

**DECREE No. 57/2008/ND-CP OF MAY 2, 2008, PROMULGATING THE REGULATION ON MANAGEMENT OF VIETNAM'S MARINE RESERVES OF NATIONAL AND INTERNATIONAL IMPORTANCE**

**THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the November 26, 2003 Law on Fisheries;*

*At the proposal of the Minister of Agriculture and Rural Development,*

**DECREES:**

*Article 1.- To promulgate together with this Decree the Regulation on management of Vietnam's marine reserves of national and international importance.*

*Article 2.- This Decree takes effect 15 days after its publication in "CONG BAO."*

*To annul Article 3 of the Government's Decree No. 27/2005/ND-CP of March 8, 2005, detailing the implementation of a number of articles of the Law on Fisheries.*

*Article 3.- Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial/municipal People's Committees shall implement this Decree.*

*On behalf of the Government*  
*Prime Minister*  
**NGUYEN TAN DUNG**

## REGULATION ON MANAGEMENT OF VIETNAM'S MARINE RESERVES OF NATIONAL AND INTERNATIONAL IMPORTANCE

(*Promulgated together with the Government's Decree No. 57/2008/ND-CP of May 2, 2008*)

### Chapter I

#### GENERAL PROVISIONS

##### *Article 1.-* Scope and subjects of application

1. This Regulation provides criteria for classification, management organization, protection and development of, Vietnam's marine reserves of national and international importance; responsibilities of ministries, branches and localities.

2. Unless otherwise provided for by treaties to which the Socialist Republic of Vietnam is a contracting party, this Regulation applies to domestic and foreign organizations and individuals that conduct activities related to the above-mentioned marine reserves.

3. With regard to particularly important cases for national security, related activities may be conducted in marine reserves after they are permitted by the Prime Minister.

##### *Article 2.-* Criteria for classification of marine reserves of national and international importance

1. Marine reserves of national and international importance (below referred to as marine reserves for short) are classified into national parks; marine species and biotope conservation zones; and reserves of natural aquatic resources.

2. A national park fully satisfies the following conditions:

a/ Being a marine region with one or several typical ecosystems such as coral reefs, sea-grasses, mangrove forests, lagoons or estuaries which are

undamaged or little affected by humans; being the habitat of one or several precious and rare marine wildlife species which are threatened with extinction and, therefore, need management, protection and conservation;

b/ Having a minimum area of 20,000 ha, of which the area of undamaged or little affected typical ecosystems represents at least one third;

c/ Being a region where conservation objectives are ensured to be achieved and not to change due to harmful human activities.

3. A marine species and biotope conservation zone fully satisfies the following conditions:

a/ Being a marine region with one or several precious and rare marine wildlife species which are threatened with extinction; having typical ecosystems such as coral reefs, sea-grasses, mangrove forests, lagoons or estuaries which are undamaged or little affected by humans and which, therefore, need management, protection and conservation;

b/ Having a minimum area of 10,000 ha, of which the strictly protected area represents at least one fifth;

c/ Being a region where conservation objectives are ensured to be achieved and not to change due to harmful human activities.

4. A reserve of aquatic natural resources fully satisfies the following conditions:

a/ Being a marine region, the habitat of several marine wildlife species; having breeding grounds or grounds for concentration of young marine species; having sources of breeds for addition to adjacent marine regions;

b/ Having a minimum area of 10,000 ha, of which the area of breeding grounds or grounds for concentration of young marine species represents at least two thirds;

c/ Being a region where conservation

objectives are ensured to be achieved and not to change due to harmful human activities.

**Article 3.-** Functional zones in marine reserves

1. Depending on its natural characteristics and to-be-protected values, each marine reserve is divided into at least three functional zones as follows:

a/ The strictly protected zone is a marine zone with its original state preserved, strictly managed and protected for monitoring natural developments of typical marine plant and animal species and aquatic ecosystems;

b/ The ecological restoration zone is a marine zone managed and protected for restoring, and facilitating the natural regeneration of, aquatic species and ecosystems;

c/ The development zone is the remaining area of the marine reserve where controlled activities may be conducted such as aquaculture, exploitation of aquatic products, eco-tourism, scientific training and research.

2. Establishment of functional zones:

a/ The area and position of each functional zone are determined based on the to-be-protected values and approved upon the establishment of a marine reserve;

b/ The adjustment of the area and position of each functional zone is based on the characteristics and actual developments of the marine reserve and approved by a competent authority at the proposal of the marine reserve management board.

c/ The Ministry of Agriculture and Development shall guide criteria, order and procedures for the establishment of functional zones of marine reserves.

3. Establishment of protection belts

In order to restrict outside impacts, each marine reserve may have a protection belt.

The protection belt lies outside the marine reserve, has a width of at most 1,000 m and at least 500 m, from the boundary of the marine reserve outwards.

**Article 4.-** Communities participating in the protection and development of marine reserves

1. The State encourages organizations, individuals and population communities to participate in the management, conservation, building and development of marine reserves in accordance with law.

2. Organizations, individuals and population communities may participate in:

a/ Communication, education and raising of public awareness about the protection and conservation of biodiversity;

b/ Observation, patrol and protection of marine reserves;

c/ Scientific research and training in marine reserves;

d/ Ecotourism services in marine reserves.

The above activities must comply with law and rules of marine reserve management boards.

**Article 5.-** Marine reserve management boards

1. Organizational structure of a marine reserve management board

The marine reserve management board is a public non-business unit having legal person status, its own seal and bank account as well as working office.

The marine reserve management board has a directorate, several specialized sections and patrol and control squads.

2. Tasks of a marine reserve management board

a/ To manage and protect the marine reserve according to this Regulation and other provisions of law;

b/ To elaborate and organize the implementation of five-year and ten-year management plans after they are approved by a competent authority;

c/ To study and propose the adjustment of the area and position of functional zones of the marine reserve; to draw maps and demarcate functional zones on the field;

d/ To organize activities to conserve and develop aquatic plants and animals, maintain natural developments of ecosystems in the marine reserve;

e/ To take measures to prevent pollution and epidemics; to prevent infringements of the marine reserve;

f/ To organize periodical observations, report to competent agencies on the biodiversity and quality of the environment within the marine reserve;

g/ To propagate, educate and raise awareness about environmental protection and biodiversity conservation for population communities living in and around the marine reserve;

h/ To coordinate with population communities living in and around the marine reserve in proposing and conducting activities for life improvement.

### 3. Powers of a marine reserve management board

a/ To conduct research, investigation and survey activities in order to perform the above tasks;

b/ To organize, coordinate with or join other organizations and individuals inside or outside the country in conducting tourism or other service activities according to this Regulation and relevant provisions of law;

c/ To organize international cooperation on scientific research for the protection and development of conservation values in accordance with law.

## Section I. MANAGEMENT OF ACTIVITIES IN MARINE RESERVES

### Article 6.- Strictly protected zones

#### 1. Prohibited acts:

a/ Exploiting organism and non-organism sources with any methods or tools;

b/ Rearing aquatic animals in any forms;

c/ Building infrastructure works in service of tourism, fishing, transport, communication or mineral exploitation, including submarine works and other activities which disturb sediment layers, soil water and affect the life of aquatic species in the zones;

d/ Discharging wastes or wastewater;

e/ Traveling by fishing ships, seagoing vessels or other waterway means of transport, except for *force majeure* circumstances;

f/ Treading on coral reefs or sea-grasses.

#### 2. Conditional activities:

a/ Tourism, including the use of glass bottom ships for observing the sea-bed; swimming with breathing tubes without oxygen cylinders or diving with oxygen cylinders under the guidance of the management boards;

b/ Scientific research, if approved by the Ministry of Agriculture and Rural Development and supervised by the management boards;

c/ Tourist vessels operating in marine reserves must abide by regulations on the protection of aquatic species and environment; use mooring buoys and anchor under the guidance of the management boards.

### Article 7.- Ecological restoration zones

#### 1. Prohibited activities:

a/ Exploiting organism and non-organism sources with any methods or tools;

b/ Rearing aquatic animals in any forms;

c/ Building infrastructure works in service of tourism, fishing, transport, communication or mineral exploitation, including submarine works and other activities which disturb sediment layers, soil water and affect the life of aquatic species in the zones;

d/ Discharging wastes or wastewater;

e/ Treading on coral reefs or sea-grasses, except for *force majeure* circumstances.

#### 2. Conditional activities

a/ Tourism, including use of glass-bottom ships for observing the sea-bed; swimming or diving with or without oxygen cylinders under the guidance of the management boards;

b/ Fishing ships, seagoing vessels and other means of transport may travel harmlessly but may neither stop nor anchor, except for *force majeure* circumstances;

c/ Tourist vessels operating in marine reserves must abide by regulations on the protection of aquatic species and the environment; use mooring buoys and anchor under the guidance of the management boards;

d/ The restoration of ecosystems in marine reserves must be conducted in a natural way.

#### **Article 8.-** Development zones

##### 1. Prohibited activities:

a/ Exploiting aquatic resources with drag-nets or other fishing gears which are destructive to aquatic resources and habitats of aquatic species;

b/ Treading or anchoring on coral reefs or sea-grasses, except for *force majeure* circumstances;

c/ Discharging wastes or wastewater.

##### 2. Conditional activities:

a/ Exploiting aquatic resources with facilities under regulations of the Ministry of Agriculture

and Rural Development, causing no harms to aquatic species and their habitats according to regulations of marine reserve management boards;

b/ Raising aquatic animals when permitted by a competent authority and according to regulations of marine reserve management boards;

c/ Fishing ships, seagoing vessels and other waterway means of transport may travel harmlessly but may neither stop nor anchor, except for *force majeure* circumstances;

d/ Tourist ships in marine reserves must abide by regulations on the protection of aquatic species and the environment; use mooring buoys and anchor under the guidance of the management boards;

e/ Building infrastructure works in service of tourism if it is approved by a competent authority.

#### **Article 9.-** Protection belts of marine reserves

##### Prohibited acts:

1. Exploiting aquatic resources with facilities or gears destructive to marine resources and affecting habitats of aquatic species.

2. Infringing upon and destroying ecosystems; polluting the environment.

3. Anchoring on coral reefs or sea-grasses, except for *force majeure* circumstances.

#### **Section 2. FINANCE OF MARINE RESERVES**

#### **Article 10.-** Financial sources of marine reserves

1. The State encourages organizations and individuals to invest in the building, protection and development of marine reserves.

2. Financial sources for the building and development of marine reserves include:

a/ State budget supports;

b/ Revenues from permitted service activities under this Regulation and relevant provisions of law;

c/ Financial supports of domestic and foreign organizations and individuals;

d/ Charges and fees which are managed and used in accordance with law;

e/ Other lawful financial sources as prescribed by law.

**Article 11.-** Management and use of finance of marine reserves

1. State budget supports for marine reserves are used for the following tasks:

a/ Tasks specified in Clause 2, Article 5 of this Regulation;

b/ Investing in the building of infrastructure and procuring equipment for management of marine reserves;

c/ Regular activities of the management apparatuses of marine reserves.

State budget supports must be used under projects as approved by competent authorities in accordance with law.

2. The management and use of revenues from service activities comply with the provisions of law.

3. Investment and financial sources of organizations and individuals shall be managed and used according to the law on investment and the use of financial sources and relevant provisions of law.

4. The Finance Ministry shall guide in detail the management and use of financial sources of marine reserves.

## **Chapter II**

### **IMPLEMENTATION PROVISIONS**

**Article 12.-** Responsibilities of ministries, branches and localities

1. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with concerned ministries and branches in:

a/ Formulating and submitting to the Prime Minister for approval a planning on and organizing the management of the system of, marine reserves;

b/ Formulating and submitting to the Prime Minister projects on the establishment and directly organize the management of marine reserves which are of national and international importance or related to several branches or located in several provinces;

c/ Directing, guiding localities in formulating projects on the establishment and plans and regulations on the management of, decentralized marine reserves.

2. People's Committees of coastal provinces and centrally run cities shall:

a/ Based on this Regulation and the guidance of the Ministry of Agriculture and Rural Development, direct local functional agencies in formulating projects on the establishment, plans and regulations on the management, of decentralized marine reserves;

b/ Organize the management of decentralized marine reserves; guide marine reserve management boards in issuing specific regulations and rules for the management of marine reserves.

3. The Ministry of Agriculture and Rural Development's specialized inspectorate shall perform the function of and coordinate with other branches in inspecting and examining activities in marine reserves.

**Article 13.-** Handling of violations

Organizations and individuals violating the provisions of this Regulation shall, depending on the nature and severity of their violations, be

handled in accordance with law.

**Article 14.-** Amendment, supplementation of the Regulation

In the course of implementation of this Regulation, the Ministry of Agriculture and Rural Development and People's Committees of coastal provinces and centrally run cities shall promptly report on arising problems and propose amendments or supplements to the Regulation.

*On behalf of the Government*  
*Prime Minister*  
**NGUYEN TAN DUNG**