

# On China's Strategy of Building an Ocean Power and Its Legal System

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## 中国による海洋パワー樹立の戦略とその法制度

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### Abstract

The Report to the 18<sup>th</sup> People's Congress of CPC set forth a nationally strategic aim of building an ocean power, which clarifies the aim and tasks of China's management of the sea. International practice tells us that the key to deal with marine issues is to formulate and implement domestic national ocean strategy, policy and legal system securing the implementation of such ocean strategy in order to solidify and guarantee the implementation of such marine policies and measures and realize the strategic aim of being an ocean power. In view of the basic situation of China, the strategic aim of being an ocean power through putting emphasis on developing marine economy shall be realized step by step including stages of being a regional ocean power and then a worldwide ocean power. This thesis states the concrete objectives and tasks in each stage as well as the detailed measures and indexes for carrying out these objectives, and also expounds the content of national ocean strategy and the significance of enacting basic law of the sea securing the implementation of marine policies and measures.

**Key words:** Ocean Power, Marine Economy, Marine Rights and Interests, Marine Legal System

### I. Introduction

Report to the 18<sup>th</sup> People's Congress of CPC clearly set forth that *China shall improve its ability in developing ocean resources, develop marine economy, protect ecological environment, sincerely maintain its marine rights and interests, build an ocean power* in the part of *Great Efforts to Promote Ecological Civilization Construction*.<sup>1)</sup> When presiding over the 8<sup>th</sup> collective study of Political Bureau of Central Committee of CPC on building an ocean power (held on July 30, 2013), Xi Jinping, the General Secretary, pointed out that building an ocean power is significant for promoting sustainable and healthy economic development, maintaining national sovereignty, security and developing interests, etc. Meanwhile, he especially stressed the basic content of building an ocean power, i.e. four transformations.<sup>2)</sup> These provide important orientation and tasks for us to research the content of China's strategy of building an ocean power and must be implemented and carried out. In other words, China officially put forward the national strategic aim of building an ocean power for the first time, so it is necessary to expound the content of

building an ocean power and its developing process, way of realizing such aim and its characteristics, and specific measures of building an ocean power, especially legal system, in order to offer guaranty.

## **II. Content and Developing Process of China's Strategy of Building an Ocean Power**

According to the content of strategic aim of building an ocean power in the Report to the 18<sup>th</sup> People's Congress of CPC, it is necessary to analyze its content and relations, the necessity and possibility of building an ocean power, national marine policies as well as developing process of such strategy.

### **1. Specific content of China as an ocean power and its relations**

From the content concerning building an ocean power in the Report to the 18<sup>th</sup> People's Congress of CPC, it is perceived that the specific way for China to promoting ocean power construction is developing marine economy, the means and measures of it is gradually improving ability of developing ocean resources which is the guaranty of developing marine economy. The premises are quick solution to major marine issues faced by China (e.g. issues on East China Sea and South China Sea) in order to firmly maintain the nation's sovereign and territorial integrity and marine rights and interests, and guaranty of safe environment for implementing marine policies and its resources development in order to carry out the aim of protecting ecological environment of the sea and building an ocean power.

### **2. Necessity and possibility of China to build an ocean power**

Because China had long valued land resources development, ignored the development and utilization of marine resources, especially lacked strong consciousness of the sea and only had outdated marine technological equipments, the policies and measures of developing and utilizing the sea and its resources are not effective, which delays the China's process of developing the sea. In addition, the geographic location of China, historical and other reasons, i.e. subjective and objective elements or reasons, also make China's measures in marine issues are insufficient and weak, so many marine issues are accelerated and likely worsening, showing the trend of seriously influencing and impeding the nation's sovereign and territorial integrity.

With the gradually deepened reform and opening up as well as increasing China's economic strength and the power of marine technological equipments (i.e. the establishment and use of ocean oil 201 and 981, the success of the test dive into 7,000 meters beneath the sea of Jiaolong Manned Submersible in Mariana Trench Experimental Zone), China has preliminarily enjoyed the basis and conditions of managing the sea, therefore, in the situation that land resources fails to afford China's further development, China needs constantly develop and utilize the sea and its resources including that the exported or imported raw materials or products are based on the sea, that is to say, under the background of steadily deepened exchange to the outside and integrated international economy, the necessity and importance of the sea and its resources on China is emerging, moreover, the conditions for China to proactively develop and utilize the sea and its resources have awarded possibilities. Especially, with the implementation of Convention of the United States on the Law of the Sea including the implementation of systems on exclusive

economic zone, continental shelf and islands, as well as the vagueness and flaws in regional system of the sea (e.g. Declaration on the Conduct of Parties in the South China Sea), countries carry out intensified ocean space and resources development and protection activities, which brings in sensitive issues such as issues over East China Sea and South China Sea, deteriorates security environment of the sea surrounding China, therefore, in the present era that many countries strengthen their marine activities including formulating and implementing ocean strategy and legal system and improving marine administration, China shall also adapt to various marine situations and development trends, carry out specific measures to take a faster step of formulating and implementing national ocean strategy. Therefore, the strategic aim of building an ocean power put forward in the Report to the 18<sup>th</sup> People's Congress of CPC is a product and requirement of the era, totally complying with the trend of the time development.

### **3. China's developing process of building an ocean power**

The strategic aim of building an ocean power is the deepening and improvement of marine policies, especially the development policies of marine economy made by our party and government in face of marine issues especially since the new century. It enjoys characteristics of continuity and consistence. For example, the central committee of CPC had put forward the task of carrying out marine development in earlier Report to the 16<sup>th</sup> People's Congress of CPC (2002). The State Council put forward a policy of valuing marine resources development and protection in the Report on the Work of the Government (2004), required that China shall promote marine economic development in Outline of 11<sup>th</sup> Five-year Plan (2006) stressed the significance of reasonably developing and utilizing marine resources. The Suggestions on the Outline of 12<sup>th</sup> Five-Year Plan (2011) pointed out that China should develop marine economy. Based on this, Chapter 14 of Outline of the 12<sup>th</sup> Five-Year Plan (2012) pointed out that China should insist on an overall arrangement on the land and the sea, formulate and implement marine development strategy, improve abilities of marine development, control and comprehensive administration. The descriptions in these reports and plans undoubtedly provide important political guaranty for China to promote marine undertakings, especially building an ocean power. It is thus clear that the aim of building an ocean power is put forward by China based on combination of current international and domestic development situations especially the development trend on marine issues and under the background that the policies and measures adopted by China for a long time to cope with marine issues need summarization and improvement. Building an ocean power is an important task with obvious political nature and now becomes a major strategy in the national level.

### **4. China's strategy of building an ocean power is closely related to the idea of building harmonious ocean**

The aim of building an ocean power put forward by China domestically corresponds to the idea of building harmonious ocean pointed out by China internationally and is the important domestic measure for improving the international solution to marine issues. At the 60<sup>th</sup> anniversary of establishment of People's Navy of China in 2009, according to development of international and domestic situation, China proposed an idea of building harmonious ocean in order to mutually maintain lasting peace and security of the sea. The idea of building harmonious ocean is also a kind of implementation of the idea of building a harmonious world put forward by the President of China

at the leaders' meeting for 60<sup>th</sup> anniversary of establishment of the United Nations on Sept. 15, 2005, embodies the new understanding and new requirement of marine issues by international society, marks the new contribution made by China to international law especially the development of the law of the sea.<sup>3)</sup>

### **III. China's Ways of Building an Ocean Power and Its Basic Characteristics**

According to policies and measures of China on marine issues, we can conclude that China promotes its marine undertakings and improves its abilities of exploring and utilizing the ocean and marine resources through developing marine economy in order to offer service and guaranty for building an ocean power. This arrangement or choice is determined by the status of marine economy in China's economic and social development process, and easily accepted by the international society, so it is a relatively suitable and easily accepted way.

#### **1. Way to promoting establishment of an ocean power**

The status and role of China's marine economic production in GDP is increasing day by day with the trend of continued development. This is an important way chosen by China to promote establishment of an ocean power. Especially since 21<sup>st</sup> century, the total amount of marine economy has increased continuously, for example, from 2001–2006, the contribution rate or proportion of gross marine product in national economy raised from 8.71% to 10.06%. In 2007, China's marine product was RMB 2493.9 billion Yuan, accounting for 10.11% of GDP.<sup>4)</sup> In 2008, China's marine product was RMB 2966.2 billion Yuan, accounting for 9.84% of GDP. In 2009, China's marine product was RMB 3196.4 billion Yuan, accounting for 9.53% of GDP. In 2010, China's marine product was RMB 3843.9 billion Yuan, accounting for 9.70% of GDP.<sup>5)</sup> In 2011, China's marine product was RMB 4557 billion Yuan, accounting for 9.70% of GDP.<sup>6)</sup> In 2012, China's marine product was RMB 5008.7 billion Yuan, accounting for 9.60% of GDP.<sup>7)</sup> In 2013, China's marine product was RMB 5431.3 billion Yuan, accounting for 9.5% of GDP.<sup>8)</sup> It can be concluded that China's marine product accounts for about 10% of GDP, so marine economy is an industry with prosperous future and also an important field for promoting green development and beneficial to establishing ecological civilization. Therefore, China must stick to and take effective measures to promote marine economic development.

#### **2. The security threats to China mainly come from the sea**

In order to develop marine economy, China must reasonably deal with important marines issues concerning marine economic development and eliminate obstacles in marine economic development to maintain marine rights and interests and secure a safe environment for marine economic development. It is can be foreseen that threats to China's security at present and in the future mainly come from the sea, which means the marine security issue even national security issue resulting from the so-called marine issues.<sup>9)</sup> The main grounds are as follows:

Firstly, the boundary settlement between China and other main neighboring countries are nearly completed, so threats from the land will decrease dramatically. For example, China has settled historical issues over borderlines with 12 land-neighboring countries by insisting on the means of dialogue to deal with territorial issues with neigh-

boring countries and achieved success, then secures peaceful and stable relations between China and neighboring countries.<sup>10)</sup>

Secondly, with deepened China's opening-up and globalization, China will increase its frequency and expand its efforts in exploring and utilizing the sea and its resources, so marine issues will be definitely increased. Especially, as it is mentioned above, marine economy has become an important part of China's national economy with the trend of growing prosperity. Meanwhile, China will rely more on the ocean and its resources. At present, about 90% of the total exported and imported products are transported through the sea, 99% of imported petroleum, 95% of the imported ironstone, 80% of imported copper ore are transported through the sea. Therefore, interests related to the ocean are increasing; the corresponding marine issues increase definitely.<sup>11)</sup>

Thirdly, China suffers disadvantages in ocean geography and has disputes over islands ownership and demarcation of the sea with many countries. If these issues (e.g. issues over East China Sea and South China Sea) could not be controlled or settled well, they will influence China's safety in the sea (including obvious and potential safety in the sea under jurisdiction). Especially, the safety of the ocean passage and the occurrence of conflicting accidents in the sea will sincerely damage China's marine safety and national security.

Fourthly, China has enjoyed the basis and conditions for economic development to transform from the land to the sea. Meanwhile, the layout and development of China's ocean strength, including the enhanced national defense, e.g. the use of aircraft carrier named Liaoning, are easily misunderstood and misjudged. Especially, the emergence of arms race concerning ocean strength or weaponry will correspondingly increase the possibilities of arousing marine issues.

### **3. Basic indexes of China's strategy of an ocean power**

There is no specific index or characteristic or uniformed definition or concept of an ocean power in international society. The ocean country in traditional sense refers to a country with powerful ocean strength which means the country enjoys comprehensive influence on trade, strength of ocean transportation, strength of navy and capability to utilize marine resources, i.e. the traditional ocean country establishes supremacy on basis of ocean trade and navy strength, while the ocean country nowadays mainly refer to a country which contributes to internationally joint management of ocean passage and relies on the sea. It is generally acknowledged that elements of becoming an ocean power includes (1) Geographic element. That is to say, the country is geographically island state or coastal state, which enjoys invariability and then is regarded as a constant; (2) Ideological or conscious element. It changes human being's geographical feeling through technology and consciousness then influencing human being's acting means or decision-making, which enjoys co-movement; (3) technological element. The advanced technology is a tool connecting geography and consciousness, which enjoys variability and then is regarded as a variant.<sup>12)</sup> Therefore, the coastal state with the intention to be an ocean power must combine constants with variables and highly value ocean consciousness and culture to establish correct ocean outlooks including respecting freedom, democracy of the sea itself, openness and equality of ocean management, etc.

Because ocean space and resources play important roles in international social development, especially United

Nations Convention on the Law of the Sea has become a code comprehensively regulating marine issues after its establishment (on Nov. 16, 1996), it is reasonable to determine basic indexes and characteristics of an ocean power according to principles and systems set forth in United Nations Convention on the Law of the Sea. Thus, combining the present situation and economic and social development trend in China, the author considers that main indexes of China's strategy of becoming an ocean Power are as follows:

The first one is developed marine economy. The marine economy hereby is in its broad sense and refers to advanced industry related to marine economic activities including exploration, development of marine oil resources and industry of transportation, industry of ship manufacturing and repair technology, fishery processing, manufacturing and cultivation industry as well as environment protection industry. Especially, the strategic new-emerging marine industries shall be developed, e.g. marine biological medicine industry, ocean water desalting and comprehensive utilization, marine renewable energy industry, major marine machinery and deep sea industry, to sustainably support marine economic development and realize the goal of marine economy valuing quality and benefits after transformation.

The second one is advanced marine technology. It enjoys advanced technological equipments supporting the development and utilization of the sea and its resources and protecting ocean environment as well as advanced technology and equipments dealing with ocean environment supervision and survey, pollution and disaster. In other words, it shall enjoy marine technology and equipments corresponding to the development level of marine economy to secure the sustainable development of marine economy and realize the goal of marine technology transformed to be lead by innovation.

The third one is beautiful marine ecological environment. China shall be able to comprehensively manage the sea and its resources, especially to prevent, protect and repair environmental pollution of the sea to realize the goal of sustainable utilization. Therefore, China shall further to establish or improve a system of supervising, surveying, gathering and processing data in the sea surrounding China and impose heavier penalty to polluter or impairer. Meanwhile, China shall proactively develop marine recreation projects to satisfy citizens' demands better, make them enjoy benefits and achievements of beautiful marine ecological environment and realize the goal of marine development model transformed to be cyclic utilization.

The fourth one is a team consisting of senior professionals to establish marine system. Human resource is a key element for successful process of various tasks. As an ocean power, China shall enjoy enough right of speech and let its thoughts adopted in establishment of international, regional or bilateral system in the field of the sea to embody its position and viewpoint and represent its demand and interest. Therefore, China shall proactively create conditions for cultivating senior professionals related to the sea and making more and more talented people emerging and contributing to marine undertakings to embody the advantage of human resources of an ocean power and provide security for improving marine systems.

The fifth one is powerful national defense on the sea. The Report of 18<sup>th</sup> National Congress of CPC pointed out that China shall develop solid national defense and powerful army corresponding to its international status, national security and development interests, which is a strategic task of its modernization. As for marine issues, in

response to marine interests concerning China's survival, development and expansion, China shall strengthen national defense on the sea to firmly protect its sovereign and territorial integrity and marine rights and interests, especially comply with a principle of full consideration and comprehensive coordination. In other words, developing powerful national defense on the sea is an important security for China to reasonably settle disputes over marine issues, deal with ocean disasters or accidents, cope with ocean problems in emergency and guarantee safe marine environment, also an important index of strategy of building an ocean power to realize the goal of taking full consideration when safeguarding marine rights.

The relations among the above-mentioned main indexes of strategy of an ocean power are as follows: Developing marine economy is an important means and basis for developing an ocean power; ocean technology serves as technological security for developing an ocean power and also as an important support for improving ocean development capability; beautiful ecological marine environment is one of important aims of building an ocean power; emerging senior marine professionals is continuous impetus of building an ocean power and also an important weapon for protecting marine rights and interests; powerful national defense on the sea is necessary reliance and secure force of building an ocean power. In sum, they are closely related and inalienable, so we shall formulate an overall plan to promote and improve them jointly without neglecting any aspect of them, otherwise, China's progress in building an ocean power would be hindered or delayed.

#### **4. Basic characteristics of China's strategy of building an ocean power**

China's strategy of building an ocean power, as an important constitution of its strategy of peaceful development, shall be in accord with its situation and reality. The basic characteristics are mainly embodied in the following aspects:

The first one is peace. China's strategy of building an ocean power sticks to the principle that its creation and implementation are carried out and improved through peaceful means and methods. This completely complies with the current and trend of era development, the new security outlook advocated by China (mutual trust, mutual benefits, equality and collaboration) and the goal of China's peaceful development process.

The second one is mutual benefits. China implements its strategy of building an ocean power not aiming at obtaining maximum marine resources and interests for China, but taking into account reasonable claims and concerns of other countries to seek suitable interest balance and ensure principle of mutual benefits and win-win.

The third one is cooperation. Marine issues are complicated and closely related, so it's hard for a single country to properly cope with and settle them. Thus, China shall implement and advance its strategy of building an ocean power through cooperation.

The fourth one is stage. Because marine issues are complicated and sensitive, especially it's generally difficult for relevant countries to make compromise and concession on sovereign issues, China shall take phrasal measures to settle issues fairly during the process of implementing strategy of building an ocean power. In other words, China shall adhere to a principle of settling marine issues reasonably and fairly at the time when all conditions are fulfilled, and not take a position and policy of taking forced measures to settle marine issues when conditions are not fulfilled.

The fifth one is security. During the process of building an ocean power, China will take powerful measures

to ensure passage safety of international seaways inclusive of continuing to dispatch navy to take part in cracking down on piracy to ensure the safety in using seaways and marine interests of international society, especially voyage and flight freedom and safety. The above-mentioned main characteristics of China's strategy of building an ocean power totally coincide with China's consistent stand and pursuit, and also comply with principles and requirements of international laws including United Nations Charters, United Nations Convention on the Law of the Sea, Declaration on the Conduct of Parties in the South China Sea, so they should be easily accepted by international society. Thus, it seems especially important and urgent to further strengthen publicity of China's strategy of building an ocean power and establish an outlook on the sea corresponding to developing situation.

It shall be stressed that a new outlook on the sea (peace, cooperation and harmony) advocated by Mr. Li Keqiang, the State Council Premier of China in "Speech on Sino-Greece Marine Cooperation Forum-Working Hard to Build the Sea with Peace, Cooperation and Harmony" is easily accepted by international society. It does not only represent the requirement and nature of ocean management by international society, but also coincide with China's consistent stand and marine idea in practice. It also represents China's sincere wishes on marine system and order, so it is significant for setting marine order and management system and must be thoroughly obeyed.<sup>13)</sup>

It can be seen from the abovementioned characteristics of China's strategy of building an ocean power that China will exercise such strategy orderly to achieve a limited aim with emphasis on maintaining and ensuring China's rights and interests on the Sea by peaceful and comprehensive means which are distinct with a traditional model of ocean hegemony which mainly relies on military forces including setting up military bases and overseas strongholds, as well overseas colonies to expand ocean hegemony. In other words, China will take comprehensive forces including political, diplomatic, economic, legal, cultural, military and other means, conduct cooperation, develop military forces corresponding to China's strength to orderly solve difficulties and challenges arising in the course of building an ocean power, maintain and ensure rights and interests on the sea to realize step by step the strategic goal of being an ocean power.

Based on the aforesaid opinions, the concept of China's strategy of building an ocean power may be defined as that China will adhere to principles and requirements of rules in international society, develop marine economy in a peaceful way, develop technological equipments and improve its capability of developing and utilizing marine resources, enhance comprehensive management on marine resources and interests including improving marine system and mechanism, develop military strength on the sea moderately, work hard to settle marine disputes in a peaceful way and obtain relatively maximum marine interests to protect China's marine rights and interests, ensure its marine security, build China as an ocean power corresponding to its situation and real developing demand and realize the dream of being an ocean power with Chinese characteristics.<sup>14)</sup> In sum, the political and safety aim of China as an ocean power may be defined as not seeking hegemony and peaceful development.

## **5. Positioning of China's strategy of building an ocean power**

The Report to 18<sup>th</sup> National Congress of CPC points out that there is no change to China's basic situation that China is still and will remain for a long time in the primary phase of socialism; there is no change to the main conflict



between people's increasing material and cultural needs and outdated social production; there is no change to China's international status as the biggest developing countries. In view of such situation and status, China shall promote its goal of building an ocean power phase-by-phase and step-by-step.

#### (1) Regional ocean power

The Report to 18<sup>th</sup> National Congress of CPC points out that from the perspective of a comprehensive survey of international and domestic general situation, China is still in an important period enjoying strategic opportunity and great possibilities. Therefore, according to the strategic aim of building an ocean power, China shall minimize the influence or hindrance on its peaceful development course imposed by threats of marine issues.<sup>15)</sup> The author considers that China shall focus on settling disputes over South China Sea issues between China and ASEAN countries to establish its status as a regional ocean power during such a strategic period with opportunity.

When dealing with and settling disputes over South China Sea issues, China shall especially observe Declaration on the Conduct of Parties in the South China Sea and principles and systems of follow-up rules between countries, give priority to peaceful means especially political means or diplomatic means to settle issues over South China Sea in accordance with principles and systems of international laws including the United Nations Convention on the Law of the Sea, therefore, China shall find out common interests of all parties concerned and reasonably respond to concerns and positions of other countries when seeking its own national interests to reach a good balance and basically ensure all countries' interests in developing and utilizing the sea and ocean resources in South China Sea and realize the goal of sustainable and positive growth.<sup>16)</sup> Therefore, China shall accelerate its construction of China-ASEAN Silk Road on the sea including active consultation with ASEAN countries and formulation of conduct rules in South China Sea, etc. to settle issues over South China Sea safely. Especially China shall accelerate cooperation to avoid complication, expansion and internationalization and realize the goal of positively utilizing ocean resources and space in South China Sea and stabilizing areas of South China Sea with the policy oriented towards unification of function and standardization of resources and space in South China Sea.<sup>17)</sup>

#### (2) Worldwide ocean power

In order to realize China's strategic goal of building an ocean power, China shall reasonably deal with and settle issues over East China Sea and Taiwan Strait to realize peaceful unification of the nation and establish China's status as a worldwide ocean power on basis of becoming a regional ocean power.

In response to issues over East China Sea including issues over Diaoyudao Islands, China has preliminarily established systems of territorial sea and sky over Diaoyudao Islands and its subsidiary islands and neighboring seawaters.<sup>18)</sup> Therefore, from now on, China shall endeavor to take further measures to improve relevant domestic legal systems, especially cruise law enforcement and administration system over Diaoyudao Islands, subsidiary islands and neighboring seawaters, system and rules on innocent passage of foreign ships in territorial sea, detailed rule on implementation of Rules on Identification of Aircrafts in Air Defense Identification Zone of East China Sea in China, etc. Meanwhile, China shall formulate and improve systematic rules such as Law of China on Maritime Police Structure of China to firmly secure national sovereignty and territorial integrity. In addition, regarding issues over East China Sea except for issues over Diaoyudao Islands such as joint or cooperative development of East

China Sea waters, China shall continue its consultation and negotiation with Japan and earnestly perform requirements and duties in Sino-Japan Common Understanding on Principles of Issues over East China Sea promulgated on June 18, 2008 by Chinese and Japanese diplomatic agencies to realize the goal of sharing resources at the bottom of East China Sea and securing order in East China Sea. Therefore, China shall formulate systematic rules just like one on joint development in East China Sea waters as soon as possible for selective application to joint development of East China Sea in the future.

In order to come true the wish of transforming East China Sea as a peaceful, cooperative and friendly sea, China and Japan shall continue to employ the current bilateral dialogue and consultation mechanisms such as Sino-Japan high-level negotiation mechanism on marine issues, Sino-Japan strategic dialogue mechanism, Sino-Japan Deputy Minister Level dialogue mechanism and Sino-Japan governmental negotiation through notes exchange for common understanding on principles of issues over East China Sea, especially bring issues over Diaoyudao Islands into topics of Sino-Japan dialogue and consultation to comprehensively settle disputes over East China Sea issues including issues over Diaoyudao Islands.

In order to realize China's strategic goal of building an ocean power from regional ocean power to worldwide ocean power, such strategic goal (comprehensive goal and phrasal goal) may be divided into the following stages:

Firstly, the short-term strategic goal (2014–2020) is mainly to find a way to stop escalation or breaking-out of marine issues, take a basic stand of stabilizing the current situation, take feasible measures step by step and try to decrease further threats or damages caused by marine issues to China to utilize strategic period with opportunities well. The specific goal is to improve marine system and mechanism including improving organizations such as State Commission on Marine Affairs, and improve policies and legal systems in marine field to create conditions for recovering islands and reefs.

Secondly, the mid-term strategic goal (2021–2040) is to create conditions for trying to settle important issues case by case through comprehensive strength of China and then realize its goal of being a regional big ocean nation or ocean power. The specific goal is to progressively recover and develop islands and reefs occupied by other countries and to adopt the tactic of relying mainly on independent development and taking cooperative and joint development as supplements.

Thirdly, the long-term strategic goal (2041–2050) is to comprehensively settle and solve marine issues to complete peaceful unification of motherland and realize the goal of being a worldwide big ocean nation after China enjoys sufficient economic, technological and other comprehensive strengths. The specific goal is to administer seawaters within 3000000 square meters under China's jurisdiction without hindrance and utilize the sea and ocean resources globally and freely to a moderate degree.<sup>19)</sup>

Fourthly, the final strategic goal (2051–2080) is to exercise China's comprehensive strength to realize the goal of being a worldwide ocean power about at the 100<sup>th</sup> anniversary of its reform and opening up. The specific goal is to possess capabilities to cope with various ocean disasters and accidents promptly and let disasters caused by marines issues be settled timely and effectively, and at the same time, to provide international society with a number of public products and system design for administering the sea.

#### **IV. Specific Measures and Legal System of China to Build an Ocean Power**

The specific measures of China to build an ocean power are mainly divided into domestic level, regional level and international level.

##### **1. Specific measures of China to build an ocean power**

###### **(1) Measures at domestic level**

The specific measures taken within China to promote development of its marine undertakings and build an ocean power are mainly as follows:

Firstly, China shall seize the current favorable opportunity to formulate and implement ocean strategy and policies through cooperation with main countries, formulate and implement national ocean strategy (including marine development and security strategies), improve marine system and mechanism to jointly maintain international and regional ocean order and secure common interests of international society and state interests (interests in survival and development).

Secondly, China shall observe principles and systems of international laws and marine laws, give priority to settle comprehensively and reasonably various marine issues faced by China and minimize their influences and threats to China, appropriately strengthen China's systems on development and management of deep sea and distant sea. Especially China shall apply the principle of international and regional cooperation to realize the goal of harmonious sea.

Thirdly, China shall further clarify its policy and stand on marine issues and promulgate white paper of China's policy on marine issues including enhancing cross-strait cooperation on marine issues, issuing white paper of China's policy on dotted line of South China Sea (scholar's edition, governmental edition), announce baselines of territorial sea of islands and reefs within China's territory and enhance development and management on such islands and reefs.<sup>20)</sup>

Fourthly, China shall further improve its marine policies and legal systems. China shall thoroughly review its policies on marine issues including the model of solution to disputes over marine issues: remaining sovereignty, setting aside disputes and joint development, analyze disadvantages and advantages; advance citizens' marine consciousness and education including establishing marine forums, build marine websites, found marine research foundations and enlarge the marine education and research institutions; further formulate and improve China's legal system of the sea including formulating the basic law of the sea, the regulation on cruise and law enforcement in seawaters, amending the regulation on management of foreign-related scientific research on the sea and improving relevant ministerial rules, etc.

Fifthly, in order to improve or supply a deficiency of marine elements or fields, develop ocean undertakings and expand the scope of utilizing the sea, China shall perfect and implement specific plans in the field of the sea, e.g. plan on marine industry, plan on marine technology, plan on ocean resources investigation and environment protection, plan on development and protection of islands, plan on development of deep sea, plan on utilization of

and cooperation on polar region, etc. to entirely improve its capability and level of coping with and settling marine issues, ensure China's development and expansion interests on the sea and satisfy the index or requirement of an ocean power.

## (2) Measures at regional level

By taking issues over South China Sea as an example, the author holds that specific measures for China to build a regional ocean power are mainly as follows:

Firstly, China shall try to conclude cooperation systems on joint cruise and fishery management in South China Sea with ASEAN countries to maintain regional peace and navigation safety in South China Sea and secure resources and energy supply for countries. In other words, China shall enter into regional cooperation system with low sensitivity, e.g. endeavoring to set forth regional cooperation systems on joint cruise and fishery management, trying to conclude law enforcement contact mechanism and crisis management system to enhance regional marine environment protection in South China Sea, maintain regional marine order, share regional marine and resources interests.

Secondly, China shall not only make efforts to put off the course of negotiation on some legally binding rules such as rule on parties' conduct in South China Sea, but also propose its own text and specific wish at suitable time for discussion. China shall persistently make efforts to bilaterally negotiate with the specific country on ownership of disputed islands and strive for achievement to demonstrate to the international society that bilateral negotiation may solve disputes over ownership of islands between China and ASEAN countries to delay or stop regional and international process of issues over South China Sea.

Thirdly, China shall make use of advantages of the Shanghai Cooperation Organization and accelerate steps of internal cooperation on resources. Meanwhile, China shall accelerate its steps of cooperation on marine issues with Russia including cooperation on resources investigation, environment protection, scientific survey and other activities in Arctic regions to enrich the meaning of Sino-Russia strategic partnership.

Fourthly, China shall earnestly implement systems set forth in rules of regional level and enhance bilateral cooperation. South China Sea and its surrounding seawaters serve as important resources guaranty for survival and sustainable development of neighboring countries, so Chinese government approved Framework Plan of International Cooperation on South China Sea and Its Surrounding Seawaters (2011–2015) in Jan. 2012 which is an important system for enhancing countries' cooperation and sharing resources in South China Sea according to principles and spirit of Declaration on the Conduct of Parties in the South China Sea with the aim to promote China's cooperation in the marine field with countries surrounding South China Sea, Indian ocean and Pacific Ocean through academic exchange, cooperative investigation and research, capability construction, academic degree education and training, strengthened cooperation with international organizations to increase mutual trust, maintain regional peace, jointly develop and utilize the ocean, cope with climate change and make other contributions. After one year's implementation, high officials of the above-mentioned countries had reached a common understanding on marine cooperation and established bilateral cooperation platforms with mechanism (for example, Sino-Indonesia Ocean and Climate Center, Sino-Thailand United Laboratory on Climate and Ocean Ecological System), multilaterally carried out a batch of cooperation programs (for example, monsoon observation, interaction

between air and sea and other cooperative programs carried out by China, Indonesia, Thailand and Malaysia).<sup>21)</sup> It should be said that the cooperation system on the sea with low sensitivity between China and other ASEAN countries is an important basis for further putting off escalation of issues over South China Sea and avoiding their complication and internationalization as well as finally settling disputes over South China Sea issues, so countries concerned shall persistently work on such cooperation systems and implement them over a long period of time. The important task at present is to accelerate steps of negotiating and discussing construction of silk road on the sea between China and ASEAN and negotiating rules such as Rule on Conducts in South China Sea to create favorable systematic condition and basic frame for reasonable settlement of disputes over South China Sea issues to share interests in resources of South China Sea and ensure regional safety of South China Sea.

### (3) Measures at international level

The specific measures of China to become a worldwide ocean power are mainly as follows:

Firstly, China shall thoroughly study and observe principles and systems of the United Nations Convention on the Law of the Sea, moderately give play to its comprehensive advantages and role, try to make its contribution to amendment and improvement to systems relevant to the United Nations Convention on the Law of the Sea including concluding new supplementary agreement on issues over military activities and increase China's right of speech.

Secondly, China shall play a leading role to hold forums on passageway safety in international straits and seawaters, conclude systems on maintenance and management of international passageway on such basis to ensure common interests of international society.

Thirdly, China shall strengthen its research into international judicial system especially international court system to offer theoretical reserve for settling disputes over islands and demarcation of seawaters by means of international judicial system in the future.

Fourthly, China shall enhance international publicity of opinions; especially need publicize promptly its marine policy and intention to international society. China may employ experts and scholars from European or American countries to offer consultancy opinion and express their points of view on some difficult marine issues to provide important academic support for China to formulate marine policies and settle marine issues, seek initiatives or favorable international position and try to obtain advantages in public opinions.

All aforesaid measures at different levels are very important for promoting the process of building an ocean power, however, from the perspective of international practice, the key specific measure to guarantee the progress of building an ocean power is to formulate national ocean strategy and improve marine systems and mechanism. Because under a situation that there is no complete or it is hard to amend international, regional or regional systems on marine issues, the key measure for China to cope with and settle marine issues is undoubtedly and still to formulate national ocean strategy. In order to guarantee the realization of ocean strategy, China shall enact and implement laws on comprehensive management of marine affairs, e.g. the basic law of the sea to uniformly and efficiently settle marine issues and satisfy China's demand on ocean system and mechanism reform. Therefore, it is necessary to profound the content of China's ocean strategy and the basic law of the sea.

## 2. China's ocean (development) strategy and its content

As stated above, it is clearly set forth in Outline of 12<sup>th</sup> Five-year Plan that China shall consider both the land and the sea to formulate and implement ocean development strategy and improve its capability of ocean development, control and comprehensive management. This provides important political security for China to formulate and implement national ocean development strategy. In other words, it is an important political task to formulate and implement national ocean development strategy that shall be conscientiously studied, successfully completed as soon as possible and actively implemented.

Generally speaking, the basic routine and map of developing national ocean undertaking and building an ocean power are as follows: firstly, China shall clarify its core interest and formulate strategy including national ocean development strategy.<sup>22)</sup> For China, the core aim is to build an ocean power. Secondly, China shall improve ocean policies regarding implementation of national ocean development strategy including strengthening marine ideas and consciousness, improve coordination of marine affairs, improve its capability of controlling and comprehensively managing the sea and ocean resources, publicize traditional ocean culture, continuously develop and innovate ocean science and technology, expand foreign exchange and cooperation, obtain new achievements in ocean undertakings. Thirdly, China shall enact basis laws of the sea to guarantee the progress and implementation of ocean development strategy and ocean policies with emphasis on further improvement of China's marine system and mechanism. Finally, China shall work out basic plans in ocean field for implementing rules in the basic law of the sea to supplement a deficient to weak links or fields in the course of marine economic development.<sup>23)</sup>

## 3. Basic meaning and significance of the basic law of the sea

China has basically established legal system on fields related to the sea and formed legal system on the sea, but the fetal flaw is that China fails to set forth an article on ocean development, utilization and protection.<sup>24)</sup> Therefore, on the premise that the Constitution is not amended and the status of the sea is thus not set forth in it, one of ways of establishing the status of the sea is to formulate basic system of comprehensively regulating marine affairs, e.g. the basic law of the sea, which is an effective and feasible choice.

### (1) Contents of the basic law of the sea

The author considers that the basic law of the sea enacted by China shall contain the following main contents: to promulgate national marine policies, i.e. summarizing China's policies on marine issues from the beginning including the policy of remaining sovereignty, setting aside disputes and joint development, establishing the idea of harmonious ocean and conducting publicity and explanation internationally; to clarify national agency administering marine affairs, e.g. authorizing State Commission on Marine Issues and its office to uniformly and efficiently coordinate and manage national marine affairs; to announce important fields of ocean development by China including development of marine industry and activities, actively develop, utilize and manage the sea and ocean resources, protect marine environment, ensure passageway safety, research and develop marine technology, strengthen management and investigation in seawaters under jurisdiction, improve citizens' education and publicity on the sea, consolidate international ocean cooperation, etc. Specifically, it mainly includes the following aspects: to promote

development and utilization of the sea and its resources; to reinforce supervision and protection of ocean environment; to promote development and utilization of resources in special economic zones and continental shelves; to ensure marine transportation safety; to ensure marine safety; to strengthen marine investigation; to research and develop marine science and technology; to develop vigorously marine industry and strengthen international competitive capacity; to strengthen comprehensive management of seawaters along the coast; to expand development and utilization of new marine space and resources; to protect islands and their environment; to enhance international coordination and promote international cooperation; to increase citizens' understanding and knowledge of the sea and cultivate marine specialists, etc.

## (2) Principles of the basic law of the sea

The principles of the basic law of the sea enacted by China shall comply with principles and systems of international laws including the United Nations Convention on the Law of the Sea. The specific principles are as follows: the principle of harmony between development and utilization of the sea and ocean environment protection; the principle of enlarging the scale of marine education and improving its layout to promote scientific knowledge and understanding of the sea; the principle of promoting healthy and orderly development of marine industry; the principle of comprehensively coordinating and managing marine affairs; the principle of participating in coordination of international marine affairs, etc.

It should be pointed out that China enacts the basic law of the sea with the aim to announcing China's policies on marine issues, but it is very important for other countries to further understand and get knowledge of China's stand on and attitude towards marine issues. China's marine policies especially those on marine economic development, being continuous and consistent, are summaries and extracts of previous marine policies and stands, so they will not cause unfavorable influence to other countries. Meanwhile, because the key content of the basic law of the sea, as the declaration of policies, does not bring conflicts to marine laws and specific regulations, there is no substantial amendment or change to those laws and regulations. In other words, China may deal with relations between the basic law of the sea and other existing marine laws well to maintain the integrity of existing marine legal system.

In sum, the main purpose of the basic law of the sea enacted by China is to ensure the implementation of national marine strategy and policies, develop marine economy, reasonably settle disputes over marine issues, protect ocean environment, expand and maintain marine rights and interests, and ensure core interests of China, the key point of which is to promote the progress of marine system and mechanism.

## (3) Significance of the basic law of the sea

The author considers that the main significances of the basic law of the sea enacted by China are as follows:

Firstly, Filling up an Vacancy of and Upgrading the Status of the Sea. Provided that People's Congress enacts the basic law of the sea, the legal status of the sea and the basic law of the sea will be upgraded. For example, Article 32 of the Constitution of China sets forth that People's congress enjoys the power and duty to enact and amend criminal, civil, state agency and other basic laws. Meanwhile, it will supply a deficiency that Article 9 of the Constitution does not set forth the sea in the list of natural resources and also may create basis and condition for the adding the sea in such article of the Constitution.

Secondly, Perfecting Marine Legal System. The enacting of the basic law of the sea indicates direction and requirement of further perfecting marine legal system of China. Because the content of the basic law of the sea or development of specific marine fields require us to further formulate or improve legal systems of relevant fields, e.g. Law on Ocean Security, Law on Marine Development, Law on Management of Offshore Coast and Law on Marine Technology, etc. to promote the progress of improving marine legal systems of China including supplying a deficiency of specific law or some laws of existing marine laws, lead the integrity of marine affairs and make contributions to further enrich and develop socialist legal system with Chinese characteristics.

Thirdly, Coordinating Powers and Obligations of Sea-related Agencies. The enacting of the basic law of the sea plays a progressive role in further coordinating relations of sea-related agencies of China including clarifying and balancing their powers and functions, supplying a deficiency, eliminating overlap and gap of powers and functions, avoiding unfavorable competition, enhancing law enforcement capability, improve ability to cope with and settle marine issues, increase efficiency, etc.

Fourthly, Attracting Enthusiasm in Research into Marine issues. It undoubtedly needs a period of time for enacting the basic law of the sea. The course of investigation and research, examination and discussion as well as legislation may attract a number of people to take part in research into marine issues and then love and devote themselves to marine undertakings, thus further cultivating and increasing talented people specialized in research into and management of marine issues in China, and also providing theoretical support for settling marine issues. Meanwhile, China may take this opportunity to build websites publicizing the sea, found marine education and marine issue research institutions as well as organizations like marine issue research foundation in order to improve comprehensively marine research level and marine consciousness in China.<sup>25)</sup>

In sum, the main content or aim of the basic law of the sea is to determine important fields of developing the sea, clarify powers and functions of agencies which manage marine issues through clearly stating marine strategy, policy and guideline. The core part is to improve marine system and mechanism of China including further improving marine legal system of China, therefore, in the course of enacting the basic law of the sea, China must set aside interests of sea-related agencies and stand for the interest of China and the whole Chinese nationality to conduct coordination and make a plan including harmonizing relations between the mainland and Taiwan when enacting specific marine laws or promulgating other baselines of territorial sea of China in the future to seek cooperation and reach understanding or tacit agreement, and gradually change such an unfavorable situation China of being passive, inactive, lacking concept of viewing the situation as a whole when dealing with marine issues, and try to provide important guideline for reasonably settling disputes over marine issues.

## V. Conclusion

The author holds that with the development of the international and domestic situations especially the situation of marine issues, the time requiring China to positively manage, plan and administer the sea has come. Developing marine economy is an important strategic point and means to manage and make a plan on the sea, so we must stick to it. Therefore, China shall take the opportunity of restructuring State Oceanic Administration of People's Republic



of China, founding State Commission on Marine Issues, protecting its rights and exercising law enforcement in the name of China Coast Guard to accelerate its steps of formulating and implementing national marine strategy and the basic law of the sea to comprehensively improve its capability of and level in developing and utilizing ocean resources and managing marine issues, protect ecological environment of the sea, firmly maintain marine rights and interests. Meanwhile, China shall take principles and ideas contained in the new Asian outlook on security, the outlook on harmonious sea and the spirit of 21<sup>st</sup> Century Silk Road on the sea as guideline and choice of way to settle marine issues and manage the sea, and earnestly promote the development of marine undertaking of China, realize the strategic goal of building an ocean power and make due contributions to legal system.

(Translated by Chen Lin)

#### Notes

- \* Profile of the Author: Jin Yongming, Research Professor of Institute of Law of Shanghai Academy of Social Sciences, the Director of Research Center of China's Ocean Strategy of SASS, Shanghai 200020, PHD in Law. This thesis is a phrasal research achievement of Research into Legal System Security for Building Ocean Power, an important project awarded to the author by National Social Science Fund (14AFX025). The author assumes total liabilities for any errors in this article.
- 1) Hu Jintao, Marching Unswervingly on the Socialist Road with Chinese Characteristics and Struggling for a Comprehensive well-off Society—Report to the 18<sup>th</sup> People's Congress of Communist Party of China (hereinafter referred to as Report to the 18<sup>th</sup> People's Congress of CPC, Nov. 8, 2012), Renmin Press, Nov. 2012, pp. 39–40.
- 2) The four transformations stressed by Xi Jinping, the General Secretary, in the 8<sup>th</sup> collective study of Political Bureau of Central Committee of CPC on building an ocean power mean: to improve ability of development resources with great efforts in promoting the transformation to value quality and efficiency of ocean economy; to protect ecological environment of the sea with great efforts in promoting the transformation of ocean development model to recycling; to develop ocean science and technology with great efforts in promoting the transformation of ocean science and technology to leading by innovation; to maintain national marine rights and interests with great efforts in promoting the transformation to make overall arrangements to take account of all elements concerning marine rights and interests.
- 3) The idea of harmonious ocean put forward by China includes the following contents: insisting the instruction by the United Nations and establishing equitable and reasonable ocean; insisting on treating a disease by looking into and building peaceful and secure ocean; insisting exchange and cooperation and building harmoniously co-existing ocean; insisting respect and love of the sea and building the sea with harmonious correspondence between man and universe. The contents of the idea of harmonious ocean are not only the requirement and product of time development, but also enjoys solid basis of international law. See Jin Yongming, *Study on the Marine Issues* (Volume I), China Ocean Press 2011 Edition, pp. 376–377.
- 4) See China Ocean News, May 23, 2008, p. 1.
- 5) See China Ocean News, Mar. 4, 2011, p. 1.
- 6) See China Ocean News, Dec. 7, 2012, p. 3.
- 7) See China Ocean News, Mar. 27, 2013, p. 1.
- 8) See China Ocean News, Mar. 12, 2014, p. 1.
- 9) Marine security, also called safety of the sea and marine safety, refers to a state that the national marine rights and interests are free from infringement and risks. It is divided into traditional marine security and non-traditional marine security. The traditional marine security mainly includes military security in the sea, ocean defense security, while military invasion in the sea is the biggest threat to military security in the sea. The non-traditional marine security mainly includes terrorism in the sea, illegal activities (pirate) in the sea, natural disasters in the sea, ocean pollution and ecological deterioration in the sea, etc. See Project Team of China Institute of Marine Affairs of State Oceanic Administration of People's Republic of China (editor): *Report on China's Ocean Development*, China Ocean Press, 2007 Edition, p. 88.
- 10) See The State Council Information Office of the People's Republic of China, *Peaceful Development of China* (Sept. 2011),

- Renmin Press, Sept. 2011 Edition, p. 8.
- 11) See Jin Yongming, Essential Meaning and Legal System Construction of China's Marine Economy Development, *Wenhui Daily* (Jan. 5, 2011), p. 12.
  - 12) See Masashi Okuyama, Theory of Classic Geographic-politics and Security Structure of East Asian Sea, Messed East Asian Sea-Facing and Constructing New Ocean Order, Edited by Japanese Research Financial Group on Ocean Policy, Mar. 2013, pp. 191–193.
  - 13) Li Keqiang, Working Hard to Build the Sea with Peace, Cooperation and Harmony-Speech on Sino-Greece Marine Cooperation Forum, June 20, 2014, Athens, See [http://www.gov.cn/xinwen/2014-08/01/content\\_2728512.htm](http://www.gov.cn/xinwen/2014-08/01/content_2728512.htm), visited on Aug. 18, 2014.
  - 14) Hu Jintao, Marching Unswervingly on the Socialist Road with Chinese Characteristics and Struggling for a Comprehensive well-off Society—Report to the 18<sup>th</sup> People's Congress of Communist Party of China (hereinafter referred to as Report to the 18<sup>th</sup> People's Congress of CPC, Nov. 8, 2012), Renmin Press, Nov. 2012, p. 16.
  - 15) China's unswerving pursuit of peaceful development refers to seeking internal development and harmony as well as international cooperation and peace. To be specific, it means that Chinese people will lead better lives and make a due contribution to development and progress of all human beings through their own hard struggle, reform and innovation as well as long-term friendly terms and cooperation on equality and mutual benefits with countries all over the world. This has been upgraded as a national will and transformed as a national development plan and political guideline being implemented in extensive practice of the course of China's development. See The State Council Information Office of the People's Republic of China, Peaceful Development of China (Sept. 2011), Renmin Press, Sept. 2011 Edition, p. 9.
  - 16) For more details on disputes over South China Sea issues and their solutions, see Jin Yongming, Empirical Research on Non-application of Legal Means in Settlement of Territorial Disputes over Nansha Islands and Reefs, *Pacific Journal* 2012 (4), pp. 20–30.
  - 17) For more details on the goal of resources development in South China Sea, see Jin Yongming, On Goal of Resources in South China Sea, function and Standardization, *Journal of Hainan University (Humanity and Social Science Edition)*, 2013(4), pp. 1–6.
  - 18) For contents of China's Declaration on Territorial Sea Baseline for Diaoyudao Islands and Subsidiary Islands, see [http://www.go.cn/jrzg/2012-09/10/content\\_2221140.htm](http://www.go.cn/jrzg/2012-09/10/content_2221140.htm), visited on Sept. 11, 2012. For contents of China's Declaration on Establishing Air Defense Identification Zone of East China Sea (Nov. 23, 2013), China's Announcement of Rules on Identification of Aircrafts in Air Defense Identification Zone of East China Sea in China (Nov. 23, 2013), See [http://www.gov.cn/jrzg/2013-11/23/content\\_25533099.htm](http://www.gov.cn/jrzg/2013-11/23/content_25533099.htm), [http://www.gov.cn/jrzg/2013-11/23/content\\_2533101.htm](http://www.gov.cn/jrzg/2013-11/23/content_2533101.htm), visited on Nov. 25, 2013.
  - 19) See Jin Yongming, Research into China's Strategy of Marine Security, *World Outlook* 2012 (4), pp. 2–3.
  - 20) For contents of nature of dotted line of South China Sea and legal position of waters within it, see Jin Yongming, Nature of Dotted Line of South China Sea and Legal Position of Waters within It, *China Legal Science* 2012(6), pp. 36–48.
  - 21) See Four Achievements on Marine Cooperation among China and Other Countries Surrounding South China Sea and Seawaters, *China Ocean News*, Dec. 28, 2012, p. 1.
  - 22) China's core interests include national sovereignty, territorial integrity, national unity, stable national political system established in Chinese Constitution and overall society, sustainable economy and society and other basic guaranty. See The State Council Information Office of the People's Republic of China, Peaceful Development of China (Sept. 2011), Renmin Press, Sept. 2011 Edition, p. 18.
  - 23) See Jin Yongming, Several Thoughts on China's Formulation of Ocean Development Strategy, *International Review* 2012 (4), pp. 12–13.
  - 24) Article 9 of Constitution of China set forth that natural resources such as mines, waters, forests, mountains, grasslands, uncultivated areas and shallows belong to the state, i.e. the whole people, except for forests, mountains, grasslands, uncultivated areas and shallows belonging to the collective according to laws.
  - 25) See Jin Yongming, Several Thoughts on China's Legislation of the Basic Law of the Sea, *Exploration and Free Views* 2011(10), pp. 21–22.

## 中国による海洋パワー樹立の戦略とその法制度

要約：中国共産党第十八回党大会の報告は、海洋パワーを創るという国家戦略目標を定め、中国の海洋の管理の目的と課題を明らかにした。国際慣行は、海洋問題を扱う核心は、海洋パワーとしての戦略の実施を確保するために、海洋に関する国内の戦略、政策及び法制度を創生し実施することにあると教えている。海洋パワーとしての戦略目的を実現し、海洋の政策や手段の実施を確保し強化するのである。中国のおかれている基本的な状況にかんがみれば、海洋経済力の発展重視を通ずる海洋パワーとしての戦略目標は、段階的に実現されねばならない。地域的な海洋パワーから世界的な海洋パワーとなることもその段階的な実現の一つである。本論文は、各段階における具体的な目標と課題及び目的実現のための詳細な手段及び指標について記述する。更に、国家海洋戦略の内容、及び海洋の政策・手段の実施を確保するための海洋基本法設立の意義について記述する。

**キーワード：**海洋パワー、海洋経済、海洋の権利と利益、海洋法制度

## 中国海洋强国战略体系与法律制度

内容提要：“党的十八大报告”提出了建设海洋强国的国家战略目标，为我国经略海洋明确了目标和任务。国际实践启示我们，应对和处理海洋问题的关键是，在国内应制定和实施国家海洋战略、以及保障海洋战略实施的政策和法律制度，以固化和保障这些海洋政策和措施的实施，实现海洋强国战略目标。鉴于我国的基本国情，我国重点通过发展海洋经济路径建设海洋强国的战略目标，应分阶段地实施，包括区域性海洋大国/强国和世界性海洋大国/强国等阶段，并指出了在各个阶段的具体目标和任务，以及实现这些目标的具体措施及基本指标，也论述了国家海洋战略的内涵及制定保障海洋政策和措施实施的海洋基本法的意义。

**关键词：**海洋强国；海洋经济；海洋权益；海洋法制