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THE PEOPLE'S COMMITTEE OF THUA
THIEN HUE PROVINCE

No.: 4260/2005/QD-UBND

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hue, December 19th, 2005

DECISION

Promulgating the regulations on the management of lagoon fisheries in Thua Thien Hue

THE PEOPLE'S COMMITTEE OF THUA THIEN HUE PROVINCE

- Pursuant to the Organization Law of the People's Council and People's Committee dated November 26th, 2003;
- Pursuant to the Fisheries Law dated November 26th, 2003;
- Pursuant to the Decision numbered 3677/2005/QD-UB dated October 25th, 2004 of the People's Committee of Thua Thien Hue Province on approving the master plan for lagoon fisheries management in Thua Thien Hue to the year 2010;
- Basing on the proposal of the Director of Fisheries Department in the statement numbered 380/TT-TS dated October 20th, 2005,

HEREBY DECIDES:

Article 1. Promulgate together with this Decision the Regulations on the management of lagoon fisheries in Thua Thien Hue.

Article 2. This Decision comes into effect after 15 days since the date of signing. All previous regulations of the Provincial People's Committee going against this Decision are abrogated.

Article 3. Chief of Secretariat of the Provincial People's Committee, Directors of Provincial Departments, Agencies and Associations, Chairmen of the People's Committees of the Lagoon Districts are responsible for executing this Decision./.

Recipients:

- As mentioned in Article 3;
- The Standing Committee of the Provincial Party;
- Standing Provincial People's Council;
- Chairman and Vice Chairmen of the Provincial People's Committee
- Provincial Party Committee's Office, Office of the People's Council and National Assembly Delegation;
- Office: Head and staff of the Agriculture Division, General Affairs Division;
- Archived

FOR THE PEOPLE'S COMMITTEE

FOR CHAIRMAN

VICE CHAIRMAN

(Signed and sealed)

Nguyen Ngoc Thien

REGULATIONS ON THE MANAGEMENT OF LAGOON FISHERIES IN THUA THIEN HUE
(Promulgated following the Decision numbered 4260/2005/QĐ-UBND dated December 19th,
2005 by the People's Committee of Thua Thien Hue Province)

CHAPTER I
GENERAL STIPULATIONS

Article 1. Principles of management:

1. The management of lagoon fisheries is based on the principle of ensuring sustainable development for capture fisheries.
2. The management of fisheries is closely linked with the protection of environment and aquatic resources on the basis of ensuring the lagoon people's livelihood and economic benefits of the whole society.
3. To promote democracy at grassroots level and decentralization and to reduce the management cost of coastal fisheries, the State encourages the community-based fisheries management.
4. As the lagoon aquatic resources of the province are now being over-exploited, the Provincial People's Committee prohibits any new entrants to the activity of lagoon capture fisheries.
5. The arrangement of lagoon fishing gears should avoid domestic waterways, including secure corridors and berths. The Department of Fisheries updates and shows these positions in the lagoon fisheries management maps for local people's information.

Article 2. Definition

1. Lagoon fisheries can be understood as the exploitation of aquatic flora and fauna in the lagoon water bodies.
2. Fixed fishing gears are those connected to the lagoon bottom during the fishing season. The fixed fishing gears in Thua Thien Hue Lagoon are including fish corral, bottom net, fixed lift net, mullet trap.
3. Mobile fishing gears are those not connected to the lagoon bottom, they are mobile during one fishing period and during different fishing periods.

CHAPTER II
FISHERFOLK ORGANIZATIONS

Article 3. Individuals and households participating in lagoon fisheries must organize themselves in fisheries associations at the village's level, inter-village or commune levels. The State will only delegate the power of lagoon fisheries management to the fishery associations at the grassroots level.

Article 4. Fisheries associations at the grassroots level are social and professional organizations. Fisheries associations are under the Vietnamese Fisheries Society (VINAFIS). The fisheries associations are operated under the leadership of the Communist Party and authority of the communes sponsored by the Department of Fisheries and Districts' Offices of Agriculture and Rural Development and professionally instructed by the higher Fisheries Associations.

Article 5. The State delegates management of fisheries resources in certain areas of lagoon to fisheries associations at the grassroots level. On that basis fisheries associations properly and creatively regulate the fisheries activities of their members, ensuring the harmony among members and between members and associations and the whole society.

Article 6. Fisheries associations can take the initiative in arranging the fishing grounds while maintaining the traditional fishing grounds of individuals and households in line with the general planning of the State and the benefit of the community.

Article 7. Fisheries associations have to act as management agencies on behalf of government agencies at all levels in the fields of lagoon fisheries tax, management and protection of aquatic resources, management of the aquatic environment and transportation through the fishing grounds, etc.

Article 8. Fisheries associations at the local level are responsible for resolving conflicts in fishing grounds and about resources among individuals and/or household members. Only when conflict resolution fails do the authorities intervene.

Article 9. Within the framework of their associations, fisherfolk can create forms of voluntary fisheries economic cooperation in the community such as: credit, savings, fisheries product processing and sale, material supply, etc.

Article 10. Fisheries researchers, managers, traders, manufacturers and investors can participate in fisheries associations at the local level as unofficial members who provide assistance and cooperation for development. Fisheries associations at the local level can admit or refuse these people.

Article 11. The State encourages fisheries associations at the local level, based on the State Law, to develop their "self-management rules" detailing community rules and aimed at protecting fishing grounds, aquatic resources and other issues such as protection of the aquatic environment and management of water ways and collection of fisheries tax, etc.

Article 12. Fisheries associations at the local level have the right to expel members who seriously violate their rules many times, seriously violate the State Law or whose action adversely impacts the environment and aquatic resources.

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.

The fishing rights in the lagoon area include the rights and responsibilities to timely prevent acts of fishery law violation, responsibilities of protecting fishing grounds, developing aquatic resources, ensuring free access to water ways, preventing degradation of the water environment and ensuring submission of taxes to the State.

Article 14. Fisherfolk using fixed fishing gear can only locate their gear within the designated water area of their local association. They have to maintain corridors, for aquatic species to move, according to the improved planning. Fisherfolk using mobile fishing gear are allowed to carry out their activity in adjacent areas, but they are not allowed to disturb the fixed fishing gear.

Article 15. In the lagoon it is forbidden to use fishing boats with a machine capacity of more than 16.5 HP.

Article 16. Natural aquatic resources exploitation taxes in the lagoon fully contribute to commune budgets. The People's Committees of the Communes define the percentage of tax that is left for fisheries associations at the local levels to cover the expenses of tax collection in the community, management, organization and implementation of aquatic resources protection and development activities.

Article 17. The taxed production norm of aquatic resource exploitation for each area of lagoon fisheries is agreed upon by the Provincial Tax Department and the Department of Fisheries and is then submitted to the Provincial People's Committee for approval after consultation is made with communes' authorities and local fisheries associations.

Article 18. Fisheries associations are granted the fishing right for a period of ten years in normal water bodies and five years in sensitive water bodies. In extremely sensitive water bodies, the District People's Committee annually grants the fishing rights or authorizes the Commune People's Committees to carry out an annual auction for this exploitation.

Article 19. The State can revoke rights over all or parts of the allocated water bodies from fisheries associations in the following cases:

1. The fisheries association does not exist any more.
2. The fisheries association voluntarily returns the allocated water bodies.
3. The term of use of the allocated water bodies has expired.
4. The fisheries association does not fish, protect the aquatic resources or abuse the resources without the permission of concerned agencies.
5. The fisheries associations seriously violate the law on fisheries management or other laws.
6. The term of use of fishing rights in the water bodies has not expired but the State needs the allocated water bodies for socio-economic development.

Article 20. The government agencies that decide to grant the fishing rights are entitled to make a decision to annul or cancel it.

Article 21. Sports and recreational fisheries and some small fishing jobs including hand-line fishery, fishing-tackle, casting-net fishing, gill net fishery with the net's length less than 50 m, fishing with pots of all kinds, oyster raking, crab and snail catching by hand can freely use the lagoon areas.

These activities cannot disturb the fishing gear registered by the local fisheries associations.

CHAPTER IV

PROTECTION OF FISHING GROUNDS AND AQUATIC RESOURCES

Article 22. It is strictly forbidden to carry out the following activities to destroy fisheries resources and pollute the lagoon aquatic environment:

1. Using poisonous chemicals, explosives, electricity to exploit fisheries resources.
2. Discharging garbage, letting pollutants and toxic substances leak beyond the limit.
3. Using such gear as push net, trawler, eel rake, stick net, drag net, mussel rake when fishing by motor-boat.
4. Destroying mangrove forests, reefs and other special biological landscapes.
5. Discharging diseased fisheries species into the fishing farms or into the lagoon water bodies.

6. Building, destroying or changing construction works in the lagoon water bodies without the authorization of concerned authorities and thus causing great damage to aquatic resources.

Article 23. It is forbidden to catch and sell aquatic resources of high economic value, rarity or in danger of extinction stated in the list of the protected species according to the State regulations.

Article 24. The regulations on non-fishing areas, where exploitation is forbidden during a long-term or short-term period, will be gradually developed in the lagoon while ensuring employment and livelihood of fisher-folk in line with the Fisheries Laws. The Department of Fisheries is responsible for doing research and making proposals on non-fishing areas in the lagoon.

The State encourages fisheries associations to develop their own rules to protect small areas used for reproduction, development and conservation of aquatic resources in the water bodies they administer.

Article 25. New exploitation activities are not encouraged in the lagoon. New activities must be approved by the Department of Fisheries who is in charge of assessing and appraising these new activities to ensure the principle of resources and environment protection.

Article 26. While irrigational works are built, study should be carried out on the construction of appropriate "fish passes", "fish ladder" so that aquatic species can pass through and extinction of those species migrating for reproduction can be avoided.

Article 27. The range of the buffer zone of the irrigational dykes in the lagoon is 20 m. Except for the no-trespassing buffer zone, which has a 5 m range starting from the dyke's foot, the area can be used for activities that do not impact the dyke's safety.

Article 28. The bottom nets and fish corrals should be arranged as to ensure more than 1/3 of the inlet's width for traffic. If the width cannot ensure the free access to the water way, it should be widened to the minimum level stated in the regulations on domestic water traffic safety.

Article 29. The mesh-size of the collection bag of bottom nets is periodically fixed at the minimum level as follows:

From January 1, 2006: $2a=18$ mm

Article 30. The minimum mesh-size of fish corrals is periodically fixed as follows:

From January 1, 2006 to December 31, 2007: $2a=14$ mm

After January 1, 2008: $2a=18$ mm

The minimum distance between the two units is 150 m (the distance is calculated from the upper corral to the lower corral)

The minimum distance between the two adjacent sides of fish corral units is 10 m.

The minimum distance between the side of fish corral and the bank of the lagoon is 50 m.

* In Cau Hai Lagoon, the side of fish corral should be at least 200 m away from the natural bank of the lagoon and the dykes surrounding shrimp ponds. It is applicable for communes in Phu Loc District.

Article 31. For catching "Gan" and "Hoi" shrimp (small species of shrimp), the Department of Fisheries will make regulations on the minimum mesh-size of fish corrals and specific times for exploitation before January 1, 2008.

Article 32. The State encourages fisheries associations to stipulate a minimum mesh-size larger than that defined by the State in order to raise the effectiveness of fisheries in line with their management capacity in the water bodies they administer.

Article 33. Electric drag nets are only used to collect aquaculture products and users have to register with the Sub-department of Fisheries Resources Protection who check carefully

before issuing fixed-term licenses. Lists of users should be made public at the Commune's People's Committee Office for community's monitoring.

Article 34. It is not permitted to use net enclosures for a monoculture of tiger shrimps in lagoon water bodies. The deployment of net enclosures, rearing cages for aquatic resources that eat phytophagan and plankton and other raising forms should be in line with the planning and clearly stated in the fishing rights of the fisheries associations.

Article 35. The Department of Fisheries should develop plans to prevent diseases occurring among natural aquatic species in the lagoon. When diseased species are discovered, fisher-folk organizations, individuals and local authorities have to deal with this in a timely fashion and report it to higher organizations and the Department of Fisheries for instructions and guidance.

CHAPTER V

DEVELOPMENT OF FISHERIES RESOURCES

Article 36. The State encourages additional breeding, regeneration and diversification of lagoon aquatic resources. In the water bodies where aquatic resources are shared among many districts, the Department of Fisheries is responsible for coordinating with the People's Committees of Districts for resources regeneration. In the water bodies where aquatic resources are independently managed, the districts' and communes' authorities develop plans and organize the additional breeding for fisheries resource regeneration.

Article 37. The popularization of fisheries resource regeneration is especially encouraged. The Department of Fisheries and People's Committees of Lagoon Districts develop annual plans of resource regeneration for mobilizing participation of individuals, households, fisheries associations and hatcheries. The additional breeding is monitored by the Department of Fisheries, Department of Natural Resources and Environment and local authorities.

Article 38. The introduction of new species into the lagoon water bodies is carried out by the Department of Fisheries in line with the Law.

Article 39. The use of artificial reefs in the lagoon water bodies is carried out step by step depending on the budget of the authorities at all levels.

The State encourages local fisheries associations to independently develop artificial reefs in the water bodies they administer to increase the number of shelters and reproduction places for aquatic species.

CHAPTER VI

DOMESTIC AND INTERNATIONAL COOPERATION

Article 40. The State encourages domestic and international organizations and individuals to conduct study and investigation on aquatic resources, management, protection and development of fishing grounds and lagoon fisheries resources, especially applied studies to timely meet the concrete demands of local fisheries associations.

Article 41. The State encourages the education and training of staff, exchange of experts, information and experiences in coastal and lagoon fisheries management.

CHAPTER VII
IMPLEMENTATION ORGANIZATION

Article 42. The management of lagoon fisheries is the responsibility and duty of public organizations working in the field of fisheries, of the People's Committees at all levels and communities using the lagoon fisheries resources. Fisheries associations allocated with fishing in certain water bodies have to develop plans and methods of aquatic resource protection and development and take initiative in the production and regeneration of aquatic resources.

Article 43. Fines will be applied to acts of violation of the regulations, depending on the extent of the act, according to the State regulations on administrative fines in the field of fisheries (Decree no. 70/2003/ND-CP), environment protection, water traffic. Criminal law will be applied in serious cases.

Article 44. All agencies, organizations and individuals that directly contribute to the management, protection and development of lagoon fisheries resources and the prevention of acts causing damages to the living environment and lagoon fisheries resources are commended and rewarded by the State according to the regulations depending their contribution.

Article 45. Any agencies, organizations and individuals are entitled to lodge claims and denunciation of acts by individuals, organizations and agencies violating this Regulation according to the current Law on Claim and Denunciation.

During the implementation process, any difficulties should be timely reported to the Department of Fisheries and Provincial People's Committee for consideration and amendment.

Article 46. The Department of Fisheries is responsible for organizing the implementation, dissemination and execution of this Regulation in the whole province, coordinating with the mass media organizations to widely disseminate this Regulation.

FOR THE PEOPLE'S COMMITTEE

FOR CHAIRMAN

VICE CHAIRMAN

(Signed and sealed)

Nguyen Ngoc Thien