

**DECREE No. 53/1998/ND-CP OF JULY
21, 1998 ON THE ORGANIZATION AND**

ACTIVITIES OF THE VIETNAM MARINE POLICE

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;

Pursuant to the Ordinance on the Vietnam Marine Police of March 28, 1998;

At the proposal of the Minister of National Defense,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- The Vietnam Marine Police is organized according to the Ordinance on the Vietnam Marine Police of March 28, 1998.

Its international transaction name in English is Vietnam Marine Police.

The Ministry of Defense shall directly organize, manage and direct all activities of the Vietnam Marine Police.

Article 2.- All activities of the Vietnam Marine Police must comply with the prescriptions of Vietnamese law; respect and observe the related international conventions which the Socialist Republic of Vietnam has signed or adhered to.

Article 3.- All organizations, individuals and means operating in the sea areas from the base line to the outer border line of the exclusive economic zone and the continental shelf of the Socialist Republic of Vietnam shall have to submit to the control and inspection by the Vietnam Marine Police in assuring security, order and safety and observing Vietnamese law and the related international conventions which the Socialist Republic of Vietnam has signed or adhered to.

Chapter II

ORGANIZATION AND EQUIPMENT OF VIETNAM MARINE POLICE

Article 4.- The organizational system of the Vietnam Marine Police includes:

1. The Vietnam Marine Police Department.

2. The Marine Police Sectors. The structure of a Marine Police Sector comprises Regiments, Groups and Squads of Marine Police.

3. The Training School of Marine Police.

The concrete organization, division and equipment of the Marine Police agencies and units shall be provided for by the Minister of Defense.

Article 5.- The Head of the Marine Police Department shall be appointed by the Prime Minister at the proposal of the Minister of Defense. He is assisted by a number of Deputy Department Heads to be appointed by the Minister of Defense.

The Marine Police Department has the legal person status and a seal of its own, has a budget for organization, building and operations supplied by the State budget, can open its own accounts at the State Treasury, and has its head office in Hai Phong, its permanent office in Hanoi and its representative in Ho Chi Minh City.

Article 6.- The Marine Police Sectors are organized correspondingly with the Navy Sectors. The Commander of a Marine Police Sector shall be appointed by the Minister of Defense at the proposal of the Head of the Marine Police Department.

Article 7.- The Vietnam Marine Police is supplied with the necessary means, weapons and equipment to carry out its tasks.

Article 8.- The service flag, insignia and uniform of the Vietnam Marine Police are provided for as follows:

1. Ensign:

a/ The command flag has the shape of an isosceles color marine blue, 1.5 m high, 1 m at the base, the national emblem in the center with a yellow arrow crossing in the background.

The command flag shall be hung on a mast 2.5 m high planted at the stern.

b/ The insignia has two parallel stripes, one color orange and the other color white, running from the upper edge of the hull to the water level.

The first stripe color orange lies at the end of the ship bow adjacent to the front point of the hull at 30° - 40°, 0.5 m - 1 m large (depending on the size of the ship) next to the second stripe color white at a breadth of 1/4 of the first stripe.

The insignia number is depicted on either side of the ship.

c/ The ship hull is painted in marine blue, the command tower is painted in white.

On the ship hull:

+ On the stem two command stripes with the number of the ship painted in white.

+ On the stem two command stripes in white capital letters.

CANH SAT BIEN VIET NAM (upper line)

VIETNAM MARINE POLICE (lower line)

2. Service insignia.

The service insignia of the Vietnam Marine Police has the shape of a shield on a dark blue background with a 2 mm red brim and an anchor at the center flanked by two rice ears and the red lettered CSB underneath and a five-point star overhead.

3. Uniform

a/ The military badge of the Vietnam Marine Police is round in form, 33 mm in diameter, with a golden star interlaced with a dark blue anchor on a crimson background, surrounded by two rice ears, with a golden half-wheel marked with the letters CSB in red.

The military badge in service is framed by a double laurel:

+ General rank: golden double laurel

+ Colonel rank, company and non commissioned officers, rank-and-file: double laurel silver color.

b/ Rank badges and insignias of the Vietnam Marine Police shall conform with Decree No.74-HDBT of April 26, 1982 of the Council of Ministers (now the Government) concerning the "Regulations on military signs, rank badges, insignias and ceremonial uniform of the Vietnam People's Army", Decree No.78-HDBT of March 27, 1991 of the Council of Ministers (now the Government) on "Modifying and supplementing Decree No.74-HDBT of April 26, 1982" and Decree No.61-CP of October 21, 1996 of the Government on "Modifying and supplementing the regulations on the insignias, badges and ranks of professional armymen". In particular, with regard to the Vietnam Marine Police there are the following amendments and modifications:

- Background of rank badge: color dark blue

- Border of rank badge: color yellow

- Rank button: with an anchor figure and the letters CSB in red.

- Background of insignia: color dark blue, figure of insignia like figure of rank badge.

c/ The uniform of the Vietnam Marine Police comprises two categories, one for winter and the other for summer .

The Ministry of Defense shall make concrete provisions for the regime of annual equipment, style and form of tailoring.

Article 9.- While on duty the ships, boats and other means of the Vietnam Marine Police have to fly the National Flag and the Command Flag of the Marine Police; the officers and troops of the Marine Police must wear the badge and the prescribed uniform.

Chapter III

ACTIVITIES OF THE VIETNAM MARINE POLICE

Article 10.- The Vietnam Marine Police carries out its managerial function for security, order and safety and ensures the observance of the law of the Socialist Republic of Vietnam and the related international conventions which the Socialist Republic of Vietnam has signed or adhered to in the sea areas and on the continental shelf of the Socialist Republic of Vietnam.

Article 11.- The Head of the Marine Police Department is the Head of the Vietnam Marine Police. He leads and directs according to the regime of chief responsible person on the basis of ensuring the principle of democratic centralism.

The Head of the Marine Police Department has the duty to direct and organize the operations of the Vietnam Marine Police and coordinate actions with the related forces in carrying out the tasks and powers defined in the Ordinance on the Vietnam Marine Police.

The Head of the Marine Police Department shall assign responsibilities to the Deputy Heads of Department in each domain of work or each duty; he shall have to use effectively the assistant agencies and permanently educate the officers and men under his authority to raise their sense of responsibility and their standards.

Article 12.- The Marine Police Sectors shall have to carry out their tasks and powers defined in the Ordinance on the Vietnam Marine Police.

Following is the allocation of managerial powers to the Marine Police Sectors:

1. Sector 1 shall manage the sea areas and the continental shelf from the estuary of Bac Luan river in Quang Ninh province to Mui Doc in Ha Tinh province.

2. Sector 3 manages the sea areas and the continental shelf from Mui Doc in Ha Tinh province to Cu Lao Xanh in Binh Dinh province.

3. Sector 4 manages the sea areas and the continental shelf from Cu Lao Xanh in Binh Dinh province to the northern bank of Dinh An estuary in Soc Trang province.

4. Sector 5 manages the sea areas and the continental shelf from the northern bank of Dinh An estuary in Soc Trang province to Ha Tien in Kien Giang province.

Article 13.- The Commander of a Marine Police Sector is the man who directly commands and organizes the direction of the Marine Police units under his authority to carry out the tasks within their scope of activity; he shall keep in touch and closely coordinate with the commanders of the units of Border Guards and the related forces in the discharge of his duty.

The Commander of a Marine Police Sector shall have to regularly educate and raise the sense of responsibility and standard of the officers and men under his authority.

Article 14.- The Commander of a Marine Police Sector shall organize and implement the regime of guard duty on each sea area, the plan of regular and irregular patrol of the Marine Police under his authority.

When detecting signs of violation of law on the sea or on orders from the higher authority, the Commander of a Marine Police Sector shall have to mobilize the forces and means under his authority to expeditiously arrive at the place where the violation occurs in order to deal with it according to his competence.

Article 15.- The officers and men of the Marine Police shall perform the duties and have concrete powers defined at the Ordinance on the Vietnam Marine Police and coordinate with the related forces on the sea in carrying out their activities in order to regularly and continuously monitor the situation on the sea, promptly detect and take cognizance of the incidents and accidents and handle them according to their competence or record them into the dossier of violation and at the same time report them urgently

to their immediate higher level of command.

Article 16.- Within the internal waters, when requested, the Vietnam Marine Police shall have to coordinate and assist the other specialized forces in carrying out their tasks, and ensure the activities on the sea in conformity with the prescriptions of law; in case the Vietnam Marine Police itself detects violations of law it shall have to immediately inform the specialized forces, temporarily detain the persons and means that are caught in the act of violation, then hand them over to the competent agency to handle according to the provisions of law.

Article 17.- Within the area from the base line to the outer boundary of the exclusive economic zone and continental shelf of Vietnam, the Vietnam Marine Police shall independently carry out the tasks and powers provided for in the Ordinance on the Vietnam Marine Police. In cases of necessity, the Vietnam Marine Police may coordinate with the related specialized forces to carry out activities in order to maintain the observance of law and handle the acts of violation of law; the related branches may assign to the Vietnam Marine Police a number of given activities under its function and professional task and within the contents and scope of assignment to be defined by the Ministry of Defense and the related Ministries and branches.

Chapter IV

AWARDS AND HANDLING OF VIOLATIONS

Article 18.- Officers and men of the Marine Police with meritorious records in the implementation of their tasks shall be awarded according to the common regulations of the State.

Article 19.- Officers and men of the Marine Police who violate the provisions of this Decree and related provisions of law or who show irresponsibility and fail to accomplish their tasks shall, depending on the character and extent of the violation, be disciplined or examined for penal liability as prescribed by law.

Chapter V

IMPLEMENTATION PROVISIONS

Article 20.- This Decree takes effect on the 1st of September 1998.

Article 21.- The Minister of Defense, the Head of

the Vietnam Marine Police Department, the other Ministers, the Heads of ministerial-level agencies, the Heads of agencies attached to the Government, the Presidents of the People's Committees of the provinces and cities directly under the Central Government shall have to implement this Decree.

On behalf of the Government

Prime Minister

PHAN VAN KHAI