



**End of Assignment Report
on Lagoon Co-Management System
for FAO/IMOLA Project
Thua Thien Hue Province, Vietnam**

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I. INTRODUCTION

The Integrated Management of Lagoon Activities (IMOLA) project supports the Provincial Peoples Committee and provides assistance to the Department of Fisheries in Thua Thien Hue province in developing a co-management strategy for the fishery resource management of the Tam Giang – Cau Hai lagoon. The IMOLA project is funded by the Italian government with technical execution by the Food and Agriculture Organisation of the United Nations (UN/FAO). The project began in 2005, with the first inaugural workshop held in Hue province on 30 September 2005, two months after the project inception.

In 2007, the IMOLA project developed a terms of reference (TOR) for an international consultant (IC) on coastal and fisheries co-management. The IMOLA CTA contacted Robert Pomeroy to serve as the IC. Due to several circumstances, Dr. Pomeroy was not available to undertake the assignment until March 2008.

The IMOLA staff identified several challenges for the project:

- To develop an operational structure or mechanism (including a coordinating body) based on the needs of the co-management arrangements that facilitate coordination between government and community. Note: In each of the communes where the project operates there exist at least 2 Fishing Associations (FAs), which are themselves split up in groups. FAs as well as groups are divided based on area and/or activity (e.g. aquaculture or fisheries).
- To develop a network or networks of FAs (e.g. all FAs or more or less ecosystem based in groups of FAs) in order to bring together information and expertise. Note: this is closely related to the idea of the Provincial Fisheries Association (PFA) to start the establishment of District level FAs. However, district boundaries do not conform to ecosystem boundaries.
- To strengthen the Provincial Fisheries Association (PFA, umbrella organization for all FAs in Thua Thien Hue province itself under the national VINAFIS). Closely linked or following from this might be to improve stakeholder involvement at provincial and district level.
- The 2005 decision states that Districts will allocate fishing rights to fisheries associations at village and commune levels at specific water surface in their competence in terms of catch, fishing gear, fishing seasons and species. What remains unclear are the following: (a) Mechanism for allocation of fishing rights, including role of district which normally hands out land use (not water surface use) certificates to individuals; (b) Is the decision referring to individual fishing rights, group use rights or both? Both are mentioned by different officials; (c) Role of commune authorities after fishing rights have been allocated as FAs are under the management of these authorities; (d) Is the decision referring to co-management as a way to empower resource users or co-management as way to merely increase compliance and thus the efficiency of fisheries management? Currently we seem to be heading towards the latter; (e) the decision states that all "individuals and households participating in lagoon fisheries must organize themselves in fisheries associations". What are the potential positive/negative consequences of this statement?
- To develop/identify ecosystem indicators that have both research-based validity and reflect the features that corresponds to the knowledge of local fishermen.

In addition, the project also need support to (a) focus the co-management training at the commune level organized by Dr. Tuyen, and (b) hold one-day training on co-management for its technical staff, counterpart and other relevant people.

To address these challenges, the original TOR identified several tasks for the consultancy:

Under the overall supervision of the CTA of the IMOLA project and the technical guidance provided by the FAO FIPP, FIRI and RAPI officers involved in the IMOLA project, and in close collaboration with the APO - Socio-Economist - Fisheries, IMOLA project staff and the Vietnamese Counterparts at the Provincial People's Committee of Thua Thien Hue Province and the Provincial Department of Fisheries, the consultant is expected to carry out the following tasks:

1. Fishing rights structure

- a) Review relevant legal documents
- b) Hold discussions/meetings with authorities, fisheries associations (FAs), and other relevant stakeholders in two pilot districts in order to:
 - understand their awareness, knowledge and suggestions on fishing rights;
 - identify shared perceptions and practice of fishing rights which may be “outside” of the legal framework;
 - identify potential areas of conflict and impacts as structure is put in place;
 - develop a timeline for implementation; and
 - develop a process of implementation.

2. Co-management mechanisms

- a) Hold discussions/meetings with the provincial counterpart and other relevant stakeholders to understand their insights and suggestions on co-management mechanisms (i.e. structure, process and needs).
- b) Hold a series of discussions/meetings with authorities, fisheries associations (FAs) and other relevant stakeholders in two pilot communes in order to:
 - Define the co-management mechanisms structure (i.e. who will participate in co-management; what are their roles and responsibilities; and what are their (fishing rights)
 - Clarify the co-management process (i.e. how to make it happen)
 - Identify the co-management needs and how to address them.

3. Network structure of FAs and link to the Provincial Fisheries Association (PFA)

- a) Hold discussion/meeting with the provincial counterpart, the PFA and Hue University of Agriculture and Forestry (HUAF), to understand their insights and suggestions of a network structure of FAs under the umbrella of the PFA. The discussion will address the need and rationale for establishing this structure and when and how to establish it.

4. Training and follow up

- a) Provide half day training on co-management principles and process to project staff and selected stakeholders.
- b) Hold meeting with project staff and selected stakeholders to discuss the results of field discussions (i.e. fishing rights structure, co-management mechanisms and network structure of FAs) and plan the next steps.

Due to the large number of activities identified in the TOR, it was decided to split the assignment between two ICs, Robert Pomeroy and Rebecca Guieb. Two new TORs were prepared for each IC. Pomeroy would be responsible for activities on the Fishing Rights Structure and Training and Follow-up and Guieb would be responsible for activities on Co-management Mechanisms and Network Structure of FAs and its link to PFA. However, the ICs would support each other in undertaking the four activities.

The ICs would produce a technical report (max 10 pages + annexes), presenting the findings, results, conclusions and recommendations of the mission. The report will be finalized within 2 weeks of completion of the mission. The report will be forwarded to the CTA, Massimo Sarti. The duty station is Hue, Vietnam. The duration of the mission is 10 days (including 3 days of deskwork). The mission was undertaken during the period of 9-15 March 2008.

Pomeroy was able to complete the mission during the period. Unfortunately, due to a family emergency, Mrs. Guieb was unable to complete her mission and spent only 4 days in the duty station (including travel time) and 1 day for writing this report. One day was spent on planning with the staff and another day for a meeting with fisheries association, commune, province and district representatives in Quang Cong commune. Mrs. Guieb provided notes and suggestions to Dr. Pomeroy for input into this report.

II. MISSION PLANNING

In consultation with APO - Socio-Economist – Fisheries, Arie Pieter van Duijn, the following schedule was proposed for Pomeroy and Guieb:

1. FOR POMEROY

One-day meetings will be organized in Quang Dien and Phu Loc Districts. The objectives of the meeting are: (a) To identify shared perceptions of fishing rights; (b) To identify potential areas of conflict and impacts as structure is put in place; (c) To develop a process of implementation; and (d) To develop a time line of implementation (i.e. a set of guidelines).

The District meetings will be attended by:

- PPC representative
- DOFI/DARD representative
- DONRE representative
- DPC Vice-chairman
- Head of DARD section
- Head of DONRE section
- Officer in charge of fisheries/aquaculture

2. FOR GUIEB

Commune meetings will be organized in Quang Cong and Loc Binh communes with the following objectives: (a) To define the structure of the co-management mechanism (i.e. who will participate in co-management; what are their roles and responsibilities; and what are their rights); and (b) To clarify the co-management process (i.e. how to make it happen) and identify the co-management needs.

The commune meetings will be attended by:

- CPC Chairman
- CPC Vice-chairman
- Communist party leader
- Officer in charge of fisheries/aquaculture
- FA representatives (2 EB members from each FA)

The district and commune meetings were scheduled in such a way that the 2 ICs will have an overlap and thus, work together in one district and one commune meeting.

Based on this planning, the plan for the week’s work was as follows:

	Pomeroy	Guieb
Monday	IMOLA office to meet with Arie, staff, Tuyen, Vinh Binh; make plans for the week;	IMOLA office to meet with Arie, staff, Tuyen, Vinh Binh; make plans for the week;
Tuesday	travel to Quang Dien district to meet with officials	travel to Quang Cong commune to meet with officials
Wednesday	travel to Loc Binh commune to meet with officials and FA	travel to Loc Binh commune to meet with officials and FA
Thursday	meeting with Phu Loc district officials and FAs	meeting with Phu Loc district officials and FAs
Friday	training, feedback, work plans	training, feedback, work plans

III. KEY FINDINGS

1. FISHING RIGHTS STRUCTURE

1.1 REVIEW OF LEGAL DOCUMENTS

The consultants were provided with several legal documents related to fishing rights and fisheries associations in Thua Thien Hue province.

A key legal document that guided the mission is *No: 4260/2005/QĐ-UBND Decision promulgating the regulations on the management of lagoon fisheries in Thua Thien Hue*, 19 December 2005. This is the primary legal document establishing the issuance of fishing rights to fisheries association by district people’s committee. This document is very innovative both for Vietnam and Southeast Asia as it provides for a whole new management structure for coastal resources in the country and a model for other areas in the country. As with any legal document, it provides a policy to issue fishing rights but is not very specific in how to operationalize the fishing rights.

A second document, *No: 159/HD-STs, 26 April 2006, Guidelines implementation of management regulations of aquatic exploitation in lagoon of Thua Thien Hue province*, was also useful for this mission. This document was meant to operationalize parts of the original document. It provided guidance on enforcement and “lagoon aquatic exploitation rights.” This document further provided some basic conditions for the allocation of lagoon aquatic exploitation rights. While providing more guidance than the original legal document for

issuance of fishing rights, this second document still did not provide clear guidelines to the district on the requirements for issuance of fishing rights.

1.2 UNDERSTANDING STAKEHOLDER AWARENESS, KNOWLEDGE, AND PERCEPTIONS ON FISHING RIGHTS

The people in Quang Cong commune are noted to show an interest to know more about fishing rights and co-management but they are reportedly more concerned about their daily exploitation of the lagoon resources than having a long-term management of the lagoon. Fishing rights are understood mainly as the “right to use the surface water,” in which *use* is translated into 2 main areas: the *right to exploit* and the *right to protect* fishery resources. In addition, fishing rights are understood in terms of the following:

- Recognition of the right of the FAs to develop and implement self-management rules
- Recognition of the right of the FAs to regulate fishing efforts such as regulating mesh size, planning aquaculture activities and stopping illegal fishing activities
- Recognition of the right to respect long-time practices such as aquaculture activities done by 167 (out of 1,300) households in the commune; Quang Cong is the first commune where aquaculture activities have been initiated
- Recognition of the rights of anyone to use the resources in the lagoon, including outsiders but on the condition that users will follow the management rules of the FAs

In the discussions with Quang Dien District officials, they indicated willingness to control new entrants into the fishery and control access using fishing rights; they are also aware of Article 13 and fishing rights strategy. In Loc Binh, the commune and FAs said they have not thought about whether or not to restrict entry to fishing.

In Phu Loc District, the discussion on fishing rights revolved around issues on how to reorganize the fish corrals and stake traps to better protect the fishing in the lagoon. After reorganization, fishing rights could be allocated to the FA although there will be a need to decide on how to allocate fishing rights to households. Although the FA’s potential as a management tool and the importance of community involvement in making decisions on issues such as reorganization of fixed gears are recognized, the District discussion noted that the fishers will not be allowed to do what they want with the fishing rights. There has to be an agreed management plan. The District can define how resources of lagoon will be exploited although it also needs assistance on defining the technical parameters as guide for resource exploitation. Mr. Hien of PFA suggested that a specific prerequisite to allocating fishing rights to FAs is having a strong FA, particularly in terms of planning skills. He noted that there is a need to have a long-term plan for FA’s fishing rights, including having a clear financing strategy. Having clear financial support is necessary because the District can provide legal but not financial support.

The District’s main criterion for issuing fishing rights is awareness of FA members of roles, responsibilities and duties and benefits of fishing rights. Once the FA can prove that they are aware of fishing rights they can request to district. Other criteria mentioned during the District meeting for the issuance of fishing rights are: maps, management plan, active executive board, 100% representation of fishers and aquaculturists in FA. When all the criteria are met by the FA, the request for issuance can be sent to district. On FA regulations, the District noted that these should not go against higher level regulations.

A specific means to initiate the process of rights allocation was discussed in the district meeting. This pertains to initiating rights allocation is selected pilot sites. It is suggested that the commune could assign temporary fishing rights and the district would evaluate its performance for permanency. A concern raised on this suggestion was on whether there should be one commune pilot site or multiple communes; there is also concern about increasing violations if rights are issued to only one commune.

Specific concerns on illegal fishing gears were also raised by the District ie they would like to see a reduction in destructive and illegal gears, improved organization of fixed gears, and legal recognition of new organization of fixed gears.

Given support, Loc Tri commune could be prepared for issuance of fishing rights by the end of 2008

The steps in the process of issuing fishing rights may include: (a) FA member approval to proceed; (b) district issues fishing rights to a geographic area; (c) a co-management unit is formed; (d) a plan specifies the current situation in the area and the proposed future situation involving reallocation of uses and regulations; who will have access – individuals and/or households; what will be the level of fishing effort for the area; who can make management decisions; how will conflicts be managed; how will enforcement work; what will be the duration of the rights.

1.3 IDENTIFY SHARED STAKEHOLDER PERCEPTIONS AND PRACTICES OUTSIDE OF THE LEGAL FRAMEWORK

In Quang Cong commune, the overriding issue is on the perceived delay in the District's allocation of fishing rights to the FAs. The FAs, even if supported by the Commune officers, clearly have no intention to claim their fishing rights but wait for District's fishing rights allocation to them through some legal documentation.

In Quang Dien district discussion, the Province is recognized as the authority who will direct the district through a regulation to begin to operate issuance of fishing rights. The Province has overall authority to manage lagoon and should regulate across districts. The District would approve issuance of fishing rights if they felt that FA is strong enough to operate. A strong FA should be: well established, well trained, working plan, meet regularly, have own plan and charter, clear structure of operation, and with an official approval of government. Presently, a priority need of the District to have clear guidelines on the procedure to issue fishing rights.

Finally, the need to reorganize with a clear plan was suggested as a prerequisite to establishing fishing rights. One idea is to have a pilot FA to build capacity and issue fishing rights; this might be Quang Thai as it has a more mature FA. In the beginning, free access to the area should be allowed but restricted later as fishing rights develops.

In Loc Binh Commune, there is a plan to manage fishery ie fish corral rearrangement by district with commune plans; stake trap length limited to 300m; adapting province and district regulations to commune and FA. However, there is no detailed plan for all water areas. The District has plan for aquaculture but not fishing; local regulations are based on Province regulation and management regulations for aquaculture are approved by commune PC. Phu

Loc district has no procedure to issue fishing rights ie it would seem that the FA would request the commune PC who would request the district PC to issue fishing rights. The Commune and FA will need assistance in preparing their plan and in particular, addressing potential conflicts and how to deal with fishers from inside and outside commune as restricting the movement of fishers would cause problems.

In Phu Loc District, fishers have had their awareness raised about lagoon management through FAs. For example, to reorganize fixed gears, there were discussions with fishers about gear allocation and support about how and where and how many gears need to be reorganized. In the past, the district has allocated land use rights to water surface for aquaculture but this caused environmental problems and was stopped. There were efforts to legalize illegal and unplanned ponds through land use rights but taking these are taken back now. There was a suggestion for the commune to allocate fishing rights for 5 years and the district for 20 years as in land use certificates. It was noted that Plan 2010 for the lagoon identifies three areas depending upon sensitivity of water.

1.4 IDENTIFY POTENTIAL AREAS OF CONFLICT/IMPACTS AS FISHING RIGHTS STRUCTURE IS PUT INTO PLACE

In Quang Dien district discussion, it was acknowledged that the Lagoon is open to all but mobile gears are more difficult to manage because of its nature. Many mobile gears are also highly destructive. Mobile and fixed gears compete for space. If the fish corrals in the lagoon are reorganized, this would certainly have an impact on people's livelihoods. Thus reallocation of space needs to be done gradually and with a budget to support alternative livelihoods development. Conflict can also arise if the lagoon is cleared of stake traps using plastic net as it causes environmental problems.

In Loc Binh commune, resizing of stake traps or reduction of fish corrals will need livelihoods support for those affected. Support for monitoring and surveillance will also be needed.

In Phu Loc district, the main problems will be to manage destructive gears and the need to have alternative livelihood strategy to address disruption from reorganizing. It will need to address conflicts and how to deal with them and how to set fines for violators

In summary, the main points raised regarding conflicts are:

- Guidelines on how the district will allocate fishing rights are not clear
- There is a lack of capacity at the commune level to manage and enforce management and to deal with destructive activities
- A need for coordination and networking between province, district, commune and FA
- There is a need to have alternative livelihoods for those impacted by the fishing rights
- There is a need to have a conflict management mechanism established to be able to address conflicts
- There is still uncertainty about whether or not access can truly be controlled.
- There is uncertainty about how to deal with mobile fishers from other areas of the lagoon and whether and how to restrict their access to the area

2. CO-MANAGEMENT MECHANISM

2.1 THE MOTIVATIONS TO PURSUE CO-MANAGEMENT ARE DIFFERENT IN DIFFERENT LEVELS

The objectives and motivations of stakeholders are different at various levels – province wants to maintain control but hasn't done a good job with management and reduce burden for management; district is concerned about loss of power if give away fishing rights. For the District, the incentive to move ahead with fishing rights is better management and resource protection and livelihood support for the poor. The District says they need capacity to give rights to FAs; FAs need rights to operate. All stakeholders, however, agree on the need for improved management and they have a desire for more role and responsibility in management and recognize co-management is a solution.

In Loc Binh commune, people want to engage in fishing rights program to better manage resources as they are concerned about destructive and illegal fishing and the need to reallocate fish corrals and stake traps. The commune expressed interest in establishing more FAs, having plans for aquaculture and co-management while acknowledging their limited capacity to do it all. They have raised a strong interest on having protected areas.

In Quang Cong commune, there is general appreciation of the need for stakeholders to co-manage the fishery resources. The concern is really on how to understand how stakeholders in different levels can relate with each other, either in a co-management structure or through simple mechanisms (eg stakeholders meetings). There was also concern on *when* and *how* the District will allocate the fishing rights to the FAs by issuing a more concrete legal document.

2.2 CAPACITY BUILDING SUPPORT IS NEEDED, PARTICULARLY AT THE COMMUNE LEVEL

There is a lack of capacity at the commune level on management and enforcement to deal with destructive activities. Communes recognize the need to manage and more local authority but need help to develop this capacity.

Among FAs, management regulations have already been developed by some FAs but there are insufficient funds and human resources. Leaders have limited understanding and skills on resource management and planning, and information about the work of the FAs was mainly concentrated on a few people as information dissemination work is limited. FAs still operate loosely – members offer free contribution since FAs do not have operation fees. There is limited competencies organizational management and operations. While FAs display a strong commitment to take over fishing rights, they still need more capacity development and communication between executive board and members. The Executive board presently makes initial decisions and prepares draft and gets approval from members. The FA should show to the district that it has a plan for the area, it can develop regulations, and that it has agreement and support from members and commune PC before asking for issuance of fishing rights.

2.3 POTENTIAL ROLES AND RESPONSIBILITIES OF STAKEHOLDERS IN A CO-MANAGEMENT UNIT

In Quang Cong, there seems to be a general understanding of the roles and responsibilities of different stakeholders. In discussing specific roles (eg resource use, solving conflicts, conservation and protection, monitoring and surveillance, etc), the stand out findings are:

- There is a general interest among the FAs in Quang Cong to coordinate with other FAs but the overriding concern is on how to strengthen their own organizations, including disseminating information about the draft management rules and by-laws.
- The CPC is very willing to lead in conflict management and work out solutions with the FAs. There is general agreement that conflicts should be solved at commune level and coordination with higher level institutions will be made only if needed.
- Community information dissemination on the law should be mainly led by the FAs and CPC but a legal document that allocates fishing rights to the FAs seems to be a pre-requisite for them.
- FAs and CPC, with support from provincial and district authorities are willing to take a lead in conservation and protection because of persistent fish disease outbreaks. Protection measures are viewed to be linked with livelihoods.

3. NETWORK STRUCTURE

3.1 COORDINATION AND NETWORKING

Coordination and networking among province, district, commune and FA is certainly a concern that was clearly raised in the district and commune meetings. Because there are no established ways of working among the FAs, commune, province and district representatives; people wait for each other in initiating a task or an activity.

In Quang Cong commune, there are 4 FAs - 3 are dealing with capture fisheries and 1 is on aquaculture. There are draft management rules and internal by-laws but these are works in progress. Dissemination of information about these rules is still limited. In general, community/village awareness of the mandate and responsibilities of FAs is also limited. There appears to be good working relationships among the commune officials and the FA leaders. There is general knowledge that their FAs are part of the provincial FA but they were unsure about how these are connected. In the meeting, the Vice-Chairman of the CPC distributed the list of representatives and contact information of the different FAs in the province and this was highly appreciated by the FA leaders.

The PFA can serve a stronger role in coordinating the local FAs. But more resources need to be provided to the PFA and the Provincial DOFI to make this happen. In the Quang Dien district meeting, there was a suggestion that the province should have overall authority to manage the lagoon and should regulate and coordinate across the districts.

4. RECOMMENDATIONS

4.1 DRAFT GUIDELINES FOR PEOPLE’S COMMITTEE OF LAGOON DISTRICTS TO ISSUE FISHING RIGHTS TO FISHERIES ASSOCIATIONS AT THE VILLAGE AND COMMUNE LEVELS

As stated in the Regulations on the Management of Lagoon Fisheries in Thua Thien Hue Province (Promulgated following the decision numbered 4260/2005/QĐ-UBND dated December 19th 2005 by the People’s Committee of Thua Thien Hue Province), Chapter III, Management of Fisheries Capacity, Article 13, “The Provincial People’s Committee delegates power to the People’s Committees of Lagoon Districts to issue the fishing rights to fisheries associations at the village and commune levels in certain water bodies in their designated area based on the quantity and types of fishing gear, fishing seasons and aquatic species.”

In consultation with Provincial, District, Commune and Fisheries Association staff and members, the following draft guidelines have been developed for implementation of Article 13. These guidelines provide suggested criteria and information that a Fisheries Association and/or Commune People’s Committee must provide to the District People’s Committee for issuance of fishing rights to a water body in the lagoon.

The following information must be submitted to the District People’s Committee by the Fisheries Association (FA) and/or Commune People’s Committee for consideration of issuance of fishing rights to a water body in the lagoon:

1. Documentation that the Fisheries Association has an (a) approved charter, (b) legal permission to operate from the Provincial Fisheries Association, and (c) an executive board.
2. Documentation from the Fisheries Association of its (a) membership (number and names of members); (b) membership includes a minimum of 75 percent of fishermen and/or aquaculturists in the area at the time of application (with plans to include 100 percent of fishermen and/or aquaculturists in the near future), and (c) holding of regular meetings (as documented by minutes of meetings and list of attendees).
3. FA members are aware of their role, responsibilities and duties in managing and being managed by the fishing rights system (as documented by members participation, through attendees list, in trainings and meetings concerning the fishing rights system in the lagoon)
4. A base map of the water body area to be assigned to the FA showing boundaries of the area, including administrative/political boundaries, location of important ecological and physical resource characteristics, and current use patterns.
5. A management plan for the designated fishing rights water body area including (a) description of the area including geography, demography, important aquatic and coastal resources and their condition, use patterns, and management institutions and regulations/laws; (b) priority management issues to be addressed including their contributing causes and impacts; (c) goals and objectives of the fishing rights system developed from the management issues, (d) strategies and actions to address the management issues, including reallocation of uses; (e) a map showing a zoning plan for reallocation of uses in the water body; (f) a detailed description of regulations for different uses in the water body; (g) monitoring, surveillance and enforcement procedures; (h) conflict management and appeals strategy; (i) evaluation plan to evaluate achievement of objectives; (j) timeline for implementation. This management plan should be developed in coordination with any Provincial and District management plans and regulations for the lagoon.
6. A sustainable funding strategy including how the fishing rights system will be supported financially, the funding sources, and who will pay for the strategy.

7. Establishment of a co-management body, composed of representatives from the FA, Commune and District, with responsibility for managing the fishing rights system, including such functions as conflict management, policy-making, implementation, monitoring and evaluation, revising the management plan, financing and funding, information and data collection, and education/training.
8. Documentation that all members of the FA have reviewed the fishing rights management system and given it their approval.

These materials should be prepared in a single document and submitted to the representative of the District People's Committee. The District People's Committee should take action in a timely manner to review and make a decision on the application for issuance of fishing rights.

4.2 OPTIONS FOR CO-MANAGEMENT MECHANISM AND NETWORK STRUCTURE

Many community-based resource management and co-management experiences in Southeast Asia show that there is no co-management model that fits all kinds of situations; a model of governance needs to be generated as a unique product of the context where it is to take place and tailored to the local needs and capacities.

Based on our discussion in Quang Cong commune, it seems untimely to press for a co-management structure for several reasons. First, the FA is still young and developing institutionally. A stronger grassroots representation through the FAs is needed so that local people can engage more effectively with other stakeholders on the lagoon fishery resource management. Second, community awareness of FA's mandate and responsibilities in fishery management is still limited. It is important to have a well-informed mass base so that fishery management work is not leader-focused but supported by a wider constituency. Third, allocation of fishing rights by the District to the FAs is still in progress and the legal process based on potentially negotiated guidelines are still unclear.

Even if a co-management structure is not in place, this does not mean that co-management "mechanisms" cannot be instituted. Instituting simple ways of working, sometimes even in the absence of clear fishing rights, would expectedly build relationships among local people and lead to the formation of a more formal co-management structure. Presently, temporary and ad hoc structures like task forces or committees could be organized in place of a formal structure. In addition, networking strategies among FAs could be introduced to spur local actions among the FAs.

Some possible co-management ways of working are:

(a) Provincial Network Meetings: discussing issues and planning solutions together

In Cambodia, the district, provincial, commune and village stakeholders involved in fishery resource management are not used to working together. The villagers are used to being at the receiving end of development while the competent government agencies are used to designing intervention programs on their own. When a Sub-Decree on Community Fisheries was enforced, all stakeholders were enjoined to work together but no one seems to know where to begin. There are also a number of conflicting perspectives on community fisheries, and a general distrust on the motivations of the different stakeholders.

A local NGO in Stung Treng province in Cambodia thought about supporting one simple mechanism – they supported a monthly commune and provincial fisheries network meeting. The network meeting has 4 regular items in the agenda, namely: (1) explaining the laws to the villagers, (2) reporting cases of illegal fishing and cutting, (3) agreeing on solutions to key problems, and (4) bridging the villages to the government institutions. With this simple strategy, a fishery issue is not only seen as an issue for fishers or the Fishery Office but as a provincial issue that merits the attention and action of not one but all provincial stakeholders in a concerted manner. There is also value in commune level network meetings that brought the village fishery and forestry committees closer to the commune councils.

An option to take is for the IMOLA project to support network meetings in the province and communes where it is being implemented. Commune fisheries network meetings could be convened by the Commune People's Committee and guided by the provincial FA and competent agencies in the province and district. Provincial fisheries network meetings could be convened by the Department of Fisheries and guided by the competent agencies in the district and attended by representatives of FAs in the province, provincial people's committees and commune people's committees.

(b) Functional Committees Among FAs: solving issues together

In recent years, people's livelihoods in the lagoon have been greatly affected by unplanned growth of fisheries exploitation, resulting to fish diseases and salinity problems. In supporting the management efforts in the lagoon and addressing livelihoods issues, IDRC funded a research of the Hue University of Agriculture and Forestry, led by Dr. Truong Van Tuyen. Their lesson is simple and straightforward: co-management needs to engage users and other local stakeholders in shared learning and innovations, which strengthens their livelihoods. In places like the Philippines, India and Indonesia, management efforts blossomed out of a desire to stop the commercial fishing boats from intruding into the waters designated for small-scale fisheries. Cambodia's Tonle Sap fishery management efforts are motivated to stop the illegal cutting of the flooded forest. Previous experiences show that even in the absence of clear allocation of fishing rights, local people could be motivated to act on fishery management, on a condition that they are united around an issue or issues that need to be resolved. In some instances, organized communities did not deal with the question of allocating fishing rights directly but with a more basic mission of stopping illegal fishing.

In the lagoon, one practical option to take is to form functional committees that address the urgent issues on fish disease control and livelihoods development. There are several options for the committee set up: (a) form committees across all FAs in the commune, or (b) form committees across all FAs in 2 or more communes that have a motivation to address an issue. With support from the Department of Fisheries, these committees could design and implemented project activities together. This strategy also builds up networking efforts among FAs.

(c) Province-wide Activities and Celebrations: building positive experience together

The main challenges of a co-management process are often associated with issues on how to manage relationships among people. Technical interventions are important but encouraging stakeholders to work together is often a bigger challenge. A simple strategy that builds

positive experience among stakeholders is to conduct activities and celebrations that will involve different stakeholders e.g. lagoon-wide clean up day or a regular boat racing activity.

4.3 NEXT STEPS AND WORKPLAN/TIMELINE

During the short term of the IMOLA project, the goal is to have a district issue fishing rights to one or more selected fishing associations by the end of 2008.

To accomplish this goal, several activities will be to be undertaken:

1. Training of FAs and commune on: (a) awareness of fishing rights benefits and roles, responsibilities and duties; (b) preparing a management plan and zoning plan; (c) developing regulations; (d) funding and financing; (e) operation of a co-management body; (f) conflict management; (g) surveillance and enforcement.
2. Guidelines for districts to issue fishing rights
3. Guidelines for FAs and communes on fishing rights management (see Appendix 4)
4. Technical assistance to FAs and communes on preparing application to the district for issuance of fishing rights
5. Training on communication and negotiation between and among FAs, communes and districts in issuance and management of fishing rights.

Arie stated that some of the proposed trainings suggested in # 1 above could be handled through currently planned trainings by IMOLA on participatory planning, conflict management, monitoring/control/surveillance, and co-management.

In the long term (2009-2011), if IMOLA goes into a phase 2, the following activities are suggested:

- 2009 – implement, learn and adapt from the fishing rights program at selected sites; document lesson learned
- 2010-2011 – replication at other sites, documentation, adaptive management of the fishing rights programs
- It is recommended that the sites started in 2008 serve as pilot sites to test and learn and that the experience be documented in 2009. Those lessons should be used to replicate and expand the number of fishing rights sites in late 2009 and into 2010 and 2011.

Appendix

Appendix 1: Notes from the District and Commune Meetings

Appendix 2: PowerPoint of training presented by Robert Pomeroy on Friday 14 March 28, 2008

Appendix 3: List of participants attending the meetings

Appendix 4. Guidelines for FAs and communes on fishing rights management

Please note that Appendix 2 has been sent separately as an attachment.

APPENDIX 1: NOTES FROM THE DISTRICT AND COMMUNE MEETINGS

a) Meeting with Dr. Tuyen and Arie at IMOLA office on Monday 10 March (Pomeroy and Guieb)

- Level of understanding about fishing rights and co-management is low at all levels
- Stakeholders see need for improved management
- Stakeholders have a desire for more role and responsibility in management
- Still not clear how to implement fishing rights or enforcement
- High dependence on fishing for livelihoods in lagoon
- Objectives are different at various levels – province wants to maintain control but hasn't done a good job with management and reduce burden for management; district is concerned about loss of power if give away fishing rights
- Guidelines still not clear on how the district will allocate fishing rights.
- Communes recognize need to manage and more local authority but need help to develop capacity
- How best to collect fees by commune and FAs
- Co-management is operational in Vinh Ha and Phu Dien through the FAs. Work here was done through the Center for Social Studies and Humanities with Dutch funding; there is active discussion in these communes for fishing rights and power delegation to the FA
- 30 FAs currently exist in the lagoon
- 15 IMOLA FAs meet regularly; executive board meets once a week; they discuss situation in the lagoon and strategies for management
- Tasks of the FAs include lagoon resource protection; livelihood development
- There is a lack of capacity at the commune level to manage and enforce management and to deal with destructive activities
- Quang Thai has two FAs that are functioning themselves to meet, enforce, make small payments, and support poorer members
- Loc binh is the oldest FA (2003), Quong Thai (2003), Quang Loi (2004), Quang Thai 2 (2005), in 2006-2007 many more were formed
- Provincial FA – Mr Hien in charge, support the development of local FAs, support with funding from DOFI, has executive board members
- There is a need for a designated person at the Provincial level to be in charge of supporting the establishment of co-management
- A need for coordination and networking between province, district, commune and FA
- Incentive for districts to move ahead with fishing rights is better management and resource protection and livelihood support for the poor
- The lagoon is becoming a bigger issue for the province due to tourism, environment, poverty, livelihoods; pressure to move for more social and economic development in lagoon.

b) Meeting in Quang Dien district on Tuesday 11 March (Pomeroy)

- Management of the lagoon is complicated
- The households exploit the resources without any planning
- Stake traps are constructed without permission and affect water flow and navigation
- Electricity, 'lu' and trawling are used
- Aquaculture in ponds and cages cause environmental problems
- Floating fish families cause pollution

- There are bottlenecks to solving problems – if reorganize fish corrals impact peoples livelihoods, high dependence of people on lagoon resources for livelihood, do illegal activities at night when there is no patrol
- Some fish corrals are planned but many are without permission
- Fishing is non-stop, day and night, all year; no chance for species to recover
- All species are in decline but high value species (sea bass, signaeids, grouper, shrimp) more
- People sell all the fish and use money to buy other food
- There is limited planning for lagoon fisheries in terms of number and placement
- People from everywhere come to fish in the lagoon and is increasing
- More pressure from increasing population
- No planning due to high cost and high cost to reorganize fishing areas
- Mobile and fixed gears compete for space
- Fixed gear pay a tax to the commune
- Some places still have auction for location of gear. More you pay the better the location
- More stake traps; tried to clear some out to improve navigation
- Lagoon is open to all mobile gears but hard to manage as come in from all over lagoon
- Many mobile gears are highly destructive
- People are aware of resource decline
- District is providing pigs as alternative livelihood but on a small scale
- Shrimp culture was thought to be a solution but has only caused problems
- District policy is to reduce capture fishing and promote aquaculture
- Aquaculture of shrimp and fish in cages but has been unplanned
- 2004 there was a master plan for lagoon from the province
- FSPSII to help develop water plan for districts in 2008; will consult with commune and get budget from province
- Plan to reallocate fishing gears and activities; based on local knowledge since biological data is limited
- Those who will not be allowed to fish after reallocation of space will be given alternative livelihoods; will do it gradually to be able to have budget for it
- Need to clear lagoon of stake traps using plastic net as it causes environmental problems.
- There is a will to control new entrants into the fishery and control access using fishing rights
- They are aware of article 13 and fishing rights strategy
- Need to reorganize with a plan first before establishing fishing rights
- FA needs capacity to operate – empowerment; need to understand benefits, do not have operation fees, members offer free contribution so it is a loose operation; need training in how to manage
- Recognize co-management is a solution
- District says they need capacity to give rights to FAs; FAs need rights to operate
- One idea is to have a pilot FA to build capacity and issue fishing rights; this might be Quang Thai as it has a more mature FA
- Province needs to authorize district though regulation to begin to operate issuance of fishing rights

- What is the criteria of a good FA – well established, well trained, working plan, meet regularly, have own plan and charter, clear structure of operation, official approval of government
- FA is good operation and approval to operate from Provincial FA
- District would approve issuance of fishing rights if they felt that FA is strong enough to operate
- District needs a procedure to issue fishing rights
- Need a plan for allocation of gears and use
- There is a need to develop guidelines for district to issue fishing rights
- Free access to the area should be allowed at first but restricted later as fishing rights develops
- Province should have overall authority to manage lagoon and should regulate across districts
- Pilot site timeline in Quang Thai – when master plan is approved in 2009 can begin pilot site work; in 2008 strengthen FA to begin fishing rights in 2009

c) Meeting in Quang Cong commune on Tuesday 11 March (Guieb)

Commune situation – understanding of fishing rights and co-management

The meeting in Quang Cong commune was attended by representatives of the 4 Fisheries Associations (FAs) in the commune, the Chairman and Vice-Chairman of the Commune Peoples Committee, and the DARD section representative.

A number of issues were reported during the meeting (low catch, unplanned aquaculture activities, pollution, etc.) but the most salient ones involved:

- c) Low awareness among people in the commune about long-term management of the lagoon; people are concerned with the daily exploitation of the lagoon resources with minimal concern about management.
- d) Management regulations have been developed by the FAs but there is insufficient funds and human resources; leaders have limited understanding and skills on resource management and planning, and information about the work of the FAs was mainly concentrated on a few people as information dissemination work is limited
- e) There are no established ways of working among the FAs, commune, province and district representatives; people wait for each other in initiating a task or an activity
- f) The overriding issue is on the perceived delay in the District's allocation of "fishing rights" to the FAs. The FAs, even if supported by the Commune officers, clearly have no intention to "claim" their fishing rights in accordance with the Provincial People's Committee's decision on "Promulgating the regulations on the management of lagoon fisheries in Thua Thien Hue province" on 19 December 2005.

In Quang Cong commune, there is general appreciation of the need for stakeholders to co-manage the fishery resources although the concern now is really not so much on how to understand how stakeholders in different levels can relate with each other, either in a co-management structure or through simple mechanisms (eg stakeholders meetings); the concern is on *when* the District will allocate the fishing rights to the FAs by issuing a more concrete

legal document. Corollary to this is the concern on *how* the District could allocate the fishing rights in the absence of any guidelines on how to do this.¹

The Fisheries Association

There are 4 FAs in Quang Cong commune, 3 are dealing with capture fisheries and 1 is on aquaculture. There are draft management rules and internal by-laws but these are works in progress. Dissemination of information about these rules is still limited. In general, community/village awareness of the mandate and responsibilities of FAs is also limited. There appears to be good working relationships among the commune officials and the FA leaders. There is general knowledge that their FAs are part of the provincial FA but they were unsure about how these are connected. In the meeting, the Vice-Chairman of the CPC distributed the list of representatives and contact information of the different FAs in the province and this was highly appreciated by the FA leaders.

Potential roles and responsibilities of stakeholders in a co-management unit

There seems to be a general understanding or the roles and responsibilities of different stakeholders (see table below).

Who should be involved?	Why?	What will they contribute?
VILLAGE <ul style="list-style-type: none"> • Fisheries Associations • Village Heads 	They are the direct users of the resources in the lagoon. The FAs represent the communities; Village Head is the main communication channel	Direct implementers of project activities; they will contribute time and efforts in implementation
COMMUNE <ul style="list-style-type: none"> • Commune People’s Committee • Officer in charge in Fisheries/ Aquaculture and Rural Development 	The CPC controls all activities in the commune and provides the legal basis for the FAs to operate. The OIC provides advice in the implementation of management activities	The CPC can work with the FAs in planning and implementing fishery management activities. The OIC can support better techniques in implementation and provide advice on specific issues like fish disease outbreaks
PROVINCIAL <ul style="list-style-type: none"> • Economics Division and Techniques Division of DOFI • Fisheries Extension Center • Department of Aquatic Resource Protection • Inspection Board 	They are all specialized officers that could provide advice and assistance to FAs and commune regarding fishery management and specific issues.	They can advise and provide technical assistance on fishery management and help in resolving conflicting issues.

¹ There is a document called “Guidelines on Implementation of Management Regulation of Aquatic Exploitation in Lagoon of Thua Thien Hue Province” (Department of Fisheries No: 159/HD-STs) dated 26 April 2006 but the information here is probably not yet widely disseminated.

<p>DISTRICT</p> <ul style="list-style-type: none"> • Officer in charge of fisheries in DARD section • Fisheries Extension Section • Aquatic Resource Section 	<p>They are all specialized officers that could provide advice and assistance to FAs and commune regarding fishery management and specific issues.</p>	<p>The officer in charge of fisheries can provide advice to the District PC</p> <p>All of them can advise on techniques for improving fishery management</p>
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d) Meeting in Loc Binh commune on Wednesday 12 March (Pomeroy)

- Lagoon resources in decline
- Two FAs in operation with help from IMOLA with 138 members
- 7 self managed groups in FAs to participate in co-management; subdivided into 7 groups to manage area and activities
- People want to engage in fishing rights program to better manage resources
- Concerned about destructive and illegal fishing
- Need to reallocate fish corrals and stake traps
- Limited capacity in commune to do it all
- Need human capacity development
- Want help with protected areas, more FAs, plans for aquaculture areas, co-management
- Provincial regulations are not effective in lagoon only at sea
- Commune has plan to manage fishery – fish corral rearrangement by district with commune plans; stake trap length limited to 300m; adapting province and district regulations to commune and FA
- Problem is lack of detailed plans for water areas
- District has plan for aquaculture but not fishing; management regulations for aquaculture approved by commune PC; fishing has not detailed plans; local regulations based on Province regulation
- More overfishing and decline in catch
- Access control – have not thought about whether or not to restrict entry to fishing
- Resize stake traps but have to provide livelihoods for those affected
- Keep same number of stake traps but resize them
- If want to reduce fish corrals must find new livelihoods for those impacted
- Co-management would include FA and commune
- To have communication between FAs set date for regular meetings of executive committee members and commune PC and invite others as needed
- FA is below commune PC so cannot work equally with them but can have regulations checked and approved by commune
- Still limited knowledge about what fishing rights really means
- Understand it is more responsibility and ownership of resource area
- FA is ready to take over fishing rights but still needs more capacity development and communication between executive board and members
- Executive board will make initial decisions and prepare draft and get approval from members
- The FA should show to the district that it has a plan for the area, it can develop regulations, and that it has agreement and support from members and commune PC before asking for issuance of fishing rights

- Will need help in monitoring and surveillance
- Phu Loc district has no procedure to issue fishing rights
- It would seem that the FA would request the commune PC who would request the district PC to issue fishing rights
- Waiting for a detailed plan for water area from district before moving forward
- Commune and FA will need assistance in preparing their plan
- Potential conflicts will need to be addressed
- How to deal with fishers from inside and outside commune; is it possible to restrict movement of fishers; would cause problems

e) Meeting with Phu Loc district at IMOLA office on Thursday 13 March (Pomeroy)

- Fishing rights will involve reorganizing the fish corrals and stake traps to better protect the fishing in the lagoon
- Involve communities in the decision making
- After reorganize the fixed gears will delegate fishing rights to FA
- Will need to decide how to allocate rights to households
- The fishers will not be allowed to do what they want with the fishing rights
- Will need to also regulate mesh size
- FA are good management tool
- Problem will be to manage destructive gears
- There are six FAs in the district
- Fishers have had their awareness raised about lagoon management through FAs
- To reorganize fixed gears will have discussion with fishers about allocation of gears and seek support about how and where and how many gears
- Duration of fishing rights – commune can allocate for 5 years and district for 20 years as in land use certificate
- Plan 2010 for the lagoon identifies three areas depending upon sensitivity of water
- In the past the district has allocated land use rights to water surface for aquaculture but this caused environmental problems and was stopped
- Tried to legalize illegal and unplanned ponds through land use rights but taking it back now
- Loc Tri commune has FA but must have right from district before they can manage; FA has by-laws but not regulations
- FAs need capacity development before issuing fishing rights
- With fishing rights district can define how resources of lagoon will be exploited but need help to decide on how to exploit and technical parameters
- Mr Hien of PFA said that planning is a prerequisite for fishing rights and having a strong FA; should proceed through a pilot site; have a long term plan for FA for fishing rights based on higher level plans; need to have financing strategy
- The district criteria for issuing fishing rights is awareness of FA members of roles, responsibilities and duties and benefits of fishing rights
- Once the FA can prove that they are aware of fishing rights they can request to district
- Must also have financial scheme to get funding to operate
- District can provide legal but not financial support
- Other criteria for district to issue fishing rights are maps, management plan, active executive board, 100% representation of fishers and aquaculturists in FA
- If have a pilot site, commune could assign temporary fishing rights and district would evaluate performance for permanency

- Concern about whether there should be one commune pilot site or multiple communes; there is concern about increasing violations if one commune
- Need to have alternative livelihood strategy to address disruption from reorganizing
- When all the criteria are met by the FA, the request for issuance can be sent to district
- District would like to see reduction in destructive and illegal gears, improved organization of fixed gears, legal recognition of new organization of fixed gears
- Given support, Loc Tri commune could be prepared for issuance of fishing rights by the end of 2008
- It will need to address conflicts and how to deal with them and how to set fines for violators
- As long as local FA regulations do not go against higher level regulations should be okay to operate

Other issues addressed in meetings:

- Fishing rights need to be considered in three dimensions – water surface, water bottom and water column. Each dimension can be allocated as a fishing right, as well as all three together. So a fisher, for example, may only be allocated a fishing right to the water surface. Another fisher could be allocated the fishing right to the bottom in the same area
- Fishing rights need to be considered in terms of access (who), space (where), withdrawal (how), and management. All four are individual use rights that can be allocated as a whole or individually
- Scale is important in issuing fishing rights. FA to commune to district to province. Each with have regulations about use of the area.
- In planning for the FA fishing rights area the commune makes the proposal with division of the area based on fishing activities of the majority of the FA members. The district evaluates and approves the proposal. There is a need for a zoning plan.
- Steps in the process of issuing fishing rights may include: (a) FA member approval to proceed; (b) district issues fishing rights to a geographic area; (c) a co-management unit is formed; (d) a plan specifies the current situation in the area and the proposed future situation involving reallocation of uses and regulations; who will have access – individuals and/or households; what will be the level of fishing effort for the area; who can make management decisions; how will conflicts be managed; how will enforcement work; what will be the duration of the rights.
- How will winners and losers of the fishing rights program be handled; how about those excluded from the area
- There can be several levels of co-management bodies: (a) FA level – FA+Commune; (b) commune level – FA1+FA2+commune; (c) district level – commune1 (FA1+FA2) + commune2 (FA1) + commune3 (FA1+FA2); (d) provincial level – district 1 + district 2 + district 3

Appendix 3: Participants at the meetings

1. 11 March Meeting with Quang Dien District

Mr. Hien – Provincial fisheries Association
Vinh Binh – Provincial DOFI
Tran Giai – District Peoples Committee vice-chairman
Nguyen Ngoc Tien – Head of DARD section
Le Men – head of DONRE section
Vo Giang – Aquatic Resources Center of Province

2. 12 March meeting with Loc Binh commune

Mr. Hien – Provincial fisheries Association
Mr. Loe – Secretary Fisheries association
Mr. Dung – OIC aquaculture and fisheries
Mr. Lam – Vice-chairman Fisheries association #2
Mr. An – chairman fisheries association #2
Mr. Thin – Vice-chairman fisheries association #1
Mr Binh – Vice-chairman commune peoples committee
Mr. Manh – Communist party of commune

3. 13 March meeting of Phu Loc District

Mr. Hien – Provincial fisheries Association
Vinh Binh – Provincial DOFI
Mr. An – chairman fisheries association #2
Mr. Thin – Vice-chairman fisheries association #1
Mr Binh – Vice-chairman commune peoples committee
Mr. Dung – OIC aquaculture and fisheries
Mr. Ha – Vice-chairman Phu Loc district peoples committee
Mr. Xuan – DONRE
Mr. Ngo Thuan – Loc Tri commune Fisheries Association
Mr. Tran Niem - Loc Tri commune Fisheries Association
Mr. Le Phu Leung – Loc Tri commune vice-chairman peoples committee
Mr. Nhu – Loc Tri farmer association
Mr. Si – Phu Loc district rural development division
Mr. Nam – DOFI

Appendix 4: Guidelines for FAs and communes on fishing rights management

A co-management organization is established with the responsibility of managing the fishing rights and to sustain the program. It has a mix of decision-making, advisory, operational and coordinating responsibilities. This is a permanent body. The functions of the fishing rights co-management organization include:

- Conflict management – to discuss and resolve conflicts among stakeholders;
- Policy-making – to prevent conflicts by translating the plans and agreements made into rules with appropriate penalties;
- Implementation – to ensure that management measures are followed by allocating funds and assigning people to different activities;

- Monitoring – to keep track of the effects and impact of the management measures;
 - Revising co-management plan and agreements – to sustain and update plan and agreements;
- Financing and fund raising;
- Information and data collection and analysis;
- Education;
- Research.

The fishing rights co-management organization should be composed of a minimum of three members from the fisheries association, three members from the commune people's committee, and one member each from the district and province. The total size of the organization will then depend upon how many FAs there are in the commune.

Decisions will need to be made on election of officers, length of membership, chairmanship, meeting schedule, training of members, decision-making by consensus, recourse of mediation or arbitration, reporting rules, financing, and other management issues.