



The Study of the Laws of Vietnam to Prevent and Control Marine Environmental Pollution from Ship's Garbage

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Abstract: The Vietnam Maritime Administration has established and dominated the seaborne cargo transportation market in Vietnam in order to prevent pollution of the marine environment from ship-source pollution as well as other sources from ships. The issue of marine pollution caused by trash, sewage, and air pollution from ships is then present, parallel to that development. One of these sources that has a negative effect on the quality of seawater in Vietnam is ship waste, which is regarded as one of the primary sources of pollutants. Additionally, the existence of plastics and microplastics, which have a diameter of less than 5 mm, has a detrimental impact on both the marine environment and human health. Therefore, Vietnam's crucial task going forward is to swiftly add laws to prevent and regulate marine environmental pollution brought on by ship waste. The method proposed is to study the participation, implementation of International Conventions, and improvement of laws of other countries. The author offers valuable experiences for Vietnam to quickly improve laws in this field.

Introduction

In Vietnam, the Vietnam Maritime Administration has grown and taken up a sizable portion of the market. The issue of marine pollution brought on by marine activities, particularly ship-source pollution, is then present in parallel with that development. Particularly, oil pollution is always the type of pollution that seriously harms both the economic growth and the value of the ocean. The sea in Vietnam is near one of the world's busiest shipping lanes. Every day, 200 oil tankers and other large commercial ships travel through the Sea of Vietnam. Consequently, there are still significant risks of marine pollution from garbage, sewage, and air pollution from ships, in addition to the risk of oil pollution. One of these

sources that has a significant negative impact on the quality of Vietnam's seawater is ship waste, which is regarded as one of the primary sources of pollutants. The MARPOL 73/78 Annex V classifies the many different types of trash that can be found on board ships. Additionally, the European Maritime Safety Agency (EMSA) estimates that there were approximately 90,715 ships globally in 2017. (Carpenter, 2015). Then, it is approximated that these ships discharge a sizable number of metal, glass, and plastic containers each day. In addition, waste was divided into three primary classifications, such as food waste, plastics and persistent trash, and hazardous waste, as mentioned in an analysis of To Ngoc Thang.

Among them, food waste decomposes more quickly in the ocean than plastic waste does.

Compared with other types of garbage, plastic waste can be seen as a long-term pollutant since it takes from 100 to 450 years to biodegrade (Thang, 2015). Plastics and microplastics (less than 5 mm in diameter) are the most adverse effects on the marine environment. Furthermore, microplastic debris provides a pathway facilitating the penetration of harmful and toxic chemicals into organisms. Plastics and other persistent debris are believed to contribute to the contamination of nonindigenous invasive species' habitats. More seriously, the bioaccumulation of plastics through food chains can affect human health.

Frame Structure of Laws Relating to Marine Pollution by Garbage From Ships

Constitution of Vietnam 2013

Up to the present, Vietnam has many laws related to environmental protection and marine environment protection. However, these laws are often referred to as “framework laws”. Therefore, the provisions of these laws are general and oriented to formulate the regulations under the law. Vietnam’s current laws include the following:

The highest and most important law of Vietnam is the *Constitution of Vietnam 2013*. The *Constitution of Vietnam 1992* was issued by the national assembly of the Socialist Republic of Vietnam. The Vietnamese Constitution has undergone many amendments, the latest in 2013. The Vietnamese Constitution includes many contents. Among them, there are regulations related to environmental protection: “people have the right to live in a clean environment and to protect the environment is the responsibility of the entire population; The State has the responsibility to protect the environment, and the State encourages activities related to environmental protection”. However, the above provisions only mention general environmental protection, but there are no regulations on marine environmental protection. The Constitutional

provisions are considered a legal basis for Vietnam to continue to issue more detailed and clear regulations on environmental protection. Besides, according to the provisions of the Vietnamese Constitution, it can be seen that only the State has a responsibility to protect the environment. This view is no longer relevant to the current conditions because protecting the environment or the marine environment is the cause of the entire people, not just the responsibility of the State (Constitution of Vietnam, 2013).

Law on Environmental Protection 2014

The Law on Environmental Protection of 2014 is another significant fundamental law of Vietnam in this area. The National Assembly of Vietnam accepted and implemented the Law on Environmental Protection 2014 in order to carry out the environmental protection provisions of the Constitution. The *Law on Environmental Protection 2014* took effect on 01 January 2015, and replaces the *Law on Environmental Protection 2005*. This is considered an important law in environmental protection, including the marine environment. The issue of marine environmental protection has been mentioned and gradually clarified in Chapter V of this Law. Accordingly, chapter V provides the following regulations on marine environmental and island protection:

1. Governed, prevented, and reduced sources of marine environment pollution, including operations on land and at sea
2. Dumping waste at sea must be approved by a competent authority.

Besides, this Law also provides basic provisions on the responsibilities and obligations of State agencies and the responsibilities of individuals and organizations in preventing marine pollution. It can be seen that the provisions of articles 49 and 50 on marine environmental protection are relatively general. There is no clear and detailed regulation on marine environmental protection under the impact of ship’s garbage as well as other

pollutants from ships. Similar to the Vietnamese Constitution, the *Law on Environmental Protection* only promulgate general regulations on protecting the marine environment under human exploitation activities. The provisions of this law are considered the basis for Vietnam to issue more detailed regulations in this field (*Law on Environmental Protection* [2014](#)).

Vietnam Maritime Code 2015

Notwithstanding, neither the Constitution nor the *Law on Environmental Protection* contains any specific clauses addressing the protection of the marine environment from the effects of ship-source pollution and shipwreck. Vietnam has therefore released specific rules for this industry. The *Vietnam Maritime Code 2015* is one of the most significant laws in the area of protecting marine environments. This law has been passed and enacted by the Vietnamese national assembly. *Vietnam Maritime Code* stipulates many different issues, including marine environmental protection under the impact of a ship's operation. *Vietnam Maritime Code* is the first law that sets out provisions for preventing marine environmental pollution by ship-source pollution.

Vietnam Maritime Code stipulates that: prohibit activities on the sea that is likely to cause environmental pollution (Article 12 (6)); ships are not allowed to leave the port if it does not meet the requirements for preventing environmental pollution (Article 98 (2)). The rules for marine environmental protection must also be followed by ships operating in port waters or Vietnamese waters (Article 105(6)). Additionally, ships must abide by the rules of international conventions to which Vietnam has agreed (Article 105(6)). The State assigns the task of controlling problems related to the prevention of marine pollution due to ships to the Vietnam Maritime Inspectorate and port authorities (Article 113 (1)). This Code also stipulates the responsibilities of ship owners and captains in overcoming and repairing defects related to environmental protection upon the request of the maritime inspectorate and the port

authority (Article 113 (4)). Moreover, Article 128 stipulates that ports must have the appropriate equipment and plans to receive and treat waste from ships; ships and ports must have equipment suitable for receiving wastes mixed with oil or toxic substances; related individuals and organizations must comply with the Code on environmental protection.

However, these are all provisions of the *Vietnam Maritime Code* to prevent pollution of the marine environment by ship's garbage. This law has not yet provided detailed regulations on ship's garbage. At the same time, there is no corresponding penalty if the ship does not comply with the regulations on preventing marine pollution due to the ship's garbage. Therefore, this law is also basic to provide complete and clear regulations in this field (*Vietnam Maritime Code* [2015](#)).

Vietnam Law of the Sea 2012

Another law related to the protection of the marine environment due to ship-source pollution, that law is the *Vietnam Law of the Sea 2012*. This law covers many areas, including marine environmental protection, due to marine exploitation activities. One of the four important principles outlined in this law is: "marine environmental protection is not only the responsibility of state agencies and organizations but also the entire people". Besides, Article 35 also stipulates that vessels operating in Vietnamese waters must comply with the laws of Vietnam and *International Conventions* on the protection of marine resources and the environment. If any violation occurs, the organization or individual will be sanctioned in accordance with the law of Vietnam. Similar to other laws in Vietnam, this law only has general provisions for the protection of the marine environment. Moreover, these regulations are scattered in chapters of this law. There are no regulations on preventing marine environment pollution by garbage from ships (*Vietnam Law of the Sea* [2012](#)).

Law on Natural Resources and Environment of Sea and Islands 2015

Another new law was enacted by Vietnam to protect the marine and island environment from human exploitation activities. That law is the *Law on Natural Resource, Environment of Sea and Islands 2015*. This law sets out the basic provisions to prevent pollution of the sea and islands' environment due to pollution sources from land-based and sea-based activities. However, there are no specific regulations for preventing marine pollution due to the ship's garbage as well as other pollutants from ships. In addition, this law only focuses on providing regulations for dumping waste at sea. This is clearly shown in section 3, chapter 6, from article 57 to article 63. However, the regulations of this field are still general, so it is difficult to apply in practice. To overcome that, Vietnam has issued *Decree No.40/2016/ND-CP*. This Decree provides detailed guidelines for the implementation of this law, including the issue of dumping waste at sea. With the combination of the provisions of section 3 of this Law and the regulations of *Decree No.40/2016/ND-CP*, Vietnam has a relatively adequate regulation for the field of dumping waste at sea.

Law on Fisheries 2017

Regarding the field of preventing pollution of the marine environment due to the impact of fishing vessels, Vietnam has *Law on Fisheries 2017*. This law is enacted to stipulate the rights and responsibilities of organizations as well as individuals involved in the field of fishing, state management of fisheries, protection of fisheries resources and protection of the marine environment. In the field of marine environmental protection, there are only two general provisions for Vietnamese fishing vessels and foreign fishing vessels. Besides, there are no specific regulations on waste, especially plastic waste from fishing vessels. Above are all the basic laws of Vietnam. It can be seen that these laws were enacted to create a "framework law" without specific regulations to facilitate practical

application. These laws are the basis for Vietnam to issue more detailed and specific regulations (Dang, N. et al. [2017](#)).

The Regulations

Decree No.30/CP. Regulation on foreign ships operating in the seas of the socialist republic of Vietnam 1980

In order to enforce the laws, a series of regulations have been enacted by Vietnam. The earliest regulation was *Decree No.30/CP* in 1980. This Decree is issued to control the activities of foreign vessels in Vietnam's waters. It is considered the first regulation of Vietnam for ships to prevent marine pollution. According to Article 17, it is strictly prohibited to dispose of garbage and other hazardous wastes from ships, causing pollution to the marine environment and coastal waters of Vietnam. If any vessel violates the provisions of Article 17, it will be fined under Article 24. However, the sanctions in Article 24 are considered to be inadequate. Under the provisions of Article 24, the sanctioning level applicable to violations of marine environmental protection is (1) a warning; (2) deportation; (3) a fine (approximately 430 USD). With that penalty, the subject does not hesitate to violate these regulations. Even from 1980 until the present, this regulation does not have any amendments or supplements. Therefore, this regulation does not contain any other regulations on the ship's garbage.

Decree No.162/2013/NĐ-CP. Regulations on sanctioning administrative violations within territorial waters, islands and continental shelf of the Socialist Republic of Vietnam

In order to enforce the provisions of the *Vietnamese Maritime Code 2015* and *Vietnam Law of the Sea 2012*, the Vietnamese government has issued *Decree No.162/2013/NĐ-CP*. This regulation is issued to sanction administrative violations in the territorial waters, islands and continental shelf of Vietnam. However, this regulation only focuses on penalties for dumping waste and other materials at sea. This is clearly shown in Article 26

and Article 27 of this regulation. Especially, dumping toxic substances into the marine environment, even in small quantities, will be punished, according to this article. At the same time, individuals or organizations are also subject to additional penalties and obligatory remedies and consequences. Except for the provisions for the dumping of waste at sea, this Decree does not contain any other provisions on the ship's garbage, especially plastic waste.

Decree No.142/2017/NĐ-CP. Regulation on sanctioning administrative violations in the maritime field

Another Vietnamese regulation in this field is *Decree No.142/2017/NĐ-CP*. This Decree is issued to sanction administrative violations in the maritime field. Accordingly, vessels violating regulations on preventing marine pollution due to ship's garbage will be sanctioned in accordance with this Decree. There are several provisions related to ship's garbage that is pointed out in Article 35 of this Decree. Article 35 stipulates that vessels violating the following provisions will be sanctioned:

1. There is no equipment to classify and store garbage or garbage not stored in the prescribed places;
2. Discharging waste into wharf areas or port waters;
3. Using incinerators in port areas and failing to meet standards. Finally, Vietnamese laws have regulations to prevent pollution of the marine environment by garbage from ships.

However, it is still very faint and incomplete. Even the penalties for the above violations are relatively light. According to Article 35, the fine for the above violations is from 86 USD to 129 USD. Such penalties it is not enough to prevent acts of causing pollution to the marine environment.

In addition, Article 35 of this Decree also provides regulations for the dumping of waste at sea. Therefore, there is an overlap with the provisions of *Decree No.162/2013/NĐ-CP*

mentioned above. Even comparing the fines of the two decrees shows that the fines of this *Decree* are not detailed and not as strict as in *Decree No.162/2013/NĐ-CP*.

Decree No.155/2016/NĐ-CP. Regulations on sanctioning administrative violations in the field of environmental protection

This Decree is issued by the Vietnamese government to enforce the provisions of the *Law on Environmental Protection 2014* effectively. Accordingly, this Decree provides penalties for individuals or organizations that violate the regulations on marine environmental protection. The regulation of this *Decree* only focuses on dealing with issues related to the dumping of waste at sea. In particular, the provisions of this *Decree* completely overlap with the provisions of *Decree No.162/2013/NĐ-CP*. This is clearly shown in Article 27 of this *Decree*. Even the provisions of this *Decree* are not sufficient as in *Decree No.162/2013/NĐ-CP*. Except for the provisions of Article 27 regarding the dumping of waste at sea. This *Decree* does not contain any other provisions for garbage from ships.

Circular No.07/2018/TT-BGTVT. Regulations on ship inspection

The goal of this regulation is to stop ship-source pollution from harming the marine environment. The Ministry of Transportation has approved this Circular, which became effective in 2018. The Circular was released to put the 2015 Vietnam Maritime Code's rules into effect. The Circular is only relevant to foreign ships using Vietnamese waters. It offers rules for a variety of topics, including foreign ships' protection of the marine environment, maritime security, maritime labour, and maritime safety inspection. According to the Ministry of Transport, Vietnam will implement pertinent international conventions to regulate foreign vessels' activities in Vietnamese waters. Vietnam implements one of them, MARPOL 73/78, to prevent and control marine pollution caused not only by ship waste but also by other ship-source pollution. Notwithstanding, Vietnamese vessels are not

covered by this Circular. Due to this gap, numerous Vietnamese ships have the chance to pollute the environment by discharging not only trash but also other pollutants. Vietnamese law should, therefore, strictly mandate that ships, particularly those with a gross tonnage of fewer than 400 tonnes and fishing vessels, collect and maintain plastic waste.

The standards

QCVN 26:2016/BGTVT. *National Technical Regulation on Marine Pollution Prevention Systems of Ships*

This is the initial standard for ships that Vietnam has implemented to stop marine environment pollution brought on by ships. In order to prevent marine pollution from ships, this standard incorporates the MARPOL 73/78 clauses. The Ministry of Transportation embraced this requirement, and it became effective in 2017. The standard outlines a number of requirements for ship equipment and structure to prevent marine pollution from toxic materials, oil, sewage, and ship emissions. Unfortunately, Annex V of MARPOL 73/78's requirements for structural systems and equipment are not included in this standard. Additionally, there are no regulations regarding placards, rubbish management plans, rubbish record books, or the ban on disposing of plastic waste in the ocean. Vietnam must therefore act quickly to update laws to prevent marine debris from ships from polluting the environment.

TCVN 7111:2002. *Rules for the classification and construction of small fishing vessels* and TCVN 6718:2000. *Rules for the classification and construction of fishing ships*

Both standards are issued by the Ministry of Science and Technology. However, each standard applies to different types of vessels. *Standard 7111:2002* applies to fish vessels with a length of less than 20m, while *Standard 6718:2000* applies to fish vessels of 20m and over in length. Both standards provide regulations on ship structure,

equipment, and appropriate systems to prevent pollution from fishing vessels.

Part 7 of *Standard 7111:2002* has a regulation for garbage from fishing vessels. Accordingly, part 7 of this standard stipulates that fishing vessels must have the equipment to store garbage, dirty oil and oil leaked from the engine room. Garbage is only allowed to discharge only when the vessels are in the port. Meanwhile, part 13 of *Standard 6718:2000* does not contain any provision for garbage from fishing vessels. Both standards only focus on preventing oil pollution from fishing vessels. There are no regulations on hazardous waste or plastic waste from fishing vessels. These standards are not updated according to the actual situation. In particular, Vietnam has been a member of Annex V MARPOL 73/78 since 2014. However, the provisions of this Annex have not been incorporated into these standards. That is the reason leading to the imperfections of Vietnamese law in this field. As a result, there is also a gap for fishing vessels to continue to cause pollution of the marine environment.

All of the aforementioned Vietnamese laws are intended to prevent marine debris from ships from polluting the environment. Although Vietnam has many laws, rules, and standards in this area, it does not have significant regulations regarding ship's garbage. According to the analysis above, Vietnam lacks comprehensive and in-depth regulation in this area. Therefore, improving the law on preventing environmental pollution from ship waste and other sources of ships is crucial for Vietnam in the near future.

Problems Exist in Vietnam's Current Laws

In recent years, Vietnam has made efforts to amend, supplement and issue new regulations to protect the marine environment. As a result, Vietnamese law in this field has achieved encouraging achievements. However, Vietnamese law in this field reveals many shortcomings, as follows:

Firstly, Vietnam's laws in this field are diverse in type and large in number. Vietnamese laws are enacted by competent state agencies from the central to local levels. There are laws enacted by the national assembly, the other regulations enacted by the ministries. Vietnamese law in this field currently has many laws, regulations, and standards. Therefore, Vietnam's laws become cumbersome and complex. As a result, the laws become difficult to understand and enforce, resulting in inefficiency. Additionally, as was previously discussed, despite the fact that there are a lot of regulations, Vietnam does not yet have a clear and comprehensive regulation for the prevention of marine pollution brought on by shipwrecks. However, there are a number of laws in place to prevent marine pollution brought on by shipwrecks. However, these laws' guidelines for protecting the environment from ship garbage are fairly broad. The law overlaps because related issues are dispersed throughout many regulations. This is evident from the analysis of Decree No. 142/2017/N-CP, Decree No. 155/2016/N-CP, and Decree No. 162/2013/N-CP.

Secondly, the timeliness of the law is low. Through the analysis above, there are regulations in Vietnam that do not have any amendments and supplements to suit the actual requirements, typically *Decree No.30/CP*. As a result, this regulation is outdated.

In particular, Vietnam participated in Annex V *MARPOL 73/78* in 2014. Participation in *International Conventions* is the basis for improving national laws in this field. However, up to the present, Vietnam has not had a specific regulation to prevent marine pollution by garbage from ships. Even the provisions of this Annex have not been incorporated into national law. Many regulations and standards of Vietnam up to now have not been updated, amended or supplemented under the guidance of International Maritime Organizations. Typically, *Standard QCVN 26:2016/BGTVT* has incorporated all Annexes to *MARPOL 73/78*, except for Annex V. Besides, the standards *TCVN 7111:2002* and *TCVN*

6718:2000 for fishing vessels have not been amended and supplemented regulations on garbage from fishing vessels, especially plastic waste. The delay in incorporating the provisions of the Convention into national law is the cause of the incomplete Vietnamese law. And even create opportunities for ships to continue to pollute the marine environment.

Thirdly, Vietnam has many "framework laws". According to the analysis above, there are six basic laws in this field. These laws only promulgate general provisions on environmental protection or protection of the marine environment by ships. Vietnam must issue guidelines to implement the clauses of these "framework laws" because there are so many of them. Vietnam has typically issued Decree No. 19/2015/ND-CP to implement the Law on Environmental Protection 2014's provisions. This Decree offers comprehensive instructions for carrying out the 2014 Law on Environmental Protection. Likewise, the Law on Fisheries 2017 and the Law on Natural Resource and Environment of Sea and Islands (2015). In order to provide clear instructions for the application of the rules of these laws, Vietnam has also issued decrees. Vietnam's laws have become even more complicated as a result of "framework laws" and guidelines.

Fourthly, current laws are not strong enough to prevent violations of marine environmental pollution. Initially, Vietnamese law lacked many important regulations to prevent pollution of the marine environment by garbage from ships. Subsequently, the regulations on sanctions for violations of marine environmental protection are not strict enough. This is clearly shown in the Vietnamese Decrees on administrative sanctions in the field of marine environmental protection. Typically, that is the provision for administrative sanctions in Article 35 of *Decree No.142/2017/NĐ-CP*. According to the analysis above, with such sanctions, the subject does not hesitate to violate and accept to be punished. This also appears in the provisions of *Decree No.155/2016/NĐ-CP* and

Decree No.162/2013/NĐ-CP, as analyzed above. As a result, Vietnam's waters have been polluted and affecting the living environment of one-third of Vietnam's population and socio-economy.

Improvement of Vietnamese Laws

The Necessity to Improve Vietnamese Laws

Firstly, according to the analysis in this article, a ship's daily discharge into the sea a large amount of waste, including plastic waste. Plastic waste does not cause immediate harm to the marine environment and human health. However, plastic waste is always a potential threat to all marine animals and causes marine accidents. Even plastic waste also threatens human health and reduces the value of beaches. In Vietnam, plastic waste in marine areas is having a major impact on the aquaculture, capture fisheries, and tourism industries.

According to the analysis in the article, the presence of garbage in marine areas has a significant contribution to marine exploitation activities, especially from cargo ships, fishing vessels, and cruise ships. On both national and international shipping lanes, Vietnam is home to numerous cargo ships and fishing boats. Additionally, the majority of Vietnamese ships are old ships, according to the Vietnam Maritime Bureau. As a result, technological equipment is frequently outdated and does not adhere to standards for environmental and safety protection. Moreover, the waters of Vietnam are located on important international maritime routes around the world. Therefore, a large number of ships pass through Vietnamese waters every day. Every year, there are hundreds of thousands of ships operate on Vietnam's waters.

In particular, Vietnam is a country that has the advantage of developing a marine economy with a long coastline. Moreover, many ports are increasingly upgraded and modernized. Therefore, transporting goods by sea plays an important role in the economy of Vietnam at present and in the future. According to the study of author Mai Hai Dang, there are 80-90% of

imported and exported goods through Vietnam's ports.

With the help of the analysis above, it is clear that the Vietnamese waters are constantly at risk of being contaminated by ship waste. The laws of Vietnam on preventing marine pollution due to ship-source pollution as well as ship's garbage still show many gaps that need to be filled, despite the significant growth of goods transportation by sea. That is the reason why environmental pollution in Vietnam's coastal regions is getting worse and harder to control. Vietnam needs to issue these regulations as soon as possible in order to combat marine environment pollution.

Second, based on the analysis presented above, there are a number of problems with Vietnamese law regarding the prevention of marine environmental pollution caused by ship-borne trash. Therefore, the most crucial task is for Vietnam to quickly update, add to, combine, and even develop new regulations in this area. Consequently, Vietnam will have a full set of rules for preventing garbage from ships from polluting the ocean.

Thirdly, over the past years, Vietnam has focused on developing the marine economy and protecting the marine environment. Therefore, many policies and strategies have been enacted by Vietnam. There have been strategic policies outlined in Vietnam over the last decade. Typically, it is Politburo Resolution No. 48NQ/TW from 2005, which outlines a plan to develop and enhance Vietnamese laws by 2010 with a focus on 2020. The resolution places emphasis on the requirement that Vietnam's laws be improved and that it continues to adhere to international conventions for the preservation of the marine environment.

In addition, the Prime Minister issued Decision No. 166/QĐ-TTg in 2014, outlining the plan for carrying out the national environment protection strategy through 2020 with a focus on 2030. The Decision establishes the significance of public relations efforts to increase public

responsibility for environmental protection, particularly in the area of marine environmental protection. Additionally, the decision emphasises that one of the key goals for the present and the future is to improve the laws governing this field. Vietnam needs to modernise its legal system and fix any unresolved issues with its current legal in order to enhance the law on protecting the marine environment.

Another important decision is the *No.855/QĐ-TTg* on control of environmental pollution in transport activities. The *Decision* affirms that protecting the marine environment is an important task in parallel with economic development. Besides, Vietnam needs to thoroughly and effectively implement the *International Convention* that Vietnam has ratified. The *Decision* also emphasized that the prevention and control of marine environmental pollution by marine activities at sea is a long-term task, with a plan for 2020 and a vision for 2030.

Moreover, to thoroughly implement the *International Convention* to which Vietnam has acceded. Vietnam issued a decision to implement Annex V MARPOL 73/78 in 2016. *Decision No.795/QĐ-TTg* has affirmed that Vietnam should make quickly review, amend, supplement or promulgation regulations of this field to conformity with the above Decisions and Annex V.

Vietnam has recognized the important role of the law in sustainable economic development. Therefore, these policies and strategies clearly show the volition and determination of Vietnam to improve the law in this field. The task of improving laws in this field is not only to effectively implement the *International Conventions* but also to implement the strategies and policies set by the Vietnamese government.

Requirements to Improve Vietnamese Laws

Firstly, the law on preventing marine pollution by ship garbage should demonstrate a harmonious combination with sustainable economic development. The law of this field is issued with the aim of minimizing negative impacts on the

marine environment. However, limiting negative impacts does not mean stopping or restricting the use of ships to transport goods by sea. The development and improvement of the law in this field must achieve both economic benefits and environmental protection. Therefore, the basic requirements of improving the law are not to hinder maritime operations and contribute to protecting the marine environment of the nation and humanity. At the same time, the law on marine pollution prevention due to ship's garbage is also a part of environmental law. Therefore, the completion of it also needs to meet the requirements for the protection of marine environmental components and marine resources. In essence, the requirement to complete this law is aimed at the goal of sustainable development.

Secondly, improving the law in this field should stem from the current environment, infrastructure and qualifications of Vietnam's maritime industry. Currently, Vietnam is actively studying the laws of countries in the region and the world in this field to quickly improve the law. However, this acquisition needs to be selective about the development and improvement of the law. In this article, the author has chosen Chinese, United States, and Australian laws. These are also pioneering countries to participate in *International Conventions* and incorporate *International Convention* provisions into national laws. Therefore, the experiences of these countries are valuable to Vietnam in the process of improving the law in this field. However, there are limitations on the technical and scientific level, people's awareness of the environment and the actual capacity of management agencies. Therefore, with the experience gained from those countries, Vietnam needs to apply flexibly to the specific conditions of Vietnam. Studying the experiences of those countries in Vietnam should not be imposed and applied mechanically.

Thirdly, improving the law in this field must not infringe upon the legal rights of other countries in terms of resources and maritime

activities. Marine environments are considered common in all countries in the world. However, waste at sea is characterized by difficulty in controlling and without boundaries. Therefore, the country has rights and obligations based on the provisions of International law in this field to control marine environmental pollution. Vietnam also has the right to promulgate and improve the law on marine pollution control due to the impact of the ship's garbage. However, these provisions must be consistent with the provisions of *International Conventions* and must not affect the legal rights and obligations of other countries. These rights include the freedom of the high seas, such as the freedom of navigation, overflight, laying submarine cables and pipelines, building artificial islands and other installations allowed by international law, engaging in fishing, and conducting scientific research.

Fourthly, improving the law of this field complies with the provisions of the *International Conventions* to which Vietnam has acceded. At present, *International Conventions* are considered a source of law for countries to improve their laws. Therefore, in order to improve the law, in addition to self-promulgating the regulations, the integration of *International Conventions* provisions into national law is also a method chosen by many countries. Accordingly, the countries that the author analyzes in the article, such as China, the United States, and Australia, have chosen the method of combining the provisions of the *International Conventions* to improve the law of this field. Therefore, there is an important principle when implementing *International Conventions*. The basic principle is that the law on this issue provided in national law must be at least equal to or stricter than that in the *International Conventions*.

Fifthly, improving the law in this field should be conducted in parallel with education and propaganda to raise people's awareness of the importance of the marine environment. In particular, the harmful effects of ship's garbage, as well as other pollutants from ships, can cause

negative effects on the marine environment and human health. People are always considered an important factor in law enforcement. Vietnam's population is concentrated in the coastal provinces. Moreover, according to the Vietnam Maritime Administration, by 2019, Vietnam has 41,000 crew members working on Vietnamese and foreign ships. Therefore, raising people's awareness as well as training and certifying seafarers working onboard ships is also considered indispensable. With that result, Vietnam has nearly one-third of Vietnam's population with a sense of protection for the marine environment. From there, it can be seen that improving the law is not only a single solution but also combined with other solutions to achieve the expected results.

Directions to improve the law of Vietnam

Completing Vietnam's laws in this field is considered the most important task in the current period. Improve Vietnamese laws not only to implement the policies set by the Vietnamese government but also to effectively implement *International Conventions*. Over the years, Vietnam has made efforts to amend, supplement and issue new regulations on preventing marine pollution by garbage from ships. However, the results were not as expected.

Although Vietnamese laws are numerous, however, it lacks important regulations in this field. Vietnamese laws still have many problems that need to be urgently improved, as analyzed above. There are many reasons for the incomplete law of Vietnam, of which the ineffective implementation of *International Conventions* is considered to be the main reason. At the present time, a trend is being chosen by countries to improve their laws. That is the choice of law of countries with progressive and scientific law systems for research. Such valuable experiences gained from these countries are extremely useful for Vietnam to shorten the time to develop and improve laws.

In my field of study, the author has also chosen International Conventions as the basic foundation for the completion of the law. Besides, the author also chooses the laws of typical countries such as China, the United States, and Australia. By comparing the participation and implementation of International Conventions between Vietnam and countries, the author offers valuable experiences for Vietnam to quickly improve laws in this field. A question arises, why choose the above countries for study? The reasons below will explain that.

Firstly, China is known as a country that has a long coastline, ranked 5th in the world. Along with that is a large number of seaports in top of the largest seaports in the world. Especially Shanghai port is always at the top of the largest seaport in the world. Therefore, transporting goods by sea in this country is also at the top of the world. According to the report of Matt Slater (2016), among the 17 busiest seaports in the world, China accounts for ten seaports. This shows that China's waters are always at risk of being contaminated by ship-source pollution. Therefore, in order to control the issue of marine pollution due to ship's garbage, China quickly took part in important *International Conventions* in this field. In addition to the law-making effort, China has also incorporated the provisions of the Conventions into national law. Since then, it has formed a complete system of regulations on preventing marine pollution due to ship's garbage as well as other pollutants from ships. Moreover, Vietnam has many similarities with China, such as a country with a long coastline, many seaports and a large number of vessels entering and leaving ports. In particular, there is a similarity in the law system for marine environmental protection. Recently, many studies and essays have chosen China to study. Because of the rapid development of the maritime industry, transport of goods by sea and the way China completes legislation to prevent and control ship pollution.

Secondly, to enhance the comparison, assessment and learning experience, the author

not only selects the laws of a country with a system similar to Vietnam but also selects the laws of a country with a different law system from Vietnam. That is the law of the United States. The United States is considered a world trade superpower. With a large number of bustling seaports all day and night, this country always ranks first in the world in terms of the import and export of goods by sea. Besides, there are a large number of foreign ships and domestic vessels operating on the waters of this country. Therefore, the United States waters always have the risk of pollution by ship-source pollution, especially the ship's garbage. In order to develop the marine economy and prevent pollution risks by ships. The United States not only actively participated in the process of completing Annex V MARPOL 73/78 but also participated in this Annex and the *London Convention 1972*. Thereafter, the provisions of *International Conventions* are incorporated into national law. Since then, formed a complete law system to prevent marine pollution due to the ship's garbage. It is said that the United States has the most sophisticated and relatively complicated judicial system in the world. However, it still works effectively, and it is worthwhile for Vietnam to learn from experience in building, developing and improving the law in this field.

Thirdly, the author also studied Australian law on the prevention and control of ship's garbage pollution. Because Australia is a country with a coastline of 60,000km in length, many research and rescue region accounts for more than 10% of the Earth's surface. Moreover, Australia is also a country that has huge numbers of vessels entering and leaving ports, especially cruise ships. Experts predict that the number of cruise ships entering this country could be up to 2 million by 2020, and the fourth largest in the world in terms of the number of cruise ships operating on Australian waters¹³¹. In particular, Australia's maritime industry also affirmed its position when up to 99% of the country's goods are exported by sea, and up to 10% of the world's cargo is transported through its ports. Therefore,

if there is no complete law to regulate activities for ships, Australia will have to cope with the difficult task of preventing and controlling marine environmental pollution due to ship's garbage as well as other pollutants from ships. Therefore, Australia has actively participated in *International Conventions* and incorporates those regulations reasonably and flexibly into its laws. Until now, Australia has had complete laws in this field.

Although Vietnam's law system is different from the Australian and United States law systems, however, the efforts to participate, implement and incorporate the provisions of

International Conventions into national law are valuable experiences for Vietnam in the process of improving its legislation in this field. The experience gained from the above-mentioned countries will help Vietnam shorten the time to complete its law.

The table below shows the necessity of studying the laws of the Chinese, the United States, and Australia. These countries have actively participated in *International Conventions* in this field. Meanwhile, Vietnam is slow and passive.

Table 1. Vietnam and countries participating in International Conventions

Country	Convention	Annex V MARPOL 73/78	London Convention 1972	UNCLOS 1982
China	Ratification	21 November 1988	14 November 1985	7 June 1996
	Entry into force	21 February 1989	14 December 1985	7 June 1996
United States	Ratification	30 April 1979	29 April 1974	Not yet
	Entry into force	31 December 1988	30 August 1975	Not yet
Australia	Ratification	14 August 1990	21 August 1985	5 October 1994
	Entry into force	14 November 1990	20 September 1985	16 November 1994
Vietnam	Ratification	19 December 2014	Not yet	25 July 1994
	Entry into force	19 March 2015	Not yet	16 November 1994

Source: ECOLEX–The gateway to environmental law

Conclusion

Conclusions could be drawn by concentrating on an analysis of Vietnam's current laws, regulations, and norms on the prevention of marine environmental pollution by garbage from ships. The lack of regulations in this area is despite Vietnam's numerous laws, regulations, and standards. Over the decades, Vietnam has made efforts to enhance the law, but the outcomes are still far from ideal. Vietnam's laws on preventing pollution of the marine environment by garbage from ships still have many problems. That is the reason Vietnamese , A. (2015). European maritime safety agency CleanSeaNet activities in the North Sea. *The*

law is often difficult to apply in practice. Besides, Vietnam has not yet effectively implemented *International Conventions*. Therefore, to complete the law of this field, the author also pointed out the direction for Vietnam to shorten the time to build and perfect the law. The method proposed is to study the participation, implementation of *International Conventions*, and improvement of laws of other countries.

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