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PROTECTION (DECAFIREP)**



**CONSULTANCY REPORT**  
**A REVIEW OF LEGAL & POLICY FRAMEWORKS AND DEVELOPMENT**  
**OF A NATIONAL CIRCULAR ON TRAWL FISHERIES MANAGEMENT AND**  
**BY CATCH REDUCTION IN VIETNAM.**

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## **ACRONYMS**

FAO - The Food and Agriculture Organization of the United Nations  
MARD - Ministry of Agriculture and Rural Development  
MOFI - Ministry of Fisheries  
GSO - General Statistics Office of Vietnam  
DOF - Directorate of Fisheries  
DECAFIREP - Department of Capture Fisheries and Resources Protection  
VINAFIS - Vietnam Fisheries Society  
CPUE – Catch Per Unit of Effort  
MSY- Maximum Sustainable Yield  
MEY - Maximum Economic Yield  
EEZ – Exclusive Economic Zone  
MT - Metric ton  
HP – Horse power  
CIA - The Central Intelligence Agency  
REBYC -Strategies of Trawl Fisheries Bycatch Management

## **EXECUTIVE SUMMARY**

*In Vietnam, coastal fisheries are considered by fishers and the government to be over-exploited and the proportion of low value/trash fish in the total catch of these fisheries, continue to rise. Low value/trash fish have contributed a large part in the total catch of trawl fisheries. At the moment, there are no specific regulations for trawl fisheries management as well as bycatch and discard reduction for these fisheries in Vietnam. In addition, agencies such as the provincial Departments of Capture Fisheries and Resource Protection have also lacked the resources of staff or budget to provide the required management, monitoring, surveillance or regulation enforcement in both Vietnam's inshore and offshore waters. There is a need to develop specific regulations and to strengthen monitoring, surveillance for trawl fisheries in Vietnam. This report reviews existing national and international legal, policy and institutional arrangements for the management of trawl fishing operations in order to produce a first draft of a National Circular for trawl fisheries in Vietnam.*

### **TOR/Purpose of mission/description of tasks**

The objectives of this assignment are threefold (1) to review and analyze Vietnam's existing legal, policy and institutional arrangements for the management of Vietnam's trawl fishing operations, conservation and management activities to reduce bycatch of trawl fisheries; (2) to analyse and identify potential gaps and divergences between national and international/regional (especially those of the FAO) legal and policy arrangements and requirements and identify how to improve Vietnam's legal, policy and institutional arrangements in order to enhance compliance with international and regional requirements for trawl fisheries and subsequent activities; and produce a check-list with these gaps and divergences as well as recommendations to address them; and (3) to explore the issues/regimes of trawl fisheries management in Vietnam in order to produce a first draft of a practical and effective National Circular for trawl fisheries.

## **I. Introduction**

Vietnam is located in South-eastern Asia, its seas bordering the Gulf of Thailand, Gulf of Tonkin, and South China Sea, and shares land borders with China, Laos, and Cambodia. Vietnam's coastline extends for some 3,444 kilometers and it occupies a land area of 331,210 square kilometers (CIA 2012). The fisheries sector represents an important source of economic growth, employment, nutrition, and foreign exchange in Vietnam (McCoy et al. 2010). Over five percent of export earnings stem from fisheries products, worth US\$ 6.7 billion in 2013 (GSO 2012). Out of 2030 identified marine fish species, Vietnam's sea area contains approximately 130 commercial valuable species with a total official fisheries catch in 2013 of 2.53 million MT(GSO 2012). There are five main fishing areas in Vietnam: the Gulf of Tonkin, shared with China; the Central area of Vietnam; the South-eastern area of Vietnam; the South-western area of Vietnam (part of the Gulf of Thailand), shared with Cambodia and Thailand, and the Central South China Sea.

Vietnam's marine fisheries are concentrated in coastal waters which has resulted in heavy pressure on near-shore fisheries resources(Pomeroy et al. 2009). Near-shore fisheries are considered by fishers and the government to be over-exploited and the proportion of low value/trash fish in the total catch of these fisheries, continue to rise (Edwards et al. 2004, Pomeroy et al. 2009). The composition of low value/trash fish in the total catch varies depending on the type of gear used to fish and fishing grounds, but most is from trawling (Edwards et al. 2004). In 2004, the catch composition (%) of trash fish in landings by pair trawl in the North area is about 70% and in the Southeast area ranged from 21.1% to 42.1%(Son et al. 2005). Low value/trash fish comprises mainly demersal species, but pelagic may be used when fish landings exceed local marketing or fish processing capacity (Edwards et al. 2004).The low-value and trash fish portion of the trawl catch generally consists of juveniles of ecologically important and economically valuable finfish, small-sized fish species and fish that is damaged or low quality for other reasons(FAO 2008).

The Government is responsible for fisheries management in Vietnam. However, agencies such as the provincial Departments of Capture Fisheries and Resource Protection (SubDecafirep) have lacked the resources of staff or budget to provide the required management, monitoring, surveillance or regulation enforcement in both Vietnam's inshore and offshore waters(Zweig et al. 2005). In addition, fishing licenses are imposed and granted on the basis of submitting a number of supporting documents such as vessel inspection, registration papers and a small license fee (proportional to engine size). In this case, a license application generally leads to a license being issued and marine capture fisheries in Vietnam are, in fact, in the open access situation(Thanh 2011).With increasing population pressure and the development of more effective (and/or destructive) fishing gears, inshore resources have been increasingly over-exploited. In this situation, co-management, the sharing of responsibility for resources management between local communities and government agencies, may be the best option for improved resource management(Zweig et al. 2005).

This report reviews existing legal, policy and institutional arrangements for trawl fisheries management to identify potential gaps and divergencies between national and international/regional in order to produce a draft of National Circular for trawl fisheries management in Vietnam.The report will be constructed as follows: the next section gives an overview of international experience on trawl fisheries management and bycatch reduction. The following sectionsdescribe trawl fisheries and reviewlegal, policy and institutional arrangements for trawl fisheries management in Vietnam. The next section provides gaps and weakness of national legal and regulatory system for trawl fisheries and the last section summarizes some of the main conclusions.The report shows that there is a need to develop specific regulations and to strengthen monitoring, surveillance for trawl fisheries in Vietnam. The attached draft circular was formulated to serve as a basis for discussions among relevant stakeholders in annex 1.

## **II. The international legal framework for by-catch management and discard reduction in trawl fisheries**

FAO has developed International Guidelines on Bycatch Management and Reduction of Discards through a participatory process involving fisheries experts, fishery managers from governments, the fishing industry, academia and non-governmental and intergovernmental organizations. The guidelines are a non-binding international legal instruments. They are designed to provide guidance on management factors ranging from an appropriate regulatory framework to the components of a good data collection programme, and include the identification of key management considerations and measures necessary to ensure the conservation of target and non-target species, as well as affected habitats. These guidelines are voluntary and constitute an instrument of reference to help States and RFMO/As in formulating and implementing appropriate measures for the management of bycatch and reduction of discards. These guidelines are useful for many countries to develop their regulations for trawl fisheries management and by-catch reduction. In the following, regulations of trawl fisheries management of several countries will be reviewed:

### ***1. New Zealand case:***

According to Fisheries Commercial Fishing Regulations 2001 (SR 2001/253), trawl nets are prohibited in the following cases:

- 1) More than 1 layer of mesh;
- 2) Liners, sleeves, or flappers of any material;
- 3) A method of strengthening with centers less than 1 m;
- 4) Mesh less than 100 mm;
- 5) Trawling by vessels over 46 m long in territorial sea;
- 6) Trawling in closed seamount areas.

## ***2. Philippines***

According to Ramiscal and Dickson (2013), in Philippines regulations cover mostly area closures (i.e., closing of certain areas for 5 years and prohibition within 7-km distance from shore and within 7-fathoms deep). In 1983, Letter of Instruction No. 1328 was promulgated to close commercial trawl fishing within 7 km from the shoreline and within 7 fathoms deep on a nationwide basis. More recently under RA 8550, commercial fishing including trawl is only permitted beyond 15 km from shoreline. However, the local chief executive acting pursuant to an appropriate ordinance and consultation with the fisheries and aquatic resources management councils (FARMC) may authorize small and medium commercial fishing vessels to operate within 10.1-15 kilometer area. In addition, no commercial fishing in municipal waters is allowed with depth less than seven fathoms and fishing activities that are consistent with national policies. The increased areal restriction greatly affected operations of commercial boats and active gears like trawls. Since trawling is principally done in relatively flat bottom areas in bays, gulfs and other coastal waters, suitable fishing grounds for trawl are practically within municipal waters. Small commercial fishing boats are allowed beyond 10 km when permit is granted by concerned LGUs, however, even such arrangement is difficult to implement considering the process and conditions for granting such access. The continued operation of municipal trawlers and incursion of commercial trawlers in municipal waters has become a major issue and many of commercial trawl operators have stopped securing licenses. A number have stopped operations but many persist to operate illegally.

## ***3. Indonesia:***

The use of trawl in Indonesian fisheries management area is actually banned since 1980 by the Presidential Decree No. 39 Year 1980 on Trawl Net Elimination (Anon 2010). The elimination was done step by step until 1982 when Presidential Instruction No. 11 Year 1982, recognized January 1st 1983 as the date



for which there should be no fishing using trawl net in Indonesia. The basic consideration of Presidential Decree No. 39 Year 1980 was for the conservation of fishery resources to support the increase of the production by the traditional fisherman and prevent the social conflict. In 1982, however, it was launched an exception of trawl usage: the use of shrimp trawl net (and its substitutes) was allowed in thesea water of Kei Islands, Tanimbar, Aru, Irian Jaya, and the Arafura's sea with a coordinate border 130° BT to the east. This action was driven by the existing Japanese investor on shrimp fishery in those areas. Following this Presidential Decree it was announced the Decree of Ministry of Agriculture No. 930/Kpts/Um/12/1982 concerning the implementation of Presidential Decree No. 85 Year 1982 in December 27th 1982 and Director General of Fisheries is empowered to determine the construction of shrimp trawl by Director General Decree No. IK.010/S3.8075/82 on The Shrimp Trawl Net Construction (December 31st , 1982) . There are some regulations which related to trawl fisheries management in Indonesia as following (Anon 2010):

- 1) Ministry of Agriculture Decree No. 503/Kpts/Um/7/1980, the first steps to implement the elimination for the use of trawl net. This Decree completed Presidential Decree 39 Year 1980 and gives detail definitions of Trawl Net.
- 2) Ministry of Agriculture Decree Number 694/Kpts/Um/9/1980 on Limitation of Fishing Zone for Business of Trawl Fisheries. This Decree establishes the boundaries of Indonesian fishing zone which are forbidden for fishing operation by trawl net.
- 3) Ministry of Agriculture Decree No. 542/Kpts/Um/6/1981 on Determination Number of Trawl Ships in the Province Out side of Java, Bali, and Sumatera. This Decree governs the number of Trawl ship in The Province outside Java, Bali, and Sumatra and the operation of those ships have to follow the direction and conduct consultation with Director General of Fisheries.
- 4) Ministry of Agriculture Decree No. 392 Year 1999 on Fishing Zone. This Decree determines closed zone for ships using Trawl net and states the kind of Trawl Net that cannot be used.

- 5) Ministry of Agriculture Decree No. 770/Kpts/IK.120/10/96 about The Usage of Fish Trawl Net in IEEZ India Ocean Western Sumatera and Surrounding D.I. Aceh
- 6) Ministry of Agriculture Decree No. 1039.1/Kpts/IK.120/10/99 on The Change of The Ministry of Agriculture Decree No. 770/Kpts/IK.120/10/96 on The Usage of Fish Trawl Net in IEEZ India Ocean Western Sumatera and Surrounding D.I. Aceh
- 7) Directorate General of Fisheries Decree No. 868/Kpts/IK.340/II/2000 -The Construction of Fishes Separating Devices (API/TED) and Fishing Ground for Shrimp Trawl Net.
- 8) Ministry of Marine Affairs and Fisheries Decree No. 06/Men/2008 Regarding on Trawl Net operation in the northern part of East Kalimantan (Makassar Strait).

#### ***4. Thailand***

According to Supongpan and Boonchuwong (2010), primary fisheries legislation includes the following acts:

- 1) Act Governing the Right to Fish within Thai Waters B.E., 2482 (1939);
- 2) Fisheries Act B.E. 2490 (1947), which has been focused on increased fisheries production for food security and not in the area of conservation or sustainable management of the resources. Poverty alleviation and food security for its growing population still remain priorities;
- 3) Act Organizing the Activities of the Fish Market B.E. 2496;
- 4) New Fisheries Act B. E. 2553 (2010);

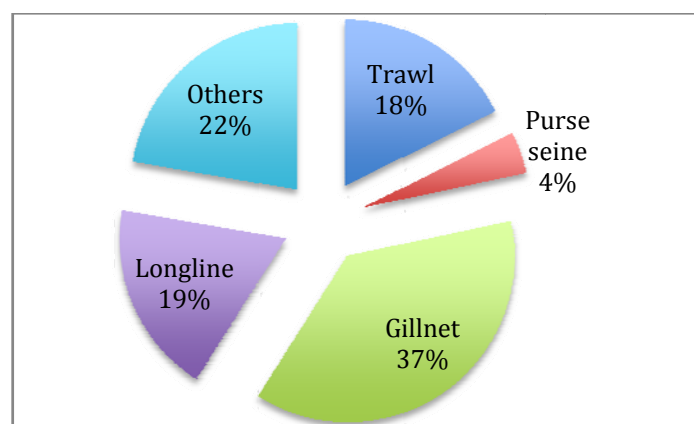
The Department of Fisheries has formulated the Master Plan for Marine Fisheries Management (which will remain active over the period of 10 years from 2009 to 2018). It is divided into two 5-year periods: the first period from 2009-2013, and the second period from 2014-2018. Specific objectives for these fisheries have been highlighted by the Government for trawl fishery as follows: (i) protection of

spawning stock; (ii) protection of juveniles; and (iii) sustainability of the fishery and environment.

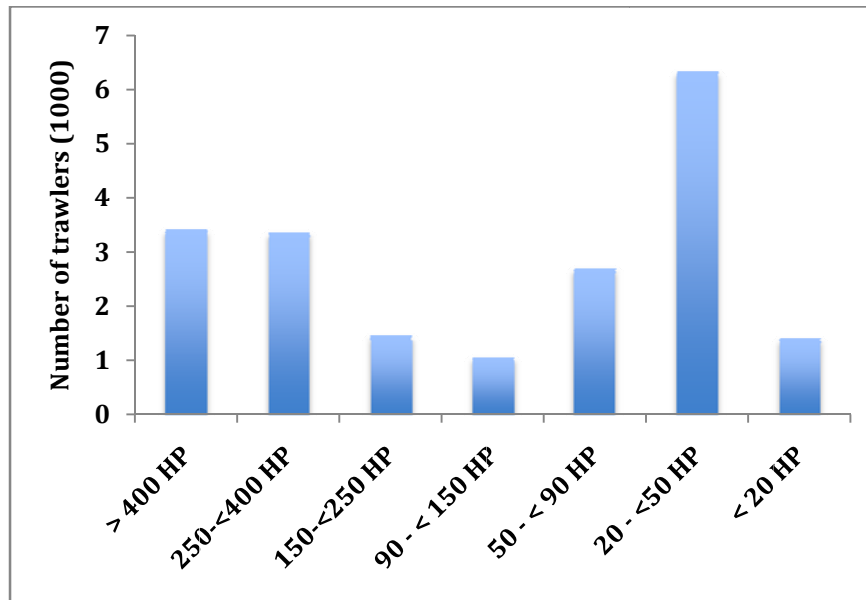
### III. Marine capture and trawl fisheries in Vietnam

Marine capture fisheries play an important role both in term of fisheries production and employment. The marine capture production accounted about one third of fisheries production in 2013(GSO 2012).However, marine capture fisheries are considered to be overexploited. Catch per unit of effort (CPUE) globally declined from 1.2 to 0.4 ton/HP/year between 1985 and 2010(GSO 2012, Tuấn 2012). Edwardset al(2004) estimated trash fish landings at 33 percent of total marine fish landings. Southern fisheries had the highest proportion of trash fish (averaging around 60% of the catch), compared to 5% in central, and 14% in northern regions(Edwards et al. 2004). Even though quality of trash fish is often poor, trash fish landings have become a significant source of income for many fishers(Edwards et al. 2004).

Trawlers(single and pair)are traditional fishing boats in Vietnam. In 2012, there were about 20 thousandtrawlers, accounted for about 18% of total fishing boats in Vietnam (figure 1).Most of trawlers are small scale and exploit coastal areas.



**Figure 1.** Fishing gears in Vietnam in 2012  
Source: DECAFIREP



**Figure 2.** Capacity of trawlers in Vietnam in 2012  
Source: DECAFIREP

There were over six thousand trawlers with main engine from 20 to 50 HP, accounted for about 32% of total trawlers in Vietnam in 2012 (figure 2). Zweig *et al* (2005) estimated that trash fish landings of trawlers were between 50 and 70 percent and were mainly used (i) for direct feeding to fish or livestock; (ii) in the manufacture of fish sauce or (iii) for conversion into fish sauce. Trash fish landings are likely to increase in the future, unless trawl net designs are modified to reduce catches of small fish (Zweig *et al.* 2005).

#### **IV. Legal, policy and institutional arrangements for trawl fisheries management**

The fisheries law was promulgated on 01 July 2004 to serve as the main instrument for national living aquatic resources management in Vietnam. However, there are detailed regulations providing instruments on many aspects of fisheries management, namely Decree No. 33/2010/ND-CP issued on 31 March 2010 by Prime Minister about fishing activity, management of Vietnamese organizations and individuals operating at sea and Circular No. 48/2010/TT-BNNPTNT issued on 11 August 2010 about stipulating detail guidelines of the Decree No. 33/2010/ND-CP. These instruments include allowable concentrations of toxic substances in waters

inhabited by aquatic organisms, minimum permitted mesh sizes by gear type (including trawl nets), prohibited species, area closures during spawning seasons and minimum size regulation as well as specific requirements of fishing boats to follow regulations on filling their logbook.

The Circular No 02/2006/TT-BTS dated 20 March 2006 (MOFI) and Circular 62/2008/TT-BNN dated 20 May 2008 (MARD) regarding guidelines on implementation of Decree No 59/2005/NĐ-CP dated 4 May 2005 of government on conditions for production and business of some fisheries activities. These Circulars regulate that the stretched mesh sizes of cod-end for shrimp (fish) trawler fleets of less than 45HP(90 HP) and larger than 45 HP(90 HP, 150 HP) are required to be more than 20mm (28 mm) and 30 mm(34 mm, 40 mm) respectively. Closed seasons for fishing ground are also defined in these Circulars. The Instruction No 10/2005/CT-BTS dated 12 December 2005 of Ministry of Fisheries prohibits use of high speed trawlers in inshore waters. All large gears with high height opening and wide width opening which towed with high speed in the coastal areas within 24 nautical miles from the shore are not allowed to operate. The instructions were issued to ensure that aquatic resources in these sea waters are not overexploited and to decrease the conflicts among fishermen, especially between small fishing boats, artisanal fishing boats and high speed trawlers. The Circular No 02/2007/TT-BTS of Ministry of Fisheries dated 13 July 2007 provides guidelines on implementing Decree No 66/2005/NĐ-CP of Vietnam government regarding ensuring the safety at sea for fishermen and fishing boats. The circular indicated mostly criteria and requirements that fishing boats need to meet for fishing operation at sea, such as fishing license, register license, rescue equipment, technical safety certification etc. However, this Circular is not specific in bycatch regulations. The Decree No 103/2013/NĐ-CP dated 12 September 2013 of Vietnamese government regarding illegal fishing practices puts the maximum fine of 100,000,000 VND ( $\approx$ 4500 USD) to 200,000,000 VND ( $\approx$ 9000 USD). Punishments are also applied in cases of fishing in the closed seasons and closed areas, forbidden fishing gears,

fishing methods (dynamics, electric shock). Table 1 summarizes main regulations related trawl fisheries management in Vietnam.

**Table 1.** Main regulations related to trawl fisheries management in Vietnam

No	Name of regulations	Issued date	Target
1	Fisheries Law	01 July 2004	The main instrument for national living aquatic resources management in Vietnam
2	Decree No 59/2005/NĐ – CP	4 May 2005	Conditions for production and business of fisheries activities
3	The Instruction No 10/2005/CT-BTS.	12 December 2005	Prohibition of using high speed trawlers operating in inshore waters
4	The Circular No 02/2006/TT-BTS and Circular 62/2008/TT-BNN	20 March 2006 and 20 May 2008	Guidelines on implementation of Decree No 59/2005/NĐ – CP dated May 4th 2005 of Government on conditions for production and business of some fisheries activities.
5	Decree No 66/2005/NĐ-CP	19 May 2005	Ensuring the safety at sea for fishermen and fishing boats.
6	The Circular No 02/2007/TT-BTS	13 July 2007	Guidelines on implementing Decree No 66/2005/NĐ-CP
7	Decree No. 33/2010/ND-CP	31 March 2010 by Prime Minister	Fishing activity, management of Vietnamese organizations and individuals operating at sea
8	Circular No. 28 /2011/TT-BNNPTNT	15 April 2011	Certification for fishing products to be exported to EU markets
9	The Decree No 103/2013/NĐ-CP	12 September 2013	Punishments for illegal fishing practices

## **V. The identification of gaps and recommendations**

The over-exploitation in Vietnam's coastal areas has become very apparent, for example, it is estimated that the real catches in the Gulf of Tonkin has exceeded maximum sustainable yield (MSY) since 1994 (Long 2001). Trawl fisheries are not exception, Thanh (2011) have showed that shrimp trawl fishery in Tonkin Gulf is fully exploited both in terms of maximizing yield and maximizing profits and the fishing effort should be reduced by roughly 12-44% to achieve the MSY and 46-61% to reach the maximum economic yield (MEY). The government has also been attempting to reduce the fishing effort in coastal areas. However, the results were not satisfied due to coordination and clear demarcations between authorities, as well as the necessary scientific basis, are not yet fully developed, and investment funds are also scarce. The governance system also purely reflects the diversity, complexity, and dynamic of the governed system and those exploit it. For example, top down management is dominant in the fishery. In coastal provinces, local fisheries administration authorities are Provincial Agriculture and Rural Development Departments, they are units of the Provincial People's Committees and under the professional management from the Ministry of Agriculture and Rural Development (MARD). There is only one official organization of fishermen, Vietnam Fisheries Society (VINAFIS), which has been the formation of government-sponsored organization (It was established follow Decision No. 33/2000/QĐ- BTCCBCP, Date 5/5/2000, of Minister of Civil Affairs). In fact, it is officially recognized but ineffective since it does not represent the fishers.

Some countries have very strict regulations for trawl fisheries, for example, Indonesia has banned trawl fishing or New Zealand has prohibited trawling in closed seamount areas. At the moment, there are no specific regulations for trawl fisheries management in Vietnam. Coastal fisheries are considered by fishers and the government to be over-exploited and the proportion of low value/trash fish in the total catch of these fisheries continue to rise. Low value/trash fish contributes a large part of the total catch in trawl fisheries. Trash fish landings of trawlers were

between 50 and 70 percent, over two times higher than the average trash fish in marine capture fisheries. The trash fish have been mainly used (i) for aquaculture feed or livestock feed; (ii) in the manufacture of fish sauce or (iii) for direct human food (Edwards et al. 2004). At the moment, there are also no specific regulations for bycatch and discard reduction of trawl fisheries in Vietnam. In addition, agencies such as the provincial Departments of Capture Fisheries and Resource Protection (Sub-Decafireps) lack staff and budget resources to provide the required management, monitoring, surveillance or regulation enforcement in both Vietnam's inshore and offshore waters. Trash fish landings of trawlers are likely to increase in the future, unless trawl net designs are modified to reduce catches of small fish. In summary, the following may be potential gaps and divergences between Vietnam and international/regional legal and policy arrangements:

- 1) Marine capture fisheries in general and trawl fisheries in particular are over-exploited and, in fact, in the open access situation;
- 2) The governance system purely reflects the diversity, complexity, and dynamic of the governed system and those exploit it;
- 3) Lack of guidance on management factors such as data collection, measures to ensure the conservation of target and non-target species, affected habitats;
- 4) There are no specific regulations for trawl fisheries management;
- 5) There are no specific regulations of bycatch and discard reduction for trawl fisheries;
- 6) Lacks staff and budget resources to provide the required management, monitoring, surveillance or regulation enforcement in both the inshore and offshore waters;

Above are key gaps that need to be addressed in order to improve Vietnam's legal, policy and institutional arrangements to enhance compliance with international and regional requirements for trawl fisheries and subsequent activities. The following are some recommendations to address above challenges:



Firstly, at local level, there will be the need to get organized for collective, representative participation in governance. This will necessitate the building of capacity and competencies. Due to the diversity of the fishing communities, many categories of fishers' organizations should be established such as gears-based categories, geographical-based categories. Ruddle argued, "*Given the problems of managing the diverse and often remote fishing communities along the very long end ecologically varied coastline of Vietnam, it would now seem opportune to make selective use of the marine ecological knowledge and management system of local fishers, by involving them in the design, implementation, monitoring, and enforcement of local rules and regulation aimed at national and provincial fisheries policy*"(Ruddle 1998).

Secondly, the present fisheries departments have limited abilities both in terms of physical structure and human resources. Governors need to be trained the key skills of planning, project development and management, mediation and facilitation.

Thirdly, the balance between national and regional capacity is also an important component to solve the over-exploitation situation. Even those, there are bilateral agreements between Vietnam and neighbored countries (China, Thailand), a lot of foreign fishing boats are still fishing illegally in Vietnam's sea waters, annually estimated about 100,000 tons (FAO 2005). It calls for a support from governments of neighbored countries in the region.

Finally, there is a need to develop specific regulations and to strengthen monitoring, surveillance for trawl fisheries in Vietnam. The attached draft circular was formulated to serve as a basis for discussions among relevant stakeholders (annex 1). It must be noted that this draft has to undergo consultations through a participatory process to ensure that it is based on the best available information as well as stakeholders' views.

## **VI. The development of a national circular**

According to Law No.17/2008/QH12 dated June 12, 2009 of the National Assembly on promulgation of legal documents (Article 68), the development of a circular issued by the Minister, heads of ministerial-level agencies can be described as follows:

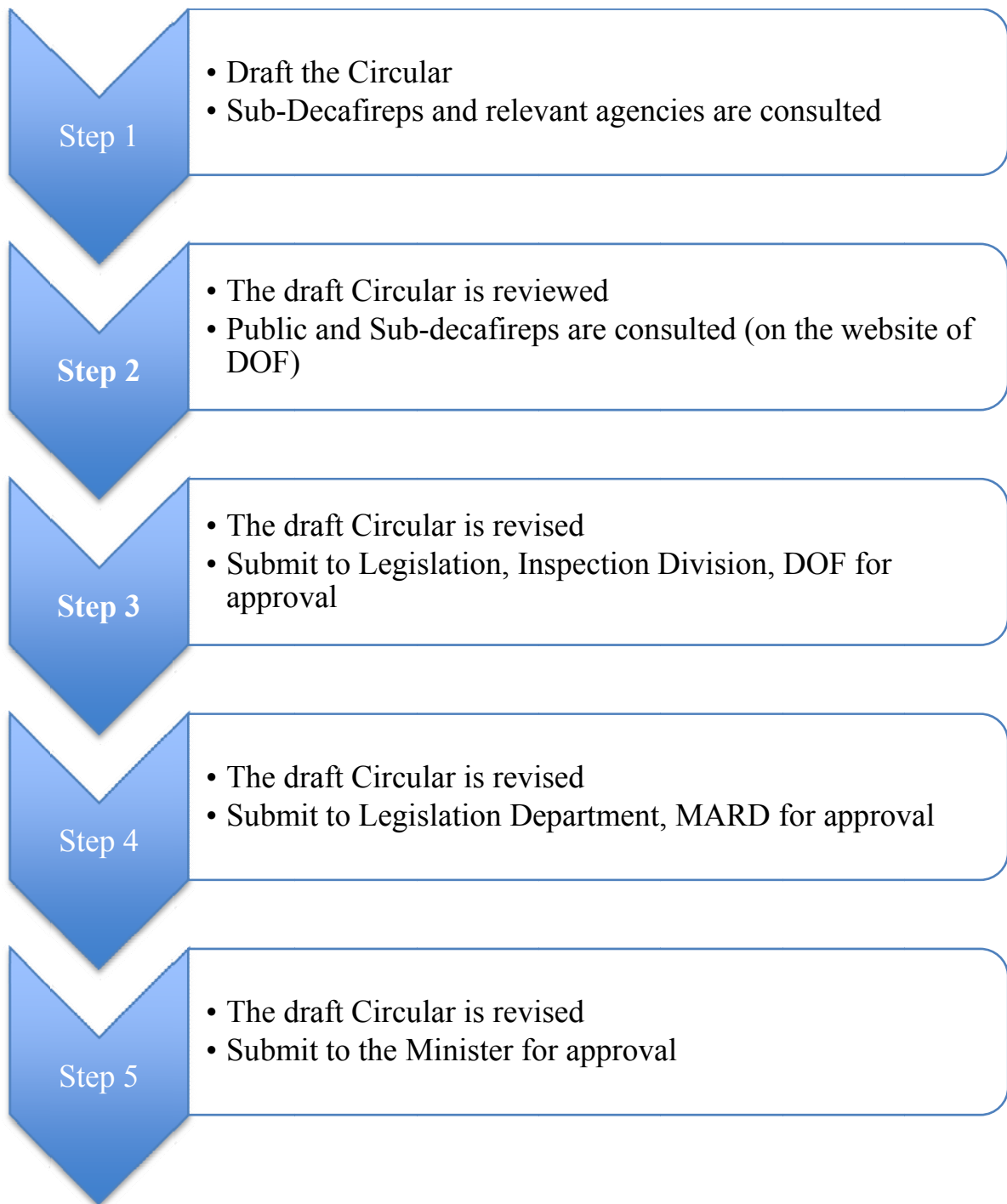
(1) A circular issued by ministers, heads of ministerial-level agencies is drafted by an assigned unit;

(2) Draft circular is posted on the website of the promulgation agencies in at least sixty days to consult relevant agencies, organizations and individuals. Depending on the content of the draft circular, it may be consulted with ministerial-level agencies;

(3) Legal departments of ministries, ministerial-level agencies are responsible for evaluating the draft circular;

(4) The assigned unit revise the draft report Ministers, heads of ministerial-level agencies; (5) Ministers, heads of ministerial-level agencies consider signing and circulars.

Figure 3 summarizes the necessary steps for the approval of the National Circular for trawl fisheries in Vietnam.



**Figure 3.** The necessary steps for the approval of the National Circular

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**Annex 1. Draft of National Circular on Trawl Fisheries Management and  
Bycatch Reduction in Vietnam**

**MINISTRY OF AGRICULTURE  
AND RURAL DEVELOPMENT**

**SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness**

No: /2014/TT-BNNPTNT

Hanoi, ..... 2014

DRAFT

**CIRCULAR**

**Regulations on trawl fisheries management of seafood exploitation in sea areas  
of Vietnam**

*Pursuant to Decree No. 01/2008 ND-CP dated 03/01/2008 of the Government regulating the functions, duties, powers, organizational structure of Ministry of Agriculture and Rural Development;*

*Pursuant to Decree No. 75/2009/ND-CP amending Article 3 of Decree No.01/2008/ND-CP of the Government regulating the functions, duties, powers, organizational structure of Ministry of Agriculture and Rural Development;*

*Pursuant to Law on Fisheries dated January 26<sup>th</sup> 2003;*

*Pursuant to Decree No. 59/2005/ND-CP dated May 4<sup>th</sup> 2005 of the Government on production and business conditions of some fisheries sectors;*

*Pursuant to Decree No.14/2009/ND-CP dated February 13<sup>th</sup> 2009 of the Government amending, supplementing some Articles of Decree No. 59/2005/ND-CP dated May 4<sup>th</sup> 2005 on production and Business conditions of some fisheries sectors ;*

*Pursuant to Decree No. 33/2010/ND-CP dated March 31<sup>st</sup> 2010 of the Government on the management of fisheries exploitation activities of Vietnamese individuals, organizations in sea areas;*

*Pursuant to Decree No. 53/2012/ND-CP dated June 20<sup>th</sup> 2013 of the Government amending, supplementing some Articles of Decrees on Fisheries fields;*

*At the proposal of Director General of the General Directorate of Fisheries;*

*Minister of Agriculture and Rural Development Ministry issue Circular regulating on the trawl fisheries management of seafood exploitation in Vietnam sea areas.*

## Chapter I:

### GENERAL PROVISIONS

#### Article 1. Scope of regulations and subjects of application

##### 1. Scope of regulations:

This Circular regulates on the trawl fisheries management of seafood exploitation in sea areas of Vietnam.

##### 2. Subjects of application :

This Circular applies to organizations and individuals who use trawl fisheries to exploit seafood in sea areas of Vietnam.

#### Article 2. Interpretation of terms

**1. Single trawl:** a trawl net that is kept open horizontally by two otter boards and pulled by one boat

**2. Pair trawls:** a trawl net that is kept open horizontally and pulled by two boats.

**3. Shrimp trawl:** the single trawl that targets shrimp species.

**4. Innovative trawl (flying trawl):** is the pair trawl with the large mesh size at large wing net which the net opening level is much larger than the normal trawl.

**5. Headrope:** general term for upper frame rope of a trawl net.

**6. Footrope/ground rope:** general term for lower frame rope of a trawl net.

**7. Codend:** end of a towed net where the catch collects.

**8. Codend cover:** is the outside protection net of codend which keeps codend not to torn in performance.

**9. Mesh size:** the distance between two opposite knots in the same mesh.

## Chapter II:

### ZONING REGULATIONS AND PERFORMANCE TIME OF TRAWL FISHERIES

#### Article 3: Regulations on activity zone to trawl fisheries

1. All trawl fisheries vessels are not allowed to exploit seafood in coastal area except for shrimp trawl fisheries.

2. Trawl fisheries vessels with total main engine capacity of between 20HP to under 90HP are only allowed to operate in inshore area; In necessary circumstances and permission from Ministry of Agriculture and rural Development, People's Committee of provinces, cities regulate, supplement on exploitation methods, usage ban or restriction to be suitable for real exploitation of marine resources in local areas.

3. Trawl fisheries vessels with the total engine capacity of over 90HP is only allowed to exploit seafood in offshore and sea area.

#### Article 4: Regulations on banned zone and time

##### 1. Tokin Gulf

a) The shore limit means segment lines linking points from 1,1' and 7,7' to sea areas under sovereignty, sovereignty rights, jurisdiction of the Socialist Republic of Vietnam (*According to Article 2, 4 Decree No.33/2010/ND-CP and Appendix 3 Decree No.53/2012/ND-CP of the Government*) points:

Point 1, 1': The coordinate of points from  $21^{\circ}12'35''\text{N}$ - $108^{\circ}12'31''\text{E}$  to  $20^{\circ}48'12''\text{N}$  -  $108^{\circ}17'40''\text{E}$ .

Point 7, 7': The coordinate of points from  $17^{\circ}09'39''\text{N}$  –  $107^{\circ}20'35''\text{E}$  to  $17^{\circ}23'38''\text{N}$  –  $107^{\circ}34'48''\text{E}$ .

b) Banned time and zone: starting from 1h00' April 1<sup>st</sup> until 24h00 May 30<sup>th</sup> annually to ban fishing gears in inshore and offshore area.

##### 2. The South Eastern Sea

a) The shore limit means segment lines linking points from 10,10' and 15,15' to sea areas under sovereignty, sovereignty rights, jurisdiction of the Socialist Republic of Vietnam (*According to Article 2,4 Decree no.33/2010/ND-CP and Annex 3 Decree no.53/2012/ND-CP of the Government*) points :

Point 10, 10': the coordinate of points from  $11^{\circ}08'59''\text{N}$  -  $109^{\circ}09'26''\text{E}$  to  $20^{\circ}48'12''\text{N}$  -  $108^{\circ}17'40''\text{E}$ .

Point 15, 15': The coordinate of points from  $08^{\circ}24'32''\text{N}$  -  $104^{\circ}32'13''\text{E}$  to  $07^{\circ}53'56''\text{N}$  –  $104^{\circ}01'59''\text{E}$ .



b) Banned time and zone: starting from 1h00 May 1<sup>st</sup> until July 31<sup>st</sup> annually to ban fishing gears in inshore area.

### **3. The South Western Sea**

a) The shore limit means segment lines linking points from 15,15' and 18,18' to sea areas under sovereignty, sovereignty rights, jurisdiction of the Socialist Republic of Vietnam (*According to Article 2,4 Decree no.33/2010/ND-CP and Annex 3 Decree no.53/2012/ND-CP of the Government*) points :

Point 15, 15': the coordinate of points from 08<sup>0</sup>24'32"N - 104<sup>0</sup> 32'13"E to 07<sup>0</sup>53'56"N - 104<sup>0</sup> 01'59"E.

Point 18, 18': the coordinate of points from 10<sup>0</sup>22'46"N - 103<sup>0</sup> 48'27"E to 09<sup>0</sup>59'36"N - 103<sup>0</sup> 25'28"E.

b) Banned time and zone: starting from 1h00 April 1<sup>st</sup> until 24h00 June 30<sup>th</sup> annually to ban fishing gears in inshore area.

## **Chapter III:**

### **SPECIFIC REGULATIONS ON TRAWL FISHERIES TO VESSEL GROUPS**

#### **Article 5: Regulations on shrimp trawl fisheries**

1. The minimum mesh size at cod end is 20mm (2a=30mm).
2. The maximum allowed of head rope must be equal or less than 20m.
3. In necessary circumstances and permission from Ministry of Agriculture and Rural Development, provincial-level People's Committee regulates, supplement exploitation methods, mesh size, the headrope length of net to be suitable for local reality in order to exploit seafood resources effectively, sustainably.

#### **Article 6: Regulations on fish trawl fisheries**

##### **1. The vessels group with the total main engine capacity of 20 to 90HP**

- a) The minimum mesh size at codend must be equal or more than 28mm (2a=28mm).
- b) The minimum mesh size at bag must be equal or more than 60mm (2a=60mm)
- c) The maximum allowed length of headrope must be equal or less than 35m.

##### **2. The vessels group with the total main engine capacity of 90 to 150HP**

a)The minimum mesh size at codend must be equal or more than 34mm (2a=34mm).

b) The minimum mesh size at bag must be equal or more than 80mm (2a=80mm).

c)The maximum allowed length of head rope must be equal or less than 50m.

### **3. The vessels group with the total main engine capacity of 150 to 250HP**

a)The minimum mesh size at codend must be equal or more than 40mm (2a=40mm).

b) The minimum mesh size at bag must be equal or more than 100mm (2a=100mm).

c) The maximum allowed length of head rope must be equal or less than 60m.

### **4. The vessels group with the total main engine capacity of 250 to 400HP**

a) The minimum mesh size at codend must be equal or more than 42mm (2a=42mm).

b) The minimum mesh size at bag must be equal or more than 120mm (2a=120mm).

c) The maximum allowed length of head rope must be equal or less than 65m.

### **5. The vessels group with the total main engine capacity of over 400HP**

a) The minimum mesh size at codend must be equal or more than 45mm (2a=45mm).

b) The minimum mesh size at bag must be equal or more than 120mm (2a=120mm).

c) The maximum allowed length of head rope must be equal or less than 75m.

## **Article 7: Regulations on innovative trawl (middle Chinese trawl)**

### **1. The vessels group with the total main engine capacity of 20 to 90HP**

a)The minimum mesh size at codend must be equal or more than 40mm (2a=40mm).

b) The minimum mesh size at bag must be equal or more than 60mm (2a=70mm).

c) The maximum allowed length of head rope must be equal or less than 60m.

### **2. The vessels group with the total main engine capacity of 90 to 150HP**

a)The minimum mesh size at codend must be equal or more than 45mm (2a=45mm).

b) The minimum mesh size at bag must be equal or more than 80mm (2a=80mm).

c) The maximum allowed length of head rope must be equal or less than 70m.

**3. The vessels group with the total main engine capacity of 150 to 250HP**

- a) The minimum mesh size at codend must be equal or more than 48mm (2a=48mm).
- b) The minimum mesh size at bag must be equal or more than 100mm (2a=100mm).
- c) The maximum allowed length of head rope must be equal or less than 80m.

**4. The vessels group with the total main engine capacity of 250 to 400HP**

- a) The minimum mesh size at codend must be equal or more than 50mm (2a=50mm).
- b) The minimum mesh size at bag must be equal or more than 120mm (2a=120mm).
- c) The maximum allowed length of head rope must be equal or less than 100m.

**5. The vessels group with the total main engine capacity of over 400HP**

- a) The minimum mesh size at codend must be equal or more than 55mm (2a= 55mm).
- b) The minimum mesh size at bag must be equal or more than 140mm (2a= 140mm).
- c) The maximum allowed length of head rope must be equal or less than 110m.

**Article 7: Regulations on building, purchase, transfer of trawl fisheries vessels**

1. Since June 30<sup>th</sup> 2014, to ban all vessels with the total main engine capacity of under 150HP to do other jobs to change trawl fisheries.

2. Since January 1<sup>st</sup> 2016, to ban to build trawl fisheries vessels with the total main engine capacity of under 150HP which apply to vessels in Tokin Gulf; trawl fisheries vessels with the total main engine capacity of under 250HP in South Eastern and South Western.

3 Organizations, individuals build fishing vessels with the total main engine capacity of over 150HP (operating in Tokin Gulf), 250HP (seafood exploitation in South Eastern and South Western) to trawl fisheries which have to fulfill the below conditions:

- a) Trawl fisheries vessels have to be suitable for general planning of fisheries development, locals and vessel design.
- b) Must be acceptable by documents of major administration agencies allow to build vessel.
- c) Having vessel building contract of trawl fisheries with vessel building agency which state administration agencies allow to perform (main version )

**Chapter IV:**  
**IMPLEMENTATION PROVISIONS**

**Article 9: Implementation organization**

1. General Directorate of Fisheries, Departments and related authorities of Agriculture and Rural Development Ministry; Provincial Agriculture and Rural Development based on functions, duties, powers to speed up, supervise; Enhancing training, dissemination, propagation to operate regulations of this Circular.

2. In implementation process, if there is any problems or difficulties, Departments, agencies report timely, suggest to Ministry of Agriculture and Rural Development (through General Directorate of Fisheries) to collect, propose Minister for amendment, supplement.

**Article 10: Effect**

This Article takes effect on .... 2014

Abrogating last regulations which are against regulations in this Circular./.

***Receipts :***

- Office of communist party;
- Congressional office;
- Governmental office;
- Ministries, ministerial-level agencies;
- People's Committee of state Provinces, cities;
- Ministry Leaders;
- Departments of Ministry of Agriculture and Rural Development ;
- Provincial Agriculture and Rural Development Department;
- Department of legal documents checking– Ministry of Justice;
- Public papers ;
- Government website;
- Achieves: VT, KTBVNL, and TCTS.

**MINISTER**

**Cao Đức Phát**

**Annex 2. Summary of comments for the Circular from Sub-Decafireps and relevant agencies**

No.	Contributing Organizations	Chapter	Agreement on Draft	Disagreement (reasons, modifications)	Ideas of editorial Board
1	Department of capture fisheries and resources protection Thai Binh, Ca Mau	Name of Circular	Agree		
2	Department of capture fisheries and resources protection Thai Binh, Ca Mau	Scope of regulations	Agree		
3	Department of capture fisheries and resources protection Thai Binh, Ca Mau	Subjects of Application	Agree		
4	Department of capture fisheries and resources protection Thai Binh	Interpretation of terms		Article 2 : Introduction of terms: (1) Trawl: active gear, working on the principle of taking fish by water filter, bag-shaped, tapering from the net mouth to the cod-end; Based on capture objects: fish trawl, shrimp trawl, cuttle-fish trawl, jelly fish trawl...; - Based on procedure of opening net mouth: pair trawl, single trawl, frame (beam) trawl...;- Based on operating position: surface layer trawl, middle layer trawl, bottom layer trawl...; based on structure of net: two bodies, four bodies and six bodies...; innovative trawl (flying trawl).	
	Department of capture fisheries and resources		Agree		

	protection Ca Mau				
5	Department of capture fisheries and resources protection Thai Binh	Regulations on zone of operations		Article 3 : 2. Trawl fisheries vessels with the total main engine capacity between 20 to under 90HP which are allowed to operate in inshore and offshore area; For shrimp trawl fisheries is allowed to operate in inshore area.	
	Department of capture fisheries and resources protection Ca Mau	Regulations on zone of operations		For activity zone which is defined in Decree no.33/2010/ND-CP to be unchanged; supplementing to the total main engine capacity to shrimp, fish, innovative trawl fisheries; Suggestion on abrogating chapter 4 of article 3: no connection with activities of trawl fisheries, unallowance to change job is against regulations.	
6	Department of capture fisheries and resources protection Thai Binh	Regulations on time	Agree		
	Department of capture fisheries and resources protection Thai Binh		Suggestion on modification of name of article 4: <i>Regulations on unallowed zone and time in year.</i>	Ideas are approved and edited in draft of Circular	
7	Department of exploitation and marine resources protection Thai Binh	Regulations on mesh size		Article 5 : 1. The maximum allowed of head rope of shrimp trawl fisheries is 40m	
	Department of exploitation and marine resources protection Ca Mau		Agree		

8	Department of capture fisheries and resources protection Thai Binh	Regulations on innovative trawl fisheries		Article 7 : Regulations on innovative trawl fisheries	
9	Department of capture fisheries and resources protection Thai Binh	Regulations on building trawl vessels		Article 8 : 1. No development and building trawl fisheries vessels which have engine capacity under 90HP	
	Department of capture fisheries and resources protection Ca Mau				
10	Department of capture fisheries and resources protection Thai Binh, Ca Mau	Implementation organization	Agree		
11	Department of capture fisheries and resources protection Thai Binh	Others			
	Department of capture fisheries and resources protection Ca Mau			Correcting the spelling mistakes and unifying to use seafood exploitation or aquatic exploitation.	Ideas are approved and edited in draft of Circular

**Annex 3. List of people consulted during the development process of the National Circular**

<b>Name</b>	<b>Duty</b>	<b>Organization</b>
Dao Hong Duc	Director	DECAFIREP
Le Tran Nguyen Hung	Vice director	DECAFIREP
Pham Viet Anh	Specialist	DECAFIREP
Nguyen Van Thang	Head of department	DECAFIREP
Pham Hung	Specialist	DECAFIREP
Nguyen Huu Binh	Deputy head of department	DECAFIREP
Ngo Mai Thu	Specialist	DECAFIREP
Nguyen Minh Tanh	Specialist	DECAFIREP
Nguyen Van Hung	Specialist	DECAFIREP



**Annex 4. Timecard for PSA consultant**  
(FAOVN 38-2013/GCPRAS/269/GFF)

<b>No</b>	<b>Activity</b>	<b>Duration (day)</b>	<b>Date</b>
1	Develop plan and schedule	1	15/11/ 2013
2	Carry out a desk review of the project document and pre-assessment of the current state of the trawl fisheries management in Vietnam.	2	18-22/11/2013
3	Outline the steps necessary for the successful development and the approval of the National Circular and develop outline of the document.	1	4/12/2013
4	In collaboration with DECAFIREP to develop the National Circular based on the outline prepared.	12	5-15/12/2013
5	Collaborate with DECAFIREP to send the drafted National Circular to relevant agencies and national experts for their comments.	2	18-20/12/2013
6	In collaboration with DECAFIREP to convene stakeholder workshop to present and discuss the Circular	1	25-27/12/2013
7	Based on the findings from the workshop, revise the circular and forward to NTO and NPC for comments	1	30/12/2013
8	In collaboration with DECAFIREP to submit the Circular to the Government for approval	1	31/12/2013-30/5/2014
9	Develop and finalizethe report for the consultancy work	3	1-30/6/2014
	<b>Total (day):</b>	<b>24</b>	