与低效只会进一步滞缓气候条件、生态条件和社会经济条件的适宜转变，因此在亚洲地区应当在减缓的基础上大力推行适应制度的适用。

三、适应法律制度实施的障碍检视

（一）、理论障碍："自然适应论"认为气候变化的适应应遵循自然规律，无须额外的人为制度干预。"有限适应论"减缓温室气体的排放是气候变化制度的核心内容，是应予以优先考虑和保障的制度选择。

（二）、实践障碍：框架公约的预设障碍：1、《公约》关于"气候变化"的限定性解释。2、《公约》将"适应"设定为"减缓"的一个附属概念。

四、适应法律制度的法律对策

（一）、现代适应论：现实适应论者既认可气候变化的事实，又承认气候变化及其影响方面不确定性的存在，并认为与减缓一样，适应也是应对气候变化的重要制度路径，这两条路径彼此补充、相辅相成，而非绝然的两者存其一的关系。

（二）、亚洲各国适应法律制度的确立。

（三）、国际适应法律机制的建立

《马拉喀什协议》下三项气候基金(气候变化特别基金、最不发达国家基金和适应基金)的设立。

分主题五：亚洲解决各类争端的国际法经验

亚洲地区的和平与发展对于世界经济复苏与政治稳定具有重要意义。自"二战"结束、联合国建立以来，亚洲国家为保持区域的稳定、和平与安全而积极努力。在国际法的理念与原则层面，亚洲国家提出"和平共处五项原则"，以处理国家之间的关系，防止争端发生，并主张和平解决各种争端；在国际法的制度层面，亚洲通过建立多层次、多维度的国际法意义上的争端解决解决机制，依据国际法，来解决区域内的各种争端以及相关成员所涉及的全球性的争端。亚洲地区建立区域协调机制以及相关的区域国际组织，建立朝核问题六方会谈机制、东南亚国家联盟、 海湾国家货币联盟、 上海合作组织，并通过亚太经合组织，加强自由贸易区的建设。这些组织与机制一般具有争端解决机制，用以解决亚洲的区域内的争端。在实践层面，亚洲参与区域以及全球争端的实践，包括领土争端、国际商事争端、国际投资争端、国际贸易与知识产权争端等积累了经验。亚洲为全球性争端解决机构在制度建设、能力建设、人才支持方面做出了积极的贡献，积极推进联合国改革计划，完善安理会在解决国际争端中功能、促进世界贸易组织的关于争端解决机制谈判的进展。

亚洲在解决种类国际争端中出现了许多成功的案例，这些案例中集中体现了宝贵的亚洲法律智慧，她对亚洲未来运用法律智慧来解决国际争端、促进区域和全球的可持续发展提供了法律资源，也为法律智慧的交流和增长创造了条件。

政策建议

一、亚洲和谐与法律智慧

1. 亚洲地区是世界上法律传统最丰富、法系最多样化、法律"基因"最复杂的区域。

2. 由于亚洲法律的多样性，使得亚洲法律智慧具有更丰富、更多元的特点。法律的多样性决定了法律智慧的多元性，这对于国际法律生态是一个客观事实，对于国际间法律相互借鉴是一种积极因素，但对于国际间法律合作却是一个难题或障碍。

3. 只有不同的文明，尤其是法律文明，和谐共处，求同存异，取长补短，融合会通，才能适应全球化的要求，提炼共同的价值基础，达到国家间的双赢与多赢。

4. 国际间"法律统一化"运动源远流长。历史上，由于受到传统和地区化的影响，亚洲，特别是以中日韩三国为主的东亚地区曾形成一个统一的文化共同体，这为亚洲主要国家的局部法律的统一化，提供了前提。

5. 实现亚洲的和谐，需要亚洲国家整体面对、共同解决，需要亚洲国家相互之间更加密切的交流与合作，更需要来自政治、经济、文化等方面的集体智慧，尤其是法律层面的智慧支持。

二、风险社会的亚洲民商事法律统一化

1. 不同国家或地区之间的法律冲突带来了新的风险抑或加重了风险的程度。因此，具有指引人们趋利避害的民商事法律的协调与统一工作就显得尤为重要。

2. 亚洲学者对此已经形成一定的共识，并已经就民商事领域内最为基础的合同法与侵权责任法开始起草亚洲模范法。

3. 亚洲作为世界上法律多元、复杂的地区，更具有民商法律的合作与统一的要求，以共同应对风险社会中的难题；

4. 亚洲各国具有类似而不同于其他地区的文化与历史背景，使得民商法律的协调与统一具有了某种程度的可能。

5. 实务已经表明民商事法律的区域性统一不仅最具有可行性，更是亚洲各国、各地区之间加强人员、技术和物资交流的迫切需求。

三、亚洲金融法走向统一化的可能性

1. 金融，可谓是当今亚洲各国的核心关切。它关系着一国的治乱，更关系着区域乃至世界的稳定与繁荣。金融发展犹如高速前行的火车，而作为"铁轨"制度却未及时跟进。

2. 我们需要思考：原先亚洲各国的金融治理模式，局限何在？迄今为止，亚洲国家间金融法

制合作的成败得失是什么？　　在金融法制统一化的语境下，各种主体所扮演的角色分别是什么？

3. 金融法制统一化需要经过漫长而艰难的改革，尤其是政府管理的现代化与体制的重组。立法机关、行政机关、司法机关、公民、企业、国家、国际组织……它们所各自承担的责任是什么？

四、亚洲环境、资源与气候的法律问题

1. 受自然条件和经济发展因素的影响，非洲和亚洲成为世界范围内受气候变化影响最大的地区。

2. 气候变化下亚洲环境与资源的脆弱性评估

3. 亚洲气候变化问题的应对：气候适应对气候减缓补充与替代

4. 适应法律制度实施的障碍检视

5. 适应法律制度的法律对策

五、亚洲解决各类争端的国际法经验

1. 亚洲地区的和平与发展对于世界经济复苏与政治稳定具有重要意义。自"二战"结束、联合国建立以来，亚洲国家为保持区域的稳定、和平与安全而积极努力。

2. 在国际法的理念与原则层面，亚洲国家提出"和平共处五项原则"，处理国家之间的关系，防止争端发生，主张和平解决争端。

3. 在国际法的制度层面，亚洲通过建立多层次、多维度的国际法意义上的争端解决解决机制，依据国际法，来解决区域内的各种争端以及相关成员所涉及的全球性的争端。

4. 亚洲地区建立区域协调机制以及相关的区域国际组织，建立朝核问题六方会谈机制、东南亚国家联盟、海湾国家货币联盟、上海合作组织，并通过亚太经合组织，加强自由贸易区的建设，用以作为争端解决机制，解决亚洲的区域内的争端。

5. 在实践层面，亚洲参与区域以及全球争端的实践，包括领土争端、国际商事争端、国际投资争端、国际贸易与知识产权争端等积累了经验。

6. 亚洲为全球性争端解决机构在制度建设、能力建设、人才支持方面做出了积极的贡献，积极推进联合国改革计划，完善安理会在解决国际争端中功能、促进世界贸易组织的关于争端解决机制谈判的进展。

以亚洲智慧解决全球治理问题

摘要：

通过对当前亚洲发展与安全的两大"悖论"进行全面深入的考察，揭示全球治理在亚洲地区的发展特点和当前挑战。包括中国在亚洲地区治理中的国际定位、角色、责任和领导力，以及中国参与治理的主要机制和突破口：如积极参与公平合理的亚洲地区经济和安全领域国际规则的制定与改革，增加对亚洲地区经济和安全领域国际公共物品的提供方式和力度，促进亚洲地区经济和安全领域的国际合作与良性互动，以及提高中国在亚洲地区的话语权和影响力等诸方面。本研究还将探讨：由中国领导人提出并得到美国领导人呼应、在两国之间构建 21 世纪新型大国关系从而积极影响亚太地区的发展稳定与治理，即中、美两大国如何客观理性地看待彼此的战略意图和良性的合作与竞争，尊重各自的利益关切，加强在重大国际和地区问题上的协调与沟通，共同推动合作共赢的亚洲地区经济一体化发展与构建地区安全合作机制。

亮点：

在研究借鉴国际上全球和地区治理经验的基础上，更好地发掘亚洲与中国的智慧，如"以民为本"、"德施普也、天下文明"，"天下一家"，"以天下观天下"，践行"和而不同"、"知行合一"的"道义价值观"等中华文明的深厚根柢。在中国周边的亚太地区，为人类共同体和中国的根本国家利益而知己知彼地推动"天下文明"和"天下一家"，既全面深刻地认识自身的根本国家利益，同时又把握其他国家的情、义、利、患，从而更好地谋划中国在亚洲地区全球治理中的战略与策略，积极和建设性地参与亚洲地区经济一体化建设和构建亚洲地区的安全合作机制，并使两者形成良性循环与互动。

政策建议：

中国应积极和建设性地参与亚洲地区公平合理的经贸自由化、经济一体化建设和构建亚洲地区的安全合作机制，并使两者产生良性循环与互动。包括积极参与这些领域国际规则的制定与改革，增加对这些领域国际公共物品的提供方式和力度，促进这些领域的国际合作与良性互动，并提高中

国在亚洲地区与国际上的话语权和影响力。

在 2013 年中、美两大国新的开局之年这一至关重要的"战略窗口期"，应抓住时机在两国关系和亚太地区积极"积累正能量"。可借鉴当年两国领导人打开中、美关系的远见卓识与成功经验，做出"第一个推动"。从中、美两国人民、亚太地区和人类共同体的根本利益出发，通过两国领导人在东、西方两大文明基础上全面和深入的战略－文明对话与承诺安排，客观理性地看待彼此的战略意图与良性的合作竞争，尊重各自的国家利益关切，先管控与缓解亚太地区当前的紧张局势，防止危机升级，并积极引导舆论。与此同时，在防止核武器扩散与军事安全、海洋权益、气候变化和环境能源问题、网络安全以及反恐等重要领域共同采取对两国关系和亚太地区将发生重大影响的有力举措，并积极推动和加强在重大全球、亚太地区与双边问题上的战略协调与合作，为中、美开创新型大国关系，共同推动合作共赢的亚太地区经济一体化发展与构建地区安全合作机制创造有利条件。

目录：

全球治理的理论和实践，是顺应二十世纪七、八十年代后各国经济、政治和社会"相互依存"程度的不断加深，尤其是八十年代末、九十年代初美苏"冷战"结束后经济全球化、政治多极化、信息和社会网络化的趋势席卷整个世界的历史背景下，旨在对世界范围与全球各个领域的事务进行共同和协调管理而提出的。

全球治理的核心要素包括五个方面：一是全球治理的目标与价值。二是全球治理的规制，即维护国际社会正常秩序，实现人类共同目标与价值的规则体系。三是全球治理的主体，即制定和实施全球规制的政府和组织机构（包括国际组织、主权国家和全球与各国的非政府组织）。四是全球治理的客体，指已经影响或将要影响全人类、很难靠单个国家解决的跨国问题，主要包括世界和地区和平、全球安全、国际经济、生态环境、能源需求与供应、基本人权、粮食和食品安全、流行病、全球海洋、外空与网络空间的秩序和权益、防止核武器和其他大规模毁灭性武器的扩散，以及国际刑事犯罪等。五是全球治理的效果。有学者把这五个核心要素转化成五个问题：即为什么治理、如何治理、谁来治理、治理什么以及治理得怎样。

（一）全球治理与亚洲价值

在可说是包罗万象的全球治理各领域中，本研究将主要集中于当前亚洲（亚洲太平洋）地区所面临的突出和紧迫的"问题领域"(issue area)，即以下"发展与安全的两大悖论"：

（1）亚洲地区近年经济发展和一体化进程与严峻的安全形势之间的矛盾（所谓"双亚记"）；

（2）本地区两大并立的经贸自由化与区域经济一体化谈判进程之间的竞争和博弈，即由美国主导、未含中国的12国"跨太平洋伙伴关系"（Trans-Pacific Partnership, TPP），与由东盟发起、受到中国积极支持但未含美国的16国亚太"区域全面经济合作伙伴关系"（Regional Comprehensive Economic Partnership，RCEP）。

亚洲国家领导人如韩国新任总统朴槿惠和新加坡总理李显龙，以及澳大利亚前总理陆克文等均认为：当我们观察今天的亚洲，会发现两种互相冲突的变化动力：一方面是比以往任何时候将各国、经济和人民凝聚得更紧的全球化力量；另一方面政治化的民族主义则相反，将各国和经济危险地拉开。就好像充满活力的21世纪的亚太地区各国经济，被一组几乎是19世纪的安全政策现实所羁绊，后者又植根于历史文化歧异和久拖未决的领土争端。

近年来国际、国内发生的以下三大重要变化不仅对中国的改革开放与发展，也使2010年起经济总量已位居世界第二、2012年进出口货物贸易总量也已居世界第一的中国在亚洲地区治理中新的定位、作用和政策选择变得更为复杂、严峻和紧迫。

一是2008年由美国房地产次贷危机所引起的金融风暴和2010年欧洲国家的主权债务危机，席卷了美欧几乎所有西方发达国家并进而影响到整个世界，引发了全球众多国家的金融、财政、经济、债务、政治和社会危机。作为冷战后唯一超级大国的美国，以及包括日本、欧盟在内的其他西方主

要发达国家至今或复苏乏力，或仍深处经济衰退而难以自拔，对世界经济结构、国际经济力量对比以及在此基础上的全球治理和国际安全都发生了重大影响。

二是为摆脱内外困局、寻求出路，美国对其全球战略进行了重大调整。奥巴马政府以中国为主要"战略竞争对手"所推行的美国向亚洲太平洋地区的"战略重心东移"决策（也称"亚太再平衡战略"），是在全球战略、经济竞争、军事制衡、外交博弈、地缘政治和地区重组等方面全方位的战略调整。该决策将中国视为在经济上合作与竞争并重，在战略和军事上则加以制约防范的"战略竞争对手"，并将亚太地区视为美、中战略竞争的重心。近年来我国与菲律宾、越南等国在南海诸岛礁和相关海权与海洋资源方面的争议，中、日在钓鱼岛和相关海域问题上的主权争议，以及朝鲜半岛当前的核危机与紧张局势，都既与美国战略调整密切相关，又凸显了我国周边形势复杂化和严峻的战略态势。

三是在国际经济、政治和战略大环境发生变化的同时，中国国内的形势发展和改革进程也出现了引人注目的特点。尽管在全球经济发展中我国在总体上仍属佼佼者，但近年我国经济增长速度趋缓，各种社会矛盾集中凸显。转变经济增长模式、寻求创新性的新经济增长点，缩小贫富差距、严厉打击贪腐，同步推进我国经济、政治和社会领域的法律和制度改革已成为当前改革开放的当务之急。

（二）亚洲责任与亚洲智慧

面对以上国内外的严峻形势，中国如何面对挑战、更全面深刻地认识世界格局和中国本身地位的变化，立足于自身进一步改革发展和对外进一步开放的基础之上，应对不断增多的全球与地区问题和复杂严峻的外部环境，积极参与构建亚太地区全球治理体系中更好地统筹国内国际两个大局，直接关系到中国未来的发展并影响到亚太地区和整个世界。

十八大报告指出："人类只有一个地球，各国共处一个世界。历史昭示我们，弱肉强食不是人类共存之道，穷兵黩武无法带来美好世界。要和平不要战争，要发展不要贫穷，要合作不要对抗，推动建设持久和平、共同繁荣的和谐世界，是各国人民共同愿望。我们主张，在国际关系中弘扬平等互信、包容互鉴、合作共赢的精神，共同维护国际公平正义。""中国将继续高举和平、发展、合作、共赢的旗帜，坚定不移致力于维护世界和平、促进共同发展。"

在这一"以人为本"和"人类共同体"的核心理念基础上，中国将"加强与各大国战略对话，积极参与多边事务和全球治理，推动国际秩序朝着更加公正合理的方向发展"。这已成为我国的重大战略部署和政策主张，体现在十八大报告、我国领导人的重要讲话以及"十二五"规划中。今后中国的全球和地区战略，已经不能仅限于如何利用外部市场和外部资源，还应谋划全球和地区战略，积极参与全球和地区治理。

中华民族的伟大复兴，首先应该是中华民族伟大文明的复兴。这就提出了一个重要命题：如

何在研究借鉴世界各国在全球和地区治理经验教训的基础上，充分发掘中国与亚洲的古老智慧和文明，尤其是"以民为本"，"德施普也、天下文明"，"天下一家"，"以天下观天下"，践行"和而不同"、"知行合一"的"道义价值观"等中华文明的深厚根柢。从而在此基础上更好地谋划中国本身的全球与地区战略与策略，包括参与全球和地区治理的战略策略。

中国古代文明中，"天下文明"出自《周易》第一卦《乾卦》。在这里，"天下"一词不是一个有自然疆域界限的地理空间概念，而是一个包含各国土地、人民、国家与天下治理等诸多内涵的高度包容性的政治与社会概念。

"德施普也，天下文明，"在《尚书 尧典》中就是："克明俊德，以亲九族；九族既睦，平章百姓；百姓昭明，协和万邦，黎民于变时庸。"即善于发现并尊重和信用俊德之士，以使九族亲睦，百姓和平章明，天下列国万邦都能建立起和睦合作的关系，所有黎民从而就能因时而变，建成和谐社会。而德施普也，天下文明，正是中华文明自古以来世界伦理的核心价值。

"德施普也，天下文明"，在孔子那里，就是"四海之内皆兄弟也"，（《论语 颜渊》）。《礼记 礼运》中说："君子以天下为一家"，这是中国传统天下观最重要的内容。而要真正做到"四海之内皆兄弟"、"以天下为一家"，《礼运》强调："必知其情，辟于其义，明于其利，达于其患，然后能为之"。即只有真正了解和把我其他国家的情、义、利、患，才能知己知彼、有正确的对策，也才有可能和世界各国真正成为兄弟、成为一家。

（三）政策建议

在今天中国周边的亚洲和太平洋地区，为人类共同体和中国的根本国家利益而推动"天下文明"和"天下一家"，就需要知己知彼，既全面深刻地认识自身的根本国家利益，同时又了解和把握各国的情、义、利、患，从而在此基础上确立中国在全球与地区治理中新的国际定位、国际责任、国际角色和作用，以及中国参与亚洲地区全球治理的主要机制和突破口，

中国应更好地谋划在亚洲地区全球治理中的战略与策略，积极和建设性地参与亚洲地区经济一体化建设和构建亚洲地区的安全合作机制，并使两者形成良性循环与互动。包括积极参与公平合理的亚洲地区经济和安全领域国际规则的制定与改革，选择与增加这些领域国际公共物品的提供方式和力度，促进这些领域的国际合作与良性互动，并提高中国在亚洲地区的话语权和影响力。

面对美国的"战略重心东移"（"亚洲再平衡战略"），以及朝鲜半岛核危机、东海钓鱼岛和南海问题等周边严峻形势，中国在 2013 年中、美两大国新的开局之年这一至关重要的"战略窗口期"，应抓住时机在两国关系和亚太地区积极"积累正能量"。

可借鉴当年两国领导人打开中、美关系的远见卓识与成功经验，做出"第一个推动"。从中、美两国人民、亚太地区和人类共同体的根本利益出发，通过两国领导人在东、西方两大文明基础上全面和深入的战略－文明对话与承诺安排，客观理性地看待彼此的战略意图与良性的合作竞争，尊

重各自的国家利益关切，先管控与缓解亚太地区当前的紧张局势，防止危机升级，并积极引导舆论。与此同时，在防止核武器扩散与军事安全、海洋权益、气候变化和环境能源问题、网络安全以及反恐等重要领域共同采取对两国关系和亚太地区将发生重大影响的有力举措，并积极推动和加强在重大全球、亚太地区与双边问题上的战略协调与合作，为中、美开创新型大国关系，共同推动合作共赢的亚太地区经济一体化发展与构建地区安全合作机制创造有利条件。

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创新驱动和亚洲城市发展

任远、谭静、陈梦妮、周艳[1]

2008 年的经济危机是一个长波性的经济危机，对亚洲国家和整个世界经济带来持续性的不利影响。而摆脱经济危机的关键在于创新，需要新一轮技术革新和产业革新，才能重新带来新一轮的经济恢复和景气。在各个国家内部转型发展挑战和外部发展环境变化的共同影响下，亚洲国家普遍面临严峻的发展压力，需要通过创新驱动，实现经济和社会的转型升级，增强国家竞争力，带动经济社会持续发展。

在此过程中，创新驱动对于亚洲发展至关重要。而城市则构成创新发展的重要引擎和实施基地。城市是大型企业集聚的中心，是企业研发总部的中心，是大学和科研机构集中和人才集中的中心，是新知识的创造中心和传播中心。不同城市都分别面临不同的创新发展的问题，特别是亚洲领先城市的创新发展，对于所在城市、所在国家乃至亚洲和世界发展都有极其重要的意义。

不断推动城市创新发展，有利于新兴产业的成长和形成新的竞争优势，促进经济结构转型升级，带动亚洲经济走出危机；不断推动城市创新发展，有利于在城市规模日益扩大、城市形态和功能不断变化的过程中提升现代城市管理；不断推动城市创新发展，有利于积极应对城市发展特别是巨型城市兴起所面临的问题和挑战，在人口集聚和社会阶层中产化以后不断提升城市生活的品质，构筑更加丰富多彩和强有力的社会生活和社会运行机制，完善社会运行和社会治理的有效机制。在此基础上，通过创新驱动，引导城市发展的方向，培养形成具有多样性、创新性、竞争性和可持续性的城市未来发展。

本报告讨论当前时期亚洲国家实施创新驱动型的发展战略的重要意义，并从产业和技术创新、城市管理创新、社会和文化创新三个角度总结典型亚洲国家的基本实践和突出经验，并探讨如何通过加强城市创新体系建设，增强创新型城市发展的支撑条件。研究特别将讨论中国和上海在创新型城市体系建设的突出障碍和关键战略。

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一、创新型城市的概念和内涵

创新（innovation）最初应用于产业和经济领域。Hall （1999）指出自工业革命以来，创新是经济增长的核心动力。Schumpeter（1934）提出"创造性破坏是资本主义的本质性实质"。Schumpeter（1936）提出创新和发明不同，创新可以是新的商品、新的程序、新的市场、新的供给来源、新的商业组织，它们不仅是被发明出来的，同时构成企业运行的市场机制。随着社会经济的发展，"创新"一词被广泛应用到其他领域，如社会创新、制度创新、文化创新等等，对创新的更为宽泛的定义是：创新是一个取得新事物或者运用新方法的过程（Godin，2008）。

从"创新"一词的出现，到"创新型城市"的概念提出，是对"创新"和"城市"关系不断深化的过程。城市是推动创新的核心地区。由于城市地区收入水平更高、知识密集性更强、社会更加多样、分工更加细致，这些条件使得城市能够为创新发展提供良好的外部环境（Florida，2009；Asheim 等，2011；Glaeser，2011）。全球化、科技革命和知识经济的到来，使得城市在创新体系中的地位和作用不断突出。城市日益成为信息、技术、知识和人才等创新资源的载体和聚集地（代明，2009）。同时，快速的城市化也给城市带来的种种问题和挑战，这就要求城市通过不断创新实现产业繁荣和社会进步，实现以人为本、全面、协调、可持续的发展。创新逐渐成为衡量城市核心竞争力的重要指标。在这样的社会经济背景下，建设"创新型城市"的要求收到不同国家和城市的关注。"创新型城市"在英文中有两种表述，创意城市（Creative City）和创新城市（Innovative City）。前者大多出现在欧洲的研究中，主要是指"对城市面临的问题提出具有创造性的解决办法，并由此带来的城市复兴"；后者的表述是目前的主流，主要指"以创新为核心驱动力的一种城市发展模式"，其本质特征是创新性、系统性、内生性、可持续性、集聚性和开放性。（杨冬梅等，2006）。

一般而言，创新型城市必须具备四个基本要素：创新主体、创新资源、创新制度和创新文化。创新主体主要包括政府、企业、科研机构、和高校等。创新资源主要是指人力资源、资金、技术和基础设施。创新制度主要包括激励、竞争、评价和监督等创新机制、法律法规和政策。创新文化主要指文化观念、创新氛围、竞争环境等（Landry，2000）。对于创新型基本要素的分析也说明了实现城市创新的机制。

我们提出，创新型城市的内涵包括产业和技术创新、城市管理创新、社会和文化创新三方面的内容。产业和技术的创新旨在促进经济结构的转型升级，通过产业革命提供新的发展动力，创造更加具有竞争力和可持续的财富创造和经济发展方式；城市管理的创新旨在应对城市发展所面临的问题和挑战，提升城市管理的质量和效能；社会和文化的创新在于提高城市生活的品质、构筑更加丰富多彩和强有力的社会生活和社会运行机制。因此，建设"创新型城市"是对城市发展的全方位创新，促进城市全面发展和良好治理的实现。

Landry（2000）认为一个具有创新动力的城市应具备：富有创造力的人、较高的领导力、社会的多样性、快捷的获取知识和信息的途径、开放的文化、正面的社会认同以及完善的城市基础设施。

世界银行 2005 年发表的关于东亚创新城市的研究（Wong，2005）提出了创新型城市的基本标准，包括：较强的研发与创新能力；有效的政府治理；优良的交通、通信等基础设施和功能完善的城市中心区；充足的经营、文化、媒体、体育及学术活动场所；受教育程度较高的劳动力队伍；多样化的、高效治理的居住选择；对环境保护的重视；对各种文化的接纳与融合。这些对创新性城市的描述成为各种定量评价体系的基础和来源。纵观国内外现有的定量评价体系，城市创新能力的指标设计主要包括硬性评价指标和软性评价指标。硬性指标主要包括城市中硬件设施的质量和数量，如信息和交通设施、大学、各类科研机构的数量和研发能力等。软性指标包括城市的文化和历史、城市危机感、市民的生活方式等等。除这种基于构成要素的评价体系之外，也有学者通过对创新的全过程分析来进行评价。学者顾瑜婷（2006）正是基于这种思路，将城市创新能力分为创新投入能力、创新管理能力、创新服务能力和创新产出能力，下设评价指标，并建立了模糊综合评审模型。

显然，目前国外和国内学术界对创新型城市的评价指标针对不同的研究侧面，有着不同的指标设计。现在，国际上比较成熟的创新型城市评价体系主要有 Florida 的 3Ts 指数、欧洲创意指数、全球创意指数和香港创意指数；而国内主要有上海创意指数和北京文化创意指数。3Ts 指数、欧洲创意指数、全球创意指数的一级指标有三个，分别是技术、人才和宽容度。这里的"宽容度"代表某个地区吸引人才的能力。某一地区越开放，外来人才进入门槛越低，其宽容指数就越高。香港创意指数在 3Ts 指数的基础上进行扩展，它的一级指标涉及五个方面——人力、文化、社会、制度和创意资本。

当前最新的全球创新城市排名是 2011 年由澳大利亚智库"2thinknow"发布的排行榜。该智库根据 162 种指标，从全世界选出了 331 个创新城市。其指标体系涉及人力资本、基础建设、可持续发展项目、市场网络、文化、以及艺术体育等方面。表 1 给出了亚洲几大著名城市的排名。该表显示出，香港以全球排名 15，位居亚洲之首。上海是中国内陆最具创新性的城市。北京以全球排名 53，位居亚洲第 10。据该智库统计，中国内地城市有 16 个上榜，是有史以来上榜数量最多的一次。根据福布斯 2011 年发布的"中国大陆创新城市排行榜"。深圳、苏州和上海分别占据前三甲，而上海和长三角地区显然是中国创新能力最强的地区。亚洲城市在全球创新城市排行榜上的排名逐渐上升，中国城市出现的频率快速上升，这些都说明亚洲和中国在创新型城市建设方面的努力和成绩。上海在全球和中国排行榜上的领先位置说明了它的创新发展能力。

表 1 全球创新城市排行榜	
城市	全球排名
香港	15
东京	22
上海	24
新加坡	26
首尔	29
北京	53
台北	100

数据来源：
http://hm.people.com.cn/GB/42273/15945080.html

表 2 中国大陆创新型城市排行榜		
排名	城市	省份
1	深圳	广东
2	苏州	江苏
3	上海	上海
4	北京	北京
5	吴江	江苏
6	无锡	江苏
7	杭州	浙江
8	昆山	江苏
9	常熟	江苏
10	张家港	江苏

数据来源：
http://www.forbeschina.com/list/1475

二、亚洲城市在产业和技术创新领域的战略计划和发展实践

不同的亚洲城市在经济发展阶段、产业结构和在全球产业分工地位上存在不同，各自面临不同的产业和技术创新任务。一些亚洲城市经济已经高度发展，面临着产业升级、转移、再发展、去空心化、再工业化和不断寻找新的增长动力的任务，这类城市往往是服务产业为主的城市，如日本东京、香港和新加坡等；一些亚洲城市仍然处于工业化的中期，需要通过产业创新和升级，改变单纯依靠资本、土地、简单劳动力等基础生产要素投入的经济发展方式，逐步转向依托创新、技术、品牌、人力资本的信息化、科技化和专业化的经济发展方式，这些尝试包括中国的沿海城市、印度的班加罗尔、韩国的大田等。一些亚洲城市处在经济发展初期，正积蓄力量以待经济起飞，还处于简单工业化的代工发展时期，产业创新模式正在萌芽。不同国家的城市适应不同的经济发展阶段推动技术和产业创新，推动经济发展，寻找持续和更具活力的经济发展模式，成为亚洲城市共通的主题。

产业和技术创新不仅包括新兴产业的培育与成长，也包含了传统产业的结构性调整，夕阳产业的更新与淘汰，产业集群的形成与联系（胡树华、牟仁艳，2006）。在这些方面，亚洲城市主要采取了以下几方面举措：

第一，以产业和技术创新为动力促进经济结构和发展模式调整。

产业是城市经济的支柱，产业结构转型和升级是创新型城市发展的必由之路。通过提升产业和技术创新促进经济结构转型较为典型的案例来自于新加坡和香港。历史上的新加坡作为全球主要的自由港，转口贸易一直占其经济主导地位。战后转口贸易经济急剧衰退，新加坡及时推动制造业发展，制造业取代单一的转口贸易成为新加坡经济发展的主要动力，并随后把握住出口工业化的时

机，以此带动了对外贸易、交通运输、金融和旅游等行业的发展。在 1980 年代以来，随着中国和印度等经济体兴起，新加坡的制造业受到冲击，新加坡则及时将创意产业作为其二十一世纪的战略产业，通过创意产业与传统制造业相互融合推动创新型城市的建设。香港也经历了类似的产业转移和产业升级的过程，香港的企业把低增值和劳动密集的产业分散到中国内陆和其它地区，将高增值和需要精确专业知识的产品生产与服务继续留在香港，进一步在发展中转向了知识经济和总部经济建设。可见，不断进行积极性的产业和技术创新战略，是亚洲若干领先城市保持竞争优势，提升自身产业结构的基础。

第二，通过产业和技术创新培育新兴产业，塑造经济发展新动力。

不断寻找和创造新的比较优势，创造新的市场、新的增长点带动新兴产业的成长，是产业创新的最直接的效果。产业创新利用信息化、自动化、数字化等最新技术，往往发生在高新科技领域和文化创意领域。历史上的每次经济危机，都提供了产业创新升级的压力和机遇，例如金融危机后的首尔，以"设计首尔"、"绿色首尔"作为新的城市增长点，积极推进城市经济的知识化和产业结构的"软化"，服务业逐渐成为首尔作为国际大都市的主导经济形态。再比如韩国大田，资源匮乏、面积不大，但是采取了以科技创新促进城市创新发展的模式，通过建立科学城推动产学研有效结合，仅十年左右时间就建成了成功的"亚洲新硅谷"。

第三，创新性产业集群的形成和发展成为区域城市群发展的动力。

创新型产业集群属于知识和技术密集型产业集群，以创新型企业和人才为主体。亚洲城市积极投身创新型产业集群建设，也吸引了大量大型跨国企业集团，这一过程往往以市场为主要环境，政府也通过建立高新技术园区建立发挥着重要作用。例如台湾的新竹、印度的班加罗尔和北京的中关村都是典型的创新型产业集群，韩国首尔也在发展中积极打造世界级高科技园。特别是台湾打造的具有台湾特色的产业聚落，也带来了品牌创新，如自行车聚落、游艇聚落、玻璃聚落、水五金等。创新型集群往往突破城市边界，在城市群中发挥重要作用。

三、亚洲城市在城市管理创新领域的战略计划和发展实践

全球化和城市化一方面是亚洲经济快速发展的动力，另一方面也为亚洲城市发展带来了多方面的问题和挑战，例如城市人口大规模集聚的压力、贫富差距的拉大、住房短缺、交通拥挤，和环境污染等等。亚洲城市的快速发展客观要求强化城市管理适应新的发展环境，妥善处理日益复杂的城市问题，满足人们不断提高的生活和发展需求。因此，城市管理创新成为亚洲城市的共同任务。其最终的目的在于提高城市承载能力，提升管理的手段方法和和加强城市运行的效率，创造更加和谐、更有秩序的现代城市、发挥政府作用和促进公共参与，提高城市运行的质量。亚洲各城市在推动城市管理创新上，重视以下几个方面的内容：

第一，加强道路建设、交通设施、环境住房、排污系统等基础设施建设。

亚洲各城市大力投资新建公路、铁路和地铁、、以建立现代化的城市交通系统，缓解交通拥挤问题。城市规划用地的扩张和房地产的开发成为各城市应对庞大人口规模的主要措施，而解决住房问题主要是通过提高空间利用率，以设施完备的高楼替代原有的低矮简陋的平房。对于环境问题，政府主要通过城市排污系统的建立和完善来缓解居民生活和工厂生产所导致的污染。

东京的快速发展使其在发展初期成为一个单核心城市，为了缓解东京地区的人口和环境压力，通过推动基础设施建设并促进东京城市功能的向外转移。极核城市的辐射效应推动了东京外围城市的发展。这些外围城市逐渐承担起了不同的城市职能，共同构成多核多圈的首都圈，实现了大中小城市间的联动均衡发展，引导东京的城市功能和产业的向外转移，减轻了人口、产业、社会管理和环境资源的压力（冯建超，2009）。东京的成功实践表明，改善基础设施条件，包括建设高速便捷的交通系统、发达的信息通讯设施和适宜生活的基础设施是首都圈形成的基础，也是优化城市管理的基础措施。

新加坡城市管理中也重视绿色城市建设和环境基础设施建设。新加坡政府在城市整体规划中，尽可能多地划出绿化用地，建立各式各样的公园绿地，并且在高楼大厦之间也留出了适当的空间设置绿化带（王库，2008）。例如，在每个房屋开发局建设的镇区中规定建有有一个 10 公顷的公园；在每个楼房居住区，500 米范围内应有一个 1.5 公顷的公园（洪若麒，2007）。此外，新加坡通过建设便捷的城市交通系统，体现以人为本的城市管理目标。政府在最初规划时，将地铁尽可能设置在高密度的商贸区，并以巴士系统作为对地铁周边社区的补充性的交通工具，这样的交通设施布局使得一半左右的新加坡居民住在地铁周边 1 公里的覆盖范围内，而覆盖范围之外的居民也可以在 5 分钟中内抵达巴士公交站（金安等，2010）。

第二，推动城市管理的信息化，促进数字化和网格化城市管理模式的引入。

计算机设备和互联网的普及大大提高了城市管理部门的办公效率，提高了信息流动的速度和扩大了信息传播的范围，增进了各部门之间的交流，提高了公众对政府的监督力度。电子设备的普及和信息网络技术的广泛应用推动着亚洲城市管理的信息化和智能化，数字化、网格化的城市管理模式的引入以及智能社区的建立充分体现了信息化在城市管理上的广泛应用。

中国近年来在城市管理模式上的创新表现在城市管理方式上的数字化、信息化。目前，京沪等大城市已成为网格化城市管理模式的试点城市。北京东城区采取网格化的城市管理模式，以万米单元网格为管理的基本单位，建立单元内的城市基础设施和资源的数据库群，同时利用无线数据采集设备"城管通"，构建了一个集成的城市管理平台（郭喜安，2009）。自北京采用网格化管理模式以来，城市管理问题的发现率由过去的 30% 上升到了目前的 90% 以上，任务派遣准确率达 98%，处理率达 90%，结案率达 90%。任务的平均处理时间由原来的 7 天左右缩短到了目前 12.1 小时，并且每周任务的处理量相当于原来半年的处理量（姜爱林，2007）。网格化的管理模式的优点主要在于全方位覆盖、精确定位、处理及时。创新的数字化、信息化的管理方式大大提高城市管理的速度和质量，降低了人工成本和时间成本，同时克服了传统模式下多头处理、重复处理的弊端（阎耀军，2006）。

信息科技在城市管理领域的应用，韩国首尔也是一个成功的典范。首尔江南区利用其在计算机设备和网络信息技术上的优势，建立了智能社区（Intelligent Community）。并且在 2008 年，该区被评为"全球最佳智能社区"。首先，江南区大力推动电子政务在政府部门的应用，即推广网络办理登记、批准文件、以及申报事项等的管理方式。电子政务的推广大大提高当地政府城市管理的效率，减少了政府工作人员的数量，为其节省了大量财政开支。同时，社区的安全问题由于视频监控的全面覆盖也得到了很大的改善。据统计，政府在江南区建立视频监控中心之后，该区的犯罪活动下降了 40%（华淑华，2009）。此外，"智能社区"的"智能"也体现在对老人和儿童的更加人性化、更加细致周到的管理上。该区政府在老人的家中安装了探测器，以防老人发生突发事件而无人知晓，同时为儿童和高龄老人提供地点跟踪器，以防他们走失而无法寻找。通过这些方面可以看出首尔江南区的"智能社区"管理具有高效、节约、人性化的优点，其成功之处值得亚洲城市的学习和借鉴。随着各城市信息网络设施的建立和完善，"智能社区"也将成为未来亚洲城市社区管理的创新方向和发展趋势之一。

第三，改变政府单一主体的管理模式，实施广泛的政府 – 私人部门合作和社会参与。

将政府作为唯一的管理主体承担着整个管理流程的全部职能，这本身与城市管理工作的复杂多样性之间存在着矛盾，从而导致管理缺乏系统性、整体性和长远性（陈伟，2011）。政府的财政压力和其在公共品供给上的成本高，质量差等问题使市场机制的引入、私人企业进入成为必然。目前，各城市政府正鼓励私人企业和 NGO 的加入以分担城市建设投资和管理的负担，缓解财政的压力。私人企业的进入和竞争机制的建立大大提高公共服务的生产效率。而 NGO 逐渐融入也在搜集公众意见方面减小了政府的工作量，节约了大量的财政开支。

四、亚洲城市在社会和文化创新领域的战略计划和发展实践

社会文化创新是为了解决某些社会问题而采取的创新型的对策方案，促进社会需求的满足，重视社会机构和社会组织方式的创新，是致力于提高社会福利、社会发展和文化繁荣的创造活动。（NEST,2008；杰夫 . 摩根，2006；郑琦，2011；何增科，2010；王名，2009）。相对于经济产业创新，越来越多的国家和城市将社会创新构造成为推动城市发展、提升城市品质的核心战略。例如韩国政府启动了"留学韩国计划"来吸引更多的亚洲留学生，首尔大学及时推出以培养 21 世纪高等人才为目标的"BK21 战略"来培养具有高素质的核心研究人员，这些教育领域的创新举措解决了许多韩国在城市化进程中的许多社会问题。新加坡 2001 年推出"全国创新行动计划"，将教育和文化发展作为推动城市创新的重点领域。香港在 2008 年开始，加强了预防护理和推广健康生活，建立了电子病历资料库，强化了公共医疗安全网，推动了公私营医疗协作，确定医疗辅助融资方案等等，并提高城市医疗和健康服务的质量。老龄化是亚洲各国面临的共同挑战，为了解决人口老龄化的问题，不同国家的城市广泛实施了养老领域的创新计划，如日本创新性地将老龄化和区域整体开发整

体结合起来，发展老年有好的新城市地区的建设项目。同时亚洲国家城市治理中，也日益将环保问题、资源效率、能源利用和低碳经济作为社会创新的重要内容，通过各项创新政策与可持续城市发展有机结合，促进了城市可持续性的发展，积极提高了市民的生活质量。在文化创新领域，亚洲的领先城市纷纷大力发展创意产业，例如新加坡正在努力打造了"新亚洲创新中心""全球文化和设计业的中心"。另外，亚洲不少国家和城市在公共设施建设领域、灾害救助领域、弱势群体维权、社区服务领域，纷纷开展了丰富的社会创新实践。

总结亚洲城市在探索社会和文化创新的经验，我们可以发现主要包括以下几个方面：

第一，重视利用社会组织、社会性企业、社会工作机制等综合的手段推进社会和文化创新。

近年来，社会组织，社会企业和社会工作机制等社会力量的广泛参与已经成为推动社会创新的重要力量，尤其在解决弱势群体就业，弥补政府福利空白，消减社会排斥，推动可持续发展等方面取得了令人瞩目的成就。为了响应城市的社会创新，许多社会组织成立成为了创新的平台和手段，例如从 1981 年成立的中国儿童少年基金会到青少年发展基金会及其希望工程，直到今天的壹基金等，各种社会组织在实践中创新，在创新中实践。社会工作是一种创新型的解决社会弱势群体问题的机制，它通过助人自助的理解来对弱势群体维权帮帮助他们自主生活，对于解决社会问题，维护社会稳定有着重要作用，例如香港开展的社会工作服务机制来扶贫帮困，解决不同人群的需求，促进社会创新。

第二，重视将信息化和社会发展结合起来推动社会创新。

在信息科技高速发展的今天，网络信息和科技对于城市的社会发展，解决社会问题有着重要的作用和地位，信息化成为社会创新的有效途径和措施。香港在 1999 年成立的香港社会工作网上论坛——SWForum 的兴起就是典型的例子。东南亚金融危机之后，巨大的财政压力迫使政府对社会服务资助体系进行改革。然而改革之后，基层社会工作者的影响力和话语权却大大降低了。而 SWForum 正是在这样的背景下出现的。最初该论坛只有少数的成员，仅供社会工作者自由发表意见和相互讨论之用。但是目前已发展成为成员众多、具有重要影响力的网上社区。SWForum 不仅为公众提供了丰富的重要的政策管理信息，同时也培养了人们对社会政策和批判意识，鼓励人们积极参与实际行动（Zeno 等，2010）。 这一网上论坛的兴起不仅帮助基层社会工作者再次获得话语权，同时也提高了公众对城社会政策的关注以及参与城市管理的积极性。尤其在当今，随着微博、Twitter 用户的迅速增多，利用虚拟手段提高公众的实际参与也将成为未来的发展趋势之一。这种虚拟方式之所以能发挥作用在于它是一种能有效形成社会压力和舆论监督的"软性"手段（Brunsting 等，2002）。

第三，社会企业兼具社会性和商业性的普遍特点，是推动社会问题解决的重要创新机制。

区别于政府办的公共事业和非营利组织，社会企业更加适应市场机制，能够成功解决各种社会和环境问题，还能够提高社会福利水平和公共服务效率，促进社会融合，有利于在全社会营造积极、自助、创新的文化氛围，例如日本企业为发展慈善事业，促进弱势群体的社会创新，把对贫困

的发展中国家的支援作为事业，使企业的自身活动与发展中国家的社会问题相调和；为促进环保领域的创新，日本企业在研究开发方面，提供低碳节能的且满足社会需要的商品和服务，为可持续发展做出贡献。

第四，通过文化创新推动创意产业发展和城市形象发展建设。

文化的建设对于社会创新有着重要作用。而文化的建设也能提升城市的形象，更加促进城市的创意产业的发展。例如新加坡政府通过创意产业与传统制造业并举来提升城市创新能力，全力打造创新型城市，其通过了"文艺复兴城市 2.0"的创新建议，发展新加坡文化艺术基础建设，培养创意人才与观众，并且建立当代博物馆以展示各国的当代艺术设计，推广艺术与文化创业精神。新加坡为了提升整个城市的艺术气息，建设新加坡滨海艺术中心，提供新加坡艺术与世界艺术交流的平台，这些文化建设的举措促进了城市的创意产业的发展，提升了城市的形象，为新加坡的社会创新奠定了文化基础。

五、为创新型城市建设奠定良好的支撑环境

第一，为创新型城市构造良好的基础设施环境。

良好高效的基础设施，是最为经济社会发展的基础和必备条件，也是创新性城市建设额基础。创新性城市的基础设施建设主要包括三个部分：城市物质基础设施、信息化基础设施和社会性基础设施，物质基础设施建设主要包括公路，铁路，机场，水电煤等公共设施，例如，例如韩国强化了国家的城市基础设施建设，不断完善交通、使中心城市的数量、辐射范围发生了变化，从而影响城市体系结构，逐步形成大都市区、城市群、都市带等；信息化的基础设施主要包括网络，媒体等信息产业，例如，日本东京是全国乃至世界的信息中心，那里发生着各种政治经济活动形成的信息流和来自全国全世界的信息流使东京成为全国信息最为集中的地方，同时东京集中了全国最大最权威的没提机构，如 NHK 等，东京良好的信息技术基础设施为其城市的创新发展提供了重要的条件。社会性基础设施建设主要包括教育，科技，医疗卫生，体育文化等社会事业，例如，新加坡在教育上配备完善的教学设施条件，所有的教育课程都有严格的质量保证，其科研方面的投入比例大具有世界级的，多元化的研发设施，而它的医疗卫生检查措施严格，医疗设备先进，国家也鼓励推进体育和文化事业的发展，为城市的全方位的创新发展提供了良好的条件。对于创新型城市建设来说，对于社会性基础设施建设最为重视，因为社会性基础设施建设的本身属于第三产业，其加大力度的建构能够改善经济结构，并且为其他产业输送了人才和技术，并且社会性基础设施的完善能够集聚人才和各种生产要素，改善投资环境，促进经济的发展。因此亚洲国家创建了良好的教育、科技、文化卫生等社会性基础设施的建构，来服务于人的自我发展，直接或者间接的进行人力资本的投资，提高国民素质。

第二，打造富有特色和多元包容的文化环境。

亚洲是一个有着自己独特的文化积淀和文化特色的地域，亚洲城市在打造创新型城市的过程中，特别注重文化的建设和传承，将文化特色融入到创新城市的过程中，发展自己的地域文化特色，是亚洲城市建立创新型城市的又一重要支撑条件。例如新加坡在 1989 年提出的把新加坡建设成全球艺术中心城市，通过完善图书馆，表演艺术中心及博物馆等重要文化设施和旅游资源等文化设施，来将本土的文化和现代性结合，促进文化的宣传与传承，在城市的公共空间规划建设中加入艺术作品为补充体现亚洲文化精神和历史脉络，同时为城市空间注入文化艺术生活，打造富有特色和多元包容的文化环境，使其文化氛围适宜于创造性事物，知识经济，优秀人才的发展。类似新加坡这样在城市建设中创设性地将文化与现代建设相结合，在创新过程中融入文化的元素，能够显示亚洲文化的历史独特性，也能够融合不同文化，营造多元文化的环境并以支撑亚洲城市的不断创新。

第三，大力吸引和培养高水平的创新人才。

创新人才是创新型城市的建设的直接推动者。优秀的创新型人才能够及时发现社会问题，并提出创新型的方案来解决社会问题，推动城市的变革和发展，亚洲国家大力地吸引高水平的优秀人才，来共同发现城市新题，寻求寻找问题的途径，产生出有价值的新的思维成功和思维能够，并设计，实施和完成创新活动及推广。创新型的人才是亚洲城市的社会创新得以顺利的展开的基础，因此，人才推动是亚洲国家开展创新的有力的推动者和实践者，优秀人才是亚洲创新的支柱。例如韩国首尔出台的"全球人才招揽"战略，在世界范围内选拔优秀人才来促进城市的创新发展；新加坡通过 A.STAR 设立国家科学奖，EDB 人才培训计划来吸引和培养生物医药领域尖端人才，推出"全国创新行动计划"来提高创新意识，加强创新教育，改善政府创新环境，促进技术市场化等等，这些国家采取的吸引和培养人才的措施为城市的发展提供了良好的条件，也不断地推动了城市的变革和发展。

第四，完善的制度建设和制度创新是创新型城市建设的软环境。

制度是创新性城市的软环境，制度创新甚至本身也构成创新性城市的重要内容。制度环境对于创新型城市发展是至关重要的。例如日本为筑波的创新城市建设于 1970 年颁布的《筑波研究学园都市建设法》，1971 年又制定了《筑波研究学园都市建设计划大纲》，1983 年颁布《高技术工业集聚地区开发促进法》。日本东京也通过税制改革和产学研一体化的制度建设推动创新型城市建设，包括 2000 年颁布的《促进基础技术开发税制》和改进的"官产学一体化"机制。韩国政府则于 1986 年颁布了《高技术工业都市开发促进法案》，保障了大田大德科学园的规划落实。在日本、韩国和台湾的城市创新中，通过出台促进创新的优惠、补贴和激励政策，包括税收减免、特别贷款制度、吸引外资制度、风险基金扶持制度、启动资金支持计划等等，都表现出了积极成功的经验。

六、对中国和上海创新型城市建设的启示和建议

全球经济危机是挑战也是机遇，较早地推进创新性城市建设，不仅是摆脱危机的发展之路，也是创造未来竞争力、构筑良好城市生活的发展之路。早在 2006 年提出的《国家中长期科学和技术发展规划纲要（2006~2020）》中，我国就已经明确了要走自主创新、建设创新型国家的道路，并在近十年来制定了重大科技战略、积极投身创新和产业转型。根据包括福克斯等多加机构，以及中国科技发展战略研究小组《2005 年全国各地区创新能力分析报告》显示，上海正是全国创新能力最强的地区，是中国具有代表性的创新型城市，这也是与上海经济发展水平较高相联系的。国外建设创新型城市的经验表明，人均 GDP 超过 1 万美元之后，城市应实现从以模仿创新为主到以原始创新为主的战略性转变，上海已经具备了较高的经济水平、较为完善的城市基础设施，然而在创新和转型上还有许多功课需要做。

就中国的创新型国家和上海的创新型城市建设来说，实现城市的创新型转型并撬动国家经济的持续发展，需要制度、政策、要素等方面系统性的联系和整合。亚洲城市的创新型建设模式是丰富而多样的，这些创新型城市建设依据国内外背景、自身发展状况和资源禀赋等条件的差异而不同，归纳其一般规律依然对我国和上海创新型城市发展具有重要的借鉴意义。

第一，创新型城市建设需要顺应全球化和全球产业分工调整的趋势。

顺应全球化、参与全球化是当今城市发展的必要条件。香港、新加坡、台湾、东京等城市都在国际化的背景下经历工业化时代到后工业化时代的转变，说明了高度开放的经济体顺应国际经济的趋势用于革新和产业调整，可以在产业升级的道路上越走越远。这其中，开放、参与全球化、创新与改革是城市发展和经济具有活力的永恒主题。当前金融危机催生新技术革命，全球化中充满了科技创新和新兴化产业发展。随着英、美国家推出的"再工业化"战略，发达国家开始在新兴产业和高科技领域的前沿布局，我国迫切需要在这一轮发展中依靠创新驱动，占领新的制高点。

第二，创新型城市建设需要重视发挥创新主体的自主创新能动性。

亚洲创新型城市的案例告诉我们，创新活动必须在自由、开放的市场环境下由市场的微观主体发起。政府在产业转型和发展中的作用都是非常关键而又需要谨慎把握的，过度的政府干预和政府主导却往往成效甚微。政府的作用主要是加强基础设施建设、完善制度框架、完善法律法规建设、构建产学研一体化的体制环境，但是创新的本身需要依靠企业、依靠社会主体、依靠个人的努力和创新精神，从而形成有竞争力的产品和产业，推进城市的自主创新过程。

第三，产业和技术创新是创新性城市建设的基础和根本动力。

产业转型、升级和创新是城市经济发展的根本动力，采用新技术、新机制建立制造业、商业的新业态，合理全面布局高科技制造业、知识密集型服务业和文化创意产业，才能使上海在建设创新城市、全球城市过程中在全球范围具有主动性和话语权。根据《上海市产业技术创新"十二五"发展规划》，上海市将积极培育和发展新一代信息技术、高端装备制造、生物、新能源、新材料、

节能环保和新能源汽车等七大领域，以此带动产业高端化发展；并在原有先进制造业领域加大技术创新力度，持续提升核心竞争力。上海的创新型城市建设需要和整个长三角创新性产业集群建设有机联系，发挥集聚效应、以创新为特征的产业集群对提升城市竞争力产生了重要影响。上海要提高自身产品附加值、进行产业升级，并努力整合长三角资源，进行产业梯度转移，发挥产业集群的正外部性，通过建设创新性产业集群推动城市群的整体竞争力。

第四，增强各种创新要素和创新力量的组织能力和协同创新能力。

目前上海已经集聚了各类创新要素、企业组织、社会组织等创新力量，但对促进创新的整合组织能力还有待加强，需要积极推动"官产学研"的整体写作，鼓励协同创新行为。例如首尔在其创新型发展中不仅依托世界级科技园区吸引了高精尖人才，还鼓励三星等大型企业的产业技术研究院进行人才培养。因此，一个可以参考的做法是在大学内引入市场力量，建立起企业、科研院所、学校共同的联合模式，在学校内开设创新实验室，培养适宜创新并将成果落地化的人才。另外，通过 FDI 和 ODI 积极的引进人才和国外的先进技术也是一条重要路径。因此，创造新的比较优势，实现人力资本带动的创新转型需要政府、企业和国际环境的共同努力。

第五，积极预防和应对面向创新型城市转型的"转型综合症"

在创新发展和转型过程中可能遇到艰难挑战，具体表现在由高新科技项目和服务项目短期产出效应不明显而遭遇财政危机、经济增速下滑，不确定性增加等经济问题，城市病问题、住房保障等社会问题以及环境问题。例如，东京在经济转型中于 1975～1978 年间出现了 101 万亿日元的财政赤字，为此东京成立了一个专门委员会来研究解决财政危机问题，重点措施是政府裁员、压缩工资、征收消费税、减少或取消津贴等，1979 年东京财政赤字减少，1981 年已转为有 31 万亿日元的盈余。积极整治和避免这些"转型综合症"，也同时需要社会多方面合作。

总之，实施创新型城市战略是以市场为主要手段，政府配合、支持，全社会参与、全方位全过程联动的城市整体创新，创新需要依靠科学技术、依靠创新性人才，依靠基础设施特别是信息化设施的极大进步，也需要通过加强制度建设推动相关要素组合，而关键是需要激发市场创新、社会创新和制度创新的创造力和活力。

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如何保障亚洲四十亿人的健康？

主席：彭希哲，钱序

摘要

为亚洲 40 亿人提供公平、高质、可及的卫生保健是亚洲各国发展的主要目标之一，也是保证亚洲各国经济和社会可持续发展的基础。因此亚洲各国需要：**1）首先应建立和改善能达到卫生保健全覆盖的医疗保障模式**，分享各国在实现全民健康保险、医疗保险方面的成功经验，并重视商业医疗保险的作用，基于各国的政治、经济和文化因素，探索能与各国卫生服务体系相适的医疗保障模式。2）慢性病是当前疾病负担的主要病因，故在推进卫生保健全覆盖的进程中要积极探索慢性病的有效干预方式。各国政府要充分重视慢性病的严重性，明确慢性病的疾病负担特点及发展趋势，并探索符合各国国情的医疗服务和预防保健相结合的全程干预模式。**此外，各国应积极探索信息管理系统在疾病防治结合和慢性病管理中的重要作用，并分享相关经验。**3）老龄化是亚洲面临的另一个共同挑战，为应对老龄人口健康相关问题，亚洲各国应首先明确各国人口老龄化趋势，分享经验和最新研究成果，从全球视角，通过跨国合作，联合探索适宜的、可持续的老年卫生保障体系。4）人群健康不仅取决于卫生系统，也受社会、经济等决定因素影响，而卫生政策能否有效执行也受到这些结构性因素影响，故未来的健康改善政策不仅需要公共卫生部门的不懈努力，更需要社会各方的通力合作与协调发展。亚洲各国应该分享公共卫生政策制定的经验和教训，探索公共卫生政策的发展框架与指南。

亮点

本论坛的亮点体现为：1）健康是当前中国乃至亚洲发展中的社会焦点问题，而世界卫生组织倡导的卫生保健全覆盖则是保障健康的重要途径；卫生保健全覆盖涉及到卫生、财政、社会保障、经济发展等社会各方面，因此该主题具有典型的多学科交叉性，为不同学科的合作交流提供了平台；2）亚洲慢性病管理较好的国家经验显示，慢性病管理应该注重治疗与预防的有效结合，而结合的方式需要符合各国服务体系特点；信息系统是促进健康管理和慢性病有效防治的关键环节，而且是健康全程管理的核心；3）人口老龄化带来的健康挑战，其应对策略各国有别。关键在于结合国情立策，建立高效的执行系统，提供适宜的保障服务。

一、背景

健康是人类生存和发展的基础，也是最主要的个人权利。如何改善环境，保证全民健康，是社会各系统，尤其是卫生系统的主要职责。当前全球和亚洲健康的主要威胁来自慢性非传染性疾病（Chronic Non-Communicable Diseases，NCDs），而老龄化进程则加剧了慢性病损害，增加了全社会疾病经济负担 [1]。这些对卫生服务系统的筹资和服务供给提出了挑战，因此，WHO 于 2012 年提出卫生保健全覆盖（Universal Health Coverage，UHC）理念，**拟通过改变传统的卫生组织模式、医疗保障和卫生筹资模式，提高医疗服务可及性，保证民众能享有所需的基本医疗服务，保障居民的健康权益。**UHC 能较好改善卫生资源配置效率和公平，被认为是潜在的第三次全球卫生模式革命 [2, 3]。本文将从亚洲和中国面临的慢病和人口老龄化挑战入手，结合 UHC 理念和原则，回顾亚洲各国的慢病管理模式和老龄化应对策略，分析各国不同模式和策略的优缺点及适用条件，而后基于亚洲和上海具体情况，提出具有针对性的建议。

二、亚洲慢性病管理策略

1. 慢性病现况、特点与发展趋势

慢性病已经成为当前全球的主要死因，并消耗了大多数卫生资源。2008 年，仅心血管、慢性呼吸道疾病、糖尿病、恶性肿瘤四类慢性病，就导致 5700 万死亡病例，占全球死亡总人数的 59%，并造成 46% 的疾病负担 [1]。无论是发达国家还是经济欠发达国家，都面临慢病的威胁，某些经济欠发达国家，甚至还出现慢性病患者年轻化现象 [4]。

在我国，慢性病患病率增长极快，根据全国卫生服务调查数据，2008 年我国慢性病患病人数达到 2.06 亿人，患病率为 20.0%，比 2003 年高出 5 个百分点。其中，2008 年城市、农村居民的慢病患病率分别为 28.3% 和 17.1%，但农村患病率的增长更快 [5, 6]。从死亡情况看，2008 年，慢性病导致的死亡人数占死亡总数的比例已经超过了 70%[7]。从资源耗费方面，慢性病导致的疾病负担占社会疾病总负担的比例也已经超过 70%[8]。上海作为全国人口老龄化程度最高的城市，其慢性病患病率相对更高：2001 年上海标化慢性病患病率已经超过 30%，2008 年有研究显示其中心城区居民的慢病患病率超过 37.5%[9, 10]。而慢性病患者的医疗费用也成为上海医疗总费用的主要组成部分。

2. 其他国家和地区的慢病管理典型模式和成功经验

作为亚洲经济发达国家之一，新加坡也面临慢性病的威胁。在二十一世纪初，其糖尿病患病率已超过 12.0%。为控制慢性疾病，降低其死亡率和疾病负担，新加坡开展了多种形式的慢性病管理，包括 1992 年实施的国家健康生活方式活动、2000 年开始的社区健康筛查，以及国家控烟项目，合理营养计划、慢性病健康教育项目等。最主要的管理项目为：1）2000 年卫生部开展的多元化疾病管理框架，强调要利用预防性的健康护理措施，推广健康生活。框架主要包括对病人及其家属开展健康教育；推广患者自我管理理念，改善患者健康行为；改进管理流程，促进管理人员与病人的互动，

建立长期管理关系；及时更新和反馈病人的康复结果，并提供针对性的信息服务。**与传统管理相比，该项目强调对于健康人群和高危人群进行健康促进及一级预防，注重慢病的早发现和早处理**；2）2006 年，新加坡卫生部开始推行慢性病管理项目（Chronic Disease Management Program，CDMP），覆盖糖尿病人的管理服务，第二年扩展至高血压、高血脂和中风患者。该项目通过将服务纳入医疗保障补偿范畴，鼓励病人协同其医生加强慢性病随访、改善生活习惯等，提高慢性病管理效率。**CDMP 一方面坚持慢病管理中病人的主动性，同时强调临床医生在慢病管理中的作用，真正达到预防与治疗的结合，取得了积极的效果 [11–13]。**

日本是全球人口老龄化程度最高的国家，比中国更早面临慢性病的挑战。据估计，2007 年日本的糖尿病人数约为 890 万人，高血压患者 3100 万人。为此，日本出台了一系列慢性病管理措施，近年来厚生劳动省开始推行特定健康检查和保健指导的慢病管理项目。1）从 2008 年开始，医疗保险机构对 40–74 岁的投保人，根据特定健康检查计划规定内容，每年进行健康检查。此外，还要对高危人群进行增加项目检查。**该项目强调通过筛查达到早发现、早管理的目的；2）对于健康检查筛选出来的高危人群，由专业保健指导师（医师、专职保健师、专职营养师）针对不同对象，制定不同的保健指导计划，面对面对高危对象进行指导，并进行三个月以上的随访和效果评价；3）健康检查和保健指导费用，通过法律明确由国家和保险基金主要承担 [14]。

香港在慢病防治中注重综合管理，致力于提供多元化的健康管理服务。慢病服务系统包括医院和社区康复网络，服务团队包括医师、护士、执业治疗师、心理学专家、营养师和社工等等。医院和社区的患者信息实行共享，鼓励多学科的服务团队定期对患者进行指导，并分析评估其病情。此外，注重与患者交流，并通过各种方式提高患者的保健技能，改善其健康行为。慢病管理中积极鼓励志愿者参与，吸纳退休医务人员的加入，以降低成本 [15, 16]。

上述国家和地区的慢病管理模式尽管有很大差异，但均注重：**1）临床医师的参与，做到预防与医疗结合；2）构建全程健康管理模式，关注疾病的早发现，而后对患者进行随访和长期管理；3）通过沟通和信息共享，鼓励患者的积极参与，努力改善患者行为；4）将一级预防等服务纳入医保报销范畴，实行医保对全程健康管理的偿付。三者的核心在于全程健康管理，而实现全程健康管理的核心则在于信息系统的建立和信息分享。**

3. 我国和上海在慢病管理中的问题及建议

我国，尤其是上海，在慢病管理中的主要挑战在于：**服务提供层面，医院和疾病控制中心协同工作机构不够完善；在人力方面，缺乏全程健康管理、实施防治结合的主动意识和专业人力；推广全程管理的信息系统尚未完善，这是慢病管理中的最大问题；保障全程管理开展的筹资和激励机制尚未建立。**

对于上海而言，应对慢性病危险，改善慢性病管理效率的策略为：1）首先**需要树立慢性病全程管理理念，强调临床医生在慢性病管理中的关键**作用，尝试在社区层面，实现慢性病预防和治疗服务的结合。这种结合体现为医院中的疾病监测、临床预防、社会倡导服务和信息收集，社区层

面的家庭为基础的个性化预防服务、以场所为基础的行为干预、以病人组为基础的疾病自我管理和健康信息的收集。**2）坚持以信息为纽带的全程健康服务。**全程健康管理需要收集人生各环节的环境、危险因素、健康行为、筛查、治疗等健康相关信息，这种信息分散在不同机构和不同服务中，因此需要建立完善的信息系统将之衔接和共享；**3）科学信息系统建立要求首先有顶层信息管理设计**，保证医院、社区、公共卫生机构间的信息共享、交流和利用。**要强调供方为主的信息采集、更新和维护，并鼓励需方利用和提供信息，提供管理有效性。**

三、卫生保健全覆盖

1. 亚洲典型国家 UHC 道路

国际社会公认，每一个人都应该在没有财务困难情况下获得其所需的卫生服务，但事实上，全球每年有近 100 万人因病致贫，故需要建立更好的卫生筹资和服务提供系统。而最有效的筹资方式则为风险共担，强调风险管理的医疗保险因此成为实施 UHC 的重要途径。包括亚洲在内的各国政府都尝试建立覆盖全体居民的医疗保障制度，以减少家庭的医疗负担。

亚洲各国中，日本是实行全民医保较早的国家之一。日本主要实行社会医疗保险，雇员及其家属必须参加企业举办的强制性健康保险，这部分人口约占总人口的 60%；剩余的 40% 人口，包括失业、自由职业和退休人员则参加由地方政府举办的国民健康保险。**法律规定所有保险计划均涵盖相同的待遇，包括住院服务、日间护理、处方药等。**对于雇员及家属保险，保费约为职工收入的 3%–10%，政府投入大量资金对低收入职工和失业人口等进行补贴，帮助其购买保险。保险自付费用约为卫生总费用的 15.8%。在这两类保险的管理中，社会组织和商业保险公司起到了极大的补充作用 [17, 18]。

韩国于 1977 年开始实行强制性职工保险，覆盖雇员、公务员和教师，而后与 1988 年、1989 年分别实施农村地区保险和城市地区医疗保险，覆盖小企业职工和非劳动力人口，这些强制性保险覆盖了所有的韩国居民，标志着韩国基本实现医疗保险全覆盖。到 1999 年，韩国对国内不同医疗保险制度进行合并，保证所有韩国公民都能享有同等的保险待遇，提高公平性。韩国的医疗保险筹资源自投保者、雇主和政府，筹资水平约为雇员收入的 4%，雇主雇员各自承担 2%。政府对自由职业者、低收入者进行补贴，保证其能享有医疗保险。韩国的医疗保险风险分担水平较低，参保者自付比例占医疗费用的 40%–50%[19–23]。

台湾地区于 1994 年出台全民健康保险法，并于 1995 年开始全面实施，当前，这种强制性的医疗保险已经覆盖了全部的台湾居民。从筹资上看，筹资水平约为工资收入的 4%–5%，来源于雇主、投保者和政府补助，不同职业者有不同的筹资政策。从福利上，所有的投保者都享有同等的保险待遇，保证了公平性。从管理上，健康保险局作为政府部门，成为保险的主办和管理机构 [22–24]。

不同国家在实施其卫生保健全民覆盖过程中，尽管模式略有差异，但有很多共同之处：**1）均**

采取强制性保险模式，并设计不同收入人群之间的风险同担；2）保险待遇都经历了一个差异到统一的过程，即不管筹资水平和筹资模式是否有不同，最终享有的保险福利均一样，而且各国均没有设立个人账户；3）政府的职责主要体现为对低收入者的资助，保证其享有医疗保险，此外，政府一般参与了保险的管理；4）各国均注重社会团体在管理中的作用，商业医疗保险则参与管理；5）各国的差异主要体现在筹资水平、福利待遇和管理模式上。

2. 我国的 UHC 现况及挑战

上世纪我国的健康保障制度主要为城市公费医疗制度和企业劳保制度，在农村则为合作医疗。改革开放以来，市场经济的发展对社会医疗保障提出了新的要求和挑战。1994 年我国开始建立城镇职工基本医疗保险，到 2011 年已经覆盖 2.5 亿城镇职工。这是一种强制性保险，其筹资水平约为工资的 8%–14%，由雇主和雇员共同承担。该保险主要由政府机构进行管理，覆盖门诊和住院服务。城市中的其他人口，包括职工家属、失业人口等，则由城镇居民医疗保险覆盖，该保险与 2007 年开始实施，采取固定筹资方式，由个人和政府出资。到 2011 年年底，该保险已经覆盖了 2.2 亿人口。农村人口的就医风险由 2003 年开始的新型农村合作医疗分担，这是一种采取中央政府、地方政府和家庭混合筹资的半强制性保险方案，筹资水平相对较低，福利水平也相对较低。2011 年新型农村合作医疗已覆盖 8.33 亿人，平均保费约为 250 元。到 2011 年年底，我国没有医疗保险的人口约占总人口的 5.2%，基本达到医疗保险全覆盖 [25]。

我国当前的医疗保障制度，主要问题和挑战表现为：1）筹资水平相对较低，保障程度相对较低。这在新农合与城镇居民医疗保险中尤为明显；2）公平性亟待改善。公平性方面的问题体现为两方面，一是不同保障制度人群之间，保障范畴和保障强度差别极大；二是同一保障制度的不同地区之间，其筹资和保障范畴、保障强度差别也很大。这直接影响到服务利用的公平性，并可能导致健康的不公平；3）按项目付费为主的支付制度导致浪费，影响效率。按项目付费作为典型的后付制，容易导致诱导需求。在筹资水平相对较低的情况下，这种支付制度会由于提高了总费用而减低对参保者的疾病经济风险分担水平，甚至出现保险提高了就医风险的极端现象；4）多部门合作与协调的低效。医疗保障制度涉及到筹资、服务提供、价格制定、支付方式、服务监管等，但这些功能分散在不同的行政部门，而且行政部门之间很难协调，导致低效。

上海作为国际大都市，经济较为发达，各保险方案的筹资水平远高于全国，主要存在的挑战是各保险方案人群之间的待遇差异，以及效率低下。

3. 我国和上海在 UHC 道路上的建议

我国虽然基本达到医疗保险全覆盖，但人群间的差异非常大，故：1）从医疗保障制度层面，应尽量缩小不同人群间的保险待遇差异。在短期内，统一全国的保险方案待遇并不现实，也不符合中国国情。可考虑首先在经济发达地区缩小不同人群间的保险福利。而后考虑扩大保险的统筹水平，缩小地区差异；2）我国实行的个人账户并不能在人群间分担就医风险，但导致筹资水平过高，未必适合我国国情，可考虑慢慢淡化个人账户概念，扩大统筹基金水平；3）应强化政府在保证居民

享有基本医疗保险时的职能和作用，主要体现为政府应增加对低收入人群的医疗补助，以便提高居保和新农合的筹资水平；4）发挥社会团体和保险公司在管理中的作用。保险的管理完全可以根据各地实情分别设计，可考虑在管理中发挥社会团体和保险公司作用，公开信息，提高效率。

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Asia's Wisdom: Approaches to Disputes

To seek development and to promote cooperation—these are the main currents of Asia today. Meanwhile, due to Asia's history and reality there exist many disputes in the region, ranging from politics to economy, territory to trade, energy to security, and regional governance to bilateral relations. Whether or not we can successfully cope with these disputes is connected both to long-term regional stability and development, and to Asia's standing in the 21st century world. Therefore, as the Shanghai Forum, as it focuses on Asia, not only needs to actively explore ways to deepen mutual cooperation in the region, but also to think about how to effectively resolve regional disputes. In particular, we must consider how to bring Asia's wisdom into full play in order to provide a robust conceptual foundation for the construction of a harmonious Asia—and make unique contributions to building a harmonious world.

Accordingly, this forum will focus on the following three issues: Using Asia's Wisdom to Handle Disputes; Successful Cases in Conflict Resolution; and Effectively Managing Disputes in Asia.

I. Using Asia's Wisdom to Handle Disputes

When it comes to managing relationships between countries, Asian nations are not lacking in wisdom. They possess a tradition of political thought which occupies an important position in human political civilization. During the Cold War, emerging countries in Asia advocated the Bandung Spirits, the Five Principles of Peaceful Coexistence and the Non-aligned Movement independent of the Soviet and American camps. These movements still shine bright in the history of international relations thinking. Since the end of the Cold War, some notions and practice, such as 'the ASEAN Way', Sino-Russian border disputes settlement, the spirit of the Shanghai Cooperation Organization, 'Harmonious World', and peaceful development, have made great contributions to transforming the region into one of peace, rather than one characterized by turmoil and unrest. Asia, therefore, is not only one of the world's most important bases of material production, but also the birthplace of the thoughts and ideas in the field of international relations.

The 'Five Principles of Peaceful Coexistence', 'non-alignment', 'one country, two systems', 'partnership diplomacy', 'shelving disputes', 'harmonious world', and the 'ASEAN Way'[1] are just a few examples of the existing wisdom that has played a major role in Asian conflict resolution.

As one of the most influential countries in Asia, China is a key player in many regional disputes

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[1] For a detailed account of the 'ASEAN Way', see Amitav Acharya and Jurgen Haacke, ASEAN's Diplomatic and Security Culture: Origins, Development and Prospects, London and New York: Routledge Curzon, 2003, p. 198; also in Iain Johnston, Socialization in International Institutions: The ASEAN Way and International Relations Theory, G. John Ikenberry and Michael Mastanduno eds. , International Relations Theory and the Asia Pacific, New York: Columbia University Press, 2003.

as well as an essential contributor to problem-solving. The principles China adheres to in solving its disputes reflect it's unique wisdom, providing meaningful references for the settlement of the disputes.

Due to rapid development, China has been subjectively depicted by Western countries as: a challenger to the status quo, that is, of the whole regional system and the international system; a rising power, whose approach will reshape the international system; the 'Other', an outlier in both international and regional systems; a country that does not obey the rules of the international order. In fact, China's rise in the Asian region is basically peaceful, and through the method of 'tolerant improvement', China has resolved many potential regional conflicts. [1]

The fundamental principle of 'tolerant improvement' means focusing on national development, but not at the expense of others; likewise, it means promoting other countries' development without damage our own interests. In short, 'tolerant improvement' may include the following six main principles:

1. Without disrupting existing vested interests in the international system, China will strive to develop new profit growth points. This is a positive principle, based on adding rather than subtracting.

2. Without damaging individual fundamental interests and overall gains, China will attempt to let the other party (especially the weaker party) gain more profit first. This is referred to as 'the principle of positive benefits'. With regards to cross-strait relations, for example, the government of mainland China has adopted 'the principle of positive benefits' in order to gain mutual trust, promote win-win cooperation and lower the risk of conflict.

3. China will promote its own interests without harming those of the weaker party. China's system exhibits characteristics of self-control, rarely actively taking advantage of external conflict to relieve domestic pressure. Instead, it utilizes internal innovation and focuses internal strength to avoid negatively impacting the international system. For instance, during the Asian financial crisis of 1998, the Chinese government solved the crisis by reforming its domestic system, rather than depreciating the RMB to transfer the pressure to its neighbors.

4. If the other party is not equipped with the necessary conditions, China intends to help it create the conditions that enable opportunities for cooperation. For example, China helps African nations to build their infrastructure, creating the basic conditions of market economy for the improvement of peoples' livelihood.

5. Any reform of the international system is not guided by maximizing interests of the strong, but rather by ensuring minimum losses for the weak. This can be considered a principle of 'fairness, proportion, and balance'.

6. Modifying and improving the rules, while at the same time obeying them. Unlike the old capitalist countries which make the rules only to break them, this principle is inseparable from Chinese culture, which attaches great importance to order. It means learning from and adapting to the rules in order to make more effective ones.

Other important rules include: 'never burn bridges'; do not deny the world's achievements in face

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[1] See Su Changhe, "China's Road to Construction of the International System," The Contemporary World, 2012, no. 2.

of China's success; and, abide by the principle of reciprocity.

We can see that China's rise and development by means of 'tolerant improvement' is a constructive, peaceful, and cooperative force, rather than a destructive, militant, or oppositional force. This is a fundamental and pragmatic approach to solving regional conflicts that stems from Asia's wisdom.

II. Successful Cases in Conflict Resolution

The traditional culture of Asian nations as well as the modern age requires 'peace, development, cooperation and win-win outcomes'. Asian countries consistently seek peaceful resolutions to conflict through cooperation. China's staunch pursuit of 'responsible great-power' status and a 'harmonious world' has prompted regional governments and politicians to resolve a number of disputes. These instances of successful conflict resolution can be analyzed from both theoretical and practical perspectives. A number of such successes have become a commonwealth shared by the people of Asia and the world at large.

In terms of multilateral policy, conflict resolution mechanisms such as the Shanghai Cooperation Organization, ASEAN 10+3, ASEAN+1, and the Six-Party Talks are all good examples of successful cooperation, as is China's involvement with subregional cooperation regimes Mekong River Commission and the Tumen Development Initiative. Bilaterally, China has already resolved many territorial issues with other countries, including the China-Russia border dispute, the land and north gulf border disputes with Vietnam, and border disputes with Burma, North Korea, and Nepal. In addition, declining tension across the Taiwan Strait has led to improved ties with the mainland.

1. China-Russia Territorial Disputes

The China-Russia territorial disputes are exemplary instances of such issues, and provide a valuable reference point for other conflict resolution processes in the region.

Territorial disputes between China and Russia are deeply rooted in history. The two countries have, over time, signed more than 30 treaties, large and small. During bilateral negotiations between China and Russia (the Soviet Union), 19 treaties served as the foundation and legal basis for border recognition, but covered up the root of the conflict. Over time, pressure related to misunderstandings concerning large areas and various historical issues built up. For instance, the first treaty of 1689 was regarded as a fair one but the 1858, 1869 and 1864 treaties were considered to be unfair. Although there existed numerous contradictions and divergent views, the two countries finally reached a consensus on territorial issues. Successful resolution of the China-Russia disputes rested on the following experiences:

First, good political relations have a great influence on negotiations. Without a healthy political relationship, common and peaceful means are ineffectual. Underlying political tensions can lead to negotiations that end in frustration.

Second, the sincerity of both sides is of great importance. Without determination and desire, negotiation is just a formality, and it is hard to solve substantive issues.

Third, border talks under the condition of peace must be the result of compromise of the two

parties; a one-sided deal will be unacceptable. Both small and large countries have equally strong national consciousness and national sentiments. Territorial negotiations between small or large countries require that the two parties compromise and understand each other.

Fourth, constructing a correct and relaxed public opinion environment. In an extremely nationalistic social atmosphere, territorial issues are difficult to resolve. If a country really wants to solve its territorial issue, it needs to actively create a favorable public mood.

Fifth, territorial issues are sensitive. Negotiations should remain confidential to avoid compromising the bargaining process.

Sixth, it is difficult to use the same criterion to judge different countries' problems due to idiosyncratic differences in history, geography, and demographics. International law is a basic criterion. Yet, because some general problems can be solved according to international law but others cannot, many specific problems depend on mutual agreement. Thus, they should be attended with special care.

2. China-India Territorial Disputes

Besides the China-Russia, unsolved territorial disputes remain between China and India, two adjacent powers. Moreover, after the 1962 Sino-Indian border war, the Indian Parliament adopted a series of anti-China acts and correspondingly adjustmented its military strategy. Not until the late 1970s did the Indian government change its China policy. Nevertheless, the two countries currently maintain good momentum and overall bilateral relations remain healthy. This is due to the national development strategy adopted after opening and reform, as well as new thinking on the improvement and development of Sino-Indian relations.

First, the foundation for improving bilateral relations, based on seeking common ground while setting aside differences, was laid down by Deng Xiaoping in February 1979 during his meeting with the Indian Foreign Minister. Deng put forth the following principles: 1) considering the overall situation, both sides should seek common ground while putting aside differences; 2) border issues can be solved peacefully through negotiations; 3) border issues should not be an obstacle to the improvement bilateral relations. In other words, the resolution of territorial disputes should be a secondary goal, rather than a necessary precondition, of an overall stable relationship.

Second, border issues must be resolved in the spirit of mutual understanding and mutual accommodation. Considering the nationalist sentiment in both countries, we can only convince the public by taking a reasonable approach.

Third, before resolution, we can enhance exchange and cooperation in other fields. If the border issue cannot be resolved immediately, we can put it aside and cooperate in many other fields, such as trade, economy, and culture. Mutual engagement is bound to create conditions that will ultimately be conducive to resolving border disputes.

Fourth, by adopting a 'forward-looking' attitude, we can focus on the future while putting the past behind us.

After Deng Xiaoping's initiative, the Indian government responded positively. In its foreign strategy, India no longer regards China as a real threat, but considers improving China-India relations to be a diplomatic priority. This has led to a more even strategic balance between India, China, America, and Russia.

Bilaterally, India and China no longer seek to resolve the dispute before promoting communication and development. India no longer adheres to the principle of expelling all Chinese nationals, and has adopted a more practical China policy. In the Tibet issue, India has become more independent and no longer bandwagons with the West, restricting to a certain extent the Dalai Lama supporters who engage in anti-China activities.

In the context of loosened bilateral relations, China and India signed two significant agreements in 1993 and 1996. For some time now, the border region has remained peaceful. Above all, China and India have explored feasible solutions and prevented the disputes from escalating out of control.

3. China and Japan: Managing the Diaoyu Islands Dispute

For various reasons, China-Japan relations involve many disputes. For the most part, however, they have remained under control for the past several decades. Economically, both sides use wisdom to ease the disputes through cooperation. Chinese and Japanese statesmen have realized that escalating territorial issues will lead to bigger problems for both countries.

In order to maximize profits and minimize conflict, Japanese Prime Minister Hatoyama proposed studying institution building from the European Union. Some Japanese economists think that, with the development of science and technology and the exploration of new energy sources, the relative value of oil and gas reserves around the Diaoyu Islands may decrease. Our former State Councilor Tang Jiaxuan advocated improving China-Japan economic relations through joint projects such as the Chongming Island Project and ecological gardens in Zhejiang Province. Japanese Prime Minister Fukuda also proposed establishing a larger platform for regional cooperation, which would encourage efficient utilization of each country's comparative advantages. If China and Japan cooperate, the Pacific Ocean will become a continental sea, the exchanges of goods, materials and people will be more convenient, and tensions arising from the territorial disputes will be mitigated through convergence of mutual interests and increased interpersonal communication.

As for the Diaoyu Islands dispute, despite the best efforts of scholars in both countries the results have failed to meet expectations. In light of the current reality, the Diaoyu Islands issue should be treated as an individual case. We will continue to make efforts to return the problem to its original state and accept Japanese proposals that call for 'shelving disputes'. The approach China currently adopts is to make its argument clearly known. However, there still remains the risk of escalation with Japan.

4. China and Korea: Settling the Koguryo Controversy

The Koguryo problem caught the world`s attention in 2004. It originated from anti-China historical folk novels in Korea, against which Chinese academia fought back. Both sides' actions were unobjectionable at first, yet later they took improper measures. Strong reactions from both China and South Korea were reflected in China`s high-profile declaration of the "Northeast Asia Project," Korean scholars` misinterpretations, improper propaganda of the Koguryo world heritage issue, changes on "Republic of Korea" commentaries on Chinese Foreign Ministry website and so on. Millions of South Koreans went to the streets in protest; some went as far as burning the Chinese flag. This event was the result of some South Korean factors as well as China`s missteps. However, China and South Korea successfully tackled this turmoil caused by the historical problem. The following is a summary of our

thoughts on this dispute and methods for its resolution..

First, look at the big picture. Both sides differ in principle on Koguryo: the Chinese stated that Koguryo was one of China`s local minority regimes in ancient times and the war between the Tang Dynasty government and Koguryo was reunification, while South Korea considers Koguryo to be the major country of ancient Korea. If Koguryo did not belong to Ancient Korea, then the three kingdoms period in Korea history would no longer exist. It was, therefore, necessary to rewrite Korean history and it follows naturally that the war between Tang and Koguryo was an aggressive war. It is difficult to reconcile such an acute divergence. However, such a disagreement is not very significant compared with the politics, economy, safety and diplomacy of China and South Korea today; it is a question of history rather than a core national interest. The consensus reached by both sides is that such divergence and radical action should not be allowed to interfere with the friendly cooperation between the two sides, or terminate the hard-earned state of vigorous development of China-ROK relations. When balancing between historical controversy and cooperative development, two countries must both make accurate, acceptable judgements while taking into account domestic opinion.

Second, shelve the disputes. Koguryo is an historical issue relating to the East Asia of more than 1000 years ago. There exist different opinions in history and even Chinese scholars cannot reach an agreement. In the short term, we cannot arrive at a consistent conclusion. Perhaps we will never reach a consensus. It does not, however, affect two countries' current boundaries and territory. Accordingly, we should shelve this dispute and 'agree to disagree'. The "integral whole, double use" theory advanced by some Chinese scholars was widely accepted. Both sides agreed to approach this issue as a question for academic debate. By seeking common ground while retaining differences, scholars can hold rational debate without governments and citizens acting impulsively out of emotion. This guiding principle helped mitigate the tensions between China and South Korea over this issue.

Third, maintain high-level communications. It is essential for high-level leaders to have timely communications regarding such serious disagreements like the Koguryo historical issue. If both sides had taken an uncompromising stance, the situation would surely have worsened. During the process of solving the Koguryo issue, both high-level leaders promptly held a dialogue to eliminate mutual misunderstanding, clear divergence, avoid possible misjudgments, and keep calm. If the leaders had refused to meet and instead responded with high-profile, abrasive rhetoric, the situation may have escalated into a serious political confrontation.

Fourth, trust in the wisdom of future generations. For historical issues like Koguryo, both sides should have sufficient patience and believe that our later generations will have more wisdom and better methods to solve them. Rather than having fierce disputes today, it will be better to calmly and considerately reach a proper agreement in the future which both sides deem acceptable. This is how the China-Russia Heixiazi Island issue was resolved. It is the same with the Koguryo issue. This author also thinks that with the acceleration of globalization, human beings are changing from national citizens to global citizens. Koguryo existed more than 1000 years ago; did it belong to China or South Korea? The importance of this issue may be quite different in eyes of today`s national citizens and future global citizens. If the integration in East Asia develops as it did in Europe, the emphasis on divergent views will surely be reduced. Until then, there will be better conditions and possibilities for solving those problems properly, or those divergences will become

unimportant and disappear by themselves.

III. Effectively Managing Disputes in Asia

At present, there are issues in many areas—from territorial disputes to historical disagreements, religious conflicts to competition for resources—all of which are difficult to resolve. The following discusses in greater depth the possible solutions for China and other countries` territorial issues.

1. Basic Ideas

The basic ideas can be divided into two parts: one is the how to treat sovereignty, and the other is the specific strategies and measures for implementation. The sovereignty issue is the most sensitive and also the most fundamental. If there is no innovation on this issue, that is, if the old concepts remain unchanged, conflict resolution will become empty talk. Innovation on the issue of sovereignty should be based on history and reality, therefore, in concrete practice, we need to have reasonable and pragmatic strategies.

(1) Approaching the Sovereignty Issue Creatively

First, new breakthroughs must be made in China`s treatment of maritime sovereignty. Since land boundaries can be clearly demarcated while the ocean cannot, maritime issues require going beyond traditional conceptions of sovereignty.

Second, maritime sovereignty and claims to resources can be treated separately. Maritime interests can be resolved through sharing, rather than arbitrary division.

The ways of obscuring sovereignty and sharing, then, should be diversified. First, though both parties must insist on their respective claims, both must also recognize the others' position (as with the Diaoyu Island dispute between China and Japan); second, shelve sovereignty disputes (as with the solution to the South China Sea issue put forward by Deng Xiaoping); third, share sovereignty. One house can only have one roof, but we must all live together. We can first share this space, and then create things under the roof which are shared. This is the so-called "roof theory"[1] . When Ma Ying-jeou came into power, he has admitted both the mainland and Taiwan belong to ethnic Chinese peoples, and then discussed the detailed issues. Based on this idea, cross-strait relations have achieved greater stability.

(2) Flexible Implementation of Strategy

There are three solutions to maritime resources disputes: resources partition, joint development, and non-development (as is the case in the Diaoyu Islands dispute). The detailed implementation of strategies can be divided into the following parts:

First, as far as border disputes, and especially in the case of China-India border disputes, we should tackle them step by step, and not be anxious for success. We should also avoid the official standard having an impact on national interests, that is, pursuing short-term tactical gains at the

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[1] "Roof Theory" can also be called "partial order theory." Produced in the 1970s, it is the product of the Premier of West German`s compromise with East German and the Soviet Union, in order to put forward "Look East Policy" . See also in Yia-Chung Chang:《两岸主权论》，生智文化事业有限公司（Taipei）53 — 67.

expense of long-term strategic interests. At the same time, political will is required. If leaders are not willing to bear the political responsibility and instead leave the disputes to later generations, the settlement will be postponed.

Second, we need to solve the conflicts in a kind, peaceful and reasonable way. To solve the problem, both sides should establish a good relationship. This is the basis for the settlement of disputes, and can also promote peace and stability in the surrounding regions. Under such circumstances, both sides should adopt a give-and-take attitude to negotiations peacefully and under the guidance of mutual understanding. At the same time, we must adhere to the law while doing legal research on response plans.

Third, we can set an example by solving some problems, thus laying the foundation for other resolutions. If China is to solve the maritime problem, and become a maritime power—especially completing the transition from regional sea power to world sea power—the settlement of South China Sea disputes is key. Accordingly, China should set up an international, regional forum on SLOC security. While taking on great power responsibilities, China should also discuss the implementation of fisheries management system construction with the ASEAN countries.

2. Specific Measures for Implementation

(1) South China Sea

There are two kinds of solutions relating to the South China Sea issue. First, our country is developing very rapidly, and the current situation is beneficial; as long as we maintain control and refrain from future infringement, we can gradually create the conditions for resolution of this conflict. Second, the South China Sea issue must be settled as soon as possible—'step by step' is ineffective. In any case, the South China Sea issue should be approached as follows:

First, make clear the connotation and denotation of the 'nine dashed lines'.

The nature of the 'nine dashed lines' is at the heart of the South China Sea disputes, as it involves the legal nature of maritime territory. Without the division of the nine dashed lines, there is no legal basis for China`s claims to sovereignty in the South China Sea.

The international community mainly has four theories about sea borders: the historic waters theory, historic rights theory, maritime territory theory and island line theory. These theories can be argued to the effect that China has sovereignty of all the South China Sea islets reef beaches and their adjacent waters, but they have different views on the legal status of the 'nine dashed lines' waters, especially regarding recognition of China`s effective jurisdiction rights of waters within the lines.

With respect to the ownership of islands within the 'nine dashed lines' and the right of resources jurisdiction line, we should make clear the following points: First, all reef beaches belong to China. Second, China can choose part of the Spratly reefs as the baseline to designate islands' waters. Island waters should not, however, hinder the right to freedom of navigation; China's goal, rather, is augmentation of territorial waters around the Spratly Islands. Third, China has sovereign rights to natural resources in the surface water, seawall, and subsoil etc. Area should be divided according to two guidelines: maritime law and historical rights. Fourth, for waters beyond the inland waters in China, other countries continue to enjoy the rights of navigation and other legitimate uses as regulated by international law.

In any case, we must adhere to our legal position on the South China Sea and combine our

strength in research and debate. In particular, we should reinforce the publication and distribution of this topic, and also can invite foreign countries (especially Europe and the United States) to help with publicity.

Second, combine legal rights and interests with historical rights and interests.

Stick to the combination of legal rights and historical rights to delineate the islands and sea areas within China`s jurisdiction. Because the 'nine dotted lines' already include the resource jurisdiction line specifically reflected in the legal status of the waters within, this area encompasses two types of waters sharing different properties. One is territory under the Law of the Sea, which includes territorial water, exclusive economic zone and so on.

The second is territory based on historical rights, which include the right of fishery, right of measurement, right of navigation, etc. before the United Nations Convention on the Law of the Sea of 1982. The legal status of these two kinds of waters is totally consistent with the institutional rules of the United Nations Convention on the Law of the Sea as well as the rules set by China's laws, especially the Law of the People's Republic of China on the Exclusive Economic Zone, the Continental Shelf, and the Marine Environmental Protection Law. Therefore, legal rights and interests should be combined with historical rights and interests in an organized yet mutually complementary way when upholding the maritime rights and interests of the South China Sea.

Finally, combine legal means with political means of resolutiong in an organized fashion.

As a signatory to the UN Convention on the Law of the Sea, we should take a clear-cut stand based on this law to deal with the disputes. But we should not rely on it, give in to it, and thus be bound by it. The reason lies in that legal means couldn't solve the issue of the South China Sea, especially with regard to territorial disputes.

If the legal means are involved, approval must be gained from related parties. There are two kinds of approval: selective statement and litigation. Accepting the jurisdiction of the international court of justice by way of litigation (Party A submits dispute issues to the international court of justice on the condition that Party A does not know whether Party B accepts the jurisdiction. If Party B thinks that the dispute must be accepted, then Party B could accept the jurisdiction by way of litigation jurisdiction). The Philippines made a statement to that effect on January 18th, 1972, yet still withheld, to a certain extent, from addressing questions related to international maritime jurisdiction and its territory. According to the Philippines, the International Court of Justice does not enjoy rights to full jurisdiction regarding disputed sovereignty. On the other hand, China, Vietnam, Malaysia, and others did not make a selective statement according to Article 36 as stated by the International Court of Justice. Thus, agreement on the Court's jurisdiction is problematic at best. Considering that China, Vietnam, and the Philippines are signatories to the United Nations Convention on the Law of the Sea, we need to discuss whether the international tribunal for the law of the sea could have jurisdiction over the South China Sea issue. As far as China is concerned, it has already divested itself of international justice and arbitration in terms of disputes on maritime borders, territory, and military activities—as well as disputes related to China's larger interests—in the written statement submitted to the U.N. Secretary-General on August 25th, 2006. If China does not withdraw this statement or submit to litigation jurisdiction, the International Tribunal on the Law of the Sea shall have no right of jurisdiction on territorial disputes.

At the same time, insisting on solving South China Sea issue only through legal means will also result in adverse consequences for China. This is because the existing international system is disadvantageous to China, and some historical rights and interests cannot be solved by legal means only. Solely relying on international law will increase the complexity of conflict resolution.

Therefore, political means are also necessary when dealing with the South China Sea issue. This means that the two parties should achieve mutual understanding through bilateral negotiations, and with a strong political will, advance the goal of promoting bilateral relations and developing the foundation for a peaceful resolution to the South China Sea disputes. This is the basis for cooperation and productive action, including cooperation on issues such as scientific research, marine environmental protection, marine surveys, search and rescue, and anti-piracy.

(2) Diaoyu Islands

First, we must make Japan aware of this dispute.

International law points out that if there is any difference in any aspect of law or facts, or the difference lies in legal points of view or interests, this difference will be recognized as a "dispute".

Japan has long denied that not only is the Diaoyu Islands issue disputed, but that there is also a consensus on shelving the dispute. Japan conducted nationalization of the islands in September 2012, mainly intending to restrict jurisdiction from the international community and gain the upper hand with respect to international law. This, together with the biased attitude on the part of the U.S., has placed a strain on bilateral relations. To make Japan aware of the disputed sovereignty of the Diaoyu Islands, we have no choice but to pursue a "tit-for-tat" approach. If Japanese land on the islands, then we will also land on them; the existing beacon lights must be removed; Japanese vessels shall not approach, nor shall Japanese aircraft. Through this "tit for tat" approach, we will suppress Japan without making any further concessions in order to force Japan's recognition.

Second, we will further confirm the existence and positive effects of the bilateral consensus.

Despite the fact that disputes were not referred to in any documents of these two parties, judging from Deng Xiaoping's words in an interview held by The Japan National Press Club on October 25th, 1987—two days after signing the Sino-Japanese Treaty for Peace and Friendship—the fact that Chinese and Japanese leaders promised not to become involved with the Diaoyu Islands dispute was significant during the rapprochement process. During the press conference, the Japanese government did not take an oppositional attitude or register dissent, which could be regarded as tacit agreement. This kind of attitude can make up for deficiencies in the abstract principles of the Sino-Japanese Treaty for Peace and Friendship: in some sense, it goes a step further in explaining the source and background of this treaty.

After the treaty exchange, and until 2010, the Japanese government dealt with the Diaoyu Island issue according to the principle of shelving disputes: no landing, no investigation, no development, and no punishment, which exerted certain positive effects on the settlement of this issue for these two countries.

Third, we should stop the so-called illegal garrison system and other illegal activities by Japan on the waters surrounding the Diaoyu Islands.

Since its announcement of the baseline of territorial sea on September 10th, 2012, China has made a basic improvement in its territorial waters system and has implemented normalized

management. In order to restrict Japan on its illegal impairment and harmful behaviors, including driving off fishing vessels, tracking, and espionage, etc., on the part of the Japanese Coast Guard, we must draw up relevant laws and regulations. These include regulations on law enforcement, management and punishment when passing through designated sea areas under jurisdiction, and regulations on innocent passage and non-innocent passage of foreign vessels within territorial waters. Certainly, it is also important to strengthen mutual cooperation on maritime issues.

Fourth, China and Japan should resort to rational, peaceful and non-violent means of dealing with this issue.

Our two countries should refrain from taking further actions to promote our respective claims, maintain the status quo, and avoid escalation of an already complicated issue. At the same time, our two countries should not use or threaten to use military force. We must avoid violence and explore measures of crisis prevention, management, and control.

IV Suggestions for Asia

The population of Asia accounts for three-fifths of the world population, and one-third of the world economy.[1] In the age of economic globalization, Asia has become an important force in the international community. Now that most of them have entered a phase of industrialization and modernization, Asian countries should settle their internal conflicts in reasonable, peaceful and independent ways. Deepening cooperation while preserving independence will contribute to the unity, stability, and prosperity of Asia. In the process of dispute-settlement, there are several principles that deserve special attention.

1. Based on Asia, Learning from Others

Asian conflict resolution should be based on the unique characteristics of the region. Rather than blindly following the conflict resolution models of Western and other regions, it is necessary to explore the origin of regional conflicts using Asia's wisdom, with respect for the values and habits of Asian people. In seeking feasible, creative solutions, we should be cautious about the use of foreign—and especially Western—theories, such as humanitarian intervention and military deterrence, as guiding principles. [2]

While based on Asia, we cannot deny that other conflict resolution models can be informative. Thus, we should draw on the lessons of other successful cases which share similar background and conditions for ideas regarding our own regional conflict resolution.

2. Step by Step Progress, Peace and Independence

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[1] 《李克强：亚洲经济增长对世界的贡献率超过 30%》，2012 年 4 月 3 日，中国网：http://finance.china.com.cn/news/gnjj/20120403/634168.shtml

[2] Taking Europe as an example，on the basis of the EU，it has achieved a high－degree of general integration，and has transferred part of the sovereignty in economic and social fields, which helped to solve the national defense issue that has bothered Europe for centuries. But this theory and its practice model do not readily fit the reality of most Asian countries: a focus on equality and independence of sovereignty, a gap in economic performance, and significant diversity in cultures and religions.

Conflicts in Asia are complex, varying in character, intensity, field, country and region. A simple, one-size fits all approach is inadequate. Instead, these conflicts should be approached in a step-by-step manner, from shallow to deep, from simple to complex, and from easy to difficult.

Taking into account the complex and sensitive nature of these issues, we should try to avoid using non-peaceful measures, including threat of force, intervention, and armed conflict. We insist on the principle of independent and equal sovereignty when settling disputes through peaceful, diplomatic negotiations. Meanwhile, we should settle the issue regionally or bilaterally. We firmly oppose the involvement of outside forces which may lead to unreasonable settlements. Even within the region, we maintain that any settlement be reached with the full cooperation of relevant parties. Intervention by those without direct interests at stake can only undermine the conflict resolution process by increasing complexity and risking unacceptable outcomes

3. Cooperating for Win-win Outcomes, Integrating Values

We should view our conflicts and issues from a positive, constructive perspective. Through cooperation and common development we can gradually transform negative aspects into positive ones. Indeed, it is imperative that we explore more opportunities for deepening cooperation in the economy, society, technology, environment, resources, and the security of Asia. In order to realize prosperity, it is important to institutionalize systematic and long-term engagement.

At the same time, drawing from the lessons of other areas (especially Europe) where major advancements have been made through regional integration, we should make efforts to adapt their wisdom to suit our own particular conditions. In such a diverse, complex region as Asia, we must focus on economic integration as the foundation for peace and cooperation. This can also be based on common historical experiences, such as anti-imperial, anti-colonial, and anti-hegemonic movements. Shared geography and a long tradition of political and cultural exchange provides the setting in which breakthroughs can be made in exploring, creating, and strengthening common Asian values. Common values can transform the nature of conflicts and enhance the possibility of reaching mutually acceptable outcomes through consensus. [1]

4. Learn from the Past, Look to the Future

Asia is a place of origin for major world civilizations, and relations between Asian nations are long-standing. Many regional conflicts are deeply rooted in history and have evolved over the course of time. They cannot be settled simply by focusing on the current situation or by resorting to opportunism and speculation. Seeking truth from history while looking to the future, therefore, is the way to ensure comprehensive development, shared prosperity, and ultimately, peace for the coming generations.

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[1] Regarding European integration, some scholars think that Europe has developed its integration process also on the basis of plural national identities and a singular regional identity. The identification of values has played an important role in the integration process (along with the neutralization of severe conflicts). See: Brie, Mircea and Polgar, Istvan and Chirodea, Florentina: Cultural Identity, Diversity and European Integration. Introductory Study. Published in Annals University of Oradea. International Relations and European Studies No. Supplement, 2012, pp. 1−342. Also see: Yusi Teng, Cultural Identity and European Integration, Munich, GRIN Publishing GmbH, 2008.

Asian Legal Wisdom: Diversity and Unification

Han Tao, Li Shigang, Ma Zhongfa, Li Chuanxuan

Introduction: the legal wisdom and the unification of laws

Having attached great importance to the European legal wisdom for a long time, the comparative law has seldom given attention to the Asian legal wisdom. Owning a long history of internal legal communication and interaction, Asia has the richest legal traditions, the most various legal systems and the most diverse genealogies of law. Here, Asia has its intrinsic Chinese law tradition and Arabian law system (Islamic law system). Besides that, some researchers used to argue that Mongolian law system, Hindu law system, Russian law system, Common law system (applied in India, Singapore, Malaysia, Pakistan, Bangladesh, Brunei and Hong Kong) and Civil law system (applied in Japan and Taiwan China) also existed in Asia. Some Asian countries even apply more than one law system and enjoy all the distinct characteristics of those different law systems. The various Asian laws enrich Asian legal wisdom and make it very diverse as well. It is an objective fact for the international law field that the diversity of the law determines the diversity of the legal wisdom, which facilitates different legal wisdom across the world to learn from each other, but hinders the global cooperation. However, what is gratifying is that the contemporary Asian legal wisdom, to some extent, represents the universal values of human beings and thus is crucial to the harmonious development and prosperity of Asia. With the coming of the age of economic globalization and risk, the issues of Asian security and non-traditional security are looming large and how to integrate and unify such diverse Asian legal wisdom has become the common subject confronting all the Asian countries.

The movement of the legal unification across the world is of long standing. The concept of Ius Commune, which was based on the Roman law and the Natural Law has almost disappeared and has been replaced by the Common Law whose basis is the comparative law. The northern European countries, especially the Scandinavian countries, share similar history and culture. Taking advantage of those similarities, the expansion of business and the improvement of transportation, the northern European countries started to cooperate in law and legislation in the last thirty years of the 19th century. In 1872, to promote the northern European legal unification, the jurists held a conference in Copenhagen and passed a resolution making the unification of the law of negotiable instrument in northern Europe the primary goal. Having accepted the resolution, the Attorney Generals of Sweden, Denmark and Norway quickly made a start on the preparation and implemented the unified law of negotiable instrument in the three countries all at the same time in 1880. Then in the several years after that, the northern Europe focused their attention on the issues of unifying commercial laws. With a constant effort, the northern Europe has almost realized the unification of the law of trademark, trade register, trade name, power of attorney and negotiable instrument before the 20th century. In addition, the Scandinavian maritime law was also established on the basis of the unified legislation after two

years efforts from 1891 to 1893. In 1899, some northern European jurists suggested that except for the commercial laws, they still needed to unify other private laws so as to stride forward to drawing up a Scandinavian Civil Code. All the northern European governments reached an agreement on that proposal and started from the unification of the law of property. The sales contract on movable property, after the introduction of the draft, was put into practice in 1905 in Sweden, in 1906 in Denmark and in 1922 in Iceland. The mutual cooperation of the northern European countries improved the quality of their legislation. Since the 20th century, the common law movement among the northern European countries has got further development and one of the achievements was the Other Legal Acts in the Field of Contract and Property Law (a name used in Sweden), which Sweden, Denmark and Norway carried out one after another from 1915 to 1919 and was implemented in Finland in 1929.

The common law believes----on the basis of the comparative law as a universal law principle based on the precedential experience and practiced in all civilized countries tries to break the anti-logos barriers between each country's legal systems. At the first conference on international comparative law, held at the time of the World's Fair in Paris in August, 1900, Professor Saleilles of University of Paris proposed the idea of "droit commun de I'humanité civilisée" Professor Lambert of University of Lyon proposed the idea of "droit commun législatif", which become the symbolic slogans of comparative law. Since the peaceful intentions after WWI was advantageous to comparative law, Professor Lambert had felt the possibility of establishing international common law in countries including China and Japan. At the same time, the movement of the legal unification was progressing steadily. However, due to the rise of the idea of totalitarian state, the enthusiasm to common law began to cool down before the coming of WWII.

In history, due to the influence of tradition and regionalization, Asia, especially the East Asia, mainly comprised of China, Japan and Korea, has formed a unified cultural community which was known as the Confucian Cultural Cluster. In respect of the legal wisdom, the historical East Asian Laws as a whole were considered as the Chinese law system and shared some common features. Reflected on the East Asian countries' legal wisdom, one of the main features was that except for China itself, all the other East Asian countries' laws were developed on the foundation of the Chinese law. Although each country had its own distinct tradition and custom, their laws were founded on the Chinese law in the aspect of the legal culture tradition. Whether in terms of the idea or in terms of the spirit and value of the law, those different laws were all influenced by the traditional Confucianism. However, with the dawning of the modern age, the common legal tradition in Asia began to change in modern times and the Chinese law system tended to disintegrate with the coming of the western laws into the east.

The 1868 Meiji Restoration in Japan was responsible for the emergence of Japan as a modernized nation in the early twentieth century. After the Meiji Restoration, Japan gradually abandoned the legal system originated from China and set about transplanting the western laws extensively, forming its modern legal system on the model of European Continent Law. Legal civilization of the European continent had exerted its influence on Japan's codification; American legal system likewise had exerted its influence on Japan after WWII. Until now, Japanese legal system has already been included in the western legal system. Meanwhile, at the second half of the 19th century, Korean Peninsula also went about striving for modernization. In the process of Korean independence, its legal system also made steps toward modernization. First dominated by the modern Japanese law and later influenced by the

civil-law system, the Korean legal system has been included in the western legal system as well. As the fundamental law of the Chinese law system, Chinese law suffered a lot from the invasion of the western powers at the beginning of the modern times. What's more, after the establishment of the People's Republic of China, the Chinese law diverged a lot from the other East Asian countries' laws in terms of the legal system, legislation and judicial system. All in all, there is substantial divergence of legal values and objectives among East Asian countries and particularly the divergence between the socialist system and the capitalist system is a matter of principle. Nevertheless, besides the divergence, there are also similarities in East Asian Laws. Except for the laws of Hong Kong, all the other East Asian Laws are codified statue laws, which is a common legal phenomenon in East Asia. Although some scholars argue that the similarities in present East Asian laws are more of pro forma, historical and superficial and what is real and fundamental is the differences, we cannot deny that under the international background of economic globalization, there still exist opportunities and needs of legal unification within Asian countries who share the similar historical and cultural traditions.

The diverse laws make diverse legal wisdom and in turn the legal wisdom provides opportunities for the unification of laws. Since the 21st century, civil jurists from China, Korea and Japan have joined their efforts to figure out the feasibility plan for the unification of the three nations' civil and commercial laws. In particular, they have worked on the Asian Model Law of contract law and tort law. At the time of the legal sub-forum of Shanghai Forum to be held in May, 2013, we will invite some master scholars of that research team to Fudan University to discuss the unification of Asian civil and commercial law.

Topic 1: Asian Harmony and Legal Wisdom

Asia is one of the most dynamic regions in the world. Looking forward to Asia's future, we realize that the rise of Asia will be of profound significance to the world's development. Therefore, Asia must gather wisdom and pursue harmony within a diverse world in order to achieve comprehensive prosperity, generate social progress, and contribute to human civilization.

To look back on history, during the long period of development, Asian peoples, through constant efforts and exceptional wisdom, have not only created a long history and splendid civilization but also developed various social formations, political systems, economic systems, ideology and cultures. In particular, tenacious Asian peoples have cultivated magnificent legal civilization, inherited strong legal tradition and accumulated profound legal wisdom, providing various distinctive patterns and modes for the management of human beings and the maintenance of social order. Whether the Chinese law system based on the Confucian philosophy, the Indian law system and Islamic law system deeply influenced by the religion, or other Asian countries' legal cultures, all of them have done tremendous contributions to the steady and harmonious development of Asia.

After a long run of economic and cultural exchanges and political cooperation, Asian countries have developed a well-grounded interactive relationship. Despite of that, the complicated cultural backgrounds, different political systems, economic disputes and diverse laws also have given rise to some conflicts and collisions among them. Nevertheless, history tells us that all Asian countries are bound together for good or ill and only with the overall harmony in Asia can each country achieve its own sustainable development. Nowadays, as a bridge of communication leading to mutual

understanding among countries, the law has already become the basic rule of establishing harmonious relationship and solving problems. Asian legal wisdom is playing a more and more important role in settling international disputes and conflicts.

In today's world, the exchanges and cooperation among Asian countries have already become a part of the irreversible trend of globalization, indicating that the internal harmony within Asia is related to both the development of the world civilization and the common good of the humanity. Then, to deal with such a changeable international situation and diverse interest demands, it is imperative for us to strengthen the cooperation and harmonious coexistence among different legal systems. Furthermore, we can only meet the requirements of the globalization and realize win-win cooperation on the basis of the shared values provided that our diverse civilizations, especially the law civilizations, can maintain peaceful coexistence and learn from each other. Only in that way can we seek harmony in diversity.

Looking forward into the future, we know that it is full of difficulties to realize the harmonious and peaceful development in Asia. To achieve this goal, all the Asian countries should make their contributions with bold and positive efforts, should promote deeper mutual trust and cooperation, and at the same time should seek support from the wisdom of politics, economy, culture and legal in particular. As both a regulation measure and a way of life, the legal wisdom, on one hand, settles political and economic disputes and conflicts in peace and order; on the other hand, promotes the convergence of different legal systems and forms a universal system through the cooperation and coexistence of legal systems, the transformation and innovation of legal traditions and the transplantation of legal civilizations. Then, based on share values, the legal wisdom can settle the disputes and conflicts in a peaceful, orderly and regular way to promote the overall harmony in Asia. Consequently, the harmony in Asia promotes the harmony across the world and the joint development of human civilization.

As an ancient civilized country influenced by the Confucianism, China has already played an important role in seeking harmony in Asia. And in the future, we still believe that China, an oriental power under the rule of law, will contribute more to the harmony and development of Asia.

Topic 2: Unification of Asian Civil and Commercial Law in Societies at Risk

With the process of the economic globalization, traditional complete national social structure is confronting with great challenges and adjustments. As one part of the superstructure in the social structure, the law will inevitably change with it. In modern times, along with the phenomenal progress of technology, new social problems spring up like mushrooms, making the society full of risks, which has now become a worldwide problem for all the countries. In addition, the legal conflicts among different regions or nations bring about new risks or make the existed ones more serious. In consequence, the harmonization and unification of civil and commercial law, which can help people to seek advantages and avoid disadvantages, turns out to be imperative.

The Asian scholars have reached a consensus on the unification of Asian civil and commercial law and have started to draw up the Asian Model Law of contract law and tort liability law, the two most fundamental laws under the civil and commercial law. This is only the first step in the long run of the unification process and the oncoming Shanghai Forum will definitely push forward this course.

1. The Identification of the Harmonization and Unification of Asian Civil and Commercial Law

The regional harmonization and unification of the civil and commercial law is an irresistible contemporary trend, which can be exemplified by the constant efforts made by the official and non-official organizations in the European Union in promoting the unification of the civil and commercial law. Asia, as a region with diverse and complex laws, has a more urgent need of legal cooperation and unification so as to deal with the problems together in societies at risk. With similar cultural and historical background that is distinctive with other regions, Asian countries have a certain degree of possibility of unifying its civil and commercial law. Practice suggests that the regional unification of the civil and commercial law is not only feasible, but is urgently needed to strengthen the exchanges of personnel, technology and goods. The integration of Asian economy, especially the widespread market economy, integrates the Chinese market with the Asian market. Through the division and cooperation of work and the share and compensation of markets, all the nations' natural person and legal person are bound together.

To promote the unification of Asian civil and commercial law, legists from Asian countries have done so much work and research and contributed a lot. The year 2012 witnessed the establishment of the Sub-forum of Law and Legislation of Shanghai Forum, whose theme was the Cooperation of Law and Legislation in Asia over the Next Decade. The renowned jurists from China, Korea, Japan, Russia and India all came to Shanghai and made coordinated efforts in the studies of the outlook of Asian legal cooperation. At the conference, Professor Morisima Akio, a renowned Japanese civil jurist who had represented Japan to help some Asian countries such as Vietnam and Cambodia to draw up civil laws, proposed to establish an information sharing platform to promote the unification and cooperation of Asian civil and commercial law. His proposal received active response from the participants present at the forum.

Appreciating the efforts the whole world and the European Union have made on the harmonization and unification of laws, Asian scholars highly approve the necessity and possibility of unifying Asian civil and commercial law.

Over the last decade, the academic exchanges and seminars among Asian scholars were of high frequency, but now instead of only identifying and comparing the existing differences of rules, the scholars have already put the theory into practice and set about taking actions to promote the unification of Asian civil and commercial law.

2. Key Steps of the Unification of Asian Civil and Commercial Law: Drafting of Asian Model Law

Asian scholars have already started to draft Asian Model Law. They selected the contract law and tort liability law, two of the most fundamental laws under the civil and commercial law, to be the start point. This concrete deed opens a new stage in terms of the harmonization and unification of Asian civil and commercial law.

2.1 The Drafting of Two Asian Model Laws

With regard to the contract law, in 2009, scholars from China, Japan and Korea proposed and started together to draw up the Principle of Asian Contract Law, aiming to sort out universal principles of contract law and make efforts for the unification on the basis of the comparison of the contract laws that are in force in this three and other Asian countries. In the past three years, various forums and academic seminars on the drafting work have been held in Beijing, Tokyo, Ho Chi Minh City and Seoul

to discuss the conclusion, validity, interpretation, fulfillment, and breach and remedies rules of the contract. All those forums and seminars were concluded with advisable drafts.

With regard to the tort liability law, the Academy for East-Asian Tort Law (hereinafter referred to as AETL) was initiated in Yichun, Heilongjiang Province of China in 2010 and passed the Yichun Declaration. The purpose of AETL is as follows: to unite scholars and professionals of tort law in each legal units of East Asia as well as other legal units of Asia to study tort laws of East Asia, formulate Model East-Asian Tort Law, promote the unification of tort laws of East Asia and lay a foundation for the unification.

2.2 Fudan Law School's Active Involvement during the Drafting of Asian Model Laws

During the drafting of those two model laws, professors from Fudan Law School have taken an active participation in it. In July 2011, the second World Civil and Commercial Law Forum and East Asia Infringement Forum was held at Fudan University. Professor Liu Shiguo devoted himself to the forum and managed to invite some core members of the AETL to attend that forum. At the forum, scholars from the AETL impelled the drafting and formulation of the Model East-Asian Tort Law. Moreover, Dr. Li Shigang, one of the draftsmen of the Principles of the Asian Contract Law, had participated in all the drafting work. Young Jun Lee, the professor of Seoul National University and the director of the Principles of the Asian Contract Law from the Korean side, had pleasantly accepted the invitation to attend to the oncoming Shanghai Forum and agreed to be a member of the International Advisory Committee of Fudan Law School. It can be said that Fudan Law School always attaches great importance to and take a part in the cause of coordination and unification of the civil and commercial law of Asia. The oncoming Shanghai Forum will be another great contribution of Fudan Law School to this cause.

3. The Prospect of the Coordination and Unification of Civil And Commercial Laws in Asian Countries.

Although scholars have diligently worked and made great efforts in this regard, but in fact, the goal of reunification of the Civil and Commercial Law in Asia is still far from completed. Technical difficulties mainly come from two sources: on the one hand, we are confronted with the great differences of the legal traditions, political backgrounds and customs and some other practical difficulties in each and every Asian country. And after a careful and meticulous study, we shall come up with suitable principles and rules as prototypes, which will involve enormous difficulties. On the other hand, Civil and Commercial Laws cover many areas, the Contract Law and Tort Liability Act mentioned above is only the most basic parts. The coordination and harmonization of the rules of the Corporate Law, Bankruptcy Law, Negotiable Instruments Law, Insurance Law, Labor Law and other laws will bring more risk issues in the process of eliminating legal differences. Meanwhile, the harmonization and unification of the laws will be a tougher task.

It is our firm belief that whether the unification of Civil And Commercial Laws in Asian Countries can be materialized or not is not that important, because what lie at the center in the process of establishing model laws and seeking for unification are scholars' discovery and understanding of the experiences and peculiarities of the neighboring countries, offering self-examinations about their own countries and in the end, the facilitation of the coordination and harmonization of rules among different legal units by means of functional comparisons. It can be said that the process comes before the

outcome and the exploration overweighs the resolution. Of course, the exploring process will inevitably require the perseverance and cooperation of scholars. We believe that this forum that is themed with the Unification of Civil And Commercial Laws in Asian Countries in a Risk Society will make an indelible contribution to the coordination and harmonization of Civil And Commercial Laws in Asian Countries.

Sub-theme Three: The Possibility of the Unification of Asian Financial Law

At present, finance can be described as the major concern of every Asian country. It is closely related to the order of a country, what's more, it concerns the stability and prosperity of the region as well as the world as a whole. The rapid economic growth in Asia after the end of the 20th century has already profoundly impacted the world pattern, and there even appears the saying of "the Century of Asia". According to a report released by the Asian Development Bank (ADB), if measured according to purchasing power, Asia's per capita income will be six times that of today's European level in 2050. However, crisis comes along with the opportunities: the financial development is like a high-speed train racing forward, but the development system, which metaphorically speaking is the railway track, fails to fulfill the train's needs. In this sense, the reform of the financial legal system is gradually becoming the major stumbling block and also the top priority for the future development of the Asian countries.

Under this context, some issues are worthy of thinking from my perspective:

First of all, what is the limitation of the original financial governance model in Asian countries.

From the domestic perspective, the booming development of Asian countries is often associated with their own unique modes. Asian countries generally possess deep-rooted nationalism tradition; emphasize more on the group than the individual, more on obligations than rights and interests, etc. Are the financial governance models and the series of features that those models based on suffice for these countries when dealing with today's challenges? What are the relations between the existing crises and the unification of Asian financial legal system? As legal practitioners, what kind of perspective can we offer for the development direction of the world's financial legal system.

Secondly, so far, what are the experiences we have drawn from the success or failure of the financial legal cooperation among Asian countries.

Viewed from the international level, Asian countries have become increasingly interdependent up to now; they exert influences on each other and are gradually integrated. They have carried on a series of cooperation, many of which were associated with the arrangements of the legal system. Among them, what experiences and lessons are worth learning.

Thirdly, in the context of the unification of the financial legal system, what kinds of roles do various subjects and entities play.

The unification of the financial legal system needs to go through long and difficult reforms, in particular, the modernization of government management and the reorganization of the system. What are the respective responsibilities of these subjects and entities, such as legislatures, executive organs, judiciary organs, civil citizens, corporations, countries and international organizations, etc.

Sub-theme Four: The Legal Issues Of Environment, Resources And Climate Change In Asia

I. The vulnerability assessment of environment and resources in Asia under climate change

Under the influence of natural conditions and economic development, Africa and Asia have become the two broadest regions affected by climate change worldwide. If the rate of greenhouse gas emissions remains at the current level or climbs higher, it will cause further temperature rises during the 21st century and the temperature rise in Asian region will approximately be 2 ° C, which is a prominent sign of environment and resource vulnerability.

1. Resources: some large river basins in Central Asia, South Asia, East and Southeast Asia are expected to experience sharp decreases of available freshwater resources and ever-mounting strains on ecosystems. In addition, the biodiversity, ecological systems and services will also suffer from severe problems which will lead to further shortages of biological resources.

2. Environment: flood and waterlogging will increase as seawater is overflowing out of the ocean.

II. Dealing with climate change issues in Asia: The complementarity and interchangeability between climate adaptation and mitigation

Climate adaptation and mitigation are recognized as two fundamental policies to address climate change. Early research and practice are more concerned about mitigation and the way of cooperation of mitigation, but in recent years, the issue of adaptation has attracted more attention. Adaptation and mitigation are quickly being incorporated into climate policies. What's more, there are more and more discussions on the relationship between the two: not only the institutional distinction between the two are talked about, but also their institutional relevancies. Climate mitigation and adaptation complement each other in coping with climate change as they share a great amount of complementarity and interchangeability.

1. The institutional logic of adaptation. Along with the trend of climate change or under the condition of a changing climate, people can reduce the effects of climate change or materialize dynamic adaptation in the process of climate change through adapting the model of human existence and development, reducing vulnerability as well as improving and enhancing adaptive capacity.

2. Adapt to short-term institutional evaluations.

From the perspective of evaluation cycle, many adaptation measures can bring about expected results in the short term.

3. The diversity and dissimilarity of adaptation. Usually, climate change exerts differing influences on different regions, localities or communities. Various regions, localities or communities often present disparate adaptative conditions and characteristics, therefore, the issues of adaptation will show diversity and dissimilarity as a result of regional, local or communality differences.

Conclusion: The urgency of mitigation is determined by the intrinsic reaction period and operational inertia of the climate system and socio-economic system. The differences of natural conditions can also lower the local inefficiency of mitigation, delays and inefficiencies of actions will only further slow appropriate changes of climate conditions, ecological conditions and socio-economic conditions. So the Asian region should vigorously promote the application of the adaptive system on the basis of mitigation.

III. Adapt to the barrier review implemented by the legal system

1. The theoretical barriers: natural adaptation theory holds that the adaptation of climate change should follow the laws of nature, to the exclusion of interventions from additional human institutions. Limited adaptation theory is of the opinion that the core content of the climate change regime is the mitigation of greenhouse gas emissions, which is also the institutional choice that should be granted priority and guarantee.

2. The practical barriers: the expected barriers of Framework Convention:

i: The restrictive interpretation of "climate change" made by the Convention; ii: The Convention defines "adaptation" as a subsidiary concept of "mitigation".

IV. Legal countermeasures for the adaptation of legal system

i. Modern adaptation theory: Those people who hold realistic adaptation views not only admit the fact that the climate is changing but also acknowledge the uncertainties of climate change and its impacts. Just like mitigation, they believe that mitigation is also a major policy approach to tackling climate. These two approaches don't contradict with each other, instead they complement and supplement each other

ii:The establishment of a legal system of adaptation in Asian countries.

iii:The international legal system of adaptation

Three climate funds established in the Marrakech Accord, namely SCCF, Fund for the Least Developed Countries and Adaptation Fund.

Sub-theme Five: The Asian Countries' Experience Of Resolving All Kinds of Disputes By Using International Law

Asia's peace and development is of great significance to global economic recovery and political stability. Since the ending of the World War II and the establishment of the United Nation, Asian countries have made proactive efforts to maintain regional stability, peace and security. In terms of using philosophies and principles of International law, Asian countries have offered the "Five Principles of Peaceful Coexistence" to deal with relations among countries so as to avoid disputes and advocate peaceful settlement of various disputes. On the institutional front of the International Law, Asian countries have established a multi-level and multi-dimensional mechanism in the sense of International Law for dispute settlement. Asian countries have abided by the International Law to resolve various disputes within the region as well as global dispute in which relevant members are involved. Asian countries have established a regional coordination mechanism and relevant regional and international organizations, the mechanism of the six-party talks on the North Korean nuclear issue, the Association of Southeast Asian Nations, the Monetary Union of Gulf countries and the Shanghai Cooperation Organization. And through the APEC, Asian countries have strengthened the construction of a free trade zone. All these organizations and mechanisms generally have a dispute settlement mechanism to resolve disputes within Asia. In practice, Asian countries have accumulated ample experiences by taking part in regional as well as global disputes settlement practices in Asia, such as territorial disputes, international commercial disputes, international investment disputes, and disputes of international trade and intellectual property rights. Asia has made positive contributions to the Global Dispute Settlement

Body in terms of institutional building, capacity building and human resources support. Asia actively promotes the reform of the United Nations, improve the UN Council's role in resolving international disputes and accelerates the negotiation on dispute settlement mechanism of the WTO.

There have been many successful cases in the process of solving all types of international disputes in Asia, and these cases epitomize the valuable legal wisdom of Asian countries. They provide Asian countries with ample resources to employ legal wisdom to resolve international disputes and promote regional and global sustainable development in the future. They also create conditions for the exchange and growth of legal wisdom.

Policy recommendations

I. Harmony And Legal Wisdom In Asia

1. Asia has the richest legal traditions in the world, the most diverse legal systems and the most complex area of "legal gene".

2 The diversity in Asian countries' laws makes the legal wisdom richer and more diversified. The plurality of the law determines the diversity of the legal wisdom, which is a fact in international legal ecology and a positive factor in mutual learning, but a problem or obstacles in international legal cooperation.

3. As long as different civilizations, especially the legal civilization, live in harmony, seek common ground while reserving differences, learn from and integrate with each other, then the demands of globalization can be met, the shared value basis can be strengthened and the win-win situations or multi-win can be achieved among countries.

4. The movement of International legal unification boasts a long history. Historically, due to the impact of tradition and localization, there had formed a unified cultural community in Asia, especially in East Asia with China, Japan and South Korea at the center, which provides a premise to the unification of local laws.

5. Achieving harmony in Asia requires all the Asian countries to confront problems as a whole and arrive at common solutions. Asian countries not only need closer exchanges and cooperation among themselves, but also the collective wisdom in political, economic, cultural and other aspects, especially the wisdom support in legal area.

II. The Unification of Asian Civil and Commercial Laws In A Risk Society

1. The conflict of laws between different countries or regions bring new risks or increase the degree of risk. Therefore, it is particularly important to carry out the coordination and harmonization of Civil and Commercial Laws, which can guide people in drawing on advantages and avoiding disadvantages

2 Asian scholars have formed certain consensus in this regard, and have began drafting Asia's Model Law for Contract Law and Tort Liability Act, which are the most fundamental parts in the field of Civil and Commercial Laws.

3. Asia has the most diversified and complicated legal situation in the world. It, therefore, has a higher request for cooperation and harmonization of the Civil and Commercial Law, so as to jointly deal

with the problems in a risk society.

4. Asian countries share similar cultural and historical backgrounds that is different from other countries and regions, which, to a certain extent, increases the possibility of coordination and harmonization of civil and commercial law.

5. The practice has shown that the regional harmonization of the Civil and Commercial Law is not only feasible, but also reflects Asian countries' urgent needs to strengthen the human, technical and material exchanges between regions.

III. The Possibility of Asian Financial Law Realizing Unification

1. At present, finance can be described as the core concern of every Asian country. It has a bearing on the order or disorder of a country, what's more, it concerns the stability and prosperity of the region and the world as a whole. the financial development is like a high-speed train racing forward, but the development system, which metaphorically speaking is the railway track, fails to fulfill the train's needs.

2. We need to ponder over What is the limitation for the original financial governance model in Asian countries? Until now, what are the experiences we have drawn from the success or failure of the financial and legal cooperation among Asian countries? In the context of unifying the financial legal system, what kind of roles are played by various entities?

3. The financial and legal unification needs to go through long and difficult reforms, in particular, the modernization of governments and institutional restructuring. What are the respective responsibilities of the following entities? Legislatures, executive organs, judiciary organs, civil citizens, corporations, countries and international organizations, etc.

IV. The Legal Issues Of Environment, Resources And Climate Change In Asia

1. Under the influence of natural conditions and economic development, Africa and Asia have become the two broadest regions worldwide affected by climate change.

2. The vulnerability assessment of environment and resources in Asia under climate change.

3. Dealing with climate change issues in Asia: The complementarity and interchangeability between climate adaptation and mitigation.

4. Adapt to the barrier review implemented by the legal system.

5. Legal countermeasures for the adaptation of legal system.

V. The Asian Countries' Experience Of Resolving All Kinds of Disputes By Using International Law

1. Asia's peace and development is of great significance to global economic recovery and political stability. Since the ending of the World War II and the establishment of the United Nation, Asian countries have made proactive efforts to maintain regional stability, peace and security.

2. In terms of using philosophies and principles of International law, Asian countries have offered the "Five Principles of Peaceful Coexistence" to deal with relations among countries so as to avoid disputes and advocate peaceful settlement of various disputes.

3. On the institutional front of international law, Asian countries have established a multi-level and multi-dimensional mechanism in the sense of international law for dispute settlement. Asian countries

have abided by the international law to resolve various disputes within the region as well as global dispute in which relevant members are involved.

4. Asian countries have established a regional coordination mechanism and relevant regional and international organizations, the mechanism of the six-party talks on the North Korean nuclear issue, the Association of Southeast Asian Nations, the Monetary Union of Gulf countries and the Shanghai Cooperation Organization. And through the APEC, Asian countries have strengthened the construction of a free trade zone. All these organizations and mechanisms generally have a dispute settlement mechanism to resolve disputes within Asia.

5. In practice, Asian countries have accumulated ample experience by taking part in regional as well as global disputes settlement practice in Asia, such as territorial disputes, international commercial disputes, international investment disputes, international trade and intellectual property disputes.

6. Asia has made positive contributions to the Global Dispute Settlement Body in terms of institutional building, capacity building and human resources support. Asia actively promotes the reform of the United Nations, improve the UN Council's role in resolving international disputes and accelerates the negotiation on dispute settlement mechanism of the WTO.

Global Governance and Asia's Wisdom

Abstract:

Research report on communication in Shanghai Forum 2013 focuses on three topics: 1, the challenges and opportunities brought by the fourth communication revolution represented by the new media; 2, the key communication problem that has threatened the stability of Asian region— the problem of network security; 3, suggestions on communication to promote development of Asian region.

Highlights:

1. The fourth communication revolution represented by the new media has brought great challenges to Asian area. Since the basis of traditional state governance of Asian countries relies, to different extent, on the hierarchical authority system and its supportive information management pattern, communication revolution has destroyed the traditional top-down information management pattern and has reversed the information asymmetry of different hierarchies. It is the key to the governance of present Asian countries.

2. Asia countries are confronted with an era of "big data" when greater importance is attached to network security to maintain social stability, thus the challenges of network security might involuntarily pose a threat to the stability of the whole Asian region. Meanwhile, exploring a safe information communicating pattern is one of the most important factors for Asian regions to reach a consensus on network communication which is the core mission of this forum; concurrently, exploring new concepts and new patterns to realize a safe network representing Asian wisdom is the core objective.

3. With the help of various experts on multi-disciplines (ranging from journalism and communication, sociology, politics, computer science to management), this forum will offer suggestions on the governance of cyberspace and on the establishment of new order in network communication.

Contents:

1. Background Analysis: the Development and Impact of Big Data and Mobile Internet
2. The Stability of Asia and its Network Security.
3. National Governance and Communication Revolution in Asia
4. The Flexibility and the Cultivation of "Soft Power": the Strategy of A Battle On Communication Dominance
5. Suggestions on Information Security in the Mobile Internet Era
6. Suggestions on Shanghai

Outline:

1.Background Analysis: the Development and Impact of Big Data and Mobile Internet

With the development of information technologies, the whole world is undergoing a great transformation from desktop internet age to mobile internet era. The trend of the new-generation internet development is becoming increasingly clearer in the popularization of the following items: the mobile internet featuring smart phones as network access devices, the big data featuring big volume, rapid flow and dynamic velocity, high variety and high value, and the data storage center connected via the cloud. As the technologies are advancing rapidly, a new proposition is assigned as to how to keep the network secure. Presently, the global cyber space is in the state of temporary anarchy, thus having the advantage in obtaining various high value-added information over the state actors which includes developed countries, and multinational corporation who have mastered the technology. In public global cyber space, individual or joint actors can abuse the advantages thus imposing great threat to other countries and organizations who have not yet managed the technology. It is the reflection of the old security concept on the new cyber space and it has failed to meet the needs of the new environment. Thus it is believed that governments of different countries should joint efforts to adjust strategic principles and establish new security concepts based on the common grounds, so as to confront the new challenges from the transformation of technology, systems and strategic principles, then to construct a newly-developed set of rules in this ever-changing world.

As the access terminal is mobilized and   advanced technologies such as unified communication protocol and cloud computing are popularized, Asia is stepping into an era of "big data".

According to an analysis report by Mogan Stanley, the world is at the primary stage of the fifth cycle of internet development, which is represented by the usage of mobile web, the essence of which is the free access of 24-hour instant communication through the application of "video","3G","voice"and"social network" based on consolidated IP network via a handheld mobile device. In brief, the most direct manifestation of the era is the widespread popularity of handheld mobile intelligent terminals: On July 19th, 2012, China Internet Network Information Center(CNNIC) issued the 30th Statistical Report on Internet Development in China which shows that by the end of June 2012, China has had 538 million Internet users and the Internet penetration rate has reached 39.9%; and by the first half year of 2012, the number of mobile internet users has reached 388 million while that of desktop users was 380 million. Mobile phones have become the preferred Internet access terminal with the greatest number of Internet users in the country.

What have differentiated smart phones from ordinary handsets are their fast local computing capability and the increasingly improved convenience to install applications. Thus with the development of different computing platforms, this kind of mobile devices are gradually turned into carriers of business operation system(installed with business data) and personal communication and entertainment applications, which were entrusted with many high value-added information and resources including personal details, identifications, locations, and even accounts, emails and other important documents. It is thus predicted that mobile intelligent terminals will fulfil the goal of concurrent multi-functional, multi-task and multi-data communication with the rapid growth of cloud

computing and mass data technologies.

This trend results in further "cloudinization" of data processing of mobile terminals, making big data technology the hotspot in IT. According to a research report from Intel, after the industrial revolution, the volume of data carried by books was doubled every 10 years; since the year 1970, the number was doubled every 3 years; and at the present stage, the amount of information in global sphere is doubled every two years; the volume of data created by the Internet has exceeded the total of the past years. The total data volume is predicted by other professional institutions to skyrocket to approximately 35ZB (1ZB=1 billion TB), which is 40 times of the present volume. Statistics also has that in China alone, the online data volume has reached 1.9EB by the end of 2011 and is estimated to climb up to over 8.2EB by 2015.

GB, TB, PB, EB, ZB are all units of information to quantify storage capacity, 1ZB=1024EB, 1EB=1024PB, 1PB=1024TB, 1TB=1024GB. Currently, computer disk capacities are measured in GB or TB. 1PB data volumes equals to 50% of the total collection of all the academic and research libraries in United States; 5EB equals that of all the uttered human speech since human are created; 1ZB data amount to the number of sand in all the beaches of the world; to store 35ZB data takes up to about 17.5 billion disks with 1-2TB capacities each and if all the disks are piled up, the total height will be over 500,000 kms, which has outnumbered the average distance between the Earth and the Moon.

The Market-Research Institution IDC has defined the four main features of mass data---high volume, high velocity, high variety and high value, among which, the most significant feature for users is that big data could be exploited through processing and analyzing. Mass volume of data takes large room to store, thus it calls for the setup of a fast, cheap and green data center that can only be fulfilled by employing the concept of cloud. Big data has enabled the application of cloud computing which features its large-scaled and distributed computing capacity and has helped to solve the problem that cannot be settled by traditional computers. The emergence of mobile internet has propelled the development of terminal devices and their applications; meanwhile, the vast use of applications has pushed the industry into the era of big data, and the big data era encourages the advancement of cloud computing capacity. These three aspects are closely related to each other. With their joint efforts, the information technology enters a new age and in the meantime brings unprecedented challenges to national information safety.

2. The Stability of Asia and its Network Security.

The coming of big data era has brought more profits for people and also threat to the social stability and its network security. The potential threats to the whole Asian region may come from the security of network infrastructure, or of flowing information and data, or of massive personal information. In the coming 3-5 years, all Asian countries should make full preparation to confront with all the challenges.

The indistinct border is a huge challenge for national information system. To have a clear idea of the border is important for the maintenance of national information security. Historically, there have been two fatal and easily-distinguished gateways: first, the international gateway to get a country connected to internet, which functions as customs in cyberspace and makes a logic node that differs internal and external cyberspaces; second, the logic node point to the demarcation between separately stored data in computer

disk and the port of access to Internet. If each net user is compared to a resident in cyber community, this logic point is like the gate of each resident to distinguish the individual from the public. Set up at this point is an access control like sandbox system constructed by operating system and protection software, in order to ensure the protection of private data and to avoid information leakage. On the other way, a country's control over the external gateway becomes the most important defense of its own information security.

Mobile Internet, big data and cloud storage technologies have blurred the border from two aspects: in mobile internet, "application" mechanism has replaced "sandbox" system: if cellphones/computers are compared to houses, applications are like lockers, security mechanism is like the control of the keys and "sandbox " mechanism represents the key being controlled by the resident who decides when to open the door and when to move in the furniture; "application" mechanism represents the key being controlled by the furniture dealers soon after the resident's purchase of their product. The dealers can enter the house without informing the resident.

One of the negative impacts of the change of security mechanism is the mass data leakage. Related experimental results show that Android, as one of the representatives of mobile internet, is facing the severe problem of user's data leakage: certain research has been conducted by Prof. Wang Xiaoyang, Dean from school of computer science in Fudan University and also member from the national Program of Global Experts, and Dr. Yang Min, expert on system security, and some other experts. The evaluation results recorded in their paper "Empirical Study of Privacy Leakage in Android Marketplaces in China", show that of the 330 most popular applications from seven representative Android software distribution sites (called the marketplaces) in China, nearly 60% of the applications do divulge privacy data without user consent and 25% of the leaking data are even encrypted to prevent its leakage's being discovered. Moreover, the poplar mainstream security applications Tencent Mobile Manger and 360 Mobile Phone Guardian both take these applications as harmless. Take one marketplace as an example: according to the statistics given by its website, by May 2012, there have been 11 million users and 859 million downloads of Android applications. The research team of Fudan University, after a careful analysis of the 40 most popular downloaded applications, found that at least 25 of them has leaked the private information of user and thus accordingly, over 920,000 users are involved.

The information leakage caused by indistinct borders as mentioned above are undermining the information control of the country. It is more than the leakage of "privacy" but a problem serious enough to threaten the national information safety. The Fudan research team thinks that the sensible data and private information carried by mobile devices like smartphones are increasing at a rapid speed. As those devices also have censors like GPS and etc, it is more likely to obtain and track user's information from the mobile devices than from traditional desktops. The threat it poses has been far beyond the individual level: in terms of military security, the malicious software can obtain the information of military deployment, which results in the leakage of military secret and even security strategy; in terms of politics and diplomacy, the software installed in the cellphones of decision-makers can obtain confidential information of the leaders or important decision-makers; in terms of overall national security, the massive information gained from massive "common users" can be extracted into important strategic intelligence after special analysis and study. In this regard, the information leakage caused by these applications will pose direct, incisive and all-around threat to national security.

At present, the private information stolen by application softwares mainly includes user's address

book, calling and SMS records, phone numbers, device information, location information, various accounts information, e-mail messages, procedural information and various files information stored in the phone, etc., most of which are sent to software developers, advertisers, or even unidentified third parties through the internet or SMS.

Network security also has non-technical implications besides the technical ones. Asia's stability in the future lies in the correct cognition and apt expectations of countries about each other and the avoidance of negative information that may result in adverse consequences and that may pose a threat to regional stability due to its undue spreading. This is the unique challenge confronted by the Asian countries. Advanced network of interconnection can become an active platform for people to promote mutual understanding, mutual trust and reconciliation; vise versa, it can become a source of discontent, resentment and even conflicts. Therefore, it is essential for Asia's future stability to build a stable and orderly exchange platform and ensure benign interactions between the populaces.

Whether a country can have the dominance over its communication is directly related to its core interests, that is, its political security. It will maintain its most basic political system and protect it from subversion. From 1980s to the present, history has showed us that dominance over communication is directly influencing a country's political security, i.e. political stability: whether it is the socialist country Soviet Union in the past, or Tunisia and Egypt in the present era, they have all been subverted by various forces as they could not maintain its dominance over communication during turbulence. As a number of Western scholars have pointed out repeatedly, in the post-industrial society, the battle center of government forces and social forces is the control over communication system.

Communication dominance over the public opinions can be divided into three layers in terms of its composition: the inside layer, the hard kernel, is the core values and mainstream ideology, which are mainly characterized by theoretical abstraction and speculatively summarized by scholars and experts; the middle layer is an operable interpretation framework applicable to daily life, which "recodes" the core values and mainstream ideology and is primarily done by the media and "opinion leader" specified in communication studies; the outside layer, the most direct expression form, is the interpretation about specific phenomenon, issues and policies through interpretation framework, and relevant statements and actions based on the interpretation, which will be done by the populace.

Furthermore, "core values" and "mainstream ideology" contain the fundamental criteria for distinguishing right from wrong and understanding the nature of conflicts, while "interpretation framework" functions as a theoretical guidance for understanding the undertone of specific phenomenon. If a country can have the dominance over its communication, it will have great impacts on individuals through subtle and gradual influence, and find a dynamic area for strategic balancing between sustainable development and political stability, thus realizing rapid development. From this perspective, procuring the dominance over communication will inevitably become a core task of China, an emerging power in its rejuvenation era, during its national capacity building process.

3. National Governance and Communication Revolution in Asia

The world is undergoing a communication revolution characterized by the rapidly expanding application of social media, which has directly changed the media environment of governments. Since

the traditional Asian countries base their governance on hierarchy authority system and information management mode that supporting this system, the challenges brought by this communication revolution are more severe in Asia. Communication revolution has destroyed the traditional hierarchical information management mode, and changed the unequal information relation between the upper stratum and the lower stratum in the power pyramid. Populace is becoming more and more competent in procuring, analyzing, exchanging and sharing information. Non-state actors such as opinion leaders, non-governmental organizations, and transnational activists are frequently interacting with each other in cyberspace across the geographic boundaries of countries. This kind of interaction brings brand new challenges to the capacity and system design of national governance.

Different Asian countries have different modes, methods and experience for coping with communication revolution. These differences are derived partly from the structural differences of country's internal information technology and market; partly from the country's own attributes; and partly from the historical and cultural background inherited by these countries. Nevertheless, it is the task of all Asian countries to cope effectively with the challenges of communication revolution, improve country's governance capacity in the open information environment, and obtain the momentum for nation building, revolution and development from the development of information technology. It is the responsibility of all Asian countries to cope effectively with the challenges of communication revolution, avoid the negative impacts of communication revolution in the open information environment, and sustain the stability of country and the well-being of people. It is the mission of all Asian countries to grasp the revolution opportunities effectively, draw the nutrition that can promote and enhance the region's innovation ability from these opportunities, and bridge the digital divide between countries of different development levels.

Since its being, human society has witnessed four significant communication revolutions, each of which has pushed human civilization to a new development phase: the first communication revolution is the invention and employment of written language; the second is the invention of printing; the third is the invention of telegram; and the fourth is the promotion of internet technology. Compared with the former three communication revolutions, the internet communication revolution have deeper and vaster impacts as it has generated a brand new communication environment and brought human civilization to a much more advanced phase.

"Decentralization-recentralization" is the basic characteristics of the fourth communication revolution. "Decentralization" means that internet technology is an individual-centered communication technology in nature, and it is naturally anti-centered. This communication revolution is essentially the pan-socialization of communication resources and the delegating process of communication power to all people, which have ruined the monopoly of state over communication channels, and weakened the dominant role of state in information, technology and ideology. Therefore, this revolution brings severe challenges to the state's organizing and governing capacity, instead of improving it. "Recentralization" indicates that information supply in the cyberspace has surpassed the processing capacity of an individual as information distribution has becoming increasingly easier, so new actors who can provide effective "interpretation framework" and earn sufficient trust from people will become the new "authority centers", and individuals will "authorize" these centers to process the colossal information for them by trusting and adopting their supplied interpretation frameworks in place of

independent thinking. "Decentralization-recentralization", a dynamic and dialectical process, will be everywhere from the beginning to the end of the fourth communication revolution, with the continuing development of global cyberspace and endless emergence of new applications.

The changes of countries in the Middle East and North Africa from 2010 to 2011 shows that: communication revolution has generated new "authority centers"; if the authority and organizational networks can be fully used to strike the existing national system of governance and force it to adopt coercive means, the state will fall into full-blown crisis and suffer regime change in the end. Therefore, it can be said that communication revolution constitutes the strategic environment for the competition of dominance over communication.

From the political perspective, the primary strategic task for China in the competition of dominance over communication is to cope with the prosperously emerging mass politics. More than 30 years' reform and opening up in China has led to massification of civil rights and universalization of citizen participation, and has generated mass politics far beyond the level of countries in the Middle East or North Africa. Internet provides the platform for individuals to express their opinions publicly and its super concentration power has concentrated the atom-like individuals into a large community which expresses a common political appeal. As a result, mass media ushers in a rapid development era. The rapid development of mass media destroys the centralized authority structure, shifts the national power from the government to the society, fundamentally threatens the traditional governance system which has sovereign state as its core, and strikes the existing political structure of China, thus bringing brand new challenges to governing environment of our governing party.

The flourish of mass politics is because the "core value" of public sphere in today's China has not fully found the "encoding" way which adapts to "communication revolution". The traditional "explanatory framework" lost its original appeal and the status of overwhelming dominance, producing a tremendous impact on contemporary Chinese politics in the following four aspects:

First, the failure of the mainstream "explanatory framework" dispels the credibility of the government and threatens the ruling legitimacy.

Legitimacy derives from the public recognition to governing justification, and is a political convention between the rulers and the public. The public credibility to the government is the foundation of the ruling legitimacy. Currently, this foundation is being shaken.

Now everyone has the right to spread news and "everyone has microphones". But "everyone speaking" is mixed up with "everyone talking wild". An isolated incident will soon have a nationwide chain reaction, and a localized event will soon evolve into an overall event. This is the network group incidents which have rapidly increased in recent years. The reason of group incidents lies in the "explanatory framework" provided by "opinion leaders", which is based on Western liberalism and other ideology. A large number of net citizens accept this "explanatory framework" and then use it to interpret governmental policy, behavior, emergency and other materials consciously or unconsciously. They even take action according to these "explanatory framework" and trigger various types of mass incidents. Usually, the comment that "the government is facing unprecedented crisis of confidence" is the manifestation of the failure of "explanatory framework" and the failure in controlling the dominance of communication. If left unchecked, or can not innovate, then in the long run, the ruling legitimacy of Chinese government will die out from the level of public awareness first and then from

substance finally.

Second, the emergence of "new opinion leaders" constitutes the main source of striving for "explanatory framework".

The fourth communication revolution gave birth to a "new opinion leader" group in Chinese cyberspace. The emergence of this group can be regarded as the most significant symbol of communication revolution changing the national power structure. This group mainly consists of active ideological elites (i.e., public intellectuals), writers and artists, as well as grass-roots leaders. Every opinion leader has one hundred thousand, hundreds of thousands of, one million, millions of, or even over ten million "fans". Its "power" invisibly exists, develops and shows by providing "explanatory framework" which is accepted by net citizens and concepts which are enough to affect the way of thinking, and even behavior patterns of "fans".

The important reason why this group can strive for the "explanatory framework" is that before, the "explanatory framework" in China was offered by formal and traditional media. Both this relatively ancient way of supply and the packaging capacity of "explanatory framework" have significantly differentiated with that of the emerging opinion leaders.

Up to now opinion leaders are mostly individual behavior, but as social network analysis and other results of theoretical studies point out: groups will evolve and self-organization is one of its basic characteristics. If no effective measures are taken, in spite of the fact that the opinion leaders are not born to oppose the government, the future development will have a huge uncertainty.

Thirdly, the "explanatory framework" which poses a challenge to the mainstream ideology is increasingly diverse, and presents significant integrative and interactive development and other new features.

As a space of free expression, the Internet allows various ideological trends to display themselves publicly. There are three ideological trends particularly prevalent on the Internet today. One is liberalism, which is advocated by a number of ideological elites, who intentionally or unintentionally promote democracy and freedom of western countries, demand the expansion of democratic basis, the freedom of speech and the press, and privatization. The other two trends are narrow nationalism and populism, which are advocated by grassroots netizens.

Just like the fundamental of Marxism says, objective existence determines subjective consciousness. The emergence of these ideological trends are the inevitable products of the objective stage of development in Chinese society, are the reflection of a variety of contradictions, discontent, resentment and even conflict in ideology, which are accumulated for a long time. For instance, the narrow nationalism is mainly directed against international affairs, which advocates the "clear-cut" counterattack to all statements and actions that criticizes or damages China. Hence they criticize the foreign policy of "hiding one's capacities and biding one's time" adopted by Chinese government for being "faint-hearted", and even "traitorous "; while the populism essentially is the hatred towards the officials, the rich and the authority, as well as the advocation of absolute egalitarianism.

But at the same time, it should be clearly noted that the fundamental reason for the present "noisy" situation in China is still the absence of the core value in world value aspect. And to a large extent, this kind of absence was caused by our relatively old and rigid transmission management mechanism.

Fourth, affect government's working agenda and its decision-making mechanism

"explanatory framework" decides individual behavior. By June 2011, among the 458 million netizens in China, only 22.2% of them received collage education or above, over 75% of them are high school graduates or less. This proportion can hardly has a fundamental change in a short term. Therefore, the lack of an appropriate "explanatory framework" does not only exist in the virtual world, it could convert into shocks of the real world. In those massive scandal discussions on the Internet like discussions about "Yueqing Electric Power Plant land dispute", red cross donating scandal□the high-speed rail derail event as well as the most recent Wukan Incident, owing to the lack of an appropriate "explanation framework" , the local governments were put in a passive position. And that is to say, fundamentally, this kind of embarrassing "government-cornered-by-netizens" situation was caused by the lack of an appropriate "explanatory framework". And it further leads to the increase of expense and a more passive position of the government.

In face of these shocks, we should be clear that: the real problem is not that the socialist core values have lost their attractiveness, on the contrary, a large number of the discussion participants attacked the government for its failure in fulfilling the socialist core values(eg. to serve the people wholeheartedly). Therefore the real challenge now is to set an attractive "explanatory framework" for the socialist core values and make it well accepted by the public.

4.The Flexibility and the Cultivation of "Soft Power": the Strategy of A Battle On Communication Dominance

New Communication Revolution creates new governance environment, in which the biggest flaw of the traditional controlling governance style --rigidness was exposed. With the old governance style, there were only two strategies to turn to-- "let go" and "rein in"; "rein in" was usually realized through one-way executive orders. Thus, we stuck in the circle of "reining in makes lifelessness and let go leads to chaos". The old governing style also caused the "explanatory framework" of the socialist core values soon lost its attractiveness.

The communication revolution calls for flexible responses, with reinventing "explanatory framework" as its core and forming diverse, rich, flexible policy tools that can deal with different types of challenges, so as to make pertinent, tailored and people-oriented responses.

First of all, the focuses should be shifted. The controlling mode should be shifted to governing mode--instead of restraining the new uprising social force, the government should coordinate and communicate with them; the governance over tangible info into intangible one-- reaching consensus during free opinion expression. Just like famous American communication experts Lippmann said: "The most significant revolution nowadays is not economic revolution or political revolution, rather it is a revolutionary art that can reach agreement among the ruled."

Second, the government should seize the opportunities that come with challenges. After taking an overall view at those events that caused massive Internet discussions, it's not hard to find that people behind them were out of right reasons. Most of the Chinese neither deny the achievement China has made, nor do they want to subvert the government, rather, they just want to safeguard their legitimate rights. Just as what a wukan villager said during a foreign media interview: "This is not any revolution, just try to protect the legitimate right according to the law." Most of those cases were caused by

the fact that certain governments, departments and officials kidnapped the national interest for their own interests, sacrificed the national overall interest for partial interests and even sought personal interests at the cost of national political security. From this perspective, communication revolution offered valuable strategic tools and practical challenges for the fundamental, strategic, and overall consolidation of the communist regime. The government needs to realize this and realize governance innovation under the new technological background.

Third, we should build up our "soft power". It should be the strategic goal of the war over communication leadership. Ideology and the leadership over communication are the most important barometer of a country or a ruling party's soft power, compared to hard powers like military power and economic power to be stable and thrive, a country must stand on both of its feet-- the hard power and the soft power. The core of the soft power is an attractive "explanation framework".

In 2011, "Arab Spring" swept over the Middle East and North African countries and rulers were forced from power. Yet quite differently, the demolitions in London and Wall Street were only a flash in the pan without imperiling the regimes of neither UK nor US, though the countries all took similar measures by using new media and taking advantage of people's emotional depression caused by economic recession. Even when the occupy protests and movements have been spread to quite a few developed western countries, no threat was posed to the present US regime. This is the demonstration of its "soft power." As the chief commentator of Financial Times said, the "Occupy Wall Street" was not the beginning of a left-wing version of the tea party movement, for in those countries, there does not exist a left-wing ideology to be well matched with capitalism. Without an in-depth "explanatory framework", this protests can only be a combination of grievances and complaints. Though protestors gathered up in streets in large numbers, it would not bring any threat to political security of the certain country. This is the important role soft power has played in maintaining national political order.

In consideration of the situation in China, "soft power" should be constructed in the following aspects:

(1) Reconstruct the core values and the mainstream ideology. Ideologies play an irreplaceable role in state management and administration. Ideological confusion will definitely lead to social confusion, which can also explain the present social status---"rich country, sluggish people". A mainstream ideology should be a guiding ideology and code that can be accepted and practiced by both the leaders and the masses. The utmost focus for the governing party to reconstruct the soft power is to fully exercise the functions of the mainstream ideology in defense, explanation, integration and guidance.

(2)Explore and improve the new "explanatory framework" and provide a relaxing and orderly system to enable the benign development of the environment for opinion leaders. In the era of communication revolution, the value of an ideology cannot be merely demonstrated in the written rules on paper, but rather be illustrated by exploring and perfecting the new "explanatory framework" in a way that is accepted by the masses, which includes meeting people's aesthetic requirements in codes and forms, so as to help the public to correctly understand the conflicts and solve the problems. The spread of this kind of explanatory framework cannot and should not be instilled by rigid inculcation; instead, it relies on a benign progress with the help of opinion leaders. It is suggested to provide a relaxing and orderly institutional environment to the grassroots who are

seeking stability and order in cyber community, such as the self-organized rumor refutation alliance, and to encourage internet service suppliers to explore more services that can effectively demonstrate social responsibility.

(3)Establish and perfect the "connecting platform" between cyber community and realistic policies, making it a credible platform for people to express opinions. This is the great goal to achieve at present. The emergence and popularity of new media and people's confidence in it have become a great opportunity for the government to construct soft power and achieve response flexibility. The popularity of all kinds of government micro-blog has shown that this platform is efficient to enable government's interaction with the masses, release information and quickly respond to issues and it can win trust of the masses in a short time. Certainly, the perfection of the platform calls for innovation in the level of institution and structure.

5. Suggestions on information security in the mobile Internet era

Overall, Mobile Internet, big data and cloud storage technologies have blurred the originally-distinctive borders. On one hand, it has pulled the border closer to every individual: to ensure the safety of important data base, the border is inevitably pulled closer to every access terminal and thus closer to every individual; on the other hand, the border is pushed far beyond the national boundary, and how to ensure the control over the data in cloud storage center has become the core to win the battle of national information security. The implied meaning of "to pull closer" is: in the age of mobile Internet, the border of information security lies in the mobile handset of the most commonly used devices of every individual. Any message that is sent out through this device, in a sense, is out of the control of the sender or even the sovereignty state. It eventually enters a global cyber community and the border of information security is "pulled closer" from the traditional national external gateway to every individual.

In order to have China maintain its new border in information security at this point, the main focus should be placed on three dimensions: technology, institution and ideology.

Firstly, the dimension of technology constitutes the cognition and comprehension, and seeks the material bases to maintain the new border. It is achieved in terms of technology development and application by mastering advanced technology and important technical standard through competition.

Secondly, the dimension of institution makes the starting point of the issue. While the technology is the basis to protect information security border, institution is the key to determine the final success or failure: a well-established institution can effectively make up for the disadvantages caused by the defects in technology; conversely, a poorly-established institution will have a negative effect. It is of a great necessity for China to draw lessons from developed countries and set a better-established institutional system coming with the new issue of information security.

Thirdly, the implementation of national strategy is essential and fundamental in maintaining the national information border. As the issue itself is a strategic matter, it is necessary to recognize the potential relocation of borders and its non-technical impact on economy, politics, security and diplomatic from a strategic macro scope. Presently, China has not yet formed an overall clear national information security strategy. Therefore, decision makers and researchers should, in multi-discipline

and from an overall macro scope, develop a profound insight and understanding in the political value of national information security border and through exploration, establish a national strategy that goes with the national condition and is effective to serve the national interests.

6.Suggestions on Shanghai

Overall Blueprint: in the coming 3-5 years, Shanghai will be built into a national communication highland, a frontier and an experimental unit of new media administration in exploring the information age. Efforts will be made in four aspects to advance the pace of urbanization and modernization of Shanghai.

1. Innovate the media management system and institution in accordance with the city's urban features, the requirement of the information age and the overall development trend. It aims to culturing the desirable mainstream media, a responsible public environment and a healthy ideological setting.

2. Learn the operation mode from the successful cases like Shanghai government online-publication platform "Shanghai City" and cultivate a benign interaction mode among the public, the media and the government that features Shanghai culture and focuses on variety, tolerance, rationality and responsibility.

3. Further establish and improve the information transparency based on network technology and promote a responsible society established by the responsible government, the responsible public and the responsible media.

4. Based on the present online-publication platform and the practical activities in the city's communities, establish and improve a network platform with Shanghai characteristics to have the public participate in discussion and administration of government affairs. In the coming 3-5 years, it is expected to develop a practical operation mode to be introduced to other provinces and thus to make due contributions to promoting new media and network technology.

Innovation-driven Urban Development in Asia

REN Yuan, TAN Jing, CHEN Mengni, ZHOU Yan [1]

The long-wave economic crisis in 2008 has exerted lasting detrimental effect over Asian countries as well as the whole world, and to shake off the shadow of such crisis, a new round of technical and industry innovation is called for to help economy recover and boom. Faced with the internal transformation and the external change of international economic environment, most Asian countries are under the same pressure. However, it is innovation that helps to transform and upgrade the economy and society, enhance its competitiveness and realize the sustainability of society.

Innovation is crucial to the development of Asia. And cities serve as an important engine and base to launch the innovation initiatives. Cities, as the heart of large-sized enterprises and the center of research and development, are the places where many universities and scientific research institutions as well as talents agglomerate, creating and spreading advanced knowledge every minute. Problems vary from city to city, but the innovative development in Asian cities has its great significance not only to their own country but also to the entire Asia and even the whole world.

Innovative development of cities not only contributes to the growth of emerging industries and their competitiveness but also to the transformation and upgrading of economic structure so as to pull Asia out of financial crisis. Besides it also helps to improve the modern urban management in the context that the size of cities is increasing and their forms and functions are changing. With population agglomerating in urban areas and the rise of middle-class, promoting innovation helps to deal with the problems and challenges caused by the rising of mega-cities, to enhance the quality of life, and to create more diverse, dynamic social life and social operating mechanism as well as improve social management.

This report discusses the significance of innovation-driven development strategies of Asian countries, reviews the typical practices and outstanding innovative experiences in industry, technology, urban management, society and culture, and then explores how to promote the urban innovation system, to improve the supporting conditions for innovative development. Besides, this report also focuses on the prominent obstacles faced by Beijing and Shanghai in establishing the innovation system as well as their crucial strategies adopted.

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1. The Concept and The Definition of Innovative Cities

The term "innovation" was first used in the industry and economic sector. Hall (1999) had pointed out that innovation had been the core driver of economy. Schumpeter (1934) said "the process of creative destruction is the essential fact about capitalism". And he (1934) also explained the difference between "innovation" and "invention". He thought that "innovation" referred to new commodities, new procedure, new markets, new sources and new commercial organizations. Such new things are not only invented but also integrated into the operating mechanism. With the development of social economy, the term "innovation" is widely used in other fields, such as social innovation, system innovation, and cultural innovation, and so on. And its broad definition goes that "innovation" is a process to achieve a new thing or apply a new method (Godin, 2008).

From "innovation" to "innovation-driven cities", it shows that people have deepened and broadened their understanding of the relationship between "innovation" and "cities". Cities are the heart zone for innovation. In cities, higher level of income, more intensive knowledge, more diverse society and higher level of specialization all of these constitute very favorable external conditions for innovative development (Florida, 2009; Asheim ect., 2011; Glaeser, 2011). With globalization, the revolution of technology and the arrival of knowledge-based economy, cities are playing an increasingly important role in innovation system and become a gathering place as well as a carrier of innovation resources, like information, technology, knowledge and talents. However, the rapid urbanization has also brought various problems and challenges which call for continual innovation to realize the economic prosperity and social development, thus forming the path of people-first, all-round, coordinated and sustainable development. Now, innovation has become a significant standard to measure the core competitiveness of a city. Therefore, within the social and economic context described above, to establish innovative cities has drawn much attention from different countries and cities.

In English, both "the creative city" and "the innovative city" are used to refer to the innovation-driven cities. The former, often used in European studies, mainly refers to innovative solutions to the problems confronting cities. The latter is widely used at present and refers to innovation–driven development models of cities, which are characterized by creativity, systematicness, endogenousness, sustainability, clusteredness and openness.(Yang Dongmei, 2006).

In general, an innovative city has four elements, that is, the innovator, the innovation resources, the institutions for innovation and the culture of innovation. Innovators include the government, enterprises, research institutions and universities, etc. The innovation resources include the human resource, physical capital, technology and infrastructure. The institutions for innovation include those which can provide incentives and increase competition, the evaluation mechanism, as well as laws for supervision and regulation. The culture of innovation refers to the cultural mindset, the atmosphere of innovation and the environment of competition (Landry, 2000). The classification and description of the above innovation elements help to explain the innovation mechanism.

In this report, the content of "an innovative city" consists of three aspects-the innovation in industry and technology, the innovation in unban management as well as the social and cultural innovation. Industrial and technological innovation aims to transform and update economic structures, to promote development through industrial revolution and to enhance competitiveness

and sustainability. The urban management innovation aims to cope with the problems and challenges confronting cities and to improve the quality and efficiency of urban management. The social and cultural innovation is intended to improve people's life, to diversify social life and to build up more dynamic social operating mechanism. Hence, establishing an innovative city is to promote all-round innovation of a city, aiming to achieve comprehensive development and to realize efficient urban governance.

Landry (2000) believes that an innovative city should be characterized by creative people, excellent leadership, social diversity, ready access to knowledge and information, open culture, positive recognition and comprehensive infrastructure. The study on East-Asian innovative cities issued by World Bank (Wong, 2005) put forward the basic standard of innovative cities. An innovative city must meet these requirements: the ability to research and innovate, efficient government administration, good transportation and communication systems, well-functioned downtown areas, ample space for commercial, cultural, media, sports and academic activities, a group of educated labor force, diversified and efficiently-administrated communities, environmental awareness, tolerance and integration of various cultures. All the descriptions on innovative cities above serve as the bases and sources of quantitative evaluation systems.

Among those domestic and foreign quantitative evaluation systems for "the innovative city", the appraisal indexes consist of the index for physical conditions and the index for soft conditions. The former one includes the quality and quantity of urban hardware facilities, such as communication, transportation, universities and research institutions. And the latter refers to the cities' culture and history, the sense of crisis, and the citizens' lifestyle and so on. In addition, some scholars have based their evaluation on the whole process of innovation. For example, according to the sequence and procedures of innovation, Gu (2006) divided "innovation" into four part, namely innovative investment, innovative management, innovative service and innovative production. And she composed four indexes for each par. This evaluation model is called "the vague comprehensive appraisal model".

Obviously, scholars at home and abroad have created various evaluation models with different focuses and designed different indexes to assess an innovative city. At current, the widely used international evaluation systems are 3Ts index of Florida, European Creative Index , World Creative Index and HK Creative Index. Moreover, China has created Shanghai Creative Index and Beijing Creative Culture Index. 3Ts index, European Creative Index and World Creative Index all consist of three primary indicators -technology, talent and tolerance. "Tolerance" here refers to a city's attraction to talents. In other words, a city will have higher value of tolerance index if it is more open and with fewer barriers to talents from outside. HK Creative Index has extended to 5 primary indicators based on 3Ts system, including the human resource, culture, society, institutions and the innovative capital.

So far, the latest ranking of the World's Most Innovative cities was issued by Australian think-tank, "2thinknow" in 2011. Based on 162 indexes, like human capital, infrastructure, sustainability, market network, culture, arts and sports etc., the think-tank selected 331 innovative cities among the world. Table1 is the ranking of several famous Asian cities. Hong Kong, as the most innovative city in Asia, ranks No. 15 in the world. Shanghai is the most innovative city in China. And Beijing is put at 53th place on the world's list, 10th in Asia. According to the think-tank's statistics, 16 cities in mainland China enterer the list, the best record ever. Apart from the world list, there is also a China

list of Most Innovative Inland Cities issued by Forbes in 2011. Shenzhen, Suzhou and Shanghai occupy the first three places. The list also indicates that Shanghai and Yangtze River Delta Area are the most innovative places in China. The rising ranks of Asian cities and the increase of Chinese cities in the list demonstrate the progress China and other Asian nations achieved in building up innovative cities as well as the efforts they spent. Moreover, the leading place of Shanghai in the list of the world and China proves its strong innovation capacity.

Table1 Most Innovative Cities in the World	
Cities	Rankings
Hong Kong	15
Tokyo	22
Shanghai	24
Singapore	26
Seoul	29
Beijing	53
Taipei	100

From: http://hm.people.com.cn/GB/42273/15945080.html

Table2 Top 10 Innovative Cites of Mainland China		
Rankings	Cities	Provinces
1	Shenzhen	Guangdong
2	Suzhou	Jiangsu
3	Shanghai	Shanghai
4	Beijing	Beijing
5	Wujiang	Jiangsu
6	Wuxi	Jiangsu
7	Hangzhou	Zhejiang
8	Kunsan	Jiangsu
9	Changshu	Jiangsu
10	Zhang Jiagang	Jiangsu

From: http://www.forbeschina.com/list/1475

2. Strategies and Practices of Asian cities in Industrial and Technological Innovation

Different Asian cities have different industrial and technological innovation tasks due to their differences in stages of economic development, in industrial structures, and roles in global industrial specialization. Some Asian cities, with higher level of development, are facing tasks like upgrading, transferring, and redevelopment of industries, de-hollowing-out, reindustrialization and looking for new driving force of growth. These cities are mainly service-industry-dominated cities, such as Tokyo, Hong Kong and Singapore. Some Asian cities, still in their mid-stage of industrialization, need to gradually transform their simple economic development pattern that relies on capital, land and simple labor inputs to an information-based, technology-based, highly specialized pattern that depends on innovation, technology, brand and human capital. These cities include coastal cities in China, Bangalore in India, Daejeon in South Korea, etc. Some Asian cities, still in the early stage of economic development, are gathering powers for economic take-off. For these countries, the OEM period characterized by simple industrialization hasn't passed yet and industrial innovation is still in embryo. Therefore, in order to better adapt to different development stages, it becomes a common theme for Asian cities to promote technological and industrial innovation, to impel economic development and to

find a sustainable and more dynamic mode of development.

Technological and industrial innovation not only includes the cultivation and fostering of emerging industries, but also includes the structural adjustment of traditional industries, updating and elimination of sunset industries, as well as the formation and correlation of industrial clusters (Hu Shuhua, Mou Renyan, 2006). In these aspects, Asian cities have primarily adopted the following measures:

First, with the momentum of technological and industrial innovation, promote the adjustments of economic structure and development mode.

Industries are the backbone of urban economy. Transforming the structure and upgrading the industry is the only way to achieve innovative development. Hong Kong and Singapore have set an example on this. The two cities have resorted to technological and industrial innovation, thus promoting their structural transformations of economy. In the history of Singapore, as a major free port in the world, entrepot trade has played a dominant role in its economy. After the Second World War, entrepot trade has declined rapidly. Therefore, Singapore promptly promoted the development of its manufacturing industry, and replaced the entrepot trade with manufacturing as its primary economic momentum. Later on, it seized the opportunity to industrialize its export to foster industries such as foreign trade, transportation, finance, and tourism. Since 1980s, Singapore's manufacturing industry has been adversely influenced by the emerging economies such as China and India. In response to this, Singapore promptly made the creative industry as its strategic industry in the 21st century, and further combined creative industry and traditional manufacturing. Hong Kong has also experienced similar industrial transfer and upgrading. Enterprises in Hong Kong have transferred the labor intensive and low added-value industries to the inland of China and other areas but left the production and services which were knowledge-intensive and of high added-value in Hong Kong. Thus Hong Kong shifted its focus on knowledge economy and headquarters economy. Obviously, it is based on unremitting efforts in technological and industrial innovation that several Asian leading cities have succeeded retaining their competitive edge and enhancing their industrial structures.

Second, through industrial and technological innovation, cultivate new industries and create new driving force for economic development

The explicit characteristics of industrial innovation are to create of new markets and growth points for emerging industries through continual searching and creating new comparative advantages. Industrial innovation employs the latest information, technology and digitization technologies which often occur in high-tech fields and creative industries of culture. Every economic crisis in the history has brought pressure and opportunities to upgrade industries. For example, after the recent financial crisis, Seoul has regarded "Design Seoul" and "Green Seoul" as its new growth points and promoted the knowledge economy and the "softening" process of industrial structure. So service industry has gradually established its dominant position. Another example is Daejeon. Daejeon, a small city of very limited resources, has successfully built itself into a "New Silicon Valley in Asia" in only about ten years through technological innovation and creative combination of industries, universities and researches.

Third, form and foster innovation industry clusters as the driving forces of urban agglomeration.

Innovation industry clusters are knowledge and technology intensive industry clusters, with

innovative enterprises and talents as the main innovators. With active participation in the building of innovation industry clusters, Asian countries have attracted a large number of multi-national enterprises and groups. This process is often mainly influenced and oriented by the market, but the government also plays an important role by constructing high-and-new-tech parks. Typical innovation industry clusters are Hsinchu in Taiwan, Bangalore in India, and Zhongguancun in Beijing. Besides, Seoul now is also actively building a world-class high-tech park. In particular, Taiwan has built industry clusters with local characteristics. As a result of brand innovation, innovation clusters such as bicycle clusters, yacht clusters, glass clusters and water-metal clusters came into being. Innovation-based clusters are apt to cross urban boundaries, and play an important role in urban agglomerations.

3. Strategies and Practices of Asian Cities in Urban Management Innovation

On the one hand, globalization and urbanization are the main driving force of rapid economic development in Asia. On the other hand, they have brought various problems and challenges, such as the pressure imposed by large-scale agglomeration of urban population, the widening gap between the rich and the poor, the housing shortage, the traffic congestion, and the environmental pollution. The rapid development of Asian cities naturally demands enhancing the urban management to adapt to the changed social and economic surroundings, to cope with the increasingly complex problems, and to meet increasingly diverse demands of the citizens. Therefore, innovation in urban management has become the common task of Asian cities. Its ultimate goal is to increase the carrying capacity of cities, to improve the management methods and enhance its efficiency, thus creating a more harmonious and orderly modern city, giving full play to the government, promoting public participation, and improving the quality of urban life. In the innovation of urban management, Asian cities have focused on the following aspects:

First, strengthen the construction of infrastructure, such as the construction of transportation system, sewage systems as well as the infrastructure for environment protection and housing.

In order to build a modern urban transportation system and ease traffic congestion, Asian cities have made large investment in building new roads, railways and subways. The major measures adopted by cities to cope with the increasing large urban population are to expand urban land and promote the real estate industry. The main measure to mitigate housing shortage is to improve the utilization of space, i.e. to replace the previous low and shabby bungalows with fully equipped high-rise buildings. With regard to environmental problems, governments mainly establish and improve urban sewage system to deal with the pollution caused by living and production activities.

In the early stages of development, Tokyo's rapid development made itself a central city. In order to relieve its population and environmental pressures, Tokyo improved the infrastructure and transferred some urban functions to other places. The radiation effects of the central city have propelled the development of outer cities, which have gradually undertaken different functions transferred by Tokyo. Eventually, the multi-centre and multi-circle capital region came into being. Such a capital region has contributed to achieving a balanced and coordinated development among small, medium and large cities, and reducing the pressures on population, industries, social management,

environment and natural resources (Feng Jianchao, 2009). Tokyo's success indicates that improving infrastructure, such as the construction of a convenient transportation system, advanced information and communication facilities and living infrastructure, is not only the foundation for the capital region, but also one of fundamental measures to optimize urban management.

Singapore has attached much importance to environment-friendly urban planning and the construction of infrastructure in urban management. In its overall urban planning, Singaporean government has set aside land for greening as much as possible, built a lot of green parks, and kept appropriate space between high-rise buildings for green belts (Wang Ku, 2008). For example, in every town district developed by Housing and Development Board, there is always a 10-hectare park; in every residential zone, there will be a 1.5-hectare park within 500 meters (Hong Ruoqi, 2007). In addition, Singapore has built convenient urban transportation system, which also reflects its people-oriented characteristics in urban management. In the early stage of planning, the government set the subway stations in high-density commercial areas as much as possible and provided buses as the complementary transportation means for communities without easy access to subways. The diverse transportation facilities and the layout have made it possible that about half of Singapore residents live less than 1 km away from a subway station, and the rest arrive at a subway station within 5 minutes by bus (Jin An, et. 2010).

Second, promote information-based urban management and introduce digital and grid management mode.

The popularity of computers and internet has greatly increased the efficiency of urban management departments, improved the speed of information flow, expanded the scope of information dissemination, enhanced the communication between various departments, and increased public supervision over government. The popularity of electronic devices and wide application of information and communication technology have contributed to informatization and digitalization in Asian cities. The introduction of digital and grid urban management mode and the establishment of intelligent communities have fully reflected the extensive application of information technology.

In recent years, in order to improve its urban management, China has digitalized the traditional urban management mode. At current, Beijing, Shanghai and other big cities have become the pilot cities of grid management mode. This new mode has turned out to be very efficient and effective. For instance, Dongcheng District in Beijing has established a database group of urban infrastructure and resources within its basic unit of 10,000 m2. Moreover, Dongcheng District has established an integrated management platform by utilizing a wireless data collecting device –"the urban management expert" (Guo Xian, 2009). Since adopting the grid management mode, Beijing's discovery rate of problems has increased from 30% in the past to over 90 % at present. What's more, the accuracy of task dispatch has reached 98%, handling rate 90% and case settlement rate 90%. The average time of handling a task has declined from 7 days to 12.1 hours. Now, the number of tasks handled per week is equivalent to that of half a year in the past (Jiang Ailin, 2007).The major advantages of the grid management mode are the full coverage, precise positioning and timely handling. This innovative digital, information-based management mode has greatly improved the speed and quality of urban management, reduced labor and time costs. Besides, it also overcomes the problems of traditional mode, such as multi-handlers, overlapping of responsibilities, duplicate handling (Yan Yaojun, 2006).

Besides Beijing, Seoul has also set a successful model of employing information technology in urban management. Gangnam in Seoul has taken its advantages in electronic devices and information technology to establish intelligent communities. In 2008, this area was named as "the best intelligent community in the world". Gangnam has first vigorously promoted the application of e-governance. In other words, it has promoted management methods such as online registration, online approval of documents, as well as online reporting. The promotion of e-governance has greatly increased the urban management efficiency of the local government and reduced the number of government officials, thus saving a lot of labor cost. At the same time, the safety problems have also been alleviated due to wide coverage of the video surveillance system. According to statistics, after setting up the video monitoring center, criminal activities in Gangnam have dropped by 40% (Hua Shuhua, 2009). In addition, the "intelligent community" also shows its intelligence in its human-centered and considerate care for the old people and children. The local government has installed detectors in each house of the old people in case that they have an emergency without other people knowing. Besides, the government has also provided location tracking devices for the old people and children, in case that they get lost. Considered the brief description above, it is obvious that the management mode of "intelligent community" in Gangnam, has many advantages such as high efficiency, economy, and human-centered considerations. Its success is well worth attention and learning of Asian cities. It is believed that with the establishment and improvement of information and communication facilities in various cities, "intelligent community" will become one trend of the community management innovation in Asian cities.

Thirdly, change the single government-dominated management mode, promote the cooperation between government and private sectors, and encourage the social participation.

The traditional management mode that the government takes full responsibility for the whole process of urban management will definitely make the city fail to adapt to the increasingly complex urban surroundings, and result in improper management lacking in systematic, integral and long-term views (Chengwei, 2011). The budget pressure, the high cost and low quality of public goods provided by government as well as other issues make the introduction of market mechanism and the participation of the private sectors inevitable. In order to ease budget pressure, the governments in many cities are trying to encourage private businesses and NGOs to invest in infrastructure and take part in social management. With the participation of private businesses and the establishment of competition mechanism, the efficiency of public goods and service supply has been greatly improved. And NGOs' participation also helps reduce the work for the government, especially in collecting the public opinions, and save a lot of expenditures.

4. The strategies and practices of Asian cities in social and cultural innovation

Social and cultural innovation is put forward to solve certain social issues and to meet the social need. It attaches importance to the innovation of social organization and their formation. It aims to increase social welfare and accelerate social development and cultural prosperity. (NEST,2008□Jeff Morgan,2006; Zhengqi, 2011; He Zengke, 2012; Wangming, 2009) Besides economic and industrial innovation, more and more countries and cities consider social innovation as a key strategy to promote

development of the city and its life quality. For instance, the government of Republic of Korea has launched a program named "Study in Korea Plan" to attract more Asian students. To cultivate the talents for 21 century, Seoul National University came up with "BK21Strategy". This series of innovative measures in education area has helped solve many social issues occurred in the urbanization of ROK. Apart from ROK, Singapore also started "National Innovative Activity Plan" in 2001, taking education and culture as the important fields of urban innovation. Besides education and culture, public hygiene is also a important aspect in social innovation. For instance, since 2008 Hongkong has enhanced preventive nursing, encouraged healthy life, established database for electronic medical records, strengthened public healthcare protecting network, promoted the cooperation of state-own and private medical institutions, settled the financing plan for medical aid, and enhanced the quality of urban health service.

The aging of population is the common challenge to Asian countries. To solve this problem, different cities in different countries have caught out their innovative plans. Japan has creatively integrated the aging of population into regional planning and development, and launched some old-friendly construction projects. In the urban governance, Asian countries has now come to regard environmental issues, resources efficiency, energy utility and low-carbon economy as the main content of social innovation. By combing innovative policies and sustainable urban development, they promoted the sustainability and improve urban life quality. With regard to cultural innovation, leading countries in Asia have strived to develop creative industry. Singapore is trying to forge itself as "New Asia Creative Center" and "Global Culture and Design Center". In addition, many Asian countries and cities have caught out various social innovative practices in areas like infrastructure construction, calamity relief, protection for the disadvantaged groups, and community service.

Drawing experience from Asian cities in exploring social and cultural innovation, we could come to conclusions as below:

Firstly, to promote social and cultural and innovation, social organizations, enterprises and social work mechanism should be valued.

In recent years, the wide participation of social forces like social organizations, enterprises and so on has contributed to social innovation a lot. With wider and more active public participation, great achievements have been achieved in solving employment of disadvantaged groups, supplementing government-provided welfare, appeasing social conflicts, and promoting sustainable development. In order to echo the social innovation, many social organizations have set up platforms and kept seeking new methods for innovation. For instance, a variety of organizations have been founded in recent decades. For instance, "China Children and Teenagers Foundation" was founded in 1981, followed by "China Youth Development Foundation". Till now "One Foundation" has come into being. Social organizations keep practicing for better innovation and keep innovating for better practice. Social work serves as an innovative mechanism, aiming to solve issues of the disadvantaged. Social work tries to protect the rights of these special groups and helps them live on their own, thus contributing to solving social problems and stabilizing society. Hong Kong has established the mechanism for social work to alleviate poverty, meet various demands and accelerate social innovation.

Secondly, informatization should be combined with social development to promote innovation.

With the rapid development of information and communication technology, science and technology

has played an important role in social development of a city and in solving social issues. Informatization has become an effective channel to strengthen social innovation. The most persuasive evidence is the rising of SWForum in Hong Kong which was established in 1999. Since the financial crisis in 1997, the huge financial pressure pushed the government to reform social service funding system. After that, the influence and the voice of the social workers on the basic level have been greatly undermined. Under such a context, SWForum came into being. At the very beginning, there were very few members in this forum. At that time, it just served as a platform to exchange ideas and opinions among social workers. By now, it has become an online community with numerous members and great influence on policy makers. SWForum not only provides rich and important information on social policies and management, but also cultivates people's critical thinking towards social policies and encourages public participation (Zeno, and etc, 2010). The rising of this online forum has helped social workers restore their influence and function, boost public attention to social policies and public participation in urban management. Nowadays, the prevalence of Micro-blog and Twitter has led to the trend of increasing public participation by virtual means. Virtual participation, as a "soft measure" to create social pressure and public supervision, can also make a big difference (Brunsting, and etc, 2002).

Thirdly, social enterprises which strive for social objectives by making use of commercial strategies can also play an important role in social innovation and help solve social issues.

Different from government organizations and non-profit organizations, social enterprises can fit in with market mechanism much more easily, help solve social and environmental issues, promote social welfare and improve social integrity as well as create a positive, self-reliant and innovative atmosphere. For instance, in order to develop charity and promote the social service for the disadvantaged, Japanese enterprises have undertaken the course of supporting poor developing countries, combing their own activities with social issues in those countries. When it comes to the innovation in environmental protection, Japanese enterprises have provided low-carbon, energy-saving commodities and services thus contributing to the world's sustainable development.

Fourthly, through cultural innovation, promote the innovative industry and improve the image of a city.

Culture plays a vital role in social innovation as well as in building a city's image. For instance, by strengthening both innovative industry and traditional manufacturing industry, the government of Singapore strives to forge it as an innovative city. After approving the innovative proposal -"Renaissance City 2.0", the government has made a lot of efforts to construct infrastructure for culture and arts, to cultivate innovative talents and audiences, to set up contemporary museums to exhibit contemporary arts and designs of different countries as well as to enhance enterprising spirit in arts and culture. In order to increase the atmosphere of arts, Singapore coastal arts center has been built up, serving as a platform for artistic communication. All these measures have contributed to the city's innovative industry, promoted the city's image, and laid the cultural foundation for Singapore's social innovation.

5. A supporting atmosphere should be created for an innovative city

Firstly, infrastructure of high quality should be built.

Effective infrastructure is not only the basic and indispensible condition for economic and social development, but also the foundation for an innovative city. The infrastructure can be divided into three parts, that is, material infrastructure, information infrastructure, and social infrastructure. Material infrastructure includes roads, railways, airport, and infrastructure for water, electricity and coal supplies. For instance, Korea, by improving its infrastructure, has increased the number of central cities and enlarged the scopes of their influence, thus contributing to formation of the city cluster and unban belt. Information infrastructure includes infrastructure for internet, media, etc. Tokyo is a national even international information center which is flooded with all sorts of information about political and economical activities from abroad and at home. It is also the place where the biggest and most authoritative media institutions like NHK and others are located. The advanced and high-quality information infrastructure provides vital condition for Tokyo's innovative development. Social infrastructure includes education, technology, health care, sports, culture and other social courses. Singapore equipped its education institutions with complete teaching facilities. The government has invested greatly in researches and bought institutions various world-class facilities. As for the health care, Singapore has set strict standards for medical treatment as well as equipped hospitals with advanced armarium. The government encourages sport and culture industries as to provide favorable conditions for the city's all-round innovation. To an innovative city, social infrastructure is put in the first place. The construction of social infrastructure is one type of the tertiary industry. It can optimize economic structure, improve investment environment, help to attract all sorts of production factors, prepare talents and provide technology for other industries, thus promoting economic development. Therefore, Asian countries have made continual and active efforts to improve social infrastructure, covering all aspects like education, technology, culture and healthcare, to foster personal development, improve human capital, and enhance the quality of the nation.

Secondly, we should create a cultural atmosphere of local characteristics, diversity and tolerance.

The Asian nations often place stress on the cultivation and inheritance of culture. Therefore, it will become another important supporting condition for the development of innovative cities if a city puts their unique cultural elements into innovation and foster a culture of its own characteristics. For instance, Singapore declared in 1989 to make itself the city of global arts center. Through completing cultural infrastructure of libraries, art show centers, museums and other important resources for tourism, it has combined local culture and modern features, and advanced the dissemination and inheritance of culture. In order to show its culture and history, Singapore has added art works to the planning and construction of the city's public space and integrated artistic elements into urban life. It strives to create a comfortable and suitable cultural environment to promote creation and invention, encourage knowledge economy, and enhance personal development of talents. By combing traditional culture and modern development as well as integrating cultural elements to innovation, a more tolerant and diverse cultural atmosphere will form, thus providing strong support for innovation.

Thirdly, great efforts shall be made to attract and train innovative talents.

Innovative talents are the direct driver and the foundation for innovative cities. They excel in finding social problems and figuring out innovative solutions, thus promoting the transformation and development of cities. Besides, they will design and practice to test their new ideas. Thus new thinking mode will come into being, new ideas will be put into practice and new inventions will be generalized.

In one word, they play the roles of promoter, practitioner and pillar for the innovation. Therefore, Asian nations compete to attract innovative talents. For instance, Seoul, has put up the poster -"Talents Wanted Worldwide" to recruit talents all over the world; Singapore has set up National Science Award through A.STAR and designed various attractive programs, such as EDB talents training program to draw premium talents in the field of biomedicine, "National Innovative Action Plan" to enhance the awareness and innovation-oriented education. Besides, Singapore has also tried to improve the environment for government innovation and to boost the marketization of technologies, etc.

Fourthly, institutional improvement and innovation serve as the soft environment for innovative cities.

On one hand, institutions are part of the soft environment for innovation. On the other hand, the innovation of institutions is also an important part of innovation. Institutions can have positive influence as well as negative influence on innovation. Therefore, many Asian cities have tried to reform the institutions to meet the demand of development and further propel innovation. Tsukuba, Japan, is just a case in point. *The Regulations of the Construction of Tsukuba Characterized by Research and Study* was issued in 1970 followed by *The Guidelines of the Construction of Tsukuba Characterized by Research and Study* in 1971 and *Protection and Promotion Law in Favor of the Cultivation of High Technology Intensive Regions* in 1983. All these change in institutions aimed to promote innovation. Besides Tsukuba, Tokyo also took measures to accelerate the construction of an innovative city through tax reforms like issuing *Tax System in Favor of the Development of Basic Technologies* in 2000 and the institutional modification of the industry-university-research integration. Likewise, Korea issued *The Bill in Favor of the Development of High-technology-driven City* in 1986 to guarantee the building of Daedeok Science Park in Daejeon. Moreover, Japan, Korea and Taiwan have provided very precious experience on creating incentive policies, such as issuing very favorable laws and regulations, providing subsidies, especially the tax deduction policy, special loan system, foreign-investment-inviting system, venture-fund-supporting system and start-up-capital supporting system, etc.

6. Enlightments and Suggestions for Building China into an Innovative Country and Shanghai an Innovative City.

The global financial crisis is a challenge as well as an opportunity. To accelerate the building of innovative cities can not only help China recover from the crisis but also enhance its competitiveness and promote urban life. In *The National Outline of the Middle and Long Term Development of Science and Technology (2006-2020)* issued in 2006, it has been made clear that independent innovation and the construction of innovative cities would be the right path to stick to. And several major science and technology strategies have been worked out. Innovation and industry transformation have drawn much attention in the past decade. According to reports by research institutions including Fox as well The Analysis Report of 2005 on the Innovative Competence of Different Regions in China, Shanghai has found itself the most innovative city and the most representative innovative city in China. Shanghai is able to gain such a glorious title, partly due to its high level of prosperity. Based on foreign experience of building innovative cities, if a city's GDP per capita surpasses 10,000 dollars, it is supposed to begin the strategic transformation from imitative innovation to original innovation. Despite the good performance of Shanghai's economy and its complete infrastructure, there are still a lot of tasks on

innovation and transformation to accomplish.

To China into an innovative country and Shanghai an innovative city, it calls for the systematic connection and combination of institutions, policies and factors of production to realize the innovative transformation and the sustainable economic development. Modes, patterns and methods to building innovative cities vary from one city to another. This is mainly because different countries are in different stages of development, have different internal and external backgrounds, and differ in endowment of resources, etc. However, the universal laws as well as typical experience and lessons will still be very helpful to China and Shanghai. They are concluded as below:

Firstly, to build an innovative city should conform to the tendency of globalization and global industrial specialization.

In order to realize further development, it is necessary for cities to conform to and take active part in globalization. In the context of internationalization, cities like Hong Kong, Singapore, Taiwan and Tokyo, etc. have experienced the transition from the industrialization to the post-industrialization. It implies that highly developed economies can go much farther if they comply with the tendency of the global economy and devote themselves to innovation and industrial transformation. In pursuit of urban development and economic prosperity, opening to the outside world, participating in the globalization, and innovation and reform are the eternal themes. With the new revolution of technology triggered by the financial crisis in 2008, now globalization is accompanied by technology innovation and the rising of new industries. Nowadays, the developed Western countries like UK and USA have put forward the strategies for reindustrialization and tried to move themselves to the very front of new industries and the high-tech field. Comparing to the western countries, China must rely on innovation to conquer the commanding height in this round of development.

Secondly, the innovators should be encouraged to play a bigger role in building innovative cities.

The examples of Asian innovative cities show us that innovative activities must be initiated by the micro-subjects in a free and open environment. Besides, the role of the government is very important. Excessive interference of the government has rarely proved to be very rewarding. What the government supposed to do is to improve infrastructure, to complete the institutional framework and relevant laws and regulations and to creating a favorable environment for the industry-university-research integration. Innovation itself still relies on the efforts of enterprises, social organizations and individuals. It is their persistent efforts and their spirit of innovation that enhance the competitiveness of products and industries, and that promote the independent innovation of cities.

Thirdly, industrial and technological innovation is the basis and the essential engine to build innovative cities.

Transformation, upgrading and innovation of industries are the essential driving force of the economic development. To take an advantageous place in the globalization to promote its innovation, Shanghai must adopt new technology, establish new mechanisms, and propel the development of high-tech manufacturing, knowledge-intensive service industries as well as cultural and creative industries. According to the *Shanghai Industrial Technology Innovation "Twelfth Five-Year" Development Plan,* Shanghai will actively cultivate seven industries, including the new generation of information technology, high-end equipment manufacturing, biotechnology, new energy, new materials, energy-saving industry and new-energy vehicles, to lead the industries into high-end fields. Besides, it will also

strengthen technological innovation in the original advanced manufacturing and continue to enhance the core competitiveness. What's more, Shanghai should connect itself to innovative industrial clusters in the Yangtze River and make full use of the agglomeration effect. It is advisable that Shanghai should increase the value added to its products, upgrade the industry, and integrate all kinds of the resources in the Yangtze River Delta, encourage the gradient industrial transferring, take advantage of the clusters' positive externalities. Thus based on innovative industrial clusters, the overall competitiveness of the urban agglomeration can be enhanced.

Fourthly, we should strengthen the organizing ability of the innovators and promote the collaborative innovation among them.

Now, Shanghai has gathered a wide range of innovative elements, enterprises, social organizations and other innovative forces. However, the integrating and organizing ability still needs to be improved. We should also promote the overall coordination of the government- industry,-university-research and encourage collaborative innovation. For example, Seoul not only relies on the world-class science park to attract high-tech talents for innovative development, but also encourages the research institutes of large enterprises like Samsung to train talents. Therefore, a practice is suggested that introducing market forces into universities to establish a joint mode among enterprises, research institutes, universities and building some innovation laboratories in universities to train talents. In addition, another path suggested is to introduce talents and foreign advanced technology through the channel of FDI and ODI programs. To create new comparative advantages and to realize the innovative transformation driven by human capital calls for the joint efforts of the government, enterprises and social forces.

Fifthly, we should take active action to prevent and cope with the "syndromes of transformation".

The problems and challenges confronting countries and cities in their process of innovation and transformation are described as below: economic problems, such as bigger financial pressure, the slowdown of economic growth as well as the increased uncertainty, caused by the weak output effect of high-tech projects in the short-run; social problems, such as the urban disease, housing shortage; environmental problems. For instance, from 1975 to 1978, Tokyo was faced with the large fiscal deficit of 101 trillion yen in the economic transformation. To deal with the deficit, a special committee was set up. The main measures adopted were cutting down the number of government officials, decreasing wages, higher consumption tax, reducing or eliminating subsidies. Finally, in 1981, Tokyo successfully tuned the original deficit into a fiscal surplus of 31 trillion yen. To cope with these "transformation syndromes", calls for cooperation of different sectors.

In short, to implement the strategies of building innovative cities, the market mechanism should play a dominant role while the government should coordinate with the market and provide support. The wide public participation is also required. To promote innovation, the overall coordination of all factors is needed. The innovation should not only rely on science and technology, innovative talents, the improvement of infrastructures (especially information and communication facilities), but also on favorable institutional environment which can optimize the combination of all these relevant elements. The most important is to stimulate the creativity and vitality through market, social and institutional innovation.

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How to Assure Health for 4 Billion People in Asia?

Chairman: Peng Xizhe, Qian Xu

Abstract:

To provide equal, high-quality and accessible health care is one of the main goals in Asian countries' development, as well as the basis to ensure sustainable economic and social development of Asian countries. Therefore, Asian countries should: (1) **Firstly, establish health security system that can achieve universal health coverage,** share successful experience of all countries in achieving public health insurance, **pay attention to the role of commercial medical care insurance,** and explore suitable health security system to each Asian country' health care system on the basis of political, economic and cultural factors. (2) Chronic disease is the main cause of current diseases burden. We should take active part in exploring effective intervention of chronic disease in the process of promoting UHC. Asian countries should pay attention to chronic disease, understand characteristics of chronic disease burden as well as its development trend, and explore the management model integrating medical care and preventive health care. **Additionally, Asian countries should take active part in exploring how information system works in integration of medical care and preventive health care, as well as in chronic disease management, and sharing related experience.** (3) Aging is another mutual challenge Asia countries face. In order to deal with health aging issues, Asian countries should firstly make clear aging trend, share experience and latest research results, and explore suitable and sustainable health security system for elderly from global angle as well as through cross-national cooperation. (4) Health not only depends on health care system, but also on social, economic and some other determinant factors. Whether health policies   carry out effectively is also influenced by these structural factors. Thus, improvement of health policy not only requires unremitting effort of health departments, but also needs joint effort and coordination of all social departments. Asian countries should share experience and lessons in public health policy making as well as explore framework and guidance of public health policy development.

Highlight

Highlights of this forum are reflected in: (1) Health issue is a focus social issue in Chinese, even Asian development, and UHC developed by WHO is an important way to secure health. UHC covers health, finance, social security, economic development, etc. UHC nees interdisciplinary study, thus providing platform for cooperation and communication among different disciplines. (2) Experience of Asian countries with successful chronic disease management shows that chronic disease management should pay attention to effective combination of medical care and preventive health care, and such combination should suit each country's health care system; information system is key to promote

health management and effective chronic disease prevention and cure, and it is also the core of whole health managements. (3) Strategies to deal with health challenge brought by aging vary from country to country, and the key point lies in establishing efficient execution system and providing suitable service on the basis of national conditions.

1. Background:

Health is the basis of human beings' survival and development as well as the most important individual right. How to improve environment and guarantee public health is the main duty of all systems in society, especially health system. Currently, the main threat of global and Asian health comes from chronic non-communicable diseases (NCDs), and aging process intensifies damage of NCDs and increases economic burden of diseases (BOD) [1]. These poses challenge to financing and service delivery in f health system. Therefore, WHO put forward the idea of UHC in 2012, **intending to improve accessibility of medical care service, guarantee that public enjoys basic medical care service, and protect people's health rights through changing traditional health organization mode, health security mode and health financing mode.**

UHC, regarding as potential third revolution of global health mode, can improve resource allocation efficiency and equity[2,3]. This article will start with challenges from chronic disease and aging that China faces, taking UHC theoretical framework, review NCDs management modes and strategies dealing with aging in Asian countries, and analyze advantages and disadvantages and applicable conditions of different modes and strategies in different countries, and then, on the basis of concrete conditions of Asia and Shanghai, put forward specific suggestions.

2. Asian NCDs Management Strategy

2.1 Current condition, characteristics and development trend of NCDs

NCDs has already become the leading cause of death worldwide, and has used up the majority of health resources. In 2008, about 59 million people died as results of four chronic diseases: cardiovascular diseases, chronic respiratory diseases, diabetes and cancers. Those accounted for 59% of total number of global deaths, and led to 46% of total diseases burden. Both developed countries and developing countries face threat of NCDs. In some developing countries, patients suffering chronic disease even become younger in age[4].

In China, morbidity of NCDs has grown really fast. According to National Health Survey in 2008, about 206 million people were suffered from NCDs with the morbidity of 20%, which is 5% higher than that in 2003. In 2008, NCDs' morbidity of urban and rural residents is 28.3% and 17.1% respectively, but morbidity in rural areas increases faster[5,6]. The deaths of NCDs accounted for over 70% of total deaths[7]. Seeing from consumption of resources, diseases burden caused by NCDs has also occupied more than 70% of total BOD. Shanghai, as the city with highest degree of aging in China, has relatively higher NCDs morbidity: in 2001, standardized morbidity of chronic disease in Shanghai was over 30%, and in 2008, research showed that morbidity of NCDs in downtown Shanghai has already outnumbered 37.5%, and medical care costs for NCDs patients have also become main part of total cost of medical care in Shanghai[9,10].

2.2 Typical mode and successful experience of chronic disease management in Asian countries and regions

As one of developed countries in Asia, Singapore also faces threat of chronic disease. At the beginning of 21st century, morbidity of diabetes in Singapore was already over 12.0%. In order to control NCDs, reduce mortality of NCDs and diseases burden, Singapore has launched various NCDs intervention programs, including national healthy lifestyle activity carried out in 1992, community health screen starting in 2000, and national cigarette control program, balanced nutrition plan, chronic disease health education program, etc. The most important management programs are: (1) the diverse diseases management framework developed by Ministry of Health in 2000, which put emphasis on promoting healthy life by means of preventive health care measures. The framework was mainly composed of launching health education for patients and their family members; promoting patients' self-management concept and improving their health behavior; improving management procedure, promoting interaction of medical staff and patients, and establishing long-term management relationship; timely updating and feedbacking patients' recovery results and providing specific information service.

Compared with traditional management, such program puts emphasis on health promotion and primary prevention for healthy population and high-risk population, focusing on early detection and treatment of NCDs; (2) in 2006, Singapore Ministry of Health began to promote Chronic diseases management program (CDMP), covering management service of diabetic patients, and in 2007, extending to hyperpiesia, hyperlipidemia and stroke patients. The program encouraged patients to coordinate with their doctors to enhance chronic disease follow-up, improve lifestyle, etc. through bringing service into benefit package of medical care insurance, thus improving management efficiency of chronic disease. **CDMP on one hand insists initiative of patients in chronic disease management, and on the other hand, emphasizes function of physicians in chronic disease management, which fully achieves combination of prevention and cure and gains positive effect[11-13].**

Japan, the country with highest aging degree in the world, faces the threat of NCDs much earlier than China. It is estimated that in 2007, there were about 8.9 million diabetes patients and 31 million hyphenation   patients in Japan. To deal with such condition, Japan has launched a series of chronic disease management measures. In the past few years, MHLW has carried out chronic disease management programs specific in health inspection and health care guidance. (1) Since 2008, medical care insurance organizations have begun to launch health inspection to insured aging from 40-74 according to specific health inspection plan, and add inspection items for high-risk population additionally. **Such program emphasizes on screening in order to achieve early detection and early management;** (2) for high-risk population screened through health inspection, professional health care instructors (doctors, professional hygienists, professional nutritionists) will design different health care guidance plans suitable for different targets, provide face-to-face guidance, and conduct follow-up and effect evaluation for over 3 months; (3) it is clearly stated by law that cost of health inspection and health care guidance are mainly from government budget and insurance fund[14].

Hong Kong puts emphasis on integrated management in chronic disease prevention and cure, and endeavors to provide diversified health management service. Chronic disease service

system includes hospitals and community-based rehabilitation network. Service team includes doctors, nurses, practicing therapists, psychology experts, nutritionists, social workers, etc. Patients in hospitals can share information with patients in communities, and service team encourages multidisciplinary teams to provide regular guidance for patients as well as analyze and evaluate their conditions, and additionally, pays great attention to communicating with patients and enhancing patients' health care skills through various ways in order to improve their health. In chronic disease management, Hong Kong also positively encourages participation of volunteers and absorb retired medical workers in order to reduce costs[15,16].

e management modes, they all put emphasis on: **(1) participation of clinicians in order to achieve combination of prevention care and medical care; (2) construction of whole health management mode to pursue early detection of diseases in order to conduct follow-up and long-term management for patients; (3) encouraging active participation of patients through communication and information sharing in order to improve patients behaviors; (4) bringing services such as primary prevention to medical insurance reimbursement package to make sure that medical insurance covers whole health management services. The core lies in whole health management, and the key to achieve whole health management is establishment of information system and information sharing.**

2.3 Problems and suggestions for China and Shanghai in chronic disease management

In China, especially in Shanghai , the main threat in chronic disease management is: **for service delivery, coordinative organizations between hospitals and diseases control centers leaves much to be improved; for human resource, there are lack intiative and professtionals to conduct whole health management and combination of prevention and cure; the information system for promoting whole management is not perfect yet, which is the biggest problem in chronic disease management; financing and motivation mechanism which gurantee development of whole health management have not been established yet.**

For Shanghai, in order to deal with threat of chronic disease and improve chronic diseases management efficiency, it should take strategies as followed: (1) **firstly, it should establish the concept of chronic disease whole management, emphasizing crucial function of clinicians in chronic disease management.** Prevention health care and medical cure of chronic disease can be combine in community level, which can be reflected by diseases surveillance, clinical prevention, social advocation service and information collection at hospital level and family-based individual prevention service, location-based behavior intervention, patient-based diseases self-management and health information collection. (2) **It should insist whole health service linked by information.** Whole health management requires collection of health-related information at each process in human's life such as environment, risk factors, health behavior, screening, cure, etc. Such information scatters in different organizations and services, and therefore, perfect information system needs to be established for information sharing; (3) **establishment of scientific information system firstly requires top information management design** to guarantee information sharing, communication and utilization between hospitals, communities and public health organizations. **We should emphasize supplier-oriented information collection, update and maintenance, and encourage demand side to utilize and provide information in order to maintain effective information management.**

3. Universal Health Coverage

3.1 UHC in typical Asian countries:

It is acknowledged in international society that everyone should have the right to gain needed health care service without financial risk.Aactually there are nearly 1 million population suffering poverty resulting from illness every year in the world, and therefore, better health care financing and service delivery system need to be established. The most effective financing way is risk pooling, and medical care insurance based of risk pooling becomes important way to carry out UHC. Every government including Asian country tries to establish health security system that covers all residents in order to reduce medical care burden of family.

Among Asian countries, Japan is one of the countries that put universal health care into practice at an early age. Japan mainly carries out social medical care insurance. Employees and their families must join mandatory health insurance programs set up by enterprises, and the population occupies about 60% of total population. For the rest 40% of population (including the unemployed, freelancers, and the retired) join national health insurance set up by local government. **It is regulated by law that all insurance plans should have similar benefit package, including hospitalization service, day care, prescription drug, etc.** Insurance premium for employees and their families takes about 3% - 10% of employees' salary, and the government invests a large sum of money to provide subsidy for low-income workers and the unemployed in order to help them buy insurance. Self payment for insurance accounts about 15.8% of total sum of health care, and social organizations and commercial insurance companies plays an important complementary role in management of the two kinds of insurances[17-18].

Since 1977, South Korea has begun to launch mandatory insurance for employee, covering employees, civil servants and teachers. Then, in 1988 and 1989, South Korea respectively carried out insurance for rural regions and urban regions, covering employees in small-size companies and non-labour population. These mandatory insurances cover all South Korean people, marking that South Korea has basically achieved UHC. In 1999, South Korea combined different medical care insurance programs in the country, making sure that all South Korean people enjoy equal benefit package and improve the fairness. Funds of South Korea's medical care insurance come from the insured, employers and the government. The level of funding is approximately 4% of employees' income, and the employers and employees take 2% each. The government provides subsidy for freelancers and low-income population to guarantee that they can buy medical care insurance. South Korea's medical care insurance risk-sharing level is relatively lower, and the out-of-pocket accounts for about 40% - 50% of medical care cost[19-23].

Taiwan published The National Health Insurance Act in 1994, and began to comprehensively practice it in 1995. Currently, such mandatory medical care insurance has already covered all Taiwan residents. Judging from fund, the level of funding is about 4% - 5% of income and the fund comes from employers, the insured and government subsidy. People of different jobs enjoy different financing policy. Judging from welfare, all insured enjoy equal benefit package, which guarantees fairness of health care utilization. Judging from management, as a governmental department, the Bureau of Health Insurance performs the role of organizer and manager of insurance[22-24].

Though different countries practice different modes in carrying out their UHC, they do share a lot in common: **(1) they all take mandatory insurance mode, and design risk sharing mechanism between different income groups; (2) the benefit package in those countries all experience a process from difference to unity, which means that all people enjoy equal benefit no matter what their funding levels and modes are, and all those countries do not set up individual account; (3) function of the government is mainly reflected in subsidy for low-income groups to gurantee that they can enjoy medical care insurance. Other than this, government is usually participates in insurance management; (4) all those countries emphasize the role of social organizations in management, and commercial medical care insurance also participates in management; (5) differences among those countries are mainly showed in level of financing, benefit package and management mode.**

3.2 Current condition and challenge of UHC in China

In the last century, the health care security system of China is mainly composed of publicly health security program and enterprise labor insurance program in urban areas, and cooperative medical scheme in rural areas. Since the reform and opening-up, development of market economy poses new requirements and challenges for social health security system. In 1994, China began to set up basic medical insurance for urban employees, and by 2011, 250 million workers have already been covered. This is a mandatory insurance program, and the level of funding is approximately 8% -14% of the salary, shared by employers and employees. This insurance is mainly managed by government department, covering outpatient and inpatient services. The rest of population in cities including the employees' families and the unemployed is covered by Urban Resident Basic Insurance (URBI). The insurance is carried out in 2007, adopting fixed premium, and is funded by individuals and the government subisdy. By the end of 2011, URBI has already covered a population of 220 million. Medical risks in rural areas are pooled by New Cooperative Medical Scheme (NCMs) carried out in 2003, which is a semi-mandatory insurance plan taking mixed fund from the central government, local government, and family. The level of funding is relatively low as well as the level of welfare. By 2011, NCMs has covered 833 million people with the average premium of about RMB 250. By the end of 2011, the population with no medical care insurance accounts for about 5.2% of total population in China, and China has basically achieved UHC [25].

Major problems and challenges that China's current medical insurance system faces are: 1) the level of funding is relatively low as well as benefit package level, which is particularly evident in the NCMs and medical insurance for urban residents; 2) the fairness of insurance needs immediate improvement, which are reflected in two aspects: one is that the scope and intensity of protection differ a lot in insured of different insurance programs; and the other is that the funding, protection scope and protection intensity also differ a lot in different regions that enjoy same insurance program, which directly affects the fairness of the service utilization, and may lead to health inequity; 3) the payment system centered on fee-for-service (FFS) leads to waste and affects efficiency. Fee-for-service, as a typical retrospective payment, easily leads to induced demand. In the case of a relatively low financing level, FFS will reduce the risk-sharing levelof the insured because of increase of total sum, and even result in extreme cases such as increase of financial risk of health care utilization because of insurance; 4) inefficiencies of multi-sectoral cooperation and coordination, because the medical insurance system

involves financing, service delivery, pricing, payment methods, service supervision, etc., yet these features scatter in different administrative departments which are difficult to coordinate, thus leading to inefficiency.

Shanghai, as an international metropolis with high developed economy, enjoys much higher funding level for insurance programs than the rest of China, and the main challenge is the differences in treatment among various insurance groups as well as inefficiency.

3.3 Suggestions of China and Shanghai in developing UHC

Although China has basically achieved full coverage of medical insurance, but the difference among groups is very large, and therefore, 1) at the medical insurance system level, we should try to minimize differences of insurance treatment between different groups. In the short term, unification of whole country's insurance benefit package is not realistic, and is also insuitable with China's national conditions. Therefore, we can consider to firstly narrow benefit's differences among groups in economically developed area, and then consider to expand the level of risk-pool and reduce regional differences; 2) China' practice of individual accounts cannot share the risk among people, but it leads to high level of funding, which is may not suitable for China's national conditions, and therefore, we can consider to slowly dilute the concept of individual accounts and expand the level of solidarity fund; 3) we should strengthen the function and role of government in ensuring that residents enjoy basic medical insurance, which is mainly reflected in that the government should increase medical subsidy for low-income people in order to improve the level of funding for urban residental insurance and new rural cooperative insurance; 4) Insurance management can be respectively designed based on regional realities.Government should encourage and develop social organizations' function in insurance management in order to achieve public information and improvement of efficiency.