

Cultural Dimension in China's Ocean Policy

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There are a number of ocean issues unresolved in China due to many subjective and objective reasons including the longstanding low degree of ocean awareness, outdated ocean technology and equipment as well as relative disadvantage in ocean geographical environment. With the expanding need and scope of development and exploration of the sea and its resources by international society, these ocean disputes, especially South China Sea issues and East China Sea issues become increasingly urgent and impose potential danger on ocean order and regional safety.

In regard to these ocean issues, Chinese government puts forward specific principles and methods for resolution, gains certain achievements and also faces some difficulties and challenges. However, it can not be denied that China's ocean policies and positions include Insisting on Settlement through Consultation and Negotiation, Sovereignty Belonging to China, Setting Aside Dispute and Seeking Joint Development, Initiative of Dual-track Train of Thoughts (i.e. relevant disputes are peacefully settled by direct parties through friendly consultation and negotiation, while the peace and stability of South China Sea are maintained jointly by China and ASEAN Member States), Formulating Rules, Controlling Crisis, Sharing Resources, Cooperation and Win-win, realizing the wish of Peaceful, Amicable and Cooperative Ocean and achieving the goal of Harmonious Ocean. They are policy choices made by China according to its own national conditions, which are not only deeply influenced by the culture but also have profound cultural elements, especially

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embody cultural wishes of peacefulness, inclusiveness, cooperativeness. They are the exertion and development of Chinese culture of harmony including thoughts such as seeking common ground while accepting differences and valuing harmony in ocean policies. They are totally in compliance with the development trend of international society including ocean order and should be understood and respected. In other words, the principles of peacefulness, inclusiveness and cooperativeness contained in China's ocean policies are not only exertion and development of traditional culture in the sea, but also embody the status and role of Chinese culture in ocean governance, therefore are worth studying.⁽²⁾

I. Peacefulness of China's Ocean Policies: Complying with Principles and Wishes of International Society

As for ocean issues concerning major national interests, China insists on adopting peaceful political or diplomatic means including direct consultation and negotiation with relevant countries to settle ocean disputes with other countries. The peacefulness of such policy totally comply with systematic requirement of international law and China's practice and is worthy of persistence.

Adopting peaceful means to settle disputes between countries is not only the normative requirement of the Charter of United Nations, for example, Paragraph 3 of Article 2, and Article 33 of the Charter of United Nations, but also complies with the principle of peaceful settlement of disputes set forth in United Nations Convention on the Law of the Sea, for example, Article 279 of United Nations Convention on the Law of the Sea,⁽³⁾ conforms to the requirement of regional systems, for example, Article 4 of Declaration on the Code of Conduct on the South China Sea, as well as

(2) As for research into ocean culture, please see WU Jilu, *The Content, Position and Perspective of Study on Ocean Culture*, *Ningxia Social Sciences*, 2008(4); As for soft ocean power, please see WANG Qi and LIU Jianshan, *Soft Ocean Power: Definition and Explanation*, *Journal of Jinan University*(Social Science Edition), 2013 (2); As for relationship between the ocean and history, culture, awareness, please see YANG Wenhe and CHEN Boyong, *The Ocean and Modern China*, China Ocean Press 2014 Edition.

(3) For example, Article 279 of United Nations Convention on the Law of the Sea sets forth that States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the Charter.

requirements of other bilateral documents, for example, a series of Sino-Philippines joint statement (common declaration), a series of Sino-Vietnamese joint statement, Article 6 of Sino-Japanese Joint Statement and Paragraph 2 of Article 1 of Sino-Japanese Treaty of Peace and Friendship.⁽⁴⁾

Adopting peaceful means especially political means to settle ocean disputes between countries is in compliance with China's theory and practice. For example, Article 2 of Decision of Standing Committee of National People's Congress on Approving United Nations Convention on the Law of the Sea (May 15, 1996)⁽⁵⁾, Paragraph 3 of Article 2 of Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf,⁽⁶⁾ and the Declaration on Excluding Compulsory Jurisdiction over Issues including Territorial Sovereignty, Ocean Delimitation, Historical Ownership and Other Law Enforcement Activities submitted by China to Secretary-General of United Nations on Aug. 25, 2006 according to Article 298 of United Nations Convention on the Law of the Sea. Meanwhile, during the past fifty years, after hard work, China has settled land boundary issues with 12 neighboring countries through consultation and negotiation and signed 29 land boundary treaties;⁽⁷⁾ signed Sino-Vietnamese Agreement on Beibu Gulf Delimitation and Sino-Vietnamese Agreement on Beibu Gulf Fishery (Entry into force on June 30, 2014). In other words, China has settled territorial disputes with many neighboring

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- (4) Article 4 of Declaration on the Code of Conduct on the South China Sea sets forth that the Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea. Article 6 of Sino-Japanese Joint Statement and Paragraph 2 of Article 1 of Sino-Japanese Treaty of Peace and Friendship set forth that the two Governments confirm that, China and Japan shall in their mutual relations settle all disputes by peaceful means and shall refrain from the use or threat of force.
- (5) Article 2 of Decision of Standing Committee of National People's Congress on Approving United Nations Convention on the Law of the Sea sets forth that the People's Republic of China and other States with opposite or adjacent coasts, will delimitate their respective boundary of ocean jurisdiction through consultation on basis of international law and according to principle of equity.
- (6) Paragraph 3 of Article 2 of Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf sets forth that the delimitation of the exclusive economic zone and the continental shelf between the People's Republic of China and States with opposite or adjacent coasts shall be effected by agreement on basis of international law and according to principle of equity if their propositions overlap.

countries by persisting in giving priority to political means and obtained certain achievements.

II. Inclusiveness of China's Ocean Policies: Reasonableness and Difficulties of Setting Aside Dispute and Seeking Joint Development

As for East China Sea and South China Sea, China put forwards the policy and guideline of Sovereignty Belonging to China, Setting Aside Dispute and Seeking Joint Development, which embody China's stance of respecting and understanding other countries' proposition and show the characteristic of inclusiveness, especially contain the idea that sovereignty can not be divided but resources can be shared.

In regard to East China Sea, especially Diaoyudao Islands, although the principle of Setting Aside Dispute is not set forth in the Sino-Japanese Joint Statement (Sept. 29, 1972) and Sino-Japanese Treaty of Peace and Friendship (Aug. 12, 1978), on Oct. 25, 1978, the date after the exchange (Oct. 23, 1978) of Sino-Japanese Treaty of Peace and Friendship, relevant answers made by DENG Xiaoping, the Vice Premier of Chinese government in Japan National Press Club showed the fact that such agreements do not involve Diaoyudao Islands during the two countries' negotiation of normalizing Sino-Japanese diplomatic relations and signing Sino-Japanese Treaty of Peace and Friendship.⁽⁸⁾ In other words, leaders of China and Japan agreed to setting aside disputes over Diaoyudao Islands, otherwise, Japanese government could give different responses after DENG Xiaoping gave his answers in Japan National Press Club. However, they did not express any different or opposite opinions, which showed that Japanese government tacitly agreed to set aside disputes.

It should be noticed that the Vice Premier DENG Xiaoping's answers in Japan

(7) Please see Record of Interviewing OUYANG Yujing from The Department of Boundary and Ocean Affairs of Ministry of Foreign Affairs by Chinese and Foreign Journalists, May 6, 2016, http://www.fmprc.gov.cn/web/wjbxw_673019/t1361270.shtml, visited on May 8, 2016.

(8) Please see Editorial Team of Recorded Talks between Foreign Leaders and Journalists, Recorded Talks between Foreign Leaders and Journalists, Taihai Publishing House, 2011 Edition, pp.315-320. The Vice Premier DENG Xiaoping pointed out in Japan National Press Club that it doesn't matter to set aside this issue even for ten years. Our generation don't have enough wisdom so that we cannot obtain anything when we discuss this issue. Our next generation is definitely smarter than us, so I believe they will find a good method that is acceptable to both parties. Please see Japan National Press Club: Facing Friendly Relation in the Future (Oct. 25, 1978), <http://www.jnpc.or.jp/files/opdf/117>, visited on Aug. 12, 2014.

National Press Club were given after both countries' exchange of Sino-Japanese Treaty of Peace and Friendship on Oct. 23, 1978, so such answers concerning Diaoyudao Islands supplemented the deficiency that the content of Sino-Japanese Treaty of Peace and Friendship is principled and abstract, and played a role in and had the effect of explaining Sino-Japanese Treaty of Peace and Friendship. That is to say, the answers concerning Diaoyudao Islands are effective to some extent, because Paragraph 2 of Article 32 of the Vienna Convention on the Law of Treaties states that recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion.

Meanwhile, Article 1 to Article 3 of Sino-Japanese Fisheries Agreement (signed on Nov. 11, 1997, effected on June 1, 2000) regard the waters adjacent to Diaoyudao Islands as disputed waters, recognize the dispute over the waters adjacent to Diaoyudao Islands between two countries and reflect that it is a product based on consensus of setting aside disputes. Afterwards, Japanese government dealt with Diaoyudao Issues according to such guideline of setting aside disputes which was reflected as No Island Landing, No Investigation, No Development, and No Punishment.

Even the Sino-Japanese Principled Consensus on East China Sea Issues promulgated by Ministries of Foreign Affairs of China and Japan on June 18, 2008 sets aside both countries' ocean delimitation in East China Sea and contains the awareness and idea of joint development. It points out that, after careful consultation, China and Japan unanimously agrees to make cooperation including cooperative development of Chunxiao Oil-gas Field and joint development in other parts of East China Sea without prejudice to both parties' legal stances during the transition period before delimitation.

In regard to South China Sea, especially Nansha Islands issues, the Vice Premier DENG Xiaoping clearly put forward the resolving guideline of Sovereignty Belonging to China, Setting Aside Dispute and Seeking Joint Development in 1984. In June 1986, when DENG Xiaoping met the Vice President of Philippines Salvador Laurel, he pointed out that Nansha Islands belonged to China and at the same time he expressed his opinions concerning relevant differences that this issue may be set aside for some time. Several years later, we can sit down and find an acceptable means through peaceful and calm discussion. We will let never let this issue hinder China's amicable relations with Philippines and other countries. In April 1988, when DENG

Xiaoping met the President of Philippines Corazon Aquino, he reiterated that it is China that has most say on Nansha Islands issues. Nansha historically is a part of Chinese territory and international society has no objection for a long time. From the perspective of friendly relations between our two countries, this issue may be set aside and we can adopt the means of joint development. Afterwards, China has been always implemented DENG Xiaoping’s thought of Sovereignty Belonging to China, Setting Aside Dispute and Seeking Joint Development when dealing with relevant disputes over South China Sea and bilateral relations with neighboring countries of South China Sea.⁽⁹⁾

In addition, after parties’ efforts, according to the guideline of Setting Aside Dispute and Seeking Joint Development, China and some ASEAN Member States gain certain achievements including achievements include Sino-Vietnamese Agreement on Beibu Gulf Delimitation and Sino-Vietnamese Agreement on Beibu Gulf Fishery signed between China and Vietnam, Work Agreement on Joint Ocean Earthquake in Agreed Area of South China Sea signed among China, Philippines and Vietnam on Mar. 14, 2015, the consensus on Guidelines for the Implementation of the Declaration on the Code of Conduct of Parties in the South China Sea reached by China and ASEAN Member States on July 20, 2011 according to Declaration on the Code of Conduct of Parties in the South China Sea (Nov. 4, 2002),⁽¹⁰⁾ Agreement on Basic Principles Guiding Settlement of Ocean Issues between China and Vietnam signed on Oct. 11, 2011 by China and Vietnam and the promulgation of Sino-Vietnamese Joint Statement on Oct. 15, 2011. All these provide political guaranty for China and ASEAN member states to settle disputes over South China Sea through peaceful means, show their roles and significance in references and enlightenment and embody cultural thoughts of valuing harmony.

(9) Please see the State Council Information Office of the People’s Republic of China : White Paper: China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea (July 2016), People’s Publishing House, July 2016 Edition, p.25.

(10) For example, Guidelines for the Implementation of the DOC between China and ASEAN Member States point out that the implementation of the DOC should be carried out in a step-by-step approach in line with the provisions of the DOC. The Parties to the DOC will continue to promote dialogue and consultations in accordance with the spirit of the DOC. The decision to implement concrete measures or activities of the DOC should be based on consensus among parties concerned, and lead to the eventual realization of a Code of Conduct.

Although the policy of Setting Aside Dispute and Seeking Joint Development has theoretic basis of international law, for example Paragraph 3 of Article 74 and Paragraph 3 of Article 83 of United Nations Convention on the Law of the Sea, and complies with national practice of international society,⁽¹¹⁾ it is not thoroughly respected and developed due to the complexity and sensitivity of South China Sea issues. The main reasons are that some ASEAN member states lack not only the political wish to implement the policy of Setting Aside Dispute and Seeking Joint Development but also practical need for interest because some ASEAN member states have developed resources in South China Sea with great efforts. In addition, disputes over South China Sea, especially Nansha concern many parties, it is hard for them to reach a consensus on disputed waters and there are many difficulties in practical operation, so the implementation of the principle or guideline of Setting Aside Dispute and Seeking Joint Development in Nansha is still in difficulty.⁽¹²⁾

Under such conditions, China shall comply with the guideline of From the Easy to the Difficult, focuses on make breakthrough in cooperation in low-sensitive ocean fields including strengthening cooperation in ocean environment protection, ocean scientific research, ocean navigation and transportation safety, search and salvage, cracking down on transnational crimes including but not limited to drug smuggling, piracy, armed robbery in the sea and gun running. This is in compliance with not only Article 6 of Declaration on the Conduct of Parties in the South China Sea but also normative requirement of Article 123 of United Nations Convention on the Law of the Sea. In other words, although the principle of Setting Aside Dispute and Seeking Joint Development is reasonable, its thorough implementation in South China Sea especially Nansha Islands still faces challenges and difficulties, therefore it is still an important and hard task for China and ASEAN member states to find a feasible way which is acceptable by parties. Hereby, other countries beyond South China Sea area shall respect the policy of Dual-track Train of Thought adopted by China and ASEAN member states, encourage and promote consensus reached by

(11) For example, Paragraph 3 of Article 74 of United Nations Convention on the Law of the Sea stipulates that pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

(12) Please see JIN Yongming, *The Nature of Dashed Line of South China Sea and the Legal Status of Internal Waters*, China Legal Science, 2012 (6), p.46.

China and ASEAN member states so as to upgrade political mutual trust and make contribution to settling South China Sea issues. This should also be contained in the meaning of inclusiveness of Chinese culture.

III. Cooperativeness of China's Ocean Policies: Establishing Ocean Cooperative Platform to Realize Multi-Win Goal

Due to the complexity and comprehensiveness of the sea itself, the ocean governance and settlement of ocean issues need parties' attitude of cooperation. Then we can reasonably deal with ocean issues and realize the goal of sustainable utilization of the ocean and its resources. For example, the Preamble of United Nations Convention on the Law of the Sea points out that the States Parties to this Convention are conscious that the problems of ocean space are closely interrelated and need to be considered as a whole. Meanwhile, cooperatively dealing with ocean issues is a normative requirement of United Nations Convention on the Law of the Sea and reflected in many articles, i.e. Article 100, Article 108, Article 117, Article 118, Article 123, Article 197, Article 242, Article 266, Article 270, Article 273 and Article 287 of United Nations Convention on the Law of the Sea. Of course, the principle of cooperation also meets the requirement of the Charter of United Nations, for example, Article 1, Article 2, Article 11 and Article 49 of the Charter of United Nations. In other words, cooperatively dealing with ocean issues is a principle of international law including the Charter of United Nations and United Nations Convention on the Law of the Sea and must be respected and implemented. This also complies with the inevitable requirement of Chinese culture of harmony.

In order to earnestly implement the principle of cooperation, concrete route or platform shall be provided or created. In this respect, China has provided good public service platform in order to promote the potential and effect of cooperation. For example, China, through establishing platforms such as Asian Infrastructure Investment Bank, Maritime Silk Road Fund, Sino-ASEAN investment cooperation fund, promotes the Belt and Road Initiative and strengthen development strategy interaction with countries in the region to realize the goal of mutual win of cooperation.

The main aim of China to establish these platforms is to build the ocean including East China Sea and South China Sea into the ocean of peace, friendship and cooperation and realize the goal of harmonious ocean. China proposed the initiative

of building the harmonious ocean in 2009 which reflects the new understanding and new requirement of ocean issues and marks China's new contribution to ocean order and the development of the law of the sea. Because it is a product combining domestic and foreign ocean situation development and complying with era development need to maintain permanent ocean peace and safety through joint cooperation. The contents of harmonious ocean include insisting on leadership by the United Nations to build equitable and reasonable ocean, insisting on equal consultation to build free and orderly ocean, insisting on seeking temporary and permanent solutions to build peaceful and calm ocean, insisting on exchange and cooperation to build harmoniously co-existing ocean, insisting on respecting and loving ocean to build an ocean with harmony between the nature and human beings. That is to say, China, through normalization and definition of aim, principle, orientation, route and attitude of harmonious ocean, reflects the beautiful wish of human beings in developing and utilizing the ocean and its resources, the fundamental trend and inevitable requirement of cooperatively dealing with the ocean to realize the multi-win goal of utilizing the ocean by human beings and the goal of harmonious coexistence of human beings and the ocean.

IV. Consistency of China's Ocean Policies: Insisting on Principle of Sovereign Equality among States to Settle Ocean Issues

The above-mentioned stances and attitudes of China on ocean policies are not only consist but also permanent, enjoying the characteristic of continuousness. That is to say, China's policies on dealing with ocean issues contain several elements of the culture all the time: peacefulness, inclusiveness and cooperativeness, reflect the thought and quintessence of valuing harmony and the culture of harmony.

Even Philippines unilaterally initiated the South China Sea Arbitration on Jan. 22, 2013 and South China Sea Arbitration tribunal was determined to proceed the arbitration without regard to Chinese government's stance of rejecting such arbitration all the time and rendered the so-called final award on July 12, 2016, Chinese government still insists on its stance of settling South China Sea issues through consultation and negotiation with relevant countries in a series of documents and declarations, which reflects the coherence and consistency of China's policies on dealing with major ocean disputes and issues.

For example, the Position Paper of the Government of the People's Republic of

China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines (Dec. 7, 2014) published by Ministry of Foreign Affairs of China with authorization points out that, the unilateral initiation of the present arbitration by the Philippines will not change the history and fact of China’s sovereignty over the South China Sea Islands and the adjacent waters; nor will it shake China’s resolve and determination to safeguard its sovereignty and maritime rights and interests; nor will it affect the policy and position of China to resolve the relevant disputes by direct negotiations and work together with other States in the region to maintain peace and stability in the South China Sea.⁽¹³⁾

Statement of the Ministry of Foreign Affairs of the People’s Republic of China on the Award on Matters of Jurisdiction and Admissibility of Arbitral Tribunal in the South China Sea Arbitration Established at the Request of the Republic of the Philippines (Oct. 29, 2015) points out that there will be no effect for the Philippines to attempt to deny China’s territorial sovereignty and maritime rights and interests in the South China Sea through arbitration. China urges the Philippines to abide by its own commitment and respect China’s rights enjoyed according to international law, change its course and come back to the right path of settling relevant disputes in the South China Sea through negotiation and consultation.⁽¹⁴⁾

Statement of the Ministry of Foreign Affairs of the People’s Republic of China on Settling Disputes Between China and the Philippines in the South China Sea Through Bilateral Negotiation (June 8, 2016) points out that China firmly opposes the unilateral action of the Philippines, insists on the solemn position of non-acceptance of and non-participation in the arbitration, will settle the relevant disputes between China and the Philippines in the South China Sea through bilateral negotiation.⁽¹⁵⁾

(13) For details of Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines, please see http://www.gov.cn/xinwen/2014-12/07/content_2787671.htm, visited on Dec. 8, 2014.

(14) For details of Statement of the Ministry of Foreign Affairs of the People’s Republic of China on the Award on Matters of Jurisdiction and Admissibility of Arbitral Tribunal in the South China Sea Arbitration Established at the Request of the Republic of the Philippines, please see <http://www.fmprc.gov.cn/web/zyxw/t1310470.shtml>, visited on Oct. 30, 2015.

(15) For details of Statement of the Ministry of Foreign Affairs of the People’s Republic of China on Settling Disputes between China and the Philippines in the South China Sea through Bilateral Negotiation, please see <http://www.fmprc.gov.cn/web/zyxw/t1370477.shtml>, visited on June 8, 2016.

Statement of the Chinese Government on China's Territorial Sovereignty and Maritime Rights and Interests in the South China Sea (July 12, 2016) points out that China will continue to work with states directly concerned to peacefully resolve the relevant disputes through negotiation and consultation on the basis of respecting historical facts and in accordance with international law; China will work with states directly concerned to spare no effort to make practical temporary arrangement including joint development in relevant waters to realize mutual benefits and win-win and jointly maintain peace and stability in the South China Sea.⁽¹⁶⁾

Statement of the Chinese Foreign Ministry on the Award of the Arbitral Tribunal in the South China Sea Arbitration Established at the Request of Republic of the Philippines (July 12, 2016) points out that China will continue to abide by basic rules of international law and international relations confirmed in the Charter of United Nations including respecting sovereign and territorial integrity and peacefully settling disputes, insists on working with states directly concerned to resolve the relevant disputes through negotiation and consultation on the basis of respecting historical facts and in accordance with international law so as to maintain peace and stability in the South China Sea.⁽¹⁷⁾

Meanwhile, China's right to choose a means of settling disputes on its own according to the principle of sovereign equality among States shall be respected because it is not only in compliance with principles of international law and practices of many countries, but also recognized by most countries. For example, Doha Declaration (May 12, 2016) adopted in the 7th Ministerial Meeting of China-Arab States Cooperation Forum emphasizes that Arab States support China in its working with relevant countries to peacefully settle territorial and ocean disputes through amicable consultation and negotiation according to bilateral agreements and relevant consensus in such region. The right of a sovereign State and a state party to United Nations Convention on the Law of the Sea to choose a means of settling disputes on its own according to laws shall be respected.⁽¹⁸⁾

(16) For details of Statement of the Chinese Government on China's Territorial Sovereignty and Maritime Rights and Interests in the South China Sea, please see <http://world.people.com.cn/n1/2016/0712/c1002-28548370.html>, visited on July 12, 2016.

(17) For details of Statement of the Chinese Foreign Ministry on the Award of the Arbitral Tribunal in the South China Sea Arbitration Established at the Request of Republic of the Philippines, please see <http://www.fmprc.gov.cn/web/zyxw/t1379490.shtml>, visited on July 12, 2016.

Statement of China and Russian Federation on Promoting International Law (June 26, 2016) points out that China and Russia reiterate the principle of peaceful settlement of disputes and firmly believe that each State shall use a means and mechanism of settling disputes with which parties are satisfied to settle disputes. Each means of settling disputes shall help realize the goal of peaceful settlement of disputes according to applicable international law so as to ease intensive situation and promote peaceful cooperation between disputing parties. This point is equally applicable to each kind and phase of dispute settlement including political and diplomatic means as a premise of adopting other mechanism of dispute settlement. The key point of maintaining international legal order is that each State kindly use dispute settlement means and mechanism with the spirit of cooperation and on basis of agreement by the State and shall not abuse such dispute settlement means and mechanism to harm its purposes.⁽¹⁹⁾

Joint Statement of the Foreign Ministers of ASEAN Member States and China on the Full and Effective Implementation of the Declaration on the Conduct of Parties in the South China Sea (July 25, 2016) points out that the Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UNCLOS.⁽²⁰⁾

It can be seen that, from the aforesaid regional and bilateral documents, China's position that sovereign states directly concerned shall settle disputes by peaceful means through friendly consultation and negotiation is recognized by most countries, therefore the abovementioned China's position and attitude of ocean policies are not only consistent but also in compliance with principles of international law and must

(18) Please see Seventy States in the Globe Clearly Express Their Support in China's Position in the South China Sea Issues (July 11, 2016), <http://world.people.com.cn/n1/2016/0711/c1002-28544870.html>, visited on July 12, 2016.

(19) For details of Statement of China and Russian Federation on Promoting International Law, please see <http://www.fmprc.gov.cn/web/zyxw/t1375313.shtml>, visited on June 26, 2016.

(20) For details of Joint Statement of the Foreign Ministers of ASEAN Member States and China on the Full and Effective Implementation of the Declaration on the Conduct of Parties in the South China Sea, please see <http://www.fmprc.gov.cn/web/zyxw/t1384157.shtml>, visited on July 25, 2016.

be respected.

V. Basic Ways and Key Meaning of China's Settlement of Ocean Disputes

As abovementioned, China's position and attitude of dealing with ocean issues not only win the support of most countries but also comply with international trend of ocean development. In order to maintain ocean order and ensure the ocean peace and safety, China shows the most restraint including non-development of resources in the South China Sea especially Nansha, non-adoption of threatening measures to stop other States from developing resources in Nansha, spares no efforts to promote mechanism construction including positively promoting the process of a Code of Conduct in the South China Sea and gains periodical achievements according to Declaration on the Code of Conduct on the South China Sea and principles and requirements of the subsequent action guidelines. The purpose is to realize the goal of unity of functionality and normalization of space and resources in the South China Sea and make contributions to regional development. To be specific, China's basic ways of handling South China Sea issues are formulating rules, controlling crisis, implementing the system of joint development so as to reasonably deal with major ocean issues including South China Sea issues and East China Sea issues, realize the goal of a big regional ocean State and make contributions to promoting the process of Maritime Silk Road and building an ocean power.

In a whole, China is a protector who firmly maintain the system of the law of sea and ocean order and also a maintainer and constructor who enriches and develops the system of international law including the law of the sea. China's conduct and behavior shall be understood and supported. In view of China's development process and status as a power, it is necessary for the practical development to require China to make more contributions the international society and undertake more responsibilities. Peacefully and cooperatively dealing with ocean issues is the common hope of international society with the aim to maintain ocean safety and order, make the ocean serve human beings better and exert the unique contribution of the ocean. We must work hard to realize it through cooperation.

Finally, it shall be emphasized that Chin's recovery of sovereignty over Nanhai Islands and Diaoyudao Islands and realization of the goal of sovereign and territorial integrity are not only a justifiable and reasonable requirement of Chinese government

but also a proper meaning of Chinese culture and even the reasonable end-result for maintaining the system of international system and international order set up after World War II, so they shall receive firm support from international society, otherwise the international rules, safety and order set up after World War II will face big challenges and crisis, the nature of Chinese culture will face big challenges too, which is a situation that the international society is unwilling to see.