

## **Part I. LEGAL DOCUMENTS**

### **THE PRESIDENT**

#### **Order No. 16/2012/L-CTN of July 2, 2012, on the promulgation of law**

THE PRESIDENT OF THE SOCIALIST  
REPUBLIC OF VIETNAM

*Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*Pursuant to Article 91 of the Law on Organization of the National Assembly;*

*Pursuant to Article 57 of the Law on Promulgation of Legal Documents,*

PROMULGATES:

#### **The Law of the Sea of Vietnam,**

which was passed on June 21, 2012, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 3<sup>rd</sup> session.

*President of  
the Socialist Republic of Vietnam*  
TRUONG TAN SANG

## **Law of the Sea of Vietnam**

(No. 18/2012/QH13)

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam amended in accordance with Resolution No. 51/2001/QH10;*

*The National Assembly promulgates the Law of the Sea of Vietnam.*

### Chapter I

#### GENERAL PROVISIONS

##### **Article 1.** Scope of regulation

This Law provides for the baseline, the internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf, islands, the Paracel and Spratly archipelagos and other archipelagos under the sovereignty, sovereign rights and jurisdiction of Vietnam; operations in Vietnam's maritime zones; maritime economic development; the management and protection of the sea and islands.

##### **Article 2.** Application of law

1. The provisions of this Law shall prevail in case there are differences between the provisions of this Law and those of other laws in relation to the sovereignty and legal status of Vietnam's maritime zones.

2. In case there are differences between the provisions of this Law and those of an international treaty to which the Socialist

Republic of Vietnam is a contracting party, the provisions of the international treaty shall prevail.

**Article 3.** Interpretation of terms

In this Law, the terms below are construed as follows:

1. The *maritime zones of Vietnam* cover the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf under Vietnam's sovereignty, sovereign rights and jurisdiction, determined in accordance with Vietnamese law, the treaties on boundaries and territory to which the Socialist Republic of Vietnam is a contracting party and in conformity with the 1982 United Nations Convention on the Law of the Sea.

2. The *high seas* cover all parts of the sea beyond the exclusive economic zones of Vietnam and other states, and not including the seabed and the subsoil thereof.

3. *Vessel* means a craft operating on or under the water surface, including ship, boat or another craft with or without motor.

4. *Military vessel* means a vessel of the armed forces of a state bearing external marks that clearly manifest the nationality of that state, commanded by a navy officer serving that state, whose name appears in the list of officers or in equivalent documents. Such vessel is operated by a crew working under military orders.

5. *Vessel for official service* means a vessel that is used exclusively for the conduct of non-

commercial state activities.

6. *Resources* include living and non-living resources underwater, on the seabed and the subsoil.

7. The *isobath* is the line connecting points of the same depth at sea.

**Article 4.** Principles of management and protection of the sea

1. The management and protection of the sea are conducted in a unified manner in accordance with Vietnamese law and in conformity with the United Nations Charter and other treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Vietnamese agencies, organizations and citizens have the responsibility to safeguard the sovereignty, sovereign rights and jurisdiction of Vietnam over its maritime zones, islands and archipelagos, and protect marine resources and the marine environment.

3. The State of Vietnam settles disputes related to the sea and islands with other countries by peaceful means, in conformity with the 1982 United Nations Convention on the Law of the Sea, and international law and practices.

**Article 5.** Policy on the management and protection of the sea

1. To bring into full play the strength of the entire nation, take necessary measures to safeguard the sovereignty, sovereign rights and

jurisdiction over the maritime zones, islands and archipelagos, protect marine resources and the marine environment, and promote the development of maritime economy.

2. To develop and implement strategies, planning and plans on the management, utilization, exploitation and protection of the maritime zones, islands and archipelagos in a sustainable manner for the sake of socio-economic development, national defense and security.

3. To encourage organizations and individuals to invest labor, materials and capital and apply scientific, technical and technological achievements in the utilization, exploitation and development of maritime economy, protection of marine resources and the marine environment and sustainable development of the marine zones suitable with the conditions of each maritime zone, meeting the requirements of national defense and security; to increase dissemination of information on the potential of and policies and law on the sea.

4. To encourage and protect fishery activities conducted by Vietnamese fishermen in Vietnam's maritime zones, protect the operation of Vietnamese organizations and citizens beyond Vietnam's maritime zones in conformity with treaties to which the Socialist Republic of Vietnam is a contracting party and international law and the laws of the coastal states concerned.

5. To make appropriate investment to ensure the operation of sea patrol and surveillance

forces, improve logistic infrastructure to serve activities at sea and in islands and archipelagos and to develop maritime human resources.

6. To implement preferential policies in favor of people living in islands and archipelagos and preferential treatment to forces engaged in the management and protection of maritime zones, islands and archipelagos.

**Article 6.** International cooperation on maritime matters

1. The State of Vietnam strongly promotes international cooperation on maritime matters with countries and regional and international organizations on the basis of international law and respect for independence, sovereignty and territorial integrity, equality and mutual benefit.

2. International cooperation on maritime matters includes:

a/ Maritime and oceanic surveys and researches; scientific, technical and technological applications;

b/ Climate change response, natural disaster prevention, control and warning;

c/ Protection of marine biodiversity and ecology;

d/ Prevention and combat against marine environmental pollution, treatment of waste discharged from maritime economic activities, and response to oil spill incidents;

e/ Search and rescue at sea;

f/ Prevention and combat against crimes at

sea;

g/ Sustainable exploitation of marine resources and development of sea tourism.

**Article 7.** State management of the sea

1. The Government of Vietnam exercises nationwide state management of the sea.

2. Ministries, ministerial-level agencies and People's Committee of coastal provinces and centrally run cities shall, within the scope of their duties and competence, perform state management of the sea.

## Chapter II

### THE MARITIME ZONES OF VIETNAM

**Article 8.** Establishment of the baseline

The baseline used for measuring the breadth of Vietnam's territorial sea is the straight baseline already publicized by the Government. The Government of Vietnam shall determine and, upon approval by the National Assembly's Standing Committee, publicize the baselines in areas where baselines have not been established.

**Article 9.** Internal waters

The internal waters are the waters adjacent to the coast on the landward side of the baseline and constitute part of Vietnam's territory.

**Article 10.** Legal status of the internal waters

The State of Vietnam exercises full and absolute sovereignty over the internal waters as it does over the land territory.

**Article 11.** Territorial sea

The territorial sea of the Socialist Republic of Vietnam is the water area extending 12 nautical miles from the baseline.

The outer limit of the territorial sea is Vietnam's national maritime border.

**Article 12.** Legal status of the territorial sea

1. The State exercises full and absolute sovereignty over the territorial sea, the air space over, as well as the seabed and subsoil of the territorial sea in conformity with the 1982 United Nations Convention on the Law of the Sea.

2. Vessels of all states enjoy the right of innocent passage through Vietnam's territorial sea. Foreign military vessels exercising the right of innocent passage through Vietnam's territorial sea shall give prior notice to competent Vietnamese authorities.

3. Innocent passage of foreign vessels shall be conducted on the basis of respect for the peace, independence, sovereignty and the laws of Vietnam and treaties to which the Socialist Republic of Vietnam is a contracting party.

4. Foreign aircraft is not permitted to enter the air space over the territorial sea of Vietnam unless otherwise agreed upon by the Vietnamese Government or provided in treaties to which the Socialist Republic of Vietnam is a contracting party.

5. The State has sovereignty over all types of archaeological and historical objects in

Vietnam's territorial sea.

**Article 13.** Contiguous zone

The contiguous zone is the sea area adjacent to and beyond the territorial sea of Vietnam, which is 12 nautical miles wide from the outer limit of the territorial sea.

**Article 14.** Legal status of the contiguous zone

1. The State exercises sovereign rights, jurisdiction and other rights stipulated in Article 16 of this Law over the contiguous zone.

2. The State exercises control within the contiguous zone to prevent and punish acts of infringement of the law on customs, tariff, health or immigration committed in the territory or the territorial sea of Vietnam.

**Article 15.** Exclusive economic zone

The exclusive economic zone is a sea area adjacent to and beyond the territorial sea of Vietnam, which integrates with the territorial sea to form a maritime zone extending to 200 nautical miles from the baseline.

**Article 16.** Legal status of the exclusive economic zone

1. Within the exclusive economic zone, the State of Vietnam exercises the following rights:

a/ Sovereign rights for the purpose of exploring, exploiting, managing and conserving natural resources of the waters superjacent to

the seabed, of the seabed and its subsoil; as well as other activities for the economic exploitation and exploration of the zone;

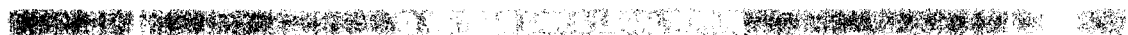
b/ Jurisdiction with regard to the establishment and use of artificial islands, installations and structures at sea; as well as marine scientific research, and protection and preservation of the marine environment;

c/ Other rights and duties in conformity with international law.

2. The State of Vietnam respects freedoms of navigation and overflight, the right to lay submarine cables and pipelines and lawful uses of the sea by other states in Vietnam's exclusive economic zone in accordance with this Law and treaties to which the Socialist Republic of Vietnam is a contracting party, provided that those operations are not detrimental to the sovereign rights, jurisdiction and national maritime interests of Vietnam.

The laying of submarine cables and pipelines is subject to written consent of competent Vietnamese authorities.

3. Foreign organizations and individuals may participate in exploring, utilizing and exploiting natural resources, conducting scientific research and establishing installations and structures in the exclusive economic zone of Vietnam on the basis of treaties to which the Socialist Republic of Vietnam is a contracting party, contracts signed in accordance with the provisions of Vietnamese law or with the permission granted by the Vietnamese Government.



4. The rights related to the seabed and subsoil are exercised in accordance with Articles 17 and 18 of this Law.

**Article 17. Continental shelf**

The continental shelf of Vietnam is the seabed and subsoil of the submarine areas adjacent to and beyond the territorial sea of Vietnam, throughout the natural prolongation of the land territory, islands and archipelagos of Vietnam, to the outer edge of the continental margin.

Where the outer edge of the continent margin does not extend up to 200 nautical miles measured from the baseline, the continental shelf in that area extends to a distance of 200 nautical miles measured from the baseline.

Where the outer edge of the continent margin extends beyond 200 nautical miles measured from the baseline, the continental shelf in that area extends to a distance not exceeding 350 nautical miles measured from the baseline or not exceeding 100 nautical miles measured from the 2,500-metre isobath.

**Article 18. Legal status of the continental shelf**

1. The State of Vietnam exercises sovereign rights over its continental shelf for the purpose of exploring and exploiting natural resources.

2. The sovereign rights stipulated in Clause 1 of this Article are exclusive in the sense that no one may conduct activities of exploring the continental shelf or exploiting natural resources

of the continental shelf of Vietnam without the consent of the Vietnamese Government.

3. The State of Vietnam has exclusive rights to exploit the subsoil, authorize and regulate drilling on the continental shelf for any purpose.

4. The State of Vietnam respects the right to lay submarine cables and pipelines and other lawful uses of the sea by other states on the continental shelf of Vietnam in accordance with this Law and treaties to which the Socialist Republic of Vietnam is a contracting party, provided that those operations are not detrimental to the sovereign rights, jurisdiction and national maritime interests of Vietnam.

The laying of submarine cables and pipelines are subjected to written consent of competent Vietnamese authorities.

5. Foreign organizations and individuals are allowed to participate in exploring, using, exploiting natural resources, conducting scientific research and establishing installations and structures on the continental shelf of Vietnam on the basis of treaties to which the Socialist Republic of Vietnam is a contracting party, contracts signed in accordance with the provisions of Vietnamese law or with the permission granted by the Vietnamese Government

**Article 19. Islands and archipelagos**

1. An island is a naturally formed area of land surrounded by water, which is above water at high tide.

An archipelago is a group of islands, including parts of the islands, adjacent waters and other closely related natural features.

2. Islands and archipelagos under the sovereignty of Vietnam are integral parts of Vietnam's territory.

**Article 20.** The internal waters, territorial seas, contiguous zones, exclusive economic zones and continental shelves of islands and archipelagos

1. Islands which can sustain human habitation or economic life of their own have internal waters, territorial seas, contiguous zones, exclusive economic zones and continental shelves.

2. Rocks which can not sustain human habitation or economic life of their own have no exclusive economic zone or continental shelf.

3. The internal waters, territorial seas, contiguous zones, exclusive economic zones and continental shelves of islands and archipelagos are determined in accordance with Articles 9, 11, 13, 14, 15 and 17 of this Law and demonstrated by maritime charts and geographical coordinates publicized by the Vietnamese Government.

**Article 21.** Legal status of islands and archipelagos

1. The State of Vietnam exercises sovereignty over the islands and archipelagos

of Vietnam.

2. The legal status of the internal waters, territorial seas, contiguous zones, exclusive economic zones and continental shelves of islands and archipelagos is as provided for in Articles 10, 12, 14, 16 and 18 of this Law.

### Chapter III

#### OPERATIONS IN MARITIME ZONES OF VIETNAM

**Article 22.** General provisions

1. Organizations and individuals conducting operations in the maritime zones of Vietnam shall respect Vietnam's sovereignty, territorial integrity, sovereign rights, jurisdiction and her national interests, observe the provisions of Vietnamese law and relevant international law.

2. The State of Vietnam respects and protects the legitimate rights and interests of vessels, organizations and individuals conducting operations in the maritime zones of Vietnam in conformity with the provisions of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

**Article 23.** Innocent passage through the territorial sea

1. Passage through the territorial sea means the navigation of foreign vessels through the territorial sea of Vietnam for either of the following purposes:

a/ Traversing the territorial sea without

entering the internal waters of Vietnam or without calling at a port facility, station or dock outside Vietnam's internal waters;

b/ Entering or leaving Vietnam's internal waters or calling at or leaving a port facility, station or dock outside Vietnam's internal waters.

2. Passage through the territorial sea must be continuous and expeditious, except in cases of maritime accidents, *force majeure* events, distress or for the purpose of rescuing people, vessels or aircraft in distress.

3. Innocent passage through the territorial sea must not be prejudicial to the peace, national defence and security of Vietnam, and maritime order and safety. The passage of a foreign vessel through the territorial sea of Vietnam shall be considered prejudicial to the peace, national defence and security of Vietnam or maritime order and safety if that vessel conducts any of the following acts:

a/ Threat or use of force against the independence, sovereignty and territorial integrity of Vietnam;

b/ Threat or use of force against the independence, sovereignty and territorial integrity of other countries; any act in violation of the fundamental principles of international law as stipulated in the United Nations Charter;

c/ Practice or exercise with any type of weapons and in any form;

d/ Collection of information detrimental to the national defence and security of Vietnam;

e/ Propaganda aimed at undermining the national defence and security of Vietnam;

f/ Launching, landing or taking on board any aircraft;

g/ Launching, landing or taking on board any military device;

h/ Loading or unloading any commodity, currency or person contrary to Vietnamese laws and regulations on customs, tariff, health or immigration;

i/ Intentionally causing serious pollution to the marine environment;

j/ Illegal fishing;

k/ Illegal conduct of research, surveys or explorations.

l/ Adversely affecting the operation of the information and communication system or other installations or structures of Vietnam;

m/ Any operation not directly related to the passage.

**Article 24.** Obligations while conducting innocent passage

1. Foreign organizations and individuals, while conducting innocent passage in Vietnam's territorial sea, are obliged to observe Vietnamese laws and regulations on:

a/ Safety of navigation, regulation of maritime traffic, sea lanes and traffic separation;

b/ Protection of installations and systems to ensure maritime traffic, and other installations or structures;



c/ Protection of cables and pipelines;

d/ Conservation of marine living resources;

e/ Fishing and aquaculture;

f/ Preservation of the marine environment, prevention, restriction and control of pollution thereof;

g/ Maritime scientific research and hydrographical surveys;

h/ Customs, tariff, health and immigration.

2. The captain of a foreign nuclear-powered vessel or a foreign vessel transporting radioactive, noxious or dangerous substances has the following obligations in passing through Vietnam's territorial sea:

a/ To carry sufficient technical documents related to the vessel and goods on board and documents of mandatory civil insurance;

b/ To be ready to provide competent Vietnamese authorities with all technical documents related to the vessel as well as goods on board;

c/ To fully implement the special precautionary measures established for such vessels by Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party;

d/ To observe decisions made by competent Vietnamese authorities on the application of the special precautionary measures, including ban of passage through Vietnam's territorial sea or forcing to leave Vietnam's territorial sea immediately in case there are clear signs or evidence of possible leakage or environmental

pollution.

**Article 25.** Sea lanes and traffic separation in the territorial sea for innocent passage

1. The Government establishes and publicizes sea lanes and traffic separation in the territorial sea for innocent passage for the purpose of ensuring safety of navigation.

2. Foreign oil tankers, nuclear-powered vessels or vessels transporting radioactive, noxious or dangerous substances while conducting innocent passage in Vietnam's territorial sea may be required to use the sea lanes specified on a case-by-case basis.

**Article 26.** Suspension or restriction of innocent passage in the territorial sea

1. For the sake of safeguarding the sovereignty, national defense, security and interests or securing safety of navigation, protecting marine resources and the marine ecology, combating pollution, tackling maritime accidents or marine environmental disasters, preventing the spread of epidemics, the Government may suspend or restrict the exercise of innocent passage in specified areas in Vietnam's territorial sea.

2. The suspension or restriction of innocent passage in specified areas in Vietnam's territorial sea in accordance with Clause 1 of this Article shall be made public domestically and internationally on the "Maritime Notice" in accordance with international maritime practice at least 15 days before the suspension

or restriction takes effect or immediately after the application of such measure in case of emergency.

**Article 27.** Foreign military vessels and foreign vessels for official service coming to Vietnam

1. Foreign military vessels and foreign vessels for official service shall be allowed to enter the internal waters, anchor at a port facility, station or dock within the internal waters or at a port facility, station or dock outside the internal waters of Vietnam only at the invitation of the Vietnamese Government or in accordance with the agreement between competent authorities of Vietnam and the flag States.

2. Foreign military vessels and foreign vessels for official service, while being in the internal waters, ports, stations or docks within the internal waters or at the port facilities, stations or docks outside the internal waters of Vietnam, shall observe the provisions of this Law and other relevant laws and regulations and ensure that their operations conform to the invitation of the Vietnamese Government or the agreement with competent Vietnamese authorities.

**Article 28.** Responsibilities of foreign military vessels and foreign vessels for official service in the maritime zones of Vietnam

In case foreign military vessels violate Vietnamese laws while operating in the maritime zones of Vietnam, the Vietnamese sea

patrol and surveillance forces may order them to immediately terminate their violations and, if such vessels are in Vietnam's territorial sea, to leave the territorial sea without delay. Violating vessels must observe the requests and orders of the Vietnamese sea patrol and surveillance forces.

In case a foreign military vessel or a foreign vessel for official service violates Vietnamese law or related international law while operating in Vietnam's maritime zones, its flag State shall bear responsibility for any damage caused by such vessel to Vietnam.

**Article 29.** Operation of foreign submarines and other underwater vehicles in Vietnam's internal waters and territorial sea

Within Vietnam's internal waters and territorial sea, foreign submarines and other foreign underwater vehicles must operate on the water surface and fly their national flags unless otherwise permitted by the Vietnamese Government or agreed upon between the Vietnamese Government and the Governments of the flag States.

**Article 30.** Criminal jurisdiction over foreign vessels

1. Within the scope of their mandates and responsibilities, the Vietnamese sea patrol and surveillance forces have the right to take measures such as arresting people, conducting investigation of crimes taking place on board of foreign vessels during the passage in

Vietnam's territorial sea after leaving the internal waters.

2. For crimes taking place on board of foreign vessels during their passage in Vietnam's territorial sea but not immediately after leaving the internal waters, the Vietnamese sea patrol and surveillance forces have the right to arrest people and conduct investigation in the following cases:

a/ The consequence of the crime affects Vietnam;

b/ The crime committed is aimed at sabotaging the peace of Vietnam or the order in Vietnam's territorial sea;

c/ The captain of the vessel, or a diplomatic or consular official of the flag State requests assistance from competent Vietnamese authorities;

d/ To prevent acts of trafficking in persons, illicit trafficking, stockpiling or transportation of narcotics.

3. The sea patrol and surveillance forces may not take any measure on board a foreign vessel navigating in Vietnam's territorial sea for the purpose of arresting people or investigating crimes happening before the vessel enters Vietnam's territorial sea if the vessel had departed from a foreign port and only Passes through the territorial sea without going into the internal waters of Vietnam, except for the case of preventing or limiting the pollution of the marine environment or exercising the national jurisdiction prescribed at Point b, Clause 1, Article 16 of this Law.

4. The application of criminal Procedures must be in conformity with the provisions of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

**Article 31. Civil jurisdiction over foreign vessels**

1. Sea patrol and surveillance forces may not force a foreign vessel passing through the territorial sea to stop or change course for the purpose of exercising civil jurisdiction over an individual aboard the vessel.

2. Sea patrol and surveillance forces may neither arrest nor apply civil measures to foreign vessels navigating in the maritime zones of Vietnam outside the internal waters, except as required in compliance with the obligations or civil liabilities borne by the vessel when passing by or in order to pass through the maritime zones of Vietnam.

3. Sea patrol and surveillance forces may apply measures, including arrest, against a foreign vessel for the purpose of exercising civil jurisdiction if the vessel is anchored in the territorial sea or passing through the territorial sea upon leaving the internal waters of Vietnam.

**Article 32. Communication at ports, stations or docks of Vietnam**

Organizations, individuals and vessels while staying in ports, stations or docks within the internal waters or in port facilities, stations or docks of Vietnam outside the internal waters

shall communicate in accordance with the provisions of Vietnamese laws or relevant international law.

**Article 33.** Search and rescue

1. Individuals and vessels or flying vehicles, which are in distress or in danger at sea and in need of assistance, shall transmit SOS signals as prescribed and, as soon as the condition permits, inform the port authorities or the center for coordination of maritime search and rescue or nearest local authorities of Vietnam for necessary assistance and guidance.

2. When noticing people or vessels in distress or in danger at sea or receiving SOS signals from people or vessels in distress at sea, all individuals and vessels shall render all possible assistance to people or vessels in distress or in danger if the actual situation allows and without causing danger to their vessels or people on board, and promptly inform such to individuals or organizations concerned.

3. The State guarantees necessary assistance in accordance with the provisions of Vietnamese law and relevant international law and in the humanitarian spirit to the people and vessels in distress or in danger at sea so that they may have quick access to search, rescue and recovery.

4. In the internal waters and territorial sea of Vietnam, the State has the exclusive rights in carrying out search and rescue activities for people and vessels in distress or in danger requiring help.

5. Competent authorities have the right to mobilize individuals and vessels operating in the maritime zones of Vietnam to join in search and rescue if the actual conditions allow and without causing danger to those individuals and vessels.

The mobilization and requests mentioned in this Article are only applied in emergency cases and only during the time necessary for search and rescue work.

6. Maritime rescue is conducted on the basis of maritime rescue contracts between the owners or captains of the vessel rendering the rescue and the vessel requiring rescue and in accordance with the provisions of Vietnamese law and relevant international law.

7. Foreign vessels entering the maritime zones of Vietnam to conduct search and rescue or to address the consequences of natural disasters or crises at the request of competent Vietnamese authorities shall abide by the provisions of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

**Article 34.** Artificial islands, installations or structures at sea

1. Artificial islands, installations or structures at sea include:

a/ Drilling platforms at sea and all supporting facilities ensuring the normal and continuous operations of the drilling platforms or specialized equipment for maritime exploration, exploitation and usage;

b/ Maritime sign posts;

c/ Other installations and structures installed and used at sea.

2. The State has the jurisdiction over artificial islands, installations and structures in the exclusive economic zone and continental shelf of Vietnam, including the jurisdiction prescribed in relevant laws on customs, tax, health, security and immigration.

3. Artificial islands, installations and structures at sea and supporting facilities have a safety zone of 500 metres from the furthest point of those artificial islands, installations and structures at sea, but do not have the territorial sea or other maritime zones of their own.

4. No artificial island, installation or structure shall be constructed and no safety zone shall be established around artificial islands, installations or structures in the locations where the existence of such artificial island, installation or structure and their safety zones may impede the use of the sea lanes recognized as essential to international maritime transport.

5. Upon expiration of usage, installations and structures at sea must be dissembled and removed from the maritime zones of Vietnam, unless otherwise permitted by competent Vietnamese authorities. In case installations or structures and their parts have not been fully removed due to technical reasons or as permitted, information regarding their location, size, shape and depth must be made available and appropriate maritime signposts or other

forms of signal must be installed.

6. Information relating to the construction of artificial islands, installations and structures at sea and the establishment of safety zones around them, or the disassembling of all installations and structures and their parts must be made available to competent Vietnamese agencies and duly announced domestically and internationally, at least 15 days prior to the date of construction, establishment or disassembling of such artificial islands, installations or structures.

**Article 35.** Preservation and protection of marine resources and the marine environment

1. When operating in the maritime zones of Vietnam, vessels, organizations and individuals shall observe all provisions of Vietnamese laws and relevant international law relating to the preservation and protection of marine resources and the marine environment.

2. When transporting, loading or unloading goods or equipment that may cause damage to marine resources and human life, or may pollute the marine environment, vessels, organizations and individuals shall use specialized facilities and measures as prescribed to prevent and minimize the possible damage to human beings, marine resources and the environment.

3. Vessels, organizations and individuals may not discharge, sink or dump industrial waste, nuclear waste or other toxic waste in the maritime zones of Vietnam.

4. Vessels, organizations or individuals causing harmful effects to the marine resources and environment in the maritime zones of Vietnam, seaports, harbors or piers, in violation of the provisions of Vietnamese law and relevant international law, shall be dealt with in accordance with the provisions of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party; those vessels, organizations or individuals are responsible for cleaning up and restoring the environment, and compensate for any damage as prescribed by law.

5. Organizations or individuals operating in the maritime zones of Vietnam are obliged to pay taxes, fees, charges and other contributions for environmental protection in accordance with the provisions of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

**Article 36. Marine scientific research**

1. Foreign vessels, organizations or individuals conducting scientific research in the maritime zones of Vietnam shall obtain license from a competent State agency of Vietnam, be monitored by Vietnam, allow Vietnamese scientists to participate in the research and provide the Vietnamese side with research materials, original specimens and related research results.

2. When conducting scientific research in the maritime zones of Vietnam, vessels, organizations or individuals shall abide by the

following provisions:

a/ Research is conducted exclusively for peaceful purpose(s);

b/ Research is conducted with appropriate methods and facilities under Vietnamese law and relevant international law;

c/ Not to impede other lawful activities at sea under Vietnamese laws and relevant international law;

d/ The State of Vietnam is entitled to participate in foreign scientific research activities conducted in the maritime zones of Vietnam, to be provided with the research materials and original specimens, and to apply and use the results obtained from such scientific research or survey.

**Article 37. Acts prohibited in the exclusive economic zone and on the continental shelf of Vietnam**

When exercising the freedoms of navigation and overflight in the exclusive economic zone and on the continental shelf of Vietnam, organizations or individuals are not permitted to:

1. Conduct any act threatening the sovereignty, defence and security of Vietnam;

2. Conduct illegal exploitation of living resources, including illegal fishing;

3. Carry out illegal exploitation of currents, wind energy and other non-living resources;

4. Illegally construct, install and use artificial facilities or structures;

5. Conduct unlawful drilling or digging;

6. Conduct unlawful marine scientific research;

7. Pollute the marine environment;

8. Conduct piracy or armed robbery;

9. Conduct other unlawful activities under Vietnamese laws and international law.

**Article 38.** Ban of illegal stockpiling, use or trafficking of weapons, explosives and toxic substances

While operating in the maritime zones of Vietnam, vessels, organizations or individuals are not allowed to stockpile, use, illicitly traffic in weapons, explosives, toxic substances or other means and equipment that may cause harm to people and natural resources and pollute the marine environment.

**Article 39.** Ban of trafficking in persons, unlawful trafficking, transportation or stockpiling of narcotics

1. While operating in the maritime zones of Vietnam, vessels, organizations and individuals are not allowed to engage in traffic in person, or illicit transportation, stockpiling of or traffic in narcotics.

2. When there is a ground to believe that vessels, organizations or individuals are trafficking in persons or illicitly transporting, stockpiling or trafficking in narcotics, the Vietnamese sea patrol and surveillance forces are entitled to conduct search, check, arrest or to escort them to a port, station or dock in

Vietnam, or to escort or transfer them to a port, station or dock abroad in accordance with the provisions of Vietnamese law or treaties to which the Socialist Republic of Vietnam is a contracting party.

**Article 40.** Ban of illegal broadcasting

While operating in the maritime zones of Vietnam, vessels, organizations and individuals are not allowed to conduct illegal broadcasting or propaganda prejudicial to the national defense and security of Vietnam.

**Article 41.** The right of hot pursuit of foreign vessels

1. Sea patrol and surveillance forces are entitled to conduct hot pursuit of foreign vessels which violate Vietnamese laws and regulations, if such vessels are in the internal waters, territorial sea and contiguous zone of Vietnam.

The right of hot pursuit is exercised after the patrol and surveillance forces have transmitted signals requesting the violating vessel or suspected violating vessel to stop for inspection and such vessel does not cooperate. The hot pursuit may be continued outside the territorial sea or contiguous zone of Vietnam if the pursuit has not been interrupted.

2. The right of hot pursuit is also applied to acts of violation of the sovereign rights or jurisdiction of Vietnam and acts of violation within the safety zones of and in artificial islands, installations or structures in the exclusive economic zone and on the continental

shelf of Vietnam.

3. The hot pursuit of Vietnamese patrol and surveillance forces terminates when the chased vessel enters the territorial sea of another state.

#### Chapter IV MARITIME ECONOMIC DEVELOPMENT

**Article 42.** Principles of maritime economic development

Maritime economy shall be developed in a sustainable and effective manner according to the following principles:

1. Serving national socio-economic development;
2. Staying attuned to the protection of national sovereignty, defence and security, and safety and order at sea;
3. Meeting the requirements of management of marine natural resources and protection of the marine environment;
4. Promoting the socio-economic development of coastal localities and islands.

**Article 43.** Development of maritime economic industries

The State prioritize development of the following maritime economic industries:

1. Survey, exploration, exploitation, and processing of oil, gas, minerals and other maritime resources;

2. Maritime transportation, seaport, building and repair of seagoing vessels and other maritime services;

3. Marine tourism and island economy;

4. Fishing, farming and processing of marine products;

5. Research, development, application, and transfer of science and technology for resource exploitation and maritime economic development;

6. Building and development of maritime human resources.

**Article 44.** Planning for maritime economic development

1. The planning of maritime economic development shall be based on:

a/ National strategy and master plan for socio-economic development; national strategy for environmental protection;

b/ Guidelines for a sustainable development strategy and maritime strategy;

c/ Geographic locations and features and natural characteristics or maritime zones, coastal areas and islands;

d/ Survey results on maritime resources and environment; reports on current use and forecasts of demands for maritime resource exploitation and maritime environmental protection for the country, each region and each coastal province or centrally run city;



e/ Estimated values of natural resources and vulnerability of the marine environment;

f/ Resources needed for implementing the planning.

2. Planning for maritime economic development includes:

a/ Analyzing and evaluating natural and socio-economic conditions and current state of maritime resources exploitation and use;

b/ Identifying directions, objectives and guidelines for reasonable use of resources and protection of the marine environment;

c/ Dividing maritime zones for the purpose of socio-economic development, national defence and security; identifying areas under exploitation ban or conditional exploitation, areas under special protection for the purpose of national defence, security, environmental protection, and preservation of the ecosystem, artificial islands, installations and structures at sea;

d/ Identifying locations, areas and map of areas where the sea surface, the seabed and islands are being used and developed;

e/ Identifying specifically vulnerable coastal areas, such as alluvial ground, eroding areas, protective forests, submerged land, coastal sand; identifying buffer zones and anticipating appropriate measures for management and protection;

f/ Proposing solutions and roadmap for implementing plans.

3. The Government shall formulate overall

plans for developing maritime economic industries specified in Article 43 of this Law and oversee the development of the national plan for sea utilization to be submitted to the National Assembly for consideration and decision

**Article 45.** Building and development of maritime economy

1. The State shall develop policies on investment in building and developing coastal economic zones and industrial clusters and developing the economy of island districts as planned to ensure effectiveness and sustainable development.

2. The assignment of certain sea areas to organizations and individuals for marine resources exploitation and utilization shall be carried out in accordance with the regulations of the Government.

**Article 46.** Promotion of and incentives for investment in economic development in islands and maritime economic activities

1. The State shall prioritize investment in the building of infrastructure, networks of maritime logistics, and economic development in island districts and adopt preferential policies to improve the material and cultural lives of island residents.

2. The State shall encourage and provide tax and capital incentives and create favourable conditions for organizations and individuals to invest in exploiting the development potential

and advantages of the islands.

3. The State shall provide encourage and provide tax and capital incentives and create favourable conditions for organizations and individuals to develop fisheries and other economic activities at sea and in islands; and protect people's activities at sea and in islands.

4. The Government shall detail this Article.

#### Chapter V

#### SEA PATROL AND SURVEILLANCE

**Article 47.** Sea patrol and surveillance forces

1. Sea patrol and surveillance forces include competent forces under the People's Army, the People's Police, and other specialized patrol and surveillance forces.

2. Militia and civil defence forces of coastal provinces and cities under central administration, guards of agencies and organizations located in coastal areas and other forces have the responsibility to participate in sea patrol and surveillance when requested by competent agencies.

**Article 48.** Duties and scope of responsibility of sea patrol and surveillance

1. Patrol and surveillance forces have the following duties:

a/ To protect the sovereignty, sovereign rights, jurisdiction and national interest in maritime zones and islands of Vietnam;

b/ To ensure the observance of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party;

c/ To protect state assets and marine natural resources and environment;

d/ To protect, assist, search and rescue persons and vessels operating in the maritime zones and island areas of Vietnam;

e/ To deal with unlawful acts in the maritime zones and island areas of Vietnam in accordance with Vietnamese law.

2. The specific scopes of responsibility of sea patrol and surveillance forces comply with the provisions of law.

3. The State shall ensure necessary conditions for sea patrol and surveillance forces to fulfill their assigned duties.

**Article 49.** Flag, uniform and badge

When on duty, vessels of sea patrol and surveillance forces must be provided with sufficient Vietnamese national flags, number signs and pennants; sea patrol and surveillance personnel shall be provided with military uniforms, uniforms of the forces and other typical signs in accordance with law.

#### Chapter VI

#### HANDLING OF VIOLATIONS

**Article 50.** Escort and location for settlement of violations

1. Pursuant to the provisions of law,

depending on the nature and severity of violations, sea patrol and surveillance forces shall decide to handle violations on site or escort violating persons and vessels ashore or request a competent agency of the flag State or the vessel's destination country to deal with the violations.

2. When being escorted ashore for settlement, the violating persons and vessels shall be escorted to the nearest port, station or dock in the list of ports, stations or docks announced by a competent agency of Vietnam in accordance with law.

In case for the safety of life and property of persons on board, the patrol and surveillance forces may decide to escort the violating persons and vessels to the nearest port, station or dock of Vietnam or other countries in accordance with law.

**Article 51. Preventive measures**

1. Persons with unlawful acts may be arrested, temporarily held in custody or temporarily detained; the vessels used for the unlawful acts can be temporarily seized for the purpose of preventing unlawful acts or to secure law enforcement.

2. Arrest, temporary holding in custody, or temporary detention of persons with unlawful acts and seizure of vessels shall be made in accordance with law.

**Article 52. Notice to the Ministry of Foreign Affairs**

When arresting, temporarily holding in custody or temporarily detaining persons with unlawful acts or seizing foreign vessels, the sea patrol and surveillance forces or competent state agencies shall immediately give notice thereof to the Ministry of Foreign Affairs for coordination.

**Article 53. Handling of violations**

Agencies, organizations or individuals with unlawful acts, depending on the nature and levels, shall be dealt with by disciplining or administrative sanction, and being required to pay compensation under law in case of causing damage; the violating persons may be examined for penal liability in accordance with law.

Chapter VII

IMPLEMENTATION PROVISIONS

**Article 54. Entry into effect**

This Law takes effect on January 1, 2013.

**Article 55. Implementation detailing and guidance**

The Government shall detail and guide the implementation of articles and clauses as assigned in this Law.

*This Law was passed on June 21, 2012, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 3<sup>rd</sup> session.-*

*Chairman of the National Assembly*  
NGUYEN SINH HUNG