

## *Original Paper*

# On the Legal Path for the Unified Regulation of Marine Use Certificates and Aquaculture Certificates for Waters and Tidal Flats

Huiqun Geng<sup>1</sup>

<sup>1</sup> College of Ocean Law and Humanities, Dalian Ocean University, Liaoning, Dalian, 116000, China

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### ***Abstract***

*With the continuous and rapid development of China's marine economy, aquaculture activities in the sea are becoming increasingly frequent. As two core legal certificates, the Sea Area Use Certificate and the Aquaculture Use Right Certificate play a crucial role in the management of marine resources. However, the current management model of the two certificates being separate has gradually exposed a series of problems, such as ambiguous rights nature, overlapping approval procedures, and high administrative costs. This paper systematically reviews the legal sources and practical status of the two certificates, and on this basis, proposes legal paths such as legislative integration to clarify the nature of rights, optimizing the approval process and promoting simultaneous issuance of certificates, and building a departmental collaboration and information sharing platform, to promote the integration of the two certificates from procedural coordination to substantive unification, providing legal support and institutional design references for optimizing the marine governance system and promoting the high-quality development of the blue economy.*

### ***Keywords***

*Chengdu-Chongqing Economic Circle, Carbon Trading Integration, Unified Carbon Market, Legalization*

### **1. Introduction**

In recent years, China's marine economy has experienced sustained growth, emerging as a new engine driving national economic expansion. Marine aquaculture represents a traditional form of marine resource utilization, with the Marine Area Use Certificate and the Aquatic Water Area and Tidal Flat Cultivation Certificate serving as two crucial legal documents that play significant roles in marine area

management and aquaculture production oversight. China's current "Law of the People's Republic of China on the Administration of the Use of Maritime Areas" (hereinafter referred to as the "Maritime Use Administration Law") and the "Fisheries Law of the People's Republic of China" (hereinafter referred to as the "Fisheries Law") respectively stipulate the systems for maritime use certificates and aquaculture permits for waters and tidal flats, forming a dual-certificate management model. This model has played a certain regulatory role in practice. However, long-standing discrepancies in the regulatory content of these two certificates and their differing administrative authorities have revealed increasing shortcomings amid the rapid development of the marine economy. Therefore, exploring legal pathways for unified regulation of these certificates holds significant importance for optimizing the marine management system, reducing administrative costs, and promoting high-quality development of the blue economy.

## **2. Legal Issues under the Dual Certificate System**

### *2.1 The Distinction between Sources of Law and the Nature of Rights*

The legal basis for the maritime area usage permit system is the Maritime Area Usage Management Law. The core objective of this law is to regulate maritime usage activities and ensure the efficiency of marine development and management. It possesses comprehensive management attributes, focusing on the confirmation of ownership rights and asset management of maritime areas—a scarce state-owned spatial resource. The maritime use rights established by this law are explicitly defined as usufructuary property rights under Article 328 of the Civil Code of the People's Republic of China (hereinafter referred to as the Civil Code). These rights constitute an exclusive, transferable property right. This transferability facilitates enhanced utilization efficiency of maritime resources and accommodates the diverse usage demands of various entities for such resources (Cheng, B., 2020, pp. 20-25).

The primary legal basis for aquaculture permits in water areas and tidal flats is the Fisheries Law. The core objective of this law is to regulate fishery production activities, ensure the sustainable utilization of fishery resources, and guarantee the quality and safety of aquatic products, exhibiting distinct characteristics of industry management. Compared to the clearly defined property rights nature of maritime land use rights, aquaculture rights in water areas and tidal flats exhibit a certain degree of ambiguity in their nature, sparking debate both theoretically and practically. Although Article 329 of the Civil Code stipulates that the right to use water areas and tidal flats for aquaculture is protected by law, giving it the characteristics of a usufructuary right, some scholars argue that this right has a certain property attribute as its direct purpose is to obtain benefits and satisfy the property-related needs of the subject (Dong, J. W., 2020, pp. 46-54). The aquaculture permit system stipulated by the Fisheries Law is essentially a national access management mechanism for the specific industry of aquaculture. It aims to regulate the scale, layout, and production practices of aquaculture operations to ensure compliance with aquaculture water area and tidal flat planning and industrial policies.

## *2.2 Differences in the Regulation of Rights under the Two Certificates*

The legal bases for issuing these two certificates differ, resulting in certain variations in their regulatory frameworks. For instance, regarding duration, the Maritime Areas Use Administration Law stipulates a maximum term of 15 years for aquaculture use of maritime areas, whereas the Fisheries Law contains no explicit provisions on this matter. Regarding renewal, the Maritime Area Use Administration Law permits applications for extension before the expiration of maritime use rights, which should generally be approved unless revoked for public interest or national security reasons. In contrast, the Measures for the Registration of Aquaculture Rights in Waters and Tidal Flats (hereinafter referred to as the Registration Measures) outline procedures for extending aquaculture rights beyond their term, except when adjustments to water and tidal flat planning occur. This creates a distinction in the nature of renewal: The former leans toward the extension of an existing administrative permit, while the latter is more akin to the issuance of a new administrative permit. Regarding the termination of rights, circumstances for the termination of marine area usage rights include: failure to apply for renewal upon expiration, rejection of renewal applications, unauthorized alteration of marine area usage, failure to pay marine area usage fees by the due date, and early revocation for public interest or national security reasons. Meanwhile, the Fisheries Law and the Registration Measures stipulate that aquaculture rights may terminate under the following circumstances: failure to apply for renewal upon expiration, rejection of renewal applications, revocation of aquaculture permits due to illegal activities, and expropriation of aquaculture rights over water areas and tidal flats in accordance with the law.

## *2.3 Innovations in Current Practices for Issuing Dual Certificates*

To address the complexities of dual permit issuance and approval processes, as well as the need for multiple visits to different agencies, some coastal regions have proactively pursued practical innovations and explored reform models. The first model is “dual permits issued simultaneously,” exemplified by Fangchenggang City in Guangxi. On December 31, 2024, the Guangxi Zhuang Autonomous Region Oceanic Administration announced that relevant departments in Fangchenggang City had concurrently issued both the Sea Area Use Rights Certificate and the Aquatic Farming Permit for the open-sea aquaculture project in Meili Village, Maoling Town, Fangcheng District. This initiative marks Guangxi’s first successful implementation of “dual certificates issued simultaneously,” representing a significant step forward in the unified regulation of marine area usage permits and aquatic farm permits. The second model is “dual certificates processed concurrently.” In 2025, to further standardize aquaculture maritime operations, optimize the business environment, and enhance approval efficiency, Rongcheng in Shandong and Jinpu New Area in Liaoning introduced the “dual permit concurrent processing” model. This integrates the approval processes for both permits into a single procedure, enabling simultaneous application, public notice, review, and submission for approval, thereby streamlining the overall process. Under this process, approval for marine area usage rights directly triggers the approval procedure for aquaculture permits in waters and tidal flats, eliminating the need for separate applications and reducing approval time by over 60%. The third

model is “comprehensive licensing.” In recent years, Fujian Province has vigorously advanced the issuance of these dual permits. By the end of 2023, the province had issued permits covering 1,690 square kilometers of state-owned coastal waters and tidal flats and 100 square kilometers of collectively-owned coastal waters and tidal flats, achieving a 100% permit issuance rate.

While these practical explorations have yielded phased results, they essentially remain procedural optimizations within the existing legal framework and departmental division of labor. Although they have alleviated applicants’ difficulties to some extent, they have not fundamentally resolved the various issues arising from the differing legal attributes of the two certificates.

### **3. Legal Issues under the Dual Certificate System**

#### *3.1 Differences in Legal Provisions Lead to Conflicts in Application*

The core issue concerning the application of the Marine Area Use Management Law and the Fisheries Law lies in the relationship between the marine aquaculture rights represented by aquaculture permits and the rights to use marine areas (Wang, H. Z., 2019, pp. 34-38). However, the differences in the legal nature and regulatory framework of the two certificates have led to conflicts between them. In practice, these conflicts manifest as contradictions in the application of specific legal provisions, with the most acute issue being the stability of rights tenure. While there is no consensus on the exact nature of maritime use rights, they should at least be regarded as quasi-property rights existing above certain rights (Cui, F. Y., 2001, pp. 19-22). As a property right, maritime use rights are protected under the Property Rights section of the Civil Code. Their types and contents are subject to mandatory legal provisions, and parties are not permitted to freely create or alter them (Liu, H. P., 2009, pp. 24-25). Once a right holder lawfully acquires a right, they enjoy the stability conferred by law. This means that administrative agencies may not arbitrarily revoke or alter such rights without statutory grounds and due process. This stability of property rights not only safeguards the right holder’s stable use of maritime areas but also serves as the legal foundation for market transactions and economic development. Given the property-like nature of aquaculture rights in water areas and tidal flats, their issuance and management are largely governed by the principles of the Administrative Licensing Law. Under this framework, administrative agencies possess broader discretionary authority. For instance, agencies may redraw aquaculture zones based on revisions to comprehensive watershed plans or marine ecological conservation plans, designating former aquaculture areas as prohibited or restricted zones. Consequently, they may refuse to renew or directly revoke existing aquaculture permits. In practice, a father-son team operating a long-established “family farm” faced eviction when their inner bay was rezoned as a mangrove protection “no-farming zone” under a new plan. This outcome effectively constituted a substantive “non-renewal” of their aquaculture permit.

When these two distinct regulatory logics govern the same aquaculture zone, legal conflicts become inevitable. On one hand, an aquaculturist holding a valid marine use certificate may be unable to obtain or renew an aquaculture permit due to adjustments by fisheries authorities—such as revising industry

plans or expanding no-fishing zones. This results in a situation where the aquaculturist possesses marine use rights but lacks aquaculture rights, effectively nullifying the substantive functions of the marine use right. In this scenario, the rights holder cannot generate aquaculture income from the waters and struggles to effectively transfer the idle maritime use rights, hindering the efficient utilization of marine resources. On the other hand, if a maritime user possesses only an aquaculture permit without legally obtaining maritime use rights, their aquaculture activities essentially constitute unauthorized occupation of state-owned marine resources. In such cases, users not only face the risk of being ordered by maritime administrative authorities to vacate the waters and dismantle aquaculture facilities, but the legitimacy of their aquaculture income also lacks legal safeguards. This tension between the rigidity of property rights and the flexibility of permits leaves aquaculture operators perpetually exposed to risks of uncertain rights. This undermines the predictability of the law and hinders the development of the marine aquaculture industry toward scale, modernization, and capitalization.

### *3.2 There Is a Phenomenon of Duplicate Approvals in the Issuance of the Two Certificates*

Although maritime use rights and aquaculture rights in water areas and tidal flats differ in nature, both fall under usufructuary property rights. The Maritime Use Management Law and the Fisheries Law do not fundamentally conflict; their provisions complement and supplement each other (Xing, X. J., 2008, pp. 23-26). Moreover, according to the provisions of relevant laws and administrative regulations, both certificates are issued by people's governments at or above the county level, ensuring greater uniformity. However, in practice, this shared authority should have provided a foundation for coordinated and seamless approval procedures. Instead, the separation of functions among registration and regulatory agencies has led to fragmented management and redundant reviews.

The application and approval procedures for marine area usage rights certificates and aquatic farmland cultivation permits are complex, with stringent approval requirements (Liu, X. F., Wang, M. T., & Zhang, Q. Y., 2016, pp. 113-116). In practice, the approval and registration of maritime use rights are primarily handled by the natural resources authorities, while the approval and issuance of aquaculture permits for water areas and tidal flats are led by the agriculture and rural affairs authorities. The lack of a clear coordination mechanism between the two departments regarding their approval authorities results in aquaculture operators needing to submit application materials to both departments sequentially and undergo two separate approval processes to engage in lawful aquaculture activities. This creates an unreasonable situation where the same maritime use activity requires dual permits. The core information recorded on both certificates is highly overlapping. This duplication in documentation requirements and the significant convergence of recorded details result in redundant review efforts during the two approval processes. In practice, it is common for the same county-level or higher people's government to issue two certificates of the same type of usufructuary rights to the same user within the same maritime area. Fuzhou City explicitly mentioned the need to promote the linked issuance of both certificates during its aquaculture maritime rights reform. This indirectly confirms the widespread issue of dual-certificate issuance and redundant rights confirmation in previous practices,

while also highlighting the urgent need for reform to address this redundant approval process. In terms of approval efficiency, this duplicative process significantly drains administrative resources. For instance, in Liaoning Province, where maritime use rights certificates and aquatic farming permits have long been managed under separate approval systems, enterprises must first obtain maritime property rights certificates before separately applying for farming permits. This results in an eight-step approval process that can take up to 180 days to complete. Despite joint efforts by the Ministry of Natural Resources and the Ministry of Agriculture and Rural Affairs in recent years to optimize the management of aquaculture sea use, and the implementation of local plans for the coordinated issuance of dual permits in many regions, systemic barriers to redundant approvals remain unresolved nationwide. Under the reform policies for streamlining administration, delegating power, and improving government services, these barriers continue to pose a significant bottleneck hindering the standardized and efficient development of aquaculture sea use management.

### *3.3 Duplicate Payments Increase the Burden on Rights Holders*

In the process of utilizing marine resources, rights holders must not only apply for marine use permits but also pay corresponding fees. However, under the dual-certificate management system, the duplication of approval procedures faced by aquaculture rights holders has led to duplicate fee payments during the payment process. This results in rights holders bearing the heavy economic burden of double payments. In contrast, aquaculture activities in inland lakes and other state-owned water areas in China operate under a single-fee mechanism. Right holders need only obtain the Aquatic Water Area and Tidal Flat Cultivation Permit in accordance with the law and pay the fishery resource enhancement and protection fee to the fishery administrative department to engage in lawful aquaculture. However, marine aquaculture faces a dual-fee situation where the marine area usage permit is issued by the natural resources department and the aquatic water area and tidal flat cultivation permit is issued by the agriculture and rural affairs department. Although China's "Marine Area Use Management Law" stipulates that entities and individuals using marine areas must pay marine area usage fees and specifies that "the specific implementation steps and methods for collecting marine area usage fees from fishermen using marine areas for aquaculture activities shall be separately stipulated by the State Council," many regions lack clear policies regarding exemptions or reductions of marine area usage fees for aquaculture purposes. The regulations governing the collection of fishery resource enhancement and protection fees also remain ambiguous. For example, the Fujian Provincial Government compensates fishermen for the reclamation or occupation of sea areas or tidal flats. There is no difference in the amount or method of compensation between aquaculture operators with and without aquaculture permits. The compensation standards are "equal for all," and the aquaculture permit does not provide operators with tangible benefits. Under these circumstances, most rights holders in practice must pay both marine area usage fees to natural resources departments and fishery resource enhancement and protection fees to fisheries departments when obtaining aquaculture permits after acquiring marine area usage rights. This dual payment system directly results in institutional costs

for marine aquaculture far exceeding those for inland aquaculture. Although the entities responsible for collecting the maritime use fee and the fishery resource enhancement and protection fee differ in name, their core functions are essentially the same: both serve as compensation for the use of state-owned water resources and as a means to restore ecological value. Consequently, there is significant functional overlap and convergence in their nature.

From the perspective of purpose and value, the levy of marine area usage fees is based on the right holder's occupation and utilization of state-owned marine spatial resources, aiming to realize the value-based utilization of state-owned resources. In contrast, the collection of fishery resource enhancement and protection fees is intended to promote the development and utilization of fishery resources within marine areas by right holders, while compensating for the consumption of aquatic biological resources and ecological environments caused by aquaculture activities. Although these two fees serve different purposes, their essence targets the act of aquaculture development and utilization in specific maritime areas or tidal flats. Both constitute economic regulatory measures for aquaculture activities at sea. Applying them simultaneously to the same aquaculture entity's identical maritime use clearly constitutes double taxation. In practice, this burden of duplicate fees has become a significant constraint on the development of the aquaculture industry. As early as 2006, over 600 fishermen from Changhai County, Dalian City, Liaoning Province, jointly petitioned authorities. One of their core demands was to challenge the imposition of marine area usage fees and related duplicate charges on aquaculture fishermen. The fishermen argued that these fees not only lacked standardized criteria but also directly increased their financial burden.

#### *3.4 Conflicts of Authority and Overlapping Responsibilities Create Regulatory Gaps*

Against the backdrop of separate legal sources, the management of the two permits presents a complex reality in practice characterized by departmental fragmentation and overlapping procedures. The fisheries administrative department issues aquaculture permits under the Fisheries Law, focusing its efforts on reviewing the qualifications and capabilities of aquaculture operators, assessing aquaculture projects, and providing subsequent technical guidance on production and oversight of quality and safety. Marine administrative authorities issue maritime use rights certificates under the Maritime Use Management Law, with a management chain encompassing approval for maritime use, registration of usage rights, collection of compensation fees, and even enforcement oversight—forming a relatively independent and comprehensive system (Wang, Y. Q., 2006, pp. 42-43). This seemingly well-defined division of responsibilities in the management model actually stems from a lack of unified, coordinated design due to separate legal origins. Consequently, significant conflicts of authority and overlapping responsibilities exist between the maritime and fisheries departments in the oversight of aquaculture sea use, leading to regulatory loopholes and buck-passing. This issue not only violates the fundamental principles of administrative law consistency between authority and responsibility, and efficient coordination, but has also become a key obstacle hindering the rule of law and standardized development in the management of aquaculture sea use.

The separate legislative frameworks of the Maritime Area Use Management Law and the Fisheries Law place the management of aquaculture permits and fishing permits under two distinct administrative regulatory systems, lacking a unified mechanism for delineating responsibilities. The Maritime Area Use Management Law focuses on controlling ownership rights and regulating paid use of maritime spatial resources, while the Fisheries Law emphasizes industry oversight of aquaculture production activities and fisheries resource conservation. The two laws lack explicit coordination agreements on core regulatory objectives, oversight standards, and procedural integration for aquaculture maritime use. This directly results in a fragmented oversight framework where each department manages one permit with unclear responsibilities during aquaculture maritime use supervision.

From the perspective of specific manifestations of jurisdictional conflicts, the two departments exhibit overlapping responsibilities and blurred boundaries in areas such as regulating the use of marine areas for aquaculture and investigating illegal activities. For instance, when aquaculture operators arbitrarily alter the scope of marine area use or adjust aquaculture methods, the marine department, based on the Law on the Administration of the Use of Sea Areas, deems such actions as “illegal occupation of sea areas” or “unauthorized alteration of sea area use.” It thus possesses the authority to impose administrative penalties, including ordering the return of sea areas, dismantling illegal facilities, and confiscating illegal gains. Meanwhile, the fisheries department may classify such actions as “illegal aquaculture operations not conducted in accordance with aquaculture permits” under the Fisheries Law, granting it parallel authority to order corrections, confiscate catches and illegal gains, and revoke aquaculture permits. However, legal frameworks have yet to clearly define jurisdictional boundaries or case transfer standards for such overlapping domains, creating fertile ground for regulatory buck-passing. This regulatory buck-passing not only severely wastes administrative resources—forcing both departments to expend substantial manpower and material resources on redundant inspections and back-and-forth case transfers—but also prevents timely correction of illegal activities, creating regulatory loopholes. The prolonged existence of these phenomena intensifies pressure on marine ecosystems. The rise in illegal aquaculture and non-compliant discharges directly threatens marine biodiversity and the stability of marine ecosystems, ultimately creating a vicious cycle.

#### **4. Legal Pathway for Establishing a Unified Regulatory Framework for the Two Certificates**

##### *4.1 Advance Coordinated Legislative Revisions to Establish a Unified System for Marine Aquaculture Use*

Advancing legislative integration is the core prerequisite for establishing a unified system for marine aquaculture use. The current phenomenon of dual certificates stems fundamentally from the fragmented regulatory frameworks of two laws governing marine aquaculture use: the Law on the Administration of the Use of Sea Areas emphasizes ownership control and paid use of marine spatial resources, while the Fisheries Law focuses on industry oversight and resource conservation for aquaculture production. The absence of a unified understanding of the legal attributes of aquaculture sea use rights and clear

procedural coordination between the two laws has created numerous potential conflicts for subsequent administrative enforcement, judicial adjudication, and the exercise of rights by sea users. Therefore, advancing coordinated legislative revisions to the Maritime Area Use Administration Law and the Fisheries Law must first clarify the legal relationship and hierarchical validity between maritime area use certificates and aquatic farm certificates. It should establish that maritime area use rights constitute the foundational usufructuary property rights for aquaculture, serving as the statutory prerequisite and legal basis for aquaculture entities to conduct production activities. Any lawful aquaculture activity must be predicated on the lawful acquisition of maritime area use rights. Simultaneously, it must be clarified that aquaculture rights on water areas and tidal flats are not independent usufructuary rights but rather industry-regulatory rights dependent on the existence of maritime use rights. Their core function lies in regulating the production and operational activities of aquaculture entities and ensuring the rational development and conservation of fishery natural resources. Their acquisition, exercise, modification, and termination all require the lawful existence of maritime use rights as a prerequisite. By establishing an interconnected legal framework, conflicts arising from legal institutional causes can be eliminated at their root.

#### *4.2 Optimize the Approval Process for Dual Certificates and Promote the Simultaneous Issuance Mechanism*

Optimizing the approval process for dual permits and promoting a simultaneous issuance mechanism are key measures to resolve the current challenges of fragmented approvals and redundant reviews for aquaculture sea use. The core of this initiative lies in enhancing administrative efficiency and reducing institutional transaction costs for applicants through cross-departmental coordination mechanisms and process reengineering. Currently, the two permits are independently approved by the natural resources and agriculture and rural affairs departments, leading to issues such as duplicate submission of application materials, inconsistent approval standards, and poor process coordination. This not only violates the principles of administrative law regarding efficiency and convenience for the public but also risks rights being left unfulfilled or approvals being delayed. Therefore, a cross-departmental coordination body for aquaculture sea use permits should be established at the county-level or higher government level. Composed of representatives from departments such as Natural Resources, Agriculture and Rural Affairs, and Ecology and Environment, this body should be granted statutory authority for approval coordination, standard setting, and dispute resolution to facilitate centralized management of aquaculture sea use approvals. Building upon this foundation, a full-process model of “single-window acceptance, parallel review, and simultaneous licensing” should be further developed. A comprehensive acceptance window for aquaculture sea use should be established on the integrated government service platform, consolidating the application material lists for both sea use rights certificates and aquaculture permits. This enables applicants to submit materials once for multi-departmental sharing, eliminating redundant submissions. Simultaneously, the cross-departmental coordination body should develop unified approval guidelines, clarifying common

standards for dual permit approvals—such as planning compliance, ecological impact thresholds, differentiated requirements for maritime ownership verification and aquaculture qualification review—organizing parallel reviews across departments, issuing concurrent review opinions, and collaboratively resolving objections.

#### *4.3 Improve the Tax and Fee Collection System and Establish a Comprehensive Fee System*

The current dual-fee model of charging both marine area usage fees and fishery resource enhancement and protection fees constitutes de facto double taxation. Since both fees essentially represent compensation for the use of state-owned marine resources and ecological value, the lack of unified national standards for exemptions and compensation, coupled with cumbersome rights protection procedures, significantly burdens marine aquaculture operators. China's maritime territory is vast, and local conditions vary considerably across regions. It is impossible to apply a one-size-fits-all approach to the marine aquaculture activities of fishermen (Yang, J. C., 2007, pp. 23-26). Therefore, the first step should be to advance fee consolidation. Existing marine area usage fees and fishery resource enhancement and protection fees could be merged into a comprehensive marine aquaculture resource fee. Legislation should clearly define the collection authority, scope, and differentiated collection standards. Graded fees could also be implemented based on the ecological impact of aquaculture species, farm scale, and marine ecological classification. Clear exemption provisions should be established for traditional fishermen and small-scale ecological aquaculture operators. Second, a nationally unified compensation standard for aquaculture sea use fees must be established. When reclaiming aquaculture sea areas for public interest, compensation amounts should be determined by comprehensively evaluating core factors such as the residual value of sea use rights, replacement costs of aquaculture facilities, anticipated aquaculture revenues, and losses from ecological investments. This should be achieved through a combination of market assessments and income restoration methods, preventing regional inconsistencies that lead to unfair compensation. Additionally, a specialized arbitration body for aquaculture maritime tax and compensation disputes should be established. Composed of legal experts, marine resource management scholars, and senior aquaculture practitioner representatives, this body should be granted statutory authority for dispute mediation and arbitration. It should implement a mechanism linking final arbitration decisions with judicial remedies. Arbitration procedures should simplify application materials, shorten hearing cycles, and adopt a hybrid model combining online arbitration with on-site hearings to significantly reduce rights holders' litigation costs.

#### *4.4 Enhance Interdepartmental Coordination and Information Sharing To Establish a Collaborative Oversight Mechanism*

Administrative synergy hinges on division of responsibilities. Clear delineation of duties, dynamically balanced power relations, and well-defined accountability systems can promote standardized and effective CPPCC collaboration (Wenhao, 2024, pp. 32-51). To enhance interdepartmental collaboration and information sharing while establishing a coordinated regulatory mechanism, it is necessary to build

a regulatory system characterized by clear division of labor, mutual information exchange, and joint action. Currently, due to ambiguous jurisdictional boundaries between marine and fisheries departments, overlapping and gaps in oversight coexist in areas such as regulating marine aquaculture use and investigating violations. This not only wastes administrative resources but also undermines regulatory credibility. Therefore, legislative or administrative regulations should be enacted to clearly delineate the regulatory authority and responsibilities of both departments. Second, a provincial-level information sharing platform for aquaculture sea use should be established. This platform would integrate core data from both departments, including approval records, payment histories, regulatory archives, enforcement cases, and ecological monitoring data. Real-time data exchange, dynamic updates, and cross-departmental sharing would eliminate regulatory vacuums caused by information asymmetry. Building on this foundation, a routine joint oversight and enforcement mechanism should be implemented. Led by a cross-departmental coordination body, regular joint inspections would be organized, with unified case filing, collaborative investigations, and coordinated penalties. Additionally, a regulatory accountability mechanism must be implemented. Departments and personnel found negligent in oversight, shirking responsibilities, or abusing authority should face administrative or even legal liability according to law, compelling the fulfillment of regulatory duties. Establishing such a collaborative oversight mechanism will not only achieve comprehensive and efficient supervision of aquaculture maritime use but also balance marine ecological conservation with the healthy development of the aquaculture industry, demonstrating the practical value of collaborative governance principles in marine administrative oversight.

## 5. Conclusion

With the high-quality development of China's marine economy, aquaculture sea use—as a traditional core area of marine resource development—directly impacts the efficient utilization of marine resources, the healthy development of the fishery industry, and the safety of the marine ecological environment through its standardized and legalized management. The dual-certificate management model—separating the Certificate of Maritime Use Rights from the Aquaculture Certificate for Waters and Tidal Flats—originated from the distinct legislative frameworks of the Maritime Use Management Law and the Fisheries Law. During a specific historical period, this approach played a positive role in regulating aquaculture activities and ensuring orderly fisheries production. This paper systematically reviews the current status of the dual-certificate management model, analyzes its differences in legal origins, rights regulation, and practical operations, and delves into the underlying legal issues and causes behind the dual-certificate system. It constructs a legal pathway for unified regulation of the two certificates from the perspectives of legislation, approval, taxation, and supervision. Unifying the two permits is not merely a simple merger. It requires clarifying the nature of rights, defining the boundaries of rights and responsibilities, and achieving legislative coordination, streamlined approvals, integrated taxation and fees, and coordinated supervision.

In summary, the unified regulation of the two certificates is a long-term legal project involving multiple levels, including interdepartmental coordination and local practices, and cannot be achieved overnight. This necessitates a dual approach in practical implementation: prioritizing top-level design to accelerate the coordinated revision of the Law on the Administration of the Use of Maritime Areas and the Fisheries Law, thereby establishing a robust legal foundation for unified certification. Simultaneously, it requires respecting local innovative practices, summarizing and promoting exemplary approaches such as “dual-certificate issuance” and “dual-certificate processing,” and advancing reforms tailored to local conditions. The deepening implementation of the strategy to build China into a maritime power demands higher standards for the legal governance of aquaculture sea use management. The unified regulation of the two permits is not only an effective approach to resolving the current disorder in aquaculture sea use management but also a crucial measure to optimize the marine management system, reduce administrative costs, and promote the high-quality development of the blue economy.

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