



Improving legislations on integrated management of marine and island resources and environmental protection in the new era

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Vietnam is a maritime country, with a coastline of more than 3,260 km and more than 3,000 islands, including the Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagos. The marine economy is an important driving force and premise for socio-economic development, environmental protection, national defence, security, foreign affairs and international cooperation. Vietnam's coastal provinces and cities account for more than 50% of the country's population, most of whom work in marine-related sectors; the contribution of 28 coastal provinces and cities to the country's GDP has now exceeded 60%. In the current situation, after negative impacts of the COVID-19 pandemic and the general recession of major economies in the world, the coastal economy and marine economic sectors play an increasingly important role in restoring socio-economic activities and promoting Vietnam's economic growth.

1. REQUIREMENTS FOR INSTITUTIONAL BREAKTHROUGHS IN NATIONAL DEVELOPMENT IN THE NEW ERA

Institutional improvement is identified as one of three strategic breakthroughs to create a new momentum with strong spreading power, liberate all potentials, and effectively exploit resources for rapid and sustainable economic development. The focus of institutional breakthroughs is also clearly identified, in particular, the 13th National Party Congress identified the focus of institutional breakthroughs as institutions for development, emphasizing the priority of synchronous, high-quality improvement and good organization for implementation of the legal system, mechanisms, and policies, creating a favourable, healthy, and fair investment and business environment for all economic sectors, promoting innovation; mobilizing, managing, and effectively using all resources for development.

Fully aware of the position, role and importance of the marine economy, Vietnam has had many important guidelines and policies for sustainable development of the marine economy. The 12th Party Central Committee issued Resolution No. 36-NQ/TW

dated 22 October 2018 on the Strategy for Sustainable Development of Vietnam's Marine Economy to 2030, with a vision to 2045. To institutionalize and concretize the Party's guidelines, the Government of Vietnam issued Resolution No. 26/NQ-CP dated 5 March 2020 on the Government's Overall Plan and 5-year Plan to Implement Resolution No. 36-NQ/TW. On 24 November 2021, the Prime Minister issued Directive No. 31/CT-TTg on Renewing and Strengthening the Organization for Implementation of the Strategy for Sustainable Development of Vietnam's Marine Economy to 2030, with a vision to 2045.

Since the 1990s, the importance of the sea/ocean for national development has been recognized through specific policy instruments. In 2007, Resolution No. 09-NQ/TW on Vietnam's Marine Strategy to 2020 was issued with a focus on becoming a "strong maritime nation" through "exploiting all potentials from the sea". The Resolution's goal is that by 2020, the marine economy will contribute about 53 - 55% of GDP and 55 - 60% of the country's export turnover as well as supporting social development. The importance of sectors that make up the marine economy has been recognized and sectoral policies have become clearer, such as the Vietnam's Fisheries Development Strategy 2010; the Vietnam's Tourism Development Strategy 2010; the Vietnam's Transport Development Strategy 2010; some of these policies have been reinforced by Laws. Resolution No. 36-NQ/TW dated 22 October 2018 of the Party Central Committee on the Strategy for Sustainable Development of Vietnam's Marine Economy once again emphasizes the sea/ocean. The Resolution identifies targets to 2030 and a vision to 2045, including 5 main directions and 7 key solutions, as well as 3 "breakthrough" steps also identified in the Resolution. In particular, the first breakthrough step is identified to be: Improving the institution for sustainable development of the marine economy, prioritizing the improvement of the legal corridor, innovation, development of green growth model, environmental protection, enhancement of productivity, quality, international competitiveness



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of marine economic sectors, sea and coastal areas; improving the mechanism for integrated and unified marine management; reviewing, adjusting, supplementing and establishing new master plans related to the sea, ensuring connectivity and synchronization between sectors and localities (inter-sectoral and spatial integration).

Thus, "Improving legislations on integrated management of marine and island resources and environmental protection for sustainable development of marine economy, meeting requirements in the new era" is an important, specific and urgent task, aiming to deeply institutionalize the Party's viewpoints and orientations stated in the document of the 13th National Party Congress, Resolution No. 36-NQ/TW on the Strategy for Sustainable Development of Vietnam's Marine Economy and political tasks of the Party Committee of the Ministry of Agriculture and Environment, the Party Committee of the Viet Nam Agency of Seas and Islands and especially to meet requirements of fundamental innovation in law-making and enforcement in accordance with Resolution No. 66-NQ/TW dated 30 April 2025 of the Politburo on Innovation in Law-Making and Enforcement to Meet Requirements of National Development in the New Ara. This is the guideline for us to review and promote the improvement of policies and legislations on sea and islands.

2. NECESSITY AND BASIS FOR IMPROVING LEGISLATIONS ON INTEGRATED MANAGEMENT OF MARINE AND ISLAND RESOURCES AND ENVIRONMENTAL PROTECTION

The Law on Marine and Island Resources and Environment 2015 was passed by the 13th National Assembly of the Socialist Republic of Vietnam at the 9th session on 25th June 2015, and took effect from 1st July 2016. The Law and documents guiding its implementation have formed an important legal document system, creating a corridor for integrated and unified state management of marine and island resources and environmental protection, contributing to creating positive changes in the awareness and actions of the whole society in effectively protecting, exploiting, maintaining functions and structures of marine, island and coastal ecosystems, gradually promoting sustainable development of the marine economy, protecting Vietnam's sovereignty, sovereign rights and national jurisdiction at sea, and ensuring national defence and security. Entering

a new era, which is the era of the Fourth Industrial Revolution, of green growth, circular economy, digital economy; an era with increasingly severe non-traditional security challenges such as climate change, transboundary marine pollution (especially ocean plastic waste), the issue of conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, and the rapidly increasing demand for exploitation and use of marine resources.

The country's practice of developing the marine economy and international integration has also undergone many changes. The implementation of arrangement and reorganization of administrative units at all levels and establishment of a two-level local government organization model are also major orientations for Vietnam to become a digital, stable and prosperous country, pioneering in testing new technologies and models; fundamentally and comprehensively innovating management and operation activities of the Government and local authorities and expanding the scope of marine space for sustainable development of the marine economy, strengthening ocean governance capacity for management levels.

In that context, the Law on Marine and Island Resources and Environment and its guiding documents for implementation, as well as legislations on marine resource management and use, have revealed a number of limitations and shortcomings, such as: Some provisions are not really flexible and constructive to liberate all resources for new marine economic models; there are also limitations, shortcomings, interferences, and



overlaps with a number of other specialized laws that have been recently issued or amended, causing difficulties in organizing implementation. Some provisions have not kept up with reality, financial mechanisms for marine environmental protection, as well as sanctions for violations are not deterrent enough, etc. Therefore, the study of comprehensive amendments to legislations on marine and island resources and environment in general and the Law on Marine and Island Resources and Environment in particular is an objective and urgent requirement, aiming to meet practical demands and, more importantly, to realize the spirit of "Constructive legislations for development, that liberate all resources and encourage innovation".

3. NEW ORIENTATIONS AND PRINCIPLES FOR AMENDING LEGISLATIONS ON INTEGRATED MANAGEMENT OF MARINE AND ISLAND RESOURCES AND ENVIRONMENTAL PROTECTION

Resolution No. 66-NQ/TW of the Politburo on Innovation in Law-Making and Enforcement marked a profound change in the concept of the role of legislations. If in the past legislations were mainly considered tools for regulating and managing society, it is now affirmed as the core foundation of the rule of law State, a lever to promote development, and a shift in thinking from "management" to "service". Legislations are not only tools of the State but also means to protect legitimate rights of people and businesses. The requirement that legislations must be "one step ahead" demonstrates a strategic vision and a deep awareness of the pioneering role of institutions in creating an environment for development.

The amendment of legislations on integrated management of marine and island resources and environmental protection needs to ensure core principles in accordance with Resolution No. 66-NQ/TW and the Party's major orientations on marine economic development.

Firstly, strongly innovate the thinking of law-making towards creation for development, liberation of resources, and encouragement of innovation for the marine economy: Legislations must be tools to guide and promote the marine economy towards sustainable development, green growth, improvement of the living standard of coastal people, and firmly protection of the marine and islands overignty; Abandon the thinking of "if you can't manage it, then ban it"; Review and amend current legal provisions to remove barriers and facilitate legal investment and business activities

at sea, especially for high-tech marine economic sectors, marine renewable energy, marine ecotourism, and sustainable aquaculture; Build legal sandboxes for new marine economic models and advanced, environmentally friendly marine resource exploitation technologies.

Secondly, implement integrated, ecosystem-based management: Strengthen the integrated, inter-sectoral, inter-regional management approach; protect and restore marine ecosystems as the center and foundation for sustainable development.

Thirdly, ensure transparency, publicity, accessibility and feasibility: Provisions must be clear, specific, ensure feasibility, applicability, and create favourable conditions for people and businesses to easily access and comply.

Fourthly, promote modernization, enhance digital transformation, apply science and technology, and artificial intelligence in law-making and enforcement: Integrate digital technology and artificial intelligence solutions into the management and monitoring of marine resources and environment; build a synchronous national database system on marine resources and environment, integrated with the legal information system; apply remote sensing technology and artificial intelligence (AI) in monitoring resource exploitation activities, detecting pollution, and forecasting marine environmental incidents.

Fifthly, proactively implement international integration: Ensure compatibility with international treaties of which Vietnam is a member, selectively absorb good experiences from the world.

Sixthly, create a breakthrough in organization for law enforcement, ensuring that legislations are implemented fairly, strictly, consistently, promptly, effectively and efficiently: Promote decentralization and delegation of power, clearly define the functions, tasks, authority and responsibilities of each level, organization and individual; build a close and effective inter-sectoral and inter-regional coordination mechanism in patrolling, controlling, detecting and handling violations; publicize and be transparent in law enforcement activities; study and apply sanctions that are sufficiently deterrent to serious violations of legislations on marine resources and environment.

In particular, ensure the comprehensive and direct leadership of the Party throughout the process from marine and island law-making to organizing for enforcement: Party committees at all levels must identify this as a key political task, regularly inspect and supervise the institutionalization of Party guidelines and the organization for law enforcement. Promote the



role of Party committees, secretaries and heads of units in the development of institutions and legislations.

4. KEY CONTENTS THAT NEED TO BE STUDIED, AMENDED AND SUPPLEMENTED

Based on those orientations and principles, some key contents that need to be focused for study, amendment and supplement include:

Firstly, supplement and improve provisions to effectively implement the management and use of national marine space and the Master Plan for Sustainable Exploitation and Use of Coastal Resources. Accordingly, it is necessary to ensure multi-sectoral, multi-objective, flexible integration with a long-term vision, creating space for new marine economic sectors, while protecting environmentally, national defence and security sensitive areas; clarifying the relationship with sectoral and provincial master plans.

Secondly, supplement and clarify provisions on management and protection of important marine ecosystems, marine and coastal biodiversity such as coral reefs, seagrass beds, mangrove forests, marine reserves; develop a mechanism for payment of marine ecosystem services, develop "ecosystem-based economy", etc.

Thirdly, specifically stipulate management and reduction of marine environmental pollution especially land-based, transboundary pollution, ocean plastic waste pollution; issues related to the marine environment due to maritime activities, handling of spills of oil and toxic chemicals at sea, as well as the handling of offshore structures and equipment after the expiration of their exploitation and use period.

Fourthly, develop economic instruments in managing marine resources and environment such as environmental protection fees for marine activities, sustainable marine development funds, and mechanisms for auctioning marine resource exploitation rights in a public and transparent manner.

Fifthly, encourage and create a legal corridor for activities of scientific research, development and application of advanced marine technology such as marine renewable energy, marine biotechnology, deep sea resource exploitation, and pollution treatment technology.

Sixthly, improve provisions to contribute to responding to climate change and sea level rise, preventing and responding to marine environmental incidents by strengthening inter-sectoral and inter-regional coordination mechanisms; enhancing the resilience and adaptation of natural and social systems in coastal areas; clarifying responsibilities of each ministry, sector and local authority in marine resource management, environmental protection and law enforcement.

Seventhly, supplement provisions to internalize a number of important international treaties to which Vietnam is a member, such as provisions of the International Convention on Civil Liability for Oil Pollution Damage 1992 (CLC1992), the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (BUNKER 2001) on compensation for oil pollution at sea; related issues on conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction in the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement).

Eighthly, enhance the role, responsibility and participation mechanism of the community and businesses in the process of developing regulations and monitoring the exploitation and use of marine and island resources and environmental protection.

Obviously, the study, amendment and improvement of the system of policies and legislations on the sea and islands in general, and the Law on Marine and Island Resources and Environment in particular, is a specific and important step to successfully implement viewpoints and objectives of Resolution No. 36-NQ/TW dated 22 October 2018 on the Strategy for Sustainable Development of Vietnam's Marine Economy, Resolution No. 66-NQ/TW dated 30 April 2025 on Innovation in Law-Making and Enforcement to meet requirements of national development in the New Era. This is not only a responsibility but also an opportunity for us to create breakthroughs in building a strong maritime legal system, creating and promoting sustainable development of the maritime economy, protecting the environment, firmly protecting national marine sovereignty and interests, making our country truly a strong and rich maritime nation, building a strong and happy Vietnam ■

REFERENCES

1. Resolution No. 36-NQ/TW dated 22 October 2018 of the 12th Party Central Committee on the Strategy for Sustainable Development of Vietnam's Marine Economy to 2030, with a vision to 2045.
2. Resolution No. 66-NQ/TW dated 30 April 2025 of the Politburo on Innovation in Law-Making and Enforcement to Meet Requirements of National Development in the New Era.
3. Law on Marine and Island Resources and Environment 2015.
4. Report No. 303/BC-BTNMT dated 31 December 2024 of the Ministry of Natural Resources and Environment on summary of the implementation of the Law on Marine and Island Resources and Environment.