



NATIONAL FISHERIES LAW AND REGULATION RELEVANT TO COMBAT IUU IN VIETNAM

**The Regional Training Course
On the United Nations Convention on the Law of the Sea 1982 in Fisheries Perspective,
Bangkok, Thailand from 6-9 November 2023**

OVERVIEW



Vietnam fishery profile

Fishery is a key national economic sector.

Total production in 2022: 9.06 million MT

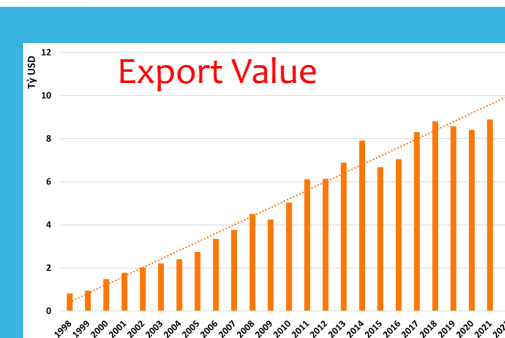
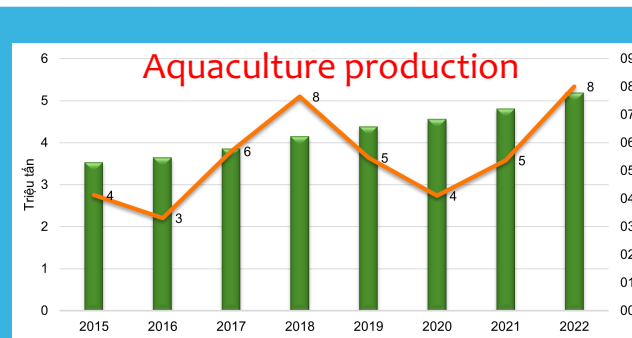
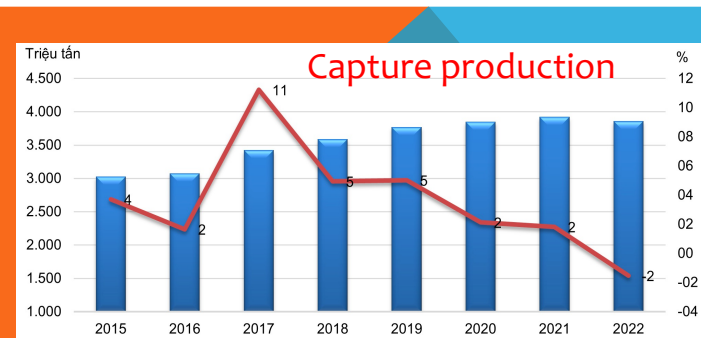
Capture : 3.86 million MT

Aquaculture : 5.2 million MT

Export turnover in 2022: US\$11.0 billions

Labour force: more than 4 millions

Fishing vessel (Lmax >=6m): 86.820



OVERVIEW



Vietnamese fisheries output increased strongly, the average annual growth rate of 8%. In which, aquaculture production accounts for 55%, capture made up 45%.

Originating from traditional fishing with small artisanal boats operating mainly in near-shore areas, up to now marine capture in Vietnam has developed rapidly.

But now, natural and human factors are threatening capture fisheries. Overfishing, environmental activities and climate change are the three broad categories of human factors that pose threats to sustainable fishery in Vietnam.

OVERVIEW



On October 23, 2017, The EC issued a yellow card warning against Vietnam's fisheries, along with 09 groups of recommendations and reduced the recommendations to 04 in 2019.

With the yellow card, all Vietnam's seafood exports to the EU are subject to a pre-check. As a consequence, the cost of seafood export to Europe has increased, and the volume has decreased due to the extended delivery time.

Compared to the 2017 figures, seafood exports to the EU decreased by 12% in 2019, equivalent to 183.5 million USD. This downward trend continued in 2020, dropping by 5.7% from the previous year.

OVERVIEW



4. Law enforcement

1. The legal framework

04
recommendations
made by the EC

3. Certification of
output and
traceability of
seafood from capture

2. Monitor, inspect, and
control fishing vessel
operations and fleet
management

LEGAL FRAMEWORK



On November 21, 2017, The National Assembly of Vietnam promulgated Law No. 18/2017/QH14 on Fishery, comes into force from January 01, 2019.

This Law contains revised provisions for the fisheries sector in Vietnam consists of 105 articles, divided into 9 Chapters. Under the Law with 02 Government decree (26/2019/NĐ-CP, 42/2019/NĐ-CP) and MARD 08 circulars deals with fishery activities; rights and responsibilities of organizations and individuals involved in fisheries and state administration of fishery.



LUẬT THỦ SẢN 2017
Số 18/2017/QH14

LEGAL FRAMEWORK



Legal framework to combat IUU

Law

The Law containing two articles 60 and 61 on illegal fishing, details 14 acts that are considered as illegal fishing and the certification of fishery origin from exploited.

Government decision

More detailed effect to a number of articles and measures in the Fisheries Law, including requirements

National plan

PM Decision no. 78/QĐ-TTg on national plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing up to 2025. (16 January 2018)



IMPLEMENTATION



Now, to continued materialise the EC recommendations for legal framework, MARD is advising the revision Government decree 26/2019/NĐ-CP, 42/2019/NĐ-CP

Therefore, the Prime Minister on February 13 2023 signed Decision No. 81/QĐ-TTg issuing an action plan on IUU combat requests relevant departments, ministries, branches and localities to place the highest responsibility at the present time, focusing on implementing and completing the tasks and solutions.

IMPLEMENTATION



1. Emphasised a “clear legal framework”

Revising Decree 26/2019/NĐ-CP on regulating a number of articles and measures to implement the Fisheries Law, and Circulars

- Revising regulations on VMS, responsibility of VMS providers
- Revising regulations on control of aquatic materials originating from fishing imported into Vietnam under PSMA toward more detailed and specific.
- Develop regulations on control of the legality of caught fishery products imported into Vietnam through a container.
- Public list of IUU vessel, vessels watching list.
- Electronic logbooks.
- Observer on board.

IMPLEMENTATION



1. Emphasised a “clear legal framework” (cont.)

Revising Decree 42/2019/ND-CP on Administrative Sanctions in fisheries sector, including

- Increasing administrative sanction scheme, and additional sanction for related IUU activities
- Strict penalty applied for relapse
- Assigning mandate to Coast Guard, Border Guards to give administrative sanction on serious infringements (Before the mandate were given only to Director General of D-fish, and Chairman of People Provincial Committee)
- New sanctions for VMS providers, VMS additional regulations

IMPLEMENTATION



2. Management of fishing fleet, monitoring, inspection and control of fishing activities

- Applying information technology, digitizing fishing vessel data to the National Fisheries Database System (VNFishbase) to manage the fishing fleets (fishing registration, fishing license), aimed at gradually reducing the number of fishing vessels, reducing fishing efforts and fishery having impact on fisheries resources and ecosystems.
- VMS device has been installed on fishing vessels with 15 meters in length and over reaching 97.05%; 88,545 fishing vessels have been marked reaching 96.5%

IMPLEMENTATION



2. Management of fishing fleet, monitoring, inspection and control of fishing activities (cont.)

- MARD has announced and allocated quotas for fishing licenses in offshore areas; Coastal provinces have announced quotas for fishing licenses in coastal areas.
- Controlling fishing vessels entering and leaving the port; recording and submitting reports and fishing log book
- Monitoring catch unloading through ports
- Office of Fisheries Monitoring, Inspection and Control and Fishery Port Management Board have been established and operated effectively.
- Integrated FAO Guidance on Flag State Performance into under-law regulations to manage fleet of fishing vessels

IMPLEMENTATION



3. Law Enforcement and violation handling

- Law enforcement forces at sea (Fisheries Surveillance, Navy, Border Guard, Coast Guard) have coordinated with central coastal provinces to carry out patrols, inspection, control activities to prevent and reduce IUU fishing such as: (i) Regularly using more than 30 patrol ships; (ii) Listing and zoning the area where there are fishing vessels at high risk of violations for monitoring and supervision.
- A cooperative mechanism and plan for patrol, inspection and control fishing operations at sea was signed and implemented by Fisheries Resources Surveillance, Coast Guard, Border Guard.

IMPLEMENTATION



4. International Cooperation

- Signing MOUs on bilateral cooperation in fisheries sectors and maintaining annual meetings with the Philippines, Brunei, Cambodia and Thailand.
- Signing MOU on IUU with Australia; with USA; Hotline with Brunei, IUU Declaration with Indonesia.
- Negotiating to sign MOU on combating IUU fishing with Thailand; Hotline with Cambodia, Malaysia, Papua New Guinea and Palau.
- Enhancing bilateral dialogue with EC.

IMPLEMENTATION



4. International Cooperation (cont.)

- Develop ASEAN Roadmap for combating IUU fishing in the period 2021 -2025
- Participating in AN-IUU and assigning focal points for AN-IUU
- Strengthening regional cooperation on implementation of Port State Measures
- Implementing ASEAN guideline on preventing the entry of fish and fishery products from IUU fishing activities
- Implementing ASEAN Regional Plan of Action for the Management of Fishing Capacity



For Vietnam, remove IUU yellow card is more than just a goal for Vietnam's seafood industry. This will also be a opportunity transforming its fishing industry to a modern, sustainable and responsible sector, and changing the mindset of fishermen remain a big challenge, requiring the strong determination of all stakeholders, especially in implementing the EC's recommendations, Over the past time, Vietnam has focused on built and completed the legal framework on fisheries to ensure effectiveness and efficiency; at the same time, implementing many measures to reduce and limit IUU fishing activities; prevent and stop Vietnamese fishing vessels and fishermen from illegally catching in foreign waters.



on March 11, 2021, the Prime Minister signed Decision 339/QĐ-TTg approving the Vietnam Fisheries Development Strategy to 2030, with a vision to 2045.

Accordingly, Vietnam focuses on sustainable development of the blue economy, maintaining and developing the fishery industry with the suitable fishing vessels structures and occupations that allow exploitation of marine resources. This process must comply with full provisions on IUU fishing, relevant international conventions and agreements to which Vietnam is a signatory or a member (**UNCLOS 1982, UNFSA, PSMA**)

Vietnam also actively and responsibly participates in combating IUU fishing, and is always ready to join forces with other stakeholders, countries in the region and the international community to strengthen cooperation and share experiences in combating illegal fishing. Along with that, promoting effective and sustainable fisheries management in accordance with international law

CONCLUSION



DESIRED FUTURE COOPERATIVE MECHANISM

1. Establishing an information sharing mechanism for fisheries law enforcement and MCS
2. Cooperation in complying sufficient evidence and investigation to define IUU violations

*THANK YOU VERY MUCH
FOR YOUR ATTENTION*

