

On Diplomatic Innovation and Discourse Power of China in Building An Ocean Power

JIN Yongming*

The Report to 19th National Congress of the Communist Party of China points out that China should seek coordinated land and marine development during the acceleration of pace of building an ocean power, pursue the Belt and Road Initiative as a priority, give equal emphasis to “bringing in” and “going global,” follow the principle of achieving shared growth through discussion and collaboration, and increase openness and cooperation in building innovation capacity. With these efforts, we hope to make new ground in opening China further through links running eastward and westward, across land and over sea.⁽¹⁾ That is to say, the report puts forward an objective of accelerating the pace of building an ocean power and highlights the principle, emphasis and direction which shall be insisted during the acceleration. This is not only a task that China undertakes in adaptation to the new

* Profile of the Author: Jin Yongming (1966-), native of Shaoxing, Zhejiang Province, a professor of Institute of Law of SASS, a vice chairman and the secretary-general of Ocean Law Governance Committee of China Association of Marine Affairs, specialized in International Law, Ocean Law. This thesis is a phrasal work of a Major Project of National Social Science Fund named Research into Major Practical Issues concerning China's Islands and Reefs in South China Sea and Their Countermeasures (Project No.: 16ZDA073) and a General Project of Shanghai Planning Office of Philosophy and Social Science named Research into Xi Jinping's Thoughts on China's Strategy of Ocean Power for a New Era (Project No.: 2018XAA036).

(1) Xi Jinping, Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era: Report to the 19th National Congress of Communist Party of China (Oct. 28, 2017), People's Publishing House, 2017 Edition, pp. 33-35.

era, but also deepens and improves specific requirements and direction of the objective of the strategy of building an ocean power which was first and completely proposed in the 18th National Congress of the Communist Party of China. This is totally in compliance with the significance of the sea in the great project of socialism with Chinese characteristics for a new era, that is to say, the acceleration of pace of building an ocean power is one of meanings of socialism with Chinese Characteristics for a new era.

I. The Proposal and Development of the Objective of China's Strategy of Building an Ocean Power

(I) The Proposal and Deepening of the Objective of China's Strategy of Building an Ocean Power

The Report to 18th National Congress of Communist Party of China put forward that China shall improve the ability to explore ocean resources, develop ocean economy, protect eco-environment and firmly maintain national ocean rights and interests.⁽²⁾ These contents constitute the basic meaning of building an ocean power. Meanwhile, when presiding over the 8th collective study of the Political Bureau of the Central Committee of the CPC on Research into Building an Ocean Power (July 30, 2013), the Secretary-General Xi Jinping emphasized basic requirements of building an ocean power, i.e. Four Transformations: improving the ability to exploit resources and making efforts to promote the transformation of ocean economy towards quality and efficiency-oriented one; protecting eco-environment of the sea and making efforts to promote the transformation of ocean exploitation mode

(2) Hu Jintao, Firmly March on the Path of Socialism with Chinese Characteristics and Strive to Complete the Building of a Moderately Prosperous Society in All Respects: Report to the Eighteenth National Congress of the Communist Party of China (Nov. 8, 2012), People's Publishing House, 2012 Edition, pp. 39-40.

towards circulated usage; developing ocean technology and making efforts to promote the transformation of ocean technology towards innovation-led one; maintaining national ocean rights and interests and making efforts to promote the transformation of ocean rights and interests maintenance towards comprehensive consideration-based one.⁽³⁾ These requirements reasonably reflect essential features and basic functions of the sea, thus playing a leading role in building an ocean power and enjoying great significance.

In addition, the objective of strategy of building an ocean power is a deepened and improved ocean policy especially ocean economic development policy of the Party and the government of China in dealing with ocean issues particularly since the new century and has been consolidated in a series of important conferences and their documents afterwards. These policies enjoy characteristics of continuousness and consistence and have become strategic consensus and guidelines at the national level. For example, the Report to 16th National Congress of CPC, Government Working Paper of 2004, the 11th Five-year Plan, Government Working Paper of 2009, Suggestion on the 12th Five-year Plan, the 12th Five-year Plan, Government Working Paper of 2014, Suggestion on the 13th Five-year Plan, the 13th Five-year Plan, Government Working Paper of 2015 and Government Working Paper of 2016 confirmed the above-mentioned content.⁽⁴⁾

(II) Guidelines and Key Paths for Building an Ocean Power

During building an ocean power, China shall ensure politically safe environment of the sea, especially shall resolve major ocean disputes confronted by China, for example, South China Sea issues and East China Sea issues. A series of

(3) See http://www.gov.cn/lhdh/2013-07/31/content_2459009.htm, visited on Aug. 1, 2013.

(4) For details on the system of the strategy of building China into an ocean power, please see Jin Yongming, *On Connotation and Legal System of the Strategy of Building China into an Ocean Power*, *Southeast Asian Affairs*, 2014 (1), pp. 18-28.

new diplomatic ideas, policies and initiatives put forward since the 18th National Congress of CPC are guidelines instructing China's building an ocean power and resolving ocean disputes, thus enjoying great theoretical and practical significance.

For example, in terms of diplomatic policies and ideas, China put forward a community of shared future for mankind. During building such community of shared future for mankind, regarding the politics, China shall adopt a new international relation and insist on developing continually partnership among countries; regarding the security, China shall adopt a new outlook on security and build a shared security pattern through all efforts; regarding the economy, China shall adopt new outlook on development and insist the principle of sharing benefits through cooperation and bringing prosperity to the world; regarding the culture, China shall insist on being inclusive and learning from each other; regarding the ecology, China shall insist on the green and low-carbon idea.⁽⁵⁾ Meanwhile, when dealing with various international issues including ocean disputes, China shall insist on correct view of justice and the idea of amity, sincerity, mutual benefit and inclusiveness to stabilize and development inter-country relations and resolve relevant disputes. These diplomatic guidelines and principles, thoroughly embodying the stability and continuity of China's foreign policies, are not only in compliance with the trend of times but also verified by the practice, so they are basic guidelines that Chinese diplomacy shall insist on for a long time.⁽⁶⁾ Of course, these diplomatic guidelines and principles are basic guidelines

(5) For details on building a community of shared future for mankind, please see Xi Jinping, Work Together to Build a Community of Shared Future for Mankind-A Speech at UN's Headquarter in Geneva (Jan. 18, 2017), http://www.fmprc.gov.cn/web/ziliao_674904/zt_674979/dnzt_674981/xzxzt/xjpdrsjxgsfw_688636/zxxx_688638/t1431760.shtml, visited on Jan. 21, 2017.

(6) Yang Jiechi, Thoroughly Study and Implement the Spirit of the 19th National Congress of CPC, Strive to Build a New Situation of Major Country Diplomacy with Chinese Characteristics, *Qiushi* 2017 (23), Dec. 1, 2017, p. 6.

directing ocean development and dealing with ocean issues.

As stated in the Report to the 19th National Congress of CPC, during the acceleration of pace of building an ocean power, China shall pursue the Belt and Road Initiative as a priority which is a key path for China to promote the building of an ocean power. Since the Belt and Road Initiative was put forward in 2013, there have been more than 100 countries and international organizations giving positive responses and supports and over 40 countries and international organizations signing cooperation agreements with China till the end of the Jan. 2017.⁽⁷⁾ It is obvious that the Belt and Road Initiative is highly praised and expected by the international community, which shows its value and significance. The good subsequent effect of the Belt and Road Initiative is mainly due to China's continuously deepening of connotation of the Belt and Road Initiative, improvement of guaranty measures and implementation of specific projects and the compliance of such initiative with the development trend of times. For example, Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road issued by the National Development and Reform Commission, Ministry of Foreign Affairs, and Ministry of Commerce of the People's Republic of China on Mar. 28, 2015;⁽⁸⁾ Building the Belt and Road: Concept, Practice and China's Contribution issued by Office of the Leading Group for the Belt and Road Initiative on May 10, 2017;⁽⁹⁾ Vision for Maritime Cooperation under the Belt and Road Initiative jointly issued by the National Development and Reform Commission (NDRC) and the State Oceanic

(7) Xi Jinping, Jointly Shoulder Responsibility of Our Times, Promote Global Growth- Keynote Speech at the Opening Session of the World Economic Forum Annual Meeting 2017 (Jan. 17, 2017), see http://www.fmprc.gov.cn/web/ziliao_674904/zt_674979/dnzt_674981/xzxt/xjpdrrsjxgsfw_688636/zxxx_688638/t1431319.shtml, visited on Jan. 21, 2017.

(8) See http://www.gov.cn/xinwen/2015-03/28/content_2839723.htm, visited on March 28, 2015.

(9) See http://www.china.com.cn/news/2017-05/11/content_40789833.htm, visited on May 11, 2017.

167 – On Diplomatic Innovation and Discourse Power of China in Building An Ocean Power (JIN) Administration (SOA) on June 20, 2017;⁽¹⁰⁾ and the Asian Infrastructure Investment Bank and Silk Road Fund established under the leading by China.

(III) The Essentials of China's Improvement of System and Mechanism of Strategy of Building an Ocean Power

China has put forward the strategic objective of building an ocean power and is stepping up its efforts on this. In order to adapt to and realize the progress and objective of socialist construction with Chinese characteristics for a new era, China's efforts to build an ocean power shall be made step by step and phase by phase, specifically in three stages, i.e. regional ocean power, major worldwide ocean country and then worldwide ocean power. Learning from the international practice, China shall take the following path to promote the strategy of building an ocean power: formulating ocean strategy, establishing ocean policy, formulating laws on guaranteeing the implementation of the strategy and policy, clarifying the power of ocean organizations and plans on development of specific ocean fields in the law.

For China, the objective of the strategy of building China into an ocean power is not to seek political hegemony, to develop peacefully, to firmly maintain the integrity of national sovereignty and territory. China's ocean policy is to resolve major ocean disputes preferentially by political or diplomatic means and insist on the principle of Sovereignty Belonging to China, Setting Aside Dispute and Seeking Joint Development for maintaining ocean security. In terms of legal system, China's priority is to enact and implement the basic law of the sea for comprehensively coordinating ocean issues, clarifying powers and tasks of ocean administrations, clarifying which areas of the law of the sea shall be continually improve, determining which areas of the sea shall be developed with priority and formulating specific plans of such areas

(10) See http://www.soa.gov.cn/xw/hyyw_90/201706/t20170620_56591.html, visited on June 21, 2017.

of the sea. In other words, the implementation of the strategy of building China into an ocean power needs powerful guaranty of the ocean system and mechanism and the implementation of these systems needs the law of the sea and plans of areas of the sea for realizing the objective of law-based governance of the sea, improving China's capability of ocean governance and treatment and making contribution of the sea to realization of the objective of modernization and rejuvenation of Chinese nation.⁽¹¹⁾

II. New Development and New Practices of China's Diplomatic Policy since the 18th National Congress of CPC

Since China enters the new era especially the 18th National Congress of CPC, the central committee of CPC with the Secretary-General Xi Jinping at its core has paid close attention to the general international trend and grasped the pulse of the times to take both international and domestic situations into consideration, take active advantage of both international and domestic resources, deeply expound changes and trends of international pattern and pattern of the times, put forward a series of new systematic and specific diplomatic ideas, policies and initiatives for world peace and development, realization of mutual benefits through cooperation and guaranteeing China's development environment. These not only enrich and develop the theoretic system of major country diplomacy with Chinese characteristics and constitute the major strategic thoughts on diplomacy with Chinese characteristics, but also provide Important thoughts and action guidelines, even specific plan, platform and path on

(11) According to Report of the State Oceanic Administration on Construction of Rule of Law in the Sea of 2016 (June 19, 2017), new progresses and achievements have been made in aspects such as construction of ocean administration systems, supervision of ocean administrative power operation, improvement of leading mechanism in ocean organizations, and the direction of promoting rule of law in the sea has been clarified, which provides important guaranty for stepping up the pace of building an ocean power, see http://www.soa.gov.cn/xw/hyyw_90/201706/t20170620_56572.html, visited on June 21, 2017.

global governance, thus making China's contribution, embodying China's undertaking and responsibility, leading the world development and having epoch-making significance.

How to reasonably adopt the theoretic basis and specific practice embodied in these new diplomatic ideas, policies and initiatives in a coordinated way is of important value and instructive significance for enriching and improving global governance including ocean governance, maintaining ocean order, reasonably resolving ocean disputes, further eliminating disadvantageous jurisprudential influences brought about by South China Sea Arbitration, changing China's image of "disobedience to law", summarizing experiences and lessons of South China Sea Arbitration, firmly maintaining ocean rights and interests, realizing the objective of rule of law in the sea (soft power), building an ocean power, promoting the Belt and Road Initiative, improving modernization of China's governance system and capacity.⁽¹²⁾ These not only embody China's responsibility, undertaking and achievements, but also foster China's cultural essence, so they deserve insistence and compliance and it is necessary and meaningful to conduct academic research into them and improve them.

Since the 18th National Congress of CPC, new diplomatic policies of China are mainly reflected in the following aspects:

1. Objectives of Diplomatic Policies. The first one is a community of shared future for mankind. Its core is a community of shared responsibilities and shared interests. Its basic content is that all countries should jointly shape the future of the world, write international rules, manage global affairs and ensure that development outcomes are shared by all.⁽¹³⁾ Only this can a community of shared future for

(12) For details on South China Sea Arbitration and its influences, see Jin Yongming, *The Challenges of South China Sea Arbitration on the Law of the Sea*, *Journal of Politics and Law* 2017 (7), pp. 105-116.

mankind be promoted and realized, that is to say, the key to build a community of shared future for mankind is comprehensiveness and action.

The second one is new thinking on security. China actively fosters the thinking on common, comprehensive, cooperative and sustainable security, makes efforts to create an Asian security path based on collaboration, sharing and mutual benefits through building up new regional security and cooperation framework, to ensure common sustainable security environment.

2. Diplomatic Ideas and Models. The first one is a new model of international relations. China shall pursue win-win cooperation, foster the establishment of a new model of international relations including a new type of major country relations, insist on the strategy of opening up with mutual benefits and incorporate the idea of win-win cooperation into politics, economy, security, culture, ecology and other fields. In other words, cooperation is the only way to stabilize international relations and realize the world peace and development. The principle of cooperation enjoys solid foundation in international law and has confirmed and regulated by the international law, such as Article 1 and Article 2, Article 11 and Article 49 of the Charter of the United Nations. For China, it is very important to strengthen contact with the USA at high level and every level, expand bilateral, regional and global cooperation in various fields, properly deal with and manage sensitive issues, especially develop China-USA relations according to principles and spirits of a new model of major country relations between China and USA (non-conflict, non-confrontation, mutual respect and win-win cooperation).

The second one is the correct idea of justice and interest. In international

(13) See Xi Jinping, Work Together to Build a Community of Shared Future for Mankind-A Speech at UN's Headquarter in Geneva (Jan. 18, 2017), http://www.fmprc.gov.cn/web/ziliao_674904/zt_674904/zt_674979/dnzt_674981/xzxzt/xjpdrsjxgfw_688636/zxxx_688638/t1431760.shtml, visited on Jan. 21, 2017.

cooperation, its meaning includes that interest shall be considered but justice shall be paid more attention to; only consideration is paid to both interest and justice can justice and interest be obtained; only justice and interest are balanced can we make achievements both in justice and interest.

The third one is the principle of amity, sincerity, mutual benefit and inclusiveness. The basic guideline for China's diplomacy with neighbors is to pursue a friendly relation with neighbors, regard neighbors as partners and foster an amicable, secure and prosperous neighborhood with priority of the principle of amity, sincerity, mutual benefit and inclusiveness.

3. Diplomatic Achievements and Paths. The first one is the Belt and Road Initiative. The Belt and Road construction follows the principle of achieving shared growth through discussion and collaboration. It does not intend to replace the current regional cooperation mechanisms and initiatives, but promote the realization of interconnection and advantage complementation of development strategies of countries along the Belt and the Road on basis of current mechanisms. As to the Belt, i.e. 21st Century Maritime Silk Road, China is willing to strengthen maritime cooperation with ASEAN countries, take good advantage of China-ASEAN Maritime Cooperation Fund established by Chinese government, develop maritime cooperation partnership, jointly build the 21st Century Maritime Silk Road. These principles and paths are highly appraised and expected in the international community, enjoy powerful vitality, reflect their value and significance, and totally accord with the trend of the world development.

The second one is the acceleration of connectivity. It includes policy consultation, trade promotion, infrastructure connectivity, financial cooperation and people-to-people exchanges, sets up Asian Infrastructure Investment Bank with the aim to realize the integration of infrastructure, by laws and personal exchange and achieve the objective of connectivity, common and orderly development.

The third one is building an ocean power. China will pursue coordinated land and marine development, follow the development path of ocean-based prosperity and powerfulness, harmony between man and the ocean and win-win cooperation, accelerate cooperation and solidly promote the progress of building an ocean power by means of peace, development, cooperation and mutual benefit including public platforms and mechanisms established by the 21st Century Maritime Silk Road Initiative for the purpose of sharing ocean space and resource to realize the harmony and uniformity between man and the ocean.

It is undoubtful that ideas and values embodied in these new diplomatic policies are implemented, and accepted and adopted by the international community. Meanwhile, these new diplomatic policies especially embody values and functions of Chinese culture, Chinese wisdom, plan, undertaking and responsibility. Of course, these new diplomatic policies are the refined and improved diplomatic theories and practices of China for a long time, enjoy characteristics of consistence and continuousness, so they must be unwaveringly insisted on and implemented.

III. Roles and Specific Practices of China's New Diplomatic Policies in Rule of Law in the Sea

(I) Status and Roles of China's New Diplomatic Policies in Rule of Law in the Sea

The Report to the 18th National Congress of CPC points out that China will continue to hold high the banner of peace, development, cooperation and mutual benefit and strive to uphold world peace and promote common development. That is to say, regarding peace and development, China will enhance the sense of a community of common destiny through cooperation and mutual benefits. In other words, a country should accommodate the legitimate concerns of others when pursuing its own interests; and it should promote common development of all

countries when advancing its own development. Countries should establish a new type of global development partnership that is more equitable and balanced, stick together in times of difficulty, both share rights and shoulder obligations, and boost the common interests of mankind.⁽¹⁴⁾

The Report to the 19th National Congress of CPC points out that China will continue to hold high the banner of peace, development, cooperation, and mutual benefit and uphold its fundamental foreign policy goal of preserving world peace and promoting common development. China remains firm in its commitment to strengthening friendship and cooperation with other countries on the basis of the Five Principles of Peaceful Coexistence, and to forging a new form of international relations featuring mutual respect, fairness, justice, and win-win cooperation. China will work with the people of all countries to build a community with a shared future for mankind, to build an open, inclusive, clean, and beautiful world that enjoys lasting peace, universal security, and common prosperity; meanwhile, China will commit to settling disputes through dialogue and resolving differences through discussion, coordinate responses to traditional and non-traditional threats, and oppose terrorism in all its forms; China will never pursue development at the expense of others' interests, but nor will China ever give up its legitimate rights and interests.⁽¹⁵⁾ The above-mentioned diplomatic policies and practices of China on independence are not only

(14) Hu Jintao : Firmly March on the Path of Socialism with Chinese Characteristics and Strive to Complete the Building of a Moderately Prosperous Society in All Respects: Report to the Eighteenth National Congress of the Communist Party of China (Nov. 8, 2012), People's Publishing House, 2012 Edition, p. 47.

(15) Xi Jinping, Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era: Report to the 19th National Congress of Communist Party of China (Oct. 28, 2017), People's Publishing House, 2017 Edition, pp. 58-59.

consistent but also continuous and will never be changed in the future.

It is undoubtful that in order to achieve the abovementioned goals, China must improve the level of modernization of national governance system and capacity which is based on and guaranteed by the implementation of the rule of law strategy. Therefore, in order to carry out the strategic deployment made in the Report to the 18th National Congress of CPC and accelerate the pace of building a law-based socialist country, the Fourth Plenary Session of the Eighteenth Central Committee of CPC adopted Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law (Oct. 23, 2014).

In the above-mentioned Decision, the general objective of comprehensively promoting rule of law is to establish a Chinese system of socialist rule of law and build a socialist country based on the rule of law. The specific content is as follows: under the leadership of CPC, China shall insist on socialist system with Chinese characteristics, implement socialist theory on rule of law with Chinese characteristics, form a complete system of legal rules, an efficient system of implementing rule of law, a strict law-based supervision system and a powerful system guaranteeing rule of law, pursue coordinated progress in law-based governance, law-based exercise of state power, and law-based government administration and promote the integrated development of rule of law for the country, the government, and society, ensure sound lawmaking, strict law enforcement, impartial administration of justice, and the observance of law by everyone, continue to modernize China's system and capacity for governance.⁽¹⁶⁾

Meanwhile, Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law points out that China shall

(16) See Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law, People's Publishing House, 2014 Edition, p. 4.

take active part in formulation of international rules, promote legal treatment of foreign-related economic and social affairs, make greater efforts to ensure China has our say and influence in international legal affairs, use legal means to maintain China's sovereignty, security and development interests.⁽¹⁷⁾ This provides important direction and powerful guaranty for China to actively take advantage of diplomatic channels to publicize China's ocean policies and strengthen discourse power in international community.

As the authority in charge of ocean issues, the State Oceanic Administration, in order to implement the Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law, combining the reality of ocean works, made a decision on promoting comprehensively law-based administration and accelerating the pace of building rule of law in the sea (i.e. Committee of State Oceanic Administration of CPC on Comprehensively Promoting Law-based Administration and Accelerating the Pace of Building Rule of Law in the Sea, July 20, 2015) for protecting ocean interests and rights and establishing the authority of rule of law in the course of ocean economic development, manifesting the idea of rule of law in the course of protecting the people's interests, reflecting the law-based way of thinking in the course of ocean management, preserving the bottom line of rule of law in the course of reform in ocean fields. That is to say, by means of accelerating the pace of building rule of law in the sea, China will improve laws, regulations and standards and systems of the sea, perform functions of managing the sea according to laws, strictly regulate the operation of power of ocean management, and complete the establishment of ocean management system featuring perfect legal system, scientific functions and the integration of power and liability in 2020; China

(17) See Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law, People's Publishing House, 2014 Edition, p. 39.

will cultivate ocean management team featuring cleanness and diligence, authority and high efficiency, strict and just law enforcement, set up ocean management order featuring law-based coordination, fairness and civilization, obedience to law and sincerity to achieve the goal of comprehensively managing the law and provide solid foundation and systemic guaranty for building an ocean power.⁽¹⁸⁾ These contents constitute the precondition and systemic framework and guaranty.

It is obvious that objectives and principles contained in China's new diplomatic policies since the 18th National Congress of CPC are in total compliance with those of rule of law in the sea. In other words, China's new diplomatic policies can be used in ocean governance and as an instruction to ocean diplomatic behaviors for building new ocean order featuring peace, cooperation and mutual benefits and realizing the objective of rule of law in the sea. In short, China's new diplomatic policies have important status and instructive role in ocean governance and rule of law in the sea.

(II) New Attempts and Specific Practices of China's Diplomacy in Maintaining Ocean Order

It is well known that, in order to build a harmonious world, China put forward the idea of harmonious sea to direct and manage ocean issues and maintain harmonious order of the sea. The objectives and ideas, paths and measures of the above-mentioned China's new diplomatic policies are totally in compliance with the trend of the world in peace and development and the ocean development situation especially features of the United Nations Convention on the Law of the Sea (peacefulness, effectiveness, reasonableness and equilibrium) and embody the essence of Chinese culture: the thoughts of amity with neighbors, harmony without

(18) For details on Committee of State Oceanic Administration of CPC on Comprehensively Promoting Law-based Administration and Accelerating the Pace of Building Rule of Law in the Sea (adopted on July 20, 2015 and promulgated on Aug. 7, 2015), see http://www.soa.gov.cn/zwgk/gsgg/201508/t20150807_39403.html, visited on Aug. 19, 2015.

uniformity and valuing peace. The specific manifestation is the cultural value featuring inclusiveness, diversity, co-existence and cooperation, which is the direction of efforts and ultimate goal of China and other countries.⁽¹⁹⁾

Just as stated in a white paper on China's policies on Asia-Pacific security cooperation issued by China's State Council Information Office on Jan. 11, 2017, the development of the Asia-Pacific region has increasingly caught people's attention. It has become the most dynamic region with the strongest potential in the world. All parties are attaching greater importance to and investing more in this region. With the profound adjustment of the pattern of international relations, the regional situation of the Asia-Pacific area is also undergoing profound changes.⁽²⁰⁾ Therefore, China can first play a leading role in the Asia-Pacific area to maintain and stabilize the peace and development order in the Asia-Pacific area, thus becoming a builder and contributor of peace and development in the Asia-Pacific area. In other words, the first step for China to become a worldwide power is to make contribution to the peace and development of the Asia-Pacific area and then apply diplomatic policies and specific practices of the Asia-Pacific area to other regions to turn China into a worldwide power, that is to say, China's development as a worldwide power shall be made by taking step-by-step and stage-by-stage policies and objectives as rules and paths.

The main policies, propositions and specific practices of China in playing its leading role are in total compliance with ideas and objectives of diplomatic policies pursued and promoted by China since the 18th National Congress of CPC. After

(19) For details on characteristics and features of China's Ocean Policies, see Jin Yongming, Cultural Dimension of China's Ocean Policies, Study on Asian-Pacific Security and the Sea, 2016 (5), pp. 1-8.

(20) The White Paper on China's Policies on Asia-Pacific Security Cooperation (Jan. 2017), see <http://www.scio.gov.cn/zxbd/wz/Document/1539488.htm>, visited on Jan. 11, 2017.

analysis, China's policies and propositions in maintaining peace and development in the Asia-Pacific area include the following aspects: Firstly, in terms of economy, China will promote common development to enhance economic foundation of peace and stability in the Asia-Pacific area. Secondly, in terms of politics, China will promote the establishment of partnership to enhance political basis of peace and stability in the Asia-Pacific area. Thirdly, in terms of cooperation mechanism, China will improve the current regional multilateral mechanism to consolidate the framework support of peace and stability in the Asia-Pacific area. Fourthly, in terms of system establishment, China will promote the formulation of rules to improve the system guaranty for peace and stability in the Asia-Pacific area. Fifthly, in terms of military exchange, China will conduct more military exchange and cooperation to strengthen the guaranteeing force for peace and stability in the Asia-Pacific area. Sixthly, in terms of environment construction, China will properly deal with differences and conflicts to maintain good environment for peace and stability in the Asia-Pacific area. These policies and propositions are not only consistent but also practical and completely in compliance with China's specific practices for a long time and requirements and deployment of China's general strategy.

China's ideas and paths in maintaining peace and stability in the Asia-Pacific area mainly include obeying new thinking on security (common, comprehensive, cooperative, and sustainable security), establishing multidimensional security framework in the Asia-Pacific area (including diversity, commonness, consensus and synchronism), and developing many groups of bilateral relations and actively deal with regional hot issues and non-traditional security issues to show the foreign policy and idea of fostering an amicable, secure and prosperous neighborhood based on the principle of amity, sincerity, mutual benefit and inclusiveness and play China's role.

It is undoubted that an ocean dispute is an important and non-ignorable issue for maintaining peace and development of the Asia-Pacific area, the treatment of

which directly influences political, economic and diplomatic relations in the Asia-Pacific area. In this regard, China's policies and propositions on ocean disputes especially disputes concerning territory and ocean rights and interests are as follows: disputes shall be resolved peacefully through dialogue and negotiation between directly-related sovereign countries on basis of respecting historical facts and according to basic principles and legal systems determined by generally-recognized international laws and modern ocean laws including the United Nations Convention on the Law of the Sea; Before relevant issues are resolved, parties concerned shall carry out dialogue, seek cooperation, control crises, prevent conflicts from escalation and jointly maintain regional peace and stability. In other words, China's policies and propositions on ocean disputes are to take priority in peaceful resolution of disputes through bilateral consultation and negotiation; to maintain peace and stability by means of formulating rules and managing crises before being unable to resolve such disputes; at last, to try to resolve ocean disputes for sharing ocean space and resource interest. These principles and policies are particularly reflected in China's treatment of and response to South China Sea issues and East China Sea issues for a new era.

For East China Sea issues, especially Japan's nationalization of three islands of Diaoyu Islands, Chinese government promptly issued declarations and opinions as follows: On Sept. 10, 2012, Chinese government published a statement on the baseline of the territorial sea of Diaoyu Island and its affiliated islands; On Sept. 12, 2012, the State Oceanic Administration announced the determination of scope of protecting the base point of the territorial sea and a measure for protection; On Sept. 13, 2012, Envoy Li Baodong, the Permanent Representative of China to the United Nations, submitted lists of geographical co-ordinates of base points and the baseline of the territorial sea of Diaoyu Islands and charts to the General-Secretary of the United States; The State Council Information Office of the People's Republic of China published a white paper on Diaoyu Dao, an inherent territory of China on Sept.

25, 2012; with authorization, the State Oceanic Administration and Ministry of Civil Affairs announced the standard names of a part of geological entities in waters of Diaoyu Islands on Sept. 21, 2012; On Dec. 14, 2012, Chinese government submitted an application for delimitation of outer continental shelf in East China Sea to the General-Secretary of the United Nations; Ministry of National Defense of China issued Declaration of China on Establishing Air Defense Identification Zone in East China Sea and China's Announcement of Rules on Identifying Aircrafts in Air Defense Identification Zone of East China Sea according to international usages and domestic laws on Nov. 23, 2013 in order to exercise further management over aerial order and navigation security in East China Sea; In response to the announcement of the location and photos of East China Sea oil and gas platform and publication of China's Threats in the Sea in the website of Ministry of Foreign Affairs of Japan on July 22, 2015, Ministry of Foreign Affairs of China issued policy and stance documents such as China's Oil and Gas Development Activities in the East China Sea Are Legitimate and other on July 24 to firmly safeguard China's ocean rights and interests in East China Sea and achieved good results. Meanwhile, China enhanced its communication and coordination with Japan which included the following events: On June 18, 2006, ministries of foreign affairs of both countries announced Sino-Japanese Principled Consensus on the East China Sea Issues; On Nov. 7, 2014, representatives of both countries reached Four-point Principled Agreement on Handling and Improving Bilateral Relations between China and Japanese. China also actively carried out consultation on East China Sea issues with Japan including eight rounds of consultation conference from the starting of Sino-Japanese high-level consultation mechanism for marine issues in Jan. 2012 to Dec. 2017 to reach many agreements on specific cooperation on ocean fields.⁽²¹⁾ It is obvious that regarding the position in and attitude towards East China Sea, Chinese government insisted on the intention and position of peacefully resolving and reasonably managing major ocean

disputes, which is essential for stabilizing and dealing with East China Sea issues and its air and sea air.

For South China Sea issues, especially Vietnam's disturbance to China's operation of 981 drilling platform and South China Sea Arbitration unilaterally initiated by the Philippines on Jan. 22, 2013, Chinese government expounded solemn position and attitude at various different situations and times. Chinese government issued 981 Drilling Platform Operation: Vietnam's Provocation and China's Position on June 8, 2014;⁽²²⁾ On Dec. 7, 2014, with authorization, Ministry of Foreign Affairs of China announced Position Paper of the Chinese Government on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Philippines;⁽²³⁾ In addition, there are Statement of the Ministry of Foreign Affairs of the People's Republic of China on the Award of 12 July 2016 of the Arbitral Tribunal in the South China Sea Arbitration Established at the Request of the Republic of the Philippines (Oct. 29, 2015);⁽²⁴⁾ Statement of Ministry of Foreign Affairs of China on Adhering to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea (June 8, 2016);⁽²⁵⁾ A White Paper of China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea issued by the State Council Information Office of China (July 2016);⁽²⁶⁾ and Statement of the Ministry of Foreign Affairs of the People's Republic of China on the Award of 12 July 2016 of the

(21) For details on East China Sea Issues, see Jin Yongming, Analysis of China's Maintenance of Rights and Interests in East China Sea from the Perspective of International Law, *Journal of Shanghai University (Social Science Edition)* 2016 (4), pp. 1-20.

(22) See http://www.fmprc.gov.cn/mfa_chn/zyxw_602251/t1163255.shtml, visited on June 9, 2014.

(23) See http://www.gov.cn/xinwen/2014-12/07/content_2787671.htm, visited on Dec. 8, 2014.

(24) See <http://www.fmprc.gov.cn/web/zyxw/t1310470.shtml>, visited on Oct. 30, 2015.

(25) See <http://www.fmprc.gov.cn/web/zyxw/t1370477.shtml>, visited on June 8, 2016.

Arbitral Tribunal in the South China Sea Arbitration Established at the Request of the Republic of the Philippines (July 12, 2016), etc.⁽²⁷⁾ Chinese government's policies and positions in the abovementioned documents are not only supported by many academic groups (for example, China Law Society, Chinese Society of International Law, China Society for The Law of The Sea) but also supported and recognized in bilateral and multilateral documents.⁽²⁸⁾

As regard to the issue of freedom of navigation in and flight over the sea claimed by Japan, the USA and other countries, it is also China's core interest not only to ensure that the freedom of navigation in and flight over South China Sea especially sea waters neighboring Nansha, but also to maintain and ensure the freedom and safety of navigation in other sea areas of the world. Therefore, China and the USA

(26) The State Council Information Office 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, 2016 Edition, pp. 1-49.

(27) See <http://world.people.com.cn/n1/2016/0712/c1002-28548370.html>, visited on July 12, 2016.

(28) For details on Declaration of China Society for The Law of The Sea on South China Sea Arbitration Unilaterally Initiated by the Philippines (May 25, 2016), see http://news.xinhuanet.com/legal/2016-05/25/c_1118932058.htm, visited on May 26, 2016; Chinese Society of International Law, Arbitral Award of South China Sea Arbitration Initiated by the Philippines Has No Legal Effect (June 10, 2016), see Special Issue on Jurisdiction in South China Sea Arbitration of the Year Book of Chinese Society of Law, Law Press, 2016 Edition, p1-29; For details on Declaration of China Society for The Law of The Sea on South China Sea Arbitration Unilaterally Initiated by the Philippines, see http://news.xinhuanet.com/2016-05/30/c_1118957545.htm, visited on May 30, 2016. Jointly Statement of Ministers of Foreign Affairs of China and ASEAN Countries on Comprehensively Implementing Declaration on the Conduct of Parties in the South China Sea (July 25, 2016), see <http://www.fmprc.gov.cn/web/zyxw/t1384157.shtml>, visited on July 25, 2016; Declaration of PRC and the Russian Federation on Promoting the International Law (June 26, 2016), see <http://www.fmprc.gov.cn/web/zyxw/t1375313.shtml>, visited on June 26, 2016.

shall carry out equally consultation and negotiation on the issue of freedom and safety of navigation in the sea, use new agreements formed through negotiation and existed systems in the international community as guidelines of conduct directing ocean activities including activities of freedom of navigation and flight on basis of agreements reached by both countries especially on safety, offer references and lessons for further enrichment and development of relevant international laws especially regimes of the law of the sea. This is the direction of efforts that both parties shall make and also an important cooperation field that both parties may make contribution to, so it must be pursued and improved.⁽²⁹⁾

It should be pointed out that China always insists on peaceful resolution of major ocean disputes through negotiation and consultation, management of disputes through rules formulation and mechanism establishment, realization of mutual benefit through win-win cooperation, maintenance of peace and stability in South China Sea and freedom of navigation and flight in South China Sea; China has no choice but to make necessary response to provocative activities that infringe on China's territorial sovereignty and ocean rights and interests, deliberately raise disputes to destroy peace and stability in South China Sea; any conduct internationalizing or judicializing South China Sea does not help resolve disputes but increase the difficulty of problem solving and damage regional peace and stability.⁽³⁰⁾ Such position has been confirmed by South China Sea Arbitration and China's position will never be changed in the

(29) For details on the opposition and differences between China and the USA on freedom and safety of navigation, see Jin Yongming, *Research into Theory of the Law of the Sea of China* (Revised Edition), Shanghai Academy of Social Sciences Press, 2016 Edition, pp. 3-16, pp. 31-49 and pp. 259-269.

(30) For details on Chinese government's position and attitude towards maritime issues including East China Sea issues and South China Sea issues, see China's State Council Information Office: *The White Paper on China's Policies on Asia-Pacific Security Cooperation* (Jan. 1, 2017), <http://www.scio.gov.cn/zxbd/wz/Document/1539488/1539488.htm>, visited on Jan. 11, 2017.

future because it is China's consistent position and attitude.

IV. Issues over China's Discourse Power in Maintaining Ocean Rights and Interests

It is of significant importance of the behavior mode and way of China's diplomacy to let international community further know and understand China's position and specific practices on ocean issues. In other words, China's diplomacy has its own advantages and inescapable responsibilities to publicize and spread China's ocean policies and propositions. This plays an important role in accelerating the pace of building an ocean power, effectively implementing the Belt and Road Initiative, resolving ocean disputes stage by stage and step by step including eliminating disadvantageous jurisprudential influences of South China Sea Arbitration, understanding China's purposes and intentions and so on. Therefore, the behavior mode, way and roles of China's diplomacy in maintaining and ensuring national ocean rights and interests are mainly reflected in the following aspects:

Firstly, making flexible use of many diplomatic situations to actively publicize and explain China's policies, positions and propositions. Although China has set up several ocean organizations such as Leading Group for Works Concerning Marine Rights and Interests of Central Committee of CPC and its office, State Ocean Commission and its Office, restructured State Oceanic Administration, established China Coast Guard, because their organizational structures are not clear in laws or regulations, their powers are not clear and it's hard to reconcile departmental interests, it's difficult to reform national ocean organizations, thus resulting in tasks of straightening out structures and systems and mechanisms of ocean organizations, for example, formulating and implementing Law on Structure of China Coast Guard, in order to clarify legal functions and powers of each ocean organization and practically implement the content and requirements of a plan of institutional restructuring and

functional transformation of the State Council (Mar. 14, 2013). Under the situation that there is no clear regulation on the system of these organization, the task of publicizing ocean policies and positions to outside shall undoubtedly be taken by Ministry of Foreign Affairs, therefore, Ministry of Foreign Affairs shall organize and coordinate domestic organizations and staffs to carry out systematic research into basic theories, trends and countermeasures of the sea, including promoting the research plan and progress of entrusted projects and publicizing relevant position papers on the sea in many diplomatic situations on basis of research results.

Secondly, improving diplomatic staffs in knowledge through ocean knowledge training. Due to many reasons, most staffs employed by Ministry of Foreign Affairs are specialized in foreign language but lack of corresponding professional knowledge, thus it's difficult for them to play a professional role in explanation in diplomatic situations. In view of the nature of being professional, sensitive and complex of ocean issues, a person without professional knowledge cannot make powerful publication and explanation to the outside, so one of effective ways is to enhance ocean knowledge training of diplomatic staffs. As for trainers, law society in each level, professional organizations established in colleges and universities and research institutes and their staffs may take the role. As for training materials, rewriting and recompiling may be conducted on basis of the original teaching materials to increase updated and targeted materials and highlight its theoretical and reasonable nature. Of course, China may organize and publish some more excellent professional academic books on research into special issues of the sea for the use of training and providing references and lessons for researchers and other staffs to make further study and deeper research. This can avoid the predicament of having no suitable materials for research and publication and also help improve China's research into the sea.

Thirdly, selecting scholars of international law in an organized way to

go to many diplomatic and consular organs for taking exercise and conducting research. Regarding South China Sea Arbitration, although many representatives of diplomatic and consular organs at foreign countries issued articles and papers on publicizing and explaining China's policies in South China Sea in locations of their organs, helping local governments and people understanding those policies, they cannot systematically give explanations to confusions and are not continuous, thus influencing subsequent effects. Therefore, China may select experts and scholars of international law from colleges and universities and research institutes and dispatch them to diplomatic and consular organs of China in foreign countries for taking exercise and conducting research, systematically explaining China's ocean policies and positions to local governments and people, enhancing exchange, understanding with scholars of other countries. Meanwhile, in order to attract more people to research international law, China shall improve the status of role of international law in colleges and universities and research institutes for offering more excellent talents of international law for China's diplomacy in order to meet the practical need of the diplomacy of China as a major country. Therefore, China may dispatch some young scholars of international law in a planned way to internationally famous universities, research institutes and international judicial organs for training, visiting and studying abroad in order to offer talents for serving China's diplomacy and make academic contribution. For this regard, China shall formulate and implement the mechanism of selecting excellent talents of international law as soon as possible for fairly and reasonably dealing with the abovementioned issues and offering systemic guaranty.

Fourthly, adopting open attitude to enhance interaction and exchange with experts and scholars of other countries. Regarding strategic issues over the sea including major ocean disputes, when it's hard for countries to make compromise, the enhancement of exchange dialogue among scholars of many

or two countries plays a positive role in explaining ocean policies, understanding concerns of other parties, managing ocean disputes to avoid escalation and promoting bilateral and regional relations. Therefore, Ministry of Foreign Affairs shall adopt a more open attitude to encourage scholars from countries concerned to carry out substantive dialogue and exchange and conduct joint research into special issues when conditions are mature. It may also encourage and fund experts and scholars of other countries to conduct ocean strategic issues. For this regard, it is of special importance to set up international exchange and cooperation mechanism and international exchange fund. Of course, in order to publicize China's ocean policies and positions, it is important to issue English papers and books in other countries to make up the shortage of explanation of ocean policies and positions in diplomatic way, so Ministry of Foreign Affairs may lead to make arrangements of choosing a series of scholars' papers on ocean research and publishing them in foreign important journals and newspapers in an organized way. These papers shall make arguments with emphasis on combining history and international law to eliminate subsequent disadvantageous jurisprudential influence of South China Sea Arbitration and other events, increase China's discourse power and impact in ocean issues and make contribution to further improvement of regimes of the law of the sea.

Fifthly, submitting plans or suggestion on improving ocean rules to make contribution to correcting ocean order. In South China Sea Arbitration, China's image to other countries is a country disobeying law. In order to avoid harms caused by such situation and the reoccurrence of such situation, China shall make a series of explanation of its ocean policies and positions especially those on South China Sea issues with focus on the way of jurisprudence in order to ensure a correct understanding of the facts. In reality, China is not a country disobeying the law, but has different understanding and practices of some systemic deficiencies and knowledge of the United Nations Convention on the Law of the Sea. Those different

propositions and practices are exactly important manifestation of disagreements inherently existed in the system of the United Nations Convention on the Law of the Sea, which needs continuous improvement in the future. Therefore, China shall put forward its plan on some issues of the United Nations Convention on the Law of the Sea such as the relationship among legal elements of islands, historic rights and the United Nations Convention on the Law of the Sea, the possibility of applying the regime of archipelagic waters to ocean archipelago of mainland countries, the content and effect of an exclusionary declaration of a country on compulsory arbitration procedure, the scope of jurisdiction of the arbitral tribunal, remedy procedure and measures of facts finding and law application of a case, to make contribution to further correction and improvement of ocean order, improvement of the level of rule of law in the sea and improvement of legal system of the sea. Meanwhile, China shall not only accelerate the pace of domestic legislation including the law of the sea but also make amendment to rules such as the scope of ocean scientific research, the issue of military activities in Exclusive Economic Zone and the regime of innocent passage of warships in the territorial sea, that is to say, to enlarge the scope of application, decrease limitation of approval of or notice in advance to the coastal states, strengthen comprehensive ocean management to provide basic guaranty of legal system for China's military and civil involvement in the sea, development of blue-water navy and an shipping power.

Conclusion

At last, it should be mentioned that China shall appraise the effect and function of diplomatic behavior to value the role and contribution of ideas, objectives, paths and measures embodied in China's new diplomatic policies since the 18th National Congress of CPC in ocean order and law-based governance of the sea, therefore, China shall periodically summarize materials and information on practices of China's

diplomacy in different situations and make effect appraisal according to feedback information in order to make suitable adjustment to mode and method of various behavior of China's diplomacy for better meeting the need of development of ocean situations and making contribution to establishment of China's status as a diplomatic power, development of diplomatic functions in improving ocean order and law-based governance of the sea and maintenance of China's ocean rights and interests. This is undoubted a vision expected and wished by China and also the responsibility that China shall undertake as a power. In other words, China's diplomatic behaviors shall be multi-dimensional, multi-directional and active and make due contribution to enrichment and development of ocean order and rule of law in the sea. This is not only the need of maintaining the Asia-Pacific security and order, but also the need of maintaining world peace and development. In addition, this is the expectation of international community on China and also China's due responsibility.