



**THE SOCIALIST REPUBLIC OF VIET NAM  
PERMANENT MISSION TO THE UNITED NATIONS**

**Viet Nam's Laws, Regulations and Practice relating to  
Topics on the Agenda of International Law Commission**

*As of 18 August 2023*

At the seventy-seventh session, the General Assembly adopted Resolution A/RES/77/103 on the Report of the International Law Commission which draws the attention of Governments to the importance for the International Law Commission of having their views on the various aspects of the topics on the agenda of the Commission.

In accordance with Resolution A/RES/77/103, the Socialist Republic of Viet Nam would like to provide information on its laws, regulations and practice relating to “prevention and repression of piracy and armed robbery at sea” and “sea-level rise in relation to international law”.

**I. Prevention and repression of piracy and armed robbery at sea**

In the Report on the work of its seventy-third session, the International Law Commission requested the Secretariat to contact States and relevant international organizations in order to obtain information and views concerning:

(a) The legislation, case law and practice of States relevant to the topic, including in relation to articles 100 to 107 of the United Nations Convention on the Law of the Sea;

(b) The agreements entered by States under which persons accused of piracy or armed robbery at sea are transferred with a view to prosecution; and

(c) The role of international, regional, and subregional organizations regarding the prevention and repression of acts of piracy and armed robbery at sea.

In response to this request, the Socialist Republic of Viet Nam welcomes the opportunity to provide following information:

***1. Treaties to which Viet Nam is a party.***

- Viet Nam is a party to many treaties relating to the prevention and repression of piracy and armed robbery at sea, particularly the United Nations Convention on the Law of the Sea 1982, the Regional Cooperation Agreement on combating piracy and armed robbery against ships in Asia (ReCAAP), Convention on Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988, and the United Nations Convention against Transnational Organized Crime.

## ***2. Viet Nam's domestic laws and regulations relating to the piracy***

- Article 302, titled “Piracy” of Viet Nam Criminal Code<sup>1</sup> stipulates that:

A person who commits any of the following acts shall face a penalty of 05 - 10 years' imprisonment: a) Attacking a ship, aircraft or another maritime vehicle at high sea or in an area which is not under any nation's jurisdiction; b) Attacking or capturing people on a ship, aircraft or another maritime vehicle specified in Point a of this Clause; c) Robbing or destroying property on a ship, aircraft or another maritime vehicle specified in Point a of this Clause. The penalty can be up to 20 years' imprisonment depending on other circumstances. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.

Additionally, the Criminal Code also stipulates other crimes such as: Robbery (Article 168), which is to impose penalty on “any person who uses violence, threat of immediate violence or commits other acts that render another person unable to resist in order to obtain his/her property”; Hijacking of an airplane or ship (Article 282), which is to impose penalty on “any person who uses violence, threat of violence or otherwise hijacks an airplane or ship”.

- On the effect of the Criminal Code, Article 5 (1) of this Code provides that: “The Criminal Code applies to every criminal offence committed within the territory of the Socialist Republic of Viet Nam”.<sup>2</sup>

It also applies to criminal offences committed on sea-going vessels and airplanes having Vietnamese nationality or at Vietnam's exclusive economic zones or continental shelves.

- On the effect of the Code on criminal offences committed outside the territory of Viet Nam, according to the Article 6 of the Criminal Code, if any Vietnamese citizen commits an act of piracy outside the territory of Viet Nam or any foreigner commits an act of piracy outside the territory of Viet Nam which infringes the lawful rights and interests of Vietnamese citizens or interest of Socialist Republic of Vietnam or under treaties to which Vietnam is a party, that person shall face criminal prosecution in accordance with Article 302.

- Article 6 (3) affirms that “where a criminal offence or its consequence occurs on an airplane or sea-going vessel that does not have Vietnamese nationality at high sea or outside Vietnam's airspace, the offender shall face criminal prosecution under a treaty to which Vietnam is a party, if any”.

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<sup>1</sup> The Criminal Code was promulgated in 2015, amended in 2017.

<sup>2</sup> Article 1 of Viet Nam's Constitution 2013 stipulates that “The Socialist Republic of Viet Nam is an independent and sovereign country enjoying unity and integrity of territory, including the mainland, islands, seas and airspace.

According to Article 3 (1) of Viet Nam's Law of the Sea, “*Vietnam Seas includes* the internal waters, territorial waters, the contiguous zone, the exclusive economic zones and continental shelf being under Vietnam's sovereignty, sovereign right and national jurisdiction, being defined under the Vietnam's law, international treaties on territorial border of which the Socialist Republic of Vietnam is a member and in conformity with The United Nations' Convention on the Law of the Sea in 1982”.

### ***3. International cooperation on prevention and suppression of piracy***

Viet Nam has demonstrated its active participation in international organizations, conferences and initiatives relating to the prevention and suppression of piracy such as INTERPOL, ASEANPOL, ReCAAP, ASEAN Defense Minister Meeting – Plus Expert’s Working group on Maritime Security, ASEAN Maritime Dialogue, Malacca Strait Security Initiative, Gulf of Thailand Maritime Law Enforcement Initiative... Vietnam Coast Guard is the agency that takes part in cooperation and information sharing on prevention and suppression of piracy and armed robbery at sea such as the capture of pirates involving in the hijacking of the Zafirah ship and MT Okim Harmony ship. On 18 November 2012, the Malaysian flagged ship, Zapirah, was hijacked when it was enroute from Pasir Gudang port to Miri port of Malaysia. The group of pirates detained the captain and crews of the Zafirah ship inside the ship’s cabin and drove the ship heading toward Vietnam’s waters. The pirates released the 9 crew members into a lifeboat drifting at sea. Two Vietnamese fishing boats rescued 9 crews. With the information on the hijacking of Zafirah ship provided by the Malaysia-based International Maritime Bureau, Viet Nam Coast Guard tracked these pirates, then found a suspected ship which was similar to the Zafirah ship. Viet Nam Coast Guard stopped the ship, whose identification was later confirmed by the Captain, Chief Engine, and Head of Sailor as the Zafirah ship. At this time, the name of Zafirah ship was changed and painted in other colors. 11 pirates were arrested and subsequently extradited to the Indonesia by Vietnamese authorities.<sup>3</sup>

In case of MT Okim Harmony in 2015, on the basis of information given by the Malaysian Maritime Enforcement Agency (MMEA), Viet Nam Coast Guard conducted patrol and found the location of this ship at the southwest of Phu Quoc Island. 8 pirates were arrested by Vietnamese authorities at the area near Tho Chu Island. Vietnamese authorities then extradited 8 pirates to Malaysia for prosecution.<sup>4</sup> Additionally, Viet Nam Coast Guard also participated in support, investigation, and clarification of the cases in which ships were hijacked such as Sunrise 689, Royal 16, Giang Hai...

- Within the framework of ReCAAP and UNODC, Viet Nam Coast Guard has participated in capacity-building workshops organized by the Information Sharing Center, Conference of Head of Coast Guard Agencies in Asia, planning conferences within the framework of Southeast Asia Cooperation and Training (SEACAT), and in a number of activities to ensure maritime safety such as the tabletop exercise for maritime security, training on the United Nations Convention on the Law of the Sea, the Conference of the Maritime Law Enforcement Dialogue...

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<sup>3</sup><https://en.vietnamplus.vn/vietnam-to-extradite-11-indonesian-pirates/43684.vnp>;  
[https://web.archive.org/web/20150708193445/http://www.iccgermany.de/fileadmin/icc/Meldungen/2013\\_Q2\\_IMB\\_Piracy\\_Report.pdf](https://web.archive.org/web/20150708193445/http://www.iccgermany.de/fileadmin/icc/Meldungen/2013_Q2_IMB_Piracy_Report.pdf)

<sup>4</sup><https://lifestyle.zingnews.vn/canh-sat-vn-bat-8-ten-cuop-tau-dau-malaysia-ra-sao-post551179.html>  
<https://amp.vov.vn/en/society/vietnam-accepts-extradition-of-indonesian-pirates-to-malaysia-330849.vov>

## **II. Sea-level rise in relation to international law**

In the Report on the work of its seventy-third session, the International Law Commission requested the Secretariat to contact States and relevant international organizations in order to obtain information on the practice of States in this topic, including measures relating to risk reduction specific to the mitigation of the adverse impacts of sea-level rise, regulations of the displacement of persons affected by sea-level rise and international cooperation regarding humanitarian assistance to persons affected by sea-level rise.

In response to this request, the Socialist Republic of Viet Nam welcomes the opportunity to provide following information:

### **1. Situation**

According to the Report "Resilient shores: Viet Nam's Coastal Development between Opportunity and Disaster Risk" by the World Bank in 2020, in a pessimistic scenario, sea levels are estimated to rise 30 centimetres by 2050 and 70 centimetres by 2100, exposing an additional 4.5 million people in coastal areas.<sup>5</sup> In addition, around 11.8 million people in coastal provinces are exposed to the threat of intense flooding.<sup>6</sup> Each year, 316,000 jobs are at risk from riverline and coastal flooding in the agriculture, aquaculture, tourism, and industry sectors.<sup>7</sup>

According to the Report Groundswell Part 2: Acting on Internal Climate Migration, in pessimistic scenario it is estimated that by 2050, Vietnam will have about 3.1 million climate migrants.<sup>8</sup>

Besides, in some coastal areas of Viet Nam, several seas-reclamation projects have been implemented, opening a new development for coastal cities and provinces such as Hai Au project in Kien Giang Province, Saigon Sunbay project in Ho Chi Minh city and Hung Thang project in Quang Ninh Province.

### **2. Measures to protect people**

a) Sea level rise causes subsidence, flooding and saltwater intrusion in coastal urban areas. To minimize the harmful effects of sea level rise, Vietnam's provincial authorities have taken such measures as:

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<sup>5</sup> <https://openknowledge.worldbank.org/entities/publication/7597ee8c-95f2-582a-b362-6e15b8397717>

<sup>6</sup> <https://openknowledge.worldbank.org/entities/publication/7597ee8c-95f2-582a-b362-6e15b8397717>

<sup>7</sup> <https://openknowledge.worldbank.org/entities/publication/7597ee8c-95f2-582a-b362-6e15b8397717>

<sup>8</sup> World Bank. The Report Groundswell Part II: Acting on Internal Climate Migration.

<https://openknowledge.worldbank.org/entities/publication/2c9150df-52c3-58ed-9075-d78ea56c3267>

- Building sea walls, raising dikes, river embankments, sea embankments, building dams to prevent salt water or canals to control floods. For example, Thua Thien Hue and Ca Mau provinces have built embankments to prevent coastal erosion, restored protection forests, used hollow piers to handle landslides, implemented measures to protect dikes, especially important sea dykes, monitor and ensure the safety of dike routes. At Thuan An estuary, Thua Thien Hue province has built embankments to stabilize the channel of Thuan An estuary, build sand embankments in the North and the South as well as take measures to dredge the channel.

- Besides "hard" protection solutions, "soft" protection measures are also paid attention to, such as strengthening coastal protection forests, investing in wetlands, supplementing land for beaches, transforming coastal sand dunes and planting mangrove forests.

- Provinces, cities and localities also develop adaptation measures, such as changing farming practices, changing construction standards, and environmental protection standards in order to minimize vulnerability; planning, investing in infrastructure development of industrial parks, urban centers, residential areas, coastal resettlement areas; building, upgrading and renovating medical facilities and schools to ensure resilience to natural disasters; develop sustainable livelihood models, adaptation models which are based on nature, ecology and community.

b) Local authorities of Vietnam also carry out the relocation of people, retreating into the mainland from the areas at risk of flooding, subsidence in according domestic laws and regulations, as follows:

- Article 65 of the 2013 Land Law stipulates the taking of residential land when the land is at risk of landslide, subsidence or is affected by other natural disasters threatening human life. In this case, according to Clause 3, Article 87 of the 2013 Land Law, the person whose land is taken will be compensated and supported with resettlement to stabilize his life and production in accordance with the Government's regulations.

- Article 16 of Decree No. 47/2014/ND-CP dated May 15, 2014 of the Government specifies the compensation, support and resettlement when the State takes residential land at risk of landslide, subsidence, affected by natural disasters.

- Clause 2, Article 16 of Decree No. 47/2014/ND-CP clearly stipulates: In case the residential land of a household or individual suffers sudden landslide or subsidence over the entire area or the remaining area is no longer usable, the

household or individual shall be arranged new land for resettlement according to specific local conditions.

- In addition, the Prime Minister also promulgated the Program on population allocation in natural disaster areas, areas of extreme poverty, boundary areas, islands, as well as areas of free migration and special-use forests for the 2021-2025 period, with orientations to 2030. The program offers solutions to stabilize the population, including households and individuals who have lost their houses and residential land due to landslides, land subsidence, cyclones, floods and flash floods; or live in an area at risk of landslides, land subsidence, cyclones, floods, flash floods, inundation, and water surge, including:

+ Implement investment projects to stabilize population, arrange residential and production land; support investment in building essential infrastructure.

+ Provide direct support for families and individuals to move people and properties, to explore new land, support housing and food at resettlement places at the early stage.

+ Support households in training, technology transfer, equipment, supplies, production tools, fertilizers, animal feed, plant protection drugs, veterinary medicine; support to build livestock, renovate aquaculture ponds by favorable credit policies for agricultural and rural development.

+ Support the project area to stabilize the population and develop vocational trainings to restructure agricultural sector.

- In addition, many local authorities of Vietnam have received assistance from international sources, such as: United Nations, International Monetary Fund (IMF), World Bank (WB), United Nations Children's Fund (UNICEF), Oxfam, CARE International, German Development Cooperation to invest in building infrastructure for sustainable development in coastal areas./.