

STUDY ON THE PATH OF SEA POWER MAINTENANCE FROM A LEGAL PERSPECTIVE***Zhiyi Wu**

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Abstract

The "14th Five-Year Plan" proposes to actively expand the space for the development of the marine economy, coordinate the promotion of marine ecological protection, marine economic development, and maintenance of marine rights and interests, and accelerate the construction of a maritime power. After Mahan's theory of sea power was established, it has been continuously updated with the development of world politics and economy and transformed into modern sea power. China's road to maintaining sea power is a new development path of sea power that is different from traditional sea power. In the process of safeguarding sea power in China is full of challenges, including the trouble of "three-sea linkage policy", the infringement on China sea power under the veil of "freedom of navigation" from some countries, and the hinderance of non-traditional maritime security to the establishment of a community with a shared future for sea. From a legal perspective, China should resolutely safeguard the maritime rights and interests of its surrounding areas, resolve maritime power conflicts through dialogue, accelerate the maritime legislative process, and actively participate in the international law-making process to achieve the development goals of maintenance of sea power.

Keywords: Power, Maintenance of sea power, Global ocean governance, Maritime Destiny Community.

INTRODUCTION

The 14th Five-Year Plan for National Economic and Social Development and the Outline of the Vision 2035 of the People's Republic of China has set up a special chapter on "Ocean" in Chapter 33 of Title IX - "Actively Expanding the Space for Marine Economic Development", proposing to adhere to the integration of land and sea, harmony between people and the sea, cooperation and win-win situation, and collaboratively promote marine ecological protection, marine economic development and maintenance of marine rights and interests, and accelerate the building of a strong ocean state. In important speech on building the ocean power, China proposed to safeguard the country's ocean rights and interests and make efforts to promote the transformation of ocean rights maintenance to a comprehensive and balanced type. This conveys the country's firm determination and belief in speeding up the construction of strong ocean power and safeguarding ocean rights and interests. So, what kind of maritime power is China trying to shape in the process of developing distinctive maritime power? What are the differences compared with the traditional maritime rights? This paper will focus on the challenges and options of the development path in the process of safeguarding sea power in China from a legal perspective.

The theory of sea power in the traditional sense

The term "sea power" is an imported term that originated in the West. In his book *"History of the Peloponnesian War"*, Thucydides, an ancient Greek historian of the 5th century B.C., put forward the classical idea of naval power to control the sea, believing that "naval power" means "the power of the sea", and that the sea gives power to man on the condition that one must know how to conquer and use the sea^[1].

The Roman jurist Cicero prophesied in the 1st century B.C. that "whoever controls the sea controls the world", but the sea and the world he was referring to were limited to the Mediterranean Sea and its surroundings. In modern times, with the Atlantic Ocean as the center, Portugal, Spain, the Netherlands, France and Britain have emerged one after another and established maritime hegemony. Britain, with its strong maritime power, occupied a large area of colonies around the world and became the first country to benefit from global maritime hegemony, giving birth to the "Sunset" Empire. From the rise to crisis, from world domination to global contraction, the history of the rise and fall of British maritime hegemony is a complete textbook of "maritime power theory", but it has not formed a systematic theory. The United States rose to power at about the same time as Japan and Germany, and then, after the decline of Britain, the United States became the "first global power" in the 21st century^[ii]. It was Alfred Thayer Mahan (1840-1914), a famous naval strategist and historian, who really created the theory of sea power. Mahan creatively introduced the concept of "sea power"^[iii]. Mahan pointed out that naval power covered not only the maritime military power used to control the seas, i.e., the navy, but also maritime trade and shipping^[iv]. In fact, what Mahan called naval power includes two major parts, which were maritime military power and maritime non-military power. The former mainly referred to a country's navy, which was the most important and core part of maritime power, while the latter mainly referred to facilities, instruments and meant that were centered on overseas trade and related to the sea^[v]. Mahan concentrated his arguments on "maritime power" and argued that the core purpose of the state is to "control the sea". However, Mahan did not give a specific definition of maritime power, as Professor Liu Zhongmin commented, "Mahan did not give a precise definition of 'maritime power' directly, but always defined 'maritime power' within the framework of 'the state's use and control of the sea', i.e., the state uses the sea as a well-connected commercial route, controls the sea lines of communication by legal and military

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means, and maintains the state's competition and maritime hegemony in the sea"^[vi]. Mahan's life was spent creating a great system of thought, which is indeed Mahan's most outstanding achievement. By liberating the concept of naval power from the purely military field and linking it to the overall national strategy, Mahan made the concept of naval power encompass the meaning of comprehensive national maritime power and maritime state, naval power, etc.^[vii]. Since its birth, the theory of maritime power has been constantly updated with the development of world politics and economy. Along with the evolution of the maritime order, although the traditional meaning of maritime power has been extended to the claim and maintenance of maritime territorial sovereignty, the development and utilization of maritime resources, the control of maritime non-traditional security and maritime humanitarian aid^[viii], but its core logic remains the control of the sea and influence on other countries, which does not go beyond the thinking paradigm of Mahan's maritime power theory. In summary, maritime power in the traditional sense refers to the sum of the materials and forces that drive the sustainable use and development of the nation's oceans and seas and that secure national economic and security interests through the oceans^[ix].

The development history of China's sea power maintenance

The Chinese people were one of the first to exploit marine resources. In the course of five thousand years of ancient and long history and civilization, the Chinese people have engaged in intermittent maritime practices that have been both brilliant and frustrating. China's Confucianism and the historical process centered on the civilization of the Middle Kingdom have made it impossible and incapable of becoming a maritime hegemonic power as it has been in Western history. The purpose of naval construction also tends to be more of a "demonstration of power" than a "projection of power"^[x]. The early Ming Dynasty's Zheng He to the West and the late Qing Dynasty's Beiyang Marine Division "invincible" fleet are the most typical examples. The maritime expansion of the two was actually an expedition that ended like a flash in the pan, a floating duck. Traditional maritime power stimulated the revival of China's maritime consciousness. History proves that if you orient yourself towards the sea, you will prosper, if you abandon the sea, you will decline; if your country is strong, your sea power will be strong, if your country is weak, your sea power will be weak^[xi]. Since the 1950s, the maritime defense and naval construction as an important guarantee to safeguard national independence and sovereignty, the country gradually attached importance to and increased investment, but affected by the domestic and international situation, the country in the 1980s before the proposition of maritime power, until *the United Nations Convention on the Law of the Sea* (hereinafter referred to as "*the Convention*"), adopted in 1982 and entered into force in 1994. The birth of this "maritime charter" means the dawn of light. With peace and development becoming the theme of the times, influenced by the multipolarization of the world and economic globalization, non-traditional maritime security issues commonly faced by all countries are frequent, while international regimes and norms such as *the Convention* are recognized by more and more countries. The traditional theory of exclusive, military and hegemonic maritime power is no longer suitable for the world maritime power pattern and future development trend, and modern maritime power has a broader connotation than traditional maritime power^[xii]. Modern maritime power can be

defined as the strength, influence or control that a country enjoys in the use of the sea in the maritime domain, including maritime military power, maritime economic power and the level of maritime science and technology, and its extension also includes the ability to make decisions in international maritime legislation and the ability to implement it^[xiii]. These changes and developments have simultaneously and profoundly influenced China's understanding and study of maritime power.

"The ocean industry is related to the state of national survival and development, and the rise and fall of the country's security." Leader has repeatedly talked about the construction of a strong marine state and the importance of the development of the marine industry^[xiv]. Central file clearly calls for "Adhere to the integration of land and sea, accelerate the construction of a strong country in the ocean". As a national strategy, building a strong ocean country has become a strategic goal for the Chinese nation, and it is a road of building a strong ocean country with Chinese characteristics, i.e. insisting on the development road of enriching the country by the sea, strengthening the country by the sea, harmonizing people and the sea, and achieving the goal of building a strong ocean country through peace, development, cooperation and win-win situation. The road to building a strong maritime nation with Chinese characteristics requires us to be firmly committed to maintaining regional peace and stability and freedom of navigation while firmly safeguarding national sovereignty and related rights, insisting on resolving international disputes by peaceful means, and insisting on dealing with problems according to ideas that are consistent with both the basic principles of international law and our actual circumstances^[xv]. After the ocean power strategy became a national strategy, another important concept came into being.

In 2019, Leader first proposed building a "community of maritime destiny" at the 70th anniversary of the founding of the People's Navy. "The blue planet we humans inhabit is not divided by the ocean into individual islands, but is linked by the ocean into a community of destiny, with the safety and security of all peoples sharing the same fate." "China fully participates in the development and implementation of ocean governance mechanisms and related rules within the framework of the United Nations, and implements the goal of sustainable development of the oceans." "Countries should discuss more and better with each other. Countries ought to adhere to equal consultation, improve crisis communication mechanisms, strengthen regional security cooperation, and promote proper resolution of sea-related differences." The concept of community of maritime destiny is a model of maritime development advocated by China, an innovation and development of the concept of community of human destiny in the maritime field, and a promotion and practice of the pacify of maritime power on the basis of compliance with *the Convention* and other international rules. After the ocean power strategy and the concept of "community of maritime destiny" have been sorted out, the general outline of China Sea Power Maintenance can be vaguely seen. According to Zhang Wenmu, the concept of China's maritime power should include both "maritime rights" derived from China's national sovereignty and "maritime power" to realize and maintain such rights^[xvi]. The maritime power with Chinese characteristics is a set of solutions with Chinese branding based on the essence of modern maritime power and from domestic conditions to solve the key and difficult problems in the process of constructing

maritime power. Internally, we focus on developing our own strength, moving from a large maritime power to a strong maritime power, effectively safeguarding the basic rights given to us by *the Convention* and other international rules, and not following the old path; externally, we declare our concept of maritime development to the world and "unite all the forces that can be united" to build The "community of maritime destiny", and jointly maintain the world's peace and tranquility. The development of maritime power with Chinese characteristics is consistent with the strategic goal of a strong ocean state and can achieve effective control, development and management of the ocean, which is necessary to ensure maritime security, develop maritime economy and change the geopolitical pattern^[xvii]. In this way, maritime power with Chinese characteristics has come out of a new road of maritime power development different from the traditional maritime power. But this road is destined to be extraordinary, with challenges and opportunities, testing Chinese wisdom and Chinese power.

Challenges on the road to maintaining sea power

The traditional sense of naval power depends mainly on the power of the navy, but the new era of naval power not only depends on the power of the navy, but also depends more on the national strategic planning for naval power and the national awareness of the sea. Zheng He, the great navigator, emphasized, "If you want to make your country rich and strong, you must not ignore the sea; wealth is taken from the sea, but danger also comes from the sea^[xviii]. "China is one of the world's major maritime countries, with more than 18,000 kilometers of coastline, along with China's vast seas and rich marine resources. For a long time under the influence of historical circumstances, China's maritime rights and interests are constantly being challenged^[xix].

The Trouble with the "Three Sea Links": In recent years, China has entered an explosive period of disputes over the surrounding maritime issues, which affects China's peaceful development process and puts a lot of pressure on responding to and resolving disputes. Every effort should be made to avoid a situation in which the East China Sea, South China Sea and Taiwan Sea (i.e., the "three seas") are linked^[xx]. In the East China Sea, due to Japan's unilateral malicious operation, advocating the East China Sea air and sea security threats, the Diaoyu Islands issue has been pending; in the South China Sea, Vietnam and the Philippines and other countries uninterruptedly interfere with China's normal marine development operations, trying to the so-called South China Sea Arbitration Tribunal final ruling content to require China to comply with and implement.

In the East China Sea, the issue of the Diaoyu Islands is very complicated and sensitive. The Diaoyu Islands issue is connected with the East China Sea delimitation issue. The dispute between China and Japan over maritime rights and interests in the East China Sea is mainly manifested in the dispute over the delimitation of maritime areas under the jurisdiction of the East China Sea and the sovereignty of the Diaoyu Islands and their maritime rights. Those have been rooted in the competition between the two sides over the rich mineral resources in the East China Sea. From a legal perspective, Part V of *the Convention* stipulates that the width of the EEZ shall not exceed 200 nautical miles from the baselines from which the breadth of the territorial sea is

measured. Both China and Japan have acceded to *the Convention* and are entitled to have exclusive economic zones and continental shelves under their respective jurisdictions in accordance with the provisions. The issue of conflict of application of *the Convention* also arises between parties to the same Convention^[xxi], but the maximum width of the East China Sea from east to west is less than 400 nautical miles, resulting in an overlap of the jurisdictional sea areas claimed by both sides and an inevitable dispute over delimitation of the boundary^[xxii].

The South China Sea issue is a long-term problem, influenced by geopolitical characteristics, involving issues between China and other countries that cannot be resolved at once. China has peacefully resolved its border issues with the vast majority of its land neighbors. In the South China Sea, despite the illegal occupation of some of China's islands and reefs, China has always been committed to resolving disputes in the South China Sea by peaceful means and has worked with ASEAN countries to build regional rules that have de-escalated the situation in the South China Sea. The core of the South China Sea issue is the nature of the South China Sea breakline and the legal status of the waters within the line^[xxiii]. China's sovereignty and rights and interests in the South China Sea have been formed in the course of long history and are in accordance with international law. It is unacceptable for the Philippines to attempt to take an illegal and invalid ruling to deny China's sovereignty and rights and interests in the South China Sea, and to deny the history and rights of Chinese fishermen to produce and operate in the traditional fishing grounds of the Spratlys for thousands of years, in violation of international law, including the Charter of the United Nations and *the Convention*. It is unacceptable for the Philippines to attempt to take an illegal and invalid ruling to deny China's sovereignty by denying China's sovereignty and rights in the South China Sea and the thousand-year history and rights of Chinese fishermen to produce and operate in the traditional fishing grounds of the Spratlys, in violation of international law, including *the UN Charter* and *the Convention*^[xxiv]. It is a historical and legal fact that there is only one China in the world and Taiwan is an inseparable part of China's territory. The Taiwan issue is currently the main geopolitical conflict in China. Ma Han's "maritime power theory" emphasizes the strategic role of geopolitical elements, as geographic location determines strategic value. From the perspective of realizing the right to control the sea, Taiwan's strategic position is very important. Taiwan is an "unsinkable aircraft carrier". The core of Mahan's "doctrine of maritime power" is to emphasize that the state should have strong control over the ocean, i.e., "control over the ocean means having significant influence in the world". As the "gate" of Asia-Pacific shipping, the Taiwan Strait is increasingly highlighting its strategic role as the choke point of transportation, and is literally the "Gibraltar of the East"^[xxv].

Some countries violate China's maritime rights under the guise of "freedom of navigation": China respects and safeguards the genuine freedom of navigation and overflight enjoyed by all countries in accordance with international law, but is firmly opposed to undermining the sovereignty and security of coastal countries under the banner of so-called "freedom of navigation". Every year, more than 100,000 ships of various countries pass through the South China Sea safely and freely without being affected in any way by the Nansha dispute, so one can imagine that the so-called freedom of

navigation issue is a false proposition. As the largest country around the South China Sea and the world's largest trader of goods, China's survival is highly dependent on the South China Sea as its main trade route. Peace and stability in the South China Sea and freedom of navigation and overflight in the South China Sea are of vital importance to China. China attaches greater importance to peace and stability in the South China Sea^[xxvi]. China maintains that, in exercising freedom of navigation and overflight in the South China Sea, all parties concerned should fully respect the sovereignty and security interests of the littoral states and comply with the laws and regulations of the littoral states in accordance with the provisions of *the Convention* and other rules of international law.

Non-traditional maritime security issues hinder the construction of a maritime community of destiny: The 14th Five-Year Plan proposes to actively expand the development space of the marine economy, collaborate to promote marine ecological protection, marine economic development and maintenance of marine rights and interests, and accelerate the construction of a strong marine state. However, non-traditional security incidents such as maritime terrorism, piracy, and marine pollution have continued to occur in the maritime domain in recent years. In the face of both traditional security threats and a large number of non-traditional security threats, we must emphasize building a community of maritime destiny and organizing and coordinating to unite other countries to jointly address the various threats and challenges that arise at the sea.

The so-called maritime security, also known as maritime security, is divided into two categories: traditional maritime security and non-traditional maritime security. Traditional maritime security is mainly classified into maritime military security and maritime defense security, which have the tendency to decrease or die out; non-traditional maritime security is mainly composed of maritime terrorism, piracy, maritime stowaways, marine environmental pollution and marine ecological degradation, which have the tendency to increase^[xxvii]. Among these, the issue of pollution of the marine environment is of great relevance to us and is discussed as a key element. Although Part 12 of *the Convention* specifically provides for the "protection and preservation of the marine environment" and sets forth generally used guidelines for the environment and the control and prevention of pollution damage in coastal and high seas areas, the amount of pollutants entering the oceans is increasing rapidly each year, and it is impossible to estimate how many harmful components are entering the oceans^[xxviii].

Pollutants that pose a threat to the marine environment include petroleum, heavy metals, pesticides, organic and nutrient salts, solid substances, radioactive substances, etc. Radioactive substances mainly come from nuclear test fallout and direct dumping of nuclear waste into the ocean, such as the dumping of large amounts of nuclear waste into the Sea of Japan by Russia in 1993. In April 2021, the Japanese government reportedly made a formal decision to discharge nuclear wastewater from the Fukushima nuclear power plant into the ocean containing nuclear wastewater that is harmful to the marine environment, among other things. The radioactive substances leaked from the Fukushima nuclear accident in Japan have already had a profound impact on the marine environment. If nuclear wastewater is discharged into the sea,

the German GEOMAR Helmholtz Centre, a top marine scientific research institute, has conducted a computer simulation exercise on the spread of nuclear wastewater: the initial radiation area is indeed only near the Japanese sea, and mainly low-dose radiation, with a small area of high-dose radiation. After a month, the radiation spreads faster, and after six months the radiation area has expanded and is mainly high-dose radiation. The whole Pacific Ocean only needs ten years to be "nuclearized", and the contamination of other oceans is inevitable. Japan's action is in clear violation of Article 192 of *the Convention* "Obligation of States to protect and preserve the marine environment" and Article 194 of *the Convention* "The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, inter alia, those designed to minimize to the fullest possible extent: the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping." This will be an irreversible disaster for the global marine environment and even for human beings. In the face of this ensuing catastrophe, human society is increasingly presented as a community of destiny, once any error, no country can be alone. Building a community of human destiny and a community of maritime destiny will be the ultimate choice of human being.

The path of sea power maintenance

Leader pointed out, "To improve China's ability to participate in global governance, we must actively participate in the formulation of governance rules in emerging areas such as oceans, polar regions and climate change, and promote reform of unjust and unreasonable arrangements in the global governance system^[xxix]." An increasingly complex external environment, requires us to adhere to the integrated promotion of the rule of law at home and foreign-related rule of law. Global ocean governance is an important part of the global governance system, and is also one of the important areas of China's participation in global governance. On the road to maintaining sea power, we should clearly recognize the geopolitical situation in the surrounding waters, take the construction of legal framework as the main form, and promote equal cooperation in various fields with the concept of peace and development as the fundamental way to promote the construction of maritime power with Chinese characteristics^[xxx]. Entering a new era, China has made great efforts in serving the strategic goal of building a strong ocean state and the concept of building a maritime community of destiny. China continues to participate deeply in global ocean governance, but the road to the development of maritime power with Chinese characteristics still has a long way to go and needs to be approached from various aspects, including practice and perception.

Resolutely safeguard the surrounding maritime rights and interests: China has always advocated that the South China Sea issue should be dealt with in accordance with international law, including *the Convention*. The South China Sea issue involves not only *the Convention*, but also our territorial sovereignty, and only through the comprehensive and accurate application of international law, including *the Convention*, can the relevant issues be properly resolved." The essence of the arbitration matter in the South China Sea Arbitration is the issue of territorial sovereignty and maritime delimitation. The Arbitration Tribunal ignored the essence of the dispute

between China and the Philippines, ignored China's declaration under *the Convention*, ignored the consensus of the negotiations and consultations between the two sides, and made obvious errors in the determination of facts and application of law^[xxxii]. China should unite and lead neighboring countries to take the 20th anniversary as an opportunity to fully and effectively implement *the Declaration on the Conduct of Parties in the South China Sea* this year, accelerate the consultation process on *the Declaration* in the South China Sea, and strive to reach a more substantive and effective regional rule that is consistent with international law and the needs of all parties as soon as possible. In April 2021, Wang Yi, State Councillor & Foreign Minister, received the Foreign Ministers of Singapore, Malaysia, Indonesia and the Philippines to visit China, and reached an agreement to jointly maintain regional stability and strengthen cooperation in maritime affairs, which laid a good foundation for peace and stability in the South China Sea.

Resolving Sea Power Conflict with Dialogue: China's modern history is in a sense the history of the loss of Chinese maritime power. There is only one system and one set of rules in the world: the international system with the United Nations at its core and the basic norms of international relations based on the purposes of the UN Charter^[xxxii]. China has always adhered to an international system with the United Nations at its core and an international order based on international law, instead of an international order defined by individual countries. International law neither comprehensively prohibits foreign military vessels and aircraft from sailing in the EEZ, nor does it prohibit coastal states from taking precautionary or self-defense measures to maintain their own security^[xxxiii]. The system of territorial sea and exclusive economic zone has become customary international law and is confirmed by the practice of various countries, so countries should comply with the provisions of *the Convention*. Countries should resolve disputes through negotiations and consultations, and manage conflicts over maritime rights by strengthening bilateral dialogue and consultation mechanisms. Countries share common interests in maintaining freedom of navigation, protecting the marine environment, and developing marine resources, and can cooperate to form a positive interaction and inject positive factors into bilateral relations.

Accelerate the process of promoting domestic marine legislation and actively participate in the international legislative process: Management of the sea in accordance with the law, the rule of law, the construction of the rule of law in the sea, is the full implementation of the rule of law as it should be. It requires the comprehensive promotion of scientific legislation, strict law enforcement, impartial justice, law-abiding for all people, in the rule of law track to promote the modernization of the national governance system and governance capacity. "Good law is a prerequisite for good governance." To maintain and develop maritime rights, China's maritime legal system should be further developed and improved, including the formulation of the Basic Law of the Sea, the Law on Maritime Safety, the Law on Coastal Zone Management, etc., the revision of regulations on foreign-related marine scientific research, and the improvement of relevant departmental regulations, etc^[xxxiv]. "The International Agreement on the Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction (BBNJ)" and "The International Seabed Authority Regulations on the Development of International Seabed Mineral Resources" are

two major international ocean legislation processes that are important for the profound adjustment or change of the global ocean governance rules, and China, as a rapidly developing ocean power, should continue to actively participate in the relevant consultations. In addition, China should constructively participate in various sea-related agendas under the framework of the United Nations, including the Meeting of States Parties to *the Convention*, the Regular Process for Global Reporting and Assessment of the Marine Environment, and the annual consultations on resolutions on oceans and the law of the sea, in order to enhance our voice and influence in the field of oceans and the law of the sea. For the disposal of nuclear wastewater from the Fukushima nuclear power plant accident, which involves the common welfare of mankind, our country should raise the priority of this matter and intervene sternly and strongly, in addition to diplomatic opposition to condemnation. We should moreover encourage demands through official and private exchanges, unite with other countries to explore new treatment options through technical exchanges, and reserve the right to make further reactions, stand on a higher dimension and practice the concept of marine community of destiny.

The coordination and cooperation between judicial organs and other sea-related departments shall be strengthened: Establish and improve the coordination and cooperation mechanism between judicial organs and other sea-related departments in the process of safeguarding maritime rights, and improve the effectiveness of maritime rights protection. Therefore, it is suggested to study and learn from the coordination and cooperation mechanisms formed between the US courts and the US Coast Guard, between the Japanese courts and the Japan Coast Guard, and between the Korean courts and the Korea Coast Guard. We have implemented the reform of the marine management system, strengthened the status and role of the State Oceanic Administration in the comprehensive marine management, integrated all marine law enforcement forces except the Maritime Safety Administration, and established the China Coast Guard Bureau. Therefore, in terms of marine rights protection, the judiciary should strengthen communication and cooperation with the State Oceanic Administration and the China Coast Guard, and explore the establishment of an effective coordination mechanism. Learning from the relevant practices of the United States, Japan and South Korea, the judicial power of maritime law enforcement agencies should be determined in legislation first, and specific powers should be given to them when dealing with maritime crimes, investigating maritime accidents, and civil penalty rights, so that maritime law enforcement teams have legal authority. Secondly, optimize the connection mechanism between law enforcement teams and judicial organs, so that problems encountered in the process of law enforcement can be dealt with in a timely manner, and the opinions of maritime law enforcement teams on the handling of maritime affairs should be regarded as an important criterion in the trial of cases. Finally, it is also necessary to improve the professional level of maritime law enforcement teams, especially the popularization of judicial knowledge, such as the rules of evidence and enforcement of compulsory measures. Maritime judicial organs should also cooperate with other maritime-related departments, change the old thinking, and expand the scope of maritime judicial jurisdiction, from the scope of internal waters and territorial seas, expansion to exclusive economic zone, continental shelf, high seas. In terms of the scope of the case, the original thinking should be

changed, and the scope of internal waters and territorial seas should be expanded to the exclusive economic zone, the continental shelf, and the high seas. Some cases that occurred in the above-mentioned scope are included in the scope of jurisdiction, such as disputes over the exploitation of offshore oil and natural gas, disputes over marine scientific investigations, disputes over comprehensive utilization of seawater, etc. Through the expansion of maritime jurisdiction, it is possible to actively exercise maritime jurisdiction, investigate the civil, administrative, and criminal responsibilities of those who infringe on maritime rights and interests, and thus safeguard maritime rights and interests^[xxxv].

Conclusion

The essence of Chinese philosophy lies in the principle that "all things are not harmed by each other, and the path is parallel but not contrary". China has always advocated peace and does not have the gene of foreign expansion. Peaceful development has been written into the Constitution of China, and has become the will of the nation and the mission of the ruling party. In the process of participating in international governance and promoting changes in the global governance system as a responsible great power, China should make good use of the rule of law, strengthen international cooperation on the rule of law and build a community of human destiny. To build a global ocean governance pattern, the rule of law should be established, and should pay attention to coordination, comprehensiveness, effectiveness and peace. We should abide by the basic norms of international relations, such as sovereign equality, non-interference in internal affairs and peaceful settlement of disputes, and keep our promises and practice what we have promised. Countries around the world should focus on cooperation rather than confrontation, building a closer community of maritime destiny, and the road of maritime development will definitely be broader and broader.

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