

**ND-CP ON SEA BORDER ZONE REGULATION**

On December 18, 2003 the Government issued Decree No. 161/2003/ND-CP on Sea Border Zone Regulation, of which Clause 2, Article 36, stipulates that "the Ministry of Defense shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, guiding and inspecting the implementation of this Decree."

After reaching agreement with the concerned ministries and branches, the Defense Ministry hereby provides detailed guidance on the following contents:

1. Provisions on sea border zones, no-admittance zones and restricted zones.
2. A number of provisions regarding Vietnamese and foreign people and vessels operating in sea border zones.
3. A number of provisions on management and protection of sea border zones.
4. Responsibilities for implementation organization.

**I. SEA BORDER ZONES, NO-ADMITTANCE ZONES AND RESTRICTED ZONES****A. SEA BORDER ZONES**

1. Sea border zones are delineated from the national sea border to the administrative boundaries of communes, wards and townships adjacent to the sea, and islands and archipelagoes.

National sea border means the outer limits of the territorial sea of the mainland, the territorial sea of islands and the territorial sea of archipelagoes belonging to Vietnam; the national sea border is defined and marked with coordinates in the sea charts.

**THE MINISTRY OF DEFENSE**

**CIRCULAR No. 89/2004/TT-BQP OF JUNE 19,  
2004 GUIDING THE IMPLEMENTATION OF  
THE GOVERNMENT'S DECREE No. 161/2003/**

Where the territorial sea, internal waters or historical waters of Vietnam are adjacent to the territorial sea, internal waters or historical waters of neighboring countries, the national sea border shall be defined according to the agreement between the sea-sharing countries in compliance with international agreements which Vietnam has signed.

2. Sea border zones shall cover:

- Communes, wards and townships adjacent to the sea, and islands and archipelagoes (as prescribed in the Appendix attached to the Government's Decree No. 161/2003/ND-CP of December 18, 2003).

- Internal waters and territorial sea of the mainland as well as internal waters and territorial sea of islands and archipelagoes.

3. Foreign joint-venture tourist, service, trade and/or economic zones within sea border zones shall comply with the Government's relevant regulations. If activities in these zones are related to the national borders, no-admittance zones or restricted zones, the provisions of Article 7 of Decree No. 161/2003/ND-CP and this Circular shall apply.

### **B. NO-ADMITTANCE ZONES**

1. No-admittance zones shall be defined only in necessary areas, important areas or at certain time in order to ensure security for military activities and the performance of national defense and security tasks.

The provincial/municipal Border-Guard Commands shall assume the prime responsibility for coordinating and reaching agreement with the provincial/municipal Military Commands and Police Directorates in determining the specific characteristics, no-admittance period and limits of no-admittance zones for the Border-Guard High

Command to sum up and report to the Defense Ministry for decision. The Border-Guard High Command shall have to notify decisions on no-admittance zones to the provincial-level People's Committees and subjects related to the defined no-admittance zones; if no-admittance zones lie within internal waters or territorial sea, they shall have to notify such to Vietnam National Maritime Bureau for issuance of maritime notices to Vietnamese and foreign people and vessels for implementation.

2. No-admittance zones shall be managed and protected according to current law provisions as well as management and protection regulations issued by the Defense Minister.

3. When defining no-admittance zones, if population relocation is needed, such must be notified in advance and compensation must be paid therefor under law provisions.

4. The no-admittance zone limits shall be marked by signboards (on land) or defined and marked with coordinates in sea charts (on the sea).

5. "No Admittance" signboards shall be made according to set model; of metal and 1.5 mm thick; the signboards shall be made of steel pipes of 100 mm in diameter; the signboards shall be made of luminescent material with blue-painted background and white-painted letters thereon. Those signboards shall be placed where easily seen. Each shall be inscribed with two lines of letters in two languages: the first line shall be in Vietnamese and the second line shall be in English. Specific provisions are included in the Appendix to this Circular (not printed herein).

### **C. RESTRICTED ZONES**

1. Within sea border zones, restricted zones may be established for the following reasons:

- Environment management and protection;

- Exploitation and salvage;
- Search and rescue;
- Military exercise;
- Epidemic prevention and combat;
- Other cases.

2. Restricted zones subject to specialized management shall be defined (regarding their limits, characteristics, restriction extent and duration) by concerned ministries or branches after reaching agreement with the provincial Border-Guard Commands, reporting to the provincial-level People's Committees of the concerned localities for decision, and concurrently reporting to the Defense Ministry.

3. The agencies issuing decisions on restricted zones must notify such decisions to the concerned subjects; if the restricted zones lie within internal waters or territorial sea, such must be notified to Vietnam National Maritime Bureau for issuance of maritime notices to Vietnamese and foreign people and vessels for implementation.

4. The restricted zone limits shall be marked with signboards (on-land) or coordinates in sea charts (on the sea) or notified to concerned regions; the signboards shall be made of iron sheets or wood and placed where easily seen.

## **II. PROVISIONS FOR PEOPLE AND VESSELS OPERATING IN SEA BORDER ZONES**

### **A. FOR VIETNAMESE PEOPLE AND VESSELS**

1. People and vessels leaving, entering and operating within the territorial sea, internal waters, at seaports and harbors shall comply with the provisions of Decree No. 161/2003/ND-CP and other law provisions, submit to inspection and control by the Border Guards and specialized

control forces as prescribed by law.

2. Agencies and units, when organizing military exercises, search and rescue exercises, joint patrol, live-ammunition firing practice or using explosives in sea border zones shall have to:

- Comply with the plans and decisions already approved by competent authorities;
- Notify clearly the place, scope and time of implementation to the provincial-level People's Committees and Border Guards at least five days in advance. Where the said activities are organized within internal waters or territorial sea, such must be notified to Vietnam National Maritime Bureau for issuance of maritime notices to Vietnamese and foreign vessels for implementation.

3. Vessels (including those belonging to enterprises of the Army or Police operating for economic purposes) leaving, entering and operating in sea border zones must carry number plates as prescribed, all papers prescribed in Article 10 of Decree No. 161/2003/ND-CP, and ensure maritime safety and have papers directly related to the fields of operation of people and vessels under law provisions.

4. Vietnamese people working on board foreign vessels must have one of the following papers:

- Crewmember's card (for crewmembers).
- Permit, issued by the Border-Guard Station at the place where the vessel anchors.

### **B. FOR FOREIGN PEOPLE AND VESSELS**

1. Foreign people and vessels operating in Vietnam's sea border zones must get permission from competent Vietnamese agencies, obtain all papers prescribed in Article 13 of Decree No. 161/2003/ND-CP and submit to supervision, inspection, control and violation sanctioning by the Vietnamese Border Guards and other functional forces.

Foreign people and vessels conducting exploration and exploitation of aquatic resources, scientific researches or exploitation of natural resources in sea border zones, in specialized domains, must acquire permits from the managing ministries or branches and, at the same time, notify the provincial-level People's Committees and Border-Guard Commands at least 2 days before conducting such activities.

2. Foreigners permanently or temporarily residing in Vietnam and operating in sea border zones (excluding tourist and service zones) must acquire permits from the Police offices of provincial or higher level; when arriving at places inscribed in their permits, they must show up at, and submit to, inspection and control by, the commune-level People's Committees or Border-Guard Stations.

In cases where foreigners joining delegations of Vietnamese agencies or organizations enter sea border zones, representatives of such agencies or organizations must draw up lists of those foreigners and notify them to the Border-Guard Stations or local administrations where the delegations arrive; in case of overnight stay in localities, they must register temporary residence under law provisions and submit to inspection and control by the Border-Guard Stations and local administrations.

Foreigners boarding Vietnamese or foreign vessels must get permission from the Border-Guard Stations where the vessels are anchoring.

3. While vessels are anchoring at seaports or harbors, if their foreign crewmembers or staff have valid passports or crewman's books and their names inscribed in the lists of the vessels' crewmembers, they shall be granted permits to go ashore or move to other foreign vessels.

- The permits shall be granted and fee collected by Border-Guard Stations under regulations of the Finance Ministry; such permits shall be valid for a

single time while the vessels anchor at seaports.

- The permitted duration for going ashore is between 7 and 24 hours within a day. In case of sight-seeing, tourism, medical treatment or emergency, this duration may be extended on a case-by-case basis.

- The permitted area to go ashore: Within the territories of the provinces or centrally-run cities with seaports where concerned vessels anchor. If going beyond this area to other provinces or cities or leaving Vietnam by air, land or railway, they must acquire approval and permits from the Public Security Ministry (the immigration agencies at different levels).

- Foreign crewmembers and employees committing acts of violating Vietnamese legislation during the time the vessels are anchoring at seaports shall be banned from going ashore.

- Foreign crewmembers and employees going ashore, if violating regulations, shall be handled under Vietnamese law provisions.

### III. MANAGEMENT AND PROTECTION OF SEA BORDER ZONES

1. The Government shall direct the management and protection of national sea border and the maintenance of security, social order and safety in sea border zones; the Border Guard shall act as the specialized force, assuming the prime responsibility for, and coordinating with the military, police, coast-guard and customs forces as well as relevant forces in localities under their management in, performing the following tasks:

- Carrying out synchronously professional border protection measures in communes, wards and townships within the sea border zones in order to firmly grasp the situation and manage the areas as well as concerned subjects, and maintain security, social order and safety.

- Patrolling and controlling to detect, prevent, arrest and handle Vietnamese and foreign individuals and organizations that violate Vietnamese laws or international agreements which Vietnam has signed or acceded to.

- Registering, managing and inspecting people and vessels on entry and exit of harbors and anchorages for business, production and other service activities in the sea border zones.

- Managing and maintaining security, order and safety of Vietnamese and foreign vessels at harbors and anchorages in the sea border zones.

2. The building of population quarters and vessel anchorages; the building of seaport projects and economic zones in joint venture with foreign parties; the exploration and exploitation of natural resources in sea border zones must be planned and agreed upon by the managing agencies, the provincial-level local administrations, the provincial Border-Guard Commands, the provincial Police Directorates and relevant branches before they are submitted to competent authorities for approval.

The owners of the above-mentioned projects, when implementing them, must notify them to the provincial People's Committees and Border-Guard Commands of the concerned localities as well as the concerned branches at least 7 days in advance.

3. Within the sea border zones, other agencies and forces shall operate according to their functions, tasks and powers prescribed by law; and at the same time, have to coordinate with the Border Guards in managing and defending the national sea border, maintaining security, social order and safety in the sea border zones according to the regulation on operation coordination among various forces.

4. People and vessels operating in the sea border zones must operate for the right purposes, within the right scope and time, follow the right routes and respond to signals as well as requests

of the patrol and control forces, and submit to inspection and control by the Border Guards, the Coast Guards, the Customs and other functional forces under law provisions.

5. Vessels of forces, when performing sea patrol and control tasks, must hoist Vietnam's national flag at the highest position, and pennants at the front of their vessels; officials and employees of the functional branches on duty must wear uniform, badges and control plates as prescribed.

6. While on duty, the Border Guards and other functional forces shall have the right:

- To requisition information and communication means, transport means, including the means operators, of the State agencies, economic and social organizations and individuals, in necessary cases, except for means of foreign agencies, organizations and individuals entitled to diplomatic privileges and immunities under the provisions of Vietnamese law and international agreements which Vietnam has signed or acceded to.

- To organize, mobilize humans and means for the performance of the tasks of, and participate in, search and rescue.

- To arrange forces and means, apply professional measures, use assorted devices, weapons, gears, military techniques and support tools, and organize mobile patrol and control teams in order to inspect and control activities of people and vessels in sea border zones.

Agencies, organizations and individuals, when mobilized by competent agencies, must obey and comply with the command and control by the commanders of those agencies.

While performing their tasks, if the mobilized people die or are injured, they themselves and their families shall be entitled to the State-prescribed regimes and policies; if the mobilized means are damaged or lost, their owners shall enjoy

compensation under law provisions.

7. The functional agencies shall coordinate with the provincial Border-Guard Commands and provincial Police Directorates in advising the provincial-level People's Committees to decide on:

- Marketplaces.
- The establishment of harbors and anchorages for vessels.
- The internal rules for harbors and anchorages.
- The establishment of boards for management and protection of harbors and anchorages.

When anchoring at harbors or anchorages, vessels must strictly comply with the set rules.

#### **IV. IMPLEMENTATION ORGANIZATION**

1. This Circular takes effect 15 days after its publication in the Official Gazette.

2. The Border-Guard High Command shall organize the dissemination of this Circular and the Government's Decree No. 161/2003/ND-CP on Sea Border Zone Regulation to the Border-Guard units and concerned agencies for implementation thereof; and have to monitor, urge and examine

such implementation. Annually, they shall also have to review the implementation and report on the implementation results to the Defense Ministry.

3. The Border-Guard High Command shall assume the prime responsibility for, and coordinate with the Defense Ministry's Finance Department, the functional agencies of the Finance Ministry and the Ministry of Planning and Investment in, studying, before submitting to the Defense Ministry and the Finance Ministry, amendments and supplements to Joint Circular No. 3729/2001/TTLT/BQP-BTC of November 29, 2002 of the Defense Ministry and the Finance Ministry guiding the expenditure contents and management of the budget for the management and protection of national borders and the maintenance of security, social order and safety in the sea border zones.

In the course of implementation, if any problems arise or administrative boundaries of the provinces, districts, communes and/or wards adjacent to the sea are adjusted, the Border-Guard High Command shall have to sum up, make suggestions and report on the situation to the Defense Ministry.

*Minister of Defense*  
**General PHAM VAN TRA**