

Rule of Law Guarantees for Green Development of China's Oceans

Shimi Liu

*Department of Laws, Dalian Ocean University, Heishijiao Street, Dalian, Liaoning, China
lsm2359951215@163.com*

Keywords: Marine environment; Ecological civilization; Green development

Abstract: Based on the needs of new development, China has put forward the green development concept with the goal of realizing production development, rich living and good ecology, which realizes the renewal and sublimation of the development concept. China has rich marine resources, and in the context of the new concept, the green development of the ocean is particularly important. But the current marine ecological environment, such as the Bohai Sea waters, water quality is still relatively poor, high pollution, the realization of green development, governance of the ecological environment is essential, the current implementation of the rule of law on the protection of the marine ecological environment is not enough in place. This paper will focus on the current ecological environment of China's oceans, regulations, judicial implementation, how to realize its green development to provide rule of law protection to improve the proposal.

1. The significance of green development of marine areas

In 2001, the United Nations pointed out that the 21st century is the century of the ocean. The rich resources contained in the oceans have become the key to social and economic development, and countries around the world have constantly emphasized the protection of the marine environment, the development of the marine economy, and the maintenance of maritime rights and interests in their own important development strategies ^[1]. General Secretary once said, "Strengthening the construction of marine ecological civilization is an important part of the construction of ecological civilization. We must pursue green development, make unremitting efforts from generation to generation, build a beautiful China, and make China's contribution to the protection of the global village." Since the proposal of "green mountains are golden mountains", this concept has been deeply rooted in people's hearts, high-quality development can not be separated from the green development, ecological civilization should always be throughout. As far as environmental protection is concerned, we must respond to the needs of the people and build a cleaner and more beautiful ecological environment, which requires the strengthening of the rule of law in ecological civilization, and protecting the ecological environment with the most stringent system and the strictest rule of law, so that the sky will be bluer, the ground will be greener, the water will be clearer, and the air will be fresher.

The basic concept of green development is to develop the economy while protecting the ecology, to make full use of natural resources to promote social and economic development in an

environmentally friendly way, and to follow nature and promote the harmonious development of man and nature. Take a green economic development road oriented to ecological civilization. [2] Currently, China's legal system in the legislative, law enforcement, judicial and other aspects of the provision of a series of laws and regulations on ecological environmental protection, for the full implementation of ecological civilization, green development provides a certain guarantee. But in the process of building a beautiful China, we should also see that the road still has obstacles, the journey is still arduous, but also need to continue to improve. [3] In the ecological civilization, the core concept of "community of life", "holistic view", "synergistic promotion" and so on will be the development of ecological civilization as a spatial whole to view, which will be Limit the construction and development of the ecological environment rule of law value theory, methodology and the direction of the basic path, [4] ecological environmental governance concepts, objectives, mechanisms and modes, will affect the construction of the ecological environment rule of law system norms. At the same time, ecological civilization legal norms in the actual operation of the law, but also constraints affect the ecological civilization content of the update and improvement. [5] Therefore, in the face of the complex construction of ecological environmental rule of law in the new era, it can be regarded as a whole space. Through the construction of the interpretation framework of "spatial governance", the traditional components of ecological and environmental legal relations are combined with the new related legal mechanism to analyze, in order to better improve the construction of ecological and environmental rule of law. [6]

2. Ecological environment and the current situation of regulatory protection

2.1 Ecological environment:

According to the 2022 Bulletin of China's Marine Ecological and Environmental Conditions, the area of the sea area with poor category 4 water quality is 6,070 square kilometers, which is mainly distributed in the near-shore sea areas such as Liaodong Bay and Hangzhou Bay. It can be seen that the water quality of Liaodong Bay, Bohai Bay and Laizhou Bay along the Bohai Sea is more seriously polluted, and the management of the ecological environment cannot be delayed.

The proportion of Bohai Sea waters with good water quality dropped 7.8 percentage points year-on-year. Compared with the previous year, the proportion of excellent water quality area in Liaoning, Hebei and Shandong decreased, and the proportion of inferior category 4 water quality area in Liaoning and Shandong increased. The water quality of the Yellow Sea is in good condition, but the water quality of the Bohai Sea is mildly polluted, and the main exceeding indicators are chemical oxygen demand, permanganate index and five-day biochemical oxygen demand. The country's four seas, only the Bohai Sea water quality is mildly polluted, the others are excellent or good, visible Bohai Sea water quality management, ecological and green development needs to be significantly advanced, further implementation. The main factors affecting the health of the ecosystem of the Bohai Bay waters are land-based pollution, overfishing and large-scale reclamation projects.

2.2 Laws and regulations:

The people's congresses and governments of many provinces and cities in China have enacted a large number of laws and regulations on ecological environment protection. Depending on the object of protection, the laws and regulations enacted by provinces and cities cover waters, atmosphere, noise, radioactive substances, solid waste, sewage disposal, comprehensive jurisprudence and so on. For example, in Beijing, there are about 290 local government regulations and documents related to resources and environment. The latest one is the Beijing Municipal

Development and Reform Commission's 2023 Work Plan and Measures for Ecological Environmental Protection in 2023, issued by the Beijing Municipal Development and Reform Commission. Some authors have roughly counted the legislative purposes of local regulations related to environment and ecology implemented and amended from January 2019 to March 2020 in Liaoning Province. During this period, there are about 15 local laws and regulations implemented and amended in Liaoning Province, and their legislative purposes are roughly as follows: 1 norm explicitly mentions the concept of green development in the clause of legislative purpose, 11 take ecological environmental protection (including building ecological civilization, maintaining ecological security, protecting resources, etc.) as the purpose of legislation, 4 refer to the protection of public health (human health), and 9 refer to the sustainable development of the economy (including coordinated economic and social development). Sustainable development (including coordinated economic and social development, etc.).^[7] The National People's Congress (NPC) and the government have actively exercised their subjective initiative to formulate a large number of rules and regulations for ecology, energy, and environmental protection, with particularly detailed provisions in various fields, such as the Regulations on Hydrology in Liaoning Province, the Regulations on Urban Heating Supply in Liaoning Province, the Regulations on Prevention and Control of Atmospheric Pollution in Liaoning Province, and the Regulations on Green Buildings in Liaoning Province.

The Ministry of Ecology and Environment, the National Development and Reform Commission, the Ministry of Natural Resources, the Ministry of Transportation, the Ministry of Agriculture and Rural Development, and the China Coast Guard have jointly promoted the implementation of the "14th Five-Year Plan for Marine Ecological Environmental Protection", taking the construction of beautiful bays as the main line of work, and issuing the "14th Five-Year Plan" in parallel. The "14th Five-Year Plan for Marine Ecological Environmental Protection" takes the construction of beautiful bays as the main line of work, and simultaneously issues the "14th Five-Year Plan" marine ecological environmental protection key tasks and measures, which have been implemented one by one in 283 bays in China's near-shore waters, forming a hierarchical governance pattern of "national, provincial, municipal, and bay". The Ministry of Ecology and Environment has taken the construction of beautiful bays as a centralized embodiment of the construction of a beautiful China in the field of marine ecology and environment and an important carrier, compiled and issued the "Basic Requirements for the Construction of Beautiful Bays" and the "Reference Indicators for the Construction of Beautiful Bays (Trial)", which put forward clear and definite construction requirements and set up concise and clear construction indicators, so that members of the general public can have an image of the public to understand and feel the environmental excellence, ecological beauty and governance effectiveness of beautiful bays; Liaoning, Hebei, Hebei, and Hebei are the most important bays in China. In addition, Liaoning, Hebei, Shandong and other provinces have issued provincial-level construction programs or construction requirements for beautiful bays, guiding coastal municipalities to strengthen "one bay, one policy" for comprehensive ecological and environmental management, and exploring a number of good experiences, good practices and good models for the construction of beautiful bays.

3. Suggestions on providing rule of law guarantee for green development

3.1 Improve laws and regulations

Adhere to the rule of law in a comprehensive manner and promote the construction of China under the rule of law. The institutional guarantee for Chinese-style green modernization cannot be separated from the socialist rule of law system with China's characteristics, which must be the root guarantee. The construction of the socialist rule of law system with China's characteristics requires

the improvement of the socialist legal system with China's characteristics, including the legal system of ecological environmental protection, with the Constitution as the core. Since 2012, this decade, the construction of the rule of law on ecological environmental protection has a huge improvement in the number of ecological environmental protection laws to the quality of a change, indicating that China's ecological civilization concept of implementation of ecological environmental protection is gradually entering a better situation. At present, there are more than 30 existing laws on ecological environmental protection in China, and China's ecological environmental protection has made significant progress and achieved remarkable results in terms of legislation. With the revision of the Environmental Protection Law, the extensive discussion on whether to compile an environmental code, the Civil Code also mentions the protection of the ecological environment, the responsibility for pollution of the ecological environment, which shows that all walks of life have realized that the legislation of the ecological environment is not only the task of the environmental law, but also in other legal departments throughout the environmental law. In the further planning of Marine development laws and regulations, a holistic thinking should also be established. It is necessary to use holistic thinking and systematic thinking to design the ecological environment laws and regulations of the sea area. First of all, we should combine the current needs of China's marine green development, coordinate the development of ecological environmental protection laws and regulations in the planning area, and establish a system of ecological civilization laws and regulations covering various types of resources and environmental elements. Secondly, a holistic approach to management cannot be limited to a particular sector, each sector should actively explore the relevant laws with the environmental sector, to achieve the ecologization of the law. Nowadays, China has entered a new stage of modernization and development, shouldering the historical task of building a beautiful China in the new era, therefore, the ecological civilization and green development has put forward higher legal requirements. When establishing Marine related laws, it is necessary to establish the concept of green development, so that it can form a synergistic legal system of green development.^[8] To promote the construction of Chinese-style green modernization to a new height, it is necessary to unswervingly and continuously promote the construction of the rule of law on ecological environmental protection, improve the socialist legal system with China's characteristics, and provide a solid legal guarantee and institutional support for green development.

"When the rule of law is strong, the nation is strong, and when the rule of law is strong, the country is strong." Therefore, the government of the city with the sea should accelerately formulate the development of Marine protection laws and policies in the region. The rule of law for the development of the country and the nation, has a very important practical value. Although China has formed a relatively perfect legal system with the constitution as the core, including the "Criminal Law", "Civil Code", "Administrative Law" and so on, but for the unique geographic environment and the reality of the situation, governance of specific regions to achieve green development still need to be based on the existing laws in line with the actual implementation of the local rules. According to the specific Marine regional environment, local implementation rules are formulated: When formulating local rules for implementation, on the one hand, it is necessary to ensure that they are within the norms of the Constitution and national laws, and cannot exceed the power and the law above them. On the other hand, under the premise of ensuring that the universality of the law is not destroyed, local implementation rules should be formulated in combination with the actual situation of local Marine green development. It is necessary to meet the requirements of two aspects at the same time in order to better play the role of legal norms to ensure the green and efficient development of local economy.^[9]

3.2 Strengthening judicial functions

The government is an important implementer of the comprehensive rule of law, and administration according to law plays a key role in the rule of law. In order to provide rule of law protection for the green development of marine areas, it is indispensable for administrative law enforcers to administer in accordance with the law. Within the field of ecological environmental protection, there is a need to further deepen the reform of vertical management of environmental protection agencies, for the focus and difficulties in ecological environmental law enforcement, we must be resolute and serious, find the problem to solve the problem, strictly deal with the violations of the law in the ecological environmental administrative law enforcement, and to improve the quality of the rule of law of the ecological environmental administrative law enforcement team. "In-depth promotion of the central ecological environmental protection inspectors", inspectors bear the responsibility for the ecological environment, must be severely held accountable for their violations of the law, cannot be ambiguous, issued a "good man card", to promote the implementation of leading cadres of ecological and environmental damages "Party and government share responsibility" "one post, two responsibilities", comprehensively enhance the realization of the ecological environment field governance system and governance capacity modernization level.

Fair justice is the last line of defense to maintain social justice. Because the ecological environment is not only affected by the humanities, but also by great natural factors, governance is extremely diverse and complex, which also puts forward a huge challenge to ecological environmental protection, and puts forward higher requirements for judicial relief of ecological environment. According to the requirements of "improving the public interest litigation system", the improvement of ecological environmental judicial relief should strengthen preventive and restorative justice, and properly use new systems such as environmental public interest litigation and ecological environmental damage compensation litigation. Next, it is also necessary to improve the specialized environmental litigation mechanism. Proper judicial relief cannot be separated from the complete responsibility system, should develop the ecological environmental damage multiple relief mechanism, constantly improve China's ecological environmental rights and interests protection system, and promote the realization of ecological and environmental public interests in the judicial adjudication. In practice, the judicial organs should strengthen cooperation and contact, public security organs, people's procuratorates, people's courts, each in its own way, cooperate with each other, mutual constraints, the articulation between the organs, for the rule of law to safeguard the ecological environment of the marine area to provide a strong judicial responsibility system.^[3]

3.3 Publicize the awareness of marine ecological protection

"The law must be believed, otherwise it is in vain." To promote the green development of Marine areas, we not only need the support of national laws, but more importantly, the law must be deeply rooted in the people, and the people must respect the law and abide by the law. Only in this way can we truly implement the Marine ecological Environment Protection Law. Green development is everyone's responsibility, each citizen should take ownership of the marine green development and construction process to practice the role of citizens, practicing low-carbon life, green consumption, in order to better achieve the goal of building a beautiful China at an early date. It is necessary to strengthen the construction of green rule of law culture and lay the social foundation for ecological civilization and rule of law. The implementation of the green rule of law culture cannot be separated from every citizen. Therefore, the first thing is to stimulate citizens' self-discipline awareness of environmental protection. Only by establishing a modern civic awareness of consciously fulfilling ecological protection and green development, cultivating citizens to safeguard environmental rights according to law, and promoting every citizen to practice a lifestyle of resource conservation, green

and low-carbon travel, then we can gradually form an ecological environment protection culture for marine rule of law construction and green development. At the same time, it is necessary to publicize the marine green development and protection law, and improve the public's recognition of the concept of green development and environmental protection organizations before they can actively participate in the construction of marine green ecological development. To improve people's awareness of green environmental protection, for example, when people go to the seaside to play, do not litter to pollute the marine ecological environment. When going out, choosing more bicycles, public transportation to reduce exhaust emissions, although in everyone's view this is a small matter, but everyone has this awareness to practice, then it will converge into a powerful force.

3.4 Developing green marine industries

We will accelerate the green transformation of our development model. According to the principle of ecological environmental responsibility "whoever develops and protects, who benefits and who compensates". For the enterprises and individuals that damage the ecological environment in the sea area, in addition to economic penalties, if serious consequences are caused, they can be implemented by means of suspension of production and power outages or even revocation of business licenses, and are required to recover within a time limit ^[10]. Implementing the "one bay, one policy". Ensuring the operation of the Gulf governance mechanism under the rule of law and taking effective measures to encourage cross-regional coordinated governance of the marine region. Ensuring the implementation of green development in Marine areas.. ^[11]

Adhere to the principle of expanding legal protection products, for industrial upgrading, ecological value transformation and high-quality development of Marine regions. With regard to the development of the Marine economy, in providing legal guarantees, it is necessary to ensure the ecological environment and green development of the Marine regions in accordance with the law, and to ensure the prosperity and prosperity of the Marine regions in accordance with the law, and the continuous improvement of the quality of life of the people. To ensure the high-quality development of Marine areas with the rule of law, so as to avoid the formation of an irreversible situation of the ecological environment and bring troubles to future generations, it is necessary to ensure the green development of Marine areas in accordance with the law, and maintain good ecological resources.^[12] For example, the advantages of marine resources can be used to achieve the intensive development of marine industries. At the same time, under the premise of guaranteeing the stable development of the traditional advantageous marine industry, it is also necessary to increase the development of new marine industries, such as the tertiary industry of marine finance, to achieve the optimization of the industrial structure, so as to promote the comprehensive development of the marine economy.

4. Conclusions

In the dual context of building an ecological environment rule of law system and a strong marine country, China should strengthen the rule of law to ensure the green development of the marine field, make full use of marine resources within the rule of law system, both for the optimization and upgrading of the marine industry, but also at the same time in the implementation of the rule of law to protect the development of the ocean, with the most stringent legal system to safeguard the ecological environment. Combined with some of the marine ecological environment situation that has been introduced in our country, as well as some related laws and regulations, the legislation, justice, law enforcement, law-abiding and so on, put forward suggestions for improvement, and expect to make better use of the rule of law to guarantee the green development of the marine field.

References

- [1] Cao Naigang, Zhao Lin, Jia Jianqi. *Measurement of the quality of China's marine economic development and analysis of influencing factors based on the RESSIC framework* [J]. *Geography and Geographic Information Science*, 2021, 37(4):106-112.
- [2] Junren Jiang, Yun Du. *Harmonious coexistence between human and nature: five characteristics of Chinese modernization* [J]. *Journal of Changsha University of Technology (Social Science Edition)*, 2022, 37(06):1-10.
- [3] Wang Linqing, Wei Haiyong, Chen Haisong et al. *"Intellectual Support, Rule of Law Guarantee and Education Popularization for Promoting Chinese Green Modernization* [J]. *Decision and Information*, 2023, No. 556(04):22-30.
- [4] Lv Zhongmei. *The ecological civilization rule of law theory of Xi's rule of law thought* [J]. *Chinese Jurisprudence*, 2021, No. 219(01):48-64.
- [5] Chen Bafeng. *Spatial constraints and mechanism reengineering of rural grassroots law enforcement* [J]. *Legal Studies*, 2020, 42(02):3-19.
- [6] Du Hui. *Practice, Logic and Innovation: The Development of Ecological Environment Rule of Law under Spatial Orientation* [J]. *Journal of Nanjing Normal University (Social Science Edition)*, 2022, No. 241(03):87-97.
- [7] Li Baxuan. *Rule of Law Path to Promote Green Development in Northeast China* [J]. *Journal of Dalian Maritime University (Social Science Edition)*, 2021, 20(01):55-60.
- [8] Zhao Xiaojiao. *Rule of law thinking on the green development of the Yangtze River Economic Belt* [J]. *Lanzhou Journal*, 2021, No. 329(02):131-146.
- [9] Yang Yao. *Value Implications and Path Construction of the Rule of Law to Guarantee Green Development in Northwest China* [J]. *Journal of National Forestry and Grassland Bureau Management Cadre College*, 2022, 21(04):10-13.
- [10] Zhong Ziwei. *High ecological value and high quality of development* [N]. *People's Daily*, 2019-03-07(6).
- [11] Fan Tian. *Exploration of green development path of Minjiang River Basin in the context of ecological civilization* [J]. *Science and Technology Newsletter*, 2021, 19(32):88-90.
- [12] Chen Guangji. *An empirical study on the rule of law guarantee for ecological protection and high-quality development in the Yangtze River Basin--Taking Wuhu City as an example* [J]. *Journal of Anhui Police Officers Vocational College*, 2022, 21(06):1-6+128.