



TRENDS IN SOUTHEAST ASIA

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TIDES OF INSECURITY

Vietnam and the Growing Challenge from Non-traditional Maritime Threats

Phan Xuan Dung and To Minh Son

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FOREWORD

The economic, political, strategic and cultural dynamism in Southeast Asia has gained added relevance in recent years with the spectacular rise of giant economies in East and South Asia. This has drawn greater attention to the region and to the enhanced role it now plays in international relations and global economics.

The sustained effort made by Southeast Asian nations since 1967 towards a peaceful and gradual integration of their economies has had indubitable success, and perhaps as a consequence of this, most of these countries are undergoing deep political and social changes domestically and are constructing innovative solutions to meet new international challenges. Big Power tensions continue to be played out in the neighbourhood despite the tradition of neutrality exercised by the Association of Southeast Asian Nations (ASEAN).

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Tides of Insecurity: Vietnam and the Growing Challenge from Non-traditional Maritime Threats

By Phan Xuan Dung and To Minh Son

EXECUTIVE SUMMARY

- While the South China Sea dispute remains Vietnam's top security concern, the country also confronts a variety of growing non-traditional threats, such as illegal fishing, maritime violence, smuggling, ecological degradation and climate change.
- These issues adversely affect Vietnam's external relations, socio-economic development, marine ecosystems and political stability, while engendering and exacerbating regional tensions.
- In response, at the national level, Vietnam has focused on building a blue economy and strengthening its law enforcement capacity.
- At the international level, Vietnam has participated in a variety of bilateral and multilateral cooperative mechanisms. However, these efforts have been impeded by internal and external factors, such as corruption, inadequate capacity and lack of budget, as well as ASEAN's institutional limitations and sovereignty sensitivities.
- To better confront these multifaceted maritime issues, Vietnam will need to (1) formulate a comprehensive national strategy for maritime security; (2) streamline the overlapping responsibilities of maritime security agencies; (3) enhance its maritime domain awareness; (4) ensure proper policy and investment to improve climate resilience and coastal development; and (5) optimize its approach to multilateralism.

Tides of Insecurity: Vietnam and the Growing Challenge from Non-traditional Maritime Threats

By Phan Xuan Dung and To Minh Son¹

INTRODUCTION

Ho Chi Minh, Vietnam's national liberation hero, once said, "Land is the house, sea is the door. How can we protect the house without guarding the door?"² Throughout history, foreign powers cracked open "the door" to Vietnam through sea-borne attacks multiple times.³ As such, defending Vietnam's maritime space is of utmost importance, especially since Vietnam's land borders have been secured through the conclusion of border treaties with Laos (1977), Cambodia (1985) and China (1999).⁴

¹ Phan Xuan Dung is Research Officer in the Vietnam Studies Programme at ISEAS – Yusof Ishak Institute, Singapore. To Minh Son is Research Assistant at Nanyang Technological University, Singapore.

² *Hồ Chí Minh: Toàn Tập* [Ho Chi Minh: Full Volume], vol. 13 (National Political Publishing House, 2011), p. 311.

³ Chinese dynasties invaded Vietnam through the sea in the years 938, 1285, and 1287. French colonialization of Vietnam began with a seaborne attack on Da Nang in 1858. During the Vietnam War, from the Yankee Station Dixie Station in the South China Sea off Vietnam's coast, US aircraft carriers provided air support for American and South Vietnamese forces in fighting against North Vietnam.

⁴ Vietnam finished demarcating borders with China in 2009 and Laos in 2013, while the process is at 84 per cent completion and ongoing with Cambodia. "Vietnam, Laos Complete Border Demarcation", *Vietnam Plus*, 8 July 2013, <https://en.vietnamplus.vn/vietnam-laos-complete-border-demarcation/46747.vnp>; Ministry of Foreign Affairs of the People's Republic of China, "China, Vietnam Celebrate Completion of Land Border Demarcation", 23 February 2009, https://www.fmprc.gov.cn/mfa_eng/gjhdq_665435/2675_665437/2792_663578/2794_663582/200902/

Vietnam prioritizes the maritime frontier also for reasons beyond historical experience. It is a maritime nation with a coastline of 3,260 km and an exclusive economic zone (EEZ) of more than 1 million km²—three times the size of its land area. Many of Vietnam’s 3,000 islands and archipelagos are of economic, security and strategic significance. Half of the Vietnamese population resides in 28 coastal provinces, and 80 per cent live within 160 km of the coastline.⁵ Economically, Vietnam relies on the South China Sea, which encompasses vital arteries of international commerce through which an estimated one-third of global shipping passes. The South China Sea’s abundant marine resources, including oil reserves, gas, minerals, fisheries, and renewable energy, sustain Vietnam’s galloping economy. The marine economy and coastal cities account for nearly half of the country’s GDP.⁶

Vietnam is a South China Sea disputant and claims sovereignty over the entirety of the Paracel Islands (*Hoang Sa*) and the Spratly Islands (*Truong Sa*).⁷ There have been voluminous studies done on Vietnam’s perspective on this topic for two main reasons. First, Vietnamese strategists and leaders consider the South China Sea dispute their country’s most pressing national security threat, not least because of

t20090225_525283.html; “Vietnam, Cambodia Vow to Complete Border Demarcation, Border Marker Planting”, *Vietnamnet*, 8 November 2022, <https://vietnamnet.vn/en/vietnam-cambodia-vow-to-complete-border-demarcation-border-marker-planting-2078623.html>

⁵ Hải Vân Nguyễn Thị, “Bảo Đảm An Ninh Biển, Đảo Để Phát Triển Bền Vững Kinh Tế - Xã Hội Đất Nước” [Protecting the Sea and Islands to Promote Sustainable Socio-Economic Development for the Country], *Tạp Chí Công sản*, 29 July 2019, <https://www.tapchiconsan.org.vn/web/guest/an-ninh2/-/2018/495496/bao-dam-an-ninh-bien%2C-dao-de-phat-trien-ben-vung-kinh-te---xa-hoi-dat-nuoc.aspx>

⁶ Phạm Thu Hằng, “Phát triển kinh tế biển gắn với bảo vệ tài nguyên biển” [Developing the Marine Economy in Tandem with protecting Marine Resources], *Báo Nhân Dân điện tử*, 12 June 2022, <https://nhandan.vn/post-700960.html>

⁷ The Paracel Island disputes involve Vietnam, China, and Taiwan while the Spratly Islands disputes involve Vietnam, China, Taiwan, the Philippines, Malaysia, and Brunei. Southeast Asian claimants also reject China’s self-proclaimed nine-dash line demarcation line in the South China Sea.

China's recent militarization of disputed features and maritime coercion. Given Vietnam's power asymmetry, geographical proximity, and troubled history vis-à-vis China, leaders in Hanoi are wary of Beijing's intentions. Second, scholars and policymakers alike are interested in how small and medium-sized states like Vietnam cope with the intensifying great power competition in the Indo-Pacific, which manifests prominently in the highly contested South China Sea.

However, non-traditional security concerns have also been high on the Vietnamese leadership's agenda. Since the launch of economic liberalization under the *Doi Moi* (Renovation) policy in 1986 and the end of the Cold War in 1991, inter-state warfare has become a less immediate concern. Instead, maintaining high levels of socio-economic development and social stability is now the central task of the ruling Communist Party of Vietnam (CPV). As a result, non-military threats, including maritime issues that can derail Vietnam's growth trajectory or imperil the population's safety, have gained a place alongside traditional threats in the national security outlook.⁸

In the past decade, non-traditional maritime threats have gained salience in Vietnam's security discourse. Since the 11th National Congress in 2011, the CPV has incorporated the term "non-traditional security" in its official documents.⁹ Vietnam's 2019 Defense White Paper stresses that

⁸ Tiến Việt Trịnh, "Nhận Thức về an Ninh Phi Truyền Thống Theo Tinh Thần Đại Hội XIII Của Đảng và Những Vấn Đề Đặt Ra Đối Với Pháp Luật Hình Sự Việt Nam" [Perception of Non-Traditional Security at the 13th Party Congress and the Issues Posed to Vietnam's Criminal Law], *Tạp chí Công sản*, 2 May 2022, <https://www.tapchiconsan.org.vn/web/guest/nghien-cu/-/2018/824988/nhan-thuc-ve-an-ninh-phi-truyen-thong-theo-tinh-than-dai-hoi-xiii-cua-dang-va-nhung-van-de-dat-ra-doi-voi-phap-luat-hinh-su-viet-nam.aspx>

⁹ Government Portal, "Báo Cáo Chính Trị Của Ban Chấp Hành Trung Ương Đảng Khoá X Tại Đại Hội Đại Biểu Toàn Quốc Lần Thứ XI Của Đảng" [The Political Report of the Central Committee of the CPV at the 11th National Congress], 2011, <https://tulieuvankien.dangcongsan.vn/ban-chap-hanh-trung-uong-dang/dai-hoi-dang/lan-thu-xii/bao-cao-chinh-tri-cua-ban-chap-hanh-trung-uong-dang-khoa-xi-tai-dai-hoi-dai-bieu-toan-quooc-lan-thu-xii-cua-dang-1600>

Vietnam faces perpetual challenges from “terrorism, arms trafficking, drug trafficking, maritime piracy, transnational organized crime, illegal migration, environmental disasters, climate change, epidemics, natural disasters”.¹⁰ At an event celebrating World Oceans Day organized by the Vietnam People’s Army in June 2022, Prime Minister Pham Minh Chinh also noted that seas and oceans around the world had been facing unprecedented traditional and non-traditional security challenges such as piracy and smuggling, unilateral violations of international law, climate change, overexploitation of marine resources, degradation of marine ecosystems, and plastic pollution.¹¹

This paper provides an overview of the major non-traditional sea-borne threats from Vietnam’s perspective. Particularly, we look at two sets of maritime challenges: (1) transnational crimes, and (2) environmental decline and climate change. We also examine Vietnam’s responses to these challenges at the national and international levels. Finally, we discuss how Vietnam can better protect its maritime security as a responsible maritime nation.

NON-TRADITIONAL MARITIME SECURITY ISSUES

Transnational Maritime Crimes

While growing US-China tensions over the South China Sea dominate international headlines, the day-to-day contingencies confronting Southeast Asian maritime law enforcement authorities are usually not geopolitical. What has been underappreciated is that the South China Sea is also beset by a score of sea-borne illegal activities from non-state

¹⁰ Ministry of National Defense, *2019 Vietnam National Defense* (Hanoi: National Political Publishing House, 2019), p. 19.

¹¹ “Thủ tướng: Đại dương đang đứng trước nhiều thách thức chưa từng có” [Prime Minister: The Ocean Is Facing Many Unprecedented Challenges], *Tuoi Tre Online*, 29 June 2022, https://tuoitre.vn/news-202206_29000618308.htm

actors. For Vietnam, illegal fishing, piracy, and smuggling have become the top non-traditional maritime security issues.¹²

Illegal, Unreported, Unregulated Fishing

Illegal, unregulated and unreported (IUU) fishing is a major food and economic security threat in the South China Sea. IUU fishing refers to fishing activities that contravene regional, national or international law applied to fisheries.¹³ This includes, among other things, operating in waters under the jurisdiction of a state without that state's permission, using prohibited methods or gears, fishing in restricted zones, catching protected species, and neglecting reporting obligations.

Vietnam, the world's fourth largest seafood exporter, is both a victim and transgressor of IUU fishing. Annually, the country records a loss of US\$1.6 billion from IUU fishing, the second largest figure among ASEAN countries, after Indonesia (US\$3 billion).¹⁴ While the complete data on foreign vessels conducting IUU fishing in Vietnamese waters remains undisclosed,¹⁵ the authority has noted that most of them are Chinese, with

¹² Duc Anh Ton, "Vietnam's Maritime Security Challenges and Regional Defence and Security Cooperation", *Soundings Papers*, no. 14 (2018), https://www.navy.gov.au/sites/default/files/documents/CMDR_Anh_Duc_Ton_Vietnams_Maritime_Security_Challenges_0.pdf

¹³ The term was coined by the Food and Agriculture Organization (FAO) in 2001. For a comprehensive and detailed explanation, see Food and Agriculture Organization, "What Is IUU Fishing?", <https://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/> (accessed 4 August 2022).

¹⁴ Wen Chiat Lee and K. Kuperan Viswanathan, "Framework for Managing Illegal, Unreported and Unregulated Fishing in ASEAN", *Asian Fisheries Science* 33, no. 1 (31 March 2020), <https://doi.org/10.33997/j.afs.2020.33.1.008>

¹⁵ It was reported that there were around 4,000 foreign vessels engaged in IUU in Vietnamese waters in 2015. Except for this data, the authors could not find any available information on the number of IUU incidents in Vietnamese waters in recent years. See, "Ngăn Chặn Tàu Cá Nước Ngoài Đánh Bắt Trái Phép Trên Biển Việt Nam" [Preventing Foreign Vessels from Engaging in Illegal Fishing in Vietnamese Waters], *ANTV*, 25 February 2016, <http://www.antv.gov.vn/tin-tuc/xa-hoi/ngan-chan-tau-ca-nuoc-ngoai-danh-bat-trai-phet-tren-bien-viet-nam-183483.html>

an estimated 1,200 cases each year.¹⁶ This is not surprising. According to the 2021 IUU fishing index by the Geneva-based Global Initiative against Transnational Organized Crime, China is the worst IUU fishing perpetrator.¹⁷ China’s illegal fishing activities in Vietnamese waters are also linked to the South China Sea dispute. China is well known for deploying fishing fleets to contested waters to assert maritime claims at the expense of other coastal states, including Vietnam. Beijing argues that it has legitimate jurisdiction within the self-proclaimed nine-dash line or “historic waters”, which encompasses most of the South China Sea and overlaps with half of Vietnam’s EEZ. However, from the perspective of Vietnam, and of international law, China’s fishing activities within Vietnam’s recognized EEZ constitute an illegal act.

At the same time, Vietnam is also a notorious IUU fishing offender. According to the 2021 IUU fishing index, Vietnam ranks 15 out of 29 western Pacific countries with a score of 2.33 (5 being worst and 1 being best).¹⁸ This is already a significant improvement from the 2019 score of 3.16, which placed Vietnam as the fifth worst-performing country regionwide. Between 2010 and 2020, 1,340 Vietnamese vessels, along with 11,028 fishers, were arrested and penalized by foreign law enforcement agencies for illegal fishing.¹⁹ The types of IUU fishing committed by Vietnamese fishers include: (i) Vietnamese vessels poaching in the waters of neighbouring countries; (ii) lack of catch certification and traceability and insufficient regulation for document validation;

¹⁶ “Tàu cá ngoại xâm phạm trái phép phần lớn của TQ” [Illegally-Intruded Fishing Vessels Are Mostly Chinese], *Vietnamnet*, 25 September 2015, <https://vietnamnet.vn/tau-ca-ngoai-xam-pham-trai-phep-phan-lon-cua-tq-263939.html>

¹⁷ Global Initiative, “IUU Fishing Index 2021”, <https://globalinitiative.net/analysis/iuu-fishing-index-2021/> (accessed 7 September 2022).

¹⁸ “IUU Fishing Index”, <https://iuufishingindex.net/profile/vietnam> (accessed 4 August 2022).

¹⁹ Đỗ Thiện, “Xóa nạn đánh bắt cá trái phép - Bài 1: ‘Trộm cắp’ trên biển và những hiểm họa khôn lường” [Erasing Illegal Fishing – First Article: Robbery at Sea and Unforeseeable Dangers], *Báo Pháp Luật TP. Hồ Chí Minh*, 13 July 2022, <https://plo.vn/post-688808.html>

(iii) failure to comply with international regulations on the monitoring, control and surveillance (MCS) of fisheries and fleet management.²⁰ Vietnamese crews that engage in illegal fishing have also been found to commit other crimes, including forced and child labour.²¹ Vietnam's enduring IUU fishing issue is attributable to poor socioeconomic conditions, depletion of marine resources in local waters, weak state capacity, harmful state subsidies aimed at boosting offshore fishing and reinforcing sovereignty, and continuation of fishers' traditional practices.²² Moreover, Chinese vessels' frequent harassment has also driven Vietnamese fishing boats further away from their traditional fishing grounds.²³

These violations adversely affect Vietnam's foreign relations and marine environment. They have also stoked diplomatic tensions and further complicated maritime disputes with regional littoral states, notably Indonesia and Malaysia.²⁴ In 2017, the European Commission

²⁰ Phuong To and Robert Pomeroy, "Combating Illegal, Unreported and Unregulated (IUU) Fishing and Removing Yellow Card from European Commission (EC): Vietnam's Determined Actions", *Asian Fisheries Science* 2022, no. 35 (15 February 2022): 13–25, <https://doi.org/10.33997/j.afs.2022.35.1.002>

²¹ The Environmental Justice Foundation, "Illegal Fishing and Child Labour in Vietnam's Fishing Fleet", London, 2019, <https://ejfoundation.org/resources/downloads/ReportVietnamFishing.pdf>

²² Edyta Roszko, "Navigating Seas, Markets, and Sovereignties: Fishers and Occupational Slippage in the South China Sea", *Anthropological Quarterly* 94, no. 4 (2021): 639–68, <https://doi.org/10.1353/anq.2021.0046>; Anh Thu Nguyen Hoang, "What Vietnam Can Learn from Thailand's Fight against Illegal Fishing", *Lowy Institute*, 27 July 2022, <https://www.lowyinstitute.org/the-interpreter/what-vietnam-can-learn-thailand-s-fight-against-illegal-fishing>

²³ Viet Hung Nguyen Cao, "Vietnam's Struggles in the South China Sea: Challenges and Opportunities", *Center for International Maritime Security*, 21 September 2020, <https://cimsec.org/vietnams-struggles-in-the-south-china-sea-challenges-and-opportunities/>

²⁴ Toan Dao, "Illegal Fishing Heats Up Diplomatic Exchanges between Vietnam, Malaysia, and Indonesia", *SeafoodSource*, 14 May 2019, <https://www.seafoodsource.com/news/supply-trade/illegal-fishing-heats-up-diplomatic-exchanges-between-vietnam-malaysia-and-indonesia>

(EC) issued a yellow card²⁵ for Vietnamese seafood for failing to follow its regulation on preventing, deterring and eliminating IUU fishing activities. Vietnam's seafood industry has taken a hit as a consequence. A 2021 study by the Vietnam Association of Seafood Exporters and Producers estimates that from 2017 to 2019, Vietnam's seafood exports to the European Union (EU) decreased by 12 per cent (US\$183.5 million).²⁶ If Vietnam fails to remove the yellow card or goes on to receive a red card, the economic and reputational ramifications will be far worse.

IUU fishing also harms the environment in various ways. For example, overfishing, catching endangered species, or fishing using destructive gear and methods destabilize marine biodiversity and destroy marine ecosystems. Much of Vietnamese fishers' fishing practice involves the use of explosives and electricity, causing collateral damage or deaths to other aquatic animals and their young.²⁷ This creates a vicious cycle: the degradation and depletion of local fisheries compel Vietnamese vessels to venture out from local waters to remain profitable, which drives even more IUU fishing activities. Given these economic, diplomatic and environmental consequences, the Vietnamese government is determined to combat IUU fishing activities and have the yellow card status removed by the EC as soon as possible.

²⁵ Countries deemed not taking sufficient measures to comply with the EC's regulation on IUU fishing will be subject to yellow cards, i.e., official warnings. If these countries fail to improve, they will receive red cards, i.e., being banned from exporting seafood to the EU market. If these countries make sufficient reforms to improve their IUU problem, they will receive a green card, i.e., clearance of warnings.

²⁶ Vietnam Association of Seafood Exporters and Producers, "A Trade-Based Analysis of the Economic Impact of Non-Compliance with Illegal, Unreported and Unregulated (IUU) Fishing Regulations: The Case of Vietnam" (Washington, DC: World Bank, 2021), p. 45.

²⁷ Quốc Việt, "Muru sinh kiêu hủy diệt" [Making a Living by Destroying], *Tuoi Tre Online*, 9 August 2022, <https://tuoitre.vn/news-20220808233128932.htm>

Piracy and Armed Robbery

Vietnam has become increasingly reliant on shipping routes in the South China Sea for trade since *Doi Moi*. As such, Hanoi has a vested interest in preserving safe and open sea lines of communication in the South China Sea free from sea-borne violence, particularly piracy and armed robbery against ships (PRS). This issue has been a persistent problem for Southeast Asian coastal states since the end of the Cold War due to the South China Sea's vast maritime spaces and high shipping volume, inadequate regulations and insufficient enforcement, lack of inter-state cooperation, and poor socioeconomic conditions.²⁸ The nexus between piracy and terrorism is also a cause for concern. Terrorist groups operating in Southeast Asia have long been accused of engaging in piracy to fund their activities²⁹ and adopting pirate tactics of hijacking ships and hostage-taking,³⁰ jeopardizing maritime traffic in vital waterways.

Although maritime violence concentrates around the Singapore Strait, the Strait of Malacca, and the seas between Indonesia, Malaysia, and the Philippines, Vietnam also experiences its fair share of PRS incidents. Statistics provided by the International Chamber of Commerce's International Maritime Bureau (IMB) show that from 2001 to 2022, there were a total of 168 actual and attempted pirate attacks in Vietnamese waters (see Figure 1).³¹ These incidents mostly involve petty thefts targeting foreign ships entering, departing, or anchoring at

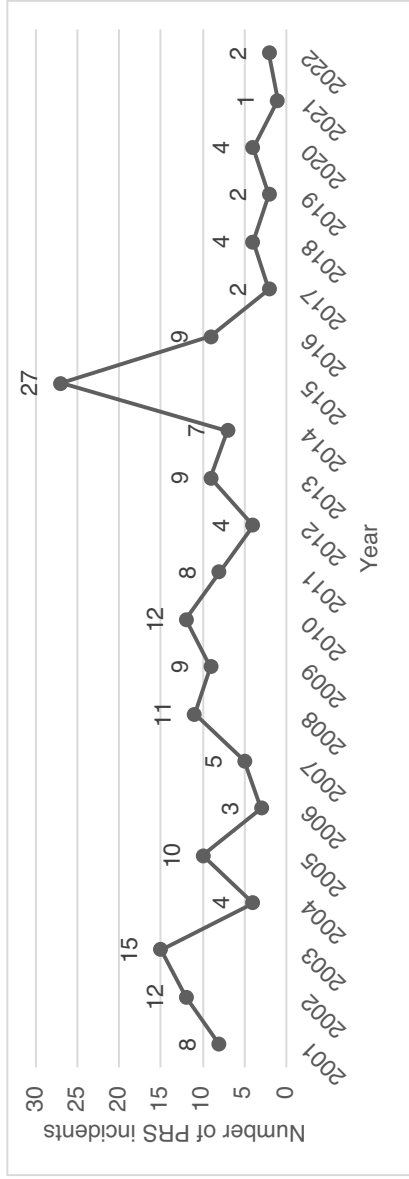
²⁸ Ian Storey, "Piracy and the Pandemic: Maritime Crime in Southeast Asia, 2020–22", *ISEAS Perspective*, no. 2022/76, 2 August 2022, <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2022-76-piracy-and-the-pandemic-maritime-crime-in-southeast-asia-2020-22-by-ian-storey/>

²⁹ Ian Storey, "Addressing the Persistent Problem of Piracy and Sea Robbery in Southeast Asia", *ISEAS Perspective*, no. 2016/30, 7 June 2016, p. 7.

³⁰ Adam J. Young and Mark J. Valencia, "Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility", *Contemporary Southeast Asia* 25, no. 2 (August 2003): 269–83, <https://doi.org/10.1355/CS25-2E>

³¹ Data from IMB, "ICC-IMB Piracy and Armed Robbery Against Ships - Annual Report 2004" (Kuala Lumpur: IMB Piracy Reporting Center, 2004); IMB, "ICC-IMB Piracy and Armed Robbery Against Ships - Annual Report 2008" (Kuala Lumpur: IMB Piracy Reporting Center, 2008); IMB, "ICC-IMB Piracy and

Figure 1: Number of PRS Incidents in Vietnamese Waters, 2001–21



Source: International Maritime Bureau.

Vietnamese ports, mostly in Quang Ninh, Hai Phong, and Ba Ria-Vung Tau provinces.³² Vietnamese ships have also been attacked by pirates in other countries' waters, leading to casualties and considerable economic losses. For example, in October 2014, pirates hijacked the Vietnam-flagged oil tanker Sunrise 689 shortly after it left Singapore, detaining eighteen sailors and stealing a third of the ship's oil load worth around US\$1.4 million.³³ Between November 2016 and March 2017, two Vietnamese ships were also attacked by pirates in the Sulu-Celebes Sea and Sabah Sea, leading to the death of two sailors and the detention of eleven others.³⁴

The number of PRS incidents in the region, including Vietnam, experienced a sharp rise between 2014 and 2015. This was attributed to the decrease in fuel prices and oil demand, which resulted in oil tankers anchoring in areas where they were more likely to be targeted by pirates.³⁵ Since then, the number of PRS incidents in Southeast Asia

Armed Robbery Against Ships – Annual Report 2012” (Kuala Lumpur: IMB Piracy Reporting Center, 2012); IMB, “ICC-IMB Piracy and Armed Robbery Against Ships – Annual Report 2017” (Kuala Lumpur: IMB Piracy Reporting Center, 2017); IMB, “ICC-IMB Piracy and Armed Robbery Against Ships – Annual Report 2021” (Kuala Lumpur: IMB Piracy Reporting Center, 2021).

³² Thanh Hoa, “Bộ Tư lệnh Cảnh sát biển khuyến cáo về tình trạng cướp biển” [The Coast Guard Command Warns about the State of Piracy], *Báo Công an Thành Phố Hồ Chí Minh*, 28 October 2021, https://congan.com.vn/tin-chinh/bo-tu-lenh-can-sat-bien-khuyen-cao-ve-tinh-trang-cuop-bien_122273.html

³³ “Vietnamese Oil Tanker Sunrise Confirmed to Be Hijacked”, *Vietnamnet*, 26 October 2014, <https://vietnamnet.vn/en/vietnamese-oil-tanker-sunrise-confirmed-to-be-hijacked-E114955.html>

³⁴ Đăng Sơn, “Tàu Biển Việt Nam Chống Cướp Biển Tán Công Khi Ra Hải Phận Quốc Tế” [Vietnamese Ships Combat Pirate Attacks in International Waters], *Thông Tấn Xã Việt Nam*, 16 March 2017, <https://baotintuc.vn/thoi-su/tau-bien-viet-nam-chong-cuop-bien-tan-cong-khi-ra-hai-phan-quoc-te-20170316140905464.htm>

³⁵ Sam Bateman, “Impact of Lower Oil Prices: Increased Piracy in Regional Waters”, *RSIS Commentary*, 15 April 2015, <https://www.rsis.edu.sg/rsis-publication/idss/co15092-impact-of-lower-oil-prices-increased-piracy-in-regional-waters/>

has substantially declined due to the implementation of counter-piracy measures such as improved security in ports and anchorages, as well as effective multilateral and unilateral initiatives to combat maritime crimes.³⁶ Despite the economic impacts of the COVID-19 pandemic, there has not been an increase in piracy-related incidents. In 2021 and 2022, Vietnam only reported one and two incidents, respectively.

Smuggling

Vietnam's long coastline and dependence on sea-borne trade make it particularly prone to maritime smuggling. Smuggling often occurs in the waters off Vietnam's northeast, central and southwestern provinces, on international sea lanes from Africa, Oceania, Taiwan, and Hong Kong to Vietnam.³⁷ Illegal goods brought into the country range from drugs, firecrackers, cigarettes, food, medicines, electronics and electric appliances, to fuel and coal.

Fuel is the most smuggled product, often illegally sold and bought in Vietnamese waters bordering Indonesia, Malaysia, Thailand and Cambodia.³⁸ Vietnamese smugglers would disguise their vessels as fishing boats, which then bring smuggled oil into the country for consumption or sale. Since illegally traded oil from neighbouring countries costs only two-thirds of oil sold onshore,³⁹ fuel smugglers stand to gain huge profits from unfair competition—a primary driver of such crimes. Meanwhile, legitimate oil businesses struggle to sell their market-price products. In Kien Giang Province alone, the sale of smuggled fuel causes a loss of

³⁶ Storey, "Piracy and the Pandemic".

³⁷ Lưu Hiệp, "Buôn lậu trên biển vẫn diễn biến phức tạp" [Smuggling at Sea Is Still Occuring Unpredictably], *Báo Công an Nhân dân điện tử*, 11 December 2021, <https://cand.com.vn/Thi-truong/buon-lau-tren-bien-van-dien-bien-phuc-tap-i634543/>

³⁸ "Fuel Smuggling on the Rise in Vietnamese Waters", Vietnam News, 12 June 2017, <https://vietnamnews.vn/society/378085/fuel-smuggling-on-the-rise-in-vietnamese-waters.html>

³⁹ Ibid.

VND1,200 billion (US\$52.1 million) in tax revenue annually.⁴⁰ Due to rising oil prices since early 2022, fuel smuggling into Vietnam has seen an upward trend.⁴¹

Smugglers resort to various tactics to evade Vietnamese law enforcement agencies. First, they normally operate at night or during adverse weather conditions to minimize the risk of being spotted. Second, they anchor ships near maritime demarcation lines to easily escape from Vietnam's jurisdiction if pursued by law enforcement vessels. Third, smugglers increasingly deploy sophisticated methods such as propping up legal entities as a front to legitimize transactions and goods transportation, erasing or rotating invoices, changing vessels' registration numbers, declaring false information, and installing high-tech devices to detect law enforcement vessels.⁴²

Vietnamese authorities are also on high alert for narcotics trafficking at sea, as maritime routes in the South China Sea and Southeast Asia have been exploited for this purpose. This problem is driven by the expansion of regional and international drug trade networks, the diversity and ease of maritime shipping, and the massive profits from selling and transporting drugs.⁴³ Drug trade often takes place on sea lanes passing through Nam Dinh, Nghe An, Da Nang, Ba Ria – Vung Tau, An Giang, Kien Giang, and Ca Mau provinces. Maritime drug trade from and to Vietnam has soared in the past two years during the COVID-19 pandemic, when air

⁴⁰ Phạm Tuyên, “Buôn lậu xăng dầu trên biển lợi nhuận như buôn ma túy?” [Fuel Smuggling Is as Profitable as Drug Smuggling?], *Petrolimex* 14 (2014), <https://www.petrolimex.com.vn/nd/bao-chi-viet-ve-petrolimex-va-xang-dau/buon-lau-xang-dau-tren-bien-loi-nhuan-nhu-buon-ma-tuy.html>

⁴¹ Trang Anh, “Gian nan phòng chống buôn lậu xăng dầu trên biển” [Difficulties in Preventing Oil and Gas Smuggling at Sea], *Báo Công Thương*, 19 June 2022, sec. Quản lý thị trường, <https://congthuong.vn/gian-nan-phong-chong-buon-lau-xang-dau-tren-bien-180732.html>

⁴² *Ibid.*

⁴³ Nụ Bùi, “Gia tăng tội phạm ma túy trên tuyến biển” [Increase in Drug Crimes in Sea Routes], *Hải quan Online*, 14 March 2021, <https://haiquanonline.com.vn/gia-tang-toi-pham-ma-tuy-tren-tuyen-bien-142382.html>

travel was disrupted and border travel was tightly controlled. In 2021, the anti-drug force of the Vietnam Coast Guard (VCG) worked with relevant authorities to prosecute 223 cases and arrest 297 individuals on drug trafficking charges.⁴⁴

Vietnamese maritime security authorities have been struggling to clamp down on smuggling, given their limited capacity to patrol the vast maritime domain and deal with criminals' evolving tactics. Like fuel smugglers, drug traffickers have also become adept at concealing their operations. For example, exploiting authorities' inability to inspect all goods, they mix and pack narcotics into uninspected goods to be shipped to other countries.⁴⁵ Drug traffickers sometimes attach tracking devices to drug packages and drop them into the ocean to be collected by others. In 2019 and 2020, Vietnamese fishers found hundreds of kilos of synthetic drugs floating in the water.⁴⁶

ENVIRONMENTAL DECLINE AND CLIMATE CHANGE IN THE SOUTH CHINA SEA

The South China Sea has long witnessed an environmental decline due to overexploitation and state inaction. Transboundary ecological problems in the South China Sea began in the 1990s, triggered by population growth, rapid urbanization in coastal cities, unsustainable development, and growing consumption of marine resources from oil to fish in Southeast Asia.⁴⁷

⁴⁴ Hoang Giang, "Drug Crimes at Sea Occur Unpredictably", *Tieng Chuong*, 16 February 2022, <https://tiengchuong.chinhphu.vn/toi-pham-ma-tuy-tren-tuyen-bien-dien-bien-phuc-tap-113220216113143006.htm>

⁴⁵ "Fighting against Drug Crimes on Sea—A Difficult Job", *Vietnam News*, 30 June 2021, <https://vietnamnews.vn/opinion/982706/fighting-against-drug-crimes-on-sea-a-difficult-job.html>

⁴⁶ *Ibid.*

⁴⁷ David Rosenberg, "Environmental Pollution around the South China Sea: Developing a Regional Response", *Contemporary Southeast Asia* 21, no. 1 (1999): 119–45.

With a large number of fishing vessels and continued fishing subsidies by littoral states, the South China Sea fisheries have been overexploited. Wildlife poaching and island-building activities, most significantly by China, have reduced coral reefs and marine habitats in the region, with some reefs recording no growth in the past decade.⁴⁸ Satellite imagery in 2015 puts reef habitat loss at 1,400 hectares in the Spratly Islands.⁴⁹ Without healthy submarine ecosystems contributing to the ocean flows and hydrological cycles, oceans get warmer and more acidic, which reduces their efficiency as the primary carbon and heat sinks for the global climate.⁵⁰

Unsustainable inland and coastal practices in Southeast Asia further exacerbate these problems. Millions of tons of plastics dumped into rivers in the region flow to the South China Sea, a phenomenon still under-researched due to the political enmity between regional states.⁵¹ A highly cited 2015 report puts six South China Sea littoral states—China, Indonesia, the Philippines, Vietnam, Thailand, and Malaysia—into the top ten contributors to global marine plastics.⁵² In coastal areas, the ASEAN Centre of Biodiversity (ACB) reports a loss of 33 per cent, or 63,000m², of regional mangrove forests between 1980 and 2020, further

⁴⁸ Eric Wolanski, Severine Choukroun, and Nguyen Huu Nhan, “Island Building and Overfishing in the Spratly Islands Archipelago Are Predicted to Decrease Larval Flow and Impact the Whole System”, *Estuarine, Coastal and Shelf Science* 233 (5 February 2020): 106545, <https://doi.org/10.1016/j.ecss.2019.106545>

⁴⁹ Elizabeth M.P. Madin, “Halt Reef Destruction in South China Sea”, *Nature* 524 (2015): 291.

⁵⁰ World Bank, “What You Need to Know About Oceans and Climate Change”, 8 February 2022, <https://www.worldbank.org/en/news/feature/2022/02/08/what-you-need-to-know-about-oceans-and-climate-change>

⁵¹ P.T. Harris et al., “Taking a Mass-Balance Approach to Assess Marine Plastics in the South China Sea”, *Marine Pollution Bulletin* 171 (1 October 2021): 112708

⁵² Jenna R. Jambeck et al., “Plastic Waste Inputs from Land into the Ocean”, *Science* 347, no. 6223 (13 February 2015): 768–71, <https://doi.org/10.1126/science.1260352>

reducing marine and coastal habitats in Southeast Asia.⁵³ Mangroves and wetlands in Southeast Asia play a vital role in coastal and marine ecosystems. They provide habitats for diverse arrays of animals, store carbons in their soils, prevent coastal erosion, salination and floods, and mitigate storm damage. With these environmental problems largely unresolved, Southeast Asia is currently one of the regions most affected by climate change, at risk of losing vast settlements and lands to rising sea levels.⁵⁴

These effects of overexploitation, environmental degradation and climate change are acutely felt in Vietnam, given its elongated territory and extensive coastline. Vietnam has been identified as one of the top ten countries most affected by climate change, with sweeping impacts on food, energy, environmental and economic security.⁵⁵ Fish harvests in Vietnam continue to rise despite the rapidly declining fish stocks, which had seen a 22.1 per cent decrease from the period 2000–5 to the period 2016–20.⁵⁶ On top of overexploitation, there have been more than 100 oil spills in Vietnam’s 28 coastal provinces in the last decade, and an annual 14 million tons of solid household waste is dumped into the sea. Every year, Vietnam loses 15,000 hectares of mangroves and around

⁵³ Khorn Savi, “ASEAN Loses a Third of Mangroves in Last 40 Years”, *Jakarta Post*, 29 July 2020, <https://www.thejakartapost.com/seasia/2020/07/29/asean-loses-a-third-of-mangroves-in-last-40-years.html>

⁵⁴ Cheryl Tan, “South-East Asia among Regions Hardest Hit by Climate Change, Must Prioritise Adaptation: IPCC”, *Straits Times*, 28 February 2022, <https://www.straitstimes.com/singapore/south-east-asia-among-regions-hardest-hit-by-climate-change-must-prioritise-adaptation-ipcc?login=true&close=true>

⁵⁵ Amit Prakash, “The Impact of Climate Change in Southeast Asia”, *International Monetary Fund*, September 2018, <https://www.imf.org/en/Publications/fandd/issues/2018/09/southeast-asia-climate-change-and-greenhouse-gas-emissions-prakash>

⁵⁶ Chí Tuệ, “Hải sản cạn kiệt dần: ‘Bảo tồn để đảm bảo sinh kế cho ngư dân’” [Seafood Gradually Dries Out: ‘Preserve to Ensure Fishermen’s Livelihoods’], *Tuoi Tre Online*, 25 December 2021, <https://tuoitre.vn/news-20211225142818711.htm>

80 per cent of its coral reefs are at risk.⁵⁷ The concurrent problems of overexploitation and environmental degradation threaten the tourism and fishing industries, which accounted for nearly half the GDP generated by Vietnam’s marine economic sectors and which created over 3 million jobs in 2019.⁵⁸ As of 2022, only 1 per cent of Vietnam’s coral reefs are in a healthy state, leading to an estimated annual economic cost of US\$27.8 million to US\$31.72 million due to the loss of potential aquaculture, fisheries and tourism activities.⁵⁹

The above problems also generate serious demographic and social implications. Rising sea levels threaten to erase the country’s vulnerable low-lying coastal and river delta regions. Tang The Cuong, Director of the Department of Climate Change at the Vietnamese Ministry of Natural Resources and Environment, projects that if the sea level rises an additional 100 cm by 2100, floods will destroy 6.3 per cent of Vietnam’s land, 4 per cent of its railway, 9 per cent of its highways, and 12 per cent of its provincial road systems, with the worst affected being the coastal areas in Central and Southern Vietnam. In particular, Vietnam’s economic capital, Ho Chi Minh City, may see 20 per cent of its landmass flooded.⁶⁰

⁵⁷ “Môi trường biển Việt Nam – Thách thức và giải pháp” [Vietnam’s Marine Environment: Challenges and Solutions], *VietnamPlus*, 27 November 2019, <https://special.vietnamplus.vn/2019/11/27/moi-truong-bien-viet-nam/>

⁵⁸ UNDP, *Blue Economy Scenarios for Viet Nam* (Hanoi: Youth Publishing House, 2022), pp. 10–11, <https://www.undp.org/vietnam/publications/blue-economy-scenarios-viet-nam>

⁵⁹ Sen Nguyen, “Can Vietnam Act Fast Enough to Save Its Corals from a Watery Grave?”, *South China Morning Post*, 24 July 2022, <https://www.scmp.com/week-asia/health-environment/article/3186177/vietnams-coral-grave-nha-trang-bay-wake-call-climate>; The estimated loss can be found in the foregoing study, Quach Thi Khanh Ngoc, “Assessing the Value of Coral Reefs in the Face of Climate Change: The Evidence from Nha Trang Bay, Vietnam”, *Ecosystem Services* 35 (1 February 2019): 99–108, <https://doi.org/10.1016/j.ecoser.2018.11.008>

⁶⁰ “Biến đổi khí hậu đang trở thành thách thức an ninh” [Climate Change Is Transforming into a Security Challenge], *Báo chính phủ*, 23 March 2021, <https://baochinhphu.vn/bien-doi-khi-hau-dang-tro-thanh-thach-thuc-an-ninh-102289549.htm>

This Southern metropolis is also one of the most rapidly sinking cities in the world, with an annual sinking rate of 16.2mm.⁶¹

Likewise, the Mekong Delta—Vietnam’s rice basket—will see millions of land hectares and people endangered by inland flooding and rising ocean tides.⁶² The economic precarity from loss of crops and land to saline intrusion and increased flooding have also contributed to outmigration from the Mekong Delta, leading to its population decline in 2019 and 2020.⁶³ Without drastic measures from the government, a possible 6 to 12 million Vietnamese will be affected by coastal flooding by 2070–2100, and 3 to 9 million people will be affected by fluvial flooding by 2035–2044.⁶⁴ Environmental migration in Vietnam is poised to become more visible in the future should no changes be made in its environmental and marine management.

Despite their presumably apolitical character, environmental degradation and overexploitation loom large over Vietnam’s socio-political stability. The inundation of Vietnam’s coastal lowlands due to sea-level rise will cause unprecedented large-scale displacement, socio-economic crises, and infrastructure failures. Environmental migration is already occurring in Vietnam, most notably in the Mekong Delta, which foretells a future of food insecurity and increased socio-political stress in

⁶¹ Cheryl Tay et al., “Sea-Level Rise from Land Subsidence in Major Coastal Cities”, *Nature Sustainability*, 12 September 2022, pp. 1–9, <https://doi.org/10.1038/s41893-022-00947-z>

⁶² James Borton, “At COP26, Vietnam Must Stress Peril of Rising Sea Levels”, *Asia Times*, 25 October 2021, <https://asiatimes.com/2021/10/at-cop26-vietnam-must-stress-peril-of-rising-sea-levels/>

⁶³ Cuu Long, “Natural Disasters Cause People to Flee Mekong Delta”, *VnExpress International*, 14 December 2020, <https://e.vnexpress.net/news/news/natural-disasters-cause-people-to-flee-mekong-delta-4206479.html>

⁶⁴ World Bank Group and Asian Development Bank, “Climate Risk Country Profile: Vietnam”, 24 September 2021, <https://doi.org/10.1596/36367>

the destination cities.⁶⁵ This affects not only rural coastal areas of Vietnam but also its urban metropolis, such as the flood-prone Ho Chi Minh City. High-skilled urban residents in these cities are more likely to consider environmental quality as a reason for resettling, thereby contributing to brain drain.⁶⁶ Ecological disasters could also incite environmentalism-based protests, a serious political threat to the CPV's legitimacy in recent years.⁶⁷

These issues can even compromise Vietnam's traditional security. Environmentally induced resource scarcity could escalate IUU fishing and the risks of fisheries conflicts⁶⁸ among the littoral states of Southeast Asia. Sea-level rise also has legal and geopolitical ramifications in the South China Sea, as it alters the maritime boundaries⁶⁹ and the habitability of both natural⁷⁰ and artificial islands.⁷¹ Without proportionate responses,

⁶⁵ Alex Chapman and Van Dang Tri Pham, "Climate Change Is Triggering a Migrant Crisis in Vietnam", *The Conversation*, 9 January 2018, <https://theconversation.com/climate-change-is-triggering-a-migrant-crisis-in-vietnam-88791>

⁶⁶ Quy Van Khuc et al., "Brain Drain out of the Blue: Pollution-Induced Migration in Vietnam", *International Journal of Environmental Research and Public Health* 19, no. 6 (18 March 2022): 3645, <https://doi.org/10.3390/ijerph19063645>

⁶⁷ David Hutt, "Vietnam's Ecological Leninism", *The Diplomat*, 14 July 2022, <https://thediplomat.com/2022/07/vietnams-ecological-leninism/>

⁶⁸ Elizabeth Mendenhall et al., "Climate Change Increases the Risk of Fisheries Conflict", *Marine Policy* 117 (1 July 2020): 103954, <https://doi.org/10.1016/j.marpol.2020.103954>

⁶⁹ Wilson da Silva, "Is Climate Change Disrupting Maritime Boundaries", University of Sydney, 12 September 2022, <https://www.sydney.edu.au/news-opinion/news/2022/09/12/-is-climate-change-disrupting-maritime-boundaries-.html>

⁷⁰ Joe Haver, "China Reclaims Land, Fortifies Coast of South China Sea Base to Prevent Erosion", *Radio Free Asia*, 21 January 2021, <https://www.rfa.org/english/news/china/southchinasea-woody-01212021155023.html>

⁷¹ Stuart Kaye, "The Law of the Sea Convention and Sea Level Rise after the South China Sea Arbitration", *International Law Studies* 93 (2017): 423–45.

these apolitical problems can intensify political contentions and undermine stability in Vietnam and across Southeast Asia.

VIETNAM’S RESPONSES TO NON-TRADITIONAL MARITIME SECURITY ISSUES

This section examines Vietnam’s response to compounding challenges posed by non-traditional maritime security issues. At the national level, Vietnam has been promoting a blue economy while strengthening its law enforcement capacity to combat illegal and harmful practices at sea. At the international level, Vietnam participates in diverse and extensive bilateral and multilateral cooperative mechanisms that address its most pressing maritime challenges.

National Responses

Building a Blue Economy

The blue economy concept refers to a marine-based economic development model that “leads to improved human well-being and social equity, while simultaneously reducing environmental risks and ecological scarcities.”⁷² In other words, the blue economy approach requires that coastal states consider the health of oceans and seas, climate change adaptation, and social inclusiveness in pursuing economic growth. Recently, United Nations Development Programme (UNDP) experts and the Vietnam Administration of Seas and Islands under the Ministry of Natural Resources and Environment collaborated to produce *Blue Economy Scenarios for Viet Nam*, which was launched to great fanfare in May 2022.⁷³ The report identifies six sectors where achieving balanced goals is of utmost importance. These are fisheries, renewable energy,

⁷² *Blue Economy Scenarios for Viet Nam*.

⁷³ *Ibid*.

oil and gas, tourism, transport, environment and ecosystem. Policy recommendations outlined in the report aim to advance the attainment of the United Nations' Sustainable Development Goals (SDG), including SDG14, on the conservation and sustainable use of the oceans, seas, and marine resources.

While the concept is relatively new in Vietnam's policy lexicon, policymakers have long steered the country in this direction. In 2015, the National Assembly passed the Law on Marine and Islands Resources and Environment to establish a comprehensive blueprint for protecting coastal zones from climate change, sea-level rise, and harmful human practices.⁷⁴ The law aimed to improve the existing legal system on integrated management and exploitation of marine resources.

A key national policy document that undergirds Vietnam's blue economy ambitions is the "Strategy for Sustainable Development of Vietnam's Marine Economy to 2030, with a vision towards 2045", also known as Resolution 36-NQ/TW. Issued in 2018, it sets the goal for Vietnam to become a strong and wealthy sea-based nation.⁷⁵ This entails developing a sustainable marine economy while ensuring national defence and security, strengthening international cooperation on maritime issues, and fostering a peaceful and stable environment. According to the strategy, by 2030, Vietnam will have surveyed at least 50 per cent of its waters for marine resources and established an online database on the sea and islands. In addition, coastal provinces and cities will have their hazardous and domestic solid wastes collected and treated according to

⁷⁴ "Law No. 82/2015/QH13 Dated June 25, 2015 of the National Assembly on Marine and Island Resources and Environment", *LuatVietnam*, 2015, <https://english.luatvietnam.vn/law-no-82-2015-qh13-dated-june-25-2015-of-the-national-assembly-on-marine-and-island-resources-and-environment-96366-doc1.html>

⁷⁵ "Party's Resolution on Strategy for Sustainable Development of Marine Economy", *Bao Chinh Phu*, 30 January 2019, <https://en.baochinhphu.vn/partys-resolution-on-strategy-for-sustainable-development-of-marine-economy-11134345.htm>

international standards. The strategy also envisions Vietnam as a regional exemplar in reducing ocean plastic pollution.

Similar guidelines could also be found in Decision 450/QĐ-TTg on “Approving National Environmental Protection Strategy Until 2030 with Vision Until 2050”, issued in April 2022.⁷⁶ The document stresses the need for more substantial sea and island environmental pollution control and waste management in coastal areas through investment in modern infrastructure and equipment. It also calls for active participation in negotiating and implementing international agreements on environmental protection, especially those related to climate change, biodiversity and marine plastic pollution.

Revamping national fisheries practices and governance, especially in light of the country’s IUU fishing problem, has become critical for the whole political system. After being yellow-carded by the EC in 2017, Vietnam issued Directive no. 45/CT-TTg dated 13 December 2017 on urgent tasks and measures to respond to the EC’s warning. Since then, following the EC’s recommendations, the government has issued various directives and executive documents on IUU fishing.⁷⁷ The National Assembly adopted the revised Fisheries Law in 2017,

⁷⁶ “Decision 450/QĐ-TTg: Approving National Environment Protection Strategy Until 2030 and Vision until 2050”, *Thu Vien Phap Luat*, 2022, <https://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Decision-450-QD-TTg-2022-Approving-national-environmental-protection-strategy-until-2030-510740.aspx>

⁷⁷ These include official letters from the Secretariat of the Vietnam 220 Communist Party, 11 directives and official letters from the Prime Minister, and 4 executive documents from the National Steering Committee IUU prevention. In addition, the Ministry of Agriculture and Rural Development has launched 100 guiding documents for these urgent issues. The central government has formulated, finalised and promulgated, including a fisheries law, two decrees and 10 guiding circulars and legal documents related to IUU fishing. See, To and Pomeroy, “Combating Illegal, Unreported and Unregulated (IUU) Fishing and Removing Yellow Card From European Commission (EC)”, p. 16.

which introduced the installation of vessel monitoring systems (VMS) on fishing boats, preservation zones, a database to track vessels, harsh penalties for violations, and a ban on harmful fishing methods. To aid the implementation of these new regulations and legal frameworks, Vietnam launched a nationwide awareness campaign that includes seminars, conferences and training courses to ensure a correct understanding of these new regulations by law enforcement forces and fishers.

Notwithstanding these efforts, Vietnamese fishing vessels' intrusion into foreign waters persists, recording an increase in the first six months of 2022 compared to the same period in 2021.⁷⁸ Vietnamese authorities struggle to prevent IUU fishing partly because the country's installation of VMS equipment on fishing vessels is still lagging. As of July 2022, only four out of 28 coastal provinces had completed the installation of VMS on vessels with a length of 15 metres or more.⁷⁹

In addition, Vietnam's ambitious blue economy goals have been hamstrung by two key challenges. First, the ongoing South China Sea disputes have constrained Vietnam's efforts to thoroughly survey its waters and take advantage of the available marine resources. Particularly, Chinese flotillas' repeated harassment and incursions have caused difficulties for Vietnam's fishing activities and its efforts to jointly explore hydrocarbon with other countries in its own EEZ. Second, as a developing country with a relatively low per capita GDP (US\$3,586 in 2022), Vietnam faces financial and human resources constraints, as well as limited marine science and technology capacity.⁸⁰

⁷⁸ Trần Hằng, “Tăng cường kiểm tra, xử lý tàu cá khai thác hải sản vi phạm” [Strengthen Inspection and Handling of Illegal Fishing Vessels], *Báo Công an Nhân dân điện tử*, 2 September 2022, <https://cand.com.vn/kinh-te/tang-cuong-kiem-tra-xu-ly-tau-ca-khai-thac-hai-san-vi-pham-i666169/>

⁷⁹ “IUU Fight: Four Provinces Complete Installation of VMS on Eligible Fishing Boats”, *VietnamPlus*, 30 July 2022, <https://en.vietnamplus.vn/iuu-fight-four-provinces-complete-installation-of-vms-on-eligible-fishing-boats/234672.vnp>

⁸⁰ *Blue Economy Scenarios for Viet Nam*, pp. 100–1.

Strengthening Law Enforcement Capacity

There are six Vietnamese agencies with the authority to respond to non-traditional maritime issues: (1) Vietnam Coast Guard (VCG), (2) Vietnam People’s Navy (VPN), (3) Vietnam Border Defence Force (VBDF), (4) Vietnam’s maritime militia, (5) Vietnam Fisheries Resources Surveillance (VFRS), and (6) Vietnam Maritime Search and Rescue Coordination Center (MRCC). The VCG is the main instrument for Vietnam to deal with illicit activities within its maritime jurisdiction. Since 2010, in the face of China’s growing grey-zone tactics in the South China Sea and non-traditional maritime security issues, Vietnam has sought to modernize and allocate more resources to the VCG.⁸¹ In 2014, the government issued Decision 2048/QĐ-TTg on “Building the Coast Guard Force Towards 2020 and Beyond” with the goal of transforming the VCG into a modern, elite, streamlined, well-equipped force. This goal has been extended towards 2030, focusing on English proficiency and skills to master advanced technologies in the next five years.⁸² This will aid the VCG’s exchanges and joint exercises with foreign law enforcement forces.

In 2018, the National Assembly passed the Vietnam Coast Guard Law that came into effect in 2019. Accordingly, the VCG has three core responsibilities.⁸³ First, the VCG is responsible for protecting Vietnamese citizens’ lives and safety at sea. Second, it plays a pivotal role in preserving and maintaining Vietnam’s maritime sovereignty and rights. To this end, the VCG is allowed to open fire to warn ships that

⁸¹ The Phuong Nguyen, “The Vietnamese Coast Guard: Missions and Prospects in the New Era”, *KIMS Policy Report Series* (Korea Institute for Maritime Strategy, 2022), p. 8, https://drive.google.com/file/d/1m7jtl6ldcKMZT64dzzZP3k2nA76XYZK6/view?usp=sharing&usp=embed_facebook

⁸² Linh Pham, “Vietnam to Reinforce Coast Guard from Now to 2030”, *VietNamNet News*, 1 August 2021, <https://vietnamnet.vn/en/vietnam-to-reinforce-coast-guard-from-now-to-2030-704004.html>

⁸³ Nguyen, “The Vietnamese Coast Guard: Missions and Prospects in the New Era”, pp. 19–20.

engage in illegal activities, such as carrying illicit goods or drugs or engaging in piracy and armed robbery. Finally, the VCG is obligated to undertake measures to protect the marine environment from pollution, ecological decline, and illegal harvesting of marine resources.

Certain specialized tasks of the other five agencies overlap with the VCG's. While the VPN's primary responsibilities lie in traditional security and national defence, like most navies in the world, the VPN also assumes a policing role as its secondary function. Thus, protecting the marine environment and resources from illegal exploitation is within the VPN's purview. The VBDF's central role is to protect land borders, but the force also conducts patrols in coastal areas and territorial waters, thereby detecting and preventing sea-borne smuggling. The VBDF also educates fishers and stops them from conducting illegal fishing activities.⁸⁴ Vietnam's maritime militia is a paramilitary force comprising local fishers who receive training and allowances from the government to be conscripted to defend coastal areas and Vietnamese territorial waters. Vietnam has been expanding its maritime militia to counter China's assertiveness and address the IUU fishing problem by deterring foreign vessels from violating Vietnamese waters.⁸⁵ The VFERS is another agency in charge of combatting IUU fishing in Vietnam. Established in 2014, it conducts patrol, inspection and fisheries monitoring in critical maritime areas while advising relevant government agencies on solutions to reduce and eventually end IUU fishing practices. It cooperates with the VCG and VPN to prevent Vietnamese and foreign vessels from engaging in IUU fishing activities. Finally, the MRCC under the Ministry of

⁸⁴ "Vietnam's Border Guards Take Tougher Actions against IUU Fishing", *VietnamPlus*, 16 October 2021, <https://en.vietnamplus.vn/vietnams-border-guards-take-tougher-actions-against-iuu-fishing/209852.vnp>

⁸⁵ The Phuong Nguyen, "Vietnam's Maritime Militia Is Not a Black Hole in the South China Sea", *Asia Maritime Transparency Initiative*, 22 May 2020, <https://amti.csis.org/vietnams-maritime-militia-is-not-a-black-hole-in-the-south-china-sea/>; Khac Giang Nguyen, "The Vietnamese Maritime Militia: Myth and Realities", *IDSS Paper*, 21 July 2022, <https://www.rsis.edu.sg/wp-content/uploads/2022/07/IP22040-Nguyen-masthead-final.pdf>

Transport coordinates search and rescue activities in Vietnamese waters. When requested, it works with other forces to ensure maritime safety and security, and contributes to the protection of Vietnam's maritime sovereignty and environment.⁸⁶

Nguyen The Phuong observes two challenges to Vietnam's maritime law enforcement efforts.⁸⁷ First, there is a lack of comprehensive coordination among the maritime security services, which operate with their own command and control structures and under different lines of communication. Second, budget constraint is a perennial obstacle to the modernization of the VCG and VPN.

But there is another, more problematic hindrance: endemic corruption. There have been several high-profile corruption cases involving maritime law enforcement officers. In July 2022, 14 high-ranking officials from the VCG and VBDF were put on trial for taking bribes to help smuggle 200 million litres of RON 95 petrol worth around VND2.8 trillion (US\$130 million) into Vietnam.⁸⁸ Before that, in April 2022, five generals and two other senior officers in the VCG were arrested on embezzlement charges.⁸⁹ Corruption is an obstacle to Vietnam's efforts to build more capable and professional maritime security forces as it takes away resources for modernization efforts, decays officers' morale, and weakens combat readiness.⁹⁰

⁸⁶ "Functions and Responsibilities", Vietnam Maritime Search and Rescue Coordination Center, <http://vmrcc.gov.vn/en/function-mission> (accessed 11 September 2022).

⁸⁷ Nguyen, "The Vietnamese Coast Guard: Missions and Prospects in the New Era".

⁸⁸ "Trial of 14 Accused of Smuggling Petrol Worth \$130 Million in Country Begins", *Vietnam News*, 12 July 2022, <https://vietnamnews.vn/politics-laws/1268548/trial-of-14-accused-of-smuggling-petrol-worth-130-million-in-country-begins.html>

⁸⁹ Pham Du, "Coast Guard Top Brass Detained for Embezzlement", *VnExpress International*, 18 April 2022, <https://e.vnexpress.net/news/news/coast-guard-top-brass-detained-for-embezzlement-4452949.html>

⁹⁰ Hong Hiep Le, "Corruption Is the Worst Enemy of the Vietnamese Army", *Fulcrum*, 22 April 2022, <https://fulcrum.sg/corruption-is-the-worst-enemy-of-the-vietnamese-army/>

International Cooperation

Bilateral Cooperation

Vietnam pursues a wide range of bilateral cooperation with other states to realize their shared maritime priorities. Most notably, Vietnam has used the VCG and VPN to promote bilateral cooperation in combating transnational crimes. The two forces' external affairs involve exchanging information, organizing or attending international conferences; cooperating in patrol and inspections; participating in exercises and training; and hosting foreign counterparts to build mutual trust and share experiences.⁹¹

Vietnam prioritizes maritime cooperation with South China Sea littoral states. Despite tensions with China in the South China Sea, Vietnam conducts combined coast guard and naval patrols with its northern neighbour twice a year in the Gulf of Tonkin, which also include anti-piracy drills.⁹² The VPN engages in joint annual maritime patrols with the Royal Cambodian Navy and the Royal Thai Navy, focusing on preventing IUU fishing, fighting piracy, and combatting the trafficking of drugs, weapons and explosives.⁹³ The VCG has also inked operational

⁹¹ Nguyen, "The Vietnamese Coast Guard: Missions and Prospects in the New Era", p. 28; Trần Thanh Nghiêm, "Đối Ngoại Hải Quân Góp Phần Xây Dựng Vùng Biển Hòa Bình, Ổn Định" [Naval Diplomacy Contributes to Fostering a Peaceful and Stable Maritime Domain], *Báo Hải Quân Việt Nam*, 4 November 2020, <https://baohaiquanvietnam.vn/tin-tuc/doi-ngoai-hai-quan-gop-phan-xay-dung-vung-bien-hoa-binh-on-dinh>

⁹² Carlyle A. Thayer, "Vietnam's Strategy of 'Cooperating and Struggling' with China over Maritime Disputes in the South China Sea", *Journal of Asian Security and International Affairs* 3, no. 2 (2016): 209.

⁹³ "Vietnam, Cambodia Conduct Joint Maritime Patrol", *VietnamPlus*, 17 June 2021, <https://en.vietnamplus.vn/vietnam-cambodia-conduct-joint-maritime-patrol/203200.vnp>; Mai Huong, "Vietnamese, Thai Navies Complete 45th Edition of Joint Patrol", *People's Army Newspaper*, 21 April 2022, <https://en.qdnd.vn/military/intl-relations-and-cooperation/vietnamese-thai-navies-complete-45th-edition-of-joint-patrol-540413>

agreements with Cambodia’s National Maritime Security Committee, the Indonesian Coast Guard (Bakamla), and the Malaysia Coast Guard.

Major powers, such as the United States, Japan, India and South Korea, are also important maritime security partners for Vietnam in strengthening its ability to patrol and deter maritime threats. They provide Vietnam with equipment, vessels, logistical facilities and capacity building. Vietnam has received several second-hand coast guard vessels from Japan and South Korea and 12 India-made high-speed patrol boats. From 2017 to 2021, the United States provided Vietnam with more than US\$80 million in funds to improve its maritime domain awareness and maritime security capacity.⁹⁴ Washington has also handed over former US Coast Guard cutters and Metal Shark patrol boats to Hanoi. The VCG’s visits and exchanges to other countries, such as India in 2018 and Japan in 2019, provided opportunities for Vietnamese coast guard officers to gain more experience and improve their capacity.⁹⁵

Combatting IUU fishing is a key aspect of Vietnam’s bilateral maritime security cooperation. Vietnam regularly exchanges information through hotlines and collaborates on IUU fishing with regional coastal states, including the Philippines, Cambodia, Thailand and Brunei.⁹⁶ In addition,

⁹⁴ U.S. Department of State, “U.S. Security Cooperation with Vietnam”, 27 July 2020, <https://2017-2021.state.gov/u-s-security-cooperation-with-vietnam-2/index.html>

⁹⁵ *VietnamPlus*, “International Cooperation Shines in Vietnam Coast Guard’s Activities”, 13 November 2021, <https://en.vietnamplus.vn/international-cooperation-shines-in-vietnam-coast-guards-activities/215411.vnp>

⁹⁶ See, for example, *Vietnam.vn*, “Thúc đẩy các nỗ lực đa phương chống nạn đánh bắt cá trái phép tại khu vực Đông Nam Á” [Facilitating Multilateral Efforts in Combatting Illegal Fishing in Southeast Asia], 30 December 2020, <https://vietnam.vn/dau-tu-phat-trien/thuc-day-cac-no-luc-da-phuong-nham-chong-nan-danh-bat-ca-iuu-tai-khu-vuc-dong-nam-a-20201230100203685.html>; Southeast Asian Fisheries Development Center, “First Bilateral Technical Meeting between Thailand and Viet Nam”, <http://www.seafdec.org/first-bilateral-technical-meeting-between-thailand-and-viet-nam/> (accessed 27 September 2022); Southeast Asian Fisheries Development Center, “Second Joint Cambodia-Viet Nam Technical Meeting on Fisheries Management Convened”, <http://www.seafdec>

Vietnam has inked several IUU-related memoranda of understanding (MOUs) with Thailand, the United States and Australia.⁹⁷ During high-level bilateral exchanges with European countries, Vietnamese diplomats and officials often ask for assistance in removing the EC's yellow card and developing the country's fisheries sector in line with the EU's recommendations.

There are three noteworthy bilateral efforts on marine resource management that involve Vietnam. The first is the recently resumed Philippines-Vietnam Joint Oceanographic and Marine Scientific Research Expedition in the South China Sea (JOMSRE-SCS). Initiated in 1994, the JOMSRE-SCS was a joint research effort by the Philippines and Vietnam to further mutual marine scientific knowledge on the environment and resources in the South China Sea. Its first phase saw the implementation

org/second-joint-cambodia-viet-nam-technical-meeting-fisheries-management-convened/ (accessed 27 September 2022); Ministry of Foreign Affairs, Kingdom of Thailand, "The 4th Joint Commission on Bilateral Cooperation between Thailand and Vietnam", 27 September 2022, <https://www.mfa.go.th/en/content/thaivietnamjcbc19112564-2?cate=5d5bcb4e15e39c306000683c>

⁹⁷ These include: a 2018 MOU with Thailand on exchanging fishery information and sharing experience on addressing IUU, two 2020 MOUs with Thailand on agricultural cooperation and fishing activities hotline, a 2017 MOU with Australia on long-term cooperation in combatting IUU; and a 2020 MOU with the United States to strengthen Vietnam's fisheries management and management law enforcement capabilities, including combatting IUU, with the United States. See *Bangkok Post*, "Govt Signs MoU with Vietnam", 12 October 2018, <https://www.bangkokpost.com/world/1556354/govt-signs-mou-with-vietnam>; *Tap chí Thủy sản Việt Nam*, "Vân Anh, "Việt Nam - Thái Lan: Thỏa thuận hợp tác chống khai thác IUU" [Vietnam-Thailand: Agreement on combating IUU cooperation], 6 July 2020, <https://thuysanvietnam.com.vn/viet-nam-thai-lan-thoa-thuan-hop-tac-chong-khai-thac-iuu/>; Jason Holland, "Vietnam, Australia Strengthen Ties to Tackle Illegal Fishing", *SeafoodSource*, 5 September 2017, <https://www.seafoodsource.com/news/environment-sustainability/vietnam-australia-strengthen-ties-to-tackle-illegal-fishing>; U.S. Embassy & Consulate in Vietnam, "The United States and Vietnam Sign an Agreement to Strengthen Fisheries Law Enforcement", 22 July 2020, <https://vn.usembassy.gov/the-united-states-and-vietnam-sign-an-agreement-to-strengthen-fisheries-law-enforcement/>

of four scientific expeditions before being halted in 2007. The initiative was resumed following the 9th Philippines-Vietnam Joint Permanent Working Group on Maritime and Ocean Concerns in November 2021.⁹⁸

The second is the Sino-Vietnamese Fisheries Cooperation Agreement—the only bilateral fisheries management agreement in Southeast Asia. The agreement, signed in December 2000 together with the bilateral agreement to delimit maritime boundaries in the Gulf of Tonkin, came into force in June 2004. Built on the popular notion of “good neighbourliness” between the two countries in the 2000s, it seeks to develop fisheries management in a sustainable and transparent manner, with numerous mutual obligations from preservation to dispute resolution.⁹⁹ The agreement expired in 2020 and, as of February 2023, had not been renewed.

The third cooperation arrangement is the annual Vietnam-China joint release of aquatic resources into the Gulf of Tonkin, which commenced in 2017 under an MOU between the Vietnamese Ministry of Agriculture and Rural Development and the Chinese Ministry of Agriculture.¹⁰⁰ The activity aimed to mitigate aquatic resource degradation, increase economic benefits from fisheries, and raise public awareness of fishery resource preservation.

Multilateral Cooperation

Since non-military security issues are mostly transnational in nature, multilateral cooperation is at the centre of Vietnam’s response to maritime threats. ASEAN provides the most accessible and relevant

⁹⁸ Hai Dang Vu, “Resumption of JOMSRE-SCS: Practical Suggestions to Move Forward”, *Asia Maritime Transparency Initiative*, 8 December 2021, <https://amti.csis.org/resumption-of-jomsre-scs-practical-suggestions-to-move-forward/>

⁹⁹ Hong Thao Nguyen, “Maritime Delimitation and Fishery Cooperation in the Tonkin Gulf”, *Ocean Development & International Law* 36, no. 1 (16 February 2005): 25–44, <https://doi.org/10.1080/00908320590904939>

¹⁰⁰ “Vietnam, China Jointly Release Young Fish into Tonkin Gulf”, *World and Vietnam Report*, 5 September 2018, <https://en.baoquocte.vn/vietnam-china-jointly-release-young-fish-into-tonkin-gulf-70867.html>

platforms for Vietnam in this aspect. ASEAN-led mechanisms, such as the ASEAN Regional Forum (ARF), ASEAN Defence Ministerial Meeting Plus (ADMM+), East Asia Summit (EAS), ASEAN Ministerial Meeting on Transnational Crime (AMMTC), and Expanded ASEAN Maritime Forum (EASMF) are some of the main forums for Southeast Asian countries and dialogue partners to discuss major regional security concerns, including maritime issues.

Among these institutions, ARF is the pioneer in fostering regional maritime cooperation under ASEAN's aegis. Both the ARF Hanoi Plan of Action (2010) and the ARF Hanoi Plan of Action II (2020–25) recognize the need for member states to “[f]orge closer cooperation in combating crimes at sea such as piracy and armed robbery against ships, hijacking, smuggling, illicit drug trafficking and trafficking in persons, and illegal trade in marine wildlife”.¹⁰¹ Furthermore, ARF also encourages “information sharing, capacity building and training in the protection and preservation of the marine environment”.¹⁰²

ASEAN's engagement with dialogue partners outside of the institutional setting is also critical for the management of maritime security threats.¹⁰³ Notably, anti-piracy is a spotlight in ASEAN's maritime security cooperation with the United States, China, Japan, Australia, India, and the EU. In past decades, these external partners have provided equipment and anti-piracy training for Southeast Asian coastal states, including Vietnam. In 2015, the United States launched the US\$425 million Southeast Asia Maritime Security Initiative (later

¹⁰¹ ARF, “Hanoi Plan of Action to Implement the ASEAN Regional Forum Vision Statement”, 2010 <https://aseanregionalforum.asean.org/wp-content/uploads/2019/01/Hanoi-Plan-of-Action-to-Implement-ARF-Vision-Statement-2010.pdf>; ARF, “Hanoi Plan of Action II (2020–2025)”, 2019, <https://aseanregionalforum.asean.org/wp-content/uploads/2020/09/ARF-Ha-Noi-Plan-of-Action-II-2020-2025.pdf>

¹⁰² Ibid.

¹⁰³ See Jeslyn Tan, “Strengthening ASEAN-Middle Powers Maritime Security Cooperation in the Indo-Pacific”, *KIMS Periscope*, 2022, <https://kims.or.kr/issubrief/kims-periscope/peri290/>

renamed the “Indo-Pacific Maritime Security Initiative” under the Trump administration), which involves Vietnam and other Southeast Asian littoral states. It aims to improve participants’ maritime domain awareness and facilitate cooperation in sharing information and identifying maritime threats.¹⁰⁴

Despite political tensions in the region, Southeast Asian states and China appear to recognize the value of safeguarding the marine environment in the South China Sea. Their concerns for the marine environmental decline are publicly declared in the “Declaration for a Decade of Coastal and Marine Environmental Protection in the South China Sea (2017–2027)”. Article 6 of the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC) between ASEAN and China stipulates that states “may explore or undertake cooperative activities,” including “marine environmental protection” and “marine scientific research”.¹⁰⁵

Closely aligned with ASEAN is the Southeast Asian Fisheries Development Centre (SEAFDEC). Established in 1967, SEAFDEC is an autonomous intergovernmental body based in Bangkok that promotes regional actions for the sustainability of fisheries and aquaculture in Southeast Asia. The organization includes all ASEAN members and Japan, with departmental bases in archipelagic Southeast Asia. SEAFDEC established the ASEAN-SEAFDEC Strategic Partnership (ASSP) with consultative mechanisms to facilitate information dissemination and scientific research on fisheries, which began in 1999.¹⁰⁶ Together, the two

¹⁰⁴ Prashanth Parameswaran, “America’s New Maritime Security Initiative for Southeast Asia”, *The Diplomat*, 2 April 2016, <https://thediplomat.com/2016/04/americas-new-maritime-security-initiative-for-southeast-asia/>

¹⁰⁵ ASEAN, “Declaration for a Decade of Coastal and Marine Environmental Protection in the South China Sea (2017–2027)”, 2017, <https://asean.org/wp-content/uploads/2017/11/Declaration-for-a-Decade-of-Coastal-and-Marine-Environmental-Protection-in-the-South-China-Sea-2017-2027.pdf>

¹⁰⁶ ASEAN, “The ASEAN-SEAFDEC Strategic Partnership (ASSP) – Fisheries Consultative Group (FCG) Mechanism”, http://www.seafdec.org/documents/2016/11/19fcg_ref01.pdf (accessed 27 September 2022).

organizations produced the “Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activity into the Supply Chain in 2015”.¹⁰⁷

In 2007, ASEAN member states along with Timor-Leste established the Regional Plan of Action to Promote Responsible Fishing Practices, including Combating IUU Fishing in the Region (RPOA). Hosted annually by Indonesia, the RPOA has its own coordination committee and secretariat to monitor and collaborate on issues such as marine conservation, sustainable fisheries management, fishing capacity, and combatting IUU fishing.¹⁰⁸

While Vietnam’s regional security role is often associated with its promotion of international law and freedom of navigation in the South China Sea, Hanoi has also been involved in other maritime security topics. For example, at the 22nd ARF ministerial meeting in 2015, Vietnam, along with Singapore, China and the United States, sponsored the “ARF Statement on Strengthened Cooperation on Marine Environmental Protection and Conservation”.¹⁰⁹ A year later, ARF adopted the Vietnam-proposed “Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies”. The declaration encourages cooperation among maritime law enforcement agencies of ARF members on “experience sharing, joint patrols, anti-piracy drills, ensuring freedom of navigation, and building mutual rules and standards”.¹¹⁰ Vietnam’s

¹⁰⁷ ASEAN, “ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activity into the Supply Chain”, 2015, <https://asean.org/wp-content/uploads/2021/09/App-9-ASEAN-Guidelines-IUU-SSOM36th-AMAF-final.pdf>

¹⁰⁸ “Organizational Structure – RPOA-IUU”, <https://www.rpoaiuu.org/organizational-structure/> (accessed 27 September 2022).

¹⁰⁹ U.S. Department of State, “U.S. Engagement in the 2015 ASEAN Regional Forum”, <https://2009-2017.state.gov/r/pa/prs/ps/2015/08/245759.htm> (accessed 12 September 2022).

¹¹⁰ Phong Thu and Hong Hanh, “ASEAN Boosts Cooperation in Fighting Against Smuggling”, *Vietnam Pictorial*, 18 May 2022, <https://vietnam.vnanet.vn/english/long-form/asean-boosts-cooperation-in-fighting-against-smuggling-294890.html>

2020 ASEAN chairmanship year also saw a proactive push for maritime environmental initiatives, from hosting events on marine plastic waste to establishing ASEAN networks on maritime data-sharing.¹¹¹ On the law enforcement side, the VCG's rising regional profile enables it to spearhead the recently-announced "Vietnam Coast Guard and Friends" multilateral exchange programme that aims to promote security, safety, and a clean environment at sea. The first iteration of the programme took place in December 2022, hosting maritime law enforcement forces from China, Cambodia, Indonesia, the Philippines, Malaysia and Thailand.¹¹²

Despite the availability of multiple and overlapping mechanisms, their effectiveness is limited due to two main reasons. First, most of these regional efforts adhere to ASEAN institutional norms of consensus, voluntariness and informality, which prevent timely and effective actions.¹¹³ As a result, maritime security cooperation in ASEAN has mainly been dialogue-based rather than action-oriented. Second, unresolved maritime and territorial disputes among Southeast Asian countries remain an enduring obstacle to greater cooperation. For example, plans by Singapore, Indonesia, Malaysia and Thailand to expand the geographical scope of the Malacca Straits Patrol to cover southern areas of the South China Sea, which may include parts of Vietnam's EEZ where attacks have occurred, have not been realized due to an apprehension of stoking tension with China over the South China Sea dispute.¹¹⁴ Another example is the defunct Tripartite Agreement for

¹¹¹ Nguyen Thi Xuan Son, "Policy on Marine Plastic Waste in Asean and Viet Nam", *Environmental Claims Journal* 33, no. 1 (2 January 2021): 41–53, <https://doi.org/10.1080/10406026.2020.1775347>

¹¹² VOVWorld, "First 'Vietnam Coast Guard and Friends' Exchange to Take Place in December", 14 September 2022, <https://vovworld.vn/en-US/content/OTgwNTc3.vov>

¹¹³ Meryl J. Williams, "Will New Multilateral Arrangements Help Southeast Asian States Solve Illegal Fishing?", *Contemporary Southeast Asia* 35, no. 2 (2013): 258–83.

¹¹⁴ Storey, "Addressing the Persistent Problem of Piracy and Sea Robbery in Southeast Asia", p. 8.

Joint Marine Seismic Undertaking in The Agreement Area in the South Sea between China, Vietnam and the Philippines (JMSU),¹¹⁵ which was a three-year agreement signed in 2005. The JMSU expired on 30 June 2008 and was not renewed due to growing concerns from Vietnam and the Philippines of unintentionally legitimizing Chinese claims through the surveys and subsequent joint oil explorations.¹¹⁶

In addition to regional actions, Vietnam has also been active in international forums beyond ASEAN. For example, Vietnam has participated in the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the Coast Guard Global Summit (CGGS), and the United Nations Office on Drugs and Crime (UNODC). During its time as a non-permanent member of the United Nations Security Council (UNSC) from 2020 to 2021, Vietnam raised discussions and engaged in dialogues on maritime security and sea-level rise,¹¹⁷ urging the UNSC to prioritize maritime security and develop holistic and comprehensive solutions in line with the UN Charter and UNCLOS.¹¹⁸ Vietnam has also raised awareness of maritime security outside the UN rubric, for example, at the G20 Summit in 2019, where

¹¹⁵ Lye Liang Fook, “The China-Philippine Bilateral Consultative Mechanism on the South China Sea: Prospects and Challenges”, *ISEAS Perspective*, no. 2018/14, 7 March 2018.

¹¹⁶ Ralf Emmers, “China’s Influence in the South China Sea and the Failure of Joint Development”, in *Rising China’s Influence in Developing Asia*, edited by Evelyn Goh (Oxford University Press, 2016), pp. 155–73, <https://doi.org/10.1093/acprof:oso/9780198758518.003.0007>

¹¹⁷ *VietnamPlus*, “Vietnam Hails UNSC’s Debate on Maritime Security”, 1 September 2021, <https://en.vietnamplus.vn/vietnam-hails-unscs-debate-on-maritime-security/207325.vnp>; Minh Vu, “Vietnam Chairs UN Meeting on Sea-Level Rise”, *Hanoi Times*, 19 October 2021, <https://hanoitimes.vn/vietnam-chairs-un-meeting-on-sea-level-rise-319037.html>

¹¹⁸ *Bao Chinh Phu*, “Full Remarks by PM Pham Minh Chinh at UNSC High-Level Open Debate on Maritime Security”, 9 August 2021, <https://en.baochinhphu.vn/full-remarks-by-pm-pham-minh-chinh-at-unsc-high-level-open-debate-on-maritime-security-11141952.htm>

the country proposed the establishment of a global network for ocean-sea data sharing.¹¹⁹

RECOMMENDATIONS

Much like the South China Sea dispute, sea-borne transnational crime, ecological collapse and climate change pose grave security challenges and even imminent threats for Vietnam. It is evident that Vietnamese leaders and policymakers are keenly aware of this sombre reality, but overcoming the various obstacles highlighted in this paper is no task. In order to mount more effective responses in protecting its coasts, marine environment, and vulnerable coastal population, there are several measures that Vietnam can take.

First, a coherent and comprehensive national strategy on maritime security is needed to complement the current one on the marine economy. This is essential given Vietnam's goal of becoming a strong maritime nation that can assume more responsibilities in the regional security architecture. The strategy should include aspects of both the South China Sea dispute and other sea-borne issues, such as IUU fishing, piracy, smuggling, climate change, and marine environmental decline. It is not feasible to address traditional and non-traditional security issues separately as they are mutually reinforcing.

Second, the overlapping responsibilities of Vietnam's maritime law enforcement agencies need to be streamlined. Having six independent agencies under different command structures dilutes the allocated resources, which are already limited, and lowers the effectiveness of their responses. Vietnam should pursue greater interagency coordination through a unified command structure to make sure that budgetary allocation and policy attention produce cost-effective actions instead of

¹¹⁹ Linh Chi Nguyen, "Vietnam Proposes Establishing Global Network on Ocean-Sea Data Sharing", *VietnamPlus*, 29 June 2019, <https://en.vietnamplus.vn/vietnam-proposes-establishing-global-network-on-oceansea-data-sharing/155265.vnp>

being fragmented across numerous agendas that result in overlapping responses.

Third, gaps in Vietnam's maritime domain awareness must be addressed to contain rampant IUU fishing practices and smuggling. To this end, strengthening cooperation with other countries on maritime capacity building is essential. Vietnam can continue leveraging its multidirectional foreign policy to draw greater investment and assistance into its marine sectors. Moreover, Vietnam should continue and further promote cooperation with neighbouring countries on information exchange and sharing of best practices through bilateral and multilateral platforms. These initiatives must take into account how regional maritime threats have become increasingly complex in recent years. As an example, Vietnam can learn from the experience of Thailand, which received EC's yellow card on IUU fishing in 2015 but managed to have it removed in 2019.¹²⁰

Fourth, Vietnam should have proper policies and investment plans to enhance its climate resilience and coastal development, particularly in areas most vulnerable to climate change. This includes developing sustainable infrastructure, expanding organizational capacity in disaster risk management, and completing legal frameworks for marine industries. Vietnam has recently made more investments into traditionally neglected and impoverished coastal regions, as seen in the recent big-budget Mekong Delta Regional Master Plan and Investment Promotion (2021–30).¹²¹ However, these efforts must avoid the same mistakes in existing development projects, which have historically lacked proper planning,

¹²⁰ Nguyen Hoang, "What Vietnam Can Learn from Thailand's Fight against Illegal Fishing".

¹²¹ Communist Party of Vietnam, "Phát Triển Đồng Bằng Sông Cửu Long Bền Vững, Hiện Đại, Mang Đậm Đà Bản Sắc Văn Hóa" [Developing a Sustainable, Modern Mekong Delta with a Rich Cultural Identity], *Tạp Chí Cộng Sản*, 21 June 2022, <https://dangcongsan.vn/lanh-dao-dang-nha-nuoc/phat-trien-dong-bang-song-cuu-long-ben-vung-hien-dai-mang-dam-da-ban-sac-van-hoa-613538.html>

safety standards, and maintenance of data on hazards and socioeconomic risks.¹²²

While development and infrastructure issues have been highlighted in recent years, labourers in these regions have continued to be neglected. According to the International Labour Organization, fishermen and fisheries labourers have been marginalized from, if not entirely left out of, existing social safety nets in Vietnam, making them even more vulnerable to the hardships of the COVID-19 pandemic.¹²³ This marginalization also renders them more susceptible to climate change and malicious acts at sea, such as forced labour and human trafficking.¹²⁴ Therefore, it is important for Vietnam to ensure proper livelihoods for these individuals to discourage them from disregarding environmental concerns or engaging in criminal activities for their livelihoods. Any future plans to develop these regions should not only focus on economic reasons, but also on the inhabitants, who are essential in maintaining and shaping these regions.

Finally, Vietnam can optimize its approach to regional multilateralism to foster collective actions in tackling non-traditional maritime issues. Although ASEAN has its institutional deficits, it is still a crucial platform to build confidence among Southeast Asian countries and dialogue partners, whose assistance and cooperation are crucial in solving regional maritime issues. ASEAN should follow up its declarations with a strategic action plan for marine environmental protection, such as

¹²² Jun Rentschler, Sophie De Veries Robbé, and Dzung Huy Nguyen, “Resilient Shores: Risks and Opportunities for Vietnam’s Coastal Development”, *World Bank Blogs*, 21 October 2020, <https://blogs.worldbank.org/eastasiapacific/resilient-shores-risks-and-opportunities-vietnams-coastal-development>

¹²³ Nguyệt Hà, “Khoảng Trống Chính Sách Với Lao Động Ngành Đánh Bắt Thủy Sản” [Policy Gap for Fisheries Laborers], *Tạp Chí Bảo Hiểm Xã Hội*, 30 April 2022, <http://tapchibaohiemxahoi.gov.vn/khoang-trong-chinh-sach-voi-lao-dong-nganh-danh-bat-thuy-san-91397.html>

¹²⁴ International Labour Organization, “Forced Labour and Human Trafficking in Fisheries”, <https://www.ilo.org/global/topics/forced-labour/policy-areas/fisheries/lang--en/index.htm> (accessed 27 September 2022).

establishing protected areas, enhancing law enforcement cooperation and coordination, and expediting marine scientific research that benefits all.¹²⁵ These efforts should be inclusive and allow for China’s involvement, to allay its fear of exclusion.

Vietnam and ASEAN could also consider incorporating the conservation of marine biodiversity and fisheries into the agenda of ADMM-Plus. Compared to the dialogue-based ARF, the ADMM-Plus is more outcome-oriented as it consists of a formal working group between defence ministers, allowing members to formulate cooperation plans in a timely manner.¹²⁶ Led by member states’ pragmatic defence ministers, the ADMM-Plus could invigorate the slow progress in tackling emerging maritime issues, and act as a central node within existing sub-regional arrangements on maritime security.¹²⁷

In addition, Vietnam should lead multilateral initiatives outside of ASEAN to address shared concerns in its sovereign and adjacent waters. The Vietnam Coast Guard and Friends exchange program is a good starting point for confidence building among the South China Sea littoral states. Future Vietnam-led coast guard initiatives should go beyond exchange activities and include coordinated patrols, joint exercises, and interoperability among regional maritime law enforcement forces. The Vietnam-Philippines JOMSRE-SCS—an example of two South

¹²⁵ Lina Gong and Julius Cesar Trajano, “Advancing Marine Environmental Protection in the South China Sea”, *Policy Report* (Singapore: Rajaratnam School of International Studies, November 2018), https://www.think-asia.org/bitstream/handle/11540/9576/PR181126_Advancing-Marine-Environmental-Protection-in-the-South-China-Sea.pdf?sequence=1

¹²⁶ I. Gusti Bagus Dharma Agastia, “Maritime Security Cooperation within the ASEAN Institutional Framework: A Gradual Shift towards Practical Cooperation”, *Journal of ASEAN Studies* 9, no. 1 (12 August 2021), <https://doi.org/10.21512/jas.v9i1.6919>

¹²⁷ See Seng Tan, “‘Talking Their Walk’? The Evolution of Defense Regionalism in Southeast Asia”, *Asian Security* 8, no. 3 (September 2012): 232–50, <https://doi.org/10.1080/14799855.2012.723919>; Sarah Teo and Tan Wei, “Creating Synergies between the ADMM and Sub-regional Arrangements”, *IDSS Paper*, no. 2 (24 August 2021): 3.

China Sea claimants prioritizing practical cooperation over ongoing disputes—can be expanded to include other participants, including other ASEAN member states and China.¹²⁸ In fact, China has expressed the intention to join JOMSRE-SCS. An expanded JOMSRE-SCS would be a significant contribution to regional cooperation in marine scientific research, potentially alleviating tensions over maritime disputes among coastal states.¹²⁹ Such low-hanging-fruit multilateral efforts offer hope for increased regional capacity and interstate trust, paving the way for more ambitious cooperative endeavours and peace-building in the South China Sea.

As Ho Chi Minh foresaw many decades ago, Vietnam’s security is intrinsically linked to the sea. The country’s prosperity also depends upon open sea lines of communication, as well as the state of its marine environment. As a result, Vietnam must maintain a maritime focus in its national security outlook to address the various threats outlined in this paper. These threats are complex, multi-faceted, and deeply intertwined, meaning that managing maritime threats requires not only political will and strategic visions but also high-level resources, capacity, internal coordination, external assistance, and practical international collaborative efforts. These are what it takes for stakeholders in Vietnam to shoulder the task of safeguarding “the door” to the nation.

¹²⁸ Vu, “Resumption of JOMSRE-SCS: Practical Suggestions to Move Forward”.

¹²⁹ James Borton, *Dispatches from the South China Sea; Navigating to Common Ground* (California: Universal-Publishers, 2022), <https://www.universal-publishers.com/m/book.php?method=ISBN&book=1627343709>

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