

Cooperation in Preventing Crime at Sea of the Coast Police Forces of Vietnam and Southeast Asia Countries - A Case Study of the Crime of Pirate

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www.ijrah.com || Vol. 4 No. 4 (2024): July Issue

Date of Submission: 15-05-2024

Date of Acceptance: 18-05-2024

Date of Publication: 18-07-2024

ABSTRACT

Maritime security is essential in protecting national territory and economic activities at sea. Southeast Asia is a vast sea with the busiest maritime route, making management and supervision difficult. According to the United Nations, Southeast Asian waters are the world's most dangerous territorial waters, accounting for 41% of piracy and armed attacks over the years, with losses of up to \$8.4 billion a year. Based on different sources, the article presents the issue of cooperation between Southeast Asian countries in protecting the familiar sea. The study results show that countries that coordinate, share information, and cooperate will ensure good maritime security.

Keywords- Cooperation; Maritime Security; Pirate; Southeast Asia; Vietnam.

I. INTRODUCTION

Maritime security is associated with all forms of crime at sea or related to it. Piracy and armed robbery have a long history in Southeast Asia. Economic crises, the COVID-19 pandemic, and risks on the mainland have increased the problem of piracy, making it a long-standing threat in Southeast Asia.

This article aims to understand the current situation of piracy crime in Southeast Asia. The legal framework for cooperation in the prevention and combat of piracy crimes, assessing difficulties and challenges in collaboration in the prevention and combat of piracy crimes of the coast guards of Southeast Asian countries, thereby proposing solutions to improve the effectiveness of law enforcement.

II. BACKGROUND ABOUT THE SITUATION OF PIRACY IN SOUTHEAST ASIA

2.1. Piracy in the Southeast Asia

Southeast Asia is the region with the world's arterial transportation routes. Stretching from the westernmost tip of Malaysia to the tip of Indonesia's Bintan Island, the Straits of Malacca and Singapore (SOMS) serve as global shipping superhighways. The 105-kilometre-long Singapore Strait is an important sea route for ships to Singapore ports. Despite its name, the Singapore Strait runs through territorial waters under the jurisdiction of Malaysia and Indonesia. Over 120,000 ships each year pass through these waterways, accounting for one-third of the world's maritime trade. The region also has about 70-80% of all oil imports from China and Japan pass through the strait (Song Hao, 2023).

The World Bank estimates that pirates cause \$18 billion US dollars a year in damage to the global economy. Southeast Asia is a vast sea with the busiest maritime route, making management and supervision difficult. According to the United Nations, Southeast Asian waters are the world's most dangerous territorial waters, accounting for 41% of piracy and armed attacks

over the years, with losses of up to \$8.4 billion US dollars a year.

According to the Coast Guard Command and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC). In Q1, 2023, a total of 25 incidents occurred in Asia. Of these, 19 incidents occurred when the ship travelled, accounting for 76%, and 06 incidents occurred when the ship was anchored at the port/mooring area, accounting for 24%. Thus, compared to Q1, 2022, the number of cases in Q1, 2023 increased by about 9%. Some places that recorded increased incidents were the waters of Indonesia, the Philippines, and SOMS (Vietnam Coast Guard, 2023).

In particular, SOMS is the most dangerous area. The ReCAAP ISC warns that vessels passing through this area must be vigilant, promptly detect, and quickly report incidents to the maritime law enforcement agencies of Singapore, Indonesia, and Malaysia (Vietnam Coast Guard, 2023).

The latest report by the ReCAAP ISC shows that the piracy trend in Southeast Asia tends to increase. There were 63 incidents in 2023, including 5 in the Strait of Malacca and 58 in the Singapore Strait, an increase of 15% compared to 2022 (ReCAAP ISC, 2023).

According to statistics, most cases (87%) do not record pirates harming seafarers or do not have information about the health status of seafarers. There were about eight incidents of alleged violence against the crew. There were about three incidents where crew members were assaulted with minor injuries. Most incidents occur with large ships, cargo, or oil tankers.

Regarding the time of the attack, most incidents occurred at night. The attacked ships came from many countries, such as Malaysia, the Marshall Islands, Panama, and Singapore; however, no evidence exists that pirates target any specific country (ReCAAP ISC, 2023).

In the Sulu waters and off the coast of Eastern Sabah, there have been no reports of crew kidnapping for ransom in 2023. The last known incident occurred on January 17, 2020. The Philippines, Malaysia, and Indonesia continue to maintain surveillance activities to prevent crew kidnappings (ReCAAP ISC, 2023).

Due to the increase in incidents in some such locations, law enforcement agencies in Asia in general and Southeast Asia in particular need to strengthen monitoring, promote patrol activities and respond promptly to incidents reported by ships. Captains and crew members must be more vigilant when allowing ships to pass through areas of concern, maintaining continuous vigilance for suspicious vessels.

In the complex context of maritime crime in Southeast Asia, international organizations and countries have adopted applicable policies to increase cooperation within the legal framework to enforce international law

on the prevention of anti-piracy crimes of the Coast Guard forces of Southeast Asian countries.

According to the UNCLOS framework, the obligation to prevent piracy is not a single obligation of a single state. Therefore, Article 100 of UNCLOS clearly defines the obligations of states: "*All States shall cooperate, by all their means, to suppress piracy on the high seas or in any other place not under the jurisdiction of any country*" (United Nations, 1982).

The obligation to cooperate internationally in preventing piracy, as recognized in the ReCaap Agreement, is also clearly demonstrated through the implementation practices of member countries, approved on November 11, 2004, by 16 countries, including 10 ASEAN countries along with China, Japan, Korea, Bangladesh, India, and Sri Lanka, after taking effect on September 4, 2006. The ReCAAP Agreement has 20 partners, including Denmark, Norway, the Netherlands, Australia, and the United States.

Based on implementing the ReCAAP Agreement on information-sharing cooperation, member countries have established the Maritime Security Information Center as a focal point for connecting and sharing information with the ReCAAP ISC in Singapore. Ship owners apply timely response measures to minimize the risk of piracy.

The ReCAAP Agreement has promoted information sharing and cooperation between regional countries, typically through close and regular coordination between the Vietnam Coast Guard, China, Malaysian Maritime Rescue and Law Enforcement Coordination Center, and the Anti-Piracy and Armed Robbery Information Sharing Center in investigating and apprehending criminals. ReCAAP is a legal model for regional legal agreements (Luong Thi Kim Dung, 2019).

However, some scholars believe that the coordination mechanism in the ReCAAP Agreement still has certain limitations from a practical implementation perspective. For example, extradition of criminals still depends on bilateral agreements between countries. The Agreement also does not stipulate the obligations of the participating parties, and the enforcement rights do not go beyond the framework of UNCLOS.

2.2. Level of internalization in Vietnam's national law

Vietnam has internalized these commitments into the national legal system to create a legal basis for implementing commitments to international cooperation obligations within the framework of international law. So that the Coast Guard can perform its functions and duties.

+ Regulations on pirate crimes :

Although Vietnam has not yet issued a separate law on piracy, it has recognized piracy as a crime in the 2015 Penal Code and stipulated specific and appropriate penalties. Although, before that, piracy had not been recorded as a crime. Specifically, the crime of "Pirates" is regulated in Chapter XXI as a crime that violates

public safety and order. Therefore, the category that the crime of "Pirates" violates is public safety and public order in areas protected by the State. Article 302, Penal Code 2015, specifies how to define "piracy" in UNCLOS 1982, stipulating that the crime of "Piracy" includes many acts.

1. Acts of attacking ships, aircraft or other maritime means are understood as using force with or without weapons or support tools to attack ships or aircraft. Typically, piracy often involves the use of weapons (in some cases, using lethal weapons such as guns, grenades, and explosives). This behaviour is similar to the crime of appropriating aircraft and ships (Article 282 of the 2015 Penal Code). The objects affected by this behaviour are ships, aircraft, or maritime vehicles.

2. Attacking or capturing people on ships, aircraft, or other maritime means. The act of using force use to force immediately or using other tricks to attack people on board ships, aircraft, or other maritime means, and the act of unlawfully arresting people. The law applies to people on board ships, aircraft, and maritime vehicles, as well as ships, aircraft, and maritime vehicles on the high seas or in places not under the jurisdiction of any person and countries worldwide. The impact of this behaviour is human. The act directly violates human life, health, honour, dignity and freedom.

3. Plunder of property on ships, aircraft or other maritime means specified in point a of this clause: If the first two acts are aimed at the operation of vehicles and people on the means, the third act of piracy is aimed at the property. Comparing the description of the crime of "Piracy" in the Vietnamese Penal Code and UNCLOS 1982, there is a high similarity between these two regulations. Comparing the provisions on the crime of "Piracy" in the Vietnamese Penal Code and the provisions in ReCAAP, the Vietnamese Penal Code only regulates acts of piracy occurring on the high seas or waters not under the jurisdiction of any country. Meanwhile, ReCAAP also stipulates the crime of "Armed robbery against vessels" when defining "any act of violence or illegal arrest or any act of looting committed for personal purposes, and against a vessel or persons or property on board that vessel at a place over which a Contracting Party has jurisdiction". For example, hijacking a vessel occurs at a place within the jurisdiction of a Member State (To Ngoc Diem and Duong Ngoc Hang, 2023).

Regulations on international cooperation obligations:

The 2008 Vietnam Coast Guard Law has obvious regulations on the principles, content, and forms of the Coast Guard's international cooperation. Specifically:

The principles of international cooperation of the Vietnam Coast Guard are specified in Article 19. Accordingly, the Vietnam Coast Guard carries out international cooperation based on compliance with Vietnamese law and international treaties that The Socialist Republic of Vietnam is a member of and agrees

under its authority. The Vietnam Coast Guard respects international law's basic principles, ensuring independence, sovereignty, and national jurisdiction. The Vietnam Coast Guard also protects national and ethnic interests and the legitimate rights and interests of agencies, organizations, and individuals at sea. At the same time, the Vietnam Coast Guard promotes internal strength and the support and assistance of the international community, ensuring law enforcement at sea (National Assembly of Vietnam, 2018).

The content of international cooperation of the Vietnam Coast Guard includes:

1. Preventing and combating piracy and armed robbery;
2. Preventing and combating drug crimes, human trafficking, illegal weapons trading, terrorism, illegal exit and entry activities, illegal trafficking and transportation of goods across borders, illegal seafood exploitation and crime, violations of law at sea within the scope of duties and powers of the Vietnam Coast Guard;
3. Preventing and combating pollution to the marine environmental incidents; controlling and conserving marine resources; protecting biodiversity and marine ecosystems; preventing, combat, and warning of natural disasters; humanitarian assistance and disaster response; searching and rescuing at sea within the scope of duties and powers of the Vietnam Coast Guard;
4. Training, fostering, and exchanging experiences, transferring equipment, science and technology to strengthen the capacity of the Vietnam Coast Guard;
5. Cooperating international issues according to the provisions of Vietnamese law, international treaties to which the Socialist Republic of Vietnam is a member, and agreements related to the tasks and powers of the police close to Vietnam Beach (National Assembly of Vietnam, 2018).

Forms of international cooperation of the Vietnam Coast Guard include:

- Exchanging information on security and safety at sea;
- Organizing or attending international conferences on security, safety and law enforcement at sea;
- Participating in signing agreements with competent forces of countries and international organizations according to provisions of law;
- Coordinating patrol, inspection, and control to maintain security, order, and safety and ensure compliance with the law at sea;
- Participating in drills and training;
- Organizing receptions and courtesy visits to maritime law enforcement forces of countries in the region and around the world;
- Carrying out activities of the standing agency and liaison agency of the Socialist Republic of Vietnam following the provisions of Vietnamese law, international treaties to which Vietnam is a member and agreements. Forms of international cooperation are according to the provisions of Vietnamese law, international treaties to which the Socialist Republic of

Vietnam is a member, and international agreements (National Assembly of Vietnam, 2018).

III. EVALUATION OF THE PRACTICE OF INTERNATIONAL COOPERATION IN IMPLEMENTING INTERNATIONAL LAW ON PREVENTING PIRACY BY COAST GUARD FORCES OF SOUTHEAST ASIAN COUNTRIES

3.1 Cooperation activities of coast guard forces of Southeast Asian countries

+ General patrol:

Coastal states have further stepped up enforcement efforts on land and at sea. Through initiatives such as the Malacca Strait Patrol (MSP), Indonesia Singapore Combined Patrol (CORPAT INDOSIN), and regular interaction programs at the command level, they have enhanced operational cooperation and recognition of situational awareness of areas of concern, especially during vulnerable times.

These efforts have deterred potential attempts and, in some cases, have resulted in arrests. The authorities, along with the ReCAAP ISC and stakeholders such as the Information Fusion Center and the Singapore Transport Association, have also increased engagement with industry stakeholders to raise their awareness of the perpetrators' constantly evolving modus operandi and encourage the adoption of appropriate security measures on board and timely reporting of incidents.

+ Arrest and recovery of assets:

In 2023, several arrests of perpetrators and the recovery of stolen assets were made in Bangladesh, India, and the Philippines. Specifically, the first incident occurred in Bangladesh. In Malaysia, three arrests of perpetrators related to several thefts of scrap metal from barges towed by tugboats while moving in the Singapore Strait area were reported by the Malaysian Maritime Enforcement Agency (MMEA). In the Philippines, perpetrators were arrested as members of an organization responsible for robberies in the Manila anchorage area on September 15, 2023. The Indonesian Navy arrested three suspects in Pongkar Village, Tebing District, Karimun Regency, Riau Islands. They were members of the Jangkung Group and have been active since 2000.

Investigations revealed that the perpetrators' modus operandi involved seven men and that they boarded the train between 2000 and 2200 hours (UTC+7) while pretending to be fishing. They identified their targets using the Vessel Information Application. The perpetrators boarded ships, moving at 12 knots using long ropes. Spare parts stolen from foreign-flagged ships were sold to willing buyers (ReCAAP ISC, 2023). These arrests show the effectiveness and efforts of law

enforcement agencies in investigating and searching for perpetrators. It also shows that the quick and timely response of law enforcement agencies is significant in arrest procedures and plays a huge, decisive role in the effectiveness of crime prevention-piracy in Asia in general and Southeast Asia in particular.

+ Raise awareness:

Singapore's ReCAAP focal point has been issuing advisories to ships passing through areas of concern to remind seafarers to remain vigilant and apply best management practices. The broadcast frequency will now be increased for the affected Traffic Information System area in case of a reported unauthorized boarding incident. Singapore has also applied a Corrective and Preventive Action (CAPA) assessment for Singapore-registered ships that experience security breaches to ensure that the necessary security measures on board are in place to prevent recurrence.

ReCAAP ISC has provided the maritime community with the latest information and analysis by issuing periodic reports and Incident Alerts. The Center also hosts various platforms to engage the shipping industry, including the Maritime Forum, the Piracy & Piracy Conference, and Dialogue Sessions.

Through these various platforms, ReCAAP ISC aims to highlight areas of concern and perpetrators' modus operandi and encourage all ships to adopt preventive measures and promptly report incidents to the nearest coastal State, RCC, and Flag State.

For ships transiting SOMS, ReCAAP ISC has produced a poster highlighting the instructions and giving contact details of coastal states' law enforcement agencies for reporting incidents. Such posters are intended to provide ships passing through SOMS with an overview of the main measures to be taken and to encourage masters and seafarers to report incidents to the appropriate local coastal state authorities suitable for relevant enforcement agencies to respond promptly.

Guidelines on handling incidents such as pirate encounters are continuously shared by countries within the framework of ReCAAP, whereby coastal countries are encouraged to promote cooperation and coordinated patrols and share information about incidents and criminal groups related to the arrest and prosecution of perpetrators.

ReCAAP ISC organized the 2nd Shipping Industry Dialogue 2023 on November 7, 2023. The dialogue session was a platform to promote dialogues and a better understanding of maritime security and concerns facing the shipping community. The session focused on strengthening anti-piracy cooperation in the Singapore Strait and creating greater synergy to address this issue among various stakeholders, including the shipping industry, enforcement agencies, law enforcement, and ReCAAP ISC. Representatives of global and regional shipping associations, Singapore-based shipping companies, and maritime law

enforcement agencies attended the event. Speakers at the dialogue session included those from the Maritime and Port Authority of Singapore (MPA), Singapore Coast Guard, and shipping companies. The Center also launched an interactive dashboard called ReCAAP Data Visualization Table and Map (Re-VAMP), which allows users to link different incident datasets and draw detailed information to make informed risk assessments, preventative measures, and planning a safe train journey (ReCAAP ISC, 2023).

The information-sharing mechanism between parties is activated; for example, the latest reports on incidents are detailed in the location of incidents by latitude and longitude. Instructions on continuous vigilance and prevention measures are issued to raise awareness and vigilance for ships and crews.

+ *Building law enforcement capacity:*

Capacity Building Workshop (CBW) held in Dhaka, Bangladesh, from October 24 to 27, 2023, with the participation of coast guards, navies, and maritime law enforcement agencies from 11 ReCAAP Focal Points, including Bangladesh, Cambodia, China, India, Myanmar, Philippines, Sri Lanka, Thailand, United Kingdom, United States, Vietnam and regional agencies from the Indonesian Coast Guard and MMEA. At the workshop, ReCAAP Focal Points shared about countries' efforts to prevent piracy in their ports, anchorages and territorial waters. Officers from the ReCAAP Focal Point also participated in a training session and Leading Exercise to familiarize themselves with using the ReCAAP ISC through the Information Network System (IFN). IFN enables Focal Point officers to share detailed and secure information on piracy and piracy incidents through a secured platform.

3.2 Level of Participation of the Vietnam Coast Guard

Vietnam has a sea area of more than 1 million square kilometres, with over 3,000 large and small islands and 02 offshore archipelagos, Hoang Sa and Truong Sa. Therefore, it has a critical geostrategic position in politics, economics, society, defence, security, and foreign affairs; it is the space for the survival and long-term development of the Vietnamese people. Recently, although the situation in the East Sea is stable, many potentially destabilizing and unpredictable factors are related to disputes over sovereignty, sovereign rights, and national jurisdiction at sea. Along with that, the situation of violations of law and security and order at sea, especially crimes of smuggling, illegal transportation of goods and drugs, violations of illegal and unreported seafood exploitation, and not following regulations, complicated developments

Within the ASEAN framework, the Vietnam Coast Guard has participated and supported the proposal to establish the ASEAN Coast Guard Forum as a foundation for cooperation and coordination between ASEAN Coast Guards and other maritime law enforcement agencies. In addition, at the ASEAN Senior

Officials Meeting on Transnational Crime (SOMTC) held in May 2002 in Kuala Lumpur, ASEAN senior officials attending the Conference agreed to adopt the Global Action Program. The Organization to Combat Transnational Crime (POACTC) encourages ASEAN member states to expand their efforts to combat transnational crimes from national and bilateral to regional levels.

The everyday basis for promoting cooperation in maritime crime prevention in both bilateral and multilateral frameworks is the shared awareness of countries about the threats of transnational crimes at sea. In recent times, there has been an increase in maritime crimes such as piracy, armed robbery at sea, smuggling, terrorism, illegal fishing, and destruction of the marine environment in the East Sea region. These illegal activities have created an urgent need for cooperation between countries.

In the current trend, countries along the East Sea are gradually realizing that cooperation is one of the effective options to maintain order and security in the East Sea. In addition, the adjustment of maritime security focuses on the policies of major countries such as China, Japan, the US, India, Indonesia, and others, which also creates favourable conditions to promote cooperation between agencies. Maritime law enforcement, in general, seeks opportunities to promote cooperation and improve the capacity of maritime law enforcement agencies in Vietnam.

The Police Force has proactively promoted and expanded bilateral cooperation with maritime law enforcement forces of 21 countries and many international organizations, mainly focusing on developing cooperative relations with maritime law enforcement forces in countries with adjacent waters, in the region, and maritime solid powers. The content of international cooperation and defence diplomacy is carried out comprehensively by the Coast Guard, but with focus and emphasis, with many essential breakthroughs, especially cooperation in preventing and combating armed robbers, drug crimes, illegal trafficking, and transportation of illegal goods across borders, humanitarian assistance, disaster response, and searching and rescuing people at sea (Vu Trung Kien, 2024).

The Vietnam Coast Guard has signed 09 cooperation documents, including memoranda of understanding and road regulations, including hotlines, protocols, and letters of intent with maritime law enforcement forces of Korea, Philippines, USA, India, Japan, China, Cambodia, Malaysia, Indonesia to create a legal corridor to promote international cooperation activities. In particular, in 2022, the Vietnam Coast Guard took the initiative and successfully organized the first exchange program, "Vietnam Coast Guard and Friends", with the participation of leaders of enforcement forces maritime laws of countries: Cambodia, Thailand, Indonesia, China, Philippines, and

Malaysia. Practically, these countries want to enhance mutual understanding and trust, creating consensus in coordination for performing tasks at sea. The Vietnam Coast Guard actively and responsibly participates in 05 multilateral mechanisms and forums, opening up opportunities to participate in training, workshops, conferences and seminars to exchange experiences, professional training and development, contributing to improving law enforcement capacity at sea (Vu Trung Kien, 2024).

Regarding the signing of memorandums of understanding with Southeast Asian countries, the Coast Guard Command has issued instructions to promote the signing of Memorandums of Cooperation with relevant countries, especially the Countries that share common borders and maritime boundaries. During this period, the Vietnam Coast Guard signed a Protocol on a Hotline Communication Mechanism with the Cambodian National Committee for Maritime Security and a Letter of Intent with the Indonesian Coast Guard (BAKAMLA) in 2017, Italy with a protocol with Malaysia in 2019. The Memorandum of Understanding (MOU) on cooperation with Indonesia and the Philippines is in the preparation stage for signing. From these documents, there have been many practical and effective cooperation activities with other countries, including activities contributing to the fight to prevent illegal, unreported, and unreported fishing according to Vietnam's (IUU) regulations recently (Bao Duong, 2021).

Regarding multilateral cooperation, the Vietnam Coast Guard Command has actively and responsibly participated in multilateral mechanisms and forums such as ReCAAP, Forum of Commanders of Southeast Asian Maritime Law Enforcement Forces (SEAMLEI) within the framework of the United Nations Office on Drugs and Crime (UNODC), and Coast Guard Global Conference (CGGS) (Bao Duong, 2021).

Southeast Asia is Vietnam's main traditional transport route, with 80% of ships serving as shuttles transporting goods from Vietnam to significant ports. Vietnamese ships with small tonnage, low freeboard, and routes passing through areas with a high risk of piracy at night are favourable factors for Southeast Asian pirates to attack ships quickly. Up to now, 04 Vietnamese ships have been victims of piracy, mainly in the waters of Singapore and the Philippines. However, in Vietnamese waters, there have been no recorded incidents of piracy/armed robbery on a large scale. This success must include the law enforcement role of the Vietnam Coast Guard, which has made efforts to organize over 1,837 ships and boats on patrol and control missions to ensure maritime security in waters under sovereignty, as well as Vietnam's sovereign rights. Although petty thefts occurred at port anchorages, petty thefts decreased from 23 cases in 2015 to 18 cases in 2016, 15 cases in 2017, and 9 cases in 2018. Contributing to the success of the fight against piracy/armed robbery in Vietnamese waters must include the role of the Coast Guard. In addition, the

Vietnam Coast Guard also performed well in its international cooperation obligations according to the provisions of UNCLOS in the fight against piracy, especially the arrest of 11 robbers of Indonesian nationality on November 21, 2012, after they robbed the chemical tanker Zafirah and fled into Vietnamese waters. It is the coordination, connection, and information sharing with the Piracy Information Center of the International Maritime Bureau, ReCAAP ISC, and the Singapore Navy's Integrated Analysis Center that has helped the Vietnam Coast Guard identify ships, promptly arrest criminals and extradite them to Indonesia for trial. The Vietnam Coast Guard has also coordinated well with the Malaysian Maritime Rescue, and Law Enforcement Coordination Center and ReCAAP ISC in investigating and arresting criminals who hijacked the Malaysian ship Orkim Harmony carrying 6,000 tons of gasoline while circulating in this country's waters on June 11, 2015. After committing the act of robbing the ship, eight robbers boarded a small boat, fled to the Tho Chu archipelago (Kien Giang) of Vietnam, and were arrested and executed by the Coast Guard in coordination with the Border Guard currently extraditing criminals to Malaysia for trial. However, the crime of piracy was recorded in Vietnam's Penal Code in 2015. In fact, up to now, Vietnam has not prosecuted or tried any piracy case before national law by Vietnamese ships. Pirates attacked outside Vietnamese waters have not yet caught criminals, while pirates from other countries who fled into Vietnamese waters were arrested and extradited to their home country for trial under mutual legal assistance agreements that Vietnam has signed with those countries.

3.3 Difficulties and challenges for cooperation in implementing international law on preventing and combating piracy crimes of Coast Guards of Southeast Asian countries.

In the context of fierce disputes in the East Sea, cooperation between law enforcement forces against crime is currently facing many challenges:

First, civil forces and maritime law enforcement forces are used by some countries as political tools to assert sovereignty and unilaterally enforce other countries' claims.

Bilateral agreements to coordinate maritime patrols between many Southeast Asian countries are often ineffective and have been abandoned. Some initiatives to strengthen cooperation in Southeast Asia, such as the Regional Maritime Security Initiative that the US launched in 2004, did not receive the response of Southeast Asian countries because of concerns that it would affect national sovereignty and the presence of US armed forces in the region will increase discontent among Muslims in the region. The ASEAN region has always conducted bilateral agreements to suppress piracy. Some scholars believe that ASEAN does not want to conduct broad multilateral agreements for

reasons of national sovereignty. Instead, organize plans to deal with transnational crime (Sofia Kax, 2012).

Second, multilateral intervention measures are limited. Multilateral measures are still limited in scale, and although many forums have been built and developed, there are not many specific measures (Do Trong Quang, 2007).

Third, reaching a consensus is challenging due to the lack of clearly delineated maritime boundaries, thereby determining the specific authority and jurisdiction of the parties involved. For example, according to UNCLOS regulations, proving that a ship is a pirate and using the jurisdiction of an unregistered ship state can only be done in waters not under the jurisdiction of any country. Meanwhile, modern pirates often commit acts in waters that do not belong to international waters, such as territorial waters or contiguous zones of some countries. In these cases, regulations cannot be applied to deal with piracy. On the other hand, if the country with jurisdiction is unwilling or unable to handle it, there will be no other mechanism to handle piracy.

Furthermore, although UNCLOS stipulates the obligation to cooperate in preventing piracy (Article 100), it does not recognize the obligation to exercise jurisdiction over pirates. Therefore, preventing piracy in some respects must depend entirely on each country's efforts, including internalizing international law into national law. Currently, there is a form of regulation regarding piracy. Some countries define piracy and have laws to regulate it, while others have regulations to regulate piracy but do not have a definition, or the third group is the group that does not have any regulations on piracy (Masashi Tomioka, 2012).

It can be said that the act of financing terrorism is an act as dangerous as acts of terrorism. However, Vietnam does not have a separate law regulating it. On this issue, we only mention a few articles in the Penal Code, Law on Prevention of Terrorism, Law on Prevention and Combat of Money Laundering.

Piracy is a dangerous crime and complex in the region. However, Vietnamese law only regulates the punishment of this type of crime. However, there are no regulations on detecting, warning or coordinating to prevent and specifically handle crimes.

In addition, the provisions of Vietnamese law on transnational crimes have not been fully codified into the provisions of ASEAN legal documents. For example, the 2013 Law on Prevention and Control of Terrorism has no provisions on "refugee status" or "Rehabilitation Program for Criminal Defendants". Meanwhile, these are the regulations that ACCT requires countries to take appropriate measures to enforce (Vu Ngoc Duong, 2021). Currently, many legal documents on seaport security do not have detailed implementation instructions, and conflicting and overlapping contents cause difficulties in implementation, especially regulations related to seaport security related to the

functions, tasks, and responsibilities of relevant parties. For example, Article 5-Decree 50/2008/NDCP issues the agency in charge and principal responsibility for security at seaport border gates according to the Decision on 11/2009/QD-TTg (Article 1). This responsibility belongs to the Coast Guard Department, Ministry of National Defense.

Second, in terms of international legal basis, although Vietnam has made efforts to sign and join international treaties related to crime prevention and combat, there is no such agreement within ASEAN. Regarding extradition, bilateral agreements on this issue are still modest, especially since there is no basis for cooperation with some ASEAN countries with large Vietnamese populations. The number of ASEAN documents related to crime prevention is small compared to the requirements of fighting against transnational crime in the region, including at sea. Furthermore, some documents were signed long ago and must be amended and supplemented accordingly. Vietnam currently considers many multilateral international treaties to which Vietnam is a member as the direct legal basis for extradition activities, such as the United Nations Convention against Corruption. These activities will limit the ability to cooperate in arresting and transferring criminals between Vietnam and member countries of the conventions, including ASEAN countries (Vu Ngoc Duong, 2021).

3.4 Recommendations to improve cooperation in implementing and preventing piracy crimes of the coast guard forces of Southeast Asian countries.

Firstly, Southeast Asian countries should improve the legal framework for Coast Guard cooperation in preventing piracy in the ASEAN region to enhance security and ensure smooth maritime trade.

Southeast Asian countries should work towards harmonizing domestic maritime security and piracy laws. Therefore, countries can facilitate better coordination and cooperation between cross-border law enforcement agencies.

Southeast Asian countries should sign special regional agreements and treaties to combat piracy. These agreements may include provisions for information sharing, joint patrols, and extradition of pirates.

Southeast Asian countries can form a joint task force comprising Coast Guards from different countries to conduct coordinated patrols where piracy often occurs in coastal areas. These task forces could operate under a unified command structure and share resources and intelligence.

Southeast Asian countries invest in capacity-building initiatives to enhance the Coast Guard's ability to detect, prevent, and respond to piracy incidents, including training programs, providing equipment and technology, and sharing best practices.

The domestic legalization of international law is converting the principles and regulations of international conventions into the domestic law of a

particular country, requiring integration and adjustment to that country's legal system, culture and political structure.

States must identify the international conventions they wish to codify and select parts of these conventions that they want to apply in the domestic legal system. Countries must analyze and evaluate factors such as compatibility with domestic legal systems, implementation capabilities, and economic and social impacts of internalizing international regulations. In addition, it is necessary to convert the principles and regulations of international conventions into specific legal documents and adjust them to suit the domestic legal system. The respective government agencies or legislatures must ratify new domestic laws and implement them according to the national legal process. States should also undertake educational and information activities to increase awareness and understanding of international regulations and their role in domestic legal systems. Internalizing international law needs to be periodically evaluated to ensure its effectiveness and compatibility with changes in the international community and within the country. Internalizing international law is often complex and requires close cooperation between ministries, agencies, and relevant parties. However, it is essential in promoting compliance with international standards and principles and creating a progressive and developed domestic legal system.

Improve the enforcement capacity of the Coast Guard in preventing piracy in training programs for the Coast Guard that focus on anti-piracy, maritime law enforcement, navigation, search and rescue, and handling of firearms and non-destructive weapons.

Investing in equipment and technology is necessary to provide the Coast Guard with the necessary equipment and technology to improve its ability to detect, track, and prevent pirate ships, including radar systems, surveillance drones, communications equipment, night vision devices, and fast patrol boats.

It is necessary to establish Joint Task Forces: Joint task forces, including Coast Guards from different ASEAN countries, should be established to conduct coordinated patrols in areas where piracy frequently occurs. These task forces should be active, operate under a unified command structure, and share intelligence and resources to improve effectiveness.

It is necessary to strengthen the legal framework to facilitate the prosecution of pirates and the confiscation of their assets, involving passing laws allowing for the prosecution of piracy under domestic law and ratifying and implementing international conventions and protocols relating to piracy.

It is necessary to promote information sharing to establish a real-time information and intelligence-sharing mechanism among Coast Guards in the ASEAN region. It involves setting up a dedicated contact network, engaging the platforms' regional information-

sharing platform, and cooperating with international organizations such as the INTERPOL.

Promote effective coordination between the Vietnam Coast Guard, the Border Guard, and other forces. Currently, the Vietnam Coast Guard and agencies, organizations, and functional forces under ministries, ministerial-level agencies, and provincial-level People's Committees directly coordinate to resolve cases promptly and support each other in enforcement to perform duties and powers prescribed by law. At the same time, it ensures centralized and unified leadership and management and keeps secret information on national defence, security, and professional measures of agencies, organizations, and functional forces during the coordination process. They ensure that they are proactive, flexible, specific, and practical and are associated with the responsibilities of the head of the presiding and coordinating agency. In the same sea area, when detecting violations of law related to the duties and powers of many agencies, organizations, and forces, the agency, organization, or force that detects them first must handle it according to the authority prescribed by law. In cases where they do not fall under their jurisdiction, they will transfer documents, people, exhibits, boats, and vehicles violating the law to the competent agency, organization, or force to preside over the resolution.

It is necessary to promote effective coordination between the Coast Guard and related forces such as Customs, Border Guards, Port Authorities, and Fisheries Inspection in the areas of exchange of information, development of legal documents, exchange experiences, propaganda, dissemination, legal education, training, fostering to improve professional capacity, coordination in patrolling, controlling and fighting against piracy and crimes at sea. In particular, it is necessary to strengthen coordination between the Coast Guard and the Border Guard to prevent and eliminate small thefts occurring in port waters, ensuring the safety and security of ships when anchored at Vietnamese seaports.

For the Maritime Security Center: Need to invest in equipping a security monitoring centre operating system and equipment to store databases and connect and share information with relevant agencies (Department A67, Coast Guard Department, Border Guard Command, Consular Department-Ministry of Foreign Affairs) to serve the work of receiving, transmitting and processing security information. Maritime port authorities are currently only allowed to invest in watercraft to serve safety management in seaport waters. In fact, at seaports, the Coast Guard, Border Guard, and Water Police are equipped with more vehicles than the Maritime Port Authority. It will be difficult for the Port Authority to handle a security incident if it occurs in the anchorage area for ships waiting to load and return pilots - an area about 30 to 50 km from shore. Therefore, it is necessary to invest in

water vehicles and high-speed patrol boats for the Maritime Port Authority to proactively organize guard duty, quickly handle situations when necessary, and combine rescue and relief activities in coastal areas and seaport waters.

IV. CONCLUSION

Southeast Asia is the region with the world's arterial transportation routes. Southeast Asia is a vast sea with the busiest maritime route, making management and supervision difficult. Southeast Asian waters are the world's most dangerous territorial waters, accounting for 41 per cent of piracy and armed attacks over the years.

International cooperation in the prevention and combat of maritime crimes of the Vietnam Coast Guard and Southeast Asian countries over the past many years has achieved encouraging achievements. Information channels through the ReCAAP ISC and high-level summits at all levels are increasing as cooperation models among Southeast Asian countries.

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