

**DECREE**

**On management of activities of persons, vehicles and craft in maritime boundary areas  
of the Socialist Republic of Vietnam**

*Pursuant to the June 14, 2005 Maritime Code of Vietnam;*

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the June 17, 2003 Law on National Borders;*

*Pursuant to the June 21, 2012 Law of the Sea of Vietnam;*

*Pursuant to the June 21, 2013 Law on Residence;*

*Pursuant to the June 16, 2014 Law on Foreigners' Entry into, Exit from, Transit through and  
Residence in Vietnam;*

*Pursuant to the March 28, 1997 Ordinance on the Border Guard;*

*At the proposal of the Minister of National Defense,*

*The Government promulgates the Decree on management of activities of persons, vehicles and craft  
in maritime boundary areas of the Socialist Republic of Vietnam.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.** Scope of regulation

This Decree prescribes the management of activities of persons, vehicles and craft in, and responsibilities of agencies, organizations and individuals in the construction, management and protection of, maritime boundary areas of the Socialist Republic of Vietnam.

**Article 2.** Subjects of application

1. This Decree applies to Vietnamese and foreign agencies, organizations and individuals that carry out or are involved in activities in maritime boundary areas of the Socialist Republic of Vietnam.
2. Persons, vehicles and craft of foreign agencies, organizations and individuals entitled to diplomatic and consular immunities; foreign military vehicles and craft on visit to the Socialist Republic of Vietnam; persons and vessels; and goods on entry and exit, in transit, and goods exported and imported by sea shall comply with Vietnam's law and treaties to which Vietnam is a contracting party.
3. Official-service vehicles and crafts operating on duty in maritime boundary areas of the Socialist Republic of Vietnam must comply with separate regulations.

**Article 3.** Interpretation of terms

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

1. Maritime boundary area of the Socialist Republic of Vietnam (below referred to as maritime boundary area) shall be measured from the national maritime boundary to the end of the administrative area of a commune, ward and township (below referred to as commune-level administrative unit) adjacent to the sea or an island or archipelago.
2. Vehicles and craft include waterway craft, road vehicles and airway craft.
  - a/ Waterway craft include vessels, boats and other craft with or without motor operating on the water surface or underwater; and seaplanes;
  - b/ Airway craft include aircraft, flying craft or technical devices used for flying in the earth's atmosphere.
3. Activities of Vietnamese and foreign individuals and vehicles and craft in maritime boundary areas means entering leaving, residing, taking shelter, traveling, production, trading and construction activities; exploring and carrying out projects to exploit natural resources; conducting scientific

research at sea; rearing, purchasing, fishing and processing aquatic products; transport; environmental activities; salvage, rescue and other activities related to the management and protection of national maritime boundaries and security and order in maritime boundary areas.

4. Prohibited zone in a maritime boundary area means the territorial area lying within the boundary of a commune-level administrative unit adjacent to the sea or an island or archipelago and within the internal waters which is established for the management, protection and maintenance of security and order; and prevention, control and stoppage of acts of trespassing, destruction, exploitation and collection of state secrets.

5. Restricted area in a maritime boundary area means an area lying within the boundary of a commune-level administrative unit adjacent to the sea or an island or archipelago and within the internal waters which is established to restrict certain activities of persons, vehicles and craft for national defense and security reasons.

6. Zone of suspension of innocent passage or zone of restriction of innocent passage means an identified area within the territorial sea which is established to protect national sovereignty, safeguard the country, protect national security and interests; protect maritime safety and marine resources and ecology, prevent pollution, remedy environmental incidents, and prevent and control the spread of epidemics.

#### **Article 4.** Prohibited acts in maritime boundary areas

1. Illegally building or installing facilities and equipment or committing acts that are detrimental to the safety of border facilities.

2. Discharging, dumping or burying hazardous substances, industrial waste, nuclear waste or other hazardous wastes causing environmental pollution; firing, launching or releasing substances that cause harm or threaten to cause harm to national defense, security, the economy, human health, environment, or social safety.

3. Conducting research, investigation, survey, exploration or exploitation without permission of competent Vietnamese agencies.

4. Organizing illegal entry into, exit from and transit through the country for persons, or harboring, guiding or transporting persons for illegal entry, exit or transit.

5. Performing military exercises with any type of weapon or in any form without permission of competent Vietnamese agencies.

6. Flying into no-flight zones; firing, launching or releasing flying devices that threaten to cause harm to national defense, security, the economy or aviation safety; or launching vessels or objects in violation of Vietnam's law.

7. Filming, photographing, drawing, video recording or carrying out radio reception and transmission activities in restricted areas or prohibited zones .

8. Exploiting or salvaging assets, objects or antiques without permission of competent Vietnamese agencies.

9. Illegally purchasing and selling, exchanging, storing, transporting or using weapons, flammables, explosives, hazardous substances, narcotics, banned goods and articles, precious metals, gemstones or foreign currencies; illegally embarking or disembarking persons or goods onto or from vessels.

10. Waterway craft anchoring or taking shelter outside designated places or obstructing maritime or inland waterway navigation in maritime boundary areas against regulations on anchorage and taking shelter at such places, if any.

#### **Article 5.** Signboards in maritime boundary areas

Signboards of different types shall be placed in maritime boundary areas in accordance with law. The Minister of National Defense shall issue regulations on forms of signboards in maritime boundary areas and reach agreement with the Ministry of Transport and provincial-level People's Committees of coastal localities on locations at which signboards shall be placed.

## **Chapter II**

## **MANAGEMENT OF ACTIVITIES OF PERSONS, VEHICLES AND CRAFT IN MARITIME BOUNDARY AREAS**

### **Article 6.** Vietnamese individuals, vehicles and craft operating in maritime boundary areas

1. To enter maritime boundary areas, Vietnamese citizens (except permanent residents in these areas) must have one of the following papers: people's identity card, passport or citizen identification paper, or officer identification paper, army's identification paper or people's public security identification paper (for officers and soldiers of the People's Army and People's Public Security forces). If intending to stay overnight in these areas, they shall make sojourn registration with commune-level Public Security offices.
2. Operators of waterway craft in maritime boundary areas must possess a captain's diploma or certificate granted by a competent agency. Chief engineers and seamen must possess a professional diploma or certificate or a practice certificate, seaman's book and seaman insurance certificate as prescribed by law; and a weapon use permit, if they carry weapons.
3. Operators of waterway craft in maritime boundary areas shall ensure that their craft have number plates, and shall carry the following papers (originals or certified copies):
  - a/ Vessel registration certificate or written fishing-vessel registration certification (for fishing vessels of a total capacity of under 20 CV);
  - b/ Vessel inspection and certification certificate or technical safety and environmental protection certificate as prescribed;
  - c/ Crew list or seaman's book (for fishing vessels) or seaman's certificate; and seaman insurance certificate;
  - d/ Radio frequency and transmitter use license;
  - dd/ Papers related to the vessel's cargo;
  - e/ Fishing license (for fishing vessels of a tonnage of 0.5 ton or higher);
  - g/ Logbook.
4. For Vietnamese fishing vessels operating in the maritime zones of other countries or territories, in addition to the papers specified in Clauses 2 and 3 of this Article, the license for fishing vessels to operate in the maritime zones of other countries or territories granted by a competent Vietnamese agency is required.
5. In addition to the papers specified in Clauses 1 and 2, and at Points a, b, c, d and g, Clause 3, of this Article, persons and waterway craft operating in maritime boundary areas must possess papers related to their operation field as prescribed by law.
6. Persons, vehicles and craft operating in maritime boundary areas shall produce papers to and are subject to inspection and control by the Border Guard and competent functional agencies.
7. For road vehicles entering maritime boundary areas (except tourist-service zones and economic zones) for transportation, production, business, construction, mining or natural resources and environment activities for 10 or more days, their managers, users, owners or operators shall notify local Border Guard posts of the quantities of persons on board and vehicles, number plates, time, scope and contents of operation.
8. Airway craft engaged in civil aviation, economic, trade, tourist, survey, mineral exploration and exploitation, or natural resource and environment activities in maritime boundary areas must comply with Vietnam's law on aviation and the Ministry of National Defense's regulations on management and protection of the national airspace.

### **Article 7.** Foreigners arriving, operating, working or studying in maritime boundary areas

1. Foreigners permanently or temporarily residing in Vietnam who arrive in maritime boundary areas or islands or archipelagoes (except tourist-service zones and economic zones) must have passports or valid passport-substitute papers and visas issued by a competent Vietnamese agency (except those entitled to visa exemption), papers evidencing their residence in Vietnam, and permits for entry into maritime boundary areas issued by provincial-level Public Security Departments of the localities where they permanently or temporarily reside or by provincial-level Public Security Departments of the localities where they arrive; if wishing to stay overnight, they shall, through

managers of their accommodation establishments, make sojourn registration with commune-level Public Security offices.

2. Foreigners sent to maritime boundary areas by Vietnamese agencies or organizations shall produce letters of introduction of provincial-level People's Committees and, at the same time, notify their arrival in writing at least 24 hours in advance to provincial-level Public Security Departments and Border Guard offices of the localities where they will arrive. For foreigners who are members of high-ranking delegations visiting maritime boundary areas, Vietnamese agencies or organizations (that invite or work with the delegations) shall notify their arrival in writing at least 12 hours in advance to provincial-level Public Security Departments and Border Guard offices of the localities where they will arrive.

3. Foreigners working, studying or engaging in investment and business activities in economic zones within maritime boundary areas or partly located in maritime boundary areas and their family members may reside or temporarily reside for a definite time in these economic zones in accordance with regulations on labor and foreigners' entry into, exit from and residence in Vietnam.

4. For foreigners working in economic zones within maritime boundary areas or partly located in maritime boundary areas, their employers, Vietnamese partners, or representatives of foreign non-governmental organizations shall, within 24 hours after these foreigners start working, notify in writing provincial-level Departments of Labor, War Invalids and Social Affairs, district-level People's Committees, commune-level Public Security offices and local Border Guard stations of the full names, ages, citizenship, serial numbers of passports, dates of starting and finishing working, tasks, and workplaces of the foreigners, and names and addresses of their employing agencies or organizations.

#### **Article 8.** Foreign vessels operating in maritime boundary areas

1. To operate in maritime boundary areas, a foreign vessel must have the following original papers:

- a/ Vessel registration certificate granted by a competent authority of the country or territory whose national flag is flown by the vessel;
- b/ Technical safety and environmental protection certificate (or a technical safety certificate granted by the register agency of the country or territory whose national flag is flown by the vessel or Vietnam's register agency, for fishing vessels);
- c/ Crew list, list of passengers or books of seamen, attendants and passengers on board; and passports of seamen, attendants and passengers on board;
- d/ Radio frequency and transmitter use license granted by a competent Vietnamese agency; and radio safety certificate as prescribed by law;
- dd/ Fisheries operation license granted by a competent Vietnamese agency (for fishing vessels);
- e/ Papers on goods and transportation of goods on board the vessel and other relevant papers as prescribed by Vietnam's law.

2. Foreign vessels operating in maritime boundary areas must fly their citizenship flag and fly the Vietnamese national flag at the top of their highest mast.

3. Foreign vessels anchoring and taking shelter at harbors or berths must comply with Vietnam's law and are subject to inspection and supervision by competent Vietnamese agencies.

4. Foreign vessels innocently passing through Vietnam's territorial sea are obliged to comply with Vietnam's law.

5. Foreign vessels which are nuclear-powered or transport radioactive substances or hazardous and dangerous substances in Vietnam's territorial sea are obliged to:

- a/ Have technical documents related to the vessels and goods on board, and compulsory civil insurance documents;
- b/ Provide competent Vietnamese state agencies with documents related to technical specifications of the vessels and goods on board;
- c/ Fully take special preventive measures as prescribed by Vietnam's law and treaties to which Vietnam is a contracting party applicable to their type;
- d/ Comply with competent Vietnamese agencies' decisions on application of special preventive measures, even prohibiting innocent passage through Vietnam's territorial sea or forcing movement

out of Vietnam's territorial sea if they pollute the marine environment.

6. In case of having accidents or incidents or seeking help for objective reasons (below referred to as case of being in distress) and the vessels have no choice but stop or anchor in the territorial sea or taking shelter at seaports or berths, their captains or operators shall send out emergency signals and, when conditions permit, immediately notify the maritime administrations or the national salvage and rescue agency, Border Guard and coastal commune-level People's Committees of the nearest localities or the Directorate of Fisheries (for fishing vessels), or other competent Vietnamese agencies in the nearest localities. These agencies shall, upon receiving the notice, organize rescue or immediately notify such to responsible agencies for organizing rescue.

**Article 9.** Military exercises, search and rescue drills, maritime security drills, live-fire drills, or use of explosive materials in maritime boundary areas

Military exercises, search and rescue drills, maritime security drills, live-fire drills, or use of explosive materials in maritime boundary areas must comply with approved plans and shall be notified to related parties and, shall be notified 10 working days in advance to provincial-level People's Committees and Border Guard offices, Navy Zones, Coast Guard Zones, the Vietnam Maritime Administration, and Border Guard Flotillas (if they are conducted in maritime zones).

**Article 10.** Exploration, scientific research, geological survey and survey of minerals, natural resources and aquatic resources in maritime boundary areas

1. In addition to the papers specified in Clauses 1 and 2, and at Points a, b, c, d and g, Clause 3, Article 6 of this Decree, Vietnamese individuals, vehicles and craft engaged in exploration, scientific research, geological survey or survey of minerals, natural resources and aquatic resources in maritime boundary areas must possess licenses granted by competent agencies as prescribed by law, and shall notify their activities in writing 5 working days in advance to provincial-level People's Committees and Border Guard offices of the localities where these activities will be carried out.

2. In addition to the papers specified at Points a, b, c and d, Clause 1, Article 8 of this Decree, foreign individuals, vehicles and craft engaged in investigation, exploration, survey or research activities, fishing or exploiting natural resources in maritime boundary areas shall obtain permission of related competent Vietnamese agencies and at the same time notify their activities in writing 5 working days in advance to provincial-level People's Committees and Border Guard offices of the localities where these activities will be carried out, and comply with this Decree and relevant regulations.

**Article 11.** Building of projects or facilities in maritime boundary areas

1. Agencies and organizations conducting survey, designing, construction of facilities or implementation of projects related to national defense and security or involving foreign elements in maritime boundary areas shall notify in writing 3 working days in advance commune-level People's Committees and Border Guard posts of the list of persons, craft and vehicles and time, scope and contents of operation.

2. The building of projects or facilities in maritime boundary areas must comply with the law on construction and may not affect base points, border facilities, maritime defense facilities or the marine and island environment.

3. When formulating projects to build tourist zones, economic zones, transport or fisheries facilities and harbors or berths, or explore or exploit natural resources; or projects or facilities related to national defense and security or involving foreign elements in maritime boundary areas, local construction state management agencies shall consult in writing the Ministry of National Defense, the Ministry of Public Security, other related ministries and sectors, and provincial-level People's Committees, Military Commands, Border Guard Commands and Public Security Departments before submitting the projects to competent authorities for approval.

When implementing the projects or building the facilities already licensed, their owners shall notify their activities in writing 3 working days in advance to provincial-level Border Guard offices and Public Security Departments and district- and commune-level People's Committees.

4. Local Border Guard stations shall guide agencies and organizations mentioned in Clauses 1 and 2 of this Article in identifying base points, national maritime boundaries, scope of maritime boundary areas, and prohibited zones and restricted areas in maritime boundary areas, and in implementing other relevant regulations on management and protection of maritime boundary areas.

**Article 12.** Establishment of zones of suspension of innocent passage or zones of restriction of innocent passage in the territorial sea; identification of prohibited zones or restricted areas in maritime boundary areas

1. In case the national sovereignty, defense, security or interests is/are threatened, or for the purpose of ensuring maritime safety, protecting marine resources and ecology, preventing pollution, remedying incidents or catastrophes to the marine environment, or preventing and controlling the spread of epidemics, the Prime Minister shall decide to establish zones of suspension of innocent passage or zones of restriction of innocent passage in the territorial sea.

2. For the sake of national defense, security and interests, chairpersons of provincial-level People's Committees of coastal localities shall identify prohibited zones in maritime boundary areas at the proposal of functional sectors after reaching agreement with provincial-level Military Commands, Border Guard Commands and Public Security Departments.

3. The Minister of National Defense shall identify prohibited zones for national defense facilities and maritime boundary facilities related to national defense and security at the proposal of Military Zones' Commanders or Border Guard Commanders, and notify such to provincial-level People's Committees of the coastal localities where these zones are located.

4. Managing ministries or sectors shall identify restricted areas in maritime boundary areas for the purpose of protecting marine resources and ecology, preventing pollution, remedying incidents or catastrophes to the environment, carrying out salvage, search and rescue activities, or organizing military exercises after reaching agreement with provincial-level People's Committees; and at the same time notify such to the Ministry of National Defense and functional agencies and forces operating in maritime boundary areas.

5. Management and protection of zones of suspension of innocent passage and areas of restriction of innocent passage in the territorial sea and prohibited zones and restricted areas in maritime boundary areas:

a/ The management and protection of zones of suspension of innocent passage and areas of restriction of innocent passage in the territorial sea must comply with law;

b/ Heads of agencies or units managing prohibited zones in maritime boundary areas shall issue rules on protection of these zones;

c/ The scope and time of restriction and restricted activities of persons, vehicles and craft shall be identified for restricted areas ;

d/ To enter prohibited zones or restricted areas, persons, vehicles and craft shall obtain permission of heads of agencies or units managing these zones or areas;

dd/ Decisions on prohibited zones or restricted areas shall be notified to provincial-level People's Committees of coastal localities, the Vietnam Maritime Administration, the Directorate of Fisheries, and related parties for compliance.

6. Restricted areas in maritime boundary areas shall be identified by signboards (on the land) or coordinates in nautical charts (at sea); the scope of prohibited or restricted zones in the internal waters and territorial sea shall be identified by coordinates in nautical charts.

7. The establishment of zones of suspension of innocent passage or zones of restriction of innocent passage in the territorial sea shall be widely notified at home and internationally in "Notices to mariners" according to international maritime practices at least 15 days in advance, or right after the establishment in case of emergency.

**Article 13.** Management of wharves, yards and anchorage areas for waterway craft in maritime boundary areas

1. Provincial-level People's Committees of coastal localities shall, within the ambit of their functions, tasks and powers, decide to establish, and issue rules for, wharves, yards and anchorage areas for

waterway craft in their localities.

2. Waterway craft that regularly or temporarily anchor at wharves, yards and anchorage areas shall be registered with agencies managing these wharves, yards and anchorage areas and must comply with their applicable rules.

**Article 14. Occurrence of natural disasters, fires or environmental catastrophes**

1. In case natural disasters, fires or environmental catastrophes (below collectively referred to as accidents) occur in maritime boundary areas, persons who detect the accidents shall send out emergency signals and promptly notify them to Border Guard stations and functional agencies and forces of the nearest places, and immediately take measures to save humans, vehicle, craft and property and limit losses.

2. When receiving notices or emergency signals or detecting persons, vehicles or craft in distress, persons and craft operating in maritime boundary areas shall immediately organize rescue and notify such to functional forces operating in the nearest places at sea or to maritime search and rescue coordination centers of the nearest places for organizing salvage and rescue activities.

3. Persons, vehicles and craft operating in maritime boundary areas shall submit to mobilization, command and assignment by local administrations and Border Guard offices to participate in search and rescue activities. The mobilization and command for participation in search and rescue activities may be effected only in case of emergency and during a period necessary for search and rescue activities.

4. Persons participating in search and rescue activities who are injured, die or suffer deteriorating health or property losses are entitled to regimes and policies prescribed by law.

**Article 15. Handling of violations in maritime boundary areas**

1. When detecting persons, vehicles or craft showing signs of violating Vietnam's law or treaties to which Vietnam is a contracting party, specialized patrol and control forces have the right to check and seize violating persons, vehicles or craft and handle them in accordance with Vietnam's law.

2. When detecting acts infringing upon the national sovereignty, security or social order and safety in maritime boundary areas, organizations and individuals shall report them to commune-level Border Guard and Public Security offices of the nearest places; if discovering and collecting assets sunk or going adrift in Vietnam's maritime zones, organizations and individuals shall immediately report and deliver them to local administrations or Border Guard stations of the nearest places for handling in accordance with law.

**Article 16. Exercise of the right of hot pursuit**

1. Patrol and control forces in maritime boundary areas have the right of hot pursuit of foreign waterway craft violating Vietnam's law in the internal waters or territorial sea of Vietnam or of persons, vehicles and craft that violate law in maritime boundary areas on the way to the inland.

2. After the patrol and control forces in maritime boundary areas have sent out signals to order foreign persons or waterway craft that violate or show signs of violating Vietnam's law in maritime boundary areas to stop for inspection, if these persons or operators of these craft fail to obey the order, the commanders of the pursuing forces may use supporting tools and weapons in accordance with law; if there are wounded persons, these forces shall render medical aid; in case there are killed persons, these forces shall coordinate with functional agencies and local administrations in handling the case in accordance with law.

3. For foreign waterway craft violating or showing signs of violating Vietnam's law, their hot pursuit may continue outside the boundaries of the territorial sea or the contiguous zone of the territorial sea of Vietnam and shall be undertaken uninterruptedly; the hot pursuit must terminate when the pursued foreign waterway craft go into the territorial sea of another country or territory.

4. When exercising the right of hot pursuit, commanders of the pursuing forces may mobilize persons and craft of state agencies, organizations and individuals operating in maritime boundary areas (except craft of foreign agencies, organizations and individuals entitled to immunities and privileges under Vietnam's law) to participate in the hot pursuit.

5. Organizations and individuals that have their craft or property mobilized by competent agencies for the exercise of the right of hot pursuit are entitled to payment of reasonable expenses and compensation for damage, if any, in accordance with law.
6. Commanders of the pursuing forces shall take responsibility before law for their decisions.

### **Chapter III**

## **RESPONSIBILITIES TO BUILD, MANAGE AND PROTECT MARITIME BOUNDARY AREAS**

### **Article 17.** The Ministry of National Defense

1. To assume the prime responsibility for, and coordinate with other ministries, sectors and provincial-level People's Committees of coastal localities in, performing the state management of national borders; and organizing the implementation of policies, master plans, plans and investment projects on management and protection of maritime boundary areas in accordance with law.
2. To assume the prime responsibility for, and coordinate with the Ministry of Public Security, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Agriculture and Rural Development, the Ministry of Natural Resources and Environment and related ministries and sectors in, formulating a regulation on coordination among forces tasked to build, manage and protect national borders, protect political security and maintain social order and safety in maritime boundary areas in accordance with law; and carrying out search and rescue activities in maritime boundary areas.
3. To manage and supervise economic and national defense activities in maritime boundary areas.
4. To mobilize and command manpower, vehicles and craft of ministries, sectors, enterprises and localities participating in the protection of sovereignty and sovereign rights in Vietnam's maritime zones under decisions of competent authorities.
5. To regularly exchange information on and coordinate with the Ministry of Public Security and the Ministry of Foreign Affairs in dealing with complicated issues to ensure security and social order and safety in maritime boundary areas and at sea, and to protect national sovereignty and sovereign rights over sea; to coordinate with ministries and sectors in examining operation licenses of vehicles and craft operating in maritime boundary areas related to the state management fields of ministries and sectors.
6. To direct Border Guard, Navy and Coast Guard forces to coordinate with customs, waterway traffic police, fisheries resources surveillance and other forces operating in maritime boundary areas in patrolling, controlling, detecting, preventing and handling violations in maritime boundary areas; protecting national sovereignty, sovereign rights, security and order in Vietnam's maritime zones; and protecting fishing activities of fishermen and lawful activities of persons, vehicles and craft in maritime boundary areas and maritime zones and on islands of Vietnam.
7. To direct Border Guard forces:
  - a/ To assume the prime responsibility for, and coordinate with army units garrisoned in maritime boundary areas, People's Public Security forces, local administrations and related agencies in, managing and protecting national maritime boundaries; protecting political security and maintaining social order and safety in maritime boundary areas in accordance with law;
  - b/ To coordinate with People's Public Security forces, local administrations and related agencies in managing foreigners studying, working or carrying out production and business activities in economic zones within or partly within maritime boundary areas; inspecting and controlling foreigners' exit from, entry into, transit through or residence in economic zones and seaport border gates in accordance with law;
  - c/ To advise People's Committees of all levels in coastal localities on developing plans, programs, contents and measures to launch the "All people participate in protecting sovereignty and sovereign rights" movement; strengthening political bases and building maritime boundary areas which are strong in economy, politics, socio-culture, national defense, security and foreign relations;
  - d/ To implement various measures and arrange and use forces, means, weapons and supporting tools to manage and protect national maritime boundaries, protect political security and maintain social order and safety in maritime boundary areas, and perform military and border-guard



diplomacy in accordance with law;

dd/ To arrange fixed and mobile control stations for checking and controlling persons, vehicles and craft entering, leaving or operating in maritime boundary areas; to supervise vessels in maritime boundary areas in accordance with law;

e/ To assume the prime responsibility for, and coordinate with related agencies and units in, reaching agreement on the provision of information on the operation of vessels in maritime boundary areas; annually, to assume the prime responsibility for, and coordinate with Public Security forces in, managing and counting the number of foreigners entering maritime boundary areas, prohibited zones and restricted areas in maritime boundary areas and zones of suspension of innocent passage and zones of restriction of innocent passage in the territorial sea;

g/ To coordinate with Public Security forces in performing the state management of foreigners' entry into, exit from, transit through and residence in maritime boundary areas and economic zones; to handle violations of the law on entry into, exit from, transit through and residence in maritime boundary areas and seaport border gates;

h/ To assume the prime responsibility for, and coordinate with functional forces operating in maritime boundary areas and maritime zones of Vietnam in, protecting, supervising, maintaining, and handling violations of regulations on, restricted areas and prohibited areas in maritime boundary areas and zones of suspension of innocent passage and zones of restriction of innocent passage in the internal waters and territorial sea.

**Article 18.** The Ministry of Public Security

1. To assume the prime responsibility for, and coordinate with ministries, sectors and provincial-level People's Committees of coastal localities in, drawing up plans on protection of national security, combining security and order in maritime boundary areas with security and order in the inland; to coordinate with the Ministry of National Defense in providing professional guidance and training for Border Guard forces in fighting crimes, protecting political security and maintaining social order and safety in maritime boundary areas.

2. To assume the prime responsibility for, and coordinate with the Ministry of National Defense in, promulgating a regulation on coordination in ensuring security and social order and safety and fighting crimes and other violations in maritime boundary areas.

3. To direct provincial-level Public Security Departments of coastal localities in coordinating with Border Guard forces in protecting political security and maintaining social order and safety in maritime boundary areas.

**Article 19.** The Ministry of Foreign Affairs

1. To assume the prime responsibility for, and coordinate with related ministries and sectors and provincial-level People's Committees of coastal localities in, implementing treaties concerning national maritime boundaries to which Vietnam is a contracting party.

2. To assume the prime responsibility for, and coordinate with related ministries and sectors and provincial-level People's Committees of coastal localities in, advising the Government on negotiating and dealing with arising issues related to maritime boundary areas.

3. To coordinate with the Ministry of National Defense in formulating a regulation on coordination in dealing with cases and matters, providing information and documents, and providing guidance on foreign-relation operations; and in reviewing the building, management and protection of maritime boundary areas.

**Article 20.** The Ministry of Planning and Investment

1. To assume the prime responsibility for, and coordinate with the Ministry of National Defense, the Ministry of Finance, other related ministries and sectors and provincial-level People's Committees of coastal localities in, allocating funds for the building, management and protection of maritime boundary areas according to the current regulations on state budget decentralization for submission to competent authorities for decision.

2. To assume the prime responsibility for, and coordinate with related ministries and sectors and

provincial-level People's Committees of coastal localities in, developing strategies, mechanisms and policies on economic development associated with protection of national sovereignty, national defense, security and social order and safety in maritime boundary areas.

**Article 21.** The Ministry of Finance

1. To assume the prime responsibility for, and coordinate with the Ministry of National Defense, related ministries and sectors and provincial-level People's Committees of coastal localities in, allocating regular funds for the building, management and protection of maritime boundary areas according to the current state budget decentralization for submission to competent authorities for decision.
2. To coordinate with other related ministries and sectors and provincial-level People's Committees of coastal localities in developing mechanisms and financial policies to facilitate socio-economic development in maritime boundary areas.

**Article 22.** The Ministry of Agriculture and Rural Development

1. To direct the Directorate of Fisheries to coordinate with the Border Guard and Coast Guard forces and functional forces in inspecting and controlling fishing activities at sea, ensuring safety for fishermen in Vietnam's maritime zones; to direct forest protection forces to coordinate with Border Guard forces and administrations of coastal localities in managing and protecting coastal protection forests.
2. To guide and organize the reporting on and notification of developments at sea related to the protection of national sovereignty and sovereign rights and fishing activities of fishermen.
3. To coordinate with the Ministry of Justice, provincial-level People's Committees of coastal localities, Border Guard and Coast Guard forces and the Ministry of Foreign Affairs (the National Border Committee) in compiling documents and organizing public information and education for fishermen to raise their awareness and sense of responsibility about the protection of national sovereignty and sovereign rights over sea.

**Article 23.** The Ministry of Transport

1. To assume the prime responsibility for, and coordinate with the Ministry of National Defense, other related ministries and sectors and provincial-level People's Committees of coastal localities in, guiding and examining the implementation of measures to ensure inland waterway navigation safety and maritime safety in association with protecting national sovereignty, sovereign rights, defense, security and social order and safety in maritime boundary areas.
2. To direct Maritime Administrations and Inland Waterway Administrations to coordinate with regional Border Guard Commands, Border Guard Flotillas and Coast Guard Commands in examining and controlling the operation of waterway craft in maritime boundary areas and ensuring security and order of navigable channels.
3. To direct the Vietnam Maritime Administration to assume the prime responsibility for, and coordinate with Border Guard forces and related agencies and units in, organizing maritime search and rescue drills and maritime security drills in seaport waters and maritime zones of Vietnam in accordance with law.

**Article 24.** The Ministry of Natural Resources and Environment

1. To assume the prime responsibility for, and coordinate with the Ministry of National Defense, other related ministries and sectors and provincial-level People's Committees of coastal localities in, developing programs, plans, master plans and projects on exploitation and use of marine natural resources and protection of marine environment in combination with protection of national sovereignty, national defense and security in maritime boundary areas.
2. To coordinate with the Ministry of National Defense, the Ministry of Public Security, the Ministry of Foreign Affairs and other related ministries and sectors in developing strategies, policies and schemes on national defense, security and diplomacy in combination with socio-economic development in maritime boundary areas; to participate in appraising master plans and schemes on

establishment of marine reserves in maritime boundary areas.

3. To coordinate with the Ministry of National Defense, the Ministry of Public Security, the Ministry of Justice, other related ministries and sectors and provincial-level People's Committees of coastal localities in, conducting public information on seas and islands, and examining and controlling the research, investigation, survey, exploration, exploitation and use of marine resources and protection of marine environment in maritime boundary areas.

**Article 25. Related ministries and sectors**

Within the ambit of their functions, tasks and powers, to coordinate with the Ministry of National Defense in building, managing and protecting national maritime boundaries, protecting political security and maintaining social order and safety in maritime boundary areas; to direct agencies, units and forces under their management, when operating at sea, to closely coordinate with Border Guard and Coast Guard forces in rendering assistance when necessary and participate in protecting national sovereignty, sovereign rights and jurisdiction at sea, protecting political security and maintaining social order and safety in maritime boundary areas.

**Article 26. People's Committees of coastal localities**

1. To perform the state management of national borders in their localities as decentralized; to build maritime boundary areas which are strong in politics, economy, society, national defense and security; to combine infrastructure construction and socio-economic development with strengthening and enhancement of national defense and security in maritime boundary areas.

2. To direct departments, sectors and functional forces to coordinate with Border Guard forces and related agencies in building, managing and protecting national maritime boundaries; protecting political security, maintaining social order and safety and fighting crimes in maritime boundary areas in accordance with law; providing information on waterway craft of their localities to Border Guard offices and functional sectors for management and registration for verification and control of such craft when they enter, leave or operate in maritime boundary areas.

3. To mobilize vehicles, craft and functional forces and people to participate in preventing and controlling acts infringing upon national sovereignty and sovereign rights over sea, protecting political security and maintaining social order and safety in maritime boundary areas.

4. To organize law dissemination and education about the construction, management and protection of national borders, protection of political security and maintenance of social order and safety in maritime boundary areas for the public.

5. Annually, to estimate and allocate local budget funds for the construction, management and protection of national maritime boundaries, protection of political security and maintenance of social order and safety in maritime boundary areas.

6. In case the National Assembly Standing Committee promulgates a decision on adjustment of the boundaries of a commune-level administrative unit, the chairperson of the provincial-level People's Committee of the concerned coastal locality shall report to the Ministry of National Defense for proposing the Government to add such unit to or remove it from the list of communes, wards and townships in maritime boundary areas provided in the Appendix (*not translated*) to this Decree.

**Article 27. Agencies, organizations and individuals**

1. Agencies, organizations and individuals operating in maritime boundary areas shall strictly comply with this Decree, other relevant regulations and treaties to which Vietnam is a contracting party; and coordinate with Border Guard and functional forces in protecting sovereignty and sovereign rights over sea, protecting political security and maintaining social order and safety in maritime boundary areas.

2. While on duty in maritime boundary areas, officers, soldiers and employees of functional sectors shall wear uniforms, badges and insignias as prescribed by law; their vehicles or craft must fly the national flag and banners according to regulations.

3. Self-defense and militia forces of coastal provinces and centrally run cities, security forces of agencies and organizations in maritime boundary areas and other forces shall participate in patrol

and control activities at sea and activities to protect sovereignty and sovereign rights of Vietnam as mobilized by competent agencies.

#### **Chapter IV IMPLEMENTATION PROVISIONS**

##### **Article 28. Effect**

This Decree takes effect on October 20, 2015, and replaces the Government's Decree No. 161/2003/ND-CP of December 18, 2003, promulgating the Regulation on maritime boundary areas.

##### **Article 29. State budget funds for implementation**

1. Funds for the construction, management and protection of national maritime boundaries and protection of political security and maintenance of social order and safety in maritime boundary areas shall be covered by the central and local budgets in accordance with the Law on the State Budget and the Law on Public Investment.
2. The estimation, distribution, allocation, payment and finalization of state budget funds must comply with the Law on the State Budget and the Law on Public Investment and guiding documents.

##### **Article 30. Guidance and implementation responsibilities**

1. The Ministry of National Defense shall assume the prime responsibility for, and coordinate with related ministries and sectors in, guiding and examining the implementation of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees of coastal localities shall implement this Decree.

**On behalf of the Government  
Prime Minister**

**NGUYEN TAN DUNG**