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# The Blue Economy in International Law: Opportunities and Challenges for Vietnam

## Abstract

The concept of a blue economy, focused on the sustainable and regenerative use of ocean resources, has emerged as a strategic pathway for balancing economic growth, environmental protection, and social development, particularly for coastal communities. This transformation is essential to address the escalating economic and ecological challenges in these areas. As a maritime nation with significant natural advantages and a strategic geopolitical location, Vietnam's pursuit of the blue economy requires effective engagement with a multilayered legal framework, comprising international law and its domestic legal system. This paper examines how existing international legal regimes, particularly under the 1982 United Nations Convention on the Law of the Sea, respond to the evolving demands of the blue economy and climate-responsive development. The paper also analyzes the international legal framework to identify key legal principles underpinning the blue economy, including the principle of sustainable development, intergenerational equity, equitable benefit-sharing, the no-harm principle, and the principle of international cooperation. These principles serve as foundational norms for guiding national legislation and international engagement in marine resource governance. By focusing on Vietnam's legal system and policies, the study argues that realizing a sustainable blue economy demands not only legal reform but also improved inter-agency coordination, institutional consolidation, and international cooperation. The paper advocates for harmonizing national and international legal standards, and enhancing legal capacity for implementation.

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This approach supports Vietnam's efforts to fulfill Sustainable Development Goal 14, reinforcing the need for inclusive and adaptive legal governance of the ocean in the era of the twin transition.

KEYWORDS: UNCLOS, Vietnam, blue economy

## 1 | Introduction

Vietnam, as a coastal nation with a shoreline over 3,260 kilometres and an extensive maritime region in the East Sea surpassing 1 million square kilometres, possesses significant potential for advancing a blue economy, supported by its rich and diverse marine ecology. In evaluating worldwide trends in mobility and progress, Resolution No. 09/NQ-TW/2007 of the Communist Party of Vietnam affirmed that “the 21st century is the century of the seas and oceans.” To actualise the blue economy model, Vietnam has developed a robust and suitable legal framework for implementation, alongside the international legal framework, including United Nations Convention on the Law of the Sea (UNCLOS) and new treaties concerning biodiversity and marine environmental protection, particularly the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement).

After more than a decade, the 8th Plenary Session of the 12th Central Committee issued Resolution No. 36-NQ/TW, dated 22 October 2018, which outlines both general and specific objectives aimed at establishing Vietnam as a robust maritime nation with sustainable and prosperous development, while ensuring the security and safety of its marine economy. It stipulates that, by 2030, exclusively marine economic sectors will contribute roughly 10% to the national GDP; the economies of the 28 coastal provinces and centrally governed cities are anticipated to represent 65–70% of national GDP; marine economic sectors will evolve sustainably in alignment with international standards; and the extraction of marine resources will be more rigorously regulated in conjunction with safeguarding the resilience of marine ecosystems.

Vietnam encounters substantial opportunities and challenges in cultivating a sustainable blue economy within the framework of UNCLOS and

domestic regulations, necessitating extensive legal reforms, improved integration of climate resilience, and strategic policy enhancements to actualise its maritime economic potential while addressing the requirements for climate change adaptation.

## 2 | The Concept and Principles of the Blue Economy

Countries employ various approaches regarding the blue economy, especially in defining its goals. Indonesia emphasises its blue economy by advancing marine fisheries, marine transportation, tourism, and energy and material production industries aligned with blue economy principles; enhancing and coordinating national policies for marine and terrestrial economies; creating blue economy demonstration zones; reinforcing connections between trade and infrastructure; and fostering technological and human resource development. In East Asia, China initially established short-term objectives for its marine economy strategy leading up to 2020, via the Shandong Peninsula Blue Economic Zone, which aims to evolve into a blue economic zone distinguished by an advanced marine economy, an optimised industrial structure, harmonious coexistence between humanity and nature, and serving as a pioneer in the fundamental attainment of modernization.<sup>[1]</sup> This demonstrates that there is no single, universally accepted definition of the blue economy. The authors do not use the conceptual framework of any one country; instead, the paper relies on the views of international organisations, because the oceans are a subject that is covered by a wide range of international legal instruments.

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<sup>1</sup> Lu Wenhai et al., “Successful Blue Economy Examples With an Emphasis on International Perspectives” *Frontiers in Marine Science* 6 (2019): policy makers and research institutions worldwide concerned with ocean and coastal regions are demanding further and improved analysis of the Blue Economy. Particularly, in terms of the management connotation, data access, monitoring, and product development, countries are making decisions according to their own needs. As a consequence of this lack of consensus, further dialogue including this cases analysis of the blue economy is even more necessary. This paper consists of four chapters: (1 3-4.

## 2.1. The Concept

International organisations have also acknowledged differences in perspectives on the concept of the “blue economy.” At the Rio+20 Conference in 2012 in Brazil, the concept of the blue economy was introduced, even under the umbrella of a broader term, “green economy,” which indicates a sustainable economic model in the Earth’s ecosystem, not only focusing on the marine environment. Regarding this context, the blue economy is an economic development model focused on contributing to poverty eradication, economic growth, food security, sustainable livelihoods, and decent work, while protecting biodiversity, the marine environment, and addressing climate change.<sup>[2]</sup> The Rio+20 Sustainable Development Conference program highlighted that oceans, seas, and coastal regions are vital and fundamental elements of the Earth’s ecosystem, significantly contributing to the sustenance of life. The concept of blue economy gained significant momentum at Rio+20, where nations committed to sustainable blue growth.

Relying on the aftermath of the Rio Conference, the Food and Agriculture Organisation (FAO) has also proposed its perspective on the blue economy. The FAO asserts that the blue economy encompasses productive, responsible, and sustainable fisheries and aquaculture sectors, characterised by good governance and management of aquatic ecosystems to conserve biodiversity and habitats while empowering communities.<sup>[3]</sup>

The World Bank has also actively defined this term. The concept is broader than the definition of ocean economy, which indicates an economic system where activities require products from the ocean, and then provide inputs back to the ocean.<sup>[4]</sup> It is defined by a concept coined by the Economist Intelligence Unit, which describes an ocean economy that is sustainable and planned, with long-term capacity for the sea ecosystem.<sup>[5]</sup>

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<sup>2</sup> United Nations, *The Future We Want: Outcome Document of the United Nations Conference on Sustainable Development, Rio de Janeiro, Brazil, 20–22 (June 2012)*, 41. <https://sustainabledevelopment.un.org/content/documents/733FutureWeWant.pdf>.

<sup>3</sup> Devin Bartley et al., *The FAO Blue Growth Initiative: Strategy for the Development of Fisheries and Aquaculture in Eastern Africa*, FAO Fisheries and Aquaculture Circular, No. 1161 (Food and Agriculture Organization of the United Nations, 2018), 1.

<sup>4</sup> Kwang Seo Park, Judith T. Kildow, “Rebuilding the Classification System of the Ocean Economy” *Journal of Ocean and Coastal Economics*, No. 1 (2014).

<sup>5</sup> Pawan G. Patil, John Virdin, Sylvia Diez, Julian Roberts, Asha Singh, *Toward A Blue Economy: A Promise for Sustainable Growth in the Caribbean. An Overview* (Washington: The World Bank, 2016), 5.

Another report by The World Bank defines the term broadly, in which the blue economy should be understood as an economy encompassing the economic sectors and policies that collectively shape the sustainability of ocean resource use.<sup>[6]</sup> Accordingly, the economic activities categorised as components of blue economy are harvesting and trade of marine living resources, Extraction and use of non-renewable marine nonliving resources, Use of renewable non-exhaustible natural forces, Commerce and trade in and around the oceans and Indirect contribution to economic activities and environments.<sup>[7]</sup>

For the purpose of this paper, the approach that focuses only on some sectors is not sufficient to examine the emergence of the blue economy in the Vietnamese legal system. Table 1 systemises major sectors in the blue economy.

**Table 1: Sectors in the blue economy and key legal instruments**

Category	Sector	Key legal instruments
Traditional Sectors	Fisheries & Aquaculture	<ul style="list-style-type: none"> <li>- 1946 International Convention on the Regulation of Whaling</li> <li>- 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</li> <li>- 1976 Convention on Migratory Species UNCLOS</li> <li>- FAO Agreements: Agreement on Port State Measures (PSMA) and International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU)</li> <li>- 1992 Convention on Biological Diversity (CBD)</li> <li>- UN Fish Stocks Agreement (UNFSA)</li> </ul>
	Maritime Transport & Shipping	<ul style="list-style-type: none"> <li>- International Convention on Loadlines, 1966 (LOADLINE)</li> <li>- International Maritime Organization (IMO) conventions: International Convention for the Safety of Life at Sea, 1974 (SOLAS)</li> <li>- International Convention for the Prevention of Pollution from Ships, 1973/1978 (MARPOL)</li> <li>- Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG)</li> <li>- UNCLOS</li> <li>- The International Ship and Port Facility Security Code, 2002 (ISPS)</li> <li>- The International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention)</li> </ul>
	Tourism	<ul style="list-style-type: none"> <li>- UNCLOS</li> </ul>

<sup>6</sup> World Bank and United Nations Department of Economic and Social Affairs, *The Potential of the Blue Economy: Increasing Long-term Benefits of the Sustainable Use of Marine Resources for Small Island Developing States and Coastal Least Developed Countries* (Washington, DC: World Bank, 2017), vi.

<sup>7</sup> *Ibidem*, vii-viii.

Category	Sector	Key legal instruments
Emerging Sectors	Renewable Energy	<ul style="list-style-type: none"> <li>- UNCLOS</li> <li>- UNFCCC 1992</li> <li>- Paris Agreement 2016</li> </ul>
	Marine Biotechnology	<ul style="list-style-type: none"> <li>- UNCLOS (marine scientific research provisions)</li> <li>- BBNJ Agreement</li> <li>- Convention on Biological Diversity (CBD)</li> </ul>
	Carbon Sequestration	<ul style="list-style-type: none"> <li>- London Protocol (1996) with amendments on the London Convention 1972)</li> <li>- UNCLOS</li> <li>- Kyoto Protocol 1997</li> <li>- UNFCCC 1992</li> </ul>
Resource Extraction	Oil & Gas	- UNCLOS
	Minerals	- UNCLOS

The blue economy encompasses a range of sectors, from traditional to emerging ones. Consequently, the authors define the blue economy as the sustainable exploitation of marine and ocean ecosystems to provide economic value for everyone. Therefore, the committee will examine Vietnam's legal framework for all aspects affecting the marine environment and environmental standards to guarantee the sustainable utilisation of these resources.

## 2.2. The Legal Principles of the Blue Economy

Table 1 demonstrates that the blue economy is not merely about the efficient exploitation of marine resources; it operates within a complex, multi-layered legal framework spanning international and regional levels. Among them, three major legally binding instruments have shaped foundational principles: UNCLOS, BBNJ Agreement, and UNFCCC. This economy is tied to five foundational principles: (i) Sustainable Development; (ii) Intergenerational Equity; (iii) Equitable Benefit-Sharing; (iv) the Principle of No Harm; and (v) Compliance with International Law and International Cooperation.

### 2.2.1. Sustainable Development

In its 2025 advisory opinion about state obligations concerning climate change, the International Court of Justice (ICJ) delineated the evolution of the idea of sustainable development since the late twentieth century. This principle was initially acknowledged as a guiding norm in the United

Nations Framework Convention on Climate Change (UNFCCC) and has since been reiterated in various instruments, including UNFCCC, Article 3, paragraph 4; the Kyoto Protocol, Article 2, paragraph 1; and the Paris Agreement, Article 2, paragraph 1. The latest instrument referencing this idea is General Assembly resolution 70/1, adopted on 25 September 2015, which endorses the Sustainable Development Goals. The ICJ recognises this principle as a legal source regulating governmental commitments regarding climate change. While the advisory opinion is not legally binding on states, the Court has recognised concerns regarding the environmental consequences of economic exploitation since the 1997 *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* judgement, making it likely that this principle will be utilised to ascertain states' obligations in contemporary cases.<sup>[8]</sup>

This concept was first articulated in the landmark 1987 United Nations report, "Our Common Future," also known as the Brundtland Report, issued by the World Commission on Environment and Development, which laid the foundation for the notion of sustainable development. In its broadest sense, sustainable development is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." This principle is also embedded in Articles 192 and 193 of the UNCLOS. Article 192 stipulates that States have the obligation to protect and preserve the marine environment. In conjunction with Article 193, which recognizes the sovereign right of States to exploit their natural resources, UNCLOS confers not only rights but also corresponding obligations on States in resource exploitation.

The principle of sustainable development reflects the quintessential principle of "rights accompanied by obligations." If the exploitation of marine resources results in the degradation of marine ecosystems, such conduct, regardless of whether it occurs within waters under national sovereignty (internal waters, archipelagic waters, or the territorial sea), constitutes a breach of international obligations in the field of marine environmental protection and preservation. Accordingly, States cannot invoke sovereignty or sovereign rights as a means to evade their responsibilities to protect and preserve the environment. This represents a core element of sustainable development: refraining from sacrificing the environment and marine ecosystems for short-term economic gain, thereby making

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<sup>8</sup> International Court of Justice, *Obligations of states in respect of climate change*. Advisory Opinion. (July 23, 2025), para. 147. <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>.

a tangible contribution to preventing the adverse impacts of contemporary climate change.

At the request of the Commission of Small Island States (COSIS), on 21 May 2024, the International Tribunal for the Law of the Sea (ITLOS) issued Advisory Opinion No. 31 to clarify two questions: “What are the specific obligations of State Parties to the UNCLOS.

1. to prevent, reduce, and control pollution of the marine environment about the deleterious effects that result or are likely to result from climate change, including through ocean warming and sea level rise, and ocean acidification, which are caused by anthropogenic greenhouse gas (GHG) emissions into the atmosphere.
2. to protect and preserve the marine environment about climate change impacts.”<sup>[9]</sup>

Regarding the initial question, ITLOS concluded that GHG emissions into the atmosphere qualify as “pollution” under Article 1(4) of UNCLOS, as they directly or indirectly inflict damage on the marine ecosystem through temperature alteration, acidification, and sea level increase. Meanwhile, ITLOS underscored that States must implement all requisite steps to prevent, reduce, and control pollution from GHG. Moreover, ITLOS confirmed that this constitutes a binding international legal requirement of due diligence, which is interpreted under the International Law Commission regarding international environmental law, requiring states to act reasonably about the rights and interests of others in the international community, mainly to prevent transboundary environmental harm.<sup>[10]</sup> This duty is governed by a rigorous norm due to the potential for substantial and permanent damage, as evaluated by the Intergovernmental Panel on Climate Change (IPCC). In particular, using the scientifically evaluated risks of serious and irreversible harm by the IPCC, ITLOS illustrates that greenhouse gas emissions into the atmosphere qualify as pollution under Article 1(4) of

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<sup>9</sup> International Tribunal for the Law of the Sea, Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law: Advisory Opinion. Case No. 31. Hamburg: ITLOS. (May 21, 2024), 5.

<sup>10</sup> Penelope Ridings, „Annex II: Due Diligence in International Law,” [in:] *Report of the International Law Commission: Seventy-fifth session (29 April–31 May and 1 July–2 August 2024)* (United Nations, 2024), para. 2. <https://legal.un.org/ilc/reports/2024/english/annex2.pdf>.

UNCLOS, as they directly or indirectly adversely affect the marine environment through temperature alteration, acidification, and sea level rise.

The obligation under Article 194(2) of UNCLOS mandates the prevention of transboundary pollution from greenhouse gases, imposing a more stringent standard due to its cross-border implications, encompassing land-based sources (Article 207), vessel-based sources (Article 211), and atmospheric sources (Article 212). Furthermore, ITLOS mandated that States enact legislation and implement it via international organisations; States are also obligated to collaborate, by Articles 197, 200, and 201 of UNCLOS, encompassing cooperation in scientific research, standard-setting, and data exchange. Furthermore, ITLOS mandated the provision of technical and financial assistance to developing nations, especially vulnerable States, by Articles 202 and 203 of UNCLOS. It also necessitated monitoring, assessment, reporting, and environmental impact assessments of activities that may lead to GHG pollution, as stipulated in Articles 204, 205, and 206 of UNCLOS. Article 194 requires states to pursue all necessary measures to mitigate and regulate pollution, with the ultimate goal of entirely preventing its occurrence; however, they are not mandated to achieve an immediate cessation of marine pollution resulting from anthropogenic greenhouse gas emissions. ICJ's 2025 advisory opinion determines that the definition of a "necessary measure" as per Article 194, paragraph 1, of UNCLOS must be evaluated based on objective criteria, considering the best available scientific evidence, international regulations and standards regarding climate change, as well as the resources and capabilities of the relevant States, including their distinct national contexts.<sup>[11]</sup>

Regarding the second question, ITLOS confirmed that Article 192 of UNCLOS, relevant to all concerns including climate change and acidification, mandates both protection (preventing damage) and preservation (restoring degraded ecosystems). This commitment entails a rigorous standard of due diligence, necessitating proactive measures in response to foreseeable threats. Article 194(5) of UNCLOS addresses the safeguarding of rare or delicate ecosystems, particularly ice-covered regions as specified in Article 234 of UNCLOS, and the habitats of endangered species, as indicated by the CITES, by adaptable yet rational and scientifically-informed approaches. Articles 61 and 119 of UNCLOS mandate that management measures for the conservation of living resources in the exclusive economic zone (EEZ) and the high seas be grounded in the best scientific evidence, utilising

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<sup>11</sup> Supare note 6, para. 347.

precautionary and ecosystem approaches, while considering the effects of climate change, including migratory fish stocks. Articles 63, 64 and 118 of UNCLOS mandate good faith consultations for international cooperation in the preservation of migratory species and shared resources, necessitating coordination of measures to adapt to distributional changes induced by climate change. Article 196 of UNCLOS prevents the introduction of non-native species due to climate change, such as alterations in ocean currents caused by rising sea temperatures, employing the criteria of "significant harm" and the precautionary principle. Concerning area-based management instruments, ITLOS advocated for the implementation of marine protected areas (MPAs) and marine spatial planning, drawing upon regional practices (such as the Convention for the Protection of the Marine Environment of the North-East Atlantic) and the BBNJ Agreement, as strategies for adaptation and mitigation.

The concept of sustainable development within the blue economy framework is established by the regulations of UNCLOS, endorsed in various international conventions, and acknowledged by international adjudicatory organisations. The principle mandates the obligations of prevention, precaution, and remediation of anticipated dangers with the commercial exploitation of the sea to ensure sustainability. This commitment is established on robust scientific evidence and is demonstrated via the substantive and good-faith actions of States, rather than anticipating quick results. Specific obligations are assigned to states concerning their capacity and influence on economic benefits and vulnerabilities related to the marine ecosystem, including ocean warming, sea level rise, and ocean acidification, within the limits of sovereign rights, rather than territorial boundaries.

### 2.2.2. Intergenerational Equity

The principle of intergenerational equity is fundamental to sustainable development, as articulated in the 1992 Rio Declaration on Environment and Development, Principle 3: "The right to development must be fulfilled to equitably meet the developmental and environmental needs of present and future generations."<sup>[12]</sup> International law contains several references to future generations. Obligations to future generations are present in the Convention on Biological Diversity, the World Heritage Convention, and

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<sup>12</sup> United Nations, *Rio Declaration on Environment and Development*, A/CONF.151/26 (Vol. I) (1992).

the United Nations Economic Commission for Europe Water Convention, among others.<sup>[13]</sup> The use and adherence to this idea aim to guarantee that resource extraction does not exhaust resources for future generations. This principle ensures that current generations use natural resources and the environment sustainably, without compromising the capacity of future generations to meet their own demands for marine resources and the oceans. Morgera and Lennan approach the principle under the lens of children's rights and illustrate the intergenerational impact of adverse climate change on the ocean towards human rights.<sup>[14]</sup> The warming and acidity of the oceans caused by climate change are causing many marine animals to move towards the poles or into deeper waters. The IPCC has said that changes in the distribution of fish in the future will hurt the income, livelihoods, and food security of communities that depend on these resources.<sup>[15]</sup> The UN Special Rapporteur on Climate Change and Human Rights has also talked about how coastal states that depend on migratory stocks like tuna will lose money.<sup>[16]</sup> The fact that catches are decreasing in the tropics, where people depend on seafood the most, and increasing in higher latitudes, exacerbates global inequalities. Adaptation efforts must involve vulnerable people, such as children, because acidification harms plankton and coral reefs, which are important parts of marine food chains. This puts the ocean's long-term role in nutrition and children's right to health in danger. It underscores the obligation of the present generation to safeguard the environment, natural resources, and ecosystems for the benefit of future generations.

The idea of intergenerational equity mandates that States, in resource exploitation, must prioritise sustainability and accountability. The exploitation of resources, particularly marine resources, must consider the rights

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<sup>13</sup> Lydia Slobodian, "Defending the Future: Intergenerational Equity in Climate Litigation" *Georgetown Environmental Law Review*, No. 3 (2019): 569-590, 572

<sup>14</sup> Elisa Morgera, Mitchell Lennan, "Strengthening Intergenerational Equity at the Ocean-Climate Nexus: Reflections on the UNCRC General Comment No. 26," *Environmental Policy and Law*, 24 November (2022).

<sup>15</sup> *IPCC Special Report on the Ocean and Cryosphere in a Changing Climate*, eds. Hans-Otto Pörtner, Debra C. Roberts, Valérie Masson-Delmotte, Panmao Zhai, et al. (Cambridge: Cambridge University Press, 2019), chap. 5, 12

<sup>16</sup> United Nations General Assembly, Promotion and Protection of Human Rights in the Context of Climate Change Mitigation, Loss and Damage and Participation: Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change. A/77/226, 26 July 2022, para 57.

and livelihoods of future generations, ensure the sustainable management of resources, and adhere to the principles of fostering international cooperation, safeguarding the marine environment, and preserving peace and stability in the utilisation of marine resources. Intergenerational equality is a crucial element of international environmental law, especially in the contemporary context of maritime environmental protection. While UNCLOS does not directly state the principle of intergenerational justice, one of the most prominent environmental law scholars, Edith Brown Weiss, identifies three core principles of intergenerational justice. They are the conservation of options, which requires each generation to preserve the diversity of natural and cultural resources so that future generations have choices to meet their needs and values, thereby avoiding irreversible harm such as species extinction or permanent environmental degradation; the conservation of quality, which obliges each generation to maintain the planet's ecological integrity and environmental quality so that it is passed on in no worse condition than it was received, encompassing measures such as pollution control, climate change mitigation, and the preservation of clean air, water, and soil; and the conservation of access, which demands that equitable opportunities to use and benefit from Earth's resources be ensured both within the present generation and between present and future generations, linking environmental protection with fairness and justice by guaranteeing access to resources, technology, and knowledge, particularly for disadvantaged groups and developing countries.<sup>[17]</sup>

From this point of view, UNCLOS can be seen to have provided the legal basis for this principle through its stipulations about the sustainable use of maritime resources and the safeguarding of the marine environment. In which the authors argue that Articles 61, 119, 192, 193 and 194 are the most relevant articles.

Article 61 mandates the preservation of marine living resources inside the exclusive economic zone (EEZ). According to this provision, UNCLOS mandates coastal States to establish the permissible catch for living resources within their Exclusive Economic Zones (EEZs) (paragraph 1); to implement suitable conservation and management measures to avert over-exploitation of these resources; and for coastal States and relevant international, subregional, regional, or global organisations to collaborate in this

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<sup>17</sup> Edith Brown Weiss, *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity* (Dobbs Ferry: Transnational Publishers, 1989), 26.

matter (paragraph 2). These commitments aim to preserve marine living resources, avert overfishing, and sustain fish stocks for future generations. Article 119 of UNCLOS mandates States to prioritise the restoration and maintenance of fish populations in the high seas, considering ecological and economic factors, fishing methods, and stock interdependence, while ensuring that conservation measures do not significantly jeopardise associated species (paragraph 1). These provisions create a framework for collaboration in the conservation and management of high seas living resources, ensuring that species are not threatened by over-exploitation.

Articles 192 and 193 of UNCLOS delineate the overarching duty to safeguard and maintain the maritime environment, which inherently includes pollution prevention and the conservation of marine ecosystems. Article 194 mandates actions to avoid, mitigate, and regulate marine pollution, obligating States to implement all essential measures to tackle pollution from various causes, including terrestrial pollution, vessels, and resource extraction.

The authors assert that the aforementioned provisions of UNCLOS encapsulate the principle of intergenerational equity by obligating States to reconcile current marine resource exploitation with their preservation for future generations, thereby safeguarding the marine environment from contemporary activities. The principle of intergenerational equity under UNCLOS provides the legal basis for attaining the targets of SDG 14, including the reduction of marine pollution (SDG 14.1), the protection of marine ecosystems (SDG 14.2), and the assurance of sustainable fisheries (SDG 14.4), thereby enabling current and future generations to utilise and manage marine resources sustainably.

### 2.2.3. Equitable Benefit-Sharing

The notion states that countries, especially those that can't directly use global resources, should fairly share in both the economic and non-economic benefits that come from using such resources. Part XI of UNCLOS, Articles 136, 137, and 140, says that everyone should get a fair share of the benefits. Article 136 says that "the Area and its resources are the common heritage of mankind." Consequently, the international seabed and its subsoil are not under the authority of any State, nor are they owned by any organisation or individual; the exploitation of resources therein must benefit the collective interests of all humanity.

Article 137 stipulates the legal status of the Area: “No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights nor such appropriation shall be recognized” (paragraph 1). Furthermore, “All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals recovered from the Area, however, may only be alienated in accordance with this Part and the rules, regulations and procedures of the Authority” (paragraph 2). At the same time, “No State or natural or juridical person shall claim, acquire or exercise rights with respect to minerals recovered from the Area except in accordance with this Part. Otherwise, no such claim, acquisition, or exercise of rights shall be recognized.”

Article 140 provides that activities in the Area shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, giving particular consideration to the interests and needs of developing States, including landlocked countries (paragraph 1). The International Seabed Authority (ISA) is tasked with distributing the financial and other economic benefits derived from such activities, ensuring that developing States benefit through financial assistance, technology transfer, and development programs.

Furthermore, Article 162(2)(o)(i) mandates that the Council, the executive organ of the ISA, propose to the Assembly rules, regulations, and procedures concerning the equitable sharing of financial and other economic benefits derived from activities in the Area. The Assembly retains the authority to review and adopt these proposals. The 1994 Agreement further stipulates that decisions of the Assembly and Council on benefit-sharing must take into account recommendations of the Finance Committee (FC). Consequently, the FC bears the primary responsibility for drafting such rules and procedures. Alongside the ongoing development of the Mining Code since 2018, the FC has initiated work on rules regarding equitable benefit-sharing. To support this process, the Secretary-General prepared a report identifying key elements requiring clarification.<sup>[18]</sup> The FC also

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<sup>18</sup> International Seabed Authority, *Rules, Regulations and Procedures on the Equitable Sharing of Financial and Other Economic Benefits Derived from Activities in the Area*, Report of the Secretary-General to the Finance Committee (ISBA/24/FC/4), 24th session, Kingston, 18 May 2018.

requested a report on the criteria for equitable distribution, which was considered at a joint meeting with the Legal and Technical Commission on 9 July 2019. A subsequent report presented three different allocation formulas for distributing royalties, accounting for widely recognized global inequality and welfare indicators. The ISA also developed an online model to visualize the impact of each formula on different Member States under various scenarios.

The FC has also explored alternative or supplementary approaches to direct financial distribution, recommending the establishment of a global fund to support public purposes, such as investment in human capital, infrastructure, or deep-sea research. This proposal, developed in the ISA Technical Study No. 31, culminated in July 2023 with a draft proposal for the establishment of a “Common Heritage Fund.”<sup>[19]</sup> The Fund is designed to invest in capacity-building, knowledge, and ocean-related skills, thereby enhancing the ISA’s contribution to the 2030 Agenda for Sustainable Development and the SDGs. It aims to create and preserve long-term value for future generations. The Council and Assembly expressed support for this initiative and invited the FC to refine further both the equitable distribution formulas and the plan for the Fund’s development.

In addition, Article 82 of UNCLOS establishes a mechanism for sharing revenues between coastal States and the international community. Coastal States must make payments or contributions in kind when exploiting non-living resources of the continental shelf beyond 200 nautical miles. Under Article 82(4), the ISA is responsible for distributing these payments and contributions to States Parties based on equitable criteria, taking into account the interests and needs of developing States, in particular the least developed and landlocked States.

In practice, implementation of Article 82(4) began in 2009 with workshops in London (2009) and Beijing (2012) to address legal and technical issues. The FC has examined Articles 140 and 82(4) in parallel. While both embody the spirit of distributive justice, Article 82(4) provides corrective benefits of a geographical and socio-economic nature, especially for landlocked States without continental shelf rights. Unlike Article 140, however,

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<sup>19</sup> International Seabed Authority, *Report of the Secretary-General: Development of Rules, Regulations and Procedures on the Equitable Sharing of Financial and Other Economic Benefits Derived from Activities in the Area pursuant to Section 9, Paragraph 7(f), of the Annex to the 1994 Agreement, ISBA/28/FC/4, Finance Committee, twenty-eighth session, Kingston, 5-7 July 2023, 11 May 2023.*

only States Parties to UNCLOS are eligible for benefits under Article 82, and ISA's role here is limited to administering transfers, rather than redistributing benefits. Nevertheless, the FC noted that the formulas developed under Article 140 could also apply to Article 82(4). At its July 2023 meeting, the FC decided to retain Article 82(4) on its agenda with the aim of producing concrete recommendations.

The authors contend that the principle of equitable benefit-sharing represents a major development in international law, embodying fairness and global solidarity. The concept of the "common heritage of mankind" extends beyond the international seabed to other domains, such as outer space (as recognized in the 1967 Outer Space Treaty). This principle is especially significant for developing States, including Vietnam, as it guarantees their opportunity to benefit from global resources, even without the means for direct exploitation, thereby helping to reduce global economic inequality. It also prevents unilateral appropriation by powerful States or organizations, ensuring that deep-sea resources are utilized for the long-term benefit of humankind, including future generations.

In practice, the ISA has developed the Mining Code, which obliges contractors to contribute part of their profits to support developing States. Part of the proceeds is directed towards marine scientific research and deep-sea environmental protection. The ISA has issued 31 exploration contracts to States and companies as of 2025, including China, Russia, Japan, and India, in areas such as the Clarion-Clipperton Zone and the Indian Ocean Ridge. China holds the largest number of licenses (five), raising concerns about its dominance.<sup>[20]</sup>

On technology transfer, some developed States such as Japan and Germany have provided training programs and shared geological data, but the actual transfer of mining equipment and technology remains limited. Developed nations, such as the United States, Japan, and European countries, have advanced technologies like underwater robots and unmanned submersibles.<sup>[21]</sup> On the other hand, developing nations, like Vietnam,

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<sup>20</sup> International Seabed Authority, FAQs for the Media: FAQs for the Media about the International Seabed Authority and Deep-Sea Mining, May 28, 2025, International Seabed Authority, [accessed: 14.8.2025].

<sup>21</sup> International Seabed Authority, *Technical Study No. 31: Equitable Sharing of Financial and Other Economic Benefits from Deep-Sea Mining* (Kingston, Jamaica: International Seabed Authority, 2021).

don't have the resources to compete, which could lead to unfair sharing of benefits, which goes against the principle itself.<sup>[22]</sup>

The ISA also lacks sufficient financial and human resources to monitor large-scale activities. Reports indicated that some Chinese companies engaged in unreported mining, in violation of ISA regulations, while enforcement against violators has proven difficult given ISA's limited international legal authority.<sup>[23]</sup> Moreover, distribution of profits has lacked transparency, with developing States often receiving indirect rather than direct economic benefits (such as research funding). Deep-sea mining further risks environmental catastrophe, disrupting deep-sea food chains and degrading marine ecosystems. Recent studies show that mining in the Clarion-Clipperton Zone could destroy habitats of millions of deep-sea species, many not yet discovered.<sup>[24]</sup>

Finally, geopolitical competition threatens to undermine the principle. China's expansionist strategy in the South China Sea and international seabed may enable it to exert disproportionate influence over the ISA, limiting the opportunities of smaller States such as Vietnam and the Philippines. Nonetheless, as a coastal State, Vietnam can invoke this principle to seek ISA's support in areas such as technology transfer and financial assistance for participation in seabed resource exploitation.

In conclusion, the principle of equitable benefit-sharing under UNCLOS provides an essential legal foundation to ensure that resources in the international seabed are exploited for the benefit of humankind as a whole, preventing unilateral appropriation. Yet, implementation faces challenges including technological inequality, weak governance, geopolitical rivalry, and environmental risks. For Vietnam, this principle presents opportunities to protect its interests in the South China Sea and to engage in deep-sea mining, but requires strengthening technological capacity, enhancing international cooperation, and actively participating in ISA mechanisms. To make the principle truly effective, the international community must improve governance, safeguard the environment, and ensure genuine fairness for developing States.

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<sup>22</sup> Michael Lodge, "The International Seabed Authority and Deep Seabed Mining" *United Nations Chronicle*, May (2017). [accessed: 14.8.2025].

<sup>23</sup> Tom LaTourrette, Fabian Villalobos, Elisa Yoshiara, Zohan Hasan Tariq, *The Potential Impact of Seabed Mining on Critical Mineral Supply Chains and Global Geopolitics* (Santa Monica: RAND Corporation, 2025).

<sup>24</sup> Zhu Deng et al., "Global Carbon Emissions and Decarbonization in 2024" *Nature Reviews Earth & Environment*, No. 4 (2025): 231-233.

#### 2.2.4. Principle of No Harm

This concept stipulates that a State is prohibited from conducting or permitting activities within its jurisdiction or control that inflict harm on the environment of other States or on places beyond national authority. This idea is codified in the 1972 Stockholm Declaration (idea 21) and the 1992 Rio Declaration (Principle 2). Specifically, it is included in Article 194 of UNCLOS, which addresses ways to avoid, mitigate, and control marine pollution. Article 194 mandates States Parties to: (1) adopt all requisite measures to avert, diminish, and regulate marine pollution (paragraph 1); (2) guarantee that activities within their jurisdiction or control do not inflict pollution damage upon other States and their environments, and that pollution resulting from accidents or activities under their jurisdiction or control does not extend beyond areas where they possess sovereign rights (paragraph 2); and (3) execute comprehensive and effective strategies to prevent, reduce, and manage pollution from terrestrial, atmospheric, and marine sources (paragraphs 3, 4, and 5).

Consequently, the no-harm principle creates a distinct connection between national sovereignty and international legal accountability, underpinning the necessity for transboundary environmental impact assessments (EIA/SEA). Accordingly, States Parties to UNCLOS are obligated to: (1) avert marine pollution through legal frameworks, monitoring systems, and risk assessments; (2) mitigate and regulate marine pollution by implementing technical standards and governing the actions of entities within their jurisdiction; and (3) prevent the transference of pollution, ensuring that they do not displace or alter pollution from one area or form to another in a manner that exacerbates harm. Simultaneously, States are mandated to participate in international cooperation, which encompasses conducting scientific research and disseminating marine environmental data, formulating regional international legal frameworks, and offering technical and financial support to developing nations.

The execution and adherence to this principle are ineffective due to the lack of enforcement mechanisms for violations, challenges in establishing the causal relationship between polluting activities and marine environmental harm, and insufficient capacity for monitoring and ensuring environmental transparency.

### 2.2.5. Principle of International Cooperation

According to this principle, States are under an obligation to cooperate with one another in good faith and on the basis of sovereign equality in order to protect and preserve the environment as well as to achieve the objectives of sustainable development. This principle is enshrined in the 1972 Stockholm Declaration (Principle 24: “International cooperation is essential to effectively control, prevent, reduce and eliminate adverse environmental effects”), the 1992 Rio Declaration (Principles 7 & 27 on “common but differentiated responsibilities” and “the spirit of global partnership”), and is codified in UNCLOS. Specifically, Article 197 of UNCLOS prescribes cooperation on a global or regional scale, whereby States cooperate regionally or globally, either directly or through competent international organizations, by developing international law (treaties, agreements) consistent with UNCLOS to protect and preserve the marine environment, taking into account regional characteristics. This constitutes a foundational principle with binding legal force, emphasizing the positive duty of States to engage in cooperation through information-sharing, establishing joint mechanisms, and coordinating actions to prevent, reduce, and control marine pollution and related environmental harm.

The scope of the principle covers:

1. Scientific and technical cooperation: including the exchange of marine environmental data; the development and transfer of environmental protection technologies; and the establishment of early-warning systems and assessments of transboundary environmental impacts.
2. Cooperation in international law-making: to harmonize international standards for pollution control (e.g., the 1972 London Convention; the 1973/1978 MARPOL Convention; the 1992 Convention on Biological Diversity; the 1995 UN Fish Stocks Agreement; the 2023 BBNJ Agreement), as well as the adoption of regional treaties (such as the 1976 Barcelona Convention for the Mediterranean; the 1985 Nairobi Convention; the 1995 South Asian Seas Convention; and the 1994 Northeast Asia Oil Spill Preparedness and Response Convention).
3. Cooperation in enforcement: including joint patrols and inspections of ship-source marine pollution; investigations and responses to oil spills and transboundary marine plastic waste; and the development

of financial and monitoring mechanisms (such as the IMO Marine Pollution Compensation Funds, and UNEP's SEA Circular Program).

The principle of international cooperation provides the legal basis for the implementation of numerous other provisions of UNCLOS, notably those on marine scientific research (Article 200), the transfer of marine technology (Article 201), and the assessment and monitoring of pollution risks and effects (Articles 204–206). In practice, no State can unilaterally address land-based sources of ocean pollution, marine plastics, or ocean acidification.<sup>[25]</sup> International cooperation is therefore indispensable for the protection and preservation of the marine environment. This principle is intrinsically linked to United Nations Sustainable Development Goal 14 (SDG 14) on “Conserving and sustainably using the oceans, seas, and marine resources for sustainable development.”

## 3 | Policies and Laws on Blue Economy of Vietnam

### 3.1. Policies to Develop the Sustainable Blue Economy

Guided by the overarching perspective of developing a sustainable blue economy, based on blue growth and the conservation of marine biodiversity and ecosystems, Vietnam aims to ensure harmony between economic and natural ecosystems, between conservation and development; to build a society connected to and friendly with the sea; to protect the marine environment and conserve marine biodiversity and natural ecosystems; to proactively respond to climate change and sea level rise; to preserve and enhance biodiversity values and restore degraded marine ecosystems; and to safeguard the integrity of ecosystems from land to sea. This vision also includes integrating marine environmental protection with the prevention and mitigation of pollution and environmental incidents, while strengthening regional and global cooperation. The objective is coined in the Resolution No. 36-NQ/TW, by 2030, with a vision to 2045, Vietnam will

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<sup>25</sup> United Nations Environment Programme, *From Pollution to Solution: A Global Assessment of Marine Litter and Plastic Pollution* (Nairobi: United Nations Environment Programme, 2021).

become a strong maritime nation, with the marine economy contributing 10% or more to GDP, achieving effective marine ecosystem conservation, and restoring degraded areas.

To realize the policies and targets set for the blue economy, Decision No.1658/QĐ-TTg issued on 1 October 2021 on Approval for national green growth strategy for 2021-2030 period, with a vision by 2050 demonstrates Vietnam's commitment to developing marine tourism and services along blue, high-quality lines; harnessing renewable marine energy (such as offshore wind and solar power); engaging in sustainable fisheries and aquaculture; linking marine economic development with resource and environmental protection by expanding marine protected areas; applying blue and circular technologies in marine exploitation industries; and strictly managing waste generated from marine economic activities.

The above policies and guiding perspectives on the marine economy, in general, and the blue economy, in particular, represent a foundational strategic breakthrough in Vietnam's approach to marine economic development, with a sustainability framework that closely integrates blue economic growth with marine environmental protection. They serve as a compass for transitioning from a short-term, single-sector resource exploitation mindset to a long-term, integrated, and multi-sector approach centered on the "blue economy," developed within the limits of ecological carrying capacity. At the same time, these guiding perspectives shape the trajectory of Vietnam's blue economy development and form the basis for the formulation of a national marine master plan aimed at protecting Vietnam's marine environment in both the present and the future.

### 3.2. Vietnamese Legal Framework for Blue Economy

Vietnam's current legal system on economy in ocean is relatively comprehensive, with numerous laws addressing issues related to the blue economy, centered on the 2012 Law of the Sea of Vietnam and complemented by specialized laws, including the 2015 Law on Marine and Island Resources and Environment, the 2017 Law on Fisheries, and the 2020 Law on Environmental Protection.

### 3.2.1. Law of the Sea

The 2012 Law of the Sea of Vietnam clearly stipulates that the management and protection of the sea shall be carried out in accordance with Vietnamese law, consistent with the Charter of the United Nations and other international treaties to which Vietnam is a party. It also affirms that all state agencies, organizations, and Vietnamese citizens have the responsibility to protect marine resources and the marine environment. This reflects Vietnam's commitment to developing a sustainable blue economy while safeguarding the environment.

In particular, with regard to the preservation and protection of marine resources and the environment, the Law of the Sea of Vietnam provides that, when operating in Vietnamese waters, all vessels, organizations, and individuals must comply with the relevant provisions of Vietnamese law and applicable international law concerning the conservation and protection of marine resources and the marine environment. Any vessel, organization, or individual violating Vietnamese law and relevant international law, thereby causing harm to marine resources and the marine environment within Vietnam's waters, seaports, anchorages, or sheltering areas, shall be dealt with in accordance with Vietnamese law and the international treaties to which the Socialist Republic of Vietnam is a party. Where damage occurs, the violator must clean up, restore the environment, and provide compensation in accordance with the law. Furthermore, in exercising the freedom of navigation and overflight in Vietnam's exclusive economic zone and continental shelf, organizations and individuals must not engage in activities that cause marine pollution or unlawfully store or use weapons, explosives, or hazardous substances.

The 2012 Law of the Sea of Vietnam is a significant law that guides, protects, and encourages the growth of Vietnam's blue industry. It gives the legal basis for the legal and regulated use of marine resources to help blue economic growth, stop IUU fishing, and make sure that using and exploiting marine resources goes hand in hand with protecting the environment and preserving biodiversity, in line with the idea of sustainable development. The Law also sets up a strong legislative framework for safeguarding marine resources and the marine environment, which are necessary for the blue economy. It also brings in blue investment into the maritime sector and encourages sustainable marine economic growth. The 2012 Law of the Sea of Vietnam is a very essential legal foundation and an institutional

cornerstone for the growth of the blue economy, which is a key aspect of Vietnam's current and future development strategy.

### 3.2.2. Law on Natural Resources and Environment of Sea and Islands

As a specialized law, this Act contains relatively comprehensive provisions forming an important legal framework for the blue economy, focusing on ensuring sustainability, environmental protection, and international cooperation in the exploitation and governance of marine and island resources and the marine environment. Specifically, in terms of policy, the State guarantees the management, protection, rational, efficient, and sustainable use of marine and island resources in accordance with strategies, plans, and programs serving socio-economic development, national defense, and security. At the same time, it encourages scientific research, prioritizes deep-sea, offshore, and island areas, and promotes international cooperation.

These provisions lay the foundation for the blue economy by emphasizing sustainability and national security; however, their effectiveness depends on specific mechanisms and the availability of practical resources. Regarding the principles for managing marine and island resources, the Law stipulates that management must be based on the national marine spatial planning and sea use plans, ensuring a balance among economic, social, environmental, national defense, and security interests, while prioritizing biodiversity conservation and climate change adaptation. These principles orient the blue economy by integrating key development factors.

In terms of strategies for resource exploitation and use, and marine and island environmental protection, the Law affirms the priority of developing the marine economy in association with environmental protection, pollution control, and the restoration of marine ecosystems. These provisions demonstrate a commitment to developing the blue economy in close connection with marine environmental protection.

Furthermore, the Law addresses blue economy-related issues in scientific research on marine resources and the marine environment, support for socio-economic development, sustainable exploitation, and climate change response; it also regulates the issuance of permits for sea dumping, requiring that such activities do not harm human health, the environment, or ecosystems, and that they achieve socio-economic efficiency in order to control pollution in line with the blue economy concept, although such activities require close monitoring to prevent abuse. Finally, the Law

encourages international cooperation on marine and island resources and the environment in activities involving the sustainable use of resources, environmental protection, and the development of the blue economy through the exchange of advanced and modern technologies.

It can be affirmed that the 2015 Law on Marine and Island Resources and Environment has established an important legal framework for the blue economy, emphasizing sustainability, environmental protection, and international cooperation. However, its provisions remain largely policy-oriented and lack specific enforcement mechanisms, resulting in limitations in pollution control and sustainable exploitation. Therefore, continued research, amendment, and supplementation to concretize and quantify enforcement mechanisms, so that this important law better aligns with practical realities, is an essential and urgent legislative task at present.

### 3.2.3. Law on Fisheries

On 23 October 2017, the European Union formally issued a “yellow card” warning to Vietnam regarding its seafood exports, citing inadequate compliance with EU regulations designed to combat illegal, unreported, and unregulated (IUU) fishing. In order to react to this issue. The National Assembly of Vietnam passed the revised Fisheries Law on 21 November 2017, which includes two chapters specifically addressing the management of fishing activities and fishing vessels. The 2017 Law on Fisheries regulates a wide range of issues relevant to the legal framework for the blue economy, including sustainable development, the protection of aquatic resources and ecosystems, combating IUU fishing, and international cooperation. Specifically, the Law stipulates that fisheries activities must ensure sustainable development, protect aquatic ecosystems, link exploitation with the conservation of aquatic resources, comply with the requirements of international integration, and adhere to the international treaties to which Vietnam is a party. Within Chapter IV, Section 4, Articles 60 and 61 are dedicated to illegal fishing, enumerating fourteen specific acts classified as illegal. It also establishes provisions concerning certification of the origin of fishery products derived from exploitation activities.<sup>[26]</sup>

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<sup>26</sup> Vietnam Association of Seafood Exporters and Producers, *White Book on Combating IUU Fishing in Vietnam*, January 2018. <https://seafood.vasep.com.vn/combating-iuu-fishing/white-book-on-combating-iuu-fishing-in-vietnam>. [accessed: 22.9.2025].

The author argue that, this provision forms the foundation of the blue economy by requiring sustainable fisheries development that balances exploitation with the protection of aquatic resources, consistent with Vietnam's international commitments under UNCLOS and the 2009 FAO Agreement on Port State Measures (PSMA), as well as non-binding FAO instruments (soft law) such as the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF) and the IPOA-IUU.

In terms of policy, the State will concentrate resources on research, surveys, assessment, protection, and regeneration of aquatic resources; restoration of aquatic ecosystems; conservation of indigenous and rare aquatic species; development of infrastructure for marine protected areas; installation of vessel monitoring systems; development of a national fisheries database; and establishment of environmental and disease warning systems for aquaculture. These provisions reflect Vietnam's strong commitment to advancing the blue economy through investment in scientific research, resource regeneration, and ecosystem protection.

One of the provisions directly linked to the substance of the blue economy is the Law's identification of prohibited acts in fisheries activities aimed at protecting the environment, biodiversity, and marine ecosystems within areas under Vietnam's sovereignty, sovereign rights, and jurisdiction, as well as in international waters. These include prohibitions against:

- (i) using banned chemicals, antibiotics, and microorganisms in aquaculture, feed production, or environmental adjustment;
- (ii) destroying aquatic resources, aquatic ecosystems, spawning grounds, and habitats;
- (iii) engaging in illegal fishing outside Vietnam's waters; and
- (iv) discharging waste improperly at fishing ports or storm shelters.

These prohibitions are designed to protect the marine environment and aquatic resources, core elements of the blue economy.

On international cooperation in fisheries, the 2017 Law on Fisheries encourages cooperation in:

- a. human resource training, scientific research, technology transfer, and the exchange of information and experience in fisheries;
- b. conservation and management of aquatic resources in international waters in accordance with the rules of regional fisheries organizations (e.g., SEAFDEC) and UNCLOS; and

- c. inspection and enforcement against IUU fishing within and outside Vietnam's territory pursuant to the international treaties to which Vietnam is a party, within the frameworks of the FAO, the PSMA, and the 1995 UN Fish Stocks Agreement. Such cooperation helps Vietnam improve its position in the global seafood market.

From a state management perspective, the granting of fishing licenses must be based on the results of resource surveys and assessments, trends in resource fluctuations, maximum sustainable yields, and the structure of fisheries, species, and fishing grounds. This provision applies a science-based management approach, grounded in survey data and maximum sustainable yield, consistent with the blue economy, ensuring that exploitation does not exceed the regenerative capacity of aquatic resources. This helps maintain long-term sustainable yields, supports fishers' livelihoods, and sustains related economic sectors.

### 3.2.4. Law on Environmental Protection

As the specialized legislation in the environmental field, the Law on Environmental Protection affirms the principle that socio-economic development must be linked with environmental protection. This includes prioritizing the prevention and control of pollution and environmental restoration, while ensuring a balance among economic, social, environmental, national defense, and security interests. This principle constitutes the legal foundation for the development of the blue economy in parallel with marine environmental protection, prioritizing pollution prevention and the restoration of marine ecosystems, ensuring harmony, and aligning with Vietnam's international commitments under the 2015 Paris Agreement (45% emissions reduction by 2030) and Sustainable Development Goal 14 (SDG 14 – conserving oceans).

In terms of State policy on environmental protection, the Law provides that the State shall prioritize investment in: (a) preventing and controlling marine and ocean pollution; (b) protecting marine and island biodiversity and ecosystems; (c) developing blue technologies, recycling, and waste treatment in marine economic activities; and (d) supporting coastal communities in adapting to climate change. These provisions demonstrate a strong commitment to supporting the blue economy through concrete

measures aimed at climate change adaptation and ensuring sustainable livelihoods for local communities.

Regarding environmental impact assessments for marine economic projects, the 2020 Law on Environmental Protection stipulates that such projects must conduct environmental impact assessments prior to implementation, including an analysis of effects on marine ecosystems, measures to mitigate pollution, and environmental restoration plans. Marine economic projects must also prepare environmental protection plans during operation, including pollution mitigation measures, waste management, and restoration activities, in order to minimize environmental risks arising from marine economic activities.

Article 82 of the Law and Decree No. 08/2022/NĐ-CP, issued 10/01/2022, on elaboration of several articles of the Law on environmental protection regulate about how to deal with ordinary industrial solid waste, which is waste that comes from production, business, and service activities. This includes hazardous waste, controlled industrial waste, and ordinary industrial solid waste. Facilities that make regular industrial solid waste, like factories, businesses, service providers, concentrated industrial zones, industrial clusters, agencies, or organisations, must either reuse, recycle, recover energy, or treat the waste themselves, or send it to qualified groups for treatment. This rule is meant to protect the marine environment, which is an important part of the blue economy. It does this by strictly controlling the waste that comes from economic activities, like oil-free metal scraps, clean paper, plastic and fabric packaging, preservative-free wood scraps and sawdust, heavy-metal-free boiler ash and slag, old construction materials from factories and organic waste from shrimp farming.

On international cooperation in environmental protection, the 2020 Law on Environmental Protection expands and specifies the principles of integration and international cooperation in environmental protection, under a consistent approach and in compliance with international commitments, while affirming Vietnam's responsibility and role in addressing global environmental issues. Participation in international treaties, fulfillment of international obligations, and the receipt of technical, technological, and financial support illustrate Vietnam's proactive and deepening integration in environmental protection generally, and marine environmental protection in particular. These provisions also provide a crucial legal basis for Vietnam to implement its commitments to bluehouse gas reduction, blue transition, and climate change adaptation in accordance with international standards. They broaden opportunities for international

cooperation, an important element of the blue economy, through scientific research, technology transfer, biodiversity conservation, and pollution control, in line with Vietnam's commitments under UNCLOS and other relevant international agreements, thereby enhancing Vietnam's access to international technology and financing for blue economy development.

It can be affirmed that the 2020 Law on Environmental Protection provides an important legal framework for the blue economy, with provisions focusing on pollution prevention, biodiversity conservation, waste management, and international cooperation. However, its implementation effectiveness is constrained by the lack of specific monitoring mechanisms, insufficient financial and human resources, and sanctions that are not sufficiently deterrent. To promote the blue economy, it is necessary to issue detailed implementing decrees, invest in waste treatment technologies and infrastructure, strengthen inspection and enforcement capacity, and increase penalties to ensure the strict application of the law.

### 3.2.5. Petroleum Law

The 2022 Petroleum Law was revised and supplemented to improve the management of petroleum resources, promote investment, and safeguard national interests at sea. A review of the full text of this important legislation reveals the following provisions relevant to the blue economy: On the principles of petroleum activities, the Law stipulates that petroleum activities must comply with the international treaties to which the Socialist Republic of Vietnam is a party (Clause 2, Article 6); protect the environment; respond to climate change; address oil spill incidents; and safeguard resources (Clause 3, Article 6). Accordingly, the 2022 Petroleum Law contains several provisions supportive of the blue economy, such as requirements for environmental protection, encouragement of advanced technology, and promotion of international cooperation.

Based on the above examination of Vietnam's laws related to the blue economy, the paper finds that, overall, these legal instruments have not yet formed a coherent legal framework for blue economy development. Fragmentation, overlapping mandates among ministries, sectors, and local authorities, as well as the absence of specific legal tools, such as provisions on blue finance or mechanisms for benefit-sharing from the exploitation of marine genetic resources, remain major bottlenecks for Vietnam at present. The development of Vietnam's oil and gas sector faces notable constraints that have delayed key projects such as gas Block B and Ca Voi

Xanh. Foreign investment in new field development and exploration has stagnated due to both policy restrictions and broader global economic uncertainties. Additionally, state-owned enterprises (SOEs) encounter procedural and bureaucratic challenges that hinder timely and effective investment in oil and gas operations as well as related sectors. These factors collectively slow down sectoral growth and delay the unlocking of Vietnam's hydrocarbon potential.<sup>[27]</sup>

## 4 | Recommendations for Enhancing the Legal Framework Governing Vietnam's Blue Economy

As analyzed in Section 2 of this paper, in addition to UNCLOS, Vietnam is also subject to numerous emerging international instruments and legal frameworks, including the 2023 BBNJ Agreement, which introduces requirements for establishing benefit-sharing regimes and governance mechanisms for areas beyond national jurisdiction; agreements under the IMO framework on maritime safety, pollution prevention, and the development of blue shipping; SDG 14 under the 2030 Agenda for Sustainable Development, which calls on states to formulate ocean policies in line with global standards; and the Paris Agreement on climate change, which relates to the development of marine energy and adaptation to sea-level rise. These international legal frameworks place proactive obligations on Vietnam to incorporate international commitments into domestic law, while creating opportunities to access blue finance and technical assistance for developing the blue economy. Accordingly, this paper proposes the following four groups of solutions:

First, develop an integrated legal framework for the blue economy, including specific measures: (i) formulate and promulgate legal provisions on the blue economy or an integrated ocean governance framework, incorporating principles of sustainable development, ecosystem protection, and efficient resource use; and (ii) incorporate the contents of UNCLOS,

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<sup>27</sup> United Nations Development Programme (UNDP), *Blue Economy Scenarios for Viet Nam* (UNDP Vietnam, 2025), 50. <https://www.undp.org/vietnam/publications/blue-economy-scenarios-viet-nam>. [accessed: 22.10.2025].

the 2009 PSMA, the 2023 BBNJ Agreement, the 2001 IPOA-IUU, and SDG commitments into national legislation to ensure coherence between domestic and international law.

Second, strengthen intersectoral and interregional ocean governance institutions, including specific measures: (i) establish a national coordinating body for blue economy development to unify policy, budgeting, and implementation oversight; and (ii) enhance modern management tools, such as Marine Spatial Planning (MSP), Strategic Environmental Assessment (SEA), benefit-sharing mechanisms, and public-private partnerships (PPP) in the exploitation, governance, and use of marine resources. For MSP, at its 7th session on June 28, 2024, the 15th National Assembly adopted Resolution No. 139/2024/QH15, which establishes the National Marine Spatial Planning covering the period from 2021 to 2030 and providing a vision to 2050.<sup>[28]</sup> As this mechanism is new to Vietnam, its effectiveness could be enhanced through further observation and refinement, in line with the model adopted from IOC - UNESCO.<sup>[29]</sup>

Third, to enhance international cooperation and the capacity for incorporating international commitments into domestic law, including specific measures: (i) conduct studies to accede to the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement), the 1995 UN Fish Stocks Agreement (UNFSA), and the 2023 BBNJ Agreement, thereby demonstrating commitment to and fulfilling obligations under the “UNCLOS system” on the protection and preservation of the marine environment, as well as ensuring access to and equitable benefit-sharing from resources in areas beyond national jurisdiction; and (ii) build scientific, legal, and maritime diplomacy capacities to support negotiations, implementation, and the safeguarding of national interests at sea.

In conclusion, the blue economy presents a strategic development pathway for Vietnam in the context of globalization and climate change. However, to seize the opportunities and minimize the challenges, Vietnam must establish a coherent legal framework closely aligned with international law, particularly the international law of the sea. Integrating the principles of

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<sup>28</sup> United Nations Development Programme (UNDP), *Charting the course: 12 lessons drawn from Viet Nam’s marine spatial planning process* (February 24, 2025) <https://www.undp.org/vietnam/publications/charting-course-12-lessons-drawn-viet-nams-marine-spatial-planning-process>. [accessed: 22.10.2025].

<sup>29</sup> *Ibidem*, 5.

sustainable development, benefit-sharing, and environmental protection into specialized laws will be the key to achieving an effective, lawful, and long-term blue economy. This will not only serve the objective of economic growth, but also reinforce Vietnam's position as a responsible coastal state in the international community.

To efficiently implement the "blue economy," Vietnam needs to speed up the completion of its comprehensive legal system, particularly its maritime law framework. It should also work to get Vietnam to sign and ratify international treaties and other useful international agreements, especially the 2001 IPOA-IUU, to make sure that the blue economy's legal framework is in line with and works well with the international legal system. This will also show that Vietnam is trustworthy and responsible on the world stage when it comes to protecting and conserving the oceans and marine ecosystem.

## 5 | Conclusion

Vietnam's current legal framework relevant to the blue economy is underpinned by a range of specialized laws, including the 2012 Law of the Sea, the 2015 Law on Marine and Island Resources and Environment, the 2017 Law on Fisheries, the 2020 Law on Environmental Protection, and the 2022 Petroleum Law. Collectively, these laws reflect Vietnam's recognition of sustainability, environmental protection, and international cooperation as core principles for ocean governance. They also incorporate obligations under key international instruments while addressing pressing challenges such as IUU fishing, pollution control, biodiversity conservation, and sustainable resource use.

However, despite this progress, the legal framework remains fragmented, with overlapping mandates among institutions, a lack of coherence in policy integration, and the absence of specific legal tools, such as blue finance provisions or benefit-sharing mechanisms for marine genetic resources. Moreover, enforcement is often constrained by limited resources, insufficient monitoring mechanisms, and inadequate sanctions.

Ultimately, to transition toward a truly integrated and effective blue economy governance system, Vietnam must consolidate its legislative instruments into a coherent legal framework that harmonizes domestic law with international commitments, including the BBNJ Agreement 2023,

the Paris Agreement, and the SDGs. Strengthening intersectoral coordination, adopting modern management tools such as marine spatial planning and strategic environmental assessments, enhancing scientific and legal capacity, and fostering international cooperation will be essential. To make the blue economy work for Vietnam's economy and protect the marine environment for future generations, all sectoral laws must include the principles of sustainable development, fair benefit-sharing, and environmental protection. They must also be strictly enforced.

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