



Appendix 2

Overview of China Ocean Governance

Briefing for Participants of Blue Future 2017

Note to readers: This document was prepared by Center for American Progress staff as background information for Blue Future participants and does not reflect the opinions of conference participants nor their respective governments.

Despite a modest maritime history, in recent years, China has been developing a comprehensive ocean policy, as it has become increasingly reliant on the seas as an asset for food and energy supply, economic vitality, and national security. However, even as the central government has allocated resources and bureaucratic effort to improve ocean governance, it has exhibited inconsistency in the development of ocean institutions, regularly convening, dissolving, and reforming organs of marine resource management.

While China's ocean development plans date back to the 1980s, in the last decade, oceans have received increasing attention from the Chinese state.

In a 2015 article published in *Issues and Studies*, Tabitha Mallory concisely summarized the last 20 years of China's evolving ocean governance:¹

In November 2002, the report of the 16th National Party Congress proposed "implementing ocean development" in its section on economic construction and reform. ...

About half a year later, on 7 May 2003, the State Council issued a document called "Outline of the National Ocean Economic Development Plan." ... The beginning of the plan states, "China is a great ocean nation, the ocean area under its jurisdiction is vast, and the potential for the development and use of resources is great. Accelerating the development of the marine industry and promoting the development of the marine economy has important meaning for the formation of a new point of economic growth for the people and for realizing the goal of fully building a moderately prosperous society." The plan goes on to set national development targets for marine industries such as fisheries, maritime

transport, hydrocarbon resources, travel and tourism, shipbuilding, and marine pharmaceuticals. ...

At the 17th National Party Congress in October 2007, the party report called for "developing marine industry." The following year, the State Council published another document entitled "Outline of the National Marine Industrial Development Plan." The plan called for diligently building China into a strong ocean power in order to enhance comprehensive national power and international competitiveness, and to minimize vulnerability to risk. Instead of only focusing on economic development, the plan takes a more integrated approach to ocean development by addressing marine resource management, the environment, the economy, rights and interests, and security.

The new emphasis on ocean development is reflected in successive five-year plans. The Tenth Five-year Plan from March 2001 only mentions the ocean briefly in relation to other priorities . . . [but] the Eleventh Five-year Plan, promulgated in March 2006, has a section (within a larger chapter) on “protecting and developing ocean resources” and calls for “strengthening ocean knowledge, safeguarding ocean rights and interests, protecting marine ecology, developing ocean resources, implementing comprehensive ocean management, and promoting marine economic development.” Five years later, in the 2011 Twelfth Five-year Plan, ocean development gets a chapter of its very own entitled “Promoting Ocean Economic Development” with two sections entitled “optimizing the marine industrial

structure” and “strengthening comprehensive ocean management.” The plan lists targets for developing the marine economy similarly as before though with more detail, and also mentions new areas of marine spatial planning; improving ports; addressing land-based sources of pollution; developing special ocean economic development pilot projects; protecting and developing outlying islands; regulating the use of uninhabited islands; improving emergency and disaster response systems; strengthening comprehensive ocean survey and mapping work; developing polar and high seas scientific investigation; increasing maritime enforcement; strengthening bilateral and multilateral consultations; and actively participating in international marine affairs.

In recent years, the state has also made significant administrative changes to the agencies that oversee ocean issues. Reforms announced at the 2013 annual meeting of the National People’s Congress led to the consolidation of four of China’s five maritime law enforcement commands into the Chinese Coast Guard and to the formation of a high-level body called the National Ocean Committee, which is tasked with coordinating leadership and strategy on ocean affairs.² These two new entities were housed at the State Oceanic Administration (SOA), which itself received an extensive organizational overhaul on June 9, 2013, to improve its ocean-related jurisdictional authority—excluding marine fisheries management.³

In March 2018, China announced a “State Council Institutional Reform Plan” that ordered extensive restructuring of the central government, across nearly the full range of existing ministries.⁴ One provision of the reform plan essentially dissolved the existing SOA, moving many of its responsibilities to the new Ministry of Natural Resources and distributing others to new ministries and agencies—including the Ministry of Ecology and Environment, Central Foreign Affairs Work Committee, and People’s Armed Police. The reform plan also transferred oversight of marine fishing vessels from the Ministry of Agriculture to the Ministry of Transportation. Time will tell how this latest restructuring will affect the efficacy of China’s ocean governance.⁵

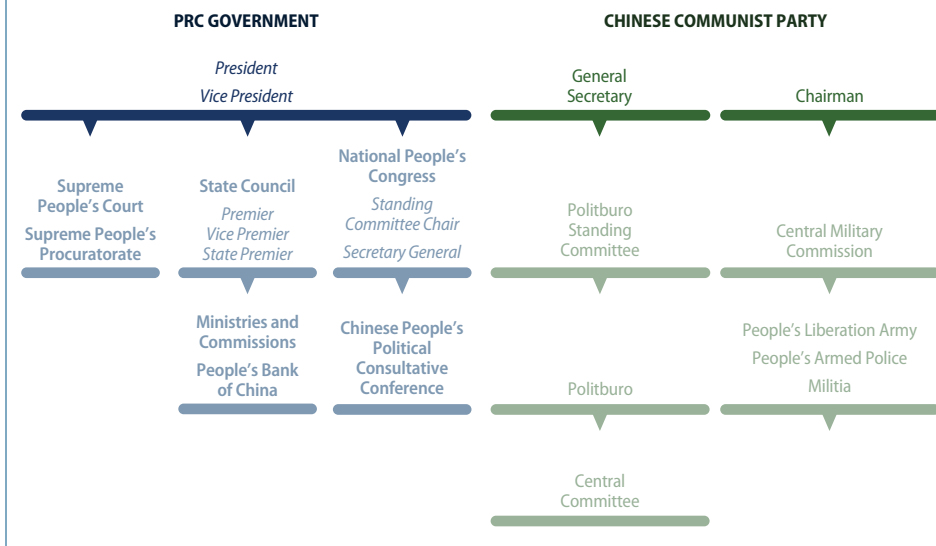
1. Overview of central government civilian agencies

In addition to the president and vice president, the State Council serves as China’s executive branch. It currently comprises 35 members, including 25 ministers and chairs of major agencies as well as 10 council executives—the premier, four vice premiers, and five state councilors.

Prior to March 2018, China’s foremost oceans agency, the State Oceanic Administration, existed within the Ministry of Land and Resources. The agency oversaw surveying, coastal and marine spatial planning, pollution control, permitting of seabed development, and control of the China Coast Guard, among other maritime responsibilities.

FIGURE 1
People's Republic of China

Basic Structure of Central Government and Military Institutions



A governmentwide reform plan released on March 19, 2018, essentially eliminated both the SOA and the Ministry of Land and Resources. Ocean governance and enforcement responsibilities were distributed to two new ministries and to the People's Armed Police, as described in the sections below. The restructuring also altered the Ministry of Agriculture—which oversees fisheries and aquaculture—and consolidated authority for inspection of fishing vessels within the Ministry of Transport.

Government institutions with ocean-related jurisdictional authority are identified and summarized below.

Ministry of Natural Resources

In addition to absorbing many of the responsibilities of the defunct Ministry of Land and Resources, the Ministry of Natural Resources gained several of the responsibilities of the SOA, including oversight of the development and conservation of nonliving marine resources, spatial planning, surveying, and geological exploration of the seabed. In addition, this ministry gained responsibility of polar research and exploration from the SOA.⁶

Ministry of Ecology and Environment

This ministry was formed from what previously existed as the Ministry for Environmental Protection. It is China's primary institution for protecting the country's air, water, and land from pollution and contamination. The Ministry of Ecology and Environment addresses climate change and greenhouse gas emissions; the permitting and enforcement of water pollution controls; and supervision of nonpoint source pollution; among other responsibilities. Following the March 2018 restructuring, the ministry received jurisdiction of ocean water quality from the erstwhile SOA,

absorbing responsibilities for ocean water quality monitoring and ocean pollution prevention. In addition, certain responsibilities for the enforcement of environmental law for oceans were transferred from the China Coast Guard to the Ministry of Ecology and Environment.⁷

Ministry of Agriculture and Rural Affairs

The Ministry of Agriculture and Rural Affairs has broad authority over China's food systems, including national food supplies; environmental issues relating to agriculture; food safety; animal husbandry and welfare; and research and education in agricultural sciences. Following the March 2018 government restructuring, the ministry gained jurisdiction in finance related to development-oriented agricultural investments and some aspects of freshwater resource management.

The Ministry of Agriculture and Rural Affairs also retains authority over most aspects of both aquaculture and wild capture fisheries, making it a major player in China's ocean governance. The ministry houses the Bureau of Fisheries, which oversees fisheries activities such as quota setting, aquaculture research, habitat management, and international agreements—including distant water fishing activities.

A 2017 government memorandum provided a cross section of the Bureau of Fisheries' responsibilities and illuminated the central government's multifaceted perspective on the fisheries sector.⁸ Specifically, by lumping fisheries management together with both agriculture and rural development, the institution retains objectives that may diverge, at least over shorter time scales. The excerpts in the box below highlight the ministry's diverse and potentially conflicting goals:

1. Formulate and implement policies, development strategies, and mid-term and longer term plans for all sectors in agriculture (hereafter referred to as "agriculture", including crops, livestock, fisheries, mechanization, township and village enterprises, and land reclamation) and rural economic development. ...

2. Carry out the responsibility of improving rural operation and management system, by putting forward policy recommendations on how to deepen rural economic reform and better the basic operation system ... It drafts and sponsors policies, initiatives and action plans on promoting industrialized agriculture; organizes and guides their implementation. ...

12. Sponsor the zoning up of farm resources; guide the of farmland, fishery, grassland, marsh, wetland and species resources preservation and regulation; protect waterborne wild plants and animals; devise and implement policies on arable land and basic farmland fertility conservation and improvement; manage cultivated land quality in accordance with the law; promote water-saving farming by adopting engineering, agronomic, mechanical and biological measures; address fishery

disputes together with related authorities; safeguard national fishing rights and interests in seas and fresh water under China's jurisdiction; administer offshore fishing; exercise the right of fishing boat inspection, fishery administration and ports supervision on behalf of the country.

13. Design and carry out farming eco-construction plans; guide the development and the use of rural renewable energy; promote biomass industry, energy efficiency and emission reduction in farming and rural areas; control non-point pollution in agriculture; delineate areas banned for agricultural production; guide eco agriculture and recycling farming; preserve eco-system in fishing waters, and take the lead in exotic species control.

14. Engage in intergovernmental affairs in agriculture; participate in agricultural negotiation and the making of trade rules; conduct agricultural trade promotion and international economic and technical collaborations; participate in the formulation of foreign aid policies and plans; assist relevant authorities to implement aid projects; fulfill the obligations to international conventions and agreements.

In addition to regulatory oversight over the fishing and aquaculture industries, the agriculture ministry's clearly established finance, rural development, and economic development mandates suggest an intrinsic tension. On one hand, the ministry is bound to regulate fish production and fish habitat in order to ensure the sustainability of the resources; on the other, the institution's first stated orders involve rural development, industrialization, and growth. Historically, fish stocks subject to the rapid expansion and industrialization of fishing effort temporarily support dramatic increases in landings and revenues, before undergoing ecological collapse.⁹ How and whether China's Bureau of Fisheries balances these potentially dueling mandates are critical questions for the long-term vitality of the country's marine fisheries enterprises.

Ministry of Transport

As part of the March 2018 restructuring, the Ministry of Transport was assigned administration of the nation's fishing fleet, including inspection and supervision of fishing vessels. This jurisdiction had previously rested with the Bureau of Fisheries.¹⁰

2. Maritime security

China Coast Guard

As part of the March 2018 "State Council Institutional Reform Plan," China's Coast Guard was transferred from civilian control within the now defunct SOA to the People's Armed Police (PAP).¹¹ The PAP, which oversees internal security, exists under the direct command of the Central Military Commission—along with the People's Liberation Army and the China Militia.

Role of People's Liberation Army Navy (PLAN)

The People's Liberation Army Navy (PLAN) is the naval warfare branch of the People's Liberation Army, the national armed forces of the People's Republic of China. The PLAN was established in 1949, and for decades during the Cold War, its strategic focus was modest and regional, aimed at deterring interference in its exclusive economic zone.¹²

However, by the 1990s, China's expanding economic and industrial power; its growing stake in maritime trade; the modernization of Japan's and Taiwan's navies; and U.S.-led interventions in Serbia and Iraq prompted significant investment in the expansion and modernization of the PLAN and its transition from a regional and coastal naval force to one capable of defense activities in distant seas.¹³

One notable component of this effort is the PLAN's development of aircraft carriers. In 1998, private Chinese interests purchased an unfinished Soviet aircraft carrier hull from Ukraine. In 2012, the ship was towed to China, refit, modernized, and commissioned in the PLAN as the Liaoning.¹⁴ By November 2016, the Liaoning was reportedly combat-ready.¹⁵ On April 26, 2017, the PLAN launched its second, completely domestic-built carrier—known as the Type 001A and largely based on the Liaoning.

It is expected to be commissioned in 2020.¹⁶ Both ships are diesel-powered and smaller than the United States' nuclear-powered Nimitz-class carriers.¹⁷ However, analysts expect these two vessels to precede a multitude of additional PLAN carriers in the decades to come.¹⁸ While investment in a fleet of aircraft carriers may be a leading indicator of China's naval ambitions, it is only one among many. In 2016, the U.S. Congressional Research summarized China's navy modernization efforts:

*The PLAN is developing new vessels in several categories, with a focus on improving quality over increasing fleet size. The main areas of investment have been submarines, large multi-mission surface vessels, aircraft carriers, and arming PLAN vessels with modern anti-ship cruise missiles. In terms of operations, the PLAN is seeking to master more complex missions, such as carrier-based aviation and integrated joint operations.*¹⁹

Four top level departments carry out leadership and administration of the People's Liberation Army Navy: the Headquarters Department, the Political Department, the Logistics Department, and the Armament Department.²⁰ These departments support three geographically distinguished fleets: the North Sea Fleet, which is assigned to the Bohai Sea, the Yellow Sea, and the northern East China Sea; the East Sea Fleet, which is responsible for the East China Sea and the Taiwan Strait; and the South Sea Fleet, which is assigned to the South China Sea and the PLAN's two marine brigades.²¹

3. Legal framework

The National People's Congress—usually abbreviated NPC—is the national legislature of the People's Republic of China. With approximately 3000 members, it is the largest parliamentary body in the world.²² The NPC is elected for a term of five years. It holds annual sessions every spring, usually lasting from 10 to 14 days, in the Great Hall of the People on the west side of Tiananmen Square in Beijing.

Under China's current constitution, the NPC is technically China's most powerful institution, with the sole authority to pass laws, amend the constitution, and appoint high-level officials, including the president and vice president.²³ However, the Chinese Communist Party maintains tight control over NPC membership. In practice, the NPC usually provides perfunctory approval of decisions already made by the state's executive organs and by the Communist Party of China. Chinese President Xi Jinping is also general secretary of the Communist Party—its highest ranking official.

For example, in its most recent annual meeting in March 2018, the NPC approved a constitutional amendment lifting the two-term limit on the office of the presidency, allowing President Xi Jinping to stay in power beyond the 10 years that his predecessors had held office.²⁴

The NPC passed the Marine Environmental Protection Law and the Fisheries Law of the People's Republic—both of which are ocean-relevant statutes.²⁵

4. Provincial-level governance

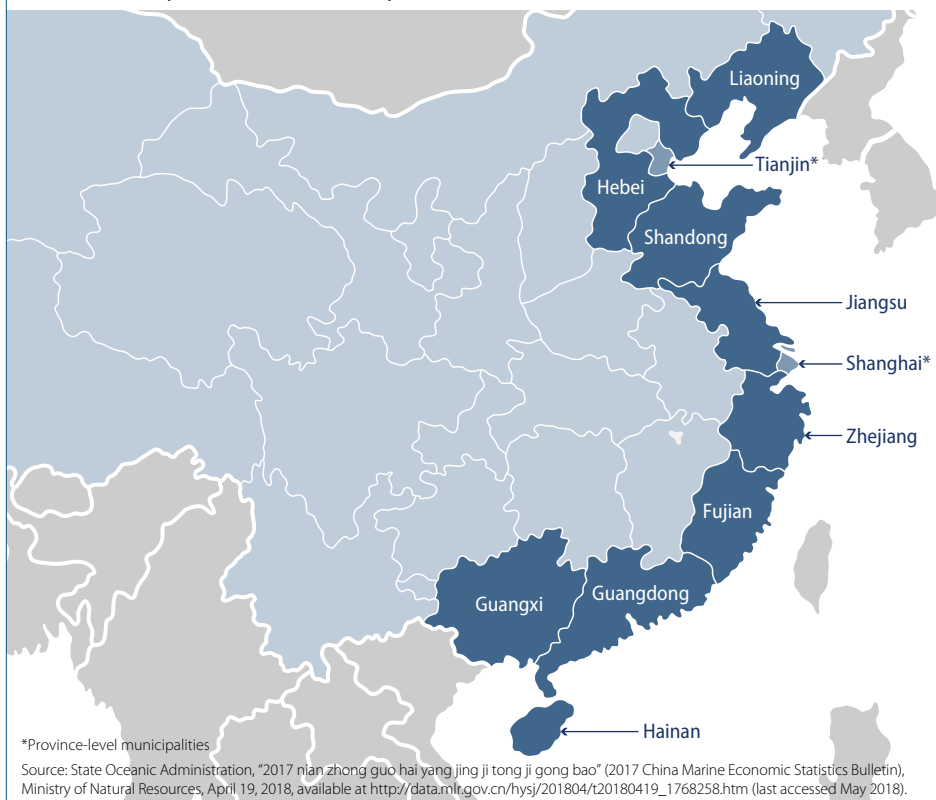
The People's Republic of China administers 33 provincial- or first-level divisions, including 22 provinces, five autonomous regions, four municipalities (Beijing, Chongqing, Tianjin, and Shanghai—the latter two of which are coastal), and two special administrative regions (Hong Kong and Macau)

Provinces are theoretically subservient to China's central government, but in practice, the country's expansive, diverse geography, coupled with the extreme disparities in economic development between provinces, necessitates a significant decentralization of power. For example, by the end of 2015, infrastructure projects approved by provincial officials nationwide were responsible for government debt equivalent to 41 percent of China's gross domestic product (GDP).²⁶ Between 2016 and 2017, China's State Council further decentralized power to provinces, canceling central government approval requirements for 246 specific administrative processes.²⁷ Lastly, when novel public policy is developed at the provincial level and proves successful, it is often replicated across other provinces, showing that China's governance system is not simply the exercise of power from Beijing.²⁸

FIGURE 2

People's Republic of China coastal region

Provinces and province-level municipalities



The most recent administrative changes in provincial governance have included the elevation of Hainan in 1988 and Chongqing in 1997 to provincial-level status as well as the creation of Hong Kong in 1997 and Macau in 1999 as special administrative regions.

Provincial-level governments vary in details of organization.

China has nine coastal provinces and two coastal municipalities: (see Figure 2)

- Liaoning
- Hebei
- Tianjin, municipality
- Shandong
- Jiangsu
- Shanghai, municipality
- Zhejiang
- Fujian
- Guangdong
- Guangxi
- Hainan

Addendum: 2016 Outcomes on Maritime Cooperation from the U.S.-China Strategic and Economic Dialogue²⁹

V. Maritime Cooperation

79. Global Oceans: The United States and China reaffirmed their commitments to further the protection and conservation of the world's ocean. The two sides plan to send senior officials to participate in the 2016 Our Ocean Conference and decided to work together to advance the conference's agenda by addressing the global challenges of sustaining fisheries, protecting vital ocean areas, and reducing ocean acidification and marine pollution. The United States and China reaffirmed their support for the proposed MPA in the Ross Sea of Antarctica, as revised in 2015. The two sides intend to continue to work together, at the next Meeting of the Commission on the Conservation of Antarctic Marine Living Resources in October 2016, in consultation with other parties, toward establishment of the MPA. The two sides intend to continue cooperating on the Blue Economy in multilateral and bilateral channels to build on the APEC common view: the Blue Economy is an approach to advance sustainable management and conservation of ocean and coastal resources and ecosystems and sustainable development, in order to foster economic growth.

80. Sustainable Fishing and Illegal, Unreported, and Unregulated Fishing: The United States and China established and held the first meeting of their Bilateral Fisheries Dialogue in April 2016. Building on those discussions, the two sides reaffirmed their commitment to jointly combat illegal, unreported, and unregulated (IUU) fishing; strengthen cooperation under bilateral frameworks and in regional fisheries management organizations and relevant international organizations; and promote

the development of effective measures for combating IUU fishing by regional fisheries management organizations. The two sides decided to enhance the exchange of management experience in marine fisheries resource conservation, marine fishing, aquaculture and recreational fisheries. China welcomed U.S. ratification of the Port State Measures Agreement, and plans to conduct a feasibility study on the approval and implementation of the Agreement. The two sides decided to exchange information on the respective progress, through the annual Bilateral Fisheries Dialogue. The United States and China have exchanged, and decided to continue exchanging, views on the work of the U.S. National Ocean Council Committee on IUU Fishing and Seafood Fraud. The United States and China also decided to work together and with other relevant governments to complete negotiation of an agreement to prevent unregulated commercial fishing in the high seas portion of the central Arctic Ocean. China and the United States decided to set up fisheries law enforcement points of contacts and develop a standing process at multiple levels to exchange trade information regarding seafood products in trade.

81. Marine Litter Prevention and Reduction: Building on cooperation launched at the last S&ED, the United States and China identified Xiamen and Weihai and San Francisco and New York as the first partner cities to share best practices on waste management to reduce and prevent the flow of trash into the ocean. The two sides decided to initiate the partnership with the visit of a group of officials from Xiamen, Weihai

and the Chinese Government to San Francisco and New York. The two sides decided to work together to enhance capacity to minimize, recycle, and manage waste to reduce its overall environmental impacts, lessen land-based sources of marine litter, and help align support by multilateral lenders to improve funding opportunities for waste minimization and management governance capacity and projects in cities of relevant APEC member economies. The United States and China plan to work on an integrated waste management plan for the city of Xiamen and Weihai that could serve as a model and help reduce land-based sources of pollution in the marine environment.

82. Marine Protected Areas: The United States and China reaffirmed their interest in cooperation to improve the effectiveness of marine protected areas (MPA). The two sides decided to strengthen understanding and information sharing about Chinese and U.S. MPA efforts, and to exchange information and expertise on the specific issues of MPA scientific research, development, and management. The two sides decided to support their cooperation through future bilateral efforts, including the possible development of sister MPA partnerships between Hainan Sanya Coral Reef National Marine Protected Area and Panjin Yuanyanggou National Special Marine Protected Area in China and the National Marine Sanctuary of American Samoa and the San Francisco Bay or San Diego Bay National Wildlife Refuge Complexes in the United States, pending further bilateral discussions.

83. Ocean Observation: The United States and China expressed interest in expanding ocean observing cooperation in the Indian, Southern and Pacific oceans to assist in understanding and monitoring changes in the climate and earth systems, which could include an acidifying ocean, rising sea levels, ecosystem sensitivity, and weather and climate extremes. The two sides plan to focus initially on exploring cooperative opportunities under the Draft Proposal for the Indian-Southern Oceans Climatic Observation, Reanalysis and Prediction (ISOCORE) as well as the Tropical Pacific Observing System. The two

sides also decided to enhance cooperation on ocean acidification, particularly in the Arctic, consistent with The Global Ocean Acidification Observing Network and the Pacific Arctic Group. The two sides decided to continue discussing next steps for cooperation under the auspices of the U.S.-China Protocol on Cooperation in the Field of Marine and Fisheries Science and Technology.

84. Maritime Law Enforcement: The United States and China reaffirmed their commitment to promoting maritime professionalism and conduct at sea. In accordance with the outcome of President Xi Jinping's State Visit to the United States in 2015, the two sides decided to continue developing the rules of behavior on surface-to-surface encounters between the two coast guards. Both sides in principle support the development of a document of cooperation between the China Coast Guard and the United States Coast Guard.

85. Maritime Safety and Security: The United States and China reaffirmed their support for carrying forward bilateral exchanges between the relevant U.S. and Chinese maritime safety agencies. The U.S. Coast Guard (USCG) and China Maritime Safety Administration (MSA) intend to continue conducting mutual senior-level and vessel visits as well as cooperation and exchanges in maritime radio navigation and satellite navigation. The USCG and MSA continue to explore joint enforcement of international dangerous cargo laws; develop a personnel and professional exchange program in the fields of seafarer management, navigation safety, aids to navigation, hazardous and noxious substances spill response, and search and rescue; and formulate a medium-term or long-term bilateral action plan on maritime safety.

86. Law of the Sea and Polar Issues: The United States and China held the seventh annual Dialogue on the Law of the Sea and Polar Issues in Xiamen on April 21-22, 2016. Experts from the foreign affairs and maritime agencies of the two countries exchanged views on a wide range of topics related to oceans, the law of the sea, and the polar regions.

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