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An Analysis of the Legal System for the Protection of Marine Resources in China

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ABSTRACT

In order to realize the orderly development and rational use of marine resources, construct a new marine economic development model, effectively adjust the relationship between marine resource protection and social production, and promote the legalization and institutionalization of marine resource protection. Based on the reality, this article attempts to explore the ways and means of improving and constructing the legal system for the protection of marine resources from multiple dimensions. It aims to form a complete marine resource development system from the legal level and provide legal guarantee for the development of marine economy.

1. Introduction

According to the data released by relevant departments, in 2018, China's marine economy reached a total of 831.5 billion yuan, accounting for 9.3% of GDP and bringing 36.45 million jobs^[1]. The rapid development of the marine economy has undoubtedly become an important driving force for the rapid development of the national economy and the steady increase of residents' income. With the profound changes in the concept of economic development, the country has set higher requirements for the development of marine economy and the development of marine resources. In order to achieve the sustainable development of marine resources, the article starts from the legal dimension and sorts out the importance of legal protection of marine resources. On the basis of the status quo, draw on the lessons learned from

the past and take practical measures to gradually improve the legal protection system to form a complete legal system for marine resources.

2. Overview of Marine Resources

In order to enhance the orientation and pertinence of the construction of the legal protection system for marine resources, it is necessary to sort out the characteristics of marine resources at the beginning of legislative work, accurately grasp the connotation of marine resources, and ensure that the construction of legal protection systems meets the basic requirements and achieves marine resources Efficient protection.

As an important part of the natural resource system, marine resources play a key role in many fields such as economic development and social life. Taking fish resources as an example, China's coastline is more than

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18,000 kilometers long, with a total of more than 20,000 species of fish. The reserves of fishery resources reach 1 billion to 2 billion tons. The huge marine resources have undoubtedly become a powerful driving force for regional development^[2]. In the process of legal protection of marine resources, it is necessary to accurately grasp the definition of marine resources, clarify the limits of legal protection, and improve the effectiveness of the legal protection system. From a narrow perspective, marine resources refer to the substances and capabilities contained in marine water bodies, such as marine biological resources and marine mineral resources. In a broad sense, marine resources refer to the sum of natural marine factors that can be used for a period of time to promote economic development. The control of the definition of marine resources will help to further enhance the effectiveness of legal protection of marine resources and provide directional guidance for the development and improvement of the legal system^[3].

3. The Necessity of Legal Protection of Marine Resources

Affected by the traditional concept of marine resource development, some areas have extensive development situations in the development of marine resources, causing damage to the marine ecological environment and chaos in resource development. Based on this situation, it is necessary to regulate the ocean through legal means. The development and utilization of resources constantly enhance the utilization of marine resources and inject new vitality into the healthy and stable development of the marine economy.

3.1 Damage to the Marine Ecological Environment

According to the data released by relevant departments, in 2018, China's population reached 1.39 billion. The huge population has a strong consumption capacity for various resources. In 2018, 28.922 million tons of aquatic products were processed and processed quickly. The developed marine industry plays a key role in stimulating regional economic development and improving public living standards^[4]. However, some regions are still affected by traditional resource development ideas. The uncontrolled development of marine resources has led to the destruction of the marine ecological environment. In recent years, offshore pollution has become increasingly serious, and the ecological environment has been seriously threatened. Development and effective use bring great inconvenience. Based on this reality, in order to ensure the orderly devel-

opment of marine resources and reduce the damage to the marine ecological environment in the course of resource development, the people's congresses and governments at all levels in China have issued a series of laws and regulations to use legal means to systematically protect marine resources. To a large extent, the pressure on the marine ecological environment has been reduced. In recent years, the improvement of the legal protection system for marine resources has undoubtedly significantly improved the marine ecological environment. For example, the current fishing closure system in China has effectively combined offshore fishing with fish growth and reproduction, forming a benign marine economy and realizing the ocean. The rational development of resources has also greatly protected the marine ecology.

3.2 Disorders in Marine Resource Development

Marine resources differ from other resources in that they have certain complexities and comprehensiveness. This characteristic has a certain impact on the development of marine resources. At present, there is a problem of "three noes" in the development of marine resources in China. "Three nothings" refers to ships such as unnamed ships, unlicensed ships, and registered ships. Such ships have adversely affected the development of China's marine resources, causing The chaotic situation of marine resources development. In some areas, there are divergent disputes over the division of ownership of marine resources, which has exacerbated the chaos in marine resource management. Some fishermen and enterprises regard the sea area as personal ownership, leading to the complexity of marine resource development and intensifying social contradictions. During the development of marine resources, some people did not expand the area of marine use at will in accordance with relevant requirements, which caused the abuse of marine resources and caused damage to the marine ecological environment, which adversely affected the sustainable use of marine resources. The legal protection system for marine resources is complete and perfect. From the legal level, strict regulations are made on the development of marine resources, the ownership of regional marine resources is clarified, the area of marine use is detailed, and corresponding punishment measures are formulated. Punishment of resource development behaviors can gradually change the chaotic situation of marine resource development and form a systematic and complete marine resource utilization and development mechanism.

3.3 National Marine Ownership is Unclear

According to the relevant provisions of international law

of the sea, the jurisdiction area of China's sea area should be 3 million square kilometers, but due to the special geographical environment, the actual area of the sea area is less than 2 million square kilometers, and the sea area is more complicated. There are major controversies regarding the division of sea boundaries and the ownership of islands^[5]. The unclear division of marine ownership has undoubtedly affected the development of marine resources and the protection of marine rights and interests. The comprehensive construction of the legal protection system for marine resources has effectively addressed the above-mentioned problems to a certain extent. By means of legislation, the boundaries of the jurisdiction of the sea area have been clarified, which has laid a solid foundation for the follow-up marine law enforcement and rights protection work.

3.4 Weak Awareness of Marine Resource Protection

Affected by traditional concepts, some governments and marine industry practitioners mistakenly believe that marine resources are inexhaustible and inexhaustible. Wrong ideological concepts have led to the extensive development of marine resources and the low utilization of resources. Serious ecological and environmental problems and sea boundary issues. For example, there are a large number of mangroves distributed on China's coastline. In the process of dividing marine areas, mangroves are often used as part of the marine boundary to determine marine areas^[6]. However, in the process of marine resource development, some people have adopted extensive resource development models and randomly felled mangrove forests, which not only caused damage to the local ecological environment, but also changed the boundaries of the sea area, which caused national disputes and affected normal Development of marine resources. The establishment of a legal protection system for marine resources can, to a large extent, change the concept of marine resource protection, promote employees in the marine industry and government authorities, accurately understand and treat marine resources, and promote the rational development and effective use of marine resources. This has a profound impact on the development of China's marine economy.

4. Status of Legal Protection of Marine Resources

For a long period of time, China has issued a series of laws and tried to build a legal protection system. However, from the actual situation, the legal protection system for marine resources is incomplete, the protection targets

are missing, and the protection of marine resources is limited. The play of the role has hindered the development of marine resources.

4.1 Inadequate Marine Resource Security System

The construction of a marine resource security system can promote the sustainable use of marine resources to a great extent, control the development of resources within the range of marine ecological environment carrying capacity, and ensure that marine resources are always in a safe state. From past experience, the security of marine resources often requires the joint participation of different countries. Especially under the crisis of marine resources, due to its liquidity and comprehensive characteristics, it will inevitably cause a spillover of the crisis, which will have a profound impact on regional ecological environment and economic development^[7]. To effectively respond to this situation, we need to strengthen cooperation to ensure the safety of marine resources. Based on the importance of the marine resource security system, China has made a series of stand-up attempts, hoping to improve the legal system to regulate the various activities of marine resource development, so as to achieve the complete construction of the marine resource security system. However, from the actual situation, there are still many deficiencies in the construction of the marine resource security system in China, resulting in the inability of marine resources to carry out corresponding work in terms of the division of ownership, the establishment of international cooperation mechanisms, and the construction of early warning systems.

4.2 Imperfect Sustainable Use of Marine Resources

The sustainable use of marine resources requires the effective participation of the national legal system. Through the legal system, various types of marine resource development activities are effectively regulated to avoid chaos and disorder in the development of marine resources. In order to ensure the effective use of marine resources, China has carried out marine legislation many times, made corresponding provisions for the development of marine resources, and initially formed a complete legal system. However, for a long period of time, China did not attach importance to the management of marine resources, resulting in a lack of corresponding experience in the legal protection of marine resources. Although the corresponding legal provisions were formulated, the law was enforceable and effective. Sex, there is still a gap with Europe and the United States and other countries^[8]. Taking the United Kingdom as an example, in order to realize the sustainable use of marine resources, the

British Parliament has successively introduced amendments to marine laws from the 19th century, especially in the 20th century. With the adjustment of development thinking, the United Kingdom has stepped up the revision of marine resources protection laws. A complete marine resource utilization mechanism has been formed. In this way, Britain has effectively developed its offshore resources, the utilization rate of marine resources has been continuously improved, and the impact of related resource development activities on the marine ecological environment has been minimized. To meet the development needs of the marine economy.

4.3 Integrated Marine Management System

With the in-depth development of the “Belt and Road” strategy, China actively promotes the development of the blue economy, builds a community of marine fate, and forms a comprehensive comprehensive management system. Under the guidance of this thinking, using the United Nations Convention on the Sea as a framework and combining the reality of China’s marine resources, the deficiencies and loopholes in the United Nations Convention on the Sea have been supplemented and improved accordingly. The effective management of marine resources has been achieved, and reasonable use of resources has been achieved. The development of resources has been incorporated into the management of marine resources and the protection of marine ecology, and the scientific and efficient management of marine resources has been achieved. However, at this stage, China’s comprehensive marine management system has a relatively narrow scope of influence, which cannot effectively meet the multi-dimensional development and regional protection of marine resources, resulting in the lack of a legal protection system for marine resources and the subsequent development and utilization of marine resources. Extremely adverse effects.

5. Methods and Strategies for the Construction of Legal Protection System for Marine Resources

The sound and perfection of the legal protection system for marine resources involves multiple levels of content. In order to give full play to the law’s ability to protect marine resources, in practice, it should adopt targeted response strategies to improve and optimize the legal protection system in multiple dimensions. Promote the institutionalization and normalization of legal protection.

5.1 Strengthening Legislation to Protect Marine Rights

In order to effectively improve the overall level of marine

resource protection, scientifically respond to the problems existing in marine resource protection, and build a complete and systematic marine protection system. People’s congresses and governments at all levels need to actively change their thinking, innovate working methods, and strengthen legislation based on past experience to promote the scientific protection of marine rights and interests. In practice, all legislative work should be focused on the actual situation. Under the framework of legal provisions such as the Convention on the Neighbouring Seas and Contiguous Areas and the Law of the People’s Republic of China on the Exclusive Economic Zone and the Continental Shelf, the law on marine resources should be targeted. Construction of protection system. With the help of legislative work, the development and utilization of various marine resources are regulated, and the extensive development mode of marine resources is transformed into a refined development mode, ensuring the quality and efficiency of marine resource development. For example, through legislation to refine offshore fishing, tidal flat reclamation, land reclamation, and marine safety, etc., with the help of the law, the legal period of the fishing off-season is confirmed legally, which greatly enhances the coercive force of marine resource management during the fishing off-season. A good public opinion atmosphere has gradually formed in the society, and the legal protection of marine resources has continued to proceed in depth^[9]. At the same time, in order to protect marine resources, the legal approval of regional tidal flat reclamation, reclamation and land reclamation, construction, and acceptance is legally confirmed. In this way, the scientificity and effectiveness of tidal flat development are ensured, and the coastal tidal flat resources are effectively achieved. Protection, to avoid the occurrence of extensive resource development.

5.2 Improve the Protection System

Continue to improve the marine resource security system, sustainable use system, and comprehensive utilization system. People’s congresses and legislative bodies at all levels, combined with past beneficial experiences, take targeted measures to improve and optimize the protection system, and use the marine resource security system. For example, in the process of improving the legal protection system, we can start from multiple levels to innovate the form of marine resource protection, build a marine ecological problem early warning mechanism, and hope that through the early warning mechanism, we can quickly respond to marine ecological problems. Control the damage caused by ecological pollution and damage to an affordable range, and at the same time make clear and detailed division of powers and responsibilities for the restoration of marine ecology. In this

way, the safety of marine resources is maximized and related Various hazards from development.

5.3 Focus on Island Protection

As an important part of China's marine resource system, islands play a key role in the development and utilization of marine resources, including aquatic products, tourism, and land. Based on this recognition, in the process of improving the legal protection system of marine resources, island protection should be taken as a key task, and the overall quality and effectiveness of island protection should be guaranteed through the improvement of the legal system^[10]. At present, China has issued the "Regulations on the Protection and Utilization of Uninhabited Islands" to provide corresponding protection for uninhabited islands with obvious effects. Based on this successful experience, in the subsequent island protection work, the "Coastal Zone Management Law" can be formulated and implemented. Perfect the system of legal protection of islands, effectively limit the acts of sabotage, achieve an orderly progress of development activities, and avoid the lack of a legal protection system.

6. Conclusion

In order to realize the orderly development and rational use of marine resources, promote the improvement of the marine economic system, and continuously meet the requirements of regional economic development and social life. Starting from the legal system, the article systematically explores the current method of improving the legal system for the protection of marine resources at the current stage, with the aim of improving the efficiency of the use of marine resources and protecting the legitimate rights and interests of China's marine.

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