

ON THE CONSERVATION AND MANAGEMENT OF LIVING AQUATIC RESOURCES

Living aquatic resources - the living reproductive resources are of great value and important significance to the country's economic development and the people's life.

Conservation and management of aquatic resources are both immediate and long-term tasks of the entire people and service branches of all levels as well as of the people's armed forces.

Based upon Article 19, 36, and 100 provided in the Constitution of the Socialist Republic of Vietnam (SRV).

This law hereby lays out regulations for the conservation and management of aquatic resources.

Chapter I

GENERAL PROVISIONS

Article 1. Living aquatic resources defined in this law include all species of economic and scientific values, living in the inland waters, internal waters, territorial seas, the contiguous zones, the exclusive economic zones and the continental shelf of Vietnam.

Article 2. The living environment for these species is the water, the sub-water and soils hereafter called waters in which aquatic species live.

Aquatic species that live a natural life in the waters that fall into sovereignty and jurisdiction of the SRV are in the state ownership; the species that are reared come either within the state ownership or other forms of ownership.

The state takes its control of management of living aquatic resources and their environment.

Article 3. The conservation and management of aquatic resources are closely associated with the maintenance of environment on the basis of ensuring the development of aquatic resources, the living conditions in the immediate and long-term future of the fishermen as well as the economic effectiveness for the whole society.

Article 4. The state exercises its complete control of the conservation and management of aquatic resources through a system of policies, strategies and plans, through a comprehensive utilization of traditional measures, public education, technological and economic measures, and legal regulations in order to safeguard and develop aquatic resources, especially to protect the rare species of high economic values.

State, social, collective, private organizations (hereafter called organizations) and individuals have the right to exploit natural aquatic resources according to provisions set out in this Decree in waters under state control.

The State permits organizations and individuals to utilize certain waters for long and stable terms or for a definite period of time for rearing or exploiting aquatic species in proper way so as to protect and develop aquatic resources.

The contracted waters can only be withdrawn in cases decided by law. The Council of Ministers defines the authority, foundations and procedures of extending and withholding licences for the utilization of waters.

Article 5. Any activities detrimental to aquatic resources the living environment of species, to their conservation and management are strictly prohibited.

Article 6. The state undertakes policies to encourage organizations and individuals to invest labour, finance and materials, to apply technological and scientific advancement, to practice association and joint ventures in all fields of conservation and management of aquatic resources, in rearing, exploiting and processing aquatic products particularly in advanced technologies, e.g. the offshore exploitation.

Article 7. Conservation and management of aquatic resources are the obligations and responsibilities of the State, social organizations and economic establishments, of armed forces and every citizen.

All organizations and individuals that have permission to utilize certain waters for rearing and exploiting aquatic species are obliged to work out plans of operation,

to apply measures to safeguard and develop aquatic resources in order to actively promote business and production, and to help reproduce aquatic resources.

The State ensures legitimate interests of organizations and individuals that utilize the waters for rearing, exploiting conserving and developing aquatic resources.

Chapter II

CONSERVATION AND MANAGEMENT OF AQUATIC RESOURCES

Article 8. Prohibit all activities listed below that are detrimental to aquatic resources and cause pollution to the living environment of all aquatic species:

1. Using toxic, harmful substances, explosives, gun powder, electric currents to paralyse or kill aquatic stocks.
2. Releasing or leaking harmful toxicals of quality stronger than allowable limitation.
3. Clearing of forests on mangrove, or starting source forests, of rocks and coral reefs, of hydrological plants and other special living creatures.
4. Putting new or destroying old or changing installations and devices related to the waters and environment, and detrimental to aquatic resources.

In case activities referred to in 3 and 4 of this article are needed, special permissions should be sought from and given by the Chairman of the Council of Ministers.

Article 9. Prohibit exploitation even for a period of time in breeding areas and where aquatic off springs live in mass.

The Chairman of the Council of Ministers will issue regulations on prohibiting exploitation, even exploitation for a short period of time, also on conducting surveys and exploitations in prohibited areas.

Article 10. The Fishery Minister will decide quota of allowable catch of certain stocks, and exploiting gears in specified waters, so as to ensure natural reproduction of aquatic resources.

Article 11. The Fishery Minister will decide which exploiting gear and equipment that need licences, which gears are banned or limited, zone demarcation for

fishing and the movement of labour involved in seasonal harvests each year.

All the services and facilities used in aquatic exploitation for which licences are required by the Ministry of Fishery concerned organizations and individuals have to obtain licences from authoritative state offices.

Article 12. Prohibit catch and distribution of rare stocks of high economic values, or stocks that are in danger of being extinguished, listed as species that need to be protected.

The seed collection of aquatic species mentioned in 1 of this article in service of reproducing resources or of scientific surveys has to be done in line with the Ministry's instructions.

The Fishery Minister provides a list of species that need to be protected, and special measures to conserve them.

Article 13. The introduction of new stocks into Vietnam, the distribution as well as acclimatisation of new stocks are decided by the Ministry of Fishery.

The Ministry of Fishery and other government offices concerned are responsible for applying and introducing preventive measures against diseases to protect species.

Article 14. The state encourages organizations, and individuals to enter contracts, to hire or bid contract of waters for rearing, exploiting, protecting and developing aquatic resources.

Article 15. The organizations and individuals involved in doing fishery business and production are entitled to enjoy material benefit from the result of their activities, to transfer or sell their products as interests gained from their investment and labour. At the same time, they are responsible to protect, develop aquatic resources, to pay due taxes and fulfil other obligations as set out by law.

Chapter III

MANAGEMENT OF THE CONSERVATION AND DEVELOPMENT OF AQUATIC RESOURCES

Article 16. The Council of Ministers exercises its complete control of the conservation and development of aquatic resources.

The Ministry of Fishery undertakes research, surveys, exploitation of aquatic resources in the entire country on the basis of combined, proper utilization of all potentials of service branches at all levels.

Article 17. The Council of Ministers decides content, considers and approves strategies and plans for conservation and management of aquatic resources all over the country.

The Ministry of Fishery issues instructions on working out and gathers to submit to the Council of Ministers strategies, plans for the conservation and management of aquatic resources, for all service branches of all levels. It also organizes, directs working out of and approves the strategies, plans by units under its direct leadership.

People's Committees of provinces, cities and special zones that come under direct central leadership, are to offer instruction, gather and present to the People's Councils of the same level for consideration and approval of the strategies, plans for conservation and development of the aquatic resources within their own administrative areas.

People's Committees of districts, and the like provide guidance, collect and present the People's Councils of the same levels for consideration and approval of the strategies and plans for protection and development of the aquatic resources by the people's committees of communes, villages and business production enterprises and organizations that are located in their districts or counties.

Article 18. The Ministry of Fishery organizes state inspection on conservation and management of aquatic resources in a nation-wide scale; together with concerned branches of all levels, conduct inspection on the protection of Key waters and in areas where exploitation and periodical exploitation are prohibited and areas where special species are protected, particularly rare species of high economic value that are in danger of being eliminated.

The Chairman of the Council of Ministers defines the organization, rights and obligations of State Inspection on conservation and management of aquatic resources, determines the responsibility of certain concerned branches.

Article 19. Complaints and disputes over surveys, research and exploitation of aquatic resources; over working out and carrying out strategies, plans for conservation and management of aquatic resources, over fishing areas, resources interests and fees are to be handled on the following bases:

1. People's Committees districts, counties or the like handle the complaints of and disputes among organizations and individuals their own localities. In case their decisions are not agreed to, complaints can be submitted to higher immediate authorities, whose decisions are final.

2. People's Committees of provinces, cities and special zones directly under the central Government handle the complaints of or dispute among their districts or countries. If the provincial decisions are not agreed to, complaints can be taken to the care of the Ministry of Fishery whose decisions are final.

3. The Minister of Ministry of Fishery deals with the complaints of and disputes among the central branches or provinces. If the Minister's decisions are not agreed to, complaints can be brought to the Council of Ministers. Decisions by the Chairman of the Council of Ministers are final.

Article 20. Complaints of and disputes between organizations or between organizations and individuals over registration regimes, issuance and withdrawal of licences for aquatic products business or production operations, for using harvesting tools and exploitation equipment, are handled by the people's committees of the same level and by the state empowered organizations that issue licences. If decisions are not agreed to, complaints can be presented to higher immediate people's committees whose decisions are final.

Disputes among organizations and individuals over operating contracts, hiring, or bidding on conservation and management of aquatic resources depending on their nature and content, are dealt with in accordance with civil lawsuit or business referee.

Disputes over compensation for losses of organizations and individuals, resulting from violations of law on maintenance and development of aquatic resources, but not relating to the contract, are handled by people's court in accordance with civil lawsuit.

Article 21. Organizations and individuals are entitled to lodge complaints and grievances on activities undertaken by any other organizations and individuals in violation of provisions set out in the law on conservation and management of aquatic resources to the administrations at all levels and to administrative branches of fishery.

These authorities have to consider and settle the disputed cases in accordance with the Law on handling of Complaints and disputes from the people.

Chapter V
REWARD AND PENALTY

Article 26. All organizations and individuals who contribute efforts to the conservation and management of aquatic resources, to the prevention of any activities harmful to the living environment, will be rewarded by the State in terms of spiritual and material values, defined by common regulations according to their merits.

Article 27. Any one who violates regulations on registration, or involved in illegal licence issuance, utilization of equipment and facilities in fishing and exploiting aquatic products, causing pollution, poaching or other regulations of this Law, will be fined, depending on the nature of their acts, with administrative or criminal penalty as provided by Law.

Chapter VI
ENFORCEMENT PROVISIONS

Article 28. All regulations preceding this Law are hereby abrogated.

Article 29. The Council of Ministers will define details to reinforce this Law.

Hanoi, April 25th, 1989

FOR THE STATE COUNCIL
THE SOCIALIST REPUBLIC OF VIETNAM

Chairman

(Signed and sealed)

VO CHI CONG