ISSN 2616-5783 Vol.5, Issue 6: 34-40, DOI: 10.25236/AJHSS.2022.050606

Conflict of Jurisdiction and Harmonization Between WTO and Marine Environmental Dispute Resolution Mechanisms -- Concentrating on the EC-Chilean Swordfish Case

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Abstract: *There is a conflict of jurisdiction between the maritime environmental dispute settlement mechanism and the WTO dispute settlement mechanism, which can lead to conflicts in practice, especially with regard to free trade. This paper therefore analyses the EC-Chile Swordfish case, in which both parties to the dispute submitted their cases to both the UN Tribunal for the Law of the Sea and the WTO panel procedure, and finds that the conflict of jurisdiction between the two mechanisms arises because of the conflicting concepts of their rules and the lack of specific provisions that make them equivalent in effect. As a result, it was not possible to exclude the jurisdiction of the other party, which could lead to different outcomes and a new impasse in dispute resolution. It is therefore important to harmonise the conflicting principles of the marine environment and free trade, and to establish a coordinating body between the two mechanisms in order to better resolve marine environmental disputes and ultimately help China to deal with such conflicts and establish its own environmental and trade regime.*

Keywords: *conflict of jurisdiction, freedom of trade, environmental resource protection, dispute resolution mechanism, swordfish case*

1. Introduction

"The EC-Chilean Swordfish case is a typical case reflecting the conflict of jurisdiction between the marine environmental dispute settlement mechanism and the WTO dispute settlement mechanism. The case is the result of the lack of specific provisions on the conceptual principles and procedural effects of the two dispute settlement mechanisms, and, more profoundly, of the increasing importance attached to the sustainable development of the environment with the development of the times, as well as the fragmentation of marine governance, which has led to disputes arising from the ambiguity of the boundaries between the two settlement mechanisms and has led to conflicts of jurisdiction. The main focus of this article is to analyse the causes of the conflict of jurisdiction between the two mechanisms and how to reconcile them.

2. Issue raised

Since the 1980s, the frequent fishing of swordfish by European Community pelagic fleets in the south-east Pacific Ocean and in the large area of pelagic waters adjacent to Chile's exclusive pelagic economic zone (EEZ) has caused great concern to the Chilean government that overfishing could jeopardise the reproduction and conservation of swordfish populations. In response, Chile issued a ban in March 1991 on fishing for swordfish in waters adjacent to its 200 nautical mile exclusive economic zone, in violation of Chilean environmental regulations. The ban caused strong discontent in the European Community because it prevented other countries from exporting swordfish caught through Chilean national ports to countries in the North American Free Trade Area, such as the United States. Chile's ban prevents the free trade of swordfish by the EC countries and is considered to be an interference with "free trade". Chile, on the other hand, argued that the ban was necessary and fair in order to protect the swordfish resources in the southeast Pacific Ocean and to prevent serious damage to the marine ecosystem. [1]The conflict between the two sides escalated in the interests of environmental protection and free trade.

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For the next 10 years, the two sides chose to negotiate in an attempt to resolve the dispute, but the differences in their perceptions were too great to reach a consensus on the issue of swordfish fishing and to settle the dispute properly. Chile has always insisted that the two sides should first agree on a limit on the number of fish caught before talking about port access. The EC, on the other hand, wanted to resolve the issue of port access first, so that EC fishermen could reduce their losses first. [2]The unwillingness of both sides to back down led to a stalemate in negotiations and consultations as the swordfish dispute continued year after year and the conflicts became increasingly difficult to reconcile. In April 2000, the EC submitted the dispute to the WTO for settlement, while Chile submitted the dispute to the International Tribunal for the Law of the Sea in the same year to counter the EC's WTO action.The International Tribunal for the Law of the Sea terminated the proceedings in December 2009 and the WTO dispute settlement mechanism withdrew the case in May 2010, so the parties settled the dispute by negotiation.

3. Conflict of Jurisdiction between Environmental Maritime Dispute Resolution and WTO Dispute Resolution Mechanism

In this case, the European Community wanted to settle the dispute through the WTO dispute settlement mechanism, while Chile looked to the International Tribunal for the Law of the Sea to resolve the dispute. For disputes such as these, which involve both environmental resource protection and freedom of trade, states can choose different rules depending on the interests they need to obtain or the objectives they wish to achieve, and the different rules mean a variety of dispute resolution methods. This is due to the current situation of fragmented maritime governance, which is almost inevitable in international environmental dispute resolution, and therefore leads to a high risk of conflicting jurisdictions and blurred mutual boundaries.[3]

3.1. Jurisdiction and characteristics of the two dispute resolution mechanisms

3.1.1. Jurisdiction and characteristics of the WTO dispute settlement mechanism

Article 7 of the Understanding on Rules and Procedures Governing the Settlement of Disputes provides that the international jurisdiction of the WTO international dispute dispute settlement mechanism and its scope of application is all international disputes to which any of the basic agreements apply. Under the WTO, almost all disputes related to international trade can be brought under the jurisdiction of the WTO Dispute Settlement Body. At the same time, the WTO dispute settlement mechanism has the following characteristics in terms of jurisdiction: firstly, it establishes the principle of "reverse unanimity" and has compulsory jurisdiction over international trade disputes, i.e. when a party to a dispute submits an application for the establishment of a panel, as long as there is no objection at the next meeting, the panel will be automatically established and the other party to the dispute will be required to appear before it. The other party to the dispute will be required to appear before the panel, so it can be seen that as long as the case is submitted to the WTO dispute settlement mechanism, the WTO will be given jurisdiction. Secondly, the WTO Dispute Settlement Mechanism covers almost all disputes related to international trade, making it possible to resolve all trade related disputes under the WTO Dispute Settlement Mechanism and to maintain the homogeneity of the dispute settlement process, so that no different decisions can be made on similar cases. Finally, it is worth mentioning that the parties to disputes under the WTO dispute settlement mechanism are limited to its members and that, in terms of compulsory jurisdiction, the WTO dispute settlement mechanism breaks away from the restrictions imposed on the International Court of Justice by traditional international law and grants certain compulsory jurisdiction to panels of experts.

3.1.2 Jurisdiction and characteristics of marine environmental dispute settlement mechanisms under the United Nations Convention on the Law of the Sea

As a unique dispute settlement mechanism under the Convention, the Tribunal has a greater role and development prospect in dealing with marine environmental disputes. Firstly, the Tribunal has jurisdiction over disputes concerning the marine environment, whether under the Convention or not, as long as the parties to the dispute agree to submit them to the Tribunal, and its broad jurisdiction means that no marine environmental dispute will be left in a deadlock with no recourse. Secondly, the importance attached by the Convention to environmental disputes is also reflected in the establishment of the Seabed Disputes Chamber, the Fisheries Disputes Chamber and the Marine Environment Disputes Chamber, which were specifically established to deal with disputes relating, or partly relating, to the marine environment, while the first ad hoc chamber of the Tribunal dealt with a dispute relating

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to the marine environment. Once again, the Tribunal has expanded the scope of the subject matter of the proceedings to include international organisations, legal persons and even natural persons, because with the development of technology and the process of globalisation, non-state subjects will play an increasing role in the protection of the marine environment, and the Tribunal's expansion of the scope of the subject matter of the proceedings has made it possible for non-state subjects to participate in the settlement of disputes concerning the marine environment, so that disputes will not be put on hold because they do not qualify as subjects. Disputes will not be put on hold because of ineligibility. Finally, the exploitation and exploration of marine resources and the protection of the marine environment are receiving more and more attention from the world, and disputes will inevitably arise in the course of various activities.

3.2. Possible outcomes of conflicts of jurisdiction between the two dispute resolution mechanisms

3.2.1. Different outcome of the ruling

The parties have chosen different dispute resolution mechanisms depending on their interests, with the International Tribunal for the Law of the Sea aiming at the protection of environmental resources and the WTO dispute settlement mechanism preferring freedom of trade, so the outcome may be largely different. If the case were to be adjudicated by the International Tribunal for the Law of the Sea, it is clear from the obligations under Articles 64 and 116-119 of the Convention, on which the Chilean government has focused, that the Convention places greater emphasis on the protection of living marine resources and that the above-mentioned treaties set limits on fishing on the high seas, impose obligations to conserve living marine resources and obligations to cooperate, so that the International Tribunal for the Law of the Sea is more inclined to "The International Tribunal for the Law of the Sea is therefore more inclined towards the concept of 'sustainable development', reflecting the importance it attaches to the protection of the marine environment. It is therefore likely that the Tribunal will rule in favour of the Chilean government to protect swordfish populations, as some fishing and trading practices that would damage the marine ecosystem will be restricted by the Convention. Should the case be decided in the WTO Dispute Settlement Mechanism, and based on the EC's claims in the WTO Dispute Settlement Mechanism and the Tribunal, the EC submits that the provisions of Article 169 of Chile's Fisheries Law violate Article 5 of the General Agreement on Tariffs and Trade (GATT) under the WTO regarding freedom of transit and the removal of quantitative restrictions, and that Chile's actions represent a significant restriction on free trade and therefore resort to WTO dispute settlement. Although the GATT Article 20 general exceptions provide for environmental protection and WTO members recognise the importance of sustainable development, the WTO has always maintained that it is not and will not be an environmental protection body and is not obliged to address environmental protection issues itself.[4] The WTO dispute settlement mechanism is, after all, focused on freedom of trade considerations and therefore cannot be The WTO Dispute Settlement Mechanism is, after all, focused on freedom of trade considerations and therefore cannot be faulted too much for giving too much consideration to environmental protection in this matter. Naturally, the WTO settlement mechanism will consider whether the Chilean government's actions are restrictive of free trade, so the WTO may ultimately rule in favour of the EC that the Chilean government's actions constitute a so-called "green barrier to trade". [5]This would result in a finding that the provisions of Article 169 of the Chilean Fisheries Law are contrary to the principles of the WTO and should be modified or revoked, a decision that is clearly contrary to the decision of the International Tribunal for the Law of the Sea.

3.2.2. Difficulty in enforcing the award

It is therefore very likely that the International Tribunal for the Law of the Sea and the WTO dispute settlement mechanism will make two conflicting decisions, which will lead to a conflict in the implementation of the decisions of the two parties, and we know that the successful implementation of the decisions is a reflection of the ability of the disputing parties to ultimately defend their rights and interests, otherwise the dispute will be plunged into another deadlock due to its inability to be implemented.

On the one hand the enforcement of judgments of the International Tribunal for the Law of the Sea is at an impasse. Article 39 of Annex VI to the Convention expressly provides that: "The decisions of the Chamber shall be enforced in the territory of a State Party in the same manner as judgments or orders of the highest court of that State Party in whose territory they are required to be enforced." [6]Thus, in the case of the swordfish dispute, if the Tribunal's decision were to be enforced, the EC could use the WTO Dispute Settlement Body's decision as a reason to refuse to enforce the decision, and since the Tribunal does not have the power to review the WTO Dispute Settlement Body's outgoing

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decision, it may not be able to enforce the Court's decision and thus prevent the Chilean government from having recourse to the Tribunal for the purpose of conserving swordfish resources. The Tribunal does not have the power to review decisions made by the WTO Dispute Settlement Body, and therefore may not be able to enforce its decisions and thus prevent the Chilean government from using the Tribunal for the purpose of conserving swordfish resources.

On the other hand, WTO rulings are also difficult to enforce. According to Article 21 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, the WTO Dispute Settlement Mechanism has the obligation to monitor the implementation of DSB recommendations and rulings after the DSB has reported through a panel or the Appellate Body. At the same time, the WTO Dispute Settlement Mechanism has set up a system of objections to the enforcement of rulings. Disagreements between the parties to a dispute as to "whether there are measures taken to comply with the recommendations and rulings or whether such measures are consistent with the applicable agreement" should be resolved under the DSU framework through the enforcement objection procedure in Article 21(5). If the Member concerned fails to bring the measures found to be inconsistent with an applicable agreement into conformity with that agreement or fails to comply with the recommendations and rulings of the DSB within a reasonable period of time determined in accordance with Article 21(3), the parties to the dispute shall negotiate with a view to arriving at mutually acceptable compensation. Compensation and suspension of concessions or other obligations under the DSU "are provisional measures available in the event that the recommendations and rulings are not implemented within a reasonable period of time". Therefore, it is easy to conclude that in the swordfish dispute, if the decision of the WTO dispute settlement mechanism is to be enforced, Chile can initiate an enforcement objection procedure, but the panel does not have the power to review the decision of the tribunal, so the WTO cannot require Chile to enforce the decision and the EC cannot achieve its objectives of swordfish fishing and free trade. On further analysis, even if the final award had been finally enforceable, the losing party would only have submitted a written report to the DSB on a regular basis over a long period of time in relation to its proposal for final enforcement or the progress of work on the award, and at the same time the DSB did not impose specific restrictions or requirements on the content or format of its written reports, i.e. the award could have been made entirely The award may be submitted in accordance with the wishes of the unsuccessful party, and the unsuccessful party is no longer required to identify any inconsistencies with the legal agreement to which the award relates or to submit a specific plan to the DBS for the implementation of the award. [7]As a result, the effectiveness of the enforcement of the award is not guaranteed.

4. Reconciling the Marine Environment and Free Trade Jurisdictional Conflicts and Implications for China

4.1. Causes of conflict between the marine environment and free trade

4.1.1. Conflicting rule concepts in the Convention and WTO agreements

Although the disputes under the UN Convention on the Law of the Sea (UNCLOS) are mainly environmental protection disputes, the causes of the disputes are related to trade interests, and many of the cases resolved by the WTO dispute settlement mechanism are related to environmental protection measures that restrict the free trade of member states. In the process of globalisation, the marine environment is becoming a factor affecting free trade, and more and more countries are realising the importance of marine environmental protection, and the natural and biological resources of the oceans are becoming the subject of free trade, which in turn has a greater or lesser impact on the marine environment. As a result, the protection of the marine environment as advocated in the Convention and the development of free trade as advocated in the WTO agreements are increasingly creating friction and conflict in practice. A closer analysis is due to the fact that the Convention and the WTO Agreement have different concepts of rules. The Marine Environment Dispute Settlement Mechanism (MEDM), whose guiding principle in environmental disputes is to examine whether the conduct of the parties to a dispute violates the protection of the marine environment and living resources and to adjudicate on the facts found, was established for the purpose of better protecting the marine environment. Similarly, the WTO Dispute Settlement Mechanism's philosophy is to examine whether a party has violated the relevant WTO Agreements and to make decisions on the basis of the facts in order to maximise the protection of "free trade". As a result, the conflicting philosophies of the two parties have led to completely opposite decisions between the marine environment dispute settlement mechanism under the Convention and the WTO dispute settlement mechanism, which is in essence a

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conflict between the marine environment and free trade.

4.1.2. Both mechanisms have jurisdiction

Both the marine environmental dispute settlement mechanism under the Convention and the WTO dispute settlement mechanism have compulsory jurisdiction in their respective areas of marine environmental protection and free trade. Under Article 286 of the Convention, if a party to a dispute submits a dispute to the marine environmental dispute settlement mechanism under the Convention, and the dispute is in accordance with the Convention, it has jurisdiction over the dispute and no longer requires the consent of the other party to the dispute.

Apart from the fact that both parties have compulsory jurisdiction, conflicts of jurisdiction can generally be avoided if the conflicting norms of jurisdiction are expressly set out in the Convention or WTO rules. However, the provisions of Article 23 of the Understanding on Rules and Procedures Governing the Settlement of Disputes do not prohibit other areas of dispute settlement from acquiring jurisdiction, and the provisions of Articles 281 and 282 of the Convention require the parties to satisfy "the procedures applicable to the parties to the dispute at the time the dispute is not settled", "the obligations under general, regional or bilateral agreements" and "the obligations under the Convention" before resorting to the Convention. ", "obligations under general, regional or bilateral agreements", the "proviso" to Article 282 provides that "[u]nless the parties to the dispute agree otherwise "This makes it almost impossible to invoke these provisions to deal with the issue of conflict of jurisdiction. [8]Thus when a dispute involves both the protection of the marine environment and free trade, and each has jurisdiction over what is provided for under the respective conventions, there is a situation where both have jurisdiction. In the swordfish dispute, neither party was able to exclude the other's jurisdiction over the dispute under their respective agreements, so we can see that neither the International Tribunal for the Law of the Sea nor the WTO panel process disputed the other's jurisdiction. Therefore, both parties have jurisdiction over the dispute, which leads directly to completely different outcomes, bringing the marine environment and free trade into conflict once again.

4.1.3. Both are equally effective and there is no coordinating body

Under article 30, paragraph 3, of the Vienna Convention on the Law of Treaties, the Convention provides for the successive effects of conventions on the same subject matter, but not for treaties on different subjects. The Convention, as the "Charter of the Seas", is a programmatic legal document on the law of the sea regime, while the WTO Agreement is a general agreement on the international trade regime, the content of which is not the same matter and therefore the effects cannot be compared by applying the Vienna Convention on the Law of Treaties to the traditional international law doctrine. Both the Convention and the WTO Agreement should be equally effective in their respective areas of establishment of a mechanism for the settlement of marine environmental disputes and a WTO dispute settlement mechanism. At the same time, international law is soft law in nature and does not have a rigid procedural system, a hierarchy of jurisdiction similar to ours or a common dispute settlement body, so there is no common binding system or body to coordinate the resolution of conflicts of jurisdiction between the two.

4.2. Reconciling the conflicting paths of the marine environment and free trade

4.2.1 Principles underpinning the coordinated approach

Adherence to the principle of sustainable development. Due to the special nature of the oceans, the principle of sustainable development, the principle of national environmental sovereignty not to harm the extraterritorial environment, the polluter pays principle, the precautionary principle and other special principles classified as "soft law" are bound to have a bearing and influence on the handling of marine environmental disputes. [9]Although the principle of sustainable development was introduced in 1987 in the report "Our Common Future", the concept of sustainable development was first expressed and accepted by the International Court of Justice in its judgment in the case between Hungary and Czechoslovakia in the Gebaskov-Rakimaro Project case, where the majority of the judges also invoked the concept of sustainable development to state that arrangements for Future arrangements "must take into account new norms and give due weight to new standards, not only when considering new activities, but also when continuing activities that have already begun. Sustainable development is a good expression of the need to reconcile economic development with environmental protection." [10]Therefore, from the perspective of the marine environment, a specific sustainable development agreement should be established in the negotiations and negotiations on trade, based on fair and reasonable international trade rules, and a specific sustainable development regime could be

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implemented according to the actual situation, with appropriate compensation mechanisms and certain penalties to urge the various trading entities not to damage the marine environment through trade. On the other hand, from the aspect of free trade, we should change the traditional development model of high consumption and high pollution, vigorously develop environmental protection technology and equipment, optimise the structure of export products, and strive to open the international trade market with green products.

4.2.2. A practical approach to conflict resolution

The establishment of a Marine Trade Commission (MTC) to promote cooperation between member states for the protection of the marine environment and the development of free trade, as well as the need for trade activities related to the marine environment to be made public and for proactive notification of the extent of possible impacts on the marine environment to promote the consciousness of member states to protect the marine environment. For example, the IOTC could set up an expert panel on international maritime dispute settlement under its jurisdiction to assist in the handling of maritime disputes between member states and international organisations involved in the internationalisation of maritime areas. [11]At the same time, according to the marine environment dispute settlement mechanism under the Convention and the WTO dispute settlement mechanism, the parties to a dispute need to negotiate to settle the dispute first, and when negotiations cannot reach an agreement, they can refer to this marine dispute settlement expert panel for a decision, which is composed of experts in marine affairs and experts in international trade, to determine the facts of the dispute within a certain time limit, and to assess the mutual impact between trade and The panel is composed of experts in maritime affairs and international trade, and determines the facts of the dispute within a certain time limit and assesses the mutual impact between trade and the marine environment, resulting in a binding decision, which is monitored by the Maritime Trade Commission.

4.3. Implications of conflict coordination for the establishment of relevant synergy mechanisms in China

4.3.1. Improving relevant domestic legislation and establishing a special agency to coordinate environment and trade

The government should take the lead in setting up a special environment and trade coordinating body, specialising in coordinating the mutual impact and conflict between the environment and trade, improving the corresponding legal regulations and supervising their implementation, so as to promote the synergistic development of trade while achieving simultaneous protection of the environment. Specifically, it should, firstly, respond in a timely manner to the latest laws and regulations on environmental protection and free trade dispute resolution in China and abroad, formulate corresponding policies on the impact of trade practices on the environment in a graded and categorised manner, and supervise their implementation; secondly, provide advice and recommendations on the occurrence of disputes, prevent and resolve conflicts and disputes, and promote the development of the trade economy while reducing the damage to the environment caused by trade practices; and finally, provide regular advice to Lastly, we regularly distribute publications on the environment and free trade to governments and enterprises, and set up an official website to regularly update domestic and international laws and regulations on the environment and trade, as well as international and domestic status and trends, to enhance public awareness and participation, and to provide Chinese solutions and Chinese wisdom for the resolution of conflicts between environmental protection and free trade.

4.3.2. The concept of "community of maritime destiny" to strengthen international cooperation in maritime dispute settlement in China

The concept of "community of maritime destiny" means that strengthening international cooperation is a necessary way to develop China's environmental and trade regime, and that it is necessary to establish a mechanism for the synergistic development of China's environment and trade by strengthening international cooperation. Due to the different geopolitical and economic environments of the sovereign states in the oceans and seas, and the huge differences in their own interests, their correct understanding of and attitude towards the international maritime security crisis varies greatly. [12]Therefore, among the various ways of international cooperation, we can choose countries that have similar cognitive attitudes and ideas about maritime governance as our own for bilateral cooperation. Since there are only two subjects involved in bilateral cooperation, it is easier to reach agreement when negotiating synergistic development of environmental and trade issues, and the cost of negotiating cooperation is correspondingly lower. Both sides can negotiate and cooperate on

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environmental protection standards, market access conditions, etc. to promote joint environmental and trade development. Once the right approach has been found and experience and capacity has been acquired in bilateral cooperation, it is necessary to explore cooperation on a regional scale, either through the establishment of a regional environmental trade synergy organisation or through a regional environmental trade agreement. At the same time, under the leadership and guidance of the regional organisation, the parties will negotiate and agree on various matters relating to environmental protection and free trade in their region. Under the concept of the "community of maritime destiny", strengthening international cooperation will help to further raise awareness of the maritime crisis in all countries, and will contribute to the development of environmental and trade synergies on a global scale. By participating in the development of international conventions, agreements or new environmental protection technologies, countries will be able to join the global trend of environmental and trade cooperation; improve the international maritime dispute settlement mechanism to better coordinate conflicts; promote the sustainable use and well-being of the oceans and seas, and jointly maintain peace and tranquillity of the oceans.

References

[1] M. Orellana, 'The Swordfish Dispute between the EU and Chile at the ITLOS and the WTO', Nordic Journal of International Law 71 (2002): 55. 2002): 55.

[2] Tan Yusheng. The EC-Chile Swordfish Case Reconsidered: A Developing Country Perspective[J]. European Studies, 2007(03):107-119+160.

[3] EyalBenvenisti & George W Downs, 'The Empire's New Clothes: Political Economy and the Fragmentation of International Law' (2007) 60 Stan L Rev 595 at 596.

[4] Trade and Environment at the WTO, http:// www.wto. org/ english/ tratop_e/ envir_e/ envir_ wto2004_e.pdf; pages 4-5.

[5] Baidu Encyclopedia entry. [EB/OL]. https://baike.baidu.com/item/ Green trade barriers /10803297?fr=aladdin, Latest visit time:[2022-04-15]

[6] Article 39 of Annex VI to the International Convention on the Law of the Sea. [EB/OL]. http://www.un.org/zh/law/sea/los/annex6.shtml, Latest visit time:[2022-04-22].

[7] Shang Pingshan. Legal Reflections on Improving the Implementation Procedures of the WTO Dispute Settlement Mechanism [J]. Modern Business, 2019(21): 68-69. doi: 10.14097/j. cnki.5392/2019.21.033.

[8] Zhang Weibin. Analysis of parallel litigation in marine environmental protection disputes[J]. Journal of Huzhou Vocational Technology College, 2010,8(02):25-29.

[9] Liu Dan. The principle of sustainable development and the settlement of international maritime environmental disputes [C]. // Proceedings of the 2008 National Doctoral Academic Forum (International Law) - International economic law and international environmental law. International Economic Law, International Environmental Law. 2008:526-536.

[10] Nagymaros Project (Hungary/Slovakia) case of ICJ judgment, Sep 1997. [EB/OL]. https:// www.icj-cij.org/public/files/case-related/92/092- 19970925-JUD-01-00-EN. pdf. Last accessed: [2021-12-26]

[11] Zheng Zhihua, Song Xiaoyi. Challenges of global ocean governance fragmentation and ways to cope with it [J]. International Journal of Social Sciences (Chinese Edition), 2020, 37(01):174-183+8+13-14.

[12] Yang Zewei. On the legal aspects of international cooperation in maritime crisis management in the construction of "maritime community of destiny"[J]. Journal of China Ocean University (Social Science Edition), 2020(03):1-11