



**WEST PACIFIC EAST ASIA
OCEANIC FISHERIES
MANAGEMENT**

WPEA OFM



**PROGRESS REPORT
REVIEW OF LEGAL, POLICY AND INSTITUTIONAL ARRANGEMENTS
TO ADDRESS SHORTFALLS IN LIGHT OF WCPFC REQUIREMENTS**

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1. SUMMARY

Tuna species are very valuable and important resources not only in Vietnam but in over the world. Therefore, in order to conserve, maintain and develop sustainably these species resources, international and regional fishery management agencies (RFMOs) have provided necessary and effective management measures which are highly legality to manage and control fishing operations throughout international Conventions and Agreements, for example UN Fish Stocks Agreement in 1995 (UNFSA), Convention and conservation and management measures (CMMs) of Western and Central Pacific Fisheries Commission (WCPFC).

Vietnam is also among the countries where tuna stock resources are very abundance. However, up to now Vietnam has not provided any specific legislation to manage tuna fisheries. Vietnam has only stipulated the legal documents to manage and develop its fisheries in general including tuna species. Nevertheless, there are several legal documents to manage tuna fishing operations.

Consequently, it is necessary to review Vietnam's legal and policy frameworks and compare with international and regional conservation and management measures to find out shortcomings and problems to amend in order to have more compliance with international and regional regulations on tuna fisheries management. In addition, it is also very important to develop and stipulate the specific legal frameworks to specifically manage Vietnam's tuna fisheries and these legal documents will also enhance compliance ability of Vietnam on tuna fisheries management system and allow Vietnam easily to become full member of WCPFC. To this end, under the frameworks of West and Pacific East Asian Oceanic Fisheries Management Project (WPEA OFM), a consultancy task has been assigned for national consultants in July 2010 to produce a review report on Review of Vietnam's legal, policy and institutional arrangements in light of WCPFC's requirements.

This report was conducted to review policies and laws related to tuna fisheries management in order to compare with the provisions of the WCPFC. After that, recommendations proposed on the report will be considered to amend existing legislation and develop new regulations for Vietnam's tuna fisheries management.

The present report will focus on the review of status of implementation and the addressed progress to reform legal documents on tuna fisheries management in Vietnam. In addition, the report also is to review implemented progress of activities in the frameworks of a project on supporting Vietnam to access and become a member of WCPFC and hence more compliance with the regulations of the WCPFC. In addition, status of activities of the Vietnam's Tuna Association and progress of developing national tuna management plan were also discussed in the report.

2. THE ADDRESSED PROGRESSES ON VIETNAM'S TUNA FISHERIES MANAGEMENT

2.1. Strategies on supplement and amendment of legal and policy frameworks on tuna fisheries management in Vietnam

2.1.1. Overview on amendment progress to improve legal policy and institutional arrangements on tuna fisheries management

2.1.1.1. Fisheries Law and Decrees under the Laws

a) Fisheries Law

There are some recommendations to reform Vietnam's fishery laws as follow:

For subjects and scopes of the Fisheries Law:

The Fisheries Law is currently applied for all fisheries operations for instance fishing, aquaculture, fisheries transshipment, preservation, processing, trading, exporting and importing on fisheries products, fisheries logistics, fishery survey, protection and development of aquatic resources.

Therefore, it is necessary to amend the Article 1 to be covered more broadly that the Fishery Law has not been applied, for example the Fisheries Law should be applied to organizations and individuals conducting fishing operations in waters under the Vietnam's jurisdiction and high seas.

For regulations on fishing vessels definition

The definition of fishing vessels in Clause 9 of Article 2 of the Fisheries Act is not absolutely completed and inconsistency and thus it is needed to reform that the fishing vessels are also included carriers, shipping, purchasing vessels and other vessel types which are operating at sea. In order to deter, prevent and eliminate IUU fishing, it is necessary to apply suitable measures to vessels which support the facilities/equipment for fishing vessels and carriers. The last regulations stipulated that the fishing vessels including floating objects used for aquaculture, however managing the carriers supporting for aquaculture is different and thus there is a need to admen reasonably. These reforms are to comply as Paragraph e of Article 1 of WCPFC's regulation that fishing vessel means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels and any other vessel directly involved in such fishing operations. It also needs to consider definition of the floating objects to define fishing vessels in order to manage fishing vessels more feasibly.

For regulations on forbidden fishing operations and species

Article 6 of the Fisheries Law has regulated operations and species prohibited in the fishing activities. It was not allowed to destroy the coastal ecosystems and coral reefs. It was also prohibited to fish endangered and threatened species or fishes which are smaller than minimum limited size. In addition, fishing operations shall also not be conducted in the marine protected areas (MPAs) causing environment pollution, using

illegal and harmful fishing gears and methods.... However, Article 6 of the Fisheries Law has not fully stipulated all operations prohibited in fishing activities that were prescribed by law or having penalty measures. It is necessary to provide additional sanctions to ban Vietnam's fishing vessels operating in the international waters in accordance with the international provisions and WCPFC's regulations or fishing without the fishing license.

For fishery capture and operational principles

In Clause 1, Article 4 of the Fisheries Law regulated the fishery capture and operational principles, however it is necessary to reform this: "fishing operations must be integrated with economic efficiency together with protection and renewable of marine resources; protection of the related marine ecosystem and its biodiversity, protection of marine environment and its natural landscapes. Development of fisheries sector must be followed the Master plans and strategies at the national and local levels in order for consistent with fishing operational principles regulated in the Article 11 and Article 4 of the Fishery Law.

On the other hand, in order to comply with precautionary approach principles regulated in UNFSA and WCPFC, it is necessary to supplement on Clause 1, Article 12 of the Fishery Law to encourage offshore fishing activities in a sustainable and effective manners to conserve marine resources.

The Fisheries Law should be supplemented an Article on the general principle to protect and renew marine resources in order to comply with existing national and international legislation, of those there is detail regulation in accordance with Article 5 of WCPFC's Convention on Principles and measures for conservation and management.

For regulations on fisheries reporting, logbook provision, fishing vessel and gear marking

There is a need to provide a detail guideline on fishing reporting, logbook provision, fishing vessel and gear marking in order to comply with international and regional regulations.

The clause 4, Article 8 of Degree No. 33/2010/ND-CP regulated that fishing vessels operating in the Vietnam's waters must record their daily fishing logs and submit to fisheries authorities as required by Ministry of Agriculture and Rural Development (MARD). However, there is no regulation stipulating that Vietnam's fishing vessels operating outside Vietnam's waters must record and submit the logbooks and this is not compliance with WCPFC's CMMs. There is a need to request logsheet provision by Vietnam's vessels operating outside Vietnam's waters in order to comply with Clause 3, Article 24 and Annex III of WCPFC.

For regulations on marine resource assessment and surveys

Clause 2, Article 14 of the Fisheries Law should be updated regulations on establishing fisheries data collection systems to provide fishery data on time series for

stock assessment. This regulation must also be considered on collaboration with international and regional fishery management organizations if needed.

The marine stock assessment is important and necessary tasks of national fishery agencies. Conducting routine surveys and stock assessments to predict fishing grounds and estimate annual allowance catch must be stipulated under the Fisheries Law. The Laws must be added an Article to stipulate the roles and responsibilities of relevant national fisheries authorities to conduct marine resources surveys and stock assessments.

For regulation on quota management

Quota management measure is one of the effective measures. Currently, many countries are applying this approach such as Norway, Japan, Korea... In Vietnam, due to multi-gear, multi-species and small scale fisheries, therefore there will be challenges if this approach can be applied. However, it is necessary to apply with some selected species with highest priorities for tuna species in order to comply with WCPFC's requirements. Article 38 of the Fisheries Law must be amended to stipulate clear and detail responsibilities for relevant fishery agencies to establish and allocate suitable quota based on current status of marine resources and reliable scientific advises.

MARD should establish detail regulations on roadmaps and solutions to reduce total number of inshore fishing vessels in order to implement a Master Plan for fisheries sector development. By doing this, monitoring and assessment of tuna resources may be implemented to ensure sustainable exploitation of these resources.

For regulations on fishing license

It is necessary to provide consistent regulations to decentralize reasonably on fishing vessel registration and licensing. Fishing license should base scientific information on current resource status to issue number of fishing licenses. Information obtained by fishing licensing may be used to provide basic information for stock assessment and quota allocation.

For regulations on fishing port management

Article 27 of WCPFC regulated that whenever a fishing vessel of a member of the Commission voluntarily enters a port or offshore terminal of another member, the port State may, inter alia, inspect documents, fishing gear and catch on board such fishing vessel. Therefore, it is necessary to stipulate regulations on port state measures in compliance with WCPFC's requirements. This task can be assigned for MARD to stipulate detail regulations.

For regulations on fishing operation management outside Vietnamese waters

Clause 1, Article 49 of the Fisheries Law should be amended as follow:

“Vietnamese organizations and individuals operating fishing in the international waters or waters belonging to sovereignty and jurisdiction of other countries must obtain permissions of the state competent and must follow international and regional

regulations which Vietnam has signed or ratified. In addition these organization and individuals also must obey the particular regulations of third country where their fishing vessel is fishing”.

Clause 3, Article 6 of Degree No. 33/2010/ND-CP guiding to implement Clause 3, Article 349 of the Fisheries Law must be supplemented regulations in relation to fishing operations at high sea where is managed by any regional fisheries management organizations (RFMOs) while Vietnam is not member or CNM of that RFMO.

b) Degree No. 33/2010/ND-CP

- Flagging country regulations must be supplemented in the Degree 33/2010/ND-CP in order for compliance with WCPFC’s requirements.
- Supplementing Chapter V of the Degree No. 33/2010/ND-CP about responsibilities of national fisheries management agencies to involve on implementation of regional observer program of WCPFC in order to comply with Article 28 of WCPFC.
- Regulation on landing transshipment in Vietnam’s waters should be supplemented for more compliance with WCPFC Convention regulations at Article 29 of WCPFC.

c) Degree No. 31/2010 /ND-CP

- Degree No. 31/2010 /ND-CP must stipulate regulation on financial penalties with fishing vessels violating WCPFC’s regulations and CMMs in order to comply with Article 25 of WCPFC
- Degree No. 31/2010 /ND-CP must supplemented regulation on observer on board to comply with Article 26 of WCPFC.
- There should be regulations on penalties for violations of the management of offshore fishing vessels operating outside the EEZ of Vietnam into 31/2-10/ND-CP Decree.

2.1.1.2. Development of ministerial legal documents on tuna fisheries management in the light of WCPFC’s requirements

a) Stipulating standards and regulations for tuna products

Develop and promulgate standards and regulations on tuna product management as a basis for assessing tuna product quality.

b) Stipulating highly migratory species management measures

Develop and promulgate regulations on the conservation and management of migratory fish stocks including tuna species for compatible with the WCPFC’s CMMs and related legal documents

c) Stipulating monitoring, controlling and surveillance system (MCS)

Develop and promulgate the regulations applicable for MCS activities to manage the fishing activities.

d) Stipulating regulations on IUU fishing

Develop and promulgate the regulations related to reduce, combat and eliminate IUU fishing and regulations to enhance collaboration ability among countries to manage IUU fishing.

e) Fishing vessel monitoring system

Develop and promulgate regulations and management measures relating to the application of the Vessel Monitoring System - VMS for vessels operating offshore area (focusing on tuna fishing vessels)

e) For regulations on information and fishery statistics

It is necessary to provide more provisions on fishery data collection and statistics. These issues are very important for tuna fisheries management. However this has not been emphasized so far.

2.1.2. Implementation progress and status on amendment and development of legal documents for tuna fisheries management in Vietnam

Based on recommendations proposed in the report “Review of Vietnam’s legal, policy and institutional arrangements in light of WCPFC’s requirements”, developed recently, Vietnam has continued to refine legal documents for fisheries sector management in general and for tuna fisheries management in particular. Up to now, the legal documents related to tuna fishing management consist of the Fisheries Law, ten Decrees, 9 Decisions of the Prime Minister and 6 ministerial legal documents. The implementation of these legal documents for tuna fisheries management has achieved the following results:

2.1.2.1. The fisheries law

With funding of Norwegian Government, a Law Fisheries Project to review and reform the fisheries laws of Vietnam has been implemented by Legal Department under MARD. After a long time for preparation, the Fisheries Law project has proposed an amendment fisheries law to submit to National Assembly and on the planning the amended fisheries laws will be evaluated in the 13rd meeting of the National Assembly.

Planning to amend fisheries laws have been approved by Minister of Ministry of Agriculture and Rural Development on 06/04/2012. At the same day, Minister of MARD has decided to establish a drafting and editing committee of the amended fisheries law project

Pursuant to the plan of Fisheries Law Project and based on 8 experience years of implementing the fisheries law project, so far the Fisheries Law is being revised by the drafting and editing committee. To date, a first draft is in the process to be completed and the Drafting and Editing Committee has already planed and decided the contents of the fisheries law which are necessary to amend. Accordingly, the proposed contents to improve tuna fisheries management system have also been included in the first draft of amended Fisheries Law, these are:

- For implementation scope: first amended Fisheries Law has expended its implementation scope for organizations and individuals operating outside Vietnamese waters, because there were no regulations for activities outside Vietnamese waters under the law in 2003.

- For fishing vessel definition, the draft has clearly classified and defined the types of vessels such as fishing vessels, petrol boats, research vessels, carriers without restricted to fishing vessels as indicated in the Fisheries Law of 2003.

- For fishery capture and operational principles: the amended Fisheries Law would consider additional principles for more consistent with the new regulations of Vietnam and internationally. In the draft, there are many contents supplemented. For example, the new principles have considered to responsible fishing management and according to current stock biomass status. In addition, the new principles of the fisheries law have also stipulated the fisheries management must follow the regulations on fishing gear use, fishing seasons and areas, etc. as regulated by MARD. The organization and individuals conducting the fishing operations which are affecting to marine resources should be responsible for compensation to recovery and renew those marine resources.

- On the behavior and to be prohibited exploitation: Draft Fisheries Law has been amended a number of additional prohibited acts such as fishing without a license, failing to report catches when docked ...

- Activities to be considered as forbidden have been supplemented, for instance fishing operation to be considered as illegally such as fishing without licenses or no landing reporting when landing.

- For regulations on quota management: the amended fisheries law has supplemented the regulations on quota allocation for some fish species including tuna species and assigned for MARD to provide detail and reasonable regulation corresponding to certain periods. The quota management was applied from Norwegian and Japanese experiences. This is considered as new and interested regulations in Vietnam's Fisheries Law. In order to implement this regulation, it is necessary to assign certain fisheries agencies to conduct annual stock assessments to provide sound management advises for quota allocation for each fishing vessel or a certain fishing fleet.

- For regulations on fisheries data provision: the amended Fisheries Law has supplemented some regulations on this issue. The draft defines the roles and responsibilities of organizations and individuals in the provision of data and

information in fisheries activities and how to use the fisheries databases and information stipulated by the Ministry of Agriculture and Rural Development.

- For regulations on marine ecosystem conservation, the amended Fisheries Law draft stipulate that Government issued a list of endangered and threaten species given priority for protection; promulgate a list of economic value and science significant species... The lists need to be updated from international communities in order to consistent with international law.

- For regulations on marine resource assessment and surveys: the amended Fisheries Law draft has a specific Article to stipulate this issue. This is considered as the most important task for fisheries management. This task should annually be implemented with national budget source. As a result, the stock assessment results should be provided a 5-year period to evaluate variation trends of marine resources at sea.

- For regulations on fisheries monitoring: the amended Fisheries Law draft has supplemented regulations on fishing vessels monitoring system. The objective of the system is to ensure compliance ability on fisheries operations and enhance assistance for emergency situations at sea. The draft stipulated clearly roles and responsibilities of relevant agencies on operating this VMS system. A Center for Fishing Vessel Monitoring was established by MARD to implement VMS activities.

- For regulations on fisheries management measures: the amended Fisheries Law draft provide new regulations include: fishing license procedures, catch reporting, logbook submission, fishing prohibited gears, limited fish sizes, fishing closed seasons/areas, quota allocation, fisheries zoning. Organizations and individuals conducting fishing activities have responsibilities on implementing above management measures.

- For regulations on conducting fishing activities outside Vietnam's waters: the amended Fisheries Law draft has reformed to supplement that organization and individuals have rights to conduct fishing operations at the area outside Vietnam's waters on respecting the related international or regional regulations. Organizations or individuals conducting fishing activities in the third countries must obtain permission of MARD and must obey this third country's regulations or follow international or regional laws which Vietnam has signed or ratified.

- For regulations on fishing vessel registration: the amended Fisheries Law draft is focussing to decentralize for local authorities. For foreign vessels fishing in the Vietnamese waters or Vietnamese vessels fishing outside Vietnam's waters, vessels registration should be carried out by MARD.

- For regulations on fishing vessel docking: according to Port State Measures, the amended Fisheries Law draft stipulate types of vessel can dock at port and regulations with captains on data provision; MARD should consider regulations to reduce IUU fishing.

- For regulations on fishery inspection system: the amended Fisheries Law draft has stipulated functions of the fishery inspectors to conduct monitoring, controlling and surveillance activities and ensure effective enforcement to protect and conserve marine resources. This supplementing is to ensure effective management on marine capture fisheries and ensure sustainable development of fisheries resources.

2.1.2.2. The Decree of the Government, the decisions of the Prime Minister

a) Decree 31/2010/ND-CP

At the present, the Ministry of Agriculture and Rural Development (MARD) have responsibilities to amend and supplement Decree 31/2010/ND-CP on administrative violations in fisheries sector to fit practical situation and meet the international requirements.

Accordingly, the MARD has conducted several specific activities to amend and supplement the Decree including on reviewing and evaluating the implementation of this legal document in the past years; decision to establish the writing group to develop the Decree; surveying and consult opinions and comments of relevant agencies and stakeholders. It is expected that the Government will issue the Decree in 2013.

The drafted decree is expected to add some contents which have been provided in the amendment draft of Fisheries Law, as well as the Decrees guiding the implementation of amended Fisheries Law. Including, the addition of IUU violations, the sanctions and measures for handling violations; additional behavior and the sanctions relating to the management of fishing ports and measures to manage fishing operations.

b) Decree No. 59/2005/ND-CP and Decree No. 14/2009/ND-CP and Decree No. 32/2010/ND-CP and Decree No. 33/2010/ND-CP and Decree No. 52 / 2010/ND-CP

In 2011, the Government assigned the Ministry of Agriculture and Rural Development (MARD) shall chair amending and supplementing a number of Decree of Government in term of fisheries, including five Decree: Decree No. 59/2005/ND -CP regarding the conditions of trading and production of fisheries related occupations and Decree No. 14/2009/ND-CP regarding the revision and supplement of some articles of Decree 59/2005/ND-CP and Decree No. 32 / 2010/ND-CP on the management of fishery activities of foreign fishing vessels in all marine areas of Vietnam and Decree No. 33/2010/ND-CP on management of fishing activities of organizations and individuals in all marine areas of Vietnam and Decree No. 52/2010/ND-CP on the import of fishing vessels. The modification of above Decrees to meet the requirements of administrative procedure reform in fisheries activities, in accordance with policies and development strategies of the fisheries sector, in accordance with the practice of Vietnam fisheries and international regulations.

So far, the Decree amending and supplementing a number of fisheries decree, which has been finalized and the Government for consideration and promulgation. In these draft has added a number of provisions on the flag for foreign fishing vessels when fishing operation in waters of Vietnam (flag) must be specified fishing vessel's port activities of foreign fishing vessels in the waters of Vietnam; Vietnam' fishing vessels

operators outside of Vietnam's seas meeting the conditions of the law of Vietnam and must comply with the regulations of the country where the vessels operating; the conditions import of fishing vessels to ensure resource protection and environmental (Using modern equipments, advanced technology). The additional content of this Decree has been to amend the relevant provisions of the WCPFC in particular and the general international practice.

c) The decree and other documents

Viet Nam' government has issued the Decision 1690/QD-TTg dated 16 September 2010 on approval of development strategy of Vietnam's fisheries by 2020. The Decision expressed specified objectives and development orientation of Vietnam's fisheries sector towards industrialization, modernization and sustainable manner, a large commodity production, structure and form of rational organization of production, productivity, quality, efficiency, reputation, highly competitive and firmly integrates into the world economy.

Decree on Fisheries inspection force has been developed, finalized and submitted to Government for consideration and promulgation (Before that, the project on the establishment of fishery inspection forces have approved by the government). This Decree regulates the organizational structure and responsibilities and powers of fishery inspection forces. Operation of the fishery inspection forces will help to patrol and control activities at sea effectively. Prevention of illegal fishing, the protection of fisheries resources, organization and operation of fishery inspection force ensures consistency in management as well as correlation of forces in the trend of international cooperation with other countries, especially countries in the region.

The draft of Decree on fishing port management, storm shelters of fishing vessels are completed and submitted to Government for consideration and promulgation. This Decree regulating the organizations and individuals that have docked fishing vessel must have a responsibility to report the catch of fish, diary reports of exploitation. Accordingly, supporting the fisheries statistic is more efficient and consistent. In addition, the regulation of organizations and individuals have to demonstrate registration of fishing vessels, fishing licenses, the skipper certificate, chief engineer... to strengthen management of fishing vessels into order. Provisions in the draft decree also consistent with the conservation measures and management are regulated in the Agreement of highly migratory fish of the United Nations, the WCPFC and the Agreement on Port State measures.

In each period, the Ministry of Agriculture and Rural Development edited and submitted to Government for consideration and approval program for protecting aquatic resources. Accordingly, the State will provide funding to the relevant agencies to conduct activities of scientific research to the specific action (support fishermen equipped with facilities of modern fishing, alternative job ...)..., the operation on the protection of aquatic resources in general and marine resources in particular.

2.1.2.3. The ministerial legal documents

On the basis of the recommendations in the review report, until now, the Ministry of Agriculture and Rural Development has issued a number of documents in general fisheries management and tuna in particular:

a) Implementation of IUU

To perform the State management requirements of the exploitation and protection of fisheries resources and to implement the provisions of the EU Council on the prevention, prevention and elimination of illegal fishing activities, non-report and non-regulation, April 15, 2011, Ministry of Agriculture and Rural Development has issued Circular No. 28/2011/TT-BNNPTNT certification regulations and certification for export of aquatic exploitation on the European market.

Organizations and individuals that export seafood to European markets, besides logging exploitation, catch reports as required; in addition, they must make the certification, confirmation of original source of fisheries exploitation by the competence of State management agencies.

The promulgation of this Circular is proved that Vietnam has always comply with international regulations on the issue of sustainable fisheries development in accordance with international regulations.

b) The regime of information on operation of marine fishing vessels

March 29th, 2011, Ministry of Agriculture and Rural Development has issued Circular No. 15/2011/TT-BNNPTNT promulgating the "Regulation on information for vessels operating on the sea".

According to this Circular, organizations and individuals operating in the marine fisheries must be equipped with appropriate information equipment in accordance with each fishing grounds, to provide travel information when fishing vessels operating in normal weather conditions or storms, accidents and incidents at sea. Also, Circular stipulates the responsibilities of agencies, organizations and individuals for information on fishing boats at sea.

c) Monitoring, inspection of fishing activities

Currently, the Ministry of Agriculture and Rural Development is formulated Decree on Fisheries inspection force. This is one of the content towards the purpose of monitoring, inspection and patrolling of fishing activities at sea. After the decree of fishery inspection forces launched, the Circular also will be issued.

d) The scientific research

Currently, the Government has approved several programs, projects on the protection of aquatic resources. Accordingly, the Government is to support research and modern

application equipment can escape the type of small fish such as turtle for trawl fishing vessels.

Thus, based on the progress of edition, amendment and supplement of legal documents on management of tuna fishing has mentioned above: the legal document system regulates tuna fishing is more completed and have achieved results effectively. The legal system was conducted overall from the Law, Decree and the Decision of the Prime Minister and other ministerial documents.

In the future, to improve the ministerial documents on management of Tuna fishing, propose MARD building and issue the following circulars:

- i) Circular regarding on technical regulations on collection, transportation and processing tuna in Vietnam
- ii) Circular regulating on management of tuna fishing in Vietnam
- iii) Circular regulating on the investigation and evaluation of fisheries resources
- iv) Circular regulating on regulation of decree of fisheries inspection force
- v) Circular regarding the management of trawler fishing
- vi) Circular regarding the revision and supplement of Circular 02/2006/ND-CP guiding the implementation of Decree 59/2005/ND-CP of Government May 4th, 2005 on conditions for production and trading of fisheries – related occupations.
- vii) Circular regarding the revision and supplement Decision No. 10/2006/QD-BTS on registration of fishing vessels and crews of fishing vessels.

2.2. Joining the official members of the WCPFC Agreement and comply with the instructions of the Agreement

Vietnam aware WCPFC is regional fisheries organizations, that Vietnam will have many advantages when joining this organization, especially in the seafood export activities, as well as the determination and desire of participation in regional efforts to enhance traceability for tuna products, enhancing conservation and sustainable development of aquatic resources. So that, in 2007, Vietnam has started research on this Agreement. Ministry of Agriculture and Rural Development has also established a research working group, proposed to join the Agreement. Working group comprised representative agencies: Department of International Cooperation, Department of Legal Affairs, Department of Capture fisheries and of resources Protection.

With the support of the Fisheries Law Project of the Norwegian government, the project of the Dutch Government and the UNDP project: The Ministry of Agriculture and Rural Development of Vietnam have been appointed many delegations to attend the annual meeting of the Committee from 2008 until now. In 2008, Vietnam was the first time to attend the 5th meeting of the Committee as observers. In 2009, Vietnam officially applied for the National mechanisms are not yet members but has cooperated (CNM) and all members of WCPFC were adopted. However, Vietnam has committed

that it shall not have fishing plan temporarily in the Convention Area in 2010. Besides, Vietnam has yet to comply with the provisions of conservation and management of the WCPFC, as well as reducing fishing effort or fishing report, allowing WCPFC' inspection to inspect fishing vessels ... with this regime, annually, Vietnam has application of registration and the Commission agreed with CNM from 2009 to now. With its' good faith cooperation, Vietnam has also contributed fiscal to the Commission for 2011, although there is a few nations that has the role of CNM performing this duty.

Vietnam's continued cooperation mechanism with the WCPFC as a CNM has gradually strengthened the recognition and trust of the international community and the region for Vietnam to join the efforts to protect conservation and management of migratory fish stocks beyond, especially tuna. Participation as a CNM was an opportunity for Vietnam to improve institutional capacity for implementation to earlier is an official member of the Committee in the future. This is the premise for Vietnam considers joining the Agreement on highly migration fish stock of the United Nations in 1995.

2.3. Organization, structure, human resources

2.3.1. Based on the functions and duties of agencies and units under the Ministry of Agriculture and Rural Development, the Directorate of Fisheries specifically the Department of Capture fisheries and resource protection (DECAFIREP) is the agency has State management function about fishing activities in general and in particular for tuna. DECAFIREP has responsibility for making policy, legislation and institutions to implement policies and laws.

With the support of the project, DECAFIREP is assigned as coordinator and project management. Accordingly, a Project Management Division has been established. The project to support capacity building for managers of DECAFIREP, three Department of Phu Yen, Khanh Hoa, Binh Dinh - who directly implement the provisions of law on management and exploitation tuna in the central and local levels.

DECAFIREP through Project Management Division have connected the coordination between relevant agencies at the central level (Department of International Cooperation, Department of Legal Affairs of MARD) as well as with other offices of the Directorate of Fisheries (Department of International Cooperation Science and Technology, Center for Information Technology and fisheries statistics ...).

Regarding the organizational structure of agencies responsible for managing tuna is quite sufficient. Each agency is specified functions and tasks clearly.

However, in the implementation process, sometimes without the adherence between the agencies, units and between central and local; DECAFIREP has assigned officials who are focal point to advise and monitor this content but information was not timely, in case of absent official, this work is interrupted, and some locals have benefit from the project they have been very active in implementing the project but they lack of effort when the project almost finishing without funding for implementation.

Therefore, measures should be taken to resolve this situation to ensure the sustainability of the project.

2.3.2. Tuna fishing associations have been established in 2010 and came into operation. This is the socio-professional organizations with the aim of jointly promote activities aimed at cooperation, link, and support each other in professional development, improving production efficiency, appropriate protection of his interests Solutions of members and fishermen in the fields of protection, fishing, trading, processing and consumption of tuna resources in Viet Nam. This will be the major institutions involved with the State to manage tuna fishing operations.

However, not until November 2011, the Ministry of Interior approved the new charter, issued the establishment decision. Since then, the Association is granted an official seal and put into operation, headquartered at 33 Dang Tat, Nha Trang, Khanh Hoa.

Currently, Vietnam is not only export tuna (yellowfin tuna, bigeye tuna), but also export (round tuna, corn tuna ...). Production of these species is also high productivity, accounting for 30-40% by weight of tuna exports in general. These types are used for canning and processing is essential. Therefore, the Association's name is not oceanic tuna Association which is Vietnam's tuna Association. There are three provinces have established tuna Association, which include Khanh Hoa, Binh Dinh, Phu Yen. The local tuna Association established before the Vietnam Tuna Association was established. Some southern provinces (Kien Giang, Ba Ria - Vung Tau) used gill nets, purse seine to catch this tuna species. In central province of Viet Nam (Quang Ngai is, Ninh Thuan) mainly catching round tuna. In the future, these provinces will also establish tuna Association.

Vietnam Tuna Association has just establish in 2010, while the Vietnam Fisheries Association was founded in 1992, the Vietnam Association of Seafood Exporters and producers (VASEP) was established in 1998. Therefore, the majority of seafood businesses has joined these Associations that they were established earlier. So the members of Vietnam tuna Association is not much. In addition, the Association is lack of intensive activities to support and guide members in the exploitation and protection of lawful rights and interests of members to constrain the expanding and development of association. One of the important conditions to attract members to attend that is benefits for members and fishermen. But, so far operational budget is limited by meeting the difficulties collecting fee contribution of the members, even though fee rate is a little (only 0.1 to 0.2% of sales of businesses/ month; 5.000d/vessel/ month), while the role of the Association for fishermen is limited.

To maintain and develop Association, it needs for innovation of mechanisms of the Association to implement a number of State policies; State monitors the implementation, therefore, raising responsibilities and role of the Association; Hence, improving the knowledge of fisheries communities to help them easy approaching and implementing the provisions of legal system more efficient.

During monitoring, the Association will be a bridge between the state and fishermen to propose amendments, additional policies and laws in accordance as well as promptly detect the violation of fisherman.

To develop its great role of the Association, firstly, it should be have funds for technical assistance to the Association activities, not just part of equipment support such as project supported in 2011. Functions and duties of the Association should be reviewed and modified some of the contents that not match the actual situation.

On the other hand, need to combine regular exchange of information between the Association with State management agencies - the Directorate of Fisheries (Department of Capture Fisheries and Resource Protection). To contribute to develop of State policies and legal system into practice, as well as collecting the situation of law enforcement to make adjustments accordingly.

2.4. Tuna Management Plan

Making activity plan and issuing the Tuna Management Plan to propose the main activities and implementation route of tuna management ensuring sustainable exploitation and preventing depletion of tuna species, improving the living conditions, reducing post harvest losses, increasing the quality of products and ensuring equity in resource use, the formulation and promulgation of tuna management plan is urgently needed.

In the Tuna Management Plan has shown the contents of tuna management such as resource assessment, policy development, building monitoring systems, inspection and supervision, international cooperation and implementation.

This Plan has been developed and took opinions from 2011. However, so far, it has not been submitted to competent agencies for approval and early implementation. Therefore, DECAFIREP should actively consult the relevant agencies and organizations, complete this plan, to submit the Prime Minister for approval (because this is the problem related to the exploitation of marine resources, to fund major investments in accordance with international practice).

Plan should be drafted in the form of project, in which is particularly interested in improving human capacity to ensure the implementation of law, measures aim at reducing losses after harvesting to increase of value tuna products, especially for tuna products export. The project should express implementation measures corresponding to each program or specific project.

3. PROPOSALS AND RECOMMENDATIONS

3.1. Setting up and completing institutions in accordance with the provisions of the WCPFC.

Conducting of the provisions of international law into domestic law is essential to ensure similarity in a policy of national law with international law. To make this work should regularly review the legal documents to determine what provision was appropriate, the provision is not appropriate, not similarities. For these problems that are not appropriate, not homologous with the law of Vietnam or other provisions, need specify how to fix, it is necessary to modify, supplement or promulgate legal documents , the competent authorities for promulgation those legal documents.

Although Vietnam Fisheries Law was basically consistent with the provisions of the Agreement, However, since the promulgation and enforcement of Fisheries Law, so far it has been 9 years, so this is the time needed study and review the contents of the Fisheries Law to determine the appropriate content, are not appropriate, to propose amendments and supplements in accordance with management practices and fisheries development of Vietnam and appropriate to the international treaties. On that basis, to continue to review the complete guidelines for appropriate implementation, as well as supplement inappropriate rules compared to the requirements of WCPFC Agreement, including provisions on IUU, the Quota management for some species.

3.2. Capacity building for fisheries managers

One of the important works is capacity building for managers, providing them the knowledge of policies and laws on international fisheries agreements in general and in particular, having competence of foreign language, professional operations to be able to participate in inspection and supervision activities in accordance with the implementation of the Agreement. On the other hand, the agencies have functions of inspection; inspection of fishing vessels in waters of the Agreement must also be equipped with the means and tools of modern technology to meet mission requirements. Consequently, we really own our marine resources, to keep up with the development of technical and economic background of the region and the world, reaching up to market competition and the demands of social development.

3.3. Enforcing the legal systems

Recently, the effectiveness of law enforcement is low in Vietnam; the main cause by weaknesses in the implementation of the law. To bring legislation to life, forcing people to obey the law is very difficult issues; the need must have collaborated of all relevant ministries and agencies. One of the measures to ensure implementation of the Agreement is promoting awareness for fishermen; especially the fishermen go fishing in the offshore areas of Vietnam. Strengthening dissemination and providing necessary legal documents on Vietnam's fisheries law related to fishing in waters outside of Vietnam, the content of the Agreement, especially the problem regulations on the subject of rights and obligations of the participating vessels fishing in waters of the Agreement. To ensure the effective dissemination is necessary to regularly renew the propagation method. The majority of fishermen have low educational level, so that dissemination method should build the comedy skits combining with the provisions of law on fisheries, or distributed posters to the fishermen, or read many times the legal provisions on the speaker, radio and television.

When fisherman understanding clear regulations on fisheries law in the country and international will make positive changes in perception, as well as the sense of observing laws when fishing participation, help to reduce the violations of legislation, ensuring the effective implementation of the Agreement.

3.4. Strengthening relationship cooperation

The strengthening cooperation is very important, especially when deploy tuna management plan involving many agencies, organizations not only central, but also at

local level, not only in country but also in the region and internationally. Having the participation of agencies and units involved, as well as bring the opportunity to share, learning experience for mutual development.

4. CONCLUSION

To manage the effectiveness of tuna, to implement the development strategy of Vietnam's fisheries sector by 2020 in general and for tuna species in particular, Viet Nam needs having an appropriate management mechanism to ensure the protection and sustainability development of tuna resources into the industrial production, modern, stable and efficient, contributing to sustainable development of offshore fisheries of Vietnam, to ensure compliance international laws to order Vietnam become official members of the WCPFC. To achieve this goal needs to develop specific route, complete institutional capacity building for managers, ensuring law enforcement, and enlisting the cooperation of agencies and organizations involved.

APPENDIX 1: LIST OF LEGAL DOCUMENTS FOR TUNA FISHERIES MANAGEMENT

1. Fisheries Law

No	Ref. Code	Date	Title
1	17/2003/QH11	26/11/2003	Fisheries Law

2. Government's Decrees

No	Ref. Code	Date	Title
1	59/2005/ND-CP	05/04/05	Conditions for production and business of some fisheries-related occupations
2	66/2005/ND-CP	19/5/2005	Safety assurance for humans and vessels engaged in fisheries activities
3	57/2008/ND-CP	03/01/08	Regulations on MPAs of national and international importance
4	01/2008/ND-CP	03/01/08	Prescribing functions, mandates, power and organizational structure of the Ministry of Agriculture and Rural Development
5	14/2009/ND-CP	13/02/2009	Amending and supplementing some articles of Government Decree 59/2005/ND-CP on the production and business conditions of some fisheries-related occupations
6	75/2009/ND-CP	10/9/2009	Amending Article 3 of Government Decree 01/2008/ND-CP on the functions, mandates, power and organizational structure of the Ministry of Agriculture and Rural Development
7	31/2010/ND-CP	29/3/2010	Application of sanctions on administrative law violations in fisheries sector
8	32/2010/ND-CP	30/3/2010	On the management of fishing operations by foreign fishing vessels in Vietnamese waters
9	33/2010/ND-CP	31/3/2010	On the management of fishing operations by Vietnamese individuals and organizations in sea waters
10	52/2010/NĐ-CP	21/5/2010	Regulations on fishing vessel importing

3. Prime Minister's Decisions

No	Ref. Code	Date	Title
1	131/2004/QĐ-TTg	16/7/2004	Approving the Program for Protection and Development of Fisheries Resources until 2010
2	150/2005/QĐ-TTg	20/6/2005	Approving the master plan for national structure transformation of agriculture,

			forestry and fisheries production until 2010, with a vision to 2020
3	288/2005/QD-TTg	08/11/05	Approving the revised master plan for typhoon shelters for fishing vessels until 2010, with a vision to 2020
4	10/2006/QD-TTg	11/10/06	Approving the Master Plan for Fisheries Sector Development until 2010 with an orientation to 2020
5	29/2007/QD-TTg	28/02/2007	Establishment and organization for implementation of Vietnam Fund for Aquatic Resources Reproduction
7	149/2008/QD-TTg	20/11/2008	Prescribing the regime of providing incentives for Agriculture and Rural Development inspectors, inspecting collaborators, officials and workers on board fisheries superintendence ships when taking journeys at sea
9	485/QD-TTg	02/5/2008	Approving the scheme for “Protection of endangered and high value aquatic species until 2015 with vision to 2010.”
11	05/2010/QD-TTg	25/01/2010	Prescribing functions, mandates, powers and organizational structure of the Directorate of Fisheries under MARD
12	346/QD-TTg	15/03/2010	Approving the Master Plan for the System of Fish Ports and Landing Sites until 2020, with orientations to 2030
8	742/QĐ-TTG	26/5/2010	Approval of MPAs in Vietnam’s waters to 2020.
9	1690/QĐ-TTg	16/9/2010	Approval of Master Plan for Fisheries Sector Development to 2020

4. Ministerial level documents

Decisions

No	Ref. Code	Date	Title
1	20/2006/QĐ-BTS	29/12/2006	Stipulating regulations on managing Fishing Ports, Landing Sites and Docking areas
10	05/2006/QĐ-BTS	06/02/06	Promulgating the regulations on technical inspectors for fishing vessels
13	82/2008/QĐ-BNN	17/7/2008	Announcing the List of Endangered High-value Aquatic Species for Protection, Restoration and Development
14	10/2006/QĐ-BTS	3/7/2006	Promulgating the Regulations on Registration of Fishing Vessels and their Crew Members
15	96/2007/QĐ-BNN	30/6/2008	Promulgating the Regulations on Technical Inspection of Fishing Vessels

4	13/2004/QD-BTS	31/5/2004	Promulgating standards for titles of civil servants working on board fisheries superintendence ships
5	27/2005/QD-BTS	09/01/05	Prescribing criteria for typhoon shelters for fishing vessels
6	04/2006/QD-BTS	16/1/2006	Promulgating regulations on operations of the Steering Committee for Fisheries Resources Protection and Development Program
7	16/2006/QD-BTS	14/9/2006	Promulgating regulations on operations of Fisheries Inspectorate
8	20/2006/QD-BTS	29/12/2006	Promulgating regulations on management of fish ports, landing sites, and typhoon shelters for fishing vessels
9	27/2006/QD-BTS	29/12/2006	Promulgating (ad interim) uniforms, stripes, badges, pennants, flags and technical facilities for Fisheries Inspectorate
11	105/2007/QD-BNN	27/12/2007	Promulgating Constitution of Organization and Operation of Vietnam Fund for Aquatic Resources Reproduction
12	77/2008/QD-BNN	30/06/2008	Promulgating the Regulations on Granting Incentives and Qualification Certificates for Fishing Vessel Masters, Chief Engineers, Technicians and Crewmembers
16	122/2008/QD-BNN	18/12/2008	Promulgating regulations on stamp format and procedures for technical and specialised stamps during technical inspection of fishing vessels

Circulars

No	Ref. Code	Date	Title
1	27/2003/ TTLT-BTS-BQP	31/3/2003	Guiding the coordination in State management between the Ministry of Defence and Ministry of Fisheries, as related to the activities of Marine Police Force, and coordination between the Marine Police and concerned bodies under the Ministry of Fisheries for the activities in the sea waters and continental shelf of the Socialist Republic of Vietnam
2	01/2001/TT-BTS	06/08/01	Amending item 6(a) in Joint Circular 04/1998/TTLT-TS-KHDT-BTC-NHNNVN guiding the management and utilization of credit loans allocated in accordance with the State Plan for the projects of building/renovating fishing

			vessels and service provision for offshore fishing
3	70/2003/TTLT/BTC-BTS- NHNN	29/4/2003	Guiding the handling of credit loan debts for building and renovating offshore fishing vessels as specified in PM's Decision 89/2003/QD-TTg dated 8/5/2003
4	02/2007/TT-BTS	13/7/2007	Guiding the implementation of Decree 66/2005/ND-CP dated 19/5/2005 on safety assurance for persons and vessels involved in fishing operations
5	62/2008/TT-BNN	20/3/2008	Amending, supplementing some provisions of the Ministry of Fisheries' Circular 02/2006/TT-BTS dated 20/3/2006 guiding the implementation of Decree 59/2005/ND-CP dated 4/5/2005 on the business and production conditions of some fisheries-related occupations
6	61/2008/TTLT- BNN-BNV	15/5/2008	Joint Circular between MARD and the Ministry of Home Affairs, guiding the implementation of functions, mandates, powers and organisational structure of specialised bodies under the Provincial- and District-level People's Committees, and the State Management tasks of Commune-level People's Committee related to Agriculture and Rural Development
8	53/2009/TT-BNN	21/8/2009	Prescribing the management of exotic aquatic species in Vietnam
9	63/2009/TT-BNN	25/9/2009	Prescribing the implementation of Government Decree 123/2006/ND-CP dated 27/10/2006 on the management of fishing operations by Vietnamese individuals and organizations in different sea waters

APPENDIX 2: COMPARISONS BETWEEN WCPFC’S CMMs and VIETNAM’S LEGAL FRAMEWORKS

WCPFC’s requirements	Vietnam’s regulation	Shortcomings/gaps	Recommendations
Article 2 of WCPFC Convention regulated the objective of this Convention is to ensure, through effective management, the long-term conservation and sustainable use	Article 3 of Fisheries Law (FL) regulated it is necessary to develop sustainably fisheries sector, reasonable utilization on fisheries resources and enhancement of restocking	None	None
Article 1e of the Convention: “fishing vessel” means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels and any other vessel directly involved in such fishing operations	Item 8 on Article 1 of FL: definition of fishing vessels only consist of fishing vessels, collector vessels of aquaculture products, fisheries product preservation and production vessels	No definition of carriers and logistic vessels and floating objects for aquaculture.	Need to reform the definition of fishing vessels on the FL.
Article 3: Area of application including high sea and territories areas	- Article 1 of FL: scope is to apply for Vietnam’s EEZ and continental parts. - Article 1 of Decree 33/2010 to regulate fisheries activities operating outside and inside Vietnam’s waters.	- Article 1 of the FL has not regulated fisheries activities at the high sea areas and at other countries	- Need to reform in the FL
Article 5: Principles and measures for conservation and management	Some principles are compatible (i.e. Article 6: “prohibited fisheries	The FL has not regulated particular regulations on general principles to protect and develop	The FL should be added general principles to protect and recover fisheries

	<p>activities”, Article 7: “protection of habitats of marine species”, Article 8: “Conservation, protection, restocking and development fisheries resources”, Article 11: “fishing principle must be followed annual total allowable catch”, item 2 Article 14 regulate MARD conduct fisheries surveys and define TAC by fishing areas and grounds</p>	<p>fisheries resources. In addition, there is no principles for compatible with WCPFC Convention for instance (i) application of precautionary approaches, (ii) assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or dependent upon or associated with the target stocks, (iii) protect biodiversity in the marine environment, (iv) take measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources, (v) take into account the interests of artisanal and subsistence fishers...</p>	<p>resources including detail principles indicated in the Article 5 of the WCPFC Convention</p>
<p>Article 6: Application of the precautionary approach: - Apply the guidelines set out in Annex II of the Agreement, which shall form an integral part of this</p>		<p>- Not compatible</p>	<p>It is necessary to add such precautionary approach principles in the FL or related Decrees for fisheries management.</p>

<p>Convention, and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;</p> <ul style="list-style-type: none"> - Develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans where necessary to ensure the conservation of such species and to protect habitats of special concern - More cautious when information is uncertain, unreliable or inadequate - Take measures to ensure that, when reference points are approached, they will not be exceeded 		<ul style="list-style-type: none"> - Not compatible - Not compatible - Not compatible 	
<p>Article 24. Duties of the flag state:</p> <ul style="list-style-type: none"> - Fishing vessels flying its flag comply with the provisions of this Convention and the conservation and management measures of WCPFC. - Fishing vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction 	<ul style="list-style-type: none"> -Regulated on paragraph 1, Article 49 of the FL about compliance with regional/international agreements which Vietnam has ratified or signed. - Regulated on paragraph 1, Article 49 of the FL and Article 6 of Decree No. 	<ul style="list-style-type: none"> - There is no regulations stipulating that Vietnam shall follow regional/international measures when Vietnam is only cooperating non-member. - None 	<ul style="list-style-type: none"> - Supplement paragraph 1, Article 49 of the FL

<p>of any Contracting Party.</p> <ul style="list-style-type: none"> - No member of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing for highly migratory fish stocks in the Convention Area beyond areas of national jurisdiction unless it has been authorized to do so by the appropriate authority or authorities of that member. - Each member of the Commission shall record fishing vessel information authorized fishing in the Convention area and outside national jurisdiction. - Each member of the Commission shall provide annually to the Commission, in accordance with such procedures as may be agreed by the Commission, the information set out in Annex IV to this Convention with respect to each fishing vessel entered in the record required to be maintained under paragraph 4 and shall promptly notify the Commission of any modifications to such information. - Each member of the Commission 	<p>33/2010/NĐ-CP</p> <ul style="list-style-type: none"> - Regulated on paragraph 1, Article 49 of the FL and Article 6&7 of Decree No. 33/2010/NĐ - Article 6 of Decree No. 33/2010/NĐ 	<ul style="list-style-type: none"> - Article 6 of Decree No. 33/2010/NĐ-CP is lack of regulations for fishing operations in the Convention area - None - None 	<ul style="list-style-type: none"> - Article 6 of Decree No 33/2010/NĐ-CP shall supplement conditions that Vietnam must be member of RFMO. - Need to be supplemented - Need to be supplemented on the Decree No. 33/2010/NĐ-CP - Need to be supplemented on the Decree No. 33/2010/NĐ-CP
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<p>shall require its fishing vessels that fish for highly migratory fish stocks on the high seas in the Convention Area to use near real-time satellite position-fixing transmitters while in such areas.</p> <ul style="list-style-type: none"> - Each member of the Commission shall require its fishing vessels that fish in the Convention Area in areas under the national jurisdiction of another member to operate near real-time satellite position-fixing transmitters in accordance with the standards, specification and procedures to be determined by the coastal State - The members of the Commission shall cooperate to ensure compatibility between national and high seas vessel monitoring. systems. 		<p>- None</p> <p>-None</p>	<p>- Need to be supplemented on the Decree No. 33/2010/NĐ-CP</p> <p>- Need to be supplemented on the Decree No. 33/2010/NĐ-CP</p>
<p>Article 25: Compliance and enforcement: Duties of members:</p> <ul style="list-style-type: none"> - shall enforce the provisions of this Convention and any conservation and management measures issued by the Commission - shall, at the request of any other member, and when provided with the 	<p>Decree No. 31/2010/NĐ-CP only apply for foreign and national organizations and individuals which is violating fisheries management measures in Vietnam;</p>	<p>Decree No. 31/2010/NĐ-CP has not regulated yet fishing vessels violating to WCPFC's CMMs and Vietnamese vessels fishing outside Vietnamese waters.</p>	<p>Need to be supplemented this regulation to Decree No. 31/2010</p>

<p>relevant information, investigate fully any alleged violation by fishing vessels flying its flag of the provisions of this Convention or any conservation and management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such request and a report on the outcome of the investigation shall be provided when the investigation is completed.</p> <ul style="list-style-type: none"> - shall, if satisfied that sufficient evidence is available in respect of an alleged violation by a fishing vessel flying its flag, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned - shall transmit to the Commission an annual statement of compliance 			
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<p>measures, including imposition of sanctions for any violations, it has taken in accordance with this article.</p> <p>- ...</p>			
<p>Article 26 Boarding and inspection:</p> <ul style="list-style-type: none"> - All vessels used for boarding and inspection of fishing vessels on the high seas in the Convention Area shall be clearly marked and identifiable as being on government service and authorized to undertake high seas boarding and inspection in accordance with this Convention. - Member countries shall ensure their flagging vessels to allow inspectors authorized on board; - Duly authorized inspectors shall comply with the procedures for boarding and inspection. 	<ul style="list-style-type: none"> - Article 30 to 39 of Decree No. 31/2010/NĐ-CP regulated rights, procedures to implement administrative sanctions on fisheries sector. Decision No. 16/2006/QĐ-BTS to stipulate operational rules of fisheries inspectors 	<p>None compliance with Article 28 of the WCPFC Convention.</p>	<p>Need to be supplemented the Decree No. 31/2010/NĐ-CP for more compliance with the WCPFC Convention.</p>
<p>Article 27: Measures taken by a port State:</p> <ul style="list-style-type: none"> - Whenever a fishing vessel of a member of the Commission voluntarily enters a port or offshore terminal of another member, the port State may, inter alia, inspect documents, fishing gear and catch on board such fishing vessel. - Members of the Commission may 		<p>None compliance with Article 27 of WCPFC Convention</p>	<p>Need to be supplemented the Article 41 of FL about fishing port management for more compatible with Article 27</p>

<p>adopt regulations empowering the relevant national authorities to prohibit landings and transhipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.</p>			
<p>Article 28. Regional observer programme: - Each member of the Commission shall ensure that fishing vessels flying its flag in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the regional observer programme, if required by the Commission</p>		<p>None compliance with the Article 28 of the WCPFC Convention</p>	<p>Need to be supplemented the Chapter V, Decree No. 33/2010 for observer program</p>
<p>Article 29 Transhipment: - the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transhipment in port - A member may designate one or more of its ports as transhipment</p>		<p>None compliance with Article 29 of the WCPFC Convention</p>	<p>Need to be supplemented the Decree No. 33/2010/NĐ-CP regulating on transhipment of Vietnamese vessels operating outside Vietnamese waters where is belonging to the WCPFC Convention Area</p>

<p>ports for the purposes of this Convention, and the Commission shall circulate periodically to all members a list of such designated ports</p> <ul style="list-style-type: none">- The Commission shall develop procedures to obtain and verify data on the quantity and species transhipped both in port and at sea in the Convention Area and procedures to determine when transshipment covered by this Convention has been completed- Transshipment at sea in the Convention Area beyond areas under national jurisdiction			
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