

**THE MINISTRY OF DEFENSE - THE
MINISTRY OF AQUATIC RESOURCES**

JOINT CIRCULAR No. 27/2003/TTLT/BQP-BTS OF MARCH 31, 2003 GUIDING THE COORDINATION BETWEEN THE MINISTRY OF DEFENSE AND THE MINISTRY OF AQUATIC RESOURCES IN PERFORMING THE STATE MANAGEMENT OVER THE COAST GUARD'S ACTIVITIES AND THE COORDINATION OF ACTIVITY BETWEEN THE COAST GUARD AND CONCERNED FORCES OF THE MINISTRY OF AQUATIC RESOURCES ON THE SEA AREAS AND CONTINENTAL SHELF OF VIETNAM

In furtherance of the Regulation on the coordination of the State management over activities of the Coast Guard and the coordination of activities between various forces on the sea areas and continental shelf of the Socialist Republic of Vietnam, issued together with the Government's Decree No. 41/2001/ND-CP of July 24, 2001, the Ministry of Defense and the Ministry of Aquatic Resources hereby jointly guide a number of points as follows:

I. COORDINATION IN PERFORMING THE STATE MANAGEMENT OVER THE COAST GUARD FORCE'S ACTIVITIES

1. Responsibilities of the Ministry of Defense for coordination with the Ministry of Aquatic Resources (guiding Clause 3, Article 8 of the Regulation)

1.1. To exchange necessary information and documents in the field of aquatic resource exploitation and protection activities by ships, boats and other means operating on the sea;

1.2. To study, elaborate and submit to competent authorities for promulgation legal documents on aquatic resource exploitation and protection related to the activities of the Coast Guard;

1.3. To direct the Coast Guard to coordinate with the concerned forces of the Ministry of Aquatic Resources in patrolling, inspecting, controlling,

detecting, checking and handling acts of violating Vietnamese laws and international agreements on aquatic resource exploitation and protection, which the Socialist Republic of Vietnam has signed or acceded to, committed on the sea areas and continental shelf of the Socialist Republic of Vietnam according to current law provisions;

1.4. To direct the Coast Guard to coordinate with the concerned forces of the Ministry of Aquatic Resources in protecting the State's property and the life and property of people and means lawfully operating on the sea; to defend the national sovereignty and rights, protect natural resources, prevent and combat pollution of the marine environment; to search, rescue and overcome incidents on the sea and combat sea pirates;

1.5. To coordinate with the Ministry of Aquatic Resources in directing functional agencies to educate in and provide training and fostering on professional knowledge in the field of aquatic resource exploitation and protection to the contingent of officers and men of the Coast Guard;

1.6. To coordinate in educating and propagating the legislation on aquatic resource exploitation and protection to organizations and individuals operating on the sea areas and continental shelf of Vietnam.

2. Responsibilities of the Ministry of Aquatic Resources for coordination with the Ministry of Defense (guiding Article 14 of the Regulation)

2.1. Clause 1 is guided as follows:

2.2.1. To supply Vietnamese legal documents on the management of fishing activities on the sea; international agreements on Vietnam's sea areas and continental shelf relating to the field of aquatic resource exploitation and protection, which the Socialist Republic of Vietnam has signed or acceded to;

2.1.2. To promptly supply forms of permits and professional certificates related to fishing activities on the sea, including:

- Permit for aquatic resource exploitation and certificate of registration for fishing activities of domestic as well as foreign organizations and individuals;

- Certificate of registration of fishing ships and their crew members;

- Certificate of fishing ships' operational capacity (fishing ships' registers);

- Certificate of quarantine of aquatic animals and plants being transported from one region to another for use as breeds; and domestication of import aquatic animals and plants;

- Certificate of quality applicable to four groups of commodities: breeds, feeds, drugs and chemical for aquacultural use and fishing nets and gear.

2.2. Clause 2 is guided as follows:

2.2.1. To inform the Coast Guard Department of the names, codes, registers, identifications, itineraries and areas of operation of foreign ships, boats and means; chartered foreign ships, boats and means conducting fishing activities in Vietnamese sea areas at least five days before they enter the sea areas of Vietnam;

2.2.2. Foreign persons and means conducting fishing activities stated at point 2.2.1 also include persons and means of foreign aquatic enterprises and foreign-invested enterprises while surveying, exploring, exploiting, cultivating, gathering and transporting aquatic resources in the sea areas of Vietnam.

2.3. Clause 3 is guided as follows:

To guide and assist the Coast Guard in specialized professional aquatic resource work in order to determine acts of violation in the field of aquatic resource exploitation and protection which shall serve as basis for handling thereof according to law provisions.

2.4. Clause 4 is guided as follows:

In case of necessity, the Ministry of Aquatic Resources shall have to coordinate with the Ministry of Planning in working out plans for controlling acts of violation in the field of aquatic resource exploitation and protection in the sea areas where many fishing ships, boats and means commit acts of violating the legislation on aquatic resource exploitation and protection.

2.5. Clause 5 is guided as follows:

To coordinate with the Ministry of Defense in

participating in conferences, seminars as well as negotiation and signing of international agreements on common fishing areas, to ensure the observance of Vietnamese laws and international agreements on aquatic resource exploitation and protection, which Vietnam has signed or acceded to.

2.6. Clause 6 is guided as follows:

To educate in and propagate legal documents on the Coast Guard and aquatic resource exploitation and protection, and specialized aquatic resource knowledge to organizations and individuals conducting fishing activities on the sea.

3. On the entrustment (guiding Clause 3, Article 7 of the Regulation)

In case of necessity, the Ministry of Aquatic Resources shall issue documents, entrusting the Coast Guard to sanction administrative violations and apply preventive measures to acts of violating of legislation on aquatic resource exploitation and protection in the inland waters, which are detected by the Coast Guard during the process of patrol, inspection and control.

II. COORDINATION OF ACTIVITIES BETWEEN THE COAST GUARD FORCE AND CONCERNED FORCES OF THE MINISTRY OF AQUATIC RESOURCES

1. Responsibilities of the Coast Guard Force for coordination of activities with concerned forces of the Ministry of Aquatic Resources (guiding Clause 1, Article 24 of the Regulation)

1.1. To supply the Department for Aquatic Resource Protection and concerned forces of the Ministry of Aquatic Resources with information and documents on situation of illegal fishing by foreign ships and law-breaking acts committed by domestic fishing ships, boats and means such as using explosives, electric pulse, poisons or lamps with a capacity exceeding prescribed ones or other acts for illegal exploitation of aquatic resources;

1.2 To timely deploy supporting forces upon the request of the concerned forces of the Ministry of Aquatic Resources when incidents occur in ships, boats and means operating on the sea and to inspect, control,

detect, prevent and sanction administrative violations in the field of aquatic resource protection according to the Government's regulations on sanctions against administrative violations in the field of aquatic resources and the Government's Decree No. 49/1998/ND-CP of July 13, 1998 on the management of fishing activities of foreign persons and means in Vietnamese sea areas, the Vietnam-China agreement on fishing cooperation in Tonkin Gulf and other law provisions;

1.3. To hand over to the Aquatic Resource Protection Inspectorate dossiers, means, material evidences and persons seized by the Coast Guard in cases of law violation by organizations and individuals falling under the handling competence of the Aquatic Resource Protection Inspectorate.

1.4. The Coast Guard Department shall direct regional Coast Guard to coordinate with the Aquatic Resource Services, Aquatic Resource Protection Sub-Departments and Aquatic Resource Protection Inspectorates of the coastal provinces and centrally-run cities in performing the task of managing the exploitation and protection of aquatic resources.

2. Responsibilities of the concerned forces of the Ministry of Aquatic Resources for coordination of activities with the Coast Guard (guiding Clause 2, Article 24 of the Regulation)

2.1. The Department for Aquatic Resource Protection shall have to notify the Coast Guard of assorted types of fishing ships, boats and means of foreign organizations and/or individuals, allowed to enter and catch aquatic resources in Vietnamese sea areas; acts of violating regulations on the use of certificates of registration for fishing activities, on protection of living environment and aquatic species, on management of aquatic resource exploitation, and on management of fishing ships and boats;

2.2. For the sea areas where many fishing ships and boats commit acts of law violation, the Aquatic Resource Protection Inspectorate shall take initiative and coordinate with the Coast Guard in jointly inspecting, controlling, detecting, checking and sanctioning administrative violations in the field of aquatic resource exploitation and protection according to law provisions,

2.3. Ships, boats and means of the concerned forces of the Ministry of Aquatic Resources shall have

to comply with the mobilization by the Coast Guard in urgent circumstances of pursuing law-violating persons and means, providing first aid to victims and coping with serious environmental incidents occurring in the sea areas of Vietnam;

2.4. The Aquatic Resource Protection Inspectorate shall receive dossiers, persons, means and material evidences of cases of violating legislation on aquatic resource exploitation and protection, handed over by the Coast Guard Force under its handling competence;

2.5. The Department for Aquatic Resource Protection and the central Aquatic Resource Protection Inspectorate shall direct local Aquatic Resource Protection Sub-Departments and Aquatic Resource Protection Inspectorates to coordinate with regional Coast Guard Forces in jointly performing the task of managing the exploitation and protection of aquatic resources.

III. IMPLEMENTATION ORGANIZATION

1. To assign the Coast Guard Department and the Department for Aquatic Resource Protection to assume the prime responsibility and coordinate with functional agencies of the Ministry of Defense and the Ministry of Aquatic Resources in implementing and organizing the realization of this Joint Circular and to direct and guide units under their respective management to coordinate with one another so as to abide by the legislation on aquatic resource exploitation and protection in the sea areas and continental shelf of Vietnam.

2. This Joint Circular takes effect 15 days after it is published on the Official Gazette. In the course of implementation, if meeting with any difficulties and problems, agencies, organizations and individuals should reported them in time to the Ministry of Defense and the Ministry of Aquatic Resources for consideration and settlement.

For the Minister of Defense
Vice Minister

Lieutenant General NGUYEN VAN DUOC

For the Minister of Aquatic Resource
Vice Minister

NGUYEN NGOC HONG