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WORLD MARITIME UNIVERSITY

Dalian, China

**ANALYSIS OF THE IMPACT OF
INTERNATIONAL MARITIME LAWS AND
REGULATIONS ON CHINA'S OCEAN
FISHERIES**

By

GAO CANYANG

The People's Republic of China

A dissertation submitted to the World Maritime University in partial
Fulfillment of the requirements for the award of the degree of

MASTER OF SCIENCE

In

Maritime Safety Environmental Management

2019

DECLARATION

I certify that all the material in this research paper that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views and are not necessarily endorsed by the University.

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ABSTRACT

Title of Dissertation: **Analysis of the Impact of International Maritime Laws and Regulations on China's Ocean Fisheries**

With the continuous development of society, the offshore fishery resources of coastal countries in the world are basically in the state of over-exploitation. In order to find new fishing places, countries have turned their attention to the high seas. As a result, the high seas fishery resources are under increasing pressure, declining gradually, and some species are on the verge of extinction. In order to achieve sustainable development of fishery resources, the international community has formulated a series of conventions or agreements to strengthen the conservation and management of high seas fishery resources. This paper elaborates the development course and management regulations of international marine laws and regulations, explores the impact of these legal systems and regulations on high seas fisheries and on the development of Ocean Fisheries in China, analyses the implementation practice of relevant fields in China, and puts forward countermeasures and suggestions for China to deal with the international fisheries legal system.

This paper is divided into five parts. The first part introduces the development process and current situation of Ocean Fisheries in China. The second part introduces the concept, classification and characteristics of Pelagic Fisheries and the concept and characteristics of marine fishery resources. The third part analyses the existing problems and development dilemma of China's pelagic fisheries. The fourth part introduces the international marine laws and regulations concerning Pelagic Fisheries and their impact on China's fisheries. This paper mainly chooses three representative international fishery legal documents to analyze the impact of the development of international maritime laws and regulations on China's offshore fisheries from different aspects, and summarizes the specific practice of China's implementation of

the high seas fishery legal system. The fifth part discusses how to develop ocean fisheries in China in the future, and puts forward countermeasures and suggestions to deal with the changing international fisheries legal system.

Only by fully implementing the relevant contents of international marine laws and regulations, actively carrying out international cooperation, joining regional fisheries management organizations and constantly improving domestic legislation, can China better meet the challenges brought by the high seas fisheries legal system and promote the sustainable development of ocean fisheries.

KEY WORDS: fisheries, China, International Maritime Regulations, Fisheries Legal System

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CHAPTER 1: INTRODUCTION

1.1 Research Background

China's pelagic fishing began in 1985. On March 10, 1985, the first ocean-going fishing fleet dispatched by China fisheries corporation went abroad for the first time to west Africa to conduct fishery cooperation. Over the past 30 years, in under the strong support of the state-related policies, China's ocean-going fisheries have been developing continuously, from small to large, from offshore to the ocean, the scale is expanding, the strength is continuously enhanced, remarkable progress and achievements have been made, and considerable social benefits are created. It is one of the fastest-growing and important ocean-going fishing countries in the development of ocean-going fisheries.

1.1.1 China is in the primary stage of ocean development

At present, China is in the primary stage of becoming a "maritime power". Since the beginning of the 21st century, with the changes of international political and diplomatic situation, China's maritime rights and interests are facing a complex situation. Many contradictions have become increasingly prominent. Disputes over resources, sovereignty over islands and reefs, maritime boundary delimitation and channel security have intensified. In order to cope with such a complex situation, the state proposed in the report of the Eighteenth National Congress of the Communist Party of China "Marine Powers". That is, we will enhance our capacity to develop Marine resources, develop the Marine economy, protect the Marine ecological environment, resolutely safeguard China's maritime rights and interests, and build China into a maritime power. "One Belt And One Road" strategy is also in full swing implementation. It will rely fully on the existing bilateral and multilateral mechanisms between China and the countries concerned, and on the existing and effective regional cooperation platforms. The purpose of "Belt and Road Initiative" is to borrow the historical symbols of the ancient Silk Road, hold high the banner of peaceful development, and actively develop the economic cooperative partnership with the

countries along the route. And jointly build a community of interests, a community of shared destiny and a community of responsibilities for political mutual trust, economic integration, and cultural inclusion. The implementation of this series of national marine strategies shows that the theme of the 21st century is "blue" for China. For a long time, China has positioned itself as a land power. China has never formed a national marine strategy. China has not formed a national marine strategy until 2012, when the 18th National Congress of the Communist Party of China "Marine Power" was put forward, followed by the construction of marine ecological civilization, the construction of the Maritime Silk Road has been integrated into the national marine strategy.

1.1.2 Basic Situation of China's Ocean Fisheries

China's ocean-going fisheries have gone through six stages: blank period(1949-1971), active preparation period (1972-1984), starting period (1985-1990), rapid expansion period(1991-1997), adjustment period (1998-2006) and optimization period (2007-present).

1.1.2.1 blank period of pelagic fishery (1949-1971)

After the founding of the People's Republic of China in 1949, the general policy of aquatic products work under the guidance of resuming fishery production was established. The state council called for the resumption of fishery production as soon as possible, increasing the market supply of aquatic products and raising fishermen's income. During this period, China's inshore fishery resources were relatively rich, and the development and utilization of coastal and inshore fishery resources required less capital, equipment, technology and employees. For the new China, which has just resumed fishery production, it is more feasible and operable to carry out inshore fishery. Therefore, during this period, China's marine fishery production concentrated in the coastal and offshore areas, and basically did not involve pelagic fisheries.

1.1.2.2 Active Preparatory Period (1972-1984)

More than 20 years after the founding of the People's Republic of China, China's fishery and aquatic industry ushered in a new round of development. In 1972, the output of the seawater products in China reached 291.4 million tons, of which, the output of the marine fishing was 265.8 million tons, the production of the sea water was 25.6 million tons, and the ratio of the fishing and breeding of the sea water products was 18.4:1. Offshore catch accounts for more than 90% of the total catch. Offshore fishery resources are overexploited while overseas fishery resources are seriously underexploited. At this time, the world's pelagic fishery is in a rapid development, the world's pelagic fishery output reaches 1/4 of the world's total fishery output. With the decrease of offshore resources and abundant exploitable resources overseas, the relevant departments put the idea of developing ocean fisheries on the agenda.

In 1972, the report of the Ministry of Agriculture to the State Council mentioned that in order to protect and rationally utilize shallow sea fishery resources and improve the quality of aquatic products, marine fisheries must develop to the sea as soon as possible. China's offshore fisheries industry has entered the national policy level for discussion. In 1973, China resumed its legal status in the Food and Agriculture Organization of the United Nations (FAO), which laid the foundation for China's formal participation in the world's Marine Fisheries activities, and gained legitimate rights and interests for China to carry out ocean fisheries and participate in international exchanges and cooperation. In 1980, China's State Administration of Fisheries organized a team to Australia, New Zealand, Solomon and Kiribati to conduct ocean-going fisheries expeditions. The investigation put forward some suggestions on the development of tuna fishery and fishery cooperation in the South Pacific, but due to technical and financial constraints, the related work of pelagic fishery has not been effectively carried out. In 1983, the Chinese government proposed that "the ocean fisheries industry should make breakthroughs in the near

future, and the state should give support to it". On the basis of the development of Marine Fisheries in China for more than 30 years and in line with the actual situation, the goal of "opening up offshore fisheries and developing offshore fisheries" has been put forward again. In 1984, China and Guinea-Bissau signed the first Ocean Fisheries agreement. This agreement provides a legal basis for our ocean-going fishing vessels to go to West Africa and marks the completion of the preparatory work behind the scenes for the opening of our ocean-going fishery undertaking.

In the active preparatory stage of the development of offshore fisheries in China, the offshore fishery resources have been seriously damaged due to indiscriminate fishing and overexploitation. This serious problem prompted the government to issue a policy of fishing suspension, which further promoted the discussion of the development of ocean fisheries. The change of policy guidelines for offshore fisheries affirms the necessity of developing offshore fisheries. The positive action of the government is a remarkable feature of this stage. On the one hand, the state actively seeks international fishery cooperation and opens up ocean-going fishery areas. On the other hand, the government implements policy guidance and financial support at home, organizes ocean-going fishery investigation and study groups, trains specialized personnel of ocean-going fishery, and encourages the development of ocean-going fishery undertakings.

1.1.2.3 Starting Period (1985-1990)

In March 1985, China's first ocean-going fishing fleet went to the waters of West Africa to engage in ocean fishing operations, which opened the prelude to the development of China's ocean-going fisheries. In the same year, Shanghai, Dalian and Yantai Fisheries Company dispatched fishing boats to the high seas of Bering Strait to carry out ocean fishing operations, and began the high seas fishing production of China's ocean fisheries.

During this period, China's offshore fisheries industry structure was dominated by transoceanic fisheries, and the development of oceanic fisheries was insufficient. Pelagic fisheries are mainly trawling operations, mainly distributed in West Africa, North Pacific, Southwest Atlantic and South Pacific. For example, in 1990, China's ocean fishery output was 179.1 million tons, while the total output of ocean fishing was 5.598 million tons, accounting for only 3.25%. During this period, China has made considerable progress in fishery exchanges and cooperation. It has established fishery cooperation relations with 21 countries and carried out squid and tuna fishing projects. In China's ocean fishery enterprises, state-owned enterprises account for a large proportion. The remarkable feature of this stage is to fully rely on the advantages of state-owned fishery enterprises in terms of funds, technical equipment and personnel to promote the rapid development of China's ocean fisheries. The state attached great importance to the development of ocean fisheries. In March 1989, in the national industrial policy promulgated by the State Council, ocean fisheries were listed as the key support for the development of industries and ocean fishing was vigorously developed.

1.1.2.4 Rapid Development Period (1991-1997)

After five years of hard exploration, China's ocean fishery has entered a period of rapid development. The output of offshore fisheries in China increased rapidly from 323,500 tons in 1991 to 1.037 million tons in 1997. In just seven years, the output increased by 713,500 tons, with a growth rate of 320.56%. During the period of rapid development, China's offshore fisheries industry structure is still dominated by transoceanic fisheries, and oceanic fisheries have made some progress. Trawling is still the main mode of offshore fishery operation, squid fishing and tuna fishing projects are progressing smoothly, and the operating areas are extended to the sea areas of Japan Sea, Indian Ocean, Midwest Pacific Ocean and South Pacific Ocean. China has made significant progress in international fisheries exchanges and cooperation. It has joined fisheries organizations such as the International

Commission for the Conservation of Atlantic Tuna (IC-CAT) and the Indian Ocean Tuna Commission. It has actively consulted with the United States, Russia, Japan, South Korea and other countries on high seas cooperative fishing projects, as well as with Morocco, Mauritania and other countries. Further deepening fishery cooperation and striving for a friendly international environment for the development of Ocean Fisheries in China. During this period, China's offshore fishery production increased rapidly. For example, in 1997, China's marine fishing output was 138.538 million tons, and that of Pelagic Fisheries was 1.037 million tons, accounting for 7.5%. Compared with the total marine fishing output in the initial period, the proportion of pelagic fishery output increased by twice. The government has established a market economy system and encouraged private fishery enterprises to join the offshore fishery industry.

The state's support for the development of offshore fisheries has shifted from paying attention to and paying attention to specific policies to promote the development of offshore fisheries. The State Council has successively promulgated preferential subsidy policies to support ocean fishing enterprises, established certification system for ocean fishing enterprises, and exempted enterprises with ocean fishing catches from enterprise income tax. These policies ensure that the state's support for offshore fisheries is accurate, effective and effective, and encourage more fishery enterprises to go abroad and engage in offshore fisheries operations.

1.1.2.5 Structural Adjustment Period (1998-2006)

Faced with the decreasing trend of world fishery resources year by year, how to ensure that the output value of Ocean Fisheries remains unchanged or even increases while the output of Ocean Fisheries remains unchanged or decreases has posed a challenge for China's ocean fisheries to adjust and optimize its structure, improve its efficiency and increase its benefits. On December 30, 1998, the Ministry of Agriculture decided at the National Fisheries Professional Meeting that the output of China's marine fishing plan in 1999 would be "zero growth", i.e., the output level of

the previous year would be maintained. This indicates that our country has begun to focus on the expansion of production scale and the increase of production, instead of focusing on the optimization of structure and the improvement of quality and efficiency. So far, China's offshore fisheries industry has entered a period of adjustment.

At this stage, great breakthroughs have been made in the adjustment of the industrial structure of Ocean Fisheries in China. The proportion of oceanic fisheries in the output of Ocean Fisheries in China was increasing. In 2006, the output of oceanic fisheries was basically the same as that of transoceanic fisheries, breaking the imbalance of relying too much on transoceanic fisheries for a long time to develop oceanic fisheries, indicating that remarkable achievements have been made in adjusting the industrial structure of oceanic fisheries in China. Ocean fishery areas covered the exclusive economic zones of the Pacific Ocean, the Indian Ocean, the high seas of the Atlantic Ocean and 33 countries and regions. A notable feature of the adjustment period is the expansion of the ocean fishery industry chain, which changes from the industry of providing raw materials only for fishing to the industry of fishing, transportation and primary processing. At the same time, overseas base construction of offshore fishery would be carried out to provide more guarantee for the development of offshore fishery undertakings. Take Zhongshui Group as an example. By 2006, the company had established two overseas bases and more than 10 overseas offices, which realized the functions of primary processing, refrigeration, replenishment of ocean fishing vessels, docking, berthing and distribution trade of catch, and greatly improved the economic value of ocean fishing.

During the period of adjustment, governments at all levels and relevant departments attached great importance to the structural adjustment of ocean fisheries, and regarded the development of ocean fisheries as an important way to implement the strategy of "going out" development, the adjustment of fishery industrial structure and the conversion of fishermen to other industries. The state has intensified the development

of high-seas fisheries, increased investment in high-seas fishery resources exploration and development of ultra-low temperature refrigeration equipment, and strengthened macro-management and guidance of ocean-going fishery enterprises.

1.1.2.6 Optimization Period (2007-present)

The optimization of offshore fishery industry structure is a process of continuous improvement. After nine years of adjustment, China's Pelagic Fisheries have basically got rid of the situation that transoceanic fisheries are dominant, and achieved a balanced development of oceanic fisheries and transoceanic fisheries. China's offshore fishery industry has entered a period of sustainable development and Optimization in pursuit of low resource consumption and high economic benefits. In the optimization period, the structure of offshore fishery industry tends to be reasonable, and the output of offshore fishery has increased steadily. Taking 2015 as an example, China's offshore fishery output reached 2192,000 tons, accounting for 16.67% of the total seawater catch. China's offshore fishery operation zones have been extended to Antarctic waters. International cooperation in offshore fisheries has been continuously promoted, and cooperation projects in offshore fisheries have been carried out with more than 40 countries and regions, playing an increasingly important role in the development of the world's offshore fisheries. China's offshore fishery overseas base construction has achieved remarkable results. By the end of 2015, 160 enterprises with offshore fishery qualification had been established, more than 100 representative offices and joint ventures had been set up, and more than 30 overseas bases had been built, which greatly guaranteed the development of China's offshore fishery. By the end of 2012, more than 20 professional processing factories of ocean-going fishery products have been established in China. The market of ocean-going fishery products has expanded to Zhengzhou, Chongqing and other central and Western regions.

The state continues to assist the development of ocean fisheries, approves the establishment of national ocean fishery bases in Zhoushan and Shawo Islands,

promotes the intensive processing and trade of ocean fisheries, promotes the transformation of ocean fisheries from fishing and primary processing to fishing and intensive processing, and promotes the competitiveness of Ocean Fisheries in China. During this period, the speed of renewal and construction of ocean-going fishing vessels in China has been significantly accelerated. In February 2013, the executive meeting of the State Council discussed and adopted "Several Opinions of the State Council on Promoting the Sustainable and Healthy Development of Marine Fisheries", which clearly put forward "Speeding up the Renovation and Reform of Fishing Vessels and Strengthening the Research and Development of Fishery Equipment". Driven by the support policies of the state and local governments, ocean-going fishing enterprises have actively built and renewed fishing vessels, and the equipment level of ocean-going fishing vessels has significantly improved.

In 2016, a total of 161 enterprises were qualified as ocean-going fishing enterprises by the Ministry of Agriculture; 2 571 fishing vessels were approved (including 88 new ones) and the main engine power was 2.4 million kW with a total tonnage of 1.4 million tons. China's ocean-going fishing vessels operate in the exclusive economic zone of 42 countries (or regions) and the Indian Ocean, Atlantic Ocean, Pacific High Seas and Antarctic Sea. There are nearly 49,000 expatriate crew members, including 14,000 foreign crew members.

CHAPTER 2: Definition of Relevant Concepts and Theoretical Basis

2.1 Concept, classification and characteristics of Pelagic Fisheries

2.1.1 Concept of Pelagic Fisheries

At present, there is no specific definition of Ocean Fisheries in academia. According to the spirit of the International Convention on the Law of the Sea, international practice and consensus of the industry, ocean fisheries can be defined as follows:

Ocean fishery is an integral part of the marine aquaculture industry. It refers to fishing

activities such as marine fishing, supply, processing and transportation of products in the sea areas or high seas under the jurisdiction of other countries, which are far away from their fishing bases or fishing ports.

2.1.2 Classification of Pelagic Fisheries

Ocean fisheries can generally be divided into transoceanic fisheries and oceanic fisheries according to the production and operation waters. Before discussing the classification of pelagic fisheries, several concepts should be clarified.

Traditional High Seas: All waters excluding territorial waters or inland waters of States. (High Seas Convention, 1985)

Exclusive Economic Zone: Exclusive Economic Zone refers to an area beyond the territorial sea and adjacent to the territorial sea. From the baseline of measuring the breadth of the territorial sea, the exclusive economic zone should not exceed 200 nautical miles (370.4 kilometers), except the point closer to another country. (1982 United Nations Convention on the Law of the Sea)

High seas: All waters that are not subject to the sovereign jurisdiction and domination of the State, excluding the Inland sea, territorial sea, exclusive economic zone or archipelagic waters of the State.

Therefore, for countries that have not yet established exclusive economic zones or exclusive fishing areas, the high seas are beyond the territorial sea, while for countries that have established exclusive economic zones or exclusive fishing areas, the high seas are beyond their exclusive economic zones or exclusive fishing areas.

The difference between transoceanic fishery and Oceanic Fishery is that the production and operation waters of transoceanic fishery are under the jurisdiction of

other countries, while the production and operation waters of Oceanic Fishery are the public sea.

2.1.3 Characteristics of Pelagic Fisheries

Because of its special production and operation areas and resources for development and utilization, pelagic fishery has its own characteristics which are different from those of general industries, including offshore marine fisheries. The main characteristics of ocean fishery include: double high (high cost, high risk), large fluctuation of income, wide range of industrial chain, high requirement of industrialization and internationalization.

The characteristics are analyzed as follows:

"Double-high" is both high cost and high risk: ocean fishery has higher cost input than general industry because of its production operation far away from home base and fishing port, complex and difficult working environment, long production operation time, high requirement for production equipment and high requirement for comprehensive quality of employees. Ocean fishery production and operation need to enter the sea areas or high seas under the jurisdiction of other countries. The natural environment and international political environment of production and operation are complex, and the marketing of ocean fishery products is often influenced by international political and economic environment. Therefore, there are high risks in ocean fishery, including production risk, market risk, foreign affairs risk, personnel safety risk, etc.

Revenue volatility is high: There are great fluctuations in the fishing output and market environment of pelagic fisheries. If multiple profits are added up and the various government subsidies are far away, the benefits of ocean fisheries are likely to be several times higher than the costs or even more; but when multiple profits are

added up in the valley, the government subsidies are only a drop in the bucket compared with the losses. All these make the ocean fishery have the characteristics of "big fluctuation of income".

The industrial chain covers a wide range of areas: Ocean fishery is not only a production link of ocean fishing production, but also involves a wide range of ocean fishery industry chain. Ocean fishery is a core industry link of ocean fishing, involving upstream and downstream industries, including scientific and technological research and development, fishery equipment manufacturing, ocean-going ship manufacturing and maintenance, ocean fishing base construction, ocean fishing operations, ocean-going aquatic products logistics, ocean-going aquatic products processing, ocean-going aquatic products marketing and support. Relevant management and service industries of this huge industrial chain.

High degree of industrialization: Because of the particularity of offshore fishery industry, offshore fishery enterprises must be highly industrialized. The high requirement for the industrialization of ocean fishery can be explained from the following aspects. First, the ocean fishery has the characteristics of "double high" and large fluctuation of income, which requires enterprises to have a certain scale and form large-scale operation; it also needs to rely on the assistance of related supporting industry links to cope with the adverse effects of high cost, high risk and large fluctuation of income on the long-term development of enterprises. Secondly, ocean fishery industry chain involves complex and diverse links, which requires enterprises to have a professional division of labor, reliable technical dependence, effective quality management, excellent marketing measures. Thirdly, under the current market economy environment, ocean fisheries, as a resource-dependent industry, requires more enterprises to market-oriented operation. To sum up, the industrialization of ocean fishery is highly demanded.

Internationality: Ocean fishery has the characteristics of internationality, which is the

biggest difference between ocean fishery and other industries. Because pelagic fishery exploits and utilizes international fishery resources in international waters, it involves international politics, international diplomacy, international economy and even national strategy and international military. Therefore, the development of offshore fisheries is not only related to offshore fisheries enterprises, but also to national strategies and international relations. Ocean-going fishing vessels in production and operation, not only on behalf of enterprises, but also on behalf of their countries.

2.2 Concepts and characteristics of marine fishery resources

2.2.1 Concept of marine fishery resources

Marine fishery resources refer to wild economic animals, plants and their quantities living in marine ecosystems. According to the definition of pelagic fishery, the development of pelagic fishery is the marine fishery resources in the sea areas under the jurisdiction of other countries or in the high seas.

2.2.2 Characteristics of marine fishery resources

Marine fishery resources are renewable, volatile, mobile and public. Like other biological resources, marine fishery resources are subject to living activities, which are multiplying, growing and dying at any time, so their quantity and quality are constantly changing. So it is not difficult to understand the renewability and volatility of marine fishery resources. Of course, there are many other factors that affect the renewability and volatility of marine fishery resources. Overfishing, for example, can cause fundamental damage to the marine ecosystem, which in turn may reduce the renewable capacity of marine fishery resources and make the overall resources show signs of decline. Human activities and changes in the natural environment will interfere with the reproduction of marine organisms, resulting in a large increase or decrease of certain marine organisms in a certain period, thereby disturbing the natural fluctuation law of marine fishery resources.

According to their natural habits, marine organisms are free from restraint in marine waters. It is relatively difficult for human beings to classify such resources according to the sea area, thus making marine fishery resources fluidity and public. Of course, there are many other factors that will affect the liquidity and publicity of marine fishery resources.

CHAPTER 3: Difficulties in the Development of Chinese Ocean Fisheries

3.1 China's fishery industry structure is extensive, fishing vessel fishing equipment is obsolete, lack of industry standards.

Although China has seized some favorable opportunities in recent years and built a large number of ocean-going fishing vessels in a short period of time, China's ocean-going fishery industry structure is still extensive, fishery facilities and equipment are relatively old, fishery enterprises have weak control over ocean-going resources, and peer competition pressure is high, leading to its comprehensive fisheries industry. The efficiency is low and the competitiveness is not strong.

Due to the large proportion of old fishing vessels, the technical level of the trawling winch, longline fishing machine, squid fishing machine, hydraulic transmission equipment and so on are lagging behind, which have become the main constraints for

the further development of ocean fisheries.

The standard system construction of ocean fishing vessels in China is relatively lagging behind and the standard level is not high. For a long time, the standardization of ocean-going fishing vessels has been progressing slowly, and no perfect standard system has been formed. Some of the current standards are also lagging behind, which can not well meet the needs of modern deck machinery products. In addition, some of the equipment of ocean-going fishing vessels is "non-standard usable", such as fishing equipment of ocean-going fishing vessels, there is a large standard gap. There are no domestic industry standards for fishing machine, automatic fishing rod and fishing platform. Compared with other countries with better development of pelagic fisheries, the standard has no obvious role in guiding and restricting the development of China's industry. Current industry standards in China generally require low or even lack of indicators. Taking deck machinery (such as steering gear, windlass, winch, etc.) as an example, most of its standards are based on design technical requirements and installation requirements, while the manufacturing, use, maintenance and recovery of products are less involved, lacking the guidance of the whole life cycle of products, and lacking the leading role in equipment research and development. In addition, due to various reasons, the existing standards related to ocean-going fishing vessel form lack industry binding force. Owners and companies often design and build fishing vessels according to their own preferences and capital scale, resulting in a series of problems, such as unreasonable type of ocean-going fishing vessel, high cost of vessel, poor technology and low technical content. Ship quality is difficult to guarantee, and there are hidden dangers in ship safety.

3.2 The threshold of fishery cooperation is increasing day by day, and the measures of regional management of fishery resources are becoming stricter and stricter.

In recent years, marine fishery resources have attracted worldwide attention, and more

and more attention has been paid to the exploitation of fishery resources. On the one hand, in order to protect the sustainability of domestic fishery resources, coastal countries have successively adjusted their fishery policies, raised the threshold of fishery cooperation between other countries and them, strengthened supervision, and put forward restrictive conditions for fishery cooperation. At present, the main way for China to cooperate with coastal countries in fishing is to pay fishing licensing fees to them, but this is not a long-term solution, and the operating costs of fishery enterprises should also be taken into account. On the other hand, because some developed countries have adopted high fishery subsidy policies to offshore fisheries, fishing fees have been raised, which puts forward higher requirements for the development of China's offshore fisheries. In some traditional offshore waters, China's offshore fisheries operations are also restricted. This shows that the global competition for fishery resources is very fierce, and China is facing enormous challenges.

3.3 Employees have low quality and weak legal consciousness.

After China's participation in ocean fisheries, it actively participates in international ocean affairs and strives to form good multilateral cooperation with other countries and organizations. In a short period of more than ten years, China has cooperated with a number of fishery institutions around the world and successfully signed fishery cooperation agreements with dozens of countries, which has gradually gathered some influence in the international arena. Nevertheless, there is a certain information asymmetry between the propaganda of the international law of the sea in China and the law-abiding organizations that actually operate pelagic fisheries. Therefore, some institutions and personnel engaged in fisheries can not guarantee the legitimacy of their actions without supervision and control, which leads to unnecessary disputes between countries on the issue of fishery resources in the sea. To a large extent, it brings risks and adverse effects to the development of China's pelagic fisheries. The low quality of the practitioners has resulted in the inadequate understanding of the

relevant provisions of international oceans and seas by the pelagic fishermen. Their ability to comprehend and apply relevant laws and regulations to ensure their rights and interests is weak, resulting in conflicts in offshore fisheries operations to deal with adverse problems.

CHAPTER 4: Impacts of International Regulations on Ocean Fisheries

A series of agreements and conventions formulated by the international community concerning the conservation and management of marine resources and the regulation of fisheries activities on the high seas have adapted to the trend of the times. These agreements and conventions not only further tighten and concretize the conservation and management measures of international sea areas, but also stipulate the law enforcement countermeasures for violations of conservation and management measures of public marine resources. This practice has brought high-seas fisheries management on the right track, standardized the order of the high seas, and had a far-reaching impact on fisheries in the world and all countries.

4.1 Impact of the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks on Fisheries of States

The United Nations Convention on the Law of the Sea (hereinafter referred to as the Convention) is by far the most complete International Convention on the law of the sea supported by all countries, including developing and developed coastal countries. Its content covers all the main aspects of the law of the sea, most importantly reflected in the exclusive economic zone system and the high seas system. Among the provisions of the Convention, fisheries-related chapters include freedom of fishing on the high seas, territorial sea, adjacent areas, exclusive economic zones, exclusive fishing areas and the Convention on Fishing and Conservation of High Seas Biological Resources. Provisions on fisheries regimes are concentrated in the provisions of this part of the exclusive economic zone. In accordance with the provisions of the Convention on 200-nautical mile exclusive economic zone, coastal countries have successively formulated their respective management systems for 200-nautical mile exclusive economic zone, and increasingly attached importance to the management and development and utilization of their fishery resources. With the establishment of exclusive economic zones, most of the commercially exploitable fishery resources in the world are under the jurisdiction of coastal states.

Since the entry into force of the Convention in 1994, by the end of 2018, more than 180 countries had established 200 nautical miles of exclusive economic zones and 77 countries had established exclusive fishing zones of varying widths. There is no doubt that under such a system, coastal countries will use their sovereign power over fishery resources in the exclusive economic zone to maximize their benefits. Some coastal governments, including developed and some developing countries, have taken

measures to encourage and promote the development of their fishing industry. Coastal countries that have not yet been able to develop their own fishing industry also use the fishing rights of fishery resources in their exclusive economic zones to obtain relevant benefits. In addition to the direct collection of fishing fees, these countries can also receive returns on trade, employment, technical assistance and even national relations. From this point of view, the competition of ocean fishery is no longer the competition of fishing technology and fishery management, but the competition of comprehensive strength of fishery, diplomacy, trade and other aspects.

Fisheries production on the high seas doubled after countries announced the establishment of exclusive economic zones. At the same time, the fishing of straddling fish and highly migratory fish in the world is also increasing. In response to this trend, on 29 January 1993, the 47th General Assembly of the United Nations adopted resolution 192, requesting the United Nations Commission on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks to formulate recommendations for the conservation and management of straddling fish stocks. After three years and six negotiations, on 4 August 1995, the delegations participating in the Conference unanimously adopted the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (hereinafter referred to as the Fish Stocks Agreement). The Fish Stocks Agreement entered into force on 11 December 2001.

4.1.1 The Impact of the United Nations Convention on the Law of the Sea on China's Marine Rights and Interests

On May 15, 1996, China ratified and acceded to the United Nations Convention on the Law of the Sea. At the same time, China announced the implementation of the 200 nautical miles exclusive economic zone and continental shelf system. In June 1998,

the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf came into force.

According to the relevant provisions of the Convention, China belongs to a "semi-closed" coastal country. Cooperation with neighbouring countries should be pursued in the exercise and implementation of the rights and obligations under the Convention. According to the relevant provisions of the Convention, China can establish a 200-nautical mile exclusive economic zone on the basis of territorial sea and adjacent areas. In addition to obtaining territorial sea and domestic and overseas areas of 388,000 square kilometres, China also enjoys jurisdiction over an exclusive economic zone of about 3 million square kilometres (equivalent to one third of China's land area). This vast "blue" territory provides a broader space for the development of Fisheries in China. However, there are many countries and regions adjacent to China's sea areas, and the situation is complex. The implementation and entry into force of the Convention also have a very negative impact on China's delimitation and maritime rights and interests. The international disputes arising from the redistribution of resources and the sharing of maritime rights and interests are prominent and complicated, which has a great impact on the traditional fishing industry in territorial waters of China.

In May 1996, China ratified the United Nations Convention on the Law of the Sea. In June 1998, it passed the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf, and began to implement the system of the Exclusive Economic Zone. In order to maintain the normal order of marine fishery production, properly handle the fishery relations between China and its neighboring countries, and meet the needs of the overall political and diplomatic situation of the country, China has signed three intergovernmental fishery agreements with Japan, South Korea and Vietnam. Among them, the Sino-Japanese Fisheries Agreement entered into force on June 1, 2000. The China-Korea Fisheries Agreement entered into force on 30 June 2001. The Beibu Gulf Fisheries Cooperation Agreement between

China and Vietnam entered into force on 30 June 2004. As far as the nature of the agreement is concerned, China-Japan and China-Korea fisheries agreements are temporary arrangements on fisheries issues between China and Japan and South Korea without completing the demarcation of the sea areas. The Agreement on Fisheries Cooperation in the Beibu Gulf between China and Vietnam is an arrangement on fisheries between the two countries while demarcating the waters of the Beibu Gulf. The three agreements embody the spirit of the convention. They are fishery arrangements based on the exclusive economic zone system. They are the most significant changes in China's marine fisheries after the entry into force of the convention.

4.1.2 Impact of the Convention and the Fish Stocks Agreement on China's Pelagic Fisheries

The entry into force of the Convention, especially the signing of the Code of Conduct for Responsible Fisheries, has brought international fisheries management to a new stage. The era of free fishing on the high seas no longer exists. China's high seas fisheries are dominated by large-scale trawling, squid fishing and tuna fisheries. The main fishing targets are straddling fish and highly migratory fish. Large trawlers in the high seas of China mainly catch pollock in the Bering Sea and the Okhotsk Sea. Pollock fishing boats in the North Pacific Ocean of China once operated in the Bering Sea. However, due to the decline of the resources of Pollock in the Bering Sea, the ban on harvesting has been implemented since 1992. Thus, pollock boats in China were transferred to the high seas of the Okhotsk Sea in Russia for operation. The high seas of the Okhotsk Sea are part of a sea completely surrounded by Russia's exclusive economic zone. According to Article 16 of the Fish Stocks Agreement, "States fishing for straddling fish stocks and highly swimming fish stocks in high seas areas completely surrounded by areas under the national jurisdiction of a State shall cooperate with that State to develop conservation and management measures for these stocks in the high seas area." Russia claims to exercise strict jurisdiction over the

central waters of the Okhotsk Sea on the grounds of the provisions of the Convention on "closed and semi-closed seas" and on "straddling fish stocks". In October 1992, Russia demanded that Poland, South Korea, Japan and China, which engaged in fishing activities in the high seas, withdraw all their fishing vessels on the grounds that the Pollock Resources in the Okhotsk Sea area were on the verge of collapse, and proposed to exercise unilateral jurisdiction over the area. China can only enter into fishing in the sea area by agreement, and must pay huge resources quota fee and observer salary to Russia before fishing production can be carried out. With the perfection and perfection of Russian fishery laws and regulations, the increasingly stringent management system and the intensification of law enforcement, the economic benefits of fishing vessels produced in this sea area in China are declining day by day. In 2002, the Russian government completely abolished the cod fishing quota in the Okhotsk Sea, and the cod fishing quota in the West Bering Sea was also decreasing year by year. The cod fishing output in China's Pelagic Fisheries also showed a decreasing trend year by year. By 2001, it was only 9.47×10t, which was 72.02% lower than that in 1997.

In accordance with Article 8 of the Fish Stocks Agreement, "Coastal States and fishing States on the high seas shall cooperate directly or through appropriate fisheries management organizations or fisheries arrangements with respect to straddling fish stocks and highly migratory fish stocks, taking into account the specific characteristics of subregions or regions, in accordance with the United Nations Convention on the Law of the Sea, in order to ensure the effective conservation and management of these stocks." At present, the International Tuna Fisheries Organization (IFO) is widely distributed in the major tuna producing areas of the world. Among them, the main tuna fisheries organizations that China has joined are the International Atlantic Tuna Fisheries Conservation Commission (ICCAT) and the Indian Ocean Tuna Commission (IOTC). After the entry into force of the Fish Stocks Agreement, China's ocean-going fishing vessels should strictly abide by the provisions of these fishery organizations. According to the provisions of the Fish

Stocks Agreement, flag States should be responsible for their fisheries, make unified plans and formulate relevant management measures. This requires our government to further improve the state's authorization and licensing system for tuna fishing vessels, catch statistics system, violations and illegal handling measures. Tuna Fisheries Committees in most regions provide that observers duly authorized by their member States have the right to enforce the law on fishing vessels in the Convention area. The convention area often includes the high seas, so our ocean tuna fishery is facing a more rigorous test.

According to the type of countries signatory to the Fish Stocks Agreement, a considerable number of islands are in the ocean, such as those in the South Pacific. The entry into force of the Fish Stocks Agreement undoubtedly further strengthens the jurisdiction of these countries over fish stocks in their waters. Therefore, friendly cooperation with these countries is a key point in the development of tuna fishery in China.

4.1.3 China's Practice in Compliance with the Convention and the Fish Stocks Agreement

At the 19th meeting of the Standing Committee of the Eighth National People's Congress on May 9, 1996, it approved accession to the United Nations Convention on the Law of the Sea. At the same time, China announced the implementation of the 200 nautical mile exclusive economic zone and the continental shelf system. On June 26, 1998, the Third Session of the Standing Committee of the Ninth National People's Congress adopted the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf, which came into force on June 30. It marks that our country, as an internationally responsible country, is on the track of facing the world with the rule of law in the field of marine undertakings.

From 1993 to 1995, the Chinese Government participated in the six sessions of the

United Nations Conference on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Chinese Government signed the Fish Stocks Agreement on 6 November 1996. China has not ratified or acceded to the Fish Stocks Agreement since it has reservations about the provisions of Article 22 concerning the enforcement of the "use of force" by fishing vessels on the high seas. China has only made relevant statements. The statement emphasized the understanding of the clause on the use of force when boarding and inspecting fishing vessels. It is not difficult to see that the Chinese government fears that nationals and fishing vessels will be subjected to unjustified armed attacks on the high seas or that coastal countries will abuse their rights. The statement is consistent with the basic principles that China has consistently adhered to in international issues. China has also participated in international conferences on consultation and drafting of global fisheries legal documents, such as the Consultative Conference on Compliance with the Agreement, which has shown great concern for International Fisheries affairs.

Although China is cautious about the individual provisions of the Fish Stocks Agreement, as a flag State, China has to face international political and diplomatic pressure to regulate its vessels engaged in fishing operations on the high seas. China also needs to manage and develop fisheries in accordance with international requirements. As far as ocean fishery is concerned, China must prohibit unauthorized ocean-going fishing vessels from engaging in fishing activities on the high seas, so as to ensure that they do not affect the legal effect of the relevant management measures in international fishery legal documents, and take compulsory enforcement measures against those fishing vessels that ignore or violate international management measures. Thus, sooner or later, China will ratify the Compliance Agreement and the Fish Stocks Agreement. In order to develop pelagic fisheries, the two agreements must also be ratified as soon as possible.

From 20 to 24 March 2006, as a non-party to the Compliance Agreement, China attended the Review Conference of the Fish Stocks Agreement. The representative of

China proposed that non-parties should have the right to vote at the Review Conference, considering the provisions of the Compliance Agreement, the tasks of the Review Conference and the responsibilities of non-parties for the conservation and management of high seas fishery resources.

The Compliance Agreement requires flag States to ensure that fishing vessels comply with international conservation and management measures. The Fish Stocks Agreement reiterates this requirement and specifies specific approaches. Although China is not a party to these two agreements, it still needs to make efforts to fulfil the obligations of flag States, manage ocean-going fishing vessels and implement international fisheries management measures by adjusting relevant laws and regulations.

China has enacted laws and regulations in this regard, including the registration system of fishing vessels, the high seas fishing licensing system, and compliance with international fisheries laws and agreements. For example, the Circular on Strengthening the Management of Offshore Operating Fishing Vessels issued by the Ministry of Agriculture in November 1994 has made general provisions and basic requirements in this regard. The circular requires fishing vessels to carry fishing permits and registration certificates when they go to sea, to mark fishing vessels and display the flag allowed to fly in accordance with regulations. In order to be consistent with international fisheries law and enable fisheries departments to manage ocean-going fishing vessels legally and by means, China has improved its domestic legislation by updating a series of laws and regulations related to ocean-going fisheries. The main laws and regulations in this regard include: Notice on Processing Certificates of Nationality of Offshore Fishery Vessels promulgated by the Ministry of Agriculture in 1993 and amended in 1997; Regulations of the People's Republic of China on Registration of Fishery Vessels promulgated by the Ministry of Agriculture in 1996 and amended in 1997; Notice on Further Strengthening the Management of Offshore Fisheries Vessels issued by the Fisheries Administration in 1998; In 1999,

the Ministry of Agriculture promulgated the Regulations on Inspection and Management of Offshore Fishery Vessels; Emergency Notice on Effectively Strengthening the Management of Marine Fishing Vessels issued by the Fisheries Administration in 1999; Regulations of the People's Republic of China on the Inspection of Fishery Vessels promulgated by the State Council in 2003 and Regulations on the Management of Ocean Fisheries promulgated by the Ministry of Agriculture in 2003, etc. Among these laws and regulations, the Regulations of the People's Republic of China on the Registration of Fishery Vessels, the Regulations of the People's Republic of China on the Inspection of Fishery Vessels and the Regulations on the Management of Ocean Fisheries epitomize the policy adjustments made by China in fulfilling its flag State obligations.

The Fish Stocks Agreement requires States to cooperate in the conservation and management of high seas fisheries resources, stresses the important position and role of regional fisheries management organizations, and through these institutions, to develop strict management practices to strengthen the control of high seas fishing vessels. Ocean fishery is an important industry in China. If we do not pay enough attention to the management of the Fish Stocks Agreement, it will be very difficult for our ocean fishery to develop. Although China has not yet ratified the Fish Stocks Agreement, it attaches great importance to its implementation. In order to ensure that the required fishing quotas can be obtained, the relevant regulations must be complied with. At the same time, since the right to use high seas fishery resources mainly depends on regional fisheries management organizations, China must also abide by the management methods of these regional fisheries management organizations.

In order to obtain fishing rights, China actively participates in various forms of fishery cooperation. In recent years, China has become a member of a series of regional fisheries management organizations. For example, China joined the International Atlantic Tuna Conservation Commission in 1996 and the Indian Ocean Tuna Commission in 1998. In 2001, the Chinese delegation attended the 12th Special

Session of the International Atlantic Tuna Conservation Commission, the 5th annual meeting of the Indian Ocean Tuna Commission, the annual meeting of the International Whaling Commission, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the meeting of the North Pacific River Traceable Fish Commission.

China has participated in the establishment of the Central and Western Pacific Fisheries Commission, mainly for the conservation and management of tuna resources, and for the establishment of cooperation mechanisms in the Central and Western Pacific region. From 1994 to 2000, China participated in the seven high-level multilateral conferences on the conservation and management of highly migratory fish stocks in the Western and Central Pacific, the preparatory meetings for the drafting of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific and the preparatory meetings of its committees. By participating in these meetings, the Chinese government has personally experienced regional cooperation, which has had a far-reaching impact on the adjustment of domestic legislation. In many ways, China's regulations on Pelagic Fisheries have absorbed the relevant provisions and requirements of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, and clearly expressed its intention to become a member of the Convention. If China becomes a member of the Convention, its ratification of the Fish Stocks Agreement will be imminent.

These activities have enhanced China's international status in the field of Fisheries and provided valuable experience for improving China's fisheries policy decision-making and management capabilities. At the same time, they have consolidated and strengthened China's bilateral and multilateral relations with coastal countries.

4.2 The Impact of International Fisheries Labour Convention on Chinese Fisheries

4.2.1 Background of the International Fisheries Labour Convention

With the far-reaching impact of economic globalization on fisheries and marine fishing industry, the International Labor Organization (ILO) has been committed to formulating global standards in order to protect the rights of fishermen and ensure their safe and decent working and living conditions. Although the International Labour Organization has earlier established a number of international conventions that provide basic guarantees for the rights of fishing crew members, but the latest instrument is almost 40 years old. In the new century, these conventions urgently need to be updated to benefit most of the world's fishing crew, especially those serving on small vessels. Therefore, the International Labour Organization has decided to revise and update these outdated instruments in order to reflect the changes that have taken place in the sector over the past decades and to achieve wider application of standards.

In June 2007, at the 96th International Labour Conference, more than 4,500 representatives of governments, workers and employers from 180 member countries and international organizations attended. The Convention on Fisheries Labour (hereinafter referred to as the Convention) and the Recommendation of the Convention on Fisheries Labour (hereinafter referred to as the Recommendation) were adopted by high votes respectively. After more than four years, three deliberations and two votes, the International Labour Organization has completed the first comprehensive convention on fisheries sector. The Convention sets out international standards on minimum requirements for work on fishing vessels, working conditions, accommodation and meals, occupational safety and health care, medical care and social security. It entered into force on 16 November 2017.

The entry into force of the Convention is a major event in the history of world labor. It

has exerted a series of far-reaching influences on World Fisheries and the management of Chinese fishing crew, welfare treatment, occupational safety and health, social security, design and construction of fishing vessels, etc.

4.2.2 The Impact of the Entry into Force of the International Fisheries Labour Convention on China

The international general standards and requirements of the Convention concerning the design and construction of fishing vessels, the labour security of crew members and welfare benefits will pose great challenges to the relatively backward Marine Fisheries in China, especially the development of pelagic fisheries. After the entry into force of the Convention, the Contracting States may conduct PSC inspections on arrival fishing vessels of both Contracting States and non-Contracting States in accordance with the Convention to form barriers to trade in port services. Port States have the right to take measures to correct any violation of the Convention. Even if China does not accede to the Convention for the time being, once Chinese ocean-going fishing vessels need to enter the ports of the Contracting States, they must also be inspected, which can easily lead to unnecessary detention and affect fishery production.

Over the past 30 years, China's offshore fisheries industry has witnessed considerable improvement in its comprehensive strength. By the end of 2015, China's offshore fishing output had reached 21.92 million tons, the total value of offshore fisheries had reached 20.65 billion yuan, and the number of offshore fishing vessels had reached 2,512. However, the status quo of offshore fisheries development is not in line with the status of China's fishery powers, and there is still a big gap between China's offshore fisheries powers. In 2015, with the support and coordination of the Fisheries and Fisheries Administration of the Ministry of Agriculture of China, a special survey was conducted on Chinese ocean-going fishing vessels and crews. The results showed that more than 60% of ocean-going fishing vessels did not meet the requirements of

the Convention in terms of medical equipment, medical supply and sanitary conditions, and more than 80% of ocean-going fishing vessels did not meet the requirements of the Convention in terms of bedroom number, bed size and related living facilities. Therefore, the working and living conditions of Chinese ocean-going fishing vessels are far from meeting the standards of the Convention. There is still a big gap between the fishing crew and the requirements of the Convention in terms of the necessary comfort of life and the protection of their labor rights and interests, which can not guarantee the crew's "decent work".

4.3 The Impact of the Revision Progress of the International Convention on the Safety of Fishing Vessels and the Cape Town Agreement of 2012 for the Implementation of the 1993 Protocol to the 1977 Torremori Convention on the Safety of International Fishing Vessels on China

4.3.1 Formulation and Development of International Convention on the Safety of Fishing Vessels

Fishing vessel safety is an important part of fishery safety, which is related to the personal safety of fishery workers. Therefore, IMO has attached great importance to this issue since its establishment. In recent decades, IMO has been working to reduce the safety risk of marine fishing production in order to reduce the casualty rate of fishing crew. In 1977, the IMO adopted the Torremolinos International Convention for the Safety of Fishing Vessels (hereinafter referred to as the 1977 Convention). The convention stipulates safety standards for structures and equipment of new fishing vessels of 24m and above to regulate the design and construction standards of fishing vessels and to ensure the safety of navigation and production of fishing vessels. However, due to the high technical requirements, the Convention has been unable to enter into force. Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977 was adopted in 1993. The Protocol provides for the entry into force of 12 months after signature by no less

than 15 States with at least 14,000 fishing vessels with a captain equal to or greater than 24 m and without reservation to ratification, acceptance, approval or accession or the deposit of the necessary documents for ratification, acceptance, approval or accession as required. The technical provisions of the 1993 Protocol consist of 10 chapters and an appendix. The Protocol applies to fishing vessels whose captain is equal to or greater than 24 metres. However, because the number of ratifying countries and fishing vessels owned by these countries is too small, the entry into force conditions of 14,000 fishing vessels above 24m and 15 ratifying countries have not been reached, and the 1993 Protocol has not been able to enter into force. In 2012, the IMO adopted the Cape Town Agreement 2012 for the Implementation of the 1993 Protocol to the 1977 Torremolinos Convention on the Safety of International Fishing Vessels in South Africa (hereinafter referred to as the Cape Town Agreement). The agreement updates and amends some of the provisions of the rules and changes the conditions for entry into force. As of 21 January 2016, only five countries, including Congo, Denmark, Iceland, the Netherlands and Norway, had accepted or acceded to the Cape Town Agreement and had not yet met the conditions for its entry into force.

The 1993 Protocol to the International Convention on the Safety of Fishing Vessels is an international convention formulated by IMO specifically for fishing vessels. The Protocol is a practical standard for fishing vessels designed to ensure the safety of fishing vessels and their crew and to enable all countries with fishing fleets to implement it.

4.3.2 Status of Chinese Ocean Fishing Vessels

With the continuous development of national economic construction, the scale of offshore fishery industry in China is growing, and the industrial structure is becoming more and more optimized. Statistics from the Comprehensive Department of Fisheries Bureau of the Ministry of Agriculture of China show that by the end of 2016, there were 162 ocean-going fishery enterprises in China, an increase of 46% over 2010.

Nearly 2,900 ocean-going fishing vessels (including those under construction), the number of operating vessels increased by 66% compared with 2010. The total output of Pelagic Fisheries was 19.9 million tons, an increase of 78% over 2010. Operating sea areas cover the jurisdiction of 42 countries (regions) and the Pacific, Indian Ocean, Atlantic high seas and Antarctic sea areas. The status of China's Pelagic Fisheries in international fisheries has also been significantly improved in recent years. In recent years, China has actively participated in international fisheries affairs and attached great importance to cooperation with other countries. It has ratified and acceded to the Inter-American Convention on the Conservation and Management of Tropical Tuna, the Central and Western Pacific Fisheries Management Convention, the South Pacific Convention on the Conservation and Management of Fishery Resources in the High Seas, and participated in the North Pacific High Seas Fisheries. The negotiation of the Convention on Management and the signing of bilateral fisheries cooperation agreements or memorandums with Indonesia, Argentina and Canada have resulted in the effective utilization of international fishery resources quotas and further enhanced the impact of participation in the formulation of international fisheries rules.

Despite remarkable achievements in the development of Ocean Fisheries in China, there are still many problems to be solved urgently. Nowadays, China is in the period of economic transformation, and fishery is still a weak industry. A large number of fishing boats are aging seriously and their supporting equipment is obsolete. Fishermen's incomes are generally low, and it is difficult to invest a large amount of money in improving fishing vessel equipment, resulting in a high incidence of fishing vessel accidents.

4.3.3 Changes in the International Situation after the Amendment of the 1993 Protocol and Its Impact on China

At the 53rd SLF meeting, the participating countries proposed to adjust the scope of application of the protocol, reduce some mandatory technical requirements, set

transitional terms, narrow the scope of application of fire fighting equipment requirements, reduce the requirements of life-saving equipment, and narrow the scope of application of radio communication requirements. The amendments to the annexes to these protocols make them more realistic and reduce the difficulty of ratifying and acceding to the protocols. From the 89th MSC meeting, the camp of Asian countries such as Japan, Korea and Indonesia, which opposed the protocol in the past, began to change. For example, Japan indicated that technical barriers to accession had been removed after the amendment of the Protocol, and South Korea was considering notifying the IMO of the number of ships. Countries that do not agree to accede to the Protocol will become increasingly isolated. If our country does not respond to this situation in time, our offshore fisheries will be marginalized, and the cost will be far greater than the cost of performance preparation.

Once the Protocol enters into force, even if China does not accede to it for the time being, ocean-going fishing vessels engaged in high seas operations in China must be inspected by the States Parties when entering the ports of the States Parties to the Protocol, which will still be greatly affected. If the enterprises do not update and improve the technical equipment in time, the safety management level of fishing vessels will continue to decline, and eventually the accidents of fishing vessels will occur frequently, resulting in more environmental pollution, property losses and crew casualties.

In response to the above, our government has taken active action to participate in international cooperation. From September 1 to 3, 2011, the Fishing Vessel Inspection Bureau of the Ministry of Agriculture held a seminar on the 1993 Torremolinos Protocol between China, Japan and South Korea in Beijing. It coordinated the tripartite position and discussed the revision of the technical provisions of the annex to the Protocol and reached consensus.

At the meeting organized by IMO, after the application scope of the Annex to the

Protocol was narrowed and the technical standards were lowered, the pressure faced by our country was further increased and the room for manoeuvre was very small. Therefore, the Chinese delegation has adopted a positive response plan. One is to inform the captain before the meeting of the number of domestic marine fishing vessels and high seas fishing vessels over 24 meters. Secondly, it puts forward principles and opinions to support all efforts made by IMO to ensure the safety of fishing vessels and crews. China has made a lot of efforts to improve the safety level of fishing vessels and narrow the gap with the provisions of the Protocol. However, my Government believes that the fundamental reason for the long-term failure of the 1993 Protocol to enter into force lies in its excessive requirements, which are divorced from the actual situation of most countries, especially developing countries. Thirdly, with regard to the scope of application of the Protocol, my Government intends to propose adding a clause in the draft Agreement as Article 3, which clearly stipulates that "this Protocol applies to marine fishing vessels operating on the high seas", and that the conditions for entry into force of Article 4 of the draft Agreement should be specified as fishing vessels operating on the high seas. Finally, with regard to the number of vessels and the number of contracting parties required for the entry into force of the Agreement, our position is to redefine the number of vessels required for the entry into force of the Agreement in accordance with 50% of the number of vessels on the basis of the latest notification of the number of fishing vessels operating on the high seas by the relevant countries.

CHAPTER 5: Strategies for China's Ocean Fisheries to Cope with International Maritime Laws and Regulations

5.1 Effective measures taken by China

5.1.1 Establishing China's National Model Image in International Ocean Fisheries

According to the requirement of "Opinions of the Ministry of Agriculture on Promoting the Sustainable and Healthy Development of Ocean Fisheries", through strengthening investment and policy support, China's ocean fisheries policy research, crew education and training, green fishing vessel design and construction technology, and equipment level of ocean fishing vessels are at the international leading level, and China's ocean fishing vessels are established. The good international image of fisheries will enhance China's position and influence in relevant international fields and consolidate and deepen friendly and cooperative relations with China's relevant countries.

5.1.2 Establish a national ocean fishery research institute to strengthen ocean fishery policy research

Establishing the benchmark of international ocean fisheries research, relying on the construction of Zhoushan Islands New Area in Zhejiang Province, relying on domestic ocean universities and research institutions to establish Ocean Fisheries Research institutes, focusing on strengthening the study of international conventions related to Ocean Fisheries formulated by international organizations or associations such as IMO and ILO. And put forward countermeasures and technical measures in

time.

5.1.3 Establish a national seafarer training institution for ocean-going fishing vessels to strengthen international exchanges

In conjunction with maritime, maritime and aquatic universities, a national seafarer training institution was established. Under the guidance of the Ministry of Agriculture, IMO was invited to conduct international and regional training seminars on the implementation of the STCW-F Convention in developed areas of Ocean Fisheries in China. At the same time, we should carefully study the model training courses for fishing crew adopted by the International Maritime Organization, formulate and implement the training standard courses for domestic ocean-going fishing crew after transformation, so as to improve the comprehensive quality of our ocean-going fishing crew.

5.1.4 Establishment of a national ocean fishing vessel design center to strengthen the design and manufacture of green fishing vessels

To meet the needs of the transformation and upgrading of China's shipbuilding industry, a state-level ocean fishery vessel design center has been set up. The design and manufacture of green fishing vessels, new fishing gear and fishing methods, and the development of energy-saving and consumption-reducing fishing technologies have been carried out by joint shipyards and ship design departments. Focusing on energy-saving, environmental protection and safety fishing vessels, such as ultra-low temperature tuna longline fishing vessel, tuna purse seine vessel, standard and specialized squid fishing vessel, large trawl processing vessel, etc. We will support key shipyards in developing green fishing vessel manufacturing, and provide policy and financial support for research and construction enterprises in upgrading and upgrading enterprises and research and development of green fishing vessels.

5.1.5 Raise government subsidy standards and build high-standard fishing boats

Strengthen the quality supervision of ocean fishing vessels to meet the requirements of international conventions. The core of the Cape Town Agreement of 2012 is to improve the standard of fishing vessel construction. With the approaching date of entry into force of the Convention, the Ministry of Agriculture and the coastal provincial government should raise the subsidy standard for newly built ocean-going fishing vessels in order to build ocean-going fishing vessels in conformity with international conventions. At the same time, funds for technological renovation of ocean-going fishing vessels will be set up to renovate ocean-going fishing vessels that can meet the standards, and old vessels that do not meet the standards will be dismantled or used for domestic coastal fishery production needs.

5.1.6 Increase research and development on safety and management technologies related to Pelagic Fisheries

In order to improve the efficiency of fishery production and reduce the safety accidents of fishing vessels, we should tackle key technical problems urgently needed to be solved in the aspects of ship safety management, emergency communication technology, remote video surveillance and management, recreation and entertainment of fishermen and crew, and prevention of marine pollution, so as to make our management level of ocean fishery in the international leading position. Level.

5.2 Positive Response to Challenges of High Seas Fisheries Legal System

5.2.1 Careful implementation of the provisions of international conventions and agreements

As a party to the Convention, we should act in accordance with the principles stipulated in the Convention and bring our fisheries into the norms of the Convention. Fisheries activities are carried out not only in waters under national jurisdiction, but also in waters of other countries or shared waters. Fishing in other countries' exclusive

economic zones or on the high seas has the responsibility and obligation to comply with the principles and rules stipulated in international legal instruments, including the Convention, the Compliance Agreement and the Fish Stocks Agreement. The implementation of flag State obligations shall also comply with the relevant provisions of the above-mentioned conventions and agreements. The conservation and management of straddling and highly migratory fish stocks should comply with the relevant provisions of the Fish Stocks Agreement. We should strengthen the management and conservation of fishery resources, pay attention to maintaining the balanced development of the marine ecological environment and the conservation and management of fishery resources, and ensure the sustainable utilization of resources.

5.2.2 Perfecting Fisheries Management Regulations

China's current laws and regulations on fisheries include the Fisheries Law of the People's Republic of China, the Detailed Rules for the Implementation of Fisheries of the People's Republic of China, the Measures for the Administration of Fisheries Fishing Licenses of the People's Republic of China, the Regulations on the Supervision and Administration of Fishing Vessels of the People's Republic of China, and the Administration Interim Measures, etc. China has initially formed a fishery laws and regulations system, but there are still some problems in the existing laws and regulations. For example, most of these laws and regulations are for the development, utilization and protection of fishery resources. Moreover, some regulations were basically formulated before the entry into force of the Convention and were not compatible with the international fisheries management system established by the Convention. Therefore, in accordance with the new development of international ocean management, China should adjust and constantly improve its domestic fishery legislation and establish a high seas management system in line with the international community.

5.2.3 Actively participate in global and regional fisheries organizations and strengthen regional cooperation

At present, there are a large number of global and regional fisheries organizations, such as the International Atlantic Tuna Fisheries Conservation Commission, the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Central and Western Pacific, the North Pacific River Traceable Fish Commission, the Northwest Atlantic Fisheries Organization and the Northeast Atlantic Fisheries Commission. These international fisheries organizations or regional fisheries organizations have specific provisions and protective measures for the operation of various straddling fish stocks and highly lacritical fish stocks. This requires our country to actively participate in various meetings and activities in order to understand the relevant provisions and strive for the corresponding rights and interests. These organizations are all substantive decision-making organizations. If our country does not participate, we will give up the rights we should enjoy, but still have to undertake the relevant obligations. Therefore, on the basis of investigating and studying the relevant situation, we should actively participate in these organizations in principle, and play our due role in these organizations, and reasonably assume obligations. We should correctly analyze the actual situation in China, strengthen the investigation and study of fishery resources in the sea areas, and strive for more favorable conditions in these organizations.

In the future negotiations of regional, subregional and bilateral fisheries agreements, China should make special provisions on the management of fishing activities on the high seas in accordance with the characteristics and modes of fisheries cooperation in order to limit the rights of port States and protect offshore fisheries production under international fisheries treaties.

5.2.4 Strengthening international exchanges and cooperation

Some provisions of the Convention are ambiguous, and there are differences in the interpretation and application of the relevant provisions among countries, resulting in frequent fisheries disputes. China should take the Convention as the criterion and organize special efforts to study the objectives, policies, measures and means of implementation of the exclusive economic zone for the management of major fisheries countries in the world. On the basis of equality, mutual benefit and rational utilization of available resources, we should actively consult with neighboring countries to avoid or reduce fishery disputes or disputes with other countries, especially neighboring countries. Develop friendly cooperation with fisheries of relevant countries and regions to jointly develop fisheries economy, so that our fisheries can truly achieve the goal of sustainable development.

5.2.5 Establishment of management mechanism for Pelagic Fisheries

Our government should continue to give preferential policy support to pelagic fisheries, strengthen macro-management of pelagic fisheries, consolidate and purposefully develop transoceanic pelagic fisheries, and develop oceanic Pelagic Fisheries under control on the premise of sustainable development and utilization of fishery resources.

The state should make a unified plan for ocean fisheries and formulate relevant management measures. As far as possible, it should be consistent with relevant international regulations and adjust the current management system of fisheries administration and Fisheries supervision. Improving the registration and licensing system of ocean-going fishing vessels at the national level as soon as possible, ensuring the quality of ocean-going fishing vessels, limiting the number of fishing vessels, enabling the state to macro-control the size of ocean-going fishing fleets, and establishing national ocean-going fishing vessel archives. In order to exchange relevant materials in accordance with the provisions of international organizations and

in accordance with the unified and internationally recognized fishing vessel and gear marking system.

5.2.6 Establish correct ocean concept and strengthen training and propaganda work

Establish the idea that marine fishery has entered an era of comprehensive and strict management and that marine fishery resources can be utilized with compensation. Actively adapt to the international fisheries management system, pay attention to its development trend, and be familiar with and abide by the relevant provisions of international fisheries management. Strengthen professional and technical training, especially the education of relevant laws and regulations, and constantly improve the professional level of fishermen.

Research on the latest development of international marine fisheries laws and treaties. Understanding the latest changes of fishery laws and regulations in the world and speeding up the legislation of ocean fishery in China. We should strengthen the education of international fishery laws and regulations for pelagic fishermen, make them consciously abide by relevant international regulations and practices, and reduce violations and errors in their work.

CHAPTER 6: SUMMARY and CONCLUSIONS

The continuous development and improvement of the international marine legal system has had a far-reaching impact on the Fisheries of all countries in the world. Fisheries activities on the high seas are no longer unrestrained, but regulated by a series of agreements or conventions in order to establish an orderly high seas fisheries

order. Coastal and fishing countries should cooperate to adopt measures for the conservation and management of fishery resources to ensure the sustainable use of resources.

Through the research and analysis of the development and impact of the international marine legal system, the implementation of the international fisheries legal system and the practice of our country's implementation of the contract, China should tackle the challenges of the international fisheries management regulations to our fisheries from the following six aspects:

First, we should conscientiously implement the relevant provisions of international conventions and agreements and fully implement the obligations of flag States. The International Fisheries conventions or agreements related to the high seas mentioned in the paper depend on the active participation and long-term cooperation of all countries to achieve their management objectives. Countries need to conscientiously abide by relevant international fisheries legal systems and establish reasonable and effective management mechanisms. Fishing States should take practical measures to administer and control fishing vessels flying their flag engaged in fishing operations on the high seas so as to ensure their compliance with the international fisheries legal system. As a big fishery country, China should fulfil the obligations of flag state, fully exercise its fishing rights on the high seas, and ensure that our fishing rights and interests on the high seas are not infringed.

Secondly, we should improve domestic fishery laws, regulations and regulations, and narrow the gap between the specific requirements of the high seas fishery legal system for various countries and China's implementation practice. Our government should formulate domestic fishery laws and policies that are compatible with international maritime laws and regulations. Through improving fishery legislation and legal system construction, various marine management policies will be legalized

and institutionalized to guide the specific practice of the country. Establish a scientific and rational mechanism for exploiting and utilizing fishery resources, protect the ecological balance of fishery, bring fishery activities into the orbit of the rule of law, and realize the strategic goal of sustainable fishery development.

Thirdly, actively participate in global and regional fisheries management organizations, strengthen regional cooperation, and rationally and effectively conserve and manage high seas fishery resources at the regional level.

Fourthly, international exchanges and cooperation should be strengthened to reduce fisheries disputes or disputes arising from differences in the interpretation of relevant provisions of conventions or agreements, and to coordinate measures taken by States and regional fisheries organizations for the conservation and management of resources. Our government should take the initiative to participate in the activities of international organizations, constantly carry out exchanges and cooperation, actively participate in the formulation of international fishery resources conservation and management measures, strive for favorable conditions and safeguard the rights and interests of high seas fisheries in China.

Fifth, we should establish a management mechanism for ocean fisheries, strengthen the management of our ocean fishing vessels, make them abide by international rules and practices, and establish a good image of ocean fishing countries. We will improve the state-level registration and licensing system for ocean-going fishing vessels, establish a system for collecting fishing data and a system for punishing illegal fishing vessels to ensure the smooth development of our ocean-going fisheries.

Sixth, establish the correct ocean concept of the high seas fishery which has entered the era of comprehensive management and the paid utilization of fishery resources. To train fishery personnel in professional technology, law and English, enhance awareness of fishery laws and regulations, and improve the quality of fishery personnel.

The ocean fishery is not only one of the national strategies of China's fishery going out, but also bears the role of bridgehead in the reform and opening up and the "one belt and one road" economic construction. This is the extension of the Marine Silk Road and the Economic Belt. It bears the heavy burden of developing China's marine economy and building a blue granary. It also bears the responsibility of fishery cooperation, trade and folk exchange with coastal countries and regions. Therefore, a comprehensive clarification of the advantages and disadvantages of China's offshore fisheries industry development and the establishment of a win-win cooperation mechanism with other fishing countries will help deepen the new type of mutually beneficial relations between major fisheries countries. If the advantages of fishing technology and experience and development mode can be transformed into deepening cooperation and win-win mechanism, a new type of friendly and cooperative fishery mutual trust relationship can be established with all countries in the world, and a common destiny of global marine economy can be established.

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