

# Research on the Improvement of Maritime Dispute Resolution Mechanism and Related Legal Systems

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## Abstract

Maritime litigation, maritime arbitration and mediation of maritime and commercial disputes, as my country's main maritime dispute resolution methods, have played an important role in resolving my country's maritime and commercial disputes. Against the background of the Belt and Road Initiative and the construction of an international shipping center, it is of great significance to improve and develop a diversified settlement mechanism for maritime and commercial disputes to achieve the goal of a shipping power. This article combines arbitration law, maritime litigation law and related laws and regulations, through comparative research and analysis of laws and regulations, and draws on the internationally effective methods to propose maritime disputes for mediation, arbitration and litigation. Suggestions for resolution mechanism.

## Keywords

Maritime diversified dispute resolution mechanism; Maritime mediation; Maritime arbitration; Maritime litigation.

## 1. INTRODUCTION

In the context of the continuous efforts of the Belt and Road initiative and the gradual deepening of economic globalization, a harmonious and stable economic and trade development environment needs not only an authoritative and efficient judicial system to guarantee, but also a multi dispute resolution system with multiple participation, interest balance, social governance and flexibility. The competition of institutional rules has become the main form of competition between countries. Mastering the right to speak in the formulation of rules is equivalent to mastering the initiative in international competition [1]. Talent, capital, technology, and resources will also be tilted to countries and regions with large institutional advantages, further promoting the improvement of the country's comprehensive strength. At present, maritime mediation, maritime litigation and maritime arbitration have played a very important and effective role in solving China's maritime trade disputes, but the three methods are relatively independent and do not form a good connection. Due to many factors, the status of maritime arbitration has not been specifically determined, and powers are also restricted in specific practice. Most parties to disputes are still willing to use litigation to solve problems, which is not conducive to the development of my country's maritime dispute resolution to a higher level. As maritime trade disputes increasingly show the characteristics of a large number of cases, diversified types, diversified subjects and complex contents, a single judicial relief has been difficult to meet the needs of solving such diversified disputes. Some contradictions and disputes need to integrate various forces such as the state, society, enterprises and individuals, optimize social resources and use legal, administrative, economic Implement comprehensive regulation and control by social and other means [2]. In the construction of diversified dispute resolution mechanism, it is difficult to solve the problems such as the division of functions and

the balance of power between functional departments and the lack of coordination between dispute resolution mechanisms such as mediation, arbitration and litigation at the same time, which need to develop a comprehensive diversified dispute resolution mechanism. In addition, in the process of improving the diversified maritime dispute resolution mechanism, focusing on the system, integrity and synergy of the reform is also an important measure to realize the modernization of China's national governance system and governance capacity.

In today's society, the development of shipping industry has increasingly become an important link connecting the economy and culture of various countries. With the continuous growth of trade volume, maritime disputes also show a trend of continuous growth. In view of the strong foreign-related, professional and complex characteristics of the dispute, the parties mostly agreed to use maritime arbitration to solve the friction. In the global maritime arbitration, London Maritime Arbitration is the most authoritative and representative. According to the statistics released by the London Maritime Arbitrators Association in 2020, the total number of appointed by the London Maritime Arbitrators Association in 2019 was 2952, 529 maritime arbitration awards were closed and 74 awards were made after oral hearings [3]. According to the 2019 annual report of China Maritime Arbitration Commission, the number of cases accepted by China Maritime Arbitration Commission in 2019 was 91, an increase of 26 compared with 2018 [4]. Among them, there were 41 foreign-related cases, with a foreign-related rate of about 45%. Although China has gradually entered the ranks of great powers in shipping trade and shipbuilding, its status and influence in arbitration are far less than that of London arbitration.

The author believes that the factors causing this situation are comprehensive. First, from the institutional point of view. The case law system is adopted in Britain. Judges are selected from senior lawyers. They enjoy the leading power in formulating laws, have intuitive access to all kinds of fresh cases every day, and can closely combine the process of legislation and law enforcement. The legal rule system formed in this way is bound to be closer to commercial practice. In civil law countries, legislation is mostly dominated by the legislature, focusing on relying on the authority of experts and scholars, subject to the balance of the interests of all parties in the society and the technical constraints of experts' legal literacy and various abilities. Sometimes the legal provisions formulated are inconsistent with commercial activities. Secondly, when applying the law, the civil law system also relies more on the judge's personal understanding of the law, which is prone to the results of different judgments in the same case. It is different from the trial concept of "facts as the basis and law as the criterion" in the civil law system. Most judgments or awards under British law focus on the process of reasoning and reasoning. By quoting previous precedents to guide future cases, do not arbitrarily join the judge's personal understanding of law and contract, and follow precedents and common sense to the greatest extent. This has formed a series of relatively stable and regular legal principles to be familiar with and master these contents as deeply and carefully as possible, which is more conducive for trade participants and lawyers to control the overall situation of trade and trial and reach an agreed value orientation. At the same time, it is also conducive to the formation of unified business habits and the production of fixed format contracts. In addition, the activity of the International Maritime Organization and the escort of the British mutual protection association, the claims Association and the defense litigation association are also consolidating Britain's position as an International Maritime Arbitration Center. With the opening of new routes and the advent of the era of great navigation, Britain took advantage of favorable conditions to actively develop foreign trade, adopted the "mercantilism" policy to participate in competition, occupied colonies, and commercial trade developed rapidly. It established its maritime hegemony in the mid-18th century, actively carried out the industrial revolution, and became the world factory in the mid-19th century. During this period, Britain has dominated the world's shipping trade. Under this condition, British law must have more practical

experience in dealing with maritime disputes. Therefore, up to now, some principles and rules determined under British law have not changed significantly, which forms a relatively stable expectation of legal value.

In a sense, when the parties choose London Maritime Arbitration, they actually choose a complete discourse system of dispute resolution. To sum up, from the differences in system and concept and historical reasons between China's maritime arbitration and London arbitration, it can be seen that the long British law has a closer and pragmatic relationship with commercial activities, which makes the parties more willing to agree on London arbitration rather than China's maritime arbitration in the bill of lading and contract.

## **2. DEVELOPMENT STATUS AND PROBLEMS OF MARITIME DISPUTE RESOLUTION MECHANISM IN CHINA**

### **2.1. Development Status and Problems of Maritime Arbitration**

In the late 1950s, China's maritime arbitration began to produce and develop formally. As an important legal way to solve international commercial disputes commonly used by the international community, maritime arbitration has outstanding advantages in dealing with international maritime disputes and maintaining the international economic and trade legal order. With its characteristics of contract, confidentiality, professionalism, efficiency, economy and low resistance to enforcement, it is becoming more and more important in solving maritime disputes and alleviating the pressure of maritime litigation in the new era.

At present, China is actively consolidating and developing the construction of Shanghai international shipping center. The development and growth of maritime arbitration can provide strong support and guarantee for it and maintain the healthy and stable development of the shipping industry. However, after nearly 60 years of development, compared with other major international maritime arbitration institutions, we still have many deficiencies. First, the number of cases is too small, and there is a gap between international influence and the status of a shipping power. This is not only because it is restricted by some other international arbitration institutions, but also because China's relatively perfect maritime court system has jurisdiction over most maritime dispute cases. The natural trust of the parties is that resolving disputes through litigation is the most traditional and effective option, which limits the space for arbitration. Secondly, the flexibility of the arbitration mechanism is not enough, which is mainly reflected in the lack of the status of interim arbitration. In China's current arbitration legislation, there is only room for the existence of permanent arbitration institutions. In addition to the provisions on the settlement of relevant disputes through the arbitration tribunal composed of interim arbitration institutions in the bilateral investment protection agreements between our government and some other countries, the arbitration law is not related to the provisions on the settlement of disputes by interim arbitration institutions [5]. Compared with institutional arbitration, the interim arbitration system gives the parties greater autonomy and flexibility, and can give the parties maximum convenience in resolving disputes. Of course, the temporary absence of China's interim arbitration system also takes into account that the system does not have the "soil" for full development in China's actual development. For example, interim arbitration requires a high degree of cooperation between both parties, requires both parties to sit calmly together to solve problems, and the way of resolving disputes through arbitration has not been fully rooted in the hearts of the people. The parties' trust in arbitrators needs to be improved. In addition, the independent exercise of various arbitration functions by the arbitration tribunal is restricted. Article 6 of the Arbitration Rules of China Maritime Arbitration Commission 2018 stipulates that the Arbitration Commission has the right to decide on the existence and validity of the arbitration agreement and the jurisdiction of the arbitration case. If necessary, the Arbitration Commission may also authorize the arbitration

tribunal to make a decision on jurisdiction. On the one hand, this will increase the workload of the Arbitration Commission and cause delay in arbitration. On the other hand, as an arbitration institution providing support services to the arbitration tribunal, it interferes with the exercise of arbitration power, which will hinder the independence of arbitration and make the parties question the impartiality of arbitration. The development of arbitration largely depends on the tolerance of legislation and judicature. China's judicial system has set up dual ways for the supervision of arbitration. One is to apply to the court for cancellation of the arbitration award, and the other is to apply for non execution after the court rejects the application, so as to start the second judicial relief. In this case, it may occur that the same court has conducted two judicial reviews of the same arbitration award, or different courts have conducted separate reviews of the same arbitration award. This is not conducive to maintaining the benefit value of arbitration, but also damage the judicial authority of the court. In addition, because the judiciary has full dominance over the supervision of arbitration, China has not made corresponding provisions on the remedies for the court to revoke or not enforce the arbitration award. This means that even if the court makes mistakes in the supervision of arbitration, there is no effective way to supervise and correct it. The above problems are restricting the development of China's maritime arbitration to a higher level.

## 2.2. Development Status and Problems of Maritime Litigation

As the ultimate weapon to solve disputes, judicial litigation is the most important way to deal with maritime disputes. At present, China's maritime judicial system is composed of the maritime court and its dispatched courts, the higher people's court and the Supreme People's court. The trial level system of three-level and two trial system has been formed, the maritime law and the maritime litigation special procedure law have been promulgated, and the revision of the maritime law has been included in the five-year legislative plan in September 2018. However, because of its own system, organization and jurisdiction, the maritime judicial system still encounters many problems in the process of development. Because there is a certain distance between maritime law and people's daily life in most of the time, the research on maritime circle and maritime law has not been paid enough attention. However, with one belt, one road initiative and the construction of a maritime power. It must be urgent to pay more attention to maritime law. The constitutional status of the ocean needs to be confirmed urgently, so that the construction of China's maritime legal system has a clear constitutional basis and improves the authority of the maritime legal system [6]. It is conducive to the overall command of China's maritime legal system and give full play to the role of "marine constitution". In the practice of maritime litigation, the start of maritime trial - the maritime court is equivalent to the intermediate people's court at the trial level, and the appeal of the case is usually directly under the jurisdiction of the higher people's court and the Supreme People's court where the maritime court is located. The lack of grass-roots maritime judicial institutions and appellate institutions specialized in handling maritime disputes is different from the main positioning and functions of courts at all levels, which is prone to a series of problems such as uncoordinated trial level. In dealing with international maritime disputes, the identification of foreign law is also a very important process. At present, when dealing with difficult and major maritime cases, the number of judges in the higher people's court and the Supreme People's court who can contact, master and apply the maritime law to try cases must be small compared with the judges in the maritime court, Not to mention whether the lack of the maritime Supreme Court is easy to cause the difficulty of maritime litigation and the low quality of case settlement. In terms of the number of cases, it will undoubtedly greatly increase the pressure on the high law and the supreme law, which is not conducive to the formation of an efficient and standardized judicial system in our country.

### 2.3. Development Status and Problems of Maritime Mediation

As a supplement to the maritime litigation and arbitration system, the maritime dispute mediation system has always played a very important role. With the unanimous consent of the parties, the use of maritime mediation, a flexible, voluntary, efficient and low-cost way to resolve disputes, can not only save a lot of judicial resources such as investigation and evidence collection time and costs, but also avoid the problems caused by foreign-related legal jurisdiction and legal investigation, and can effectively reduce the judgment pressure of the court. On the other hand, the settlement of maritime trade disputes through mediation will help both sides continue to maintain cooperative relations. Compared with the mandatory and "one arbitration final" methods such as judgment and arbitration, mediation is a softer way to solve disputes. It makes the originally ruthless opposition more friendly, which is conducive to the overall development of commercial trade. Compared with the arbitration system, the development of mediation system has been improved a lot. In China, maritime mediation system mainly includes mediation in maritime litigation and arbitration procedures, mediation by maritime administrative organs and mediation mechanism entrusted by maritime courts. The combination of mediation, litigation and arbitration has also become the main working method in China's diversified maritime dispute resolution mechanism, which is generally applicable to many institutions. The emergence of the court entrusted mediation model is a bold innovation and beneficial attempt of the diversified settlement mechanism of maritime disputes. On November 14, 2019, Ningbo Maritime Court and China Maritime Arbitration Commission jointly signed the minutes on the establishment of working mechanisms such as entrusted mediation of maritime disputes (for Trial Implementation) in the maritime court of the pilot free trade zone. According to the agreement, if the twelve types of maritime disputes are successfully mediated by the arbitration center and the parties reach a mediation agreement, the Arbitration Center will promptly reply to the entrusted Ningbo Maritime Court by letter, and hand over the text of the mediation agreement, the necessary materials formed in the mediation process and the newly submitted evidence by the parties to the entrusted Ningbo Maritime Court. After the Ningbo Maritime Court reviews and consults the wishes of the parties, the case shall be closed by ruling to allow the plaintiff to withdraw the lawsuit or issuing a mediation statement. If the mediation agreement cannot be reached at the expiration of the mediation period or the parties are unwilling to continue the mediation, the Arbitration Center will timely inform Ningbo Maritime Court of the failure of mediation, form a written record of the mediation process and the main disputes of the parties, and send it to Ningbo Maritime Court together with the letter for reference in the subsequent trial of Ningbo Maritime Court. However, behind this, we can see that most of them are dominated or assisted by public power to promote the progress of mediation, especially the lack of the power of civil maritime mediation organizations. We have neither independent civil maritime mediation institutions nor specialized civil mediation practitioners. Litigation, arbitration and mediation are important ways to resolve disputes. The establishment of three long-term cooperation mechanisms can provide more ways for the parties and open another channel for "litigation source governance".

International Economic and trade exchanges are becoming more and more frequent. The rapid development of shipping industry and its derivative industries puts forward higher requirements for China's maritime legal services. It is more realistic to actively seek a diversified maritime dispute resolution mechanism. The construction and development of this mechanism should mobilize all forces, from maritime courts, maritime administrative organs to shipping organizations, social organizations, enterprises and institutions, so as to promote the mutual cooperation, coordination and all-round development of various dispute resolution methods. Provide a more convenient, flexible and efficient way for non litigation dispute resolution.



### 3. IMPROVEMENT OF DIVERSIFIED MARITIME DISPUTE RESOLUTION MECHANISM

Commercial trade and disputes are complex and changeable. With the development of the times, it will always be given new content, and the formulation of law is always delayed. Therefore, in order to ensure the sustained, healthy and stable development of China's shipping industry, gradually improve the status of China's maritime arbitration in international maritime arbitration, meet the diversified dispute resolution needs of maritime subjects, and reasonably allocate and utilize judicial resources. It is necessary to build a new maritime dispute settlement mechanism with arbitration as the center, mediation as the priority and justice as the guarantee. At the same time, these three dispute settlement methods should be organically connected to form a maritime dispute settlement model with complementary advantages, so as to promote the normal and benign development of commercial activities.

#### 3.1. Mediation Takes Precedence

Chinese culture has always emphasized the idea of "peace is precious", and business and trade practitioners hope to pursue win-win results. If it is not necessary, we do not want to go to court directly. Therefore, giving priority to mediation to solve disputes has unique advantages over litigation and arbitration, which is more conducive to commercial harmony. The current mode of maritime mediation in China is mainly based on the mediation in the litigation of maritime administrative organs and maritime courts. In recent years, the mediation centers generated by the mediation entrusted by the court to arbitration institutions are also developing prosperously. The relevant systems of maritime administrative organ mediation can refer to the administrative measures for maritime mediation issued by the maritime bureau of the Ministry of transport in 2014, which is a guiding document specially issued for maritime organ mediation in China. In this document, there are only simple provisions on the mediation procedures presided over by the maritime administrative organ, and there are no provisions on the determination and subsequent implementation of the effectiveness of the mediation agreement. Therefore, we can start from improving the implementation system of maritime administrative mediation agreement. In order to reasonably save judicial resources, the settlement agreement reached under the mediation of maritime administrative organ can be regarded as having contractual effect, binding on both parties and need to perform corresponding obligations. If a party wantonly reneges without reasonable reasons and applies to the mediation organ and the court for the same reason and dispute, the maritime administrative organ and the court may not accept it. At the same time, we should give full play to the strength of private maritime practitioners and establish a shipping circle mediation alliance. Select some representative enterprises with voice and high market importance in various segments of shipping to form a mediation alliance delegation, and invite some university professors, maritime judges, lawyers and other industry experts to act as think tanks. Carry out mediation activities on the premise that the parties are completely voluntary. As we are all practitioners in the same field, members know each other better, and we are in a common environment, which is a community of interests, which is conducive to the trust foundation of the parties to the dispute and makes the parties more willing to sit down and have a dialogue calmly. Compared with judicial proceedings, when dealing with disputes, the mediation alliance can more deeply understand the interest relationship and risk level in the disputes between the two sides, achieve a higher sense of empathy, find a balance recognized by both sides, and put forward more reasonable mediation suggestions. In the first mock exam, the settlement agreement can be applied to the notary office for notarization, so that it can be enforced and maintain the outcome of mediation. Finally, we should also do a good job in the connection between mediation, arbitration and litigation, improve the measures for the administration of maritime mediation, and formulate special chapters to specify the connection between

mediation and litigation, mediation and arbitration, so as to realize the orderly connection of the two procedures, and there are laws for mediation activities. It also gives the parties the right to choose the right to use the procedure, and the time limit for mediation is clear. The two parties may negotiate the decision after mediation or after mediation, or mediation after arbitration. Clearly specifying the time limit of mediation procedures can improve efficiency and avoid excessive delay by one party in order to avoid responsibility and delay the opportunity in the mall.

### 3.2. Arbitration Centered

Improving the flexibility of arbitration procedures and realizing the efficiency value of international maritime arbitration is conducive to creating a legal business environment with high-quality development. Combine the selection of arbitration legal system and the system of institutional arbitration and interim arbitration to form a parallel system and rule selection mechanism. To a certain extent, the parties are given the right to independently choose the place and rules of arbitration, that is, the parties can choose not only to conduct arbitration activities in China's arbitration institutions and apply the rules of the institutions, but also to conduct arbitration in China's arbitration institutions using international arbitration law, You can also choose to use the Chinese arbitration institution as the service platform to apply the interim arbitration rules, and the parties shall negotiate and adopt other arbitration rules for arbitration. Compared with institutional arbitration, the combination of the two arbitration systems has greater flexibility, and the will of the parties can be fully guaranteed. Of course, in order to realize this idea, higher requirements are put forward for the professional quality of arbitrators. They should not only be familiar with the rules of arbitration institutions and domestic laws, but also be familiar with the rules of international arbitration law, but also dabble in other arbitration rules. In this way, the policy of opening up and absorbing talents at the same time is very important. Singapore has a high level of openness in the field of arbitration, and their attitude towards arbitrators can be used for reference. It is mainly reflected in its legislation that there are no excessive restrictions on foreign lawyers to carry out international arbitration business in its territory, and there are no restrictions on the nationality of arbitrators and agents [7].

Secondly, in China's maritime arbitration practice, China's maritime arbitration institutions do not have the power to implement property preservation. According to the relevant provisions of the civil procedure law and the arbitration rules of China Maritime Arbitration Commission, the parties may submit an application for preservation to the court indirectly or directly through the arbitration institution before or at the same time as the arbitration or at any stage before the award is made. This provision is not conducive to the development of China's maritime arbitration. Because the arbitration institution is the leader of the case and is relatively clear about the overall situation and details of the case, it is most suitable for the actual situation of the case to hand over the power to take preservation to the arbitration institution and let the arbitration institution decide whether it should be preserved. When applying for preservation in an arbitration case, the parties may directly apply to the arbitration tribunal handling the case, and the arbitration tribunal shall make a preservation decision in court. If the parties have any objection to the decision, they may submit it to the court again. Putting real power in the hands of the arbitration institution guarantees the independence of the arbitration tribunal in exercising its power. When it comes to the supervision of arbitration by Chinese courts, it is mainly reflected in the supervision of domestic arbitration awards and foreign-related awards, but they are lack of consistency in the review standards. Generally speaking, China's courts are more strict in the review of domestic arbitration, involving both procedural and substantive aspects. However, they only review the procedural aspects of foreign-related awards, without paying attention to its subject, object, content and other

elements, and the results of arbitration awards. Enjoy the right of revocation without other powers of relief. Therefore, in solving maritime disputes, on the basis of unified review standards, ensure the effectiveness of "one award final" of arbitration, reduce the power of the court to deny the results of the arbitration award, allow the court to revoke only the part of the ultra vires arbitration of the arbitration tribunal, support other awards within its authority, and allow the parties to appeal the revoked arbitration award. This will help reduce the concerns of the parties when choosing the arbitration mode, truly give play to the supervisory role of the court, reduce the judicial cost and save legal efficiency.

In order to support and further develop the cause of maritime arbitration, on the basis of strengthening the publicity of maritime arbitration, we can integrate the provisions and practices of China's maritime arbitration with the prevailing international practices in combination with industry practices and practical operation. Expand the interpretation of the provisions on the choice of arbitration place in the arbitration agreement. For example, for Article 16 of the arbitration law, it can be added that if the arbitration agreement only stipulates the place of arbitration but does not specify the Arbitration Commission, the applicant shall choose any arbitration commission in the place of arbitration to initiate arbitration, and the arbitration commission that first receives the application for arbitration shall have jurisdiction. Such a provision can effectively avoid the invalidation of the arbitration agreement due to the absence of an explicit agreement on the Arbitration Commission [8]. Finally, give play to the linkage between shipping service industry and maritime arbitration. In today's society, the construction of international shipping center is not only limited to the development of port facilities, fleet size and cargo throughput, but also covers soft power such as ship transaction, chartering information, marine insurance, claim settlement, shipping finance, maritime legal services and so on. Maritime arbitration is not only to solve maritime disputes, it has become a representative of the industrialization of maritime legal services. In the established maritime arbitration institutions, it provides the parties with services such as daily maritime dispute consultation, court venue, recommendation of corresponding arbitration rules and so on. In this process, industries such as maritime lawyer, maritime consultation, maritime inspection, average adjustment and insurance claim settlement are systematically integrated. If relevant service industries are settled in the same region, the parties can get "one-stop" services when choosing maritime arbitration services, which is conducive to the mutual promotion and large-scale development of Maritime Arbitration and other shipping services.

### 3.3. Litigation as the Guarantee

In order to ensure that China's maritime judicial litigation system can really play a protective role in solving maritime disputes, it can be improved from the following two aspects. On the one hand, it is to develop and improve China's maritime court's own judicial system, enhance the practicality of the system, and realize the docking with the international as soon as possible. On the other hand, we can improve the overall quality of maritime judicial practitioners and improve the reserve of soft power.

The order of maritime activities itself is an international comprehensive order integrating civil, administrative and criminal relations, which is reflected in the norms. Therefore, establishing the integrated thinking of maritime law, constructing the systematic standardization of maritime law and weakening the legislative model of departmental law are the goals of the future development of maritime commercial legal system. However, in terms of the current practice of China's sea related laws, the most important thing is to promote the implementation of the draft maritime law and the revision of the maritime special procedure law as soon as possible under the existing system. With the further development of marine resources in today's society, there are more and more civil, commercial, criminal and marine pollution cases in inland waters, sea and sea connected waters. Expand the scope of accepting



cases and organizational guarantee of the maritime court, bring into the scope of legal adjustment as soon as possible issues such as compensation for damage caused by ship pollution of water areas, protection of crew rights and interests, port cargo operation contract system, international maritime cargo transportation contract, smuggling and piracy, and give the maritime court jurisdiction over maritime, personal, criminal and pollution cases, It is conducive for the maritime court to independently solve various legal problems emerging in the maritime field, create the comprehensiveness of maritime trial, so as to improve the authority of the maritime court and accumulate practical experience for further enhancing the international voice. Secondly, experienced maritime judges can be selected to form an expert group. In combination with the local economic development and the actual number of cases, special maritime institutions can be established according to regions to deal with the appeals and retrial cases of the maritime court, so that these cases can be tried more professionally while alleviating the trial pressure of the local intermediate and higher people's courts. Major and difficult cases can be intensively discussed by the heads of regional specialized agencies. Under this mode, the more controversial cases can finally be handled by the same group of experts, so as to reduce the trial differences caused by the deviation of judges' personal understanding of the law, so that similar cases can be judged together gradually, and a relatively unified standard can be gradually formed, It is very helpful for maritime judicial and maritime service practitioners to form a unified value orientation and better control and participate in the overall trial. In addition, we should properly deal with the integration of domestic laws with international rules, parallel litigation and the identification of foreign laws, and broaden the communication channels of international maritime justice.

In terms of talent training, in order to improve the quality of maritime case trial, it is necessary to comprehensively improve the overall quality of the maritime judge team, focusing on cultivating judges' trial professionalism and internationality. In order to achieve this goal, we can practice it through the following measures. First of all, optimize the selection mechanism of maritime judges, and increase the assessment of maritime professional knowledge in addition to the three subjects for the recruitment of judges and civil servants, mainly to investigate whether the judges' trial ability of maritime cases and their understanding of legal knowledge are in place, and welcome the compound people of "law shipping" to enter the ranks of judges. In order to meet the needs of different cases, experts in shipping, finance, insurance and other fields can also be introduced to establish expert groups to try cases together with judges when necessary, so as to ensure the professionalism and authority of the maritime trial team. Secondly, the court provides platform support. Carry out regular training on business knowledge, strengthen internal communication and learn the latest judicial trends, provide smooth communication channels for maritime judges in different regions, encourage regular job rotation, and form a benign interaction of mutual discussion, mutual drive and mutual influence. Carry out regular exchange activities with foreign countries, select judges who are proficient in foreign languages to visit Britain, the United States, Singapore and other countries for business discussion and learning, broaden international vision, and encourage judges to participate in international conferences, international discussions and the formulation of international laws and regulations. Finally, establish a long-term mechanism for maritime talent training and establish a maritime talent reserve strategy. Establish cooperation and information sharing with other departments and universities, and strengthen academic exchanges. Maritime Education in Britain comprehensively covers various fields such as maritime finance, economy, law, insurance, safety, policy and archaeology, which provides ideas for the construction of our maritime colleges and universities, refining the existing classification of maritime disciplines, adding and improving maritime administration The courses of Maritime Criminal Law, maritime litigation and other related majors will gradually expand the breadth and depth of the radiation of colleges and universities in cultivating students' basic maritime knowledge,

moderately increase the opportunities for students to participate in the practice of solving maritime disputes, and build an internship platform between colleges and universities and maritime courts, IMO and maritime institutions, so as to provide talent power support for the development of maritime field.

#### 4. CONCLUSION

One belt, one road initiative and the deep development of shipping center construction, China's economic and trade cooperation with the countries along the route and the rest of the world will enter a new height. But at the same time, there will be more maritime trade disputes. Whether we can properly balance the interests of all parties and solve all kinds of maritime frictions is related to whether China can realize the transformation from a maritime power to a maritime power as soon as possible. In order to enhance China's voice in international maritime affairs, we should not only be active on the international stage, but also actively participate in the formulation and discussion of international conventions. More importantly, we should constantly enhance our own soft power, enhance the ability and credibility to deal with maritime disputes. Explore and gradually build a diversified maritime dispute resolution mechanism with arbitration as the center, mediation first and litigation as the guarantee. So that an efficient and perfect maritime judicial system can serve the healthy development of maritime economy, so as to be better accepted and recognized by the international community. Of course, this is a long and difficult road, and the improvement of discourse power and credibility can not be completed overnight. Subject to the cultural, social and legal differences between different countries, it is very difficult to build a system that can be applied to solve all kinds of domestic and foreign maritime disputes in a short time. How to deal with the connection between international rules and domestic laws can apply the international excellent experience to the judicial practice of maritime affairs in China, It also requires the joint efforts of our maritime people from generation to generation. Due to the limitation of personal level and space, there is no in-depth analysis and Discussion on many contents. The author will treat the maritime professional knowledge with a more serious and rigorous attitude in the future study, in order to make a modest contribution to China's maritime judicial construction, and sincerely wish China to stand among the maritime powers as soon as possible.

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