

**THE STATE PRESIDENT****ORDER No. 01/2008/L-CTN OF FEBRUARY 5, 2008 ON PROMULGATION OF ORDINANCE****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 51 of the Law on Promulgation of Legal Documents.*

**PROMULGATES:****The Ordinance on the Vietnam Coast Guard,**

which was passed on January 26, 2008, by the XII<sup>th</sup> National Assembly Standing Committee of the Socialist Republic of Vietnam.

*President of  
the Socialist Republic of Vietnam*  
**NGUYEN MINH TRIET**

**ORDINANCE ON THE VIETNAM COAST GUARD**

*(No. 03/2008/UBTVQH12)*

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam which was amended and supplemented under Resolution No. 51/2001/QH10;*

*Pursuant to the National Assembly's Resolution No. 11/2007/QH12 on its legislative program during the XII<sup>th</sup> legislature (2007-2011) and in 2008;*

*The National Assembly Standing Committee promulgates the Ordinance on the Vietnam Coast Guard.*

**Chapter I****GENERAL PROVISIONS****Article 1.-**

The Vietnam Coast Guard is a specialized force of the State, performing the functions of managing security, order and safety and ensuring the observance of Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting party, on the sea areas and continental shelf of the Socialist Republic of Vietnam.

The Vietnam Coast Guard operates under this Ordinance and other provisions of Vietnamese law.

**Article 2.-**

The Vietnam Coast Guard is a people's armed force of the Socialist Republic of Vietnam and placed under the leadership of the Communist Party of Vietnam, the command of the State President and the unified management of the

Government.

The Ministry of Defense shall directly manage and administer the operation of the Vietnam Coast Guard.

**Article 3.-**

The Vietnam Coast Guard operates on the sea areas and continental shelf of the Socialist Republic of Vietnam.

Within the ambit of their tasks and powers, the Vietnam Coast Guard shall perform and coordinate with other forces in performing tasks in accordance with law.

The Government shall issue a Regulation on coordinated operation and specific responsibilities of forces.

**Article 4.-**

Agencies, organizations and individuals shall coordinate and cooperate with and assist the Vietnam Coast Guard in performing tasks; be protected and have their secrets kept by the State upon request and enjoy policies prescribed by law.

**Chapter II**

**TASKS, POWERS AND  
RESPONSIBILITIES OF THE VIETNAM  
COAST GUARD**

**Article 5.-**

Vietnam Coast Guard officers and soldiers must absolutely be loyal to the Fatherland of the Socialist Republic of Vietnam, have good moral qualities and necessary professional qualifications, firmly grasp Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting party, and fulfill all tasks assigned to them.

Vietnam Coast Guard officers and soldiers may not abuse their titles, powers and positions

to cause harms to the State's interests or the lawful rights and interests of organizations and individuals.

**Article 6.-**

Within the internal waters, territorial waters and seaport waters of the Socialist Republic of Vietnam, the Vietnam Coast Guard shall conduct inspection and control in accordance with Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting party in order to protect national sovereignty; maintain security, order and safety; protect natural resources; prevent and control environmental pollution; detect, prevent and fight smuggling, illegal transportation and trafficking of humans, illegal transportation and trading of goods, weapons, explosives, narcotics, pre-substances and other violations of law.

**Article 7.-**

In the contiguous zone, exclusive economic zone and continental shelf of the Socialist Republic of Vietnam, the Vietnam Coast Guard has the tasks of patrol and control in accordance with Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting party in order to protect national sovereignty, jurisdiction, natural resources; prevent and control environmental pollution; detect, prevent and fight smuggling, piracy, armed attacks against ships and vessels, illegal transportation and trafficking of humans, illegal transportation and trading of narcotics and pre-substances.

**Article 8.-**

The Vietnam Coast Guard shall perform the tasks of international cooperation within the ambit of their functions, tasks and powers according to Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting

party in order to contribute to maintaining security, order, peace and stability on the sea areas.

**Article 9.-**

The Vietnam Coast Guard shall gather and receive, promptly process information and inform related functional agencies in accordance with Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting party; join in the search, rescue and handling of incidents on the sea, and environmental protection activities, and organize response to incidents in the marine environment.

**Article 10.-**

The Vietnam Coast Guard shall join in law propagation, dissemination and education for people working on the sea; coordinate with other forces in protecting state assets, people's lives and assets and means lawfully operating on the sea areas and continental shelf of Vietnam; coordinate with other units of the armed forces in protecting national sovereignty and security on islands and sea areas within the territory of the Socialist Republic of Vietnam as well as the sovereign rights and jurisdiction in the exclusive economic zone and continental shelf of the Socialist Republic of Vietnam.

**Article 11.-**

When detecting persons and means with signs of violation of Vietnamese law or related treaties to which the Socialist Republic of Vietnam is a contracting party, the Vietnam Coast Guard may conduct inspection and control; if detecting acts of violation, they may impose administrative sanctions in accordance with law, force violating persons and means to stop violations, leave the water areas where they are operating or leave the Vietnamese sea areas; arrest or detain persons and means of violation that are caught red-handed,

record the handling of violations according to competence or transfer cases to competent agencies for handling in accordance with law.

**Article 12.-**

In case persons and means in violation of law disobey their orders, oppose or deliberately flee, the Vietnam Coast Guard may coerce their compliance, chase them or exercise other rights according to Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting party.

**Article 13.-**

1. In case of emergency to chase persons and means in violation of law, rescue victims or respond to serious environmental incidents, the Vietnam Coast Guard may mobilize human resources and means of Vietnamese individuals and organizations, but shall return all upon termination of the state of emergency; and pay compensation for any property damage. Mobilized persons who are injured or die are eligible for state policies; if no persons or means of Vietnamese individuals or organizations are available or they are mobilized but cannot handle the state of emergency, the Vietnam Coast Guard may seek support from foreigners and means of foreign organizations or individuals operating on Vietnam's sea areas and continental shelf according to Vietnamese law and related treaties to which the Socialist Republic of Vietnam is a contracting party.

2. In case of real necessity to ensure defense, security and national interests, competent persons in the Vietnam Coast Guard may requisite assets of Vietnamese individuals or organizations in accordance with the law on compulsory purchase and requisition of assets.

**Article 14.-**

The Vietnam Coast Guard shall be equipped

with and use weapons, technical equipment, supportive instruments and professional measures to perform tasks in accordance with law.

**Article 15.-**

While on duty, the Vietnam Coast Guard may open fire in the following cases:

1. When violators use weapons to oppose or employ other measures to directly threaten the lives and safety of means of the Vietnam Coast Guard;
2. When chased persons and means that commit serious violations may escape unless weapons are used;
3. For the protection of citizens whose lives are directly threatened by others.

In cases in which they are allowed to open fire according to this Article, Vietnam Coast Guard officers and soldiers may shoot at violators only after having ordered them to stop or fired warning shot but in vain, except in urgent circumstances; for complicated cases which may adversely affect national sovereignty or security, they shall report them to competent authorities for decision.

**Article 16.-**

The Vietnam Coast Guard shall conduct criminal investigation according to the Penal Code, the Civil Procedures Code, the law on organization of criminal investigation, and related legal documents.

**Chapter III**

**ORGANIZATION OF THE VIETNAM  
COAST GUARD**

**Article 17.-**

The Government shall provide for the organization and operation of the Vietnam Coast Guard.

The Ministry of Defense shall issue specific regulations on personnel and equipment of the Vietnam Coast Guard.

**Article 18.-**

The Vietnam Coast Guard consists of officers, career military personnel, non-commissioned officers, soldiers, defense employees and defense workers (below collectively referred to as Vietnam Coast Guard officers and soldiers).

**Article 19.-**

The appointment, dismissal, demotion; bestowment, promotion, reduction and deprivation of military ranks of Vietnam Coast Guard officers and soldiers comply with:

1. The Law on Vietnam People's Army Officers, for officers;
2. The Law on Military Service, for career military personnel, non-commissioned officers and soldiers;
3. Relevant legal provisions, for defense employees and defense workers.

**Article 20.-**

The service regime applicable to Vietnam Coast Guard officers and soldiers complies with the law on Vietnam People's Army officers and soldiers and relevant provisions of law.

**Article 21.-**

The Vietnam Coast Guard has its own pennant, insignias and uniforms as prescribed by the Government.

While on duty, ships, boats and other means of the Vietnam Coast Guard shall fly a national flag and its pennant; Vietnam Coast Guard officers and soldiers shall wear uniforms and insignias of the Vietnam Coast Guard.

*Chapter IV***STATE MANAGEMENT OF THE  
VIETNAM COAST GUARD***Article 22.-*

Contents of state management of the Vietnam Coast Guard include:

1. Promulgating, organizing the implementation of, legal documents on the Vietnam Coast Guard,
2. Organizing, leading, commanding the Vietnam Coast Guard;
3. Organizing training and fostering for officers and soldiers of the Vietnam Coast Guard;
4. Implementing mechanisms and policies towards the Vietnam Coast Guard;
5. Supervising, inspecting, settling complaints and denunciations and handling violations in the domains of operation of the Vietnam Coast Guard;
6. Implementing international cooperation.

*Article 23.-*

1. The Government shall exercise the unified state management of the Vietnam Coast Guard.

2. The Ministry of Defense shall take responsibility before the Government for exercising the state management of the Vietnam Coast Guard; guide, urge, inspect and assume the prime responsibility in coordinating with ministries, ministerial-level agencies and provincial/municipal People's Committees in the building, organization and operation of the Vietnam Coast Guard.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Defense in exercising the state management of the operation of the Vietnam Coast Guard.

4. Provincial/municipal People's Committees shall, within the ambit of their tasks and powers, coordinate with, support and create conditions for,

the Vietnam Coast Guard to perform its tasks.

5. The Government shall promulgate a Regulation on coordination between the Ministry of Defense and other ministries, ministerial-level agencies and provincial/municipal People's Committees in exercising the state management of the operation of the Vietnam Coast Guard.

*Chapter V***ASSURANCE OF THE OPERATION OF,  
BENEFITS AND POLICIES FOR, THE  
VIETNAM COAST GUARD***Article 24.-*

The State shall build the Vietnam Coast Guard into a revolutionary, regular, elite and modern force; adopt priority policies, increase investment in research and application of scientific and technological advances, equip weapons, technical equipment and supportive instruments to guarantee the operation of the Vietnam Coast Guard.

*Article 25.-*

1. Benefits and policies for Vietnam Coast Guard officers and soldiers comply with the law on Vietnam People's Army officers and soldiers and relevant provisions of law.

2. The State shall adopt preferential policies and benefits suitable to the nature of tasks and geographical areas of operation of the Vietnam Coast Guard, including:

- a/ Seniority allowance for officers and soldiers in border and island regions;
- b/ Responsibility allowance suitable to particular tasks of officers and soldiers;
- c/ Sea sailing allowance;

The Government shall specify preferential benefits and policies for the Vietnam Coast Guard.

*Article 26.-*

1. Citizens who satisfy prescribed political and moral qualities, educational qualifications and health conditions and have aptitudes suitable to the task requirements of the Vietnam Coast Guard may be recruited into this force if they so wish;

2. The Vietnam Coast Guard may prioritize the recruitment of citizens defined in Clause 1 of this Article who are students, graduates of institutes, universities, colleges, professional intermediate schools, vocational training schools or job teaching centers.

**Article 27.-**

Vietnam Coast Guard officers and soldiers shall be trained and retrained in political, operational and legal knowledge as well as other necessary knowledge suitable to their assigned tasks; be encouraged and facilitated to develop their talents to serve the Vietnam Coast Guard.

**Article 28.-**

Funding for the organization, building and operation of the Vietnam Coast Guard shall be assured by the state budget.

**Chapter VI**

**IMPLEMENTATION PROVISIONS**

**Article 29.-**

*This Ordinance takes effect on July 1, 2008.*

This Ordinance replaces the March 28, 1998 Ordinance on the Vietnam Coast Guard.

**Article 30.-**

The Government shall detail and guide the implementation of this Ordinance.

*On behalf of*  
*the National Assembly Standing Committee*  
*Chairman*  
**NGUYEN PHU TRONG**