



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

VIETNAM - COUNTRY REPORT

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SUMMARY

This evaluation of Fisheries Monitoring Control and Surveillance report for Vietnam is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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VIETNAM – COUNTRY REPORT



FAO landings (2013): 2,608,400 tonnes

Fisheries contribution to GDP (2010): 4%

Law of the Sea (Ratification/accession): 25th July 1994

Coastline: 3444 km

RFMO Membership: None

Patrolling agencies: Vietnam Navy; Marine Police;
Fisheries Surveillance Force (FRSF)

Rank	Priority for maritime security tasks
1.	Protection of Oil installations
2.	Piracy
3.	Unauthorised Entry of Foreign Vessels

SECTION 1: MCS INFRASTRUCTURE

- 1. Does the country have adequate surveillance infrastructure (maritime patrol aircraft, inshore and offshore patrol vessels) to effectively patrol fisheries resources within its EEZ?**

Score: 5

Score Range: 3-5

Weak operational capability (Coast Guard has 38 patrol ships ranging from 120 to 2500-ton class. Effective to a limited extent for patrolling some coastal provinces, but large gaps are reported in offshore waters (Hiebert and Nguyen 2015; Cole 2012; Anon 2012b,c; Jane 2012; Thao 2012; Thuy 2015). Surveillance infrastructure is inadequate in relation to area of the EEZ (Khurana 2005; Anon 2012e; Ha and van Dijk 2012). See IISS (2013); Thayer (2014) reports for more information on surveillance infrastructure of Fisheries Surveillance Force, Vietnam Navy and Marine Police. During 2014, Vietnam Fisheries Surveillance Force received two patrol vessels (*KN-781 & KN-782*) with displacement of 2500 tons; range of 5000 nautical miles and maximum speed of 21 NM/hour. Vietnam Coast Guard recently received two advanced patrol ships (*CSB 8002* and *CSB 9004*) and a TT400 class patrol vessel (*CSB 4035* with a range of 2500 nautical miles) for conducting maritime patrols. Vietnam Fisheries Surveillance Force (VFSF) received its first 1079-ton patrol ship "*Hayato*" from Japan in August 2015. In March 2018, Vietnam received six fast-response Metal Shark boats from USA as part of a US\$ 20 million package comprising of patrol boats and equipment. Vietnam also received 6 metal shark-boats and a high endurance cutter from USA in May 2017 (Reuters 2018).

- 2. Does the country have adequate trained officers to conduct MCS operations?**

Score: 4.5

Score Range: 3-5

There is shortage of inspectors for surveillance operations in the fisheries sector (Anon 2012e; Pomeroy *et al.*, 2009; Dang *et al.*, 2017). Fisheries Inspection Department has 311 staff of which 111 are inspectors (Tuan 2012). No information is available on compliance or enforcement competence of these authorities in the marine fisheries sector.

Department of Capture Fisheries, Resource Exploitation and Protection (DECAFIREP) has a few inspectors in the field for inspections at local

fishing ports. VFSF inspectors are not sufficient for managing landing sites and recording arrivals of commercial fishing boats at remote fishing bases (Anon, *pers.comm.*, 2016).

3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?

Score: 0

Score Range: 0-0

No, such plans are not reported in Vietnamese fisheries. Vietnam is also not a signatory to the FAO Compliance Agreement. See Q.1 for more information. Vietnamese fishing vessels have been caught illegally fishing on both the high seas as well as EEZs of Asia-Pacific countries.

Due to increasing competition from Chinese fishing trawlers and low catches within UNCLOS recognized Vietnamese EEZ, fishing fleet has been gradually displaced to neighbouring nations waters and the high seas. Govt. agencies and organisations that need to apply control on vessels returning after each trip have often exercised little control over the long-haul fleets returning home due to several reasons. 1) A three-fold decline in catches over the past decade in waters of the EEZ and South China sea where vessels normally operated for more than a century have sparse catches; 2) Fishing zones have shrunk due to forced displacement by Chinese military over-reach and harassment in waters off Vietnam (Numerous Vietnamese boats have been sunk by Chinese military vessels as close as 10 nm off our coastline); 3) Resource scarcity has pushed boats beyond traditional boundaries to fish illegally in neighbouring countries; 4) There has been a massive surge in investments to process and export seafood to China, EU and USA over the past two decades but it's virtually impossible to catch also those fish from depleted historical fishing zones in the South China sea, so vessels have moved farther and farther from South China Sea to supplement overseas demand for cheap seafood. This competition for cheap seafood has meant seafood must come through vessels operating beyond Vietnam's control or jurisdictional authority; 5) Fisheries officers collecting data at ports also do not have means to know whether catches declared by each long-haul boat have come from the area declared by boat captain, as they are not tracked through satellite devices. It is too expensive for boat owners and fisheries department to install and cover VMS costs; 6) Over-reliance on sea based economy for raising GDP revenue has led to soft approach towards vessels violating national and regional fisheries laws; 7) In cases, where reports of infringements in neighboring countries have been received, sanctions were low as profit margins of fishing vessels are small, except for blue-boats

targeting sea cucumbers and high value species on the high seas. Blue-boats mostly supply Chinese and other regional markets so not much of export documentation is required. Chinese vessels also take sea cucumbers and giant clams from several territories illegally so there is no “moral high ground” on this issue. If Vietnam deserves condemnation, then why are Chinese not being challenged for same violations? Vietnam is not an exception as far as illegal fishing is concerned. Though, our situation does not justify illegal incursions into poor Pacific island nations waters; the Blue-boat problem is being taken seriously as many Pacific island nations have protected their stocks for a better future of their own fishers. Vietnam is now working on developing a solution for the blue-boat problem by seeking dialogue with boat owners, as several boats flying Vietnam flag have been sunk in Indonesia and due to mounting pressure from WCPFC. But, just one trip covers losses from 3 other trips, so sponsors have continued to fuel building of new blue-boats intent on exploiting benthic resources of other coastal states (Anon, *pers.comm.*, 2016).

4. What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?

Score: 1

Score Range: 1-2

25 fishing vessels with capacity of 90CV were equipped with satellite-connected devices using Movimar satellite technologies (MOVIMAR) through a EUR 14.4 million project funded by France. 77 fishing vessels in Ninh Thuan province have installed satellite-based monitoring devices on fishing vessels as part of the MOVIMAR project (Anon 2013). The Ministry of Agriculture and Rural Development plans to equip 157 fishing vessels with VMS devices through this project (Anon 2012a).

5. What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?

Score: 0

Score Range: 0-0

No, observer scheme is not reported in Vietnamese fisheries. See Flewwelling and Hosch (2007) for more information.

Less than 1% observer coverage; a few trials have been conducted through a pilot program for tuna vessels (with NGO funding) operating in the WCPFC region. Tuna vessels mostly collect scientific data for biological stock assessments; not for MCS purposes (Anon, *pers.comm.*, 2016).

SECTION 2: INSPECTIONS

6. How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?

Score: 4.5

Score Range: 3-5

Marine Police is responsible for fisheries inspections beyond 24 nm, DARD inspectors check coastal waters under each province and Navy is accountable for offshore waters. However, there is very little co-ordination between these three agencies to optimally utilize surveillance data (Son 2013). Illegal fishing by Chinese and Thai fishing vessels poses a persistent problem for Vietnam's Navy (Han 2007; Anon 2012b; Thuy 2015). Vietnam Marine Police also undertakes joint patrols with Chinese navy in the shared fishing grounds off Tonkin Gulf every year (under Gulf of Tonkin Agreement).

Around 12 surveillance operations are undertaken annually, with the number of trips varying by each province; offshore patrols are concentrated around Gulf of Tonkin and offshore islands in the South China Sea. Patrols are not sufficient with fuel expenses and maintenance glitches permitting only one or two trips each month. Fisheries Inspectorate is aware of poaching by foreign vessels but until there is a coherent maritime policy with orders to detain foreign trawlers, existing patrols will not have the desired effect. Chinese trawlers poach openly in Vietnamese waters using protection from Chinese Naval vessels (Anon, *pers.comm.*, 2016).

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 1.5

Score Range: 1-4

Very limited information is available with respect to aerial patrols for fisheries surveillance in the Vietnamese EEZ (Anon 2011). Available information suggests limited capability by the end of 2012, as the Vietnam Marine Police took delivery of first of the three Airbus Military C-212/400 aircraft in August 2012, with delivery of the remaining two aircraft expected soon (Anon 2012f). Two offshore patrol vessels have helipads with capability to assist maritime patrols in the South China Sea.

At present, Vietnam has partial aerial surveillance to monitor foreign vessel operations in the EEZ. Although patrols have succeeded in gathering valuable

intelligence on extent of illegal fishing by Chinese vessels; very few combined operations with CG are scheduled as of now to tackle this problem (Anon, *pers.comm.*, 2016).

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 1.5

Score Range: 1-4

There are more than 70 coastal landing ports of which less than 10 receive occasional inspections. DECAFIREP has very few inspectors to cover landings at all ports. Due to lack of entry-exit requirements and vessel tracking system it is difficult to ascertain fishing grounds where fish are caught; Vietnamese vessels of more than 90 HP can operate in the high seas and can stay for long durations at sea. Lack of globally accepted maritime boundaries between Vietnam and neighbouring countries in the South China Sea also make it hard to determine legality of large quantities of catches unloaded in Vietnamese ports. See Pomeroy *et al.*, (2009) for some information. Vietnam is not a signatory to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing.

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?

Score: 1

Score Range: 1-2

Coastal patrols are very poor in Vietnam's fisheries. Lack of enforcement in coastal waters has allowed incursions of foreign fishing vessels and gear violations are widespread in domestic small-scale fisheries. See Q.11; Han (2007); Nasuchon and Charles (2010); Nguyen and Flaaten (2011); Ha and van Dijk (2013); Think *et al.*, (2016) for more information.

Illegal fishing is widespread in artisanal and commercial fishing sectors. Vessels do not comply with fishing gear regulations, non-trawling zones or minimum landing sizes. Logbooks and other reporting requirements are minimal and do not provide sufficient information to address compliance concerns. Poison, use of undersized nets and explosives to catch juvenile fish in large quantities are some of the range of complaints witnessed by inspectors (Anon, *pers.comm.*, 2016).

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 0

Score Range: 0-0

See Q.11 for more information. Vietnam is not a signatory to the UN Fish Stocks Agreement. Vietnamese fishing vessels have a consistent bad record for illegal transshipments and illegal fishing in EEZs of Asia-Pacific countries. Lack of entry-exit requirements have also proved advantageous to Vietnamese boats fishing illegally in Cambodia, Malaysia and Philippines.

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 0

Score Range: 0-0

No, existing legislations are poorly enforced. See Anon (2015); Flewwelling and Hosch (2007); Nguyen and Symington (2008); FAO (2004); FAO (2005); Kuong and Nguyen (2005); Pomeroy *et al.*, (2009); Thinh *et al.*, (2016) for more information.

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 5

Score Range: 3-5

On 21 November 2017 the new Fisheries and Aquaculture Law 2017 replaced the Fisheries Law of 10 December 2003. The country has adopted NPOA on IUU Fishing to fight and eliminate illegal fishing. Vietnam is not a party to the FAO Compliance Agreement, UN Fish Stocks Agreement and the UN Port State Measures Agreement. Recently, CCAMLR has written to CITES to report that Vietnam (CITES member) has failed to participate in CCAMLR catch documentation scheme regulating illegal trade of toothfish (Traffic 2016).

Very bad state of affairs indeed. Vietnamese boats have one of the highest violation rate in the Asia-Pacific region both for vessels operating within the EEZ, South China sea as well as the ones operating on high seas. A complete overhaul of the political and administrative system is required and that will require overseas funding and change in forgive and forget mindset of Government officers who often give weight to revenue over compliance. It



will take at least 5 years just to comply with basic regulations as most of the departments are under-staffed and under-funded. EU and U.S. funding can make a huge difference here (Anon, *pers.comm.*, 2016).

See Dang *et al.*, (2017); Boonstra and Dang (2010); Ha and van Dijk (2013); Son (2013); Hiebert and Nguyen (2015); Hoi and Giao (2015); Thao (2012); Thuy (2015); Anon (2016); Ratner *et al.*, (2012) documents for more information.

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	No

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuriskintelligence.com/>). (The author can be contacted at pramod.raju@gmail.com to provide any feedback).

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