



## International legal framework for ocean plastic pollution prevention and enforcement in Vietnam

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### Abstract

In recent times, ocean plastic pollution has become a global problem. This requires all countries to take more drastic and effective measures to demonstrate their responsibilities for the sustainable development of the ocean economy and the survival of marine ecosystems. However, Vietnam's implementation process, in addition to its achievements, also revealed many limitations and inadequacies arising from subjective and objective causes. In order to contribute to providing a more theoretical and practical basis for improving the international and Vietnamese legal framework on ocean plastic waste prevention, the article has focused on explaining the main issues as follows: (i) Overview of the international legal framework on ocean plastic waste prevention; (ii) International law enforcement practices for combating Vietnam's ocean plastic waste; (iii) Some assessments and recommendations for Vietnam.

**Keywords:** International legal framework, ocean plastic pollution prevention, enforcement, Vietnam

### Introduction

Plastic pollution in the ocean, also known as white contamination, is an urgent global problem. Because the characteristics of the seas and oceans are inter-national, inter-regional, and international, Any changes in the marine environment have a direct impact on livelihoods and people's health, threatening global food security. The sea and the ocean are the interconnected environments of the level, scale, and prevalence of marine pollution in general and of plastic waste in particular, making the protection and preservation of the marine environment not just a matter of the jurisdiction of coastal states but a common obligation of all states. The issue of marine environmental pollution has been regulated in many international treaties or other sources of international law, but there is no international instrument that directly or specifically regulates the issue of polluting ocean plastic waste. In an effort to build a global international treaty to prevent ocean plastic pollution, Viet Nam, in addition to actively participating in international treaties, has actively studied international declarations, practices, as well as international principles and practices on this issue, transforming domestic legislation into domestic policy regulations and laws.

### Methods

The article was developed on the basis of dialectical materialism, historical material, the point of view of Marx - Lenin, and Ho Chi Minh ideology. In order to specify the goals set, the author used a combination of different research methods, such as: The table study methodology is used to gather information and data from available documents such as international treaties, national legislation, and policy texts on the sea, environmental protection, and the prevention of ocean plastic waste, thus serving as a basis for the implementation of comprehensive research content on the international legal framework and practices applied in Vietnam on this issue. The analytical methodology is used to evaluate and clarify the content of international treaties, declarations, principles, practices, and content in Vietnamese policy documents and laws relating

to the prevention of ocean plastic waste. Statistical methods are used to collect, compile, and list international treaties, policies, and laws. The expert method is used to consult the opinions of experts and scientists when evaluating the implementation of international law on the prevention of ocean plastic waste in Vietnam and their recommendations and proposals relating to this issue.

### Results

#### 1. Overview of the international legal framework on ocean plastic waste prevention

The international legal framework for the prevention of ocean plastic waste is expressed mainly through: (i) international conventions for the prevention of pollution from ocean plastic waste; (ii) international declarations and guidelines; and (iii) international principles and practices. Specifically, as follows:

##### a. International conventions for the prevention of ocean plastic pollution

###### First, the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982)

UNCLOS 1982 was adopted in 1982 in Montego Bay, officially in force on November 16, 1994. As of 2023, the Convention has 169 members. With 320 articles, divided into 17 chapters, nine annexes, and three implementation agreements, UNCLOS 1982 provided a comprehensive legal framework for the protection and conservation of the marine environment under Part XII (Articles 192–237). The Convention created the first comprehensive legal instrument on marine environmental protection, which is the basis for preventing ocean plastic waste pollution today.

The Convention defines marine environmental pollution in paragraph 4, article 1: "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other

legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities”<sup>[21]</sup>. With this definition, the Convention puts legal relationships related to the pollution of ocean plastic waste under the direct protection of UNCLOS 1982. In addition, UNCLOS 1982 identified the sources of pollution: from land; from ships; from the exploration and exploitation of the natural resources of the seabed and the soil under the sea; from equipment and other vehicles operating in the marine environment. The Convention also defines the obligations of States in the prevention of pollution of the marine environment in general and of ocean plastic waste in particular. In addition, the Convention establishes a body for the settlement of disputes relating to environmental protection through the establishment of the International Tribunal for the Law of the Sea (ITLOS), the Arbitral Tribunal Annex VII, and the Special Arbitration Court Annex VIII.

**Secondly, the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention 1972); the 1996 London Protocol.**

The 1972 London Convention is the abbreviation for the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed and adopted by Member States in London, UK, in November 1972. The Convention addresses the issue of waste in a general way and is one of the first international instruments to protect the marine environment.

Article 4 of the 1972 London Convention strictly prohibits the disposal of any waste or substances other than those listed in Annex 1. Thus, the 1972 London Convention strictly prohibits disintegrating plastics and disintegrated synthetic materials, such as nets and ropes, that can float or be suspended in the sea in a way that materially impedes fishing, maritime, or other maritime use. Article 12 of the Convention lists the pollutants that states should prevent but do not contain plastic. This is understandable because, from a historical point of view, plastics were an advanced product at the time.

**\* 1996 London Protocol**

The 1996 London Protocol, whose full name is the 1996 Protocol relating to the 1972 Convention on the Prevention of Marine Pollution from the Sinking of Wastes and Other Substances, was constructed in the spirit of the Convention of 1972. This Protocol provided a precautionary approach, requiring States parties to protect the marine environment from all sources of pollution and to take all effective measures based on their own national scientific, technical, and economic capabilities to prevent, reduce, and even eliminate contamination from the sinking or incineration of waste and other substances in the sea <sup>[22]</sup>.

The 1996 London Protocol has provided a single list of substances considered for submergence instead of the 02 annex on prohibited substances, substances submerged with special permits, and other substances under ordinary permits as in the Convention. With this reverse approach, the protocol has better control over the kinds of substances that are captured at sea <sup>[22]</sup>. Furthermore, the Protocol provides a precautionary approach, requiring States Parties to protect the marine environment from polluting sources and to take all effective measures based on their own national scientific,

technical, and economic discretion to prevent, minimize, and even eliminate pollution from the sinking or incineration of waste and other substances in the sea <sup>[1]</sup>.

The 1996 London Protocol provided a single list of substances considered for submergence. However, the 1996 London Protocol did not include plastic waste in the list of substances that are drowned at sea <sup>[7]</sup>. Sinking plastic waste into the seas and oceans would be contrary to the provisions of the 1996 London Protocol.

**Third, the International Convention for the Prevention of Pollution from Ships (MARPOL73/78, Annex V)**

The MARPOL Convention was adopted on November 2, 1973, at the IMO. The 1978 protocol was adopted in response to a series of tanker crashes in 1976–1977. The contents of the present MARPOL Convention are a combination of the 1973 Convention and the 1978 Protocol. Annex V entered into force on December 31, 1988, and has been added several times. The Convention contains provisions aimed at preventing and minimizing pollution from ships—both accidental and daily-day activities—and now includes six technical appendices. The MARPOL Convention is a convention with direct and explicit relevant regulations on the disposal of ocean plastic waste. However, the Convention is limited to providing for the prevention of plastic dumping from ships, whereas 80% of marine pollution from plastic waste comes from land-based sources. Moreover, the scope of the MARPOL 73/78 Convention is very broad; plastic is only a very small object, so for the problem of marine waste pollution, the Marpol 73/78 Convention cannot specifically regulate

Annex V of MARPOL seeks to eliminate and reduce the amount of waste from ships discharged to the sea. Unless otherwise expressly stipulated, Annex V applies to all vessels, i.e., all types of ships operating in the marine environment, from merchant ships to fixed or floating beams to non-commercial ships such as touring ships and yachts. Although this appendix is option one, it has received enough ratifications to enter into force on December 31, 1988. Today, more than 150 countries have registered Annex V to MARPOL.

Article 3 of Appendix V stipulates that the discharge of plastic from ships is strictly prohibited. To assist the government, ships, and port operators in implementing the relevant requirements under Annex V of MAPROL, MEPC has developed and adopted the MARPOL Appendix V Implementation Guidelines, known as a living document, the latest of which is the resolution of MAPC.295(71).<sup>[8]</sup> The waste management plan must designate the person responsible for the plan and be written in the working language of the sailor. Resolution MEPC.220(63) provides the 2012 Guidelines on Waste Management Plans <sup>[8]</sup>.

**Fourth, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989**

The Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and Their Elimination of 1989 was signed on March 22, 1989, officially entered into force on May 5, 1992, and now has 191 members <sup>[18]</sup>. The Convention has 29 articles and six annexes. The Basel Convention of 1989 is the most legally binding international treaty relating to hazardous waste and other waste. The Basel Convention of 1989 supplements the provisions on

plastic waste in annexes VIII and IX. In Annex VIII, there is a new list of hazardous waste with hazard characteristics identified on the basis of disposal processes or chemical characteristics, and in Annex IX, clean plastic debris prepared for recycling.

### **b. International statements and guidelines**

International statements and guidelines that are considered “soft laws” are non-binding international instruments that are usually recommendations or suggestions that reflect emerging issues in international law. These international declarations and guidelines are used as a basis for participating states to formulate and enact domestic policies and laws. The author puts these soft law tools in time order, not as a basis for evaluation of the announcement or any more important program<sup>[4]</sup>.

International statements and guidelines related to marine pollution from plastic waste such as the United Nations Environment Programme's Border Programme (RSP 1974) and Global Programme of Action (GPA 1995); the Regional Programme for the Seas (RPS 1974); and the Global Action Programme ("GPA 1995") of the UNEP were established to organize and implement activities in twelve spherical waters to respond to the threats posed by marine waste in 2003, including: reviewing and assessing the state of marine garbage in each region; organizing a regional meeting of national authorities and marine debris experts; preparing regional action plans/strategies for the sustainable management of maritime waste in each area; and participating in the land-cleaning day, with a view to establishing a platform for sustainable marine impact control and coordination of activities<sup>[9]</sup>.

The Honolulu Strategy is a framework for a comprehensive and global collaborative effort to minimize the ecological, human health, and economic impacts of marine garbage worldwide. The Honolulu Strategy improves coordination and greater cooperation among the parties involved in marine garbage and landfills as a common reference system for action among these communities, as well as a tool for teams to develop and monitor marine waste programs and projects<sup>[9]</sup>.

G7 Summit: The G7 Summit on “Strengthening Maritime Security—Connected Areas—Natural Resource Management” focused on: maritime awareness and monitoring; peaceful dispute resolution; illegal, unregulated, and unreported fishing; and maritime security networks. The 2015 G7 Summit adopted an action plan to address marine waste, including land and marine sources, raising awareness and public access, as well as waste disposal actions.

G20 Summit: The G20 Summit in 2017 reaffirmed and updated the Action Plan for achieving the Sustainable Development Goals in Agenda 2030. The G20 Maritime Waste Action Plan is one of three major environmental initiatives. At the same time, it is also an approach to applying the “circular economy” to recycle, reuse materials, and minimize waste disposal, contributing to preventing land-based waste from entering the oceans.

UNEA I, 2014: UNEAI I, 2014, the first session of the United Nations Environment Council, raises the issue of plastics (including microplastics in the marine environment, which is a rapidly growing problem) and adopts Resolution 1/6 on plastic debris and microplastics on the border<sup>[17]</sup>.

UNEA V, 2022: At the United Nations Environment Assembly (UNEA-V) in Nairobi, Kenya, in early March

2022, 14 resolutions were adopted to intensify action for nature toward the Sustainable Development Goals. The resolution “End Plastic Pollution: Towards an International Legally Binding Agreement” was adopted by 175 countries on the basis of three draft resolutions<sup>[4]</sup>.

### **c. International principles and practices**

First, the principle of prevention of environmental damage: This is a principle relating to marine waste that the International Court of Justice (ICJ) considers to be the standard principle in international practice<sup>[11]</sup>. Therefore, the purpose of this principle is to prevent human-induced damage to the marine environment, thereby minimizing the cost of redressing the consequences of environmental pollution, protecting the sea, and developing a sustainable economy.

Second, the polluter pays principle: the principle that the polluter pays is reflected in Principle 16 of the 1992 Rio Declaration, which calls upon countries to use the pollinator-polluting approach to bear the costs of environmental pollution. This principle requires the polluter to pay for the costs incurred by the environmental pollution that the person caused, contributing to the regulation of the pollutant's behavior, reducing the environment, helping the state reduce the cost of surveillance, and generating economic momentum<sup>[4]</sup>.

## **2. International law enforcement practices on combating Vietnam's ocean plastic waste**

Vietnam is a maritime border country with a coastline of more than 3,260km. The issue of marine environment protection is important for the protection of survival space and the development of economic, social, defense, and security activities in the country.

Being aware of the dangers of ocean plastic waste to the marine environment, marine ecosystems, economic and social activities of the country, as well as to the issue of ensuring global food security, Vietnam has actively participated in the international conventions on the environment in general and the prevention of plastic waste in particular, among which are most typical the following: United Nations Convention on the Law of the Sea 1982 (Vietnam ratified in 1994); International Convention for the Prevention of Pollution from Ships – MARPOL 73/78-Add. V (Vietnam adopted Protocol 1978 of May 29, 1991); Basel Convention concerning the Control of the Transboundary Movement of Hazardous Waste and their Elimination 1989 (Vietnam acceded on March 13, 1995).

In addition to participating in international treaties, Vietnam also actively focuses on internalizing the provisions of these treaties into domestic policies and laws, such as:

On June 21, 2012, Vietnam issued the Vietnam Sea Law No. 18/2012/QH13, which consists of seven chapters and 55 articles. Article 35(3) of the law stipulates that ships, boats, officials, and individuals shall not discharge, take over, or bury industrial waste, nuclear waste, or other toxic waste in the Vietnam Transitional Region. With this regulation, the Vietnam Sea Law prohibits the dumping and recovery of plastic waste in Vietnam's waters.

Subsequently, on June 25, 2015, in the framework of its ninth session, the XIII Congress of Vietnam passed the Law on Resources, Environment, and Islands. The issue of marine environmental protection is set out in Chapter VI: Control of pollution, response to oil spills, toxic chemicals,

and sinking in the sea. Although the Resource, Environment, and Island Law does not refer directly to plastic waste, plastic waste is also a source of pollution and is subject to this law.

The law contains the following principles of marine environmental pollution control as well as ocean plastic waste control principles [20]:

**Principle 1:** Control of pollution of ocean plastic waste must be carried out regularly; priority must be given to preventive work; timely treatment; and effective remedy of this situation.

**Principle 2:** Maritime areas must be pollution-risk segregated so that solutions can be found to control marine and island environmental contamination in general and to effectively pollute marine plastic waste in particular.

**Principle 3:** Waste from land, marine, and island activities, as well as unknown and cross-border waste, must be controlled. The control of waste sources must take into account the environmental resilience of the marine and island areas.

**Principle 4:** Effective response to marine environmental incidents and timely prevention of the spread of pollution in marine environments.

**Principle 5:** Close coordination between sectors, levels, organizations, and individuals involved in the control of marine and island environmental pollution.

On October 22, 2018, at the 8th meeting of the Central Executive Committee of Key Party XII, it adopted Resolution 36-NQ/TW on the Strategy for the Sustainable Development of Vietnam's Marine Economy by 2030, Vision by 2045, which sets one of the goals of "Preventing, Controlling, and Reducing Marine Environmental Pollution; Being a Pioneer in the Reduction of Marine Plastic Waste" [2].

On December 4, 2019, the Prime Minister signed Decision No. 1746/QD-TTg issuing the National Action Plan for the management of ocean plastic waste by 2030. Vietnam's specific objectives by 2025 are: (i) reduce plastic waste in the seas and oceans by at least 50%; collect 50% of lost or discarded fishing gear; ensure that 80% of the districts, tourist sites, business facilities, tourist accommodation services, and other coastal tourist services do not use disposable plastic products and plastic bags that are difficult to break down; ensure that at least one year, twice a year, a collection and cleaning campaign is launched across the country; 80% of marine reservoirs are free of plastic waste. (ii) Annual and periodic assessment of the state of ocean plastic waste at some of the river gates of the five main river basins in Northern, North Central, Central, South Central, and Southern and on the islands with tourism development potential of the 12 island districts.

By 2030, Vietnam set a target (i) to reduce plastic waste by 75% in the seas and oceans; to collect 100% of lost or discarded fishing gear, and to stop discarding fishing tools directly into the sea; 100% of the districts, tourist attractions, business facilities and tourist accommodation and other coastal tourist services do not use disposable plastic products and are difficult to break down; 100% of the marine reservoirs are free of plastic waste; (ii)

Expanding annual and five-year assessment of the state of ocean plastic waste at certain river gates in 11 main river basins and in 12 island districts [14].

On September 24, 2020, the Prime Minister signed Decision No. 28/2020/QD-TTg issuing a list of waste permitted to be imported from abroad as raw materials for production, which removes certain types of plastic waste from this List, thus contributing to the recycling of plastic wastes in the country.

On February 5, 2021, the Prime Minister issued Decision No. 175/QD-TTg approving the scheme "Strengthening propaganda work on preventing and combating plastic waste in the period 2021-2025". The objective of this project is to strengthen coordination between committees, ministries, sectors and localities to raise awareness, change behaviour, behavior responsibility of the entire society in the use and management of plastic waste; at the same time implementing the initiatives and commitments of Vietnam with the international in solving the problem of ocean plastic waste, striving to make Vietnam a pioneer country in the region in reducing plastic waste to the level of emissions [15].

On August 20, 2020, the Prime Minister issued Directive No. 33/CT-TTg to strengthen the management, reuse, recycling, treatment and disposal of plastic waste, which requires the Ministers, Heads of Interim Agencies, Government agencies, Provincial People's Committees, Central Cities, before October 30, 2020 to complete the issuance of directives or plans for reducing, classifying, collecting, reusing, recovering and handling plastic waste in the industry, the sector and the management territory; requests the Minister, Head of Internal Agency, the Government agency, the Provincial People's Committee, the Central City, to direct the State agencies and public institutions to demonstrate, actively and actively take the lead in reducing plastic waste; to limit the maximum use of single-use plastic products (including plastic bags, plastic packaging, packaging and packaging of foodstuffs, tobacco, cigarettes and cigarettes). Do not use tapes, slogans, bottles, cups, suction tubes, dishes, plastic sticks, etc. for one-time use at work and at conferences, seminars, gold meetings, anniversaries and other events.

On July 22, 2021, Deputy Prime Minister Le Van Seong signed Prime Minister's Decision 1316/QD-TTg approving the Scheme for Strengthening Plastic Waste Management in Vietnam, which aims to: Target by 2025, at least 50% of marine pollution from plastic waste; 100% of tourist sites, tourist accommodations, hotels that don't use degradable plastic bags and disposable plastic products.

By 2030, Vietnam set a target (i) to reduce plastic waste by 75% in the seas and oceans; to collect 100% of lost or discarded fishing gear; and to stop discarding fishing tools directly into the sea. (ii) Expanding the annual and five-year assessment of the state of ocean plastic waste at certain river gates in 11 main river basins and in 12 island districts.

In addition to enacting the above-mentioned policies and legislation, Vietnam has also promoted international cooperation in the prevention of ocean plastic waste. In 2017, Vietnam officially adopted the United Nations Leather Council Resolution of the National Environment Programme on ocean plastic waste and microplastics. In 2018, in the framework of the G7 Summit in Canada, Prime Minister Nguyen Xuan Phuc committed to action while calling for global cooperation in tackling marine pollution

caused by plastic waste towards the goal of green and clean oceans—no more plastic waste. At the 6th General Meeting of the Global Environment Facility (GEF6), held in June 2018 in Da Nang, Viet Nam proposed the initiative “Establishing a Regional Partnership for the East Asian Seas on Ocean Plastic Waste Management”. For this proposal, Vietnam has proposed to conduct five-part meetings, one of which is to integrate the knowledge base, enhance research capacity, and deploy applications related to plastic waste in the East Asian seas <sup>[5]</sup>.

Then, at the G20 Summit held in Japan in 2019, Prime Minister Nguyen Xuan Phuc stressed that marine plastic waste is a serious degradation of the marine ecosystem, which is an urgent global issue, and presented an initiative to promote the formation of a global network for sharing marine-ocean data and move towards a global framework for preventing marine plastic waste from entering green oceans <sup>[6]</sup>.

On May 18, 2020, the Prime Minister signed the International Cooperation Scheme for the Sustainable Economic Development of Vietnam's Sea by 2030. In the mandate of international cooperation for the sustainable development of Vietnam's marine economy until 2030, the scheme has assigned a number of specific tasks, key to the development of the international conference on ocean plastic waste: (i) Promoting the development of regional and international cooperation frameworks for the prevention, control, and reduction of ocean debris; (ii) Establishment and operationalization of the International Centre for Ocean Plastic Waste in Vietnam; (iii) Strengthening the management of marine waste, especially ocean plastic waste; improving and improving the quality of the marine environment, focusing on the environment in urban areas, economic areas, industrial parks, and inhabited coastal islands <sup>[16]</sup>.

On August 16, 2021, the Prime Minister issued Decision No. 1407/QĐ-TTg approving the Vietnam Scheme to actively prepare and participate in the development of the Global Agreement Scheme on Oceans Plastic Pollution in order to prepare the necessary conditions and resources and establish a coordination mechanism for the relevant ministries, sectors, and localities in the process of Vietnam negotiation and participation in the agreement, thus ensuring the highest rights and interests of the country in the prevention, combating of ocean plastic pollution, and contributing actively to the development process <sup>[13]</sup>.

In particular, in the past year, the Ministry of Resources and Environment, in collaboration with the European Union (EU) Mission in Vietnam and the French Agency for Technical Cooperation, launched the “Rethink Plastics” project. The project reinforced the collection, sorting, and recycling of plastic packaging in two of the largest cities in the country, Hanoi and Ho Chi Minh City; at the same time, the management of waste from fishing vessels in Vietnamese seaports; and the collection of marine waste in some of the provinces and coastal cities of Vietnam. The project is expected to make an important contribution to the implementation of the National Plan of Action on Ocean Plastic Waste Management by 2030.

The prevention of plastic waste in Vietnam is carried out synchronously, from central to local, with the following main manifestations: On the basis of Prime Minister’s Decision No. 1746/QĐ-TTg on the National Plan of Action for the Management of Oceans’ Plastic Waste by 2030, the

Ministries and coastal local authorities have issued many implementation guidelines, such as: On August 21, 2020, Deputy Minister Le Minh Ban signed Decision No. 1855/QĐ-BTNMT on the issuance of the Plan of Implementation of Decision No. 1746/QĐ-TTg dated December 4, 2019 of the Prime Minister on the National Plan of Action for the Management of Ocean Plastic Waste by 2030. The plan includes the following five focal points: Propaganda, awareness-raising, behavioral change, and treatment of plastic products and ocean plastic waste; collection, sorting, handling, and control of plastic waste from the source; International cooperation, scientific research, application, development, and transfer of technology in the treatment of ocean plastic waste; exploring, researching, and building mechanisms for the management of ocean plastic waste; To organize, monitor, inspect, monitor, and evaluate the implementation of Decision No. 1746/QĐ-TTg. <sup>[12]</sup>

In order to effectively implement the management of plastic waste which focuses on ocean plastic waste, ensuring the prevention of the discharge of plastic wastes from land-based waste sources and activities at sea, in the marine locations, the action plans against oceanic plastic waste were also issued, for example: Decision No. 138/QĐ-UBND of 8/1/2020 of the People's Commission of Ninh Binh Province on adopting the Plan of Action for the Management of Ocean Plastic Wastes by 2030; Plan No. 177/KH-UBND of 13/6/2020 by the People’s Commission of Kien Giang Province on the Prevention of Oceanic Plastics Waste, Action on the Governance of Plastic waste and Oceans Plastics by 2030 on the Ground.

In addition to actively enacting policies and legislation on the prevention of plastic waste in the ocean, Vietnam also emphasizes the promotion of practical enforcement activities, such as: (i) Organize the month of action or the week of the sea, the island to mobilize the masses of people, officials, civil servants, officers,... to participate in the cleaning of plastic waste at the gates of the river spilled into the seas, coasts, beaches, (ii) Implement the model of "Shipping - Withdrawal". After more than six months of launching this model, the unit has collected more than 20,000 tons of plastic waste of all kinds, 98,000 can shells, more than 3,600 cement containers, and more than 118,600 points, corresponding to more than VND 114 million<sup>[19]</sup>. (iii) Starting and implementing “Green Saturday” and “Great Sunday”: Accordingly, the youth delegation will go out to clean up the environment and collect the garbage in the main routes, populated areas, schools, markets, beaches, etc. At the same time, propaganda mobilizes people to maintain urban order, ensure traffic safety, protect the environment, and build garbage-free, green, clean, and beautiful residential areas. (iv) Making a movement to exchange plastic garbage for useful objects, such as plastic for green trees, plastic for rice, waste for money, etc. (v) Launch and carry out the plastic garbage collection movement on board the ship. Accordingly, instead of dumping the garbage directly into the sea, the sailors are being mobilized to bring the trash to land, and then the women's association will proceed to collect and sort the trash. (vi) Developing and implementing communication programs on ocean plastic waste in conjunction with World Environment Day, World Oceans Day, Vietnam Sea and Islands Week, and the Campaign to Make the World Cleaner. (vii) development and implementation of a project

to enhance capacity and experience in waste management and plastic waste management. (viii) Continue to implement effectively the “Say no to single-use plastic products and degradable plastic bags” movement; promptly demonstrate and commend the advanced models in the movement to reduce ocean plastic waste. (ix) Promote and promote 5R model activities in operations, service production, and daily life to reduce, limit, and say no to plastic waste (5R: Renew, Refuse, Reduce, Reuse, Recycle) to units, organizations, regulators, and enterprises in the coastal and offshore economies. (xi) Develop and implement activities, launch start-up movements, green initiatives on recycling, reuse of plastic waste, and use of environmentally friendly materials to promote circular economy and green growth. (xii) Collection, classification, treatment, and control of plastic waste from the source. (xiii) International cooperation, scientific research, and transfer of technology in the treatment of ocean plastic waste<sup>[12]</sup>.

### 3. Some assessments and recommendations for Vietnam

Despite the internalization of the provisions of international law into the framework of national law and efforts to enforce legislation to prevent ocean plastic pollution, this work remains largely inaccessible, typical of:

First, so far, Vietnam's prevention of ocean plastic waste has not been very effective. Pollution from ocean plastic waste is a worrying problem in Vietnam. According to the United Nations Environment Programme (UNEP), in 2018, Vietnam was one of the countries with the highest amount of plastic waste thrown into the sea in the world, with the volume of plastic waste in the sea ranging from 0.28 to 0.73 million tons per year, equivalent to 6% of the total plastic waste to the sea, and ranked fourth among the top 20 countries. The per capita consumption of plastic in Vietnam has risen rapidly from 3.8 kg/year/person in 1990 to 54 kg/year/person by 2018, of which 37.43% is packaging and 29.26% is household appliances (Vietnam Plastics Association, 2019)<sup>[10]</sup>.

According to a recent study by the International Union for the Conservation of Nature (IUCN) on the quantity and volume of plastic waste on 30 beaches in 10 marine reserves in Vietnam, the average length of 100 meters of beaches will contain 7,374 pieces and 94,58 kilograms. Of the plastic waste, the most important types are foam, rope, and small nets, which account for 47% of waste and 46% of waste. And then there's the one-time plastic garbage, like foam boxes, plastic bottles, nylon bags, etc. Of these, 80% of ocean plastic waste pollution comes from land, and only 20% comes from the sea.<sup>[3]</sup>

Sources of ocean plastic waste pollution in Vietnam mainly include: pollution of ocean plastic waste resulting from the direct discharge of human plastic waste into the marine environment during fishing activities, exploitation of seafood resources, participation in recreational activities, sea tourism, maritime transport activities, and in the livelihoods of fishermen; Pollution from the sewerage of plastic waste at sea Pollution of the marine environment from land-based plastic waste through underground sewers and river gates flowing into the sea; Pollution of ocean plastic waste by sea streams with plastic waste from elsewhere into the waters of Vietnam; Ocean pollution is caused by the devastation of storms and tsunamis that drag furniture, plastic items, and plastic garbage from land to sea. Second, the inspection, inspection, and monitoring of law enforcement activities on the prevention of ocean plastic

waste is still formal, local, and not widely deployed in local areas, especially the coastal areas. So far, Vietnam hasn't officially addressed the issue.

Third, the handling of violations resulting from the discharge of plastic waste into the marine environment is not clearly regulated, and sanctions are not sufficiently deterrent. Although Vietnamese law has defined entities with the right to deal with infringements resulting from the disposal of plastic waste, it is primarily the entities that deal with land-based plastic waste pollution behavior, without mentioning the handling of waste plastic contamination behavior in Vietnamese waters as well as in international waters (in particular, the seas and regions). Mechanisms to deal with micro-conduct that pollutes ocean plastic waste are still not proportionate to the consequences that this behavior causes and therefore do not guarantee deterrence. Vietnam hasn't criminalized the pollution of ocean plastic waste. The current treatment is only applied on the basis of environmental offenses in the 2015 Criminal Code, amended in 2017.

### c. Proposing solutions for Vietnam

In order to improve the effective enforcement of the international legal framework for the prevention of ocean plastic waste, Vietnam needs to implement the following solutions:

First, actively implement propaganda activities, disseminate policies, laws of the state, and international treaties on the prevention of ocean plastic waste, thus raising the awareness and consciousness of the people and enterprises about the waste of plastic, the harm of pollution by ocean waste, the obligation to prevent plastic waste in the ocean, and helping them change their behavior with plastic products.

Second, considering the proposal and advocacy of the international community to develop a global international treaty on the prevention of ocean plastic waste, which specifies specific measures for the management and control of plastic waste and the responsibilities of states in reducing the risk of land, river, and ocean pollution; actively pursue international cooperation in the fight against ocean plastic waste with countries in and outside the region; enhance the role of the International Organization for the Conservation of Nature (WWF), the United Nations Sustainable Development Programme,

Third, amend and supplement the existing provisions of Vietnamese law to further specify the provisions on the prevention of pollution from ocean plastic waste, which focus mainly on the following issues: (i) Implement mandatory registration of fishermen's fishing gear prior to each departure and a mechanism for re-checking after landing in order to limit, to the maximum extent possible, the dumping of fishing tools into the sea, especially those made of plastic. (ii) specific penalties for conduct not registered in the log of garbage or for insufficient or inappropriate recording of the log. (iii) To strengthen sanctions for the discharge of plastic waste into the sea and oceans; to criminalize the discharging of plastic waste into the marine and ocean environment; to raise penalties for administrative violations; and to impose fines for discharges of plastic litter into the ocean and marine environment in a way that is proportionate to the damage caused, thus ensuring the enforcement and deterrence of the law.

Fourth, strengthen the inspection and monitoring of local plastic waste prevention activities in order to detect and deal

with violations in a timely manner, while promptly encouraging, commending, and rewarding individuals and collectives who have achieved great achievements in the prevention of ocean plastic waste.

Fifth, study the experience of countries around the world, especially the United States, China, India, Australia, Japan, etc., in the prevention of ocean plastic waste, from which to draw useful lessons for Vietnam.

Sixth, synchronize solutions to prevent ocean plastic waste from land and sea, such as: sorting waste at source; actively deploying marine and ocean cleaning activities such as the landfishermen movement, the money, rice, green trees, or bus ticket movement; re-using plastic bags; limiting single-use plastic products to the maximum; having mechanisms to actively support plastic waste recycling facilities or the production of environmentally friendly plastic products; promoting the recovery of plastic waste as useful objects.

### Conclusion

Pollution from ocean plastic waste is a global hot issue, including in Vietnam. As a nation born from the sea, whose people's lives have been linked to the sea for centuries, protecting the marine environment from the risks and negative effects of ocean plastic waste is important for protecting habitat, safeguarding marine biological resources, sustaining the livelihoods of fishermen, ensuring the sustainable development of the maritime economy, as well as ensuring defense and national security. Being aware of this issue, Vietnam has actively participated in the international conventions on the sea and the prevention of ocean plastic waste, from which domestic legislation has developed domestic policy regulations and laws to adapt to the practical situation of Vietnam. The process of implementing Vietnam's international commitments to the prevention of ocean plastic waste shows many achievements and limitations. In the face of this situation, Vietnam needs to implement synchronous solutions to enhance the effectiveness of the implementation of international commitments on ocean plastic waste, where awareness-raising solutions and domestic legal improvement solutions are the solutions that need to be given priority.

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