



An ocean community with a shared future: Conference report

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ABSTRACT

'An Ocean Community with A Shared Future' is an idea that was proposed by Chinese President Xi Jinping in April 2019. This is a political proposal which needs further interpretation: what is its legal basis; what are its main contents; how can this proposal be implemented? In light of these questions, this forum studies related theoretical and practical issues. The proposal of, 'An Ocean Community with a Shared Future' provides a new idea for the construction of a global ocean governance system. The international community, including China, should accelerate the process of building consensus and build a sense of, 'An Ocean Community with a Shared Future', working together to address challenges, as well as initiating more practical and mutually beneficial cooperation, in order to achieve resilient common development. This conference report summarises the core issues discussed during the conference, which should encourage a better understanding of the essence of the meeting.

1. Introduction

The, 'Legal Summit Forum of An Ocean Community with a Shared Future', was held in Haikou, Hainan Province, China on December 21, 2019. The forum was co-organised by the Research Institute of Legal Journals of the China Law Society and Hainan University and jointly hosted by the School of Law, Hainan University, Haikou Maritime Court and the Research Centre for Policy and Law of the South China Sea of Hainan Province. A total of nearly 50 participants from universities, scientific research institutions and practical circles gathered, to exchange their views on the relevant theoretical and practical issues involved in building the said, 'An Ocean Community with a Shared Future'.

'An Ocean Community with A Shared Future' is a vision proposed by Chinese President Xi Jinping, in April 2019. The earth, which we inhabit, should not be viewed as being, various countries and landmasses separated by the oceans but rather being interconnected by the oceans, to form an ocean community with a shared future, where people of all States can jointly confront danger and enjoy safety and wellbeing. Given the complexity involved in exploiting and utilising marine resources, safe navigation, controlling marine pollution and amicably resolving disputes at sea, all States are encouraged to adopt the concept of, 'wide consultation, joint contribution and shared benefits', as proposed by President Xi [1]. In order to achieve the aforementioned objectives, there is a need for all States to actively promote global ocean governance and facilitate harmony between people and the seas. This proposition is not only in line with the UN 14th Sustainable Development Goals [2] but also represents the commitment and responsibility of China to the international community. The proposed concept also involves the shared responsibility of the international community, in addressing oceanic issues. China should actively fulfil its international responsibilities and obligations, by participating in and leading the

international order towards a more acceptable, equitable and orderly development of, 'An Ocean Community with a Shared Future'. The explicit purpose of this approach is to promote public good in the field of global ocean governance, as well as promoting the joint establishing of, 'An Ocean Community with a Shared Future', with other States [3].

This conference has four main themes: Firstly, the implications and basic objectives of the ocean community with a shared future; Secondly, the implementation and direction of the ocean community with a shared future; Thirdly, the ocean community with a shared future and appropriate dispute settlement mechanisms; Fourthly, the ocean community with a shared future and marine ecological environment governance. Through this meeting, new ideas and references were provided, to better construct, 'An Ocean Community with a Shared Future'.

2. The implications and basic objectives of the ocean community with a shared future

'Ideological Connotation, Basic Objectives and Realisation Paths of the Ocean Community of Shared Future', written by Jiang Xinfeng, a researcher at the Academy of Military Sciences, China, points out that, human beings and the oceans share the same destiny. The establishment of the ocean community with a shared future initiative is the practice and embodiment of the idea of a community with a shared future for mankind in the marine field, which should further enrich and develop the ideological connotation of cooperative thinking and action. Furthermore, the proposal offers China's contribution and plans for strengthening global ocean governance and promoting world peace and stability. The basic goal of an ocean community with a shared future of the sea is to build international peace, cooperation, inclusiveness and harmony, so as to achieve maritime security and sustainable development [4]. Only by adhering to dialogue and consultation, can maritime cohesion and mutual prosperity come to pass; only by adhering to

mutual benefits, maritime cooperation arise; only by practicing joint contribution and shared benefits, can maritime persist inclusiveness; only by protecting marine ecology, can lasting maritime harmony be built. The realisation of an ocean community with a shared future requires the international community to reach consensus and to engage in joint efforts. A new concept of maritime security should be advocated, namely that promoting common maritime security, ensuring comprehensive maritime security, encouraging maritime cooperative security in achieving sustainable maritime security.

'The Geopolitical Significance of Building an Ocean Community with a Shared Future', written by Hu Zhiyong, Researcher, at the Institute of International Relations, Shanghai Academy of Social Sciences, points out that, the ocean community with a shared future is the embodiment of, enrichment and development of the concept of the community with a shared future for mankind and the widening of the connotation of the, 'One Belt and One Road Initiative'. Establishing an ocean community with a shared future is not only a concept but is also a practical long-term goal. It is also an important goal for China's connection with the oceans. It can better promote the orderly development of the use of the oceans and maintain the desired peace and stability of the oceans. The 'ocean community' is a systematic, theoretical and scientific knowledge-based system. The process of building this 'community' is the process of constructing regional, territorial, maritime and fishery systems, as well as the specific action of constantly improving the construction of a global ocean governance system. Building such a 'community' does, however, face some challenges. Firstly, China's per capita marine resource is relatively low and its per capita area of sea areas with resource sovereignty represents only one tenth of the world resource. Secondly, the development level of maritime industries is currently unbalanced and the conditions of marine resources are quite different in coastal States. Thirdly, China is still relatively backward in terms of ocean governance and the maritime equipment industries. Fourthly, to establish the proposed 'community', it is necessary to address many challenges, such as currently inadequate regional cooperation mechanisms [5].

Wang Xiaoxuan, a researcher at the Military Academic Research Institute, elaborated the connotation of the ocean community with a shared future from a practical context, especially from the perspective of maritime, security cooperation. He pointed out that, maritime security is an important requirement, in constituting an ocean community with a shared future. The most basic requirements for building such a structure, "are maritime security and stability, as well as effective exchanges and cooperation that would have to be carried out between the maritime functions of all States, to jointly maintain the order of the oceans and ensure the peace and safety of all maritime enterprises" [6]. At present, there are still some issues to be addressed, as regards dealing with the traditional and non-traditional security of the maritime domain. For example, sovereignty disputes over islands, divergence in maritime boundary delimitation and contentious resource issues, have become increasingly acute and complex [7]. The naval arms race is very competitive, resulting in increasing threats to maritime security. Marine natural disasters such as tsunamis, typhoons, red tides, ocean waves and icebergs and floes are intense and perhaps inevitable. The marine environment is being seriously damaged and the oceans, as a space for human survival and development, are increasingly being dominated by man [8]. Based on this, the following four measures should be taken: Firstly, establish a maritime, military security cooperation mechanism. Secondly, reduce the competitive intensity for marine weaponry. Thirdly, formulate the principle of restrictions on the use of naval weaponry, on the basis of the existing law of armed conflict. Fourthly, build up a world marine joint emergency force, to focus on non-traditional security issues.

3. The structure and implementing approach of the ocean community of shared future

Building an Ocean Community with a Shared Future through International Rule of Law, was written by Bai Jiayu, a professor at the School of Law of the Ocean University of China. She discusses the issues from the perspective of the small changes in the oceans and expounds the value of the concept of the ocean community with a shared future. With the improvement in human cognition and technology, the momentum for ocean control by maritime powers is rising again and the, 'Tragedy of the Commons', is often in evidence. The old system has defects, while the new one has not yet been formed, at a time when the oceans are facing unprecedented changes. The rule of international law, as part of the proposed 'ocean community', must be incorporated in the development of binding international legal rules and effective international cooperation mechanisms [9]. The idea of, 'wide consultation, joint contribution and shared benefits', is the cornerstone of the proposed 'ocean community'. The concept of the 'ocean community', is a Chinese proposal for global ocean governance. It respects the existing consensus, better reflects the interests of the latecomers, as well as contributing to promoting the sustainable use and development of the oceans. At the same time, the practice of international rule of law in the new field of global ocean governance can provide opportunities for the construction of the proposed 'ocean community'. As a result, the concept in question will, in turn, encourage the development of international legal order.

Implementing Approaches for the Ocean Community with a Shared Future, was written by Professor Yen-Chiang Chang, from the School of Law, Dalian Maritime University. He noted that, the concept of the proposed ocean community with a shared future originates from the concept of the, 'community with a shared future for mankind' and has a sound legal basis. The legal basis of the proposed 'ocean community' comprises three aspects: Firstly, in terms of interests, there is the carrier of the common interests of the international society; Secondly, in terms of value, it includes the concept of good governance; Thirdly, in terms of responsibility, it reflects addressing global ocean issues [10]. The global ocean problems are related to the common interests of the survival and development of human society, that cannot be responded to and resolved, by a single entity [11]. The proposed 'ocean community' is rooted in the global ocean governance concept of, 'wide consultation, joint contribution and shared benefits'. As a major maritime power, China is encouraged to take the initiative in assuming the responsibility of a major power and to assist smaller ocean States, where this would be mutually beneficial. It is suggested commencing from the space and time dimensions. In terms of the spatial aspect, a three-dimensional regional cooperation mode is proposed: Firstly, enhancing bilateral ocean governance cooperation among major ocean States, in order to strengthen cooperation; Secondly, promoting regional ocean governance cooperation, to make ocean governance more specific and functional; Finally, encouraging global ocean governance, to build a global ocean community, with a shared future. For the time dimension, 'short-middle-long' three-phase overall planning can be launched. For short-term planning, China can encourage cooperation with other States, in respect of marine environmental protection. For medium-term planning, heed should be paid to the joint exploration of marine resources. As for long-term planning, it is important to delimit overlapping maritime boundaries peacefully with surrounding States, to realise the construction of an ocean community with a shared future.

'The Construction of China-EU Blue Partnership from the Evolution of EU Maritime Strategies', was written by Cheng Baozhi, an associate researcher at the Shanghai Institute for International Studies. He points out that, the European Union officially released the first Ocean Blue Paper, *The Integrated Maritime Policy*, in October 2007, which aimed to enhance its international status in ocean governance, by actively participating in international ocean affairs, while expanding its political influence as a 'global actor' [12]. To upgrade the partnership system, is the choice of the EU, in implementing its marine strategy, including

participating in international ocean governance. To aspire to offer extensive and in-depth cooperation in the maritime field, reflects the China-EU long-term common interests [13]. In addition to traditional sea transportation, shipbuilding and economic cooperation between related ports, cooperation between China and the EU in biological conservation and sustainable utilisation beyond national jurisdiction, as well as the North and South Poles affairs, have become new highlights of China-EU maritime cooperation [14]. The construction of the blue partnership, would further consolidate the foundations of the comprehensive China-EU strategic partnership.

4. The ocean community with a shared future and dispute settlement mechanisms

'*The Dispute on Freedom of Navigation in the Arctic Passage and China's Response*', was written by Yang Xianbin, an associate professor at Shanghai University. He states that, with the melting of the icecap, the accessible area of the Arctic passage is gradually expanding. Coastal and other States are competing for freedom of navigation, however, the legal status of the Arctic passage is still uncertain. Based on the 'straight baseline' and 'historical waters', Russia and Canada argue that, the Arctic passage forms a part of their inland waterways and as such, they have the right to exercise exclusive jurisdiction, thus denying the right of innocent passage and the right of transit passage by other States [15]. The United States, Norway and Denmark, by contrast, adhere to the freedom of navigation via the Arctic passage, believing that, the Arctic passage is a strait used for international navigation and as such, there should be no requirement for consent from Russia and Canada [13]. Moreover, the United States has dispatched naval vessels to sail through the Arctic passage on several occasions, thus disregarding Russian and Canadian regulations, by their actions. As a State close to the North Pole and an important stakeholder in terms of Arctic affairs, China should actively participate in the management of the Arctic passage and define it as a strait for international navigation. According to the relevant provisions of the United Nations Convention on the Law of the Sea, it is illegal to conduct military exercises in the North Pole area, nevertheless, military surveying seems to be relatively unimpeded. As a result of the aforementioned, the application of any, 'ice covered areas clause' in the Arctic passage should be reasonably limited [16]. The development and utilisation of the Arctic passage and ecological environment protection, should actively encourage participation in building the, 'Ice Silk Road'.

An Analysis of Dispute and Solution of the Community of Shared Future of Cross-border Ports—from the Perspective of the Ocean Community with a Shared Future, was written by Dr. Zhang Lei, of the School of Law, Shanghai Maritime University. He points out that, with the proposed concept of the ocean community with a shared future, the cross-border, 'community with a shared future of port cooperation', will become an important implementation issue for a maritime power, including cross-border maritime cooperation. It is worth emphasising that, there are still territorial disputes and geopolitical risks, economic differences, legal conflicts, legal changes in recognition and implementation, where ports are located [17]. At the moment, there is a lack of overall coordinating mechanisms and institutions, for cross-border port cooperation. It is, therefore, necessary to formulate a set of corresponding dispute settlement mechanisms. To build a dispute settlement mechanism for cross-border ports, there is a need to widen the concept of the ocean community with a shared future, in order to reach consensus on the community of 'interests, information and mutual trust' cross-border ports. The purpose would be to establish a system for minimising legal risks, as well as setting up a unified organisation and coordinated mechanism for port governance.

'*The Situation and Task of Maritime Trial from the Perspective of the Ocean Community with a Shared Future*', submitted by Haikou Maritime Court of Hainan Province, points out that, the construction of the ocean community of shared future is not only an idea but also a long-term practical goal, that manifests the necessary requirements for the

international community to encourage harmonious ocean usage. Maritime justice teams bear the responsibility and remit to resolve international maritime disputes and promote the global maritime rule of law. The proposal of the 'ocean community' advances new requirements for maritime trials. Such requirements would mean that, maritime trial work should be based on strengthening mutual cooperation among States in non-traditional security fields, such as marine environmental governance, international trade security, piracy and terrorism [18]. Controversial issues in traditional security fields should be put aside and cooperation in the areas of marine resources conservation and marine security through mutual benefit and joint consultation, should be strengthened. Based on this, the adjudicatory personnel should strengthen the maritime trial theoretical study, promote cross-regional maritime judicial cooperation and develop a maritime arbitration service, as well as meeting the diverse legal needs of litigants. At the same time, it is suggested that, a maritime dispute settlement mechanism should be introduced, with non-litigation as the main auxiliary litigation.

5. The ocean community with a shared future and marine ecological environment governance

Quan Yongbo, Dean of School of Economics and Management, Zhejiang Ocean University, considers that, the theoretical basis of global marine ecological environment governance has three aspects. Firstly, the main body is concerned with pluralism. The emergence of marine environmental problems is caused by the existence of many main bodies and factors. The governance of the marine environment, thus, needs mutual cooperation and active cooperation among all of the main bodies, to reach sustainable progress. Secondly, the marine ecosystem should be acknowledged for its singular characteristics. The oceans, themselves, have their own unique ecosystems, fluidity of water, cross-administrative regionality and transnationalism. Thirdly, governance activities often seem to be with publicity. It is difficult to delimit the boundaries of ocean governance accurately, in terms of plane and space and the governance of marine ecological environments cannot, thus, be adequately dealt with by a single State. At present, there are five levels of marine environmental governance, namely, global governance, regional governance, national governance, local governance and grass-roots governance. These levels of governance involve corresponding policies and governance mechanisms at all levels, to support governance at corresponding governance fields [19]. The corresponding governance mechanism can, however, only be achieved through cooperation among regional States. As a result, it is necessary to establish the concept of a multi-layered ocean governance mechanism, in order to improve the global marine environmental governance system, promote 'integration between globality and regionality', and execute 'China's plans', for participation in regional and global ocean governance.

'*China's Choice of Rule of Law to Participate in Global Ocean Governance*', was written by Yang Hua, Dean of the School of Artificial Intelligence Law, Shanghai University of Political Science and Law. He focuses on an analysis of the change process from sea rights to sea legal rights, from the perspective of the context of global ocean governance. He states that, there are some problems in the practice of the rule of law in China's ocean governance: Firstly, it is necessary to lay stress on safeguarding legal sea rights. With, currently, insufficient provision of the domestic rule of law, legal ethos offers an ideal starting point for the realisation of ocean governance. Secondly, the lack of a legal system within the strategy of promoting land and marine development in a coordinated way, can only have an inhibiting effect. A strengthened marine legal system should be the basis and premise for the realisation of ocean governance. Thirdly, the current legal implementation system is seriously deficient and yet, an effective marine legal system must be the embodiment of the realisation of ocean governance capacity. Fourthly, the basic theory of a marine legal system 'needs to be continually strengthened, to offer theoretical and practical support for ocean

governance. Based on this, to strengthen the construction of a marine legal system, is the necessary path for China as regards modernising ocean governance. First of all, there is a need to improve the marine legislative system. Secondly, it is also necessary to integrate the critical areas of maritime law enforcement, such as resources and ecology, maritime and marine areas. Thirdly, there is a need to improve the quality and applicable administration of justice, such as the construction of an, 'international maritime judicial centre', as well as to broaden various avenues through which to participate in international ocean governance, attach importance to the capacity of maritime legislation and behaviour path of the international maritime organisation and strive for the discourse power of constructing the law of the international maritime legal system.

6. Conclusion

All rivers run into the sea and tolerance brings respect. The functioning of ocean harbours connects the world and promotes development. The ocean community with a shared future should accept the responsibility to maintain the well-being of the oceans and of all nations. To build the ocean community with a shared future, it will be necessary to work together to maintain the peace and tranquility of the oceans, show the same concern for the oceans, as we do for our lives, adhere to equal consultation and properly resolve ocean-related differences. On this occasion, the legal summit forum increased the understanding of the concept of the ocean community with a shared future, by encouraging scholars and practitioners to carry out academic research on relevant topics and organising the exchange and discussion of achievements. The contrast in views and the exchange of ideas can add to China's experience and help plan for and execute, the construction of an ocean community with a shared future, as well as contributing to the ultimate realisation of global ocean governance objectives.

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