







PREFACE



The protection of aquatic resources plays an extremely important role in the protection of the environment and the conservation of both marine and inland freshwater biodiversity resources. Aquatic resource protection and development activities are vital for creating a source of livelihood for millions of fisher families and enabling them, through their offshore fishing activities, to contribute to preserving national sovereignty and security of sea waters and islands.

Unfortunately Vietnam's marine resources now are being depleted rapidly due to ineffective management and unsound exploitation. It is impossible to have success in the management of aquatic resources if this endeavor only relies on the State's resources. Therefore, innovations in aquatic resource management become almost essential. International experiences indicate that the management of natural resources and/or aquatic resource should rely on local communities through a co-management pattern. Since the 16th century, the Nguyễn dynasties had applied bidding for fishery and aquatic resource taxes through the allocation of coastal seawaters to local fisher communities for management, and as the result, this brought in positive results. By inheriting relevant lessons from our ancestors and applying international co-management experiences, the Government has studied and suggested the National Assembly for the inclusion of the aquatic resource co-management pattern into the revised Law on Fisheries

Working together with local fisher communities in the implementation of the Law on Fisheries, UNDP/GEF SGP publishes this document titled "Policy Recommendations on Co-management in Fisheries". The material aims at raising awareness of the co-management pattern among authorities at all levels, stakeholders and local fisher communities, and recommending the formulation of a framework of action plan for implementing the co-management of aquatic resources in accordance with the provisions of the amended Law on Fisheries.



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CO-MANAGEMENT

AND THE ROLE PLAYED
BY THE FISHER COMMUNITIES
IN MANAGING AOUATIC RESOURCES

Since the foundation of the Socialist Republic of Vietnam, her various constitutions and especially the 2013 constitution stipulate that: "Land, water resources, mineral resources, resources of sea waters and airspace and other natural resources, and those properties invested and managed by the State are public properties whose owners are the entire people and are managed by the State that represents the owners" (Article 53 of the 2013 Constitution).

In implementing the Constitution, the State has synchronously adopted a number of measures: establishing some specialized bodies and a system to manage, protect and develop the aquatic resources (1991); working out legal basis

and programmes for protecting and developing the aquatic resources which include: Ordinance on Aquatic Resource Protection and Development (1989), Law on Fisheries (2003), Programme for Aquatic Resource Protection and Development (till 2010 and 2020) and other legal documents. The Office of Fishery Control and the specialized Inspectorate have constantly carried out patrols and checks and imposed fines on violations. Nevertheless, the aquatic resources have continually shrunk over the past 30 years.

Why has this situation existed? and what are the causes of this? In fisheries, the life of the fisher communities, since the ancient time, has been in close link with the sea. Nobody loves the sea better than



they do and no one understands the sea than they do. They are real masters of their home sea. The state management apparatus has been unable to provide them with sufficient human and financial resources as well as necessary equipment that can protect the aquatic resources in all sea waters of the country. Meanwhile in managing the existing aquatic resources, the State bodies have always played the role as the managing entity while the fisher communities - those whose income. life and livelihood depend on the aquatic resources - are subject to being managed. This kind of situation is unreasonable. Therefore, the way the aquatic resources are managed should need renovation.

Before 1981, as far as we can remember, the agricultural production throughout the country was in mountains of difficulties. Rice was not enough for the people's daily rations, paddy fields were left bare. But then by introducing the policy of fixed production quotas No.10 and No.100

in agricultural production whereby the right to use paddy fields was granted to individual farmer households and/or groups of farmer households, the Party and the State were successful in a revolution that changed the management mechanism in agricultural production. From a country suffering shortage of rice, Vietnam has become a world's leading rice exporter.

The practical learning of the lesson in giving the power to the mechanism and the policy in agricultural production has become a strong driver for the renovation in the management mechanisms in all political, economic and social lives of the country, which has helped the government enable to work out guidelines and policies for development with such mottoes as: "bring into full play the democracy at the grassroots", " joint efforts by the State and the people", and "known by the people, discussed by the people, done by the people, and checked by the people"....

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The fishery sector, therefore, should learn the lesson of the agricultural sector in its granting the right to use land to the farmers by granting the right to manage, exploit, protect and develop the aquatic resources to the fisher communities, and applying such mottoes as "bring into full play the right to be the masters of the fisher people", "joint efforts by the State and the fisher people" in protecting and developing the aquatic resources. This is a scientific and practical solution that would create a legal framework for the protection of the natural resources and prevent the depletion of the aquatic resources so that the resources would be constantly reproductive and sustainably developing.

Nevertheless, the management of aquatic resources is somewhat different from that of land resources. A remark by our ancestors, from their experience, is quoted as saying: "privately owned land resources, collectively owned fishery resources"

Fisheries are the aquatic resources. They constantly reproduce themselves and develop and with the passage of time, they can move to other areas. As such, fishing activities are carried out in seasons and in various areas where there are shoals of fish The resource that appears today in one sea water may move to another sea water tomorrow. A resource in a specific area managed by a group of fishers may no longer be managed by that group as it has moved to another area that is managed by a different group. Thus, fishers can freely move through the areas of sea water assigned by the local authority to be managed by the fisher community based organizations (FCBOs) where they are



allowed to carry out their fishing activities but must observe all legal regulations on aquatic resource planning, management and exploitations stipulated by that local FCBOs.

According to the National Constitution, the State is the representative owner and manager of aquatic resources. In reality, the members of the fisher community are those whose interests and livelihood depend on the survival of the aquatic resources. To successfully manage the aquatic resources, the State has to rely on the local fisher communities in different areas of sea and inland waters. Thus comes the community-based management pattern. In this pattern, the State plays the role as the managing entity while the fisher communities are not the one being managed but a force that participates in the management. This pattern is suitable in marine protected areas (MPAs) and inland freshwater protected areas (IWPAs) where the management boards are the State

bodies acting the role as the management entity.

With regards to the coastal areas, mangrove forests, lagoons and marshes, straits and bays, river and/or stream watersheds, and large reservoirs which are habitats for aquatic species to live and breed and which are closely connected to the villages nearby and the local communities of fishers who are the masters of these natural resources on which they rely for their livelihoods, the State should give the local FCBOs the right to manage, exploit, protect and develop the aquatic resources. The State keeps the role as the representative of the owners and as the managing entity but the State shares the rights, obligations and responsibilities in managing the aquatic resources with the FCBOs within a legal framework that is scientifically and practically planned and set up. This is the pattern of aquatic resource co-management.

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PRACTICAL EXPERIENCE

FROM THE MODELS
OF AQUATIC RESOURCE
CO-MANAGEMENT



The world's first models of aquatic resource comanagement appeared in the 1960s. After the Convention on Biological Diversity (BCD) was passed at the Summit Conference on Environment and Development organized by the United Nations in 1992 in Rio de Janeiro (Brazil) and later came into effect in December 19941, many co-management models flourished and developed effectively in many countries in Asia, Africa and Latin America. International experience has shown that in order to ensure the effective deployment and operation of the models of aquatic resource co-management, it is necessary to have a well-matched system of legal documents and a sustainable financial resources.

The pattern of co-management has now been verified as an effective solution for managing aquatic resources. *FAO, SEAFDEC and many other international organizations* have recommended the widespread application of this pattern, especially in those countries with small-scale fisheries.

Since after 1994, with the supports from international organizations, chiefly DANIDA, many models of aquatic resource co-management have been put in place in Vietnam.



Nevertheless, over the past 20 years, many of these models have not developed in a sustainable manner and have terminated their operations. The causes were:

- ◆ Lack of a scientific theoretical rationales for the comanagement pattern.
- ◆ Lack of a systematic and well-matched legal framework for co-management.
- ◆ Lack of a contingent of knowledgeable cadres for deploying and implementing co-management.
- ◆ Lack of a sustainable financial resource for developing the co-management models.

In such a difficult situation, a number of localities have confidently applied the existing legal regulations and creatively set up some pilot models of aquatic resource co-management and thus have attained some remarkable initial results.





THUA THIEN HUE

Being in a province that has a natural topography consisting of *a coastal area that is adjacent to Tam Giang Cau Hai lagoon of 61000 hectares*, the provincial Fishery Association and the provincial Administration of Fisheries have encouraged the local fisher communities to participate in the bodies of the Association.

The provincial Fishery Association has issued decisions to establish local associations at village and hamlet levels.

Upon these decisions, the local associations have registered their activities as legal entities with their own stamps and bank accounts. They have also formed community credit funds for the protection and development of aquatic resources and for helping members in their livelihood. The provincial People's Committee (PPC) has issued decisions to establish some Aquatic Resources Protection Areas and has granted the community bodies the right to manage, exploit, protect and develop the aquatic resources, given directions on the setting up of the mechanism for spending the budget to give initial supports to the co-management models, also on the setting up of mechanism for and policies aimed at mobilizing sustainable financial resources for the protection of aquatic resources; assigned concrete tasks to specialized fishery managing bodies, to all district and village level authorities and all political and social organizations to work out plans of joint actions with and supports to the community based organisations in managing, exploiting, protecting and developing the aquatic resources.

Based on the PPC's policies, all the specialized agencies, the authorities at all levels, the political and social organizations in the province have worked out relevant regulations for collaborating with the local FCBOs to deploy the co-management models. FCBOs have also worked out their operational regulations and plans to manage, exploit, protect and develop the aquatic resources, as well as operational regulations of the community's credit funds for protecting and developing the aquatic resources. The results obtained so far include the existence and successful operation of 25 Aquatic Resource Protection Areas and 86 FCBOs.

BINH THUAN

With supports from UNDP/GEFSGP, the Binh Thuan Fishery Association, the provincial Administration of Fisheries and the Ham Thuan Nam district People's Committee (DPC) have coordinated in deploying a project to establish a pilot model to co-manage *Anadara antiquata*



line at Thuan Quy commune. After 30 months of implementation, the project was concluded in June 2017 with the following outcomes produced:

- ◆ Establishment of the Association of Fisher Community with the participation of 50 fisher families from Thuan Quy village. The Association is a legal body with the Representative Board, Operational Regulations, and Plan to manage, exploit, protect and develop the aquatic resources.
- ◆ Establishment of the Community Credit Fund for protecting the aquatic resources with VND 160 million as initial supporting capital from GEF and VND 270 million as contributing capital from the members. The Fund has the Management Board, the open and transparent operational regulations.
- ◆ The specialized managing agencies and PCs at district and village levels have exercised their proper authority as representative owners and have jointly managed the aquatic resources in the pilot implementation of the co-management of the Anadara antiquata line resource.

The people's committees of all levels have issued decisions on the implementation of the following:

- Establishment of the Fisher Community Association.
- Granting the right to manage, exploit, protect and develop the hairy cockerel resources;
- Approval of the plan to protect the hairy cockerel resources.
- Approval of the operational regulations of the Fisher Community Association.
- ◆ Launch of the communication, education and training provided for local officers, giving instructions to the local fishers the expertise in managing the aquatic resources.
- Periodic control, monitoring and evaluation of the implementation of the project; and the project performance progress reviews.
- ◆ Decision on replicating the model and the project to all coastal villages in Ham Thuan Nam district.

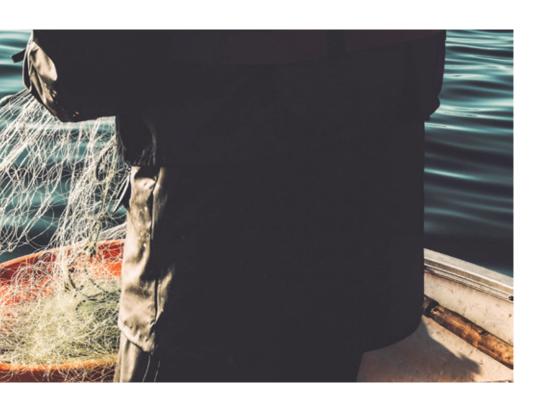
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Some observations and evaluations of the results of the projects to investigate and survey the models of aquatic resource co-management throughout the country:

In 2009, the DANIDA funded project (SCAFI) made a report to evaluate the co-management models in seven ecological zones. The report writes:

"The models of co-management applied in the fishery sector have demonstrated the organizational diversity and the diversity in the co-management content as well as the level of participation of the stakeholders. However, these models were somewhat puzzled in setting up the operational regulations and in cooperation between the communities on the one hand and the local authorities and other concerned parties on the other, and between the communities themselves. Many models have failed to delimit the exact boundary of the area under the granted management, hence it was impossible to identify the stakeholders and it was difficult to set up the operational regulations. Many models have not been officially recognized by the local authorities and as such have not fully exercised the managing responsibility."



In 2013, in implementing the project "Investigating, surveying and evaluating the status quo of the models of co-management and proposing the development some policies for strengthening the co-management in the fishery sector", the Centre for Community Development under the Institute of Fishery Economic and Planning made surveys of 27 models of aquatic resource co-management across the country and made the final Project Report with the conclusion:

"The participation of the local authority is the most fundamental factor for the success or failure of the co-management models.... The success of the comanagement model lies not only in the community's self-requirements and selfawareness in profoundly understanding their role as the owner of the right to have access to the aquatic resources, but also in that the State should specify and clarify, in the legal system, the right to own and the right to utilize the aquatic resources granted to the members of the community organisations. These are the fundamental requirements, for it is a simple truth that: you can't manage what doesn't belong to you".

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RECOMMENDATIONS ON AQUATIC RESOURCE

CO-MANAGEMENT CONTENTS INCLUDED
IN THE PROVISIONS OF THE LAW ON FISHERIES

From international experience and practical implementation of the pilot models of aquatic resource co-management across the country, following issues need to be considered in the study, legislation and policy making to implement the co-management of aquatic resources including

- Rights, obligations and responsibilities of authorities at all levels in the implementation of the co-management pattern to ensure the role of the State to represent the owners and to solely manage the aquatic resources
- Rights, obligations, responsibilities and interests of FCBOs in aquatic resource management, exploitation, protection and development.
- Stipulation of the positions and roles of various stakeholders in implementing the pattern of aquatic resource co-management.
- Regulations on the coordination of authorities at all levels, stakeholders, and FCBOs in the implementation of aquatic resource co-management
- Various mechanisms and policies, especially those policies that attract sustainable financial resources for implementing aquatic resource co-management;



RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF FCBOS IN AQUATIC RESOURCE MANAGEMENT, EXPLOITATION, PROTECTION AND DEVELOPMENT

- The members of FCBOs include individuals or household representatives living around and benefit from the aquatic resources in waters where the implementation of aquatic resources co-management takes place.
- FCBOs that are already or to be established by the competent authorities, have a legal status, registered to participate in aquatic resource co-management, exploitation, protection and development in waters already geographically located but not granted the right of its management to other organization or individual.
- FCBOs that have projects and plans for aquatic resource management, exploitation, protection and development already approved by the competent authorities, have pledged to implement seriously aquatic resource management, exploitation, protection and development in accordance with laws and the State's development planning.
- FCBOs have their own executive committees to represent the interests of the communities before laws, and their operational regulations approved by the competent authorities
- FCBOs have their community based funds established to create sustainable sources of income to facilitate the implementation of aquatic resource protection and livelihood development activities.



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RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF AUTHORITIES AT ALL LEVELS IN THE IMPLEMENTATION OF AQUATIC RESOURCE CO-MANAGEMENT

- Ministry of Agriculture and Rural Development (MARD) is responsible for developing relevant statutes, mechanisms and policies, particularly those mechanisms and policies that ensure financial resources are adequately provided for the implementation of aquatic resource co-management in a well-matched manner across the country.
- Provincial People's Committees (PPCs) undertake the planning of the development of water areas where aquatic resource co-management to take place within the framework of local master planning of agricultural-forestry-fishery development, develop relevant mechanisms and policies to co-manage their aquatic resources in their territories, especially those policies that create a sustainable financial resource for all levels of authorities, stakeholders and FCBOs engaged in the co-management of aquatic resources on planned water areas, and approve regulations on coordinating the implementation of aquatic resource co-management among all levels of local authorities, stakeholders and FCBOs.
- Departments of Agriculture and Rural Development (DARDs) provide local FCBOs with guidance on developing plans for aquatic resource management, exploitation, protection and development in the water areas where the co-management to be implemented as stipulated by laws and provincial development planning.
- District People's Committees (DPCs) approve the establishment of local FCBOs, their Charters, Executive Committees and Operational Regulations; and grant them the right to manage, exploit, protect and develop the aquatic resources.
- Peoples' Committees at all levels and fishery management agencies supervise and monitor all the activities implemented by community based organisations and stakeholders, revise and/or amend any of their plans, mechanisms, policies, coordinating and/or operational regulations if required, revise and/or amend, and revoke their decisions on aquatic resource management, exploitation, protection and development rights granted.









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RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF STAKEHOLDERS ENGAGED IN THE CO-MANAGEMENT OF AQUATIC RESOURCES ARE TO

- **Develop their work plans** including estimated budgets and activities to participate in the co-management of aquatic resources according to their respective functions assigned
- Participate in education and communication activities to raise awareness of the protection of the environment and aquatic resources among local officials and people in order to strengthen democracy in the implementation of aquatic resource comanagement
- Coordinate with local authorities at all levels, and assist local FCBOs in the implementation of aquatic resource co-management
- Be involved with local functional agencies and community based organisations to undertake the supervision and/or monitoring of aquatic resource protection and development, and to improve democracy in the implementation of all activities.

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RECOMMENDATIONS ON DEVELOPING

A PLAN OF ACTIONS TO IMPLEMENT
AQUATIC RESOURCE CO-MANAGEMENT IN

FISHERY SECTOR IN VIETNAM



DEVELOPMENT OF FINANCIAL MECHANISMS AND POLICIES TO IMPLEMENT THE CO-MANAGEMENT:

A policy on creating and developing sustainable sources of income for the Aquatic Resource Protection and Development Fund, and the Community's Fund for Aquatic Resource Protection and Development:

- Sources of income come from international supports and charities.
- Sources of income come from payment of aquatic resource utilization and/or of damages caused by organizations and individuals to the aquatic resources.
- It is necessary to carry out ministerial level scientific researches into aquatic resource valuation, and environmental and aquatic resource regeneration service valuations, and conduct surveys of existing production and business units that are likely to cause potential impacts and/or damages to the habitats of aquatic species and resources in order to build up scientific basis on which rates of fines and/or contributions to the Aquatic Resource Protection and Development Fund by organisations and/or individuals would be defined, as stipulated by the Law on Fisheries.
- Sources of income come from aquatic resource exploitation fees paid by organisations and/or individuals that are not members of the community based organisations having permits to exploit aquatic resources in water areas allocated by the State to manage.
- Sources of income from fines paid by offenders of the Law on Fisheries to be used to protect aquatic resources as stipulated by laws.
- Sources of income come from contributions of the community based organization members



Developing financial management mechanisms for the Aquatic Resource Protection and Development Fund and the Community's Aquatic Resource Protection Fund.

Based on annual budgeting plans and allocations, providing an additional budget line to support the comanagement activities to be implemented by relevant functional agencies and units and stakeholders involved in the co-management of aquatic resources to ensure adequate financial resources for their co-management.

Relevant policies and regimes relating to offshore exploitation and insurance shoud be developed to support members of the community based organisations and stakeholders' staff engaged in marine aquatic resource protection and patrol activities in sea waters allocated to the community based organisations engaged in the comanagement.



2

EDUCATION AND COMMUNICATION ACTIVITIES TO PROMOTE THE CO-MANAGEMENT OF AQUATIC RESOURCES SHOULD FOCUS ON

- Developing and including extra-curricular in the co-management of aquatic resource into educational programmes of general schools in districts and/or communes located within coastal zones, and fishery training high schools.
- ◆ Promoting public awareness of policies on aquatic resource co-management and the Fund for Aquatic Resource Protection and Development among enterprises who may benefit from local aquatic resources or have impacts on local aquatic resources and habitats of aquatic species.
- ◆ Developing theoretical rationales of aquatic resource co-management and compiling relevant fishery training materials for training courses specialized in the co-management of aquatic resources to train cadres in charge of aquatic resource co-management in both central and local fishery agencies.
- Organising study-visits to successful models for aquatic resource co-management to promote exchange of experiences and good practices in aquatic resource co-management between local fishermen and local officers.

3

REVIEWING AND ENHANCING A SET OF PUNISHMENT MEASURES IMPOSED FOR ACTS VIOLATING TO REGULATIONS ON AQUATIC RESOURCE PROTECTION AND DEVELOPMENT AS STIPULATED BY THE LAW ON FISHERIES

To effectively implement the co-management, it is necessary to amend regulations on punishment measures to be more strictly imposed for acts infringing regulations on aquatic resource protection and development. In addition to increase in fines and confiscation of facilities damaging aquatic resources, any of acts causing damages to aquatic habitats and resources should be prosecuted.





PILOTING THE IMPLEMENTATION OF AQUATIC RESOURCE CO-MANAGEMENT POLICIES AND ESTABLISHMENT OF AQUATIC RESOURCE PROTECTION AND DEVELOPMENT FUNDS IN SELECT PROVINCES

During policy-making process, impacts of aquatic resource co-management mechanims and policies on aquatic resource protection and development activities and local socio-economic lives should be assessed. Thus, it is necessary to request permission from the Government to implement pilot co-management models in some coastal localities. Initially there may be three models pilotted in three parts of the country. Upon one year of implementation, models' outcomes and experiences would be evaluated and consolidated to better improve the final draft of relevant mechanisms and policies prior to the submittal to the Government for approval

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COMPILATION OF AN AQUATIC RESOURCE CO-MANAGEMENT HANDBOOK

An aquatic resource co-management handbook should be compiled to include following contents:

FCBOs:

- ◆ Procedures required for the establishment of FCBOs of their legal status granted to enable them to be involved in financial transactions, banking, establishment of Community's Fund for aquatic resource protection and development, and fulfillment of their civil obligations as stipulated by laws.
- ◆ Development of operational regulations of FCBOs, and operational regulations of Community's Fund for aquatic resource protection and development.
- ◆ Development of plans and projects on aquatic resource protection and development.
- Application forms to competent authorities for permissions granted for FCBOs to have the right to aquatic resource management, exploitation, protection and development in water surface areas geographically located and delimited; and their commitments to seriously protect and develop aquatic resources in water surface areas allocated in accordance with regulations stipulated by prevailing laws;
- ◆ Processes and procedures required for convening the congress of FCBOs as stated in their operational regulations, commitments to their aquatic resource protection and development, their projects and plans, election of their executive committees and decisions to assign members of boards of directors of their funds.



The authorities at all levels grant local community based organisations the right to manage, exploit, protect and develop aquatic resources:

- ◆ Jurisdictions, processes and procedures for granting local community based organisations the right to manage, exploit, protect and develop aquatic resources.
- Compilation and approval of regulations on coordinating the implementation of aquatic resource co-management, approval of operational regulations of community based organisations, approval of community based organizations' projects and plans for aquatic resource protection and development
- Development of relevant mechanisms and policies on aquatic resource co-management.
- Implementation of plans for promoting education, training and awareness of aquatic resource co-management.
- Development of plans for the monitoring, evaluation and reviews of the performance of aquatic resource co-management activities for improvement.

Stakeholders engaged in aquatic resource co-management including fishery inspectorate, border guards, police, socio-political organisations, and professional associations/organisations, should:

- ◆ Collaborate with local FCBOs in formulating projects on, and/or plans for aquatic resource protection and development;
- ◆ Develop their own plans to participate in the implementation of the co-management, including annual work plans and annual estimated budgets to be submitted to their competent authorities for approval;
- Participate in co-management activities in line with their functions and duties as stipulated by laws.





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