

# Strong decentralization, delegation of power and determination of authority in the field of sea and islands

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Implementing the Party and State's policy in Conclusion No. 127-KL/TW dated 28<sup>th</sup> February 2025 of the Politburo and the Secretariat on studying and proposing to continue to reorganize the apparatus of the political system; Resolution No. 190/2025/QH15 dated 19<sup>th</sup> February 2025 of the National Assembly on handling a number of issues related to the reorganization of the state apparatus; Decision No. 759/QĐ-TTg dated 14<sup>th</sup> April 2025 of the Prime Minister approving the Scheme on rearranging and reorganizing administrative units at all levels and building a model of organizing 2-tier local government dated 12<sup>th</sup> March 2025, the Government has issued Decree No. 131/2025/ND-CP stipulating the determination of authority of two-tier local government in the field of state management of the Ministry of Agriculture and Environment (MAE); Decree No. 136/ND-CP stipulating the decentralization and delegation of power in the field of agriculture and environment. These Decrees have adjusted current regulations to ensure the implementation of two-tier local government, while strongly decentralizing authority of the Government, the Prime Minister and the Minister of MAE to the local government, improving administrative procedures.

(1) Regarding the determination of authority to the two-tier local government, the authority of district-level government to assign sea areas has been fully determined to communal-level government.

According to Article 35, Decree No. 131/2025/ND-CP, the Chairman of the communal-level People's Committee has the authority to assign sea areas, amend, supplement, recognize, and extend the decision on assigning sea areas, allow the return of certain sea areas for Vietnamese individuals with registration dossiers when such individuals must switch from coastal fishing to aquaculture according to the decision of a competent state agency or permanently residing in the area whose main source of income depends on income from aquaculture within the scope of assigned sea areas for aquaculture calculated from the lowest average sea level edge over many years to 3 nautical miles within the scope of management.

(2) Many tasks of the Prime Minister stipulated in the Law on Marine and Island Resources and Environment have been decentralized and delegated to the Minister of MAE, the provincial-level People's Committee and the Chairman of the provincial-level People's Committee. Accordingly, the Prime Minister has delegated power to the Minister of MAE to approve key programs for basic survey of marine and island resources and environment; approve, adjust the program for integrated management of coastal resources with inter-provincial scope; approve the map of zoning of marine and island environmental pollution risks; and approve the system for integrated monitoring and supervision of marine and island resources and environment. Articles 51, 52, 54 of



*Nhon Hai fishing village is located along the coast of Quy Nhon (currently Quy Nhon Dong Ward, Gia Lai Province)*



Decree No. 136/ND-CP stipulate the authority of the Prime Minister in the field of integrated management of marine and island resources and environmental protection: (i) Delegating power to the provincial-level People's Committee to approve mineral exploitation activities in prohibited areas of the coastal protection corridor; approve other cases permitted to be carried out in archipelagos, islands that must be protected, conserved, and shallow and submerged banks; (ii) Decentralizing to the Chairman of the provincial-level People's Committee to approve land reclamation, sea encroachment, mineral and oil & gas exploration in restricted areas of the coastal protection corridor.

(3) Duties and powers of the Minister of MAE stipulated in the Law on Marine and Island Resources and Environment are strongly decentralized, delegated to the Chairman of the provincial-level People's Committee. Specifically, the authority of the Minister of MAE to grant, extend, amend, supplement, return, and regrant the dumping permit has been decentralized to the Chairman of the provincial-level People's Committee from sea areas outside 6-nautical mile sea areas (calculated from the lowest average sea level edge over many years of the mainland and the largest island of special zones) to the end of the provincial-level administrative management boundary at sea and even in some cases outside the provincial-level administrative management boundary at sea, including projects with investment policy approved and accepted by the National Assembly and the Prime Minister, assigned to the provincial level for management, and projects with investment policy approved and accepted by the provincial-level People's Committee. However, at present, because the administrative management boundary at sea has not been announced, this authority of the Chairman of the provincial-level People's Committee is still within 6-nautical mile sea areas (Clause 1, Article 53, Decree No. 136/ND-CP).

In addition, the authority of the Minister of MAE to grant, re-grant, extend, amend, supplement, suspend, and revoke decisions on granting scientific research licenses to foreign organizations and individuals to conduct in Vietnamese sea areas under the management of the local government is also delegated to the Chairman of the provincial-level People's Committee. This is a very strongly decentralized authority, because according to current regulations, all authority to grant, re-grant, extend, amend, supplement, suspend, and revoke decisions on granting scientific research licenses to foreign organizations and individuals to conduct in Vietnamese sea areas belongs to the Minister of MAE (Clause 2, Article 53, Decree No. 136/ND-CP).

In addition, the authority to assign, recognize, and

permit the return of sea areas; extend, amend, and supplement decisions on assigning sea areas has been strongly decentralized in Decree No. 65/2025/ND-CP, but continues to be decentralized. Accordingly, Article 55 of Decree No. 136/ND-CP stipulates that the Minister of MAE to decentralize to the Chairman of the provincial-level People's Committee to assign, recognize, and permit the return of sea areas; extend, amend, and supplement decisions on assigning sea areas from sea areas outside 6-nautical mile sea areas to the administrative management boundary at sea of the provincial level and even some cases outside the administrative management boundary at sea of the provincial level, including projects with investment policy approved and accepted by the National Assembly and the Prime Minister assigned to the provincial level for management, and projects with investment policy approved and accepted by the provincial-level People's Committee. In particular, in the case of assigning sea areas for scientific research, measurement, monitoring, exploration and survey at sea, only decentralize the administrative management boundary at sea of the provincial level. However, at present, because the administrative management boundary at sea has not been announced, this authority of the Chairman of the provincial-level People's Committee is still within 6-nautical mile sea areas. In addition, the entire authority of the Minister of MAE to reclaim sea areas has been decentralized to the provincial-level People's Committee.

(4) The requirement to consult with superior agencies has been removed when authority has been decentralized and delegated to the local government. This provision is to enhance the responsibility of the local government assigned authority when performing their tasks. Specifically, for tasks that have been decentralized and delegated to the provincial-level government with regulations requiring consultation with the Government, the Prime Minister or the MAE (including units under the MAE) before making a decision, from the effective date of Decree No. 136/2025/ND-CP (1<sup>st</sup> July 2025), the provincial-level government does not have to consult but decide on its own and is responsible for its own decisions (Clause 5, Article 62, Decree No. 136/ND-CP).

Thus, to ensure that the two-tier local government is carried out immediately after the reorganization of the apparatus, regulations related to the authority of the two-tier local government in the field of sea and islands have been fully promulgated. At the same time, decentralization, delegation of power, especially decentralization, delegation of power to the local government in the field of sea and islands has been thoroughly implemented, creating favourable conditions for the local government to be proactive in implementing within the scope of management ■



## **AUTHORITY OF THE COMMUNAL-LEVEL PEOPLE'S COMMITTEE AND THE CHAIRMAN OF THE COMMUNAL-LEVEL PEOPLE'S COMMITTEE IN THE FIELD OF SEA AND ISLANDS**

### **COMMUNAL-LEVEL PEOPLE'S COMMITTEE**

1. Participate in responding to and remedying oil and toxic chemical spills at sea; monitor, detect and participate in resolving incidents causing marine environmental pollution and coastal erosion as prescribed in Point d, Clause 2, Article 74 of the Law on Marine and Island Resources and Environment.

2. Manage and protect coastal protection corridors as prescribed in Clause 2, Article 43 of Decree No. 40/2016/ND-CP dated 15<sup>th</sup> May 2016 of the Government detailing the implementation of a number of articles of the Law on Marine and Island Resources and Environment.

3. Determine the location, boundary, and area of sea areas for cases under the authority of assignment as prescribed in Point e, Clause 4, Article 5 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government.

4. Manage activities of using sea areas for aquaculture as prescribed in Article 41 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government.

### **CHAIRMAN OF THE COMMUNAL-LEVEL PEOPLE'S COMMITTEE**

1. Be a member of the Council for appraisal of the program for integrated management of coastal resources within a province or centrally-run city as prescribed in Point b, Clause 3, Article 16 of Decree No. 40/2016/ND-CP dated 15<sup>th</sup> May 2016 of the Government detailing the implementation of a number of articles of the Law on Marine and Island Resources and Environment.

2. Decide on assignment of sea areas to Vietnamese individuals for aquaculture as prescribed in Clause 4, Article 8 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by

a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government.

3. Recognize sea areas for Vietnamese individuals for aquaculture as prescribed in Clause 5, Article 8 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government.

4. Extend the term of use of sea areas for Vietnamese individuals for aquaculture as prescribed in Clause 5, Article 8 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government.

5. Allow the return of sea areas (in whole or in part) for Vietnamese individuals for aquaculture as prescribed in the Clause 5, Article 8 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government.

6. Amend and supplement the Decision on the assignment of certain sea areas to Vietnamese individuals for aquaculture as prescribed in Clause 5, Article 8 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government.

7. Reclaim sea areas for Vietnamese individuals for aquaculture as prescribed in the Clause 5, Article 8 of Decree No. 11/2021/ND-CP dated 10<sup>th</sup> February 2021 of the Government stipulating the assignment of certain sea areas to organizations and individuals with the need to exploit and use marine resources, as amended and supplemented by a number of articles in Decree No. 65/2025/ND-CP dated 12<sup>th</sup> March 2025 of the Government ■