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WORLD MARITIME UNIVERSITY

Dalian, China

**A COMPARATIVE STUDY OF
THE FUNCTION AND POWER OF CHINA AND US
COAST GUARD**

By

PAN YAJI

The People's Republic of China

A research paper submitted to the World Maritime University in partial
fulfillment of the requirements for the award of the degree of

MASTER OF SCIENCE

(MARITIME SAFETY AND ENVIRONMENTAL MANAGEMENT)

2015

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DECLARATION

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

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

(Signature): Pan Yaji

(Date): 2nd July 2015

Supervised by:

Yan Tieyi

Professor Associate in Dalian Maritime University

Assessor:

Co-assessor:

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ABSTRACT

Title of Research Paper: A Comparative Study of the Function and Power of China and US Coast Guard

Degree: MSc

In recent years, development and utilization of marine resources in China are accelerating, which leads to rapid development of the shipping economy, but also causes frequent marine politic and economic conflicts between China and the surrounding countries. These have brought new opportunities and challenges to the maritime administrative law enforcement. The traditional decentralized maritime administrative law enforcement system has gradually exposed many disadvantages. Under the background of international environment, the formation of a unified law enforcement team of the sea has become a major trend. In March 2013, China passed a new round of institutional reform and functional transformation of the State Council, in which the restructuring of the State Oceanic Administration marks a major turning point in China's maritime administrative management system, thus starting a new situation in which China Coast Guard becomes the subject of ocean administrative law enforcement. Comparing China Coast Guard to the U. S. Coast Guard in various aspects, this paper provides some suggestions to improve and promote reform of the marine administrative management system in China.

Key Words: China Coast Guard, USCG, Marine administration

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LIST OF ABBREVIATIONS

MND	Ministry of National Defence of the People's Republic of China
MPS	Ministry of Public Security of the People's Republic of China
SOA	State Oceanic Administration
USCG	United States Coast Guard
UNCLOS	United Nations Convention on the Law of the Sea

Chapter 1 Introduction

1.1 Concepts of administrative law enforcement and marine administrative law enforcement

Human beings have a long history in the implementation of the management of marine activities. We are accustomed to referring all kinds of marine behaviors as ocean management. However, management of different natures needs different guide theories, the practice ways of which are also different. Professor Lu Shouben is the first Chinese scholar engaged in researching marine management. From the perspective of general management theory of marine management, he defined ocean management as *the overall administrative and non-administrative general function arised in the command, coordination, control and execution during the activities of the development and utilization, rights and interests protection and scientific research of the ocean.* (Lu. 1997) That definition does not reflect the difference between marine administration and other management. In fact, the concept of ocean management is relatively broad, which includes marine economic management, marine administrative management, marine environmental management and marine military management. As a consequence, scholars earlier often confused the concept of ocean management with that of marine administration.

Maritime administrative law enforcement includes internal and external law enforcement. Internal law enforcement refers to maintaining maritime security and traffic order, protecting marine resources and the marine environment, punishing

marine crimes and carrying out assistance and salvage at sea. External law enforcement refers to defending maritime rights and interests, resisting the invasion of non-military invasion, making international exchanges and cooperation and so on, basically including all maritime administrative law enforcement tasks. Since maritime administrative law enforcement is a comprehensive concept and there is no unified administrative law enforcement system under current conditions of China (Chen, S. 2011), relevant experts currently give maritime administrative law enforcement a definition. Maritime administrative law enforcement refers to the processing and execution behaviors made by maritime administrative law enforcement organizations, which were set up by Public Security frontier defense forces and other marine administrative institutions, to the objects of specific adjustment and management on the basis of laws, regulations and other normative documents the Department developed. But if we look into the future, or want to meet international standards, maritime administrative law enforcement can be defined as follows. Maritime administrative law enforcement refers to the processing and execution behaviors made by the subjects of maritime law enforcement to the objects, which are vessels and people acting illegally in national sovereignty areas and other sea areas where maritime law enforcement can be carried out, according to the relevant laws, regulations and international treaties.

1.2 Features of maritime administrative law enforcement system

Maritime administrative law enforcement system refers to the organizational system of maritime administrative law enforcement organs, mainly including the structure system, function allocation, division of authority and the operation way of administrative authority. The organization structure system of maritime administrative law enforcement is the closely-related and well-arranged system formed among administrative law enforcement agencies which have maritime administrative power. Function allocation and power division mainly refer to the scope and boundary of the administrative law enforcement agencies at all levels with maritime administrative power. That includes the law enforcement power allocation between the central and

local administrative law enforcement authorities, between administrative law enforcement agencies at higher and lower levels. It includes both vertical and horizontal allocation of authority and the division of authority. The operation mode of administrative authority is the method, measure, means, procedure, and so on, which is the external manifestation of the function of maritime administrative law enforcement agencies.(Yan, Ye. 1999.) Because of the complexity of marine management objects and regions, marine management system is different from general management systems, and has its own characteristics, which mainly include the following aspects:

- Law enforcement tasks are difficult and complex

Maritime administrative law enforcement is not only limited to domestic economic entities, but marine economic subjects in various countries around the world. Law enforcement has to depend on different laws, which particularly increases the complexity of maritime administrative law enforcement tasks. In addition, maritime administrative law enforcement is also influenced by sea conditions. The ocean is an open and large. Natural environment is bad and changeable. There is no sophisticated social service function on land. It increases the difficulty of maritime administrative law enforcement.

- Maritime administrative law enforcement is strongly normative

Administrative law enforcement is more normative and technical than other administrative regulations. The laws and administrative regulations on which maritime administrative law enforcement depends include the national laws and regulations on the sea, and the international conventions on the sea. Therefore, this requires that the maritime administrative law enforcement officers must not only have sea navigation skills, but also grasp the knowledge of marine science and technology. Additionally, they should have certain legal knowledge, do things on the basis of facts and regard the law as criterion, thus improving the ability of acting by law.

- Maritime administrative law enforcement covers a wide range.

The scope of maritime administrative law enforcement activities includes the inland sea, territorial sea, contiguous zone, exclusive economic zones and continental shelf waters viewed from the content, maritime administrative law enforcement ranges from daily patrol inspection to wartime cooperation with naval warfare, from general human life salvage to wrecked ship salvage, from the safety management of marine vessels to the detection and protection of marine environment. It is related to maritime security, maritime rescue, transportation management, marine environment and the protection of marine resources, national sovereignty and so on, almost covering all areas of marine activities. The extensiveness and complexity of law enforcement scope require the maritime law enforcement subjects must have a higher ability of administrative law enforcement and establish a sound system of maritime law enforcement.

- Maritime administrative law enforcement depends to a large extent on law enforcement equipment.

Maritime administrative law enforcement activities are mainly in the sea. Due to the impact of natural factors such as marine climate, marine environment is very complex and dangerous. Especially, the environment is more severe for offshore law enforcement which requires strong anti-wind ability and endurance of the patrol ships. Therefore, maritime administrative law enforcement activities must be equipped with a sound patrol ship to ensure the safety of long time maritime law enforcement. Moreover, the illegal and criminal activities of the sea become more internationalized, intelligent and violent. Law enforcement objects are increasingly complex. This requires maritime law enforcement and patrol vessels must be equipped with all-around weapons and equipment with high performance. (Cui, W,L. 2009.)

1.2 Summary

This chapter introduces the concept of maritime administration and features of maritime administrative law enforcement. It is difficult to enforce maritime administrative law and enforcement of maritime administrative law is quite different from other administrative enforcement. The main purpose of marine administrative law enforcement is for safeguarding maritime rights and interests, protecting the marine environment, improving marine development. Management mode of main bodies of maritime administrative law enforcement has a great impact on development of the marine industry and economic growth.

Chapter 2 Comparison of the Function and the Enforcement Scope of China to that of US Coast Guard

2.1 Introductions to China and United States Coast Guard

2.1.1 China Coast Guard

China Coast Guard is short for the Coast Guard of People's Republic of China. It is a new institution built according to the spirit of the 18th CPC National Congress and a new round of the overhaul scheme and the Reform and Function Transformation of the State Council. China Marine Surveillance under the State Oceanic Administration, Marine Fishery Bureau in many places under Ministry of Agriculture, coastal guards of Ministry of Public Security, the maritime anti-smuggling forces of General Administration of Customs are integrated to establish the unified China Coast Guard under the guidance of Ministry of Public Security. It was formally established on July 22, 2013, to fulfill the duties of the maritime administrative law enforcement in our country. The official English name is China Coast Guard.

2.1.2 United States Coast Guard

United States Coast Guard (USCG) is a member of the US Army, and is one of the seven disciplined forces in the United States. As a maritime military, United States Coast Guard is responsible for handling all kinds of maritime law enforcement

matters (including the 12 mile territorial sea and international waters) and implementing federal regulations. It has a special status. It is administrated by the Department of Homeland Security in peacetime. If needed, the president of the United States can give orders to transfer it to the U.S. Navy Command. The Congress also has the right to issue the same command in wartime.(USCG,2015)

Early on August 4th, 1790, the first U.S. Finance Minister Alexander Hamilton founded United States Revenue Cutter Service, which later became the Coast Guard. So it was regarded as the oldest American HNA department. By August 2009, a total of about 42,000 men and women had been in service. There had been 7,500 reserve, 30,000 auxiliary personnel and 7,700 full-time administrative staff.

2.2 Authority content of China Coast Guard

China coast guard also refers to China Public Security border police. Specifically, it refers to the coastal Public Security Frontier Corps, the maritime police detachment and police brigade exercising jurisdiction to behaviors against the public security administrative laws, regulations and rules or alleged acts of crime in China's internal waters, territorial waters, the contiguous zone, exclusive economic zone and continental frame according to the Provisions on the Marine Law Enforcement of the Public Security Organ. Its responsibilities include 5 aspects:

- a) preventing, suppressing and detecting of illegal and criminal activities in the sea;
- b) guarding the important objectives of the sea;
- c) participating in the rescue and salvage at sea, protecting public property, personal property and life of citizens;
- d) carrying out maritime law enforcement cooperation in accordance with provisions;

e) other responsibilities assigned by the laws, administrative regulations and Ministry of public security.

China Coast Guard is essentially China's maritime public security organ. It is basically similar to the public security organ on the ground in the fight against illegal crimes. However, in the jurisdiction, the current law has not made a clear division of labor among the Coast Guard, port security and maritime public security.

2.3 Authority content of U.S. Coast Guard

U.S. Coast Guard is the maritime law enforcement armed power of the United States to implement multitasks. Its main tasks are as follows:

- Maintaining maritime security. It includes:
 - a) homeland security;
 - b) antidrug;
 - c) stopping illegal immigration from abroad.
 - d) law enforcement of marine resources in the exclusive economic zone and the high seas.

- Maintaining maritime transportation safety. It mainly includes:
 - a) Maritime search and rescue. The Coast Guard is the only maritime rescue agency authorized by the law of the United States, At present, it configures a large number of search and rescue ships in the East, West coasts of America, the Gulf of Mexico, Alaska, Hawaii, Guam, Puerto Rico, the Great Lakes region of North America and part of the inland waterway. These ships are responsible

for all maritime search and rescue activities in all American jurisdiction sea area, most of the North Atlantic Ocean and Pacific Ocean, and provide medical, fire fighting, water plugging, towing service and so on.

b) Maritime safety. In order to ensure the safety of maritime navigation, the U. S. Coast Guard performs strict management in three aspects, namely, vessels, crew and navigation facilities. For the ship, safety inspection officers track and manage from design, construction to navigating standard and trial voyage. For the crew, they strictly implement the training, certification and licensing of the crew's license and other procedures. For navigation facilities, such as ports and drilling platforms, they make regular inspections to eliminate hidden trouble.

c) Transport services. The Coast Guard uses precise electronic navigation systems and ship transportation services to reduce the risk of collision and to ensure the safety and efficiency of personnel, ships and cargo transportation.

- National defense

The US Coast Guard is an important force in the United States, which has participated in almost all the wars and maritime emergencies after the establishment of the United States. It mainly functions as follows. First, under the trade sanctions made by U.S. to other countries, the US Coast Guard examines the ships from those states, and even monitors or blocks the channel. Second, it implements offshore regulation so as to effectively aid their navy and air force and allied forces offshore during the war; Third, the US Coast Guard implements general defense of sovereign waters. Fourth, it implements defense for the port and other ship mooring points to prevent terrorist attacks. (Ma, J.D. 2002.)

- Conservation of natural resources

The U.S. Coast Guard protects marine natural resources mainly in two ways. First, it protects the marine environment. They deploy teams with special training in the main channels and the key sea areas, responding to the accidents like oil spill, other harmful liquid emissions and garbage dumping. Second, it protects marine species. It mainly protects sensitive marine habitats, marine mammals and marine species on the brink of extinction. Measures include preventing the invasion of alien species, patrolling in protection areas and helping NMFS and the Bureau of Wild Animals and Plants to carry out work and so on.

2.4 Comparison of the Function and Power of China Coast Guard to that of United States Coast Guard

It can be seen from the above two chapters that there are great differences between the function and power of China Coast Guard and United States Coast Guard. To put it more simply, since the Sept. 11 terrorist attacks, the United States Coast Guard was placed under the management of the Department of Homeland Security by the federal government of the United States. Its basic duty is to perform or assist in the execution of all applicable federal laws in the high seas and the jurisdiction sea area of the United States. Functions of the United States Coast Guard cover the responsibilities equivalent to that of various functional departments of China, namely, China's navy, border police, patrol, maritime management, fisheries management, customs, environmental protection. In comparison, China Coast Guard is mainly responsible for coast guard and anti-terrorism. The differences between functions and powers are caused by two factors. One is the different stages of the development of China and US Coast Guard. The other is that the original positioning of the China Coast Guard restricts its development. Since the reform and opening up in 1979, China has established the frontier inspection, customs, inspection and quarantine inspection units to facilitate trade and strengthen management. In 1981, in order to combat and suppress smuggling trade, naval reinforcements were added temporarily.

Because combating maritime smuggling is a long-term and arduous task, it is necessary to establish a special maritime anti-smuggling team. Since the navy has the characteristic of military, which is easy to lead to foreign conflicts, the state decided in 1982 to transfer part of the ships and personnel from the navy first to form sea public security patrol in Hainan, Guangdong, Fujian and Zhejiang provinces, gradually extending to the coastal provinces and cities. It is the predecessor of China Coast Guard, initially under the jurisdiction of the provincial Armed Police Corps. In 1987 it began to be managed by Provincial Public Security Bureau. In 1988, after the adjustment of the border management system, it was officially renamed the maritime police detachment, managed by the provincial border corps. In 2013 when China maritime administrative management reformed, the coast guard was brought into the State Oceanic Administration.

It can be seen from the formation process of China Coast Guard that: first, the police force personnel originally came from the Navy. They have advantages in navigation technology and military combat command, but lack of solid legal knowledge in law enforcement capacity and practical experience in handling cases. Second, the core task was to combat smuggling at sea, because the fight against smuggling was a top priority in the beginning. Before 1999 when the anti-smuggling processing rights were given to the customs anti-smuggling Bureau, all vessel administrative subjects, such as Department of Maritime Affairs and Fishery Administration Department were fighting against smuggling. And regardless of the size of the case, the cases were generally treated as administrative cases by those departments themselves, and few were transferred to local public security as criminal cases for further investigation. During a long period of time since the establishment of China Coast Guard, its focus was to combat smuggling, handle other maritime administrative cases, but criminal cases were rarely involved.

But, so far, functions of China Coast Guard have changed greatly. It is the most important administrative subject in the sea, responsible for guarding maritime safety and order and cracking down on the crime on the sea. The existing maritime, fishery

and other maritime law enforcement departments often cannot do without the assistance of coast guard in the enforcement process. However, because of restrictions of initial function, today's China Coast Guard still cannot be given a full play to its functions. .

2.5 Summary

This chapter introduces and makes the comparison between functions of China Coast Guard and that of the United States Coast Guard. It analyses why China Coast Guard is established differently from the United States Coast Guard in respect of scope of power from a historical perspective. It is worthy of notice that functions of China Coast Guard have changed.

Chapter 3 Comparison of the Maritime Administration Regime of China Coast Guard to that of United States Coast Guard

3.1 Introduction to the types of maritime administrative management regime

3.1.1 Decentralized management regime

The central governments of those countries with decentralized management system have not set up a functional department specifically responsible for the management of the maritime affairs. Their ocean management is scattered in various sectors of the government. Of course, they do not rule out the need to be led by a common higher level or to establish a temporary organization to coordinate to a certain degree. There are two kinds of decentralized management system. One is completely decentralized, that is, even law enforcement is decentralized without unified law enforcement system. The United Kingdom and Russia belong to this type. Another is partly decentralized type, that is, the general management is scattered. However, in the integrated management, it has the coordination mechanism, and its unified law enforcement agencies. Japan and Australia belong to this kind.

3.1.2 Semi-centralized management regime

In the so-called semi-centralized management system, there is not a complete management organ responsible for the national marine affairs. However, there is an organization which can manage most of or the vast majority of marine affairs and

constantly move towards a comprehensive one. This kind of management organization or agency must be official, and a first-level fixed mechanism. Otherwise, like the aforementioned coordination organization, it is only a transition, still belonging to the decentralized system. The United States and Canada belong to this type.

3.1.3 Centralized and unified management regime

Centralized and unified management system of marine administrative management refers to the comprehensive administration of high concentration and high unification in the national marine affairs. Specifically speaking, it refers to a unified management of a single department on the national maritime affairs. At present, South Korea, France, and Poland implement centralized and unified management system. (Wang,G. 2014.)

3.2 Introduction of the structure system of China Coast Guard

Seriously influenced by the department interests, China's traditional marine administrative management system has many problems, such as overlap in department functions, difficulties in coordination, repeated construction of law enforcement team, waste of administrative resources and so on. One of the measures of reform and reorganization of State Oceanic Administration is establishing a unified maritime administrative law enforcement personnel-China Coast Guard through integration of marine law enforcement teams under different functional departments, which attempts to break and eliminate the benefits pattern and constraining factors among marine departments. From a macro and scientific perspective, China Coast Guard makes decisions, execution and supervision on China's administrative management system to create a large marine administrative management department. In June 2013, the

State Council issued the Notice of the General Office of the State Council on the Issuance of the Provisions of the Institutions and Personnel with Main Functions of the State Oceanic Administration, which is hereinafter referred to as the “Three fixed program”(Three fixed program. 2013). It made a clear division on the authority of the new State Oceanic Administration and other maritime administrative departments.

In the reform program, in order to strengthen the maritime administration, the new State Oceanic Administration made a clear division of the responsibilities for other marine administrative subjects, including Ministry of Public Security, Ministry of Land and Resources, Ministry of Agriculture, General Administration of Customs, Ministry of Transport, Ministry of Environmental Protection and other relevant public institutions (see Table1). The restructuring of the State Oceanic Administration has become a hot spot in the reform of the State Council, and is also a milestone in the history of marine development in china. It marks that the reform of the system of Chinese maritime administration has entered a new stage, and the operating mechanism of maritime administration has reached a major turning point.

Table 1: Divisions of functions of the State Oceanic Administration and various ministries and commissions

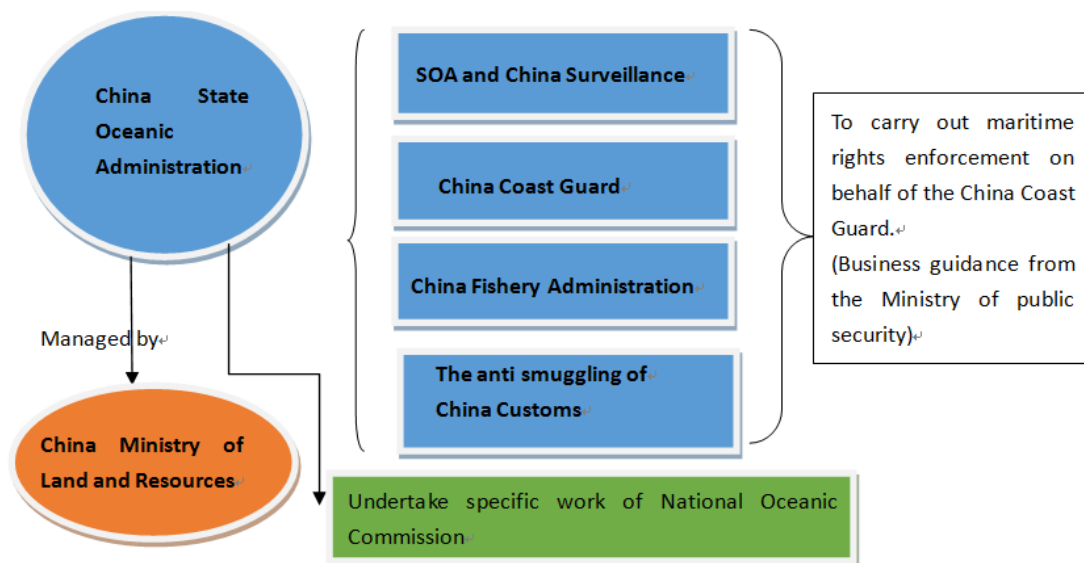
Department	Functional division
Ministry of Public Security of the People’s Republic of China	The State Oceanic Administration carry out maritime rights defense enforcement in the name of China Coast Guard, and accept the operational guidance of the Ministry of Public Security.

Agriculture	
Ministry of Transport	<p>(1) Ministry of Transport and its maritime teams perform the administrative management and law enforcement duties of the water transportation safety supervision and administration, and cooperate with maritime administrative law enforcement actions.</p> <p>(2) Ministry of Transport and the State Oceanic Administration establish coordination and cooperation mechanisms for marine law enforcement and marine pollution prevention and organize to implement it.</p>
Ministry of Environmental Protection	<p>(1) Ministry of Environmental Protection guides, coordinates and supervises marine ecological environment protection. The State Oceanic Administration is responsible for the monitoring and managing the marine ecological environment and scientific research, regulating the marine engineering construction projects and preventing the marine pollution.</p> <p>(2) Two departments strengthen the communication and coordination on the incident investigation and processing work of heavy, serious environmental pollution and ecological damage. They establish marine ecological and environmental protection data sharing mechanism and implement joint law enforcement inspection.</p>

Source: the provisions of the institutions and personnel with main functions of the State Oceanic Administration in 2013 -China's institutions establishment network.

At present, on basis of the further promoting the Super-Ministry System and deepening the reform of the administrative system in China, China's marine administrative management system reform mainly focuses the organizational restructuring and function transformation, and coordinates with a new round of promoting the Super-Ministry System steadily by the State Council. (Chen, S. 2011.) At this stage, the task of reforming China's marine administrative system is the integration and reorganization of the State Oceanic Administration. On the one hand, working focus is the integration of the original scattered, disorderly maritime administrative law enforcement forces to improve the effectiveness of China's maritime administration. On the other hand, the task focuses on strengthening the comprehensive management and coordination of marine affairs, and planning and managing marine affairs from the national strategic level. The specific reform measures include the following aspects (see Figure 1).

Figure 1: Diagrammatic sketch of rebuild China SOA



Source: Three Fixed Program.

First, from the point of view of integrating marine administrative law enforcement forces, this reorganization will integrate functions of original State Oceanic Administration and four law enforcement teams, namely, China Marine Surveillance, Ministry of Public Security border police, fishery administration of

Ministry of Agriculture in China, the anti-smuggling police of General Administration of Customs. The State Oceanic Administration is reestablished. It carries out maritime administrative law enforcement work in the name of China Coast Guard and accepts operating guidance of the Ministry of Public Security.

Second, from the point of view of integrated management and comprehensive planning of maritime affairs, the reorganized State Oceanic Administration sets up the high-level deliberation and coordination agency- the National Ocean Council, which is responsible for studying and formulating China's marine development strategy and coordinating major issues involved in marine affairs. Its specific work is undertaken by the State Oceanic Administration.

Third, from the point of view of function setting of the new State Oceanic Administration, the main responsibilities cover: the perfection of related laws and regulations of marine affairs, the formulation and planning of marine development strategy, proposing maritime administrative law enforcement regulations and measures, the compilation, supervision and implementation of marine function zones, the protection, development and utilization of sea islands , protection of marine ecological environment, forecasting marine disasters and establishing warning system, planning and studying the development of marine science and technology , studying the adjustment of marine industrial structure and carrying out exchanges and cooperation in international field.

Fourth, from the point of view of institutional setup and personnel allocation of the new State Oceanic Administration, the reorganized State Oceanic Administration sets up 11 internal organs, namely, Office, Strategic Planning and Economic Department, Department of Policy Legal System and the Legal Rights and Interests of Islands, Coast Guard Department, Ecological Environmental Protection Department, Integrated Ocean Management Department, Forecasting and Disaster Mitigation

Department, Science and Technology Department, International Cooperation Department, Personnel Department and Financial and Equipment Department. These organs are responsible for major responsibilities. There are a total of 372 organ staff, among whom the director of the State Oceanic Administration also serves as political commissar of China Coast Guard. At the same time, the Beihai branch, the East China Sea branch, the South China Sea branch of the State Oceanic Administration are set up to carry out the maritime supervision and management and administrative law enforcement duties in these jurisdictional sea areas . Besides, they carry out the maritime administrative law enforcement in the name of the Beihai branch, the East China Sea branch, the South China Sea branch. The three sea branches set up 11 Coast Guard corps and detachments in coastal provinces with a total of 16,296 organ staff. (Zhou,H, Zhang, T. 2013)

3.2 Introduction of the structure system of United States Coast Guard

According to the classification, the United States Marine management system belongs to the type of semi-centralized management system. It has two major characteristics: first, it doesn't take the form of central authority, but the form of central and local decentralization. In the form of law, the country determines coastal states have the rights of management, controlling, leasing, development and collecting taxes for the extending underwater land of its land territory and natural resources in the water. But the country still holds rights of navigation, control, trade, defense and other international affairs for waters and underwater land. Second, in the central level there is a semi- comprehensive marine administrative organ, namely the National Oceanic and Atmospheric Administration of the Ministry of Commerce. (Stolleis. 2007.) It is responsible for marine management, marine scientific research, and protection of the marine environment and preservation, development and utilization of marine resources . Its functions are equivalent to part of functions of China State Oceanic Administration, Meteorological Bureau and Bureau of Aquatic Products.

Obviously, this agency does not take all responsibility of ocean management, so the rest of the management functions are distributed in the following organs. Maritime Administration Agency is responsible for shipping subsidies and related issues; The President's Office of Science and Technology is responsible for the formulation of marine policy; The State Council is in charge of international fishery planning, fishery negotiations and so on. The Army Corps of Engineers of Department of Defense is responsible for the buildings, pollution, and the dumping of wastes at sea of navigable waters to protect port facilities and coastline and navigation safety; Navy is responsible for the collection of marine information and services, marine engineering, submarine medical research and seabed topography mapping; Ministry of Communications is responsible for the location, construction and use of deep-water port beyond the territorial waters, the construction of offshore oil and gas pipeline and the development of safety standards; Bureau of Land Management and the Geological Survey Bureau of the Home Office are in charge of the rental of oil and natural gas in the continental shelf, investigation and collection of geological and geophysical data and so on. In addition, the Department of Energy, the National Science Foundation, the Environmental Protection Agency, the National Space Agency and other agencies have different ocean management functions. (Green, L., Kolesar, P. 2004.)

We can see that America's marine management system is in fact a combination of integration and decentralization, so it can be defined as a semi-centralized management system. Since the twenty-first century, which is defined by the United States as the century of ocean, America has been significantly accelerating in the development of a completely integrated marine management system. The U.S. Coast Guard mainly take charge of maritime law enforcement work. In addition, the U.S. National Oceanic and Atmospheric Administration is also in charge of some of the law enforcement management entrusted by fishery law and the protective law of marine sanctuaries and protective law of marine mammals.

3.3 Comparison of Coast Guard Administrative Management System of China to that of United States

From the perspective of structure system, China and the United States both take the form of semi-centralized management system in the maritime administrative law enforcement team, integrating synthesis and dispersion. China is making reform on ocean management power. (Snyder, L., 2006.) As the main subject of maritime administrative management, the newly established China Coast Guard must make greater effort to achieve the same effect in solving problems as the United States Coast Guard.

Secondly, both China and United States Coast Guard implement active service system. The U.S. Coast Guard is one of the five major forces in the United States. In wartime, the Coast Guard is a highly specialized part of the navy. The Coast Guard in active service consists of full-time officers and enlisted members, which are the core part of the Coast Guard. In case of emergency, reserved teams of United States Coast Guard can be called on at any time to join active service of the Coast Guard. The training of these men is similar to that of the regular members, including port security and other wartime missions. China Coast Guard implement active service system for the following reasons. First, the nature of coast guard work determines the implementation of active service system. The coast guards of every country are part of the armed forces. Similarly, China Coast Guard must implement the military system. Second, harsh environment of coast guard work determines the implementation of active service system. Jobs on the sea are more difficult. The implementation of the civil service system is stable but harmful for own growth of cadre. After the implementation of the active service system, individuals can change the work environment by transferring to civilian work. Third, the construction of coast guard team decides the implementation of active service system. For units of the Coast Guard, active service system can speed up the transition of the new to the old, which is conducive to building a high quality maritime law enforcement team.

3.4 Summary

This chapter introduces three kinds of maritime administrative management system, and compares the administrative system of China and the United States in detail. At the same time, this chapter describes the marine administrative management reform program that initiated by the new government in China. The China Coast Guard plays the role of the only maritime law enforcement team, exercising marine administrative enforcement power. Thus, China and the United States have taken the same approach of a semi centralized management system to manage marine administration currently.

Chapter 4 Enforcement of Rights of Visit and Hot Pursuit in China and United States

4.1 Applicable conditions and subjects of law enforcement of rights of visit and hot pursuit

According to the 110th provision of *the United Nations Convention on the Law of the Sea* (UNCLOS), right of visit means under certain conditions, warships or military aircraft on the high seas, enjoy right of visiting the ships except those with complete immunity. Other officially authorized and clearly marked ships or aircraft for government service can also have the right of visit.

The right of visit, also known as right of visitation or boarding inspection, is a maritime jurisdiction of sovereign states. When officials of the coastal states have certain reason to suspect that foreign ships have illegal acts or attempted violations, they have the right to approach and board foreign vessels.

The right of hot pursuit means when a foreign ship violates the domestic law of coastal states and sails to the high seas from the jurisdiction of the coastal state, ships of the coastal state have right to chase. When the coastal state has sufficient reasons to believe that a foreign ship violates the laws and regulations of the country, they can chase the foreign ship. Although the UNCLOS makes provisions of the right of hot pursuit in the high seas system, in practice the right of hot pursuit is more often applied in the jurisdiction waters of the state.

4.2 Comparison of the exercise procedures of China Coast Guard to that of US Coast Guard

Compared with the United States Coast Guard administrative procedures, China's maritime administrative law enforcement subject has the following several points.

First, there is a lack of a unified administrative procedure law for China Coast Guard

At present, there is neither unified administrative procedure code in China, nor special regulations on the administrative law enforcement procedures. Currently, China's administrative procedure legislation is initially made in local level, that is, local legislation lays foundation for central legislation. Although China has made a number of related laws and regulations for regulating marine activities and marine management, marine conditions of rule of law in China remains a concern compared to the developed countries. Its backward state seriously hampered China towards the goal of marine power. And in the current ocean administrative legal system, specific provisions on the law enforcement procedures are quite vague and relatively less, but most of the laws of the sea are the substantive norms of maritime law enforcement activities. The core and essence of law-based administration is in accordance with the due process of administration, so the perfection of maritime law enforcement procedure legislation is more urgent and realistic for the subjects of administrative law enforcement, and is more normative and sufficient for law enforcement activities. Although the establishment of the China Coast Guard completed the integration of law enforcement personnel, forming a unified maritime law enforcement subject, the relevant laws and regulations and supporting system are not sound enough, and provisions on enforcement procedures are scattered in the single laws of previous law enforcement subjects. These provisions do not have the universality and cause difficulty for unified law enforcement. (Wu Z, F., Yao L., Weng, H. 2013.)

Second, the maritime special procedures are vague. Comprehensive law enforcement at sea is an extension of the land law enforcement, but some maritime law enforcement behaviors do not apply to the land law enforcement due to special environment and objects of law enforcement. (Yan, T, Y. 2012.) The applicable law enforcement procedures of these special law enforcement behaviors generally scattered in the single laws of various departments, lacking unity and leading to vague regulations.

The right of visit is an important power of maritime law enforcement and marine rights. But the right of visit in China has a general legislation without liability provisions on boarding subjects, objects, cause, reason, procedure, weapons, weapons use, and practice. It is difficult to operate and is not conducive to the sea patrol and law enforcement and maintenance of maritime rights and interests of the state. According to the Convention and China's relevant laws and regulations, the subjects of the right of visit and chasing must be warships, military aircraft or other ships or aircraft which are clearly marked and can be identified for government services and the authorized visit and chasing. The warships and military aircraft are the main tools in our country in visit and chasing, and are managed and used by the navy. Other ships or aircraft serving for the government and having authorized visit and chasing rights are mainly deployed by the following corresponding administrative authorities, namely, surveillance and maritime bureau, customs, Coast Guard (belonging to the Public Security Bureau) and fishery management departments. After obtaining authorization and within the limits of its functions and powers, these agencies carry out the right of visit and chasing the illegal ships within the territory of the people's Republic of China, safeguarding China's maritime rights and interests as well as maritime safety.

4.3 Summary

This chapter introduces the difference of China Coast Guard and the U.S. Coast Guard in respect of powers of visiting and chasing. Chinese law has not authorize China Coast Guard is to perform the power of visiting. Laws and regulations relevant to maritime administrative law enforcement are scattered in different laws and regulations. A comprehensive legal system of maritime administrative affairs has not been developed in China yet.

Chapter 5 Relationship between Coast Guard and other National Marine Law Enforcement Forces

5.1 Relationship between China Coast Guard and other maritime law enforcement forces

China established a maritime law enforcement regime consists of five teams including China Marine Surveillance, Maritime China, China's fishery, Chinese maritime police and China Customs five maritime law enforcement team. The purpose was to achieve "five departments administrating the sea" and to specialize maritime law enforcement. However so many law enforcement agencies did not improve maritime law enforcement. On the contrary, overlapping of functions brought problems in maritime law enforcement. Table 2 shows how the five departments perform sea enforcement functions. From the table, it can be clearly seen that most of the law enforcement functions are involved in more than two law enforcement departments, and some functions even involved in four law enforcement departments.

Table 2 Five departments treat the sea enforcement functions

Functions	China Surveillance	China MSA	China Fishery	China Coast Guard	China Customs
Marine environmental	√	√	√	√	

protection					
Maritime rights and interests maintenance	√		√	√	
Ship inspection		√	√	√	
Maritime smuggling arrest				√	√
Coastal port management	√				√
The use of fishing areas	√		√		
Maritime police	√			√	
Sea Cruise	√		√	√	√

Note: the table "√",said the law enforcement functions involving the law enforcement departments.

Source: Wang,G. 2014. China 's scattered marine law enforcement system and its system origin

5.2 Relationship between U.S. Coast Guard and other law enforcement forces

As well as the Coast Guard, the United States Marine Administrative management system also includes a lot of industry management institutions(see table 3). In addition, Health Education and Welfare Department, Environmental Protection Agency, Energy Research and Development Bureau, National Aeronautics and Space Administration and National Science Foundation also participate in the exercise of the functions of the ocean management.

Table 3: List of Major U.S. Marine Industry Management Institutions

Marine industry management institution	Subordinate department	Mechanism function
Maritime Administration	Commerce Department	Carry out the marine research work and formulate the shipping Subsidy Plan
Department of Energy	—	Develop and publish the oil and gas targets and production plan in outer continental shelf region
Bureau of Land Management	Interior Ministry	Examine and collect the geological and geophysical data of these sea areas; And analyze the environmental conditions and constraints of the rental areas
Bureau of Geological Survey		
Ministry of Transport	—	Be responsible for the location, construction and maintenance management of the deepwater port in the waters outside the territorial waters.
Fish and Wildlife Service	Interior Ministry	Resources management for fish and lakes in inland areas
National Garden Bureau		
Army Corps of Engineer	Ministry of National Defense	Control pollution and the ocean dumping fees and ensure the safety of the port facilities, the coastline

		as well as the channel.
Navy	—	Marine engineering, diving medical research as well as the seabed topography survey, chart mapping, etc.

Source: processing website information according to the United States federal government departments.

5.3 Comparisons

First, from the two tables, Table 2 and Table 3, we can see that the United States Coast Guard and other law enforcement powers have distinct functions. In the marine administrative management system of U.S., the United States Coast Guard plays a major role which is the particular administrative law enforcement team. Responsibilities of other administrative departments are clear. In contrast, the relationship between China's Coast Guard and other law enforcement forces is intrigue and there is overlapping of their functions.

Second, overlapping of functions leads to higher cost but lower efficiency of law enforcement. At present, China's decentralized offshore law enforcement system has resulted in simultaneous presence of multiple law enforcement teams. Every team has its own fleet, ports, oil depots and other facilities as well as separate equipment and logistics support system. These teams don't belong to one another. The duplication of watercraft equipment of law enforcement teams makes the number of watercraft equipment of China's maritime law enforcement team is far more than that of the rest of the world maritime powers. *According to statistics, the United States Coast Guard is equipped with 235 patrol boats, and more than 1000 small boats. Japan Coast Guard has 518 watercraft vessels of various kinds. Korea Coast Guard is equipped*

with 245 watercraft ships. Presently in China, the total number of ships of maritime law enforcement teams is larger than 5, 000, far more than that of other sea powers like the United States, Japan and South Korea. (He, X., He, Z., Feng, Y. 2008.) Low-level and low-standard construction increases the cost of purchase and maintenance of equipment. That not only causes a huge waste of human and material resources, but also leads to seriously low efficiency in law enforcement.

China's annual investment in law enforcement equipment is not small at all. However, due to a huge number of law enforcement boats, the limited fund is distributed to various departments. It hinders improvement of equipment of China's maritime law enforcement team in the long term. The boat tonnage is too small. There is a lack of medium range and long-range maritime law enforcement vessels. The hull is old. Velocity of the ship is low. Electromechanical equipment is backward with poor performance as well as poor quality. There is also a serious shortage of necessary equipments, including aircrafts and remote sensing receiving devices. Presently, the 218 series ships are the main law enforcement boats of China's public security police forces, whose tonnage is around 100 tons. The maximum drainage volume of a 618 series ship is only 400 tons. Aircraft is commonly used by foreign maritime law enforcement. But in China, only China Marine Surveillance has two Y12 aircrafts. (Shi, Li. 2006.) Rescue and Salvage Bureau of the Ministry of Communications has two maritime rescue helicopters. Other maritime law enforcement teams haven't used aircraft for maritime law enforcement. Another example is the C4ISR system. It has been used by maritime law enforcement teams of many maritime powers, which has been developed and used for decades in developed countries. Technology of the C4ISR system is already quite mature and stable, but now is not used by China's maritime law enforcement team.

5.4 Summary

This chapter mainly introduces the relationship between the US Coast Guard and other maritime law enforcement forces, and the relationship between China Coast

Guard and other maritime law enforcement. It is found that marine administrative power distribution between the U.S. Coast Guard and other departments is relatively clear. While the Chinese government functions were not clear before the reform of administrative law enforcement powers.

Chapter 6 Suggestions on Improving and Promoting the Reform of Marine Administration in China

After comparing China Coast Guard with the United States Coast Guard Through various aspects, based on present reform of China's maritime administrative management system, the author proposes suggestions on China's maritime administrative management system reform from the following four aspects, upholding the objectives and principles of the current reform.

6.1 Necessity of unifying main bodies of maritime law enforcement

China's marine administrative management system has experienced several important changes, and has gradually grown into a management system which is based on unified management of the state and hierarchical management of departments. The system has shown a feature of "segmentation of stripe and block". "Stripe" refers to vertical grade according to department management of land, agriculture, transportation, public security, customs and environment. The upper level department manages the lower level department, namely, the central manages province, which in turn manages city, then county and township. "Block" means setting up marine administrative departments in various coastal provinces, cities, districts and counties. The departments horizontally exist side by side. However, along with the continuous deepening of reform and opening up and development of socialist market economy, the traditional marine administrative management has brought many problems and criticized by many scholars and research institutions.

Shortcomings of traditional marine administrative management mainly lie in:

First, under Chinese traditional management system, marine management team is so huge that many maritime administrative departments constitute the team. The problem is that, functions of different departments overlap with each other. The team is constructed redundantly, which results in a lot of waste of administrative resources.

Second, in the decentralized industry management system, privatization of marine administrative power is so prevalent that it leads to conflicts between interests of various marine departments. In addition, there is no high-level coordination decision-making organization that responsible for major maritime affairs. Once the transaction involves issues of a wide range of application, such as protection of national marine rights and interests, development of marine strategic resources, marine disaster warning and marine environmental protection, various departments often buck passing. Consequently, the problems are left unsolved and administration acts inefficiently.

Third, there are many severe problems in enforcement of marine administrative law. In China's traditional marine administrative management system, there are many maritime law enforcement teams with quantities of administrative officials. And each team belongs to a particular department, which leads to dispersal of law enforcement forces. Even worse, responsibility allocation is unclear and buck passing phenomenon is serious. At the same time, each functional department takes actions on its own, which leads to a waste of construction resources as well as low efficiency of law enforcement. National maritime rights and interests can not be effectively protected consequently. In addition, due to scattered and bull management, China's maritime administrative law enforcement teams also face an embarrassing situation of being conflicting with the comprehensive enforcement of administrative law in international joint law enforcement. That causes detrimental impact on China's image on the global stage as a major maritime power.

6.2 Perfecting and Improving China's Marine Legal System

Since the founding of People's Republic of China, the Chinese government has promulgated more than 80 marine laws and regulations. China marine legal system has begun to take shape, but is still not perfect. Imperfection of China's marine legal system mainly shows in the following aspects: China's *Constitution* does not involve terms related to ocean, so that maritime legislation is in lack of a constitutional basis; Existing laws and regulations relevant to marine issues are scatter in form and imperfect in content, so that it is difficult to implement these laws and regulations. The progress of marine legislation is lagging behind, which does not cover rights and responsibilities provided in the *UNCLOS*. Many marine fields even have no legal guidance. Imperfection of China's legal system makes the reform and measures of marine administrative management system lack safeguard and guidance by law. Therefore, in order to promote the reform of China's marine administrative management regime, it is necessary to improve and perfect China's marine legal system, which is also the objective of constructing socialist legal system with Chinese characteristics. Additionally, imperfection of China's marine legal system is an important subject of "promoting administration by law, safeguarding judicial justice, improving law enforcement and ensuring strict implementation of law".

The author thinks that China's marine legal system can be improved through the following specific measures:

First, revising the *Constitution*, and promoting "Constitutional regulation on ocean". China's currently valid *Constitution* does not involve relevant provisions of ocean, which is a major defect in the work of the maritime legislation in China. As the effect of ocean becomes more and more prominent in development of national economy, people are calling for promoting "Constitutional regulation on ocean". It is

increasingly necessary to establish the national strategy of sea power in the way of revising the *Constitution*, which is the highest level of legislation in China. It is vital to promote “Constitutional regulation on ocean”, in order to improve national marine consciousness and perfect China’s legal system.

Second, formulating and issuing the *Basic Law of Sea* in China. China’s current marine administrative management regime is actually set down by some scattered marine single laws and “Three Fixed Program” issued by the State Council. There are a large number of marine laws and regulations, some of them overlap with each other and some are ambiguous in terms. The so-called *Basic Law of Sea* is legislation conducted on a comprehensive guiding level, reflecting national policies and maritime power strategies. It is also called the fundamental law that regulates development of marine industry. The basic principles and procedures of marine strategic planning, marine management, marine management system and marine special laws should be involved. The formulation of the *Basic Law of Sea* can refer to foreign legislations like the *Marine Act 2000* promulgated by the United States and the *Basic Law of Sea of Japan* promulgated in 2007 and so on. The promulgation of *Basic Law of Sea* will greatly make up the lack of coordination and management of China’s marine administration, and accelerate the reform of maritime administrative regime in China.(Three Fixed Program. 2013)

Third, speeding up the development of relevant laws and regulations, and strengthening the relationship with international marine treaties. China lags behind western maritime powers in marine legislation, so China can learn from advanced legislative practices of foreign countries in the construction and improvement of China's maritime law system. On basis of the *Constitution* of China and the *UNCLOS*, China should improve and revise its laws and regulations to be consistent with international treaties related to ocean. By this way, on one hand, shortcomings of China’s marine laws and regulations would be eliminated and on the other modernity and advancement of maritime legislation system will be guaranteed.

Fourth, transforming policies into law in China. Chinese government has promulgated many policies during the process of performing ocean management, such as the *China Ocean Policy White Paper*, the *China Ocean Agenda in the 21st Century*, the *Outline of National Ocean Development Plan* and so on. The importance of these documents is beyond doubt, but it is more important to promote the objectives, principles and measures of China's marine administrative management system reform listed in them through legal form. Therefore, China's marine policy documents must be transformed into law as soon as possible to change the presently embarrassing situation that China's marine strategies only play the role of slogans, and to make sure China's marine administrative management regime reform can be promoted through legal guidance. Only by improving and perfecting China's marine legal system can the smooth implementation of China's marine administrative management system regime be ensured. Besides, it can be avoided that maritime administration is carried out without legal grounds. In that way, marine rights and interests of China can be protected. China's maritime power strategy will come into truth, which will make China a real maritime power.

6.3 Establishing a Cross-Functional Mechanism that Coordinates Central and Local Governments in China

At present, China's government has entered a crucial period deepening and promoting reform of administrative management regime. Many practical problems have emerged in the reform. Among these problems, the top priority is how to properly deal with the problem of integration of marine administrative departments and coordination of the central and local governments in distribution of marine administrative responsibilities. It is important, on basis of reform of China's marine administrative management regime, to establish a comprehensive coordination mechanism, which crosses functional departments and involves distribution of responsibilities of central and local governments. Only in this way, China can realize the purpose of reorganization

and integration of marine administrative departments and clarify power relationship and responsibility allocation of central and local governments. The following two aspects are worth considering.

First, it is crucial to accelerate institutional reorganization and reform process of integration of functional departments. The *Scheme of Institutional Reform and Functional Transformation of the State Council* should be implemented resolutely. It is important to strengthen internal communication and coordination between functional departments after integration of these departments, so that the fruits of the reform can be guaranteed and consolidated. According to international experience, general ways to strengthen communication and coordination mainly include: setting up high-level deliberation and coordination agencies under the executive head and establishing an inter-departmental meeting mode. After the reform of China's marine administrative management regime, China has set up the National Ocean Council, which is responsible for coordinating work of marine departments and other agencies in the country. Therefore, the next task is construction of an internal coordination mechanism within China's marine administrative departments. The task can be fulfilled through arranging a regular coordinator responsible for daily affairs in the department top-down hierarchically, or through forming a temporary coordination group to allocate internal work.

Second, to promote the reform of China's maritime administrative management regime and to promote integration of functional departments, central and local governments should have their initiative. First of all, unified leadership of the central government should be strengthened. The following powers should be strengthened as well: the power to formulate work line, principles and policies for national marine work, decision-making power on national maritime strategy and macro-control over marine developments. Concentration of these powers guarantees intensity of reform. Secondly, division of administrative jurisdiction between central and local governments should be clarified in respect of administrative region, duty and financial power, so that a successful reform can be ensured. Finally, implementation of the

reform policy is to be carried out by local governments. Therefore, it is vital to ensure that local governments and maritime administrative departments perform their powers effectively, and local powers should be under due supervision. Only in this way, implementation of reform policies and achievement of the reform may be guaranteed.

6.4 Establishing a Supervision Mechanism for Enforcement of Maritime Administrative Law in China

At present, China Coast Guard which assumes China's marine administrative law enforcement has just gone through integration and restructuring, so its mechanism is not perfect yet. Disorder in enforcement of law still exists. Effectiveness of law enforcement remains to be tested. Undoubtedly, integration of maritime law enforcement forces will inevitably lead to expansion and abuse of maritime administrative law enforcement power. To fundamentally prevent the problems due to lack of supervision mechanism and failure of law enforcement, following steps should be taken into consideration.

6.4.1 Improving transparency of maritime administrative law enforcement

Information publicity of maritime administrative law enforcement is an effective measure to perfect China's supervision mechanism of maritime administrative law enforcement. At the same time, openness in government affairs is also a major challenge for China's nascent coast guard. There are two approaches to supervise over administrative law enforcement power including internal supervision of the administrative organizations and external supervision by non-governmental organizations. Information disclosure of administrative actions is necessary for supervising the law enforcement forces. Such disclosure should be made before both interior disclosure in administrative organizations and external disclosure in entities or individuals beyond administrative organizations, such as enterprises, associations, media and individuals. During specific implementation of the disclosure, information concerning state secrets shall not be made public, while other information related to

maritime administrative law enforcement procedures, measures and results should be open to the public through government affair platform to the extent provided by law. Disclosure of information can highly improve effectiveness of supervision over China's maritime administrative law enforcement power.

6.4.2 Establishing Independent Supervision Departments

In China, it is generally the national discipline inspection departments or the procuratorial organ that perform supervision function in the administrative organization system. If a supervision department has no independent supervisory authority or appears under leadership of the supervised institutions, it is impossible to restrict abuse of executive power, and impossible to realize supervision function. In order to ensure reasonable performance of marine administrative power by main administrative law enforcement subjects and to ensure implementation of national ocean policies and guidelines, regular supervision departments should be set up, and supervision power should be performed relatively independently. The specific approach may be taken as follows, by referring to international experience and practices in China: changing leadership system in supervision departments in China from a dual mode to a vertical mode. Supervision departments should be responsible only to the superior administrative heads and must be independent to supervised institutions. Through the reform, supervision departments can thoroughly get rid of the role as accessories of administrative organizations. (Yan. Y, 2014.) These departments can exercise supervision right independently. To establish a perfect and independent supervision mechanism, is to realize supervision over enforcement of maritime administrative law.

6.4.3 Establishing Accountability System of Maritime Administrative Law Enforcement

The so-called administrative accountability system means internal supervision within a level of government. Sometimes, the main person in charge of the government or

the principals of the government departments and the governments at lower levels do not perform or not correctly perform their statutory duties intentionally or negligently within the jurisdiction of the department and scope of work. That may hinder administration order, administration efficiency or cause delay in administrative work, or detriment legitimate rights and interests of administrative counterpart. When actions taken by the administrative organ bring negative effects, internal supervision and accountability system should be play their due roles.

Four aspects should be taken into consideration, to establish accountability system of maritime administrative law enforcement in China.

First, accountability system should run through the whole process of marine administrative law enforcement. Accountability system should be throughout the decision-making, execution and supervision of maritime administrative law enforcement activities.

Second, main subjects of accountability system should be diversified. The integrity principle of governance theory emphasizes attracting multi subjects to participate in public management activities. Achieving diversification of main subjects of accountability system can not only mobilize enthusiasm of other subjects besides the government to participate in governance, but also can make the public power supervised by several subjects to some extent. Consequently, efficiency of government administration would be improved. The nature of the ocean determines complexity of marine administration and professional nature of law enforcement work. Therefore, multiple accountability subjects should play an effective role in maritime administrative law enforcement activities. The multiple accountability subjects can effectively supervise enforcement of maritime administrative law and so ensure that enforcement of maritime administrative law be carried out smoothly.

Third, a comprehensive accountability system should be implemented. The comprehensive accountability system should be distinguished from the throughout accountability system. The so-called comprehensive accountability system means that the system is carried out in respect of all members of an administrative organization. At present, if some subject of China's administrative enforcement makes mistakes, it is mainly the administrative organ that assumes liability or the state that compensates the loss. Since administrative law enforcement officials hardly bear any liability for negligence or mistakes, they perform their power quite arbitrarily. In order to reverse this phenomenon, responsibilities and liabilities of marine law enforcement officials should be reset. According to requirements of comprehensive accountability system, law enforcement officers shall assume personal responsibility in the event of any fault.

Fourth, the accountability system should be implemented effectively. The accountability system should not only stay in the theoretical level. The system is valid only if it is implemented. So operability of the system should be strengthened. First, relevant laws and regulations of administrative accountability system need to be formulated and improved. The scope of responsibilities of administrative law enforcement personnel needs to be made clear. (Yan. Y, 2014.) Second, the legal procedure of administrative accountability needs to be standardized and operability of the administrative accountability system needs to be improved. Finally, administrative supervision departments need to be established in order to ensure effective implementation of the administrative accountability system.

Chapter 7 Conclusion

At present, there are many problems and conflicts in reform of the marine administrative management regime in China, including the functional integration of departments and scattered management of personnel issues resulted from institutional reform, conflicts between central and local management regimes left over by the history, as well as problem of maritime administrative law enforcement caused by the integration of law enforcement forces. These problems hinder further development of reform of maritime administrative regime in China contemporarily. Targeting on problems and conflicts mentioned above, the author, by comparison with the U.S. Coast Guard, find out shortages of Chinese Coast Guard, and put forward some suggestions to improve and promote reform of China's maritime administrative management regime. Suggestions include, first of all, improvement and perfection of marine legal system; secondly, establishment of a marine administrative management that coordinates central and local mechanisms; finally, establishment of power supervision mechanism of maritime administrative law enforcement in China.

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