

Internal mid-term review of the project Establishment of the Vietnam Fisheries law and regulations – phase II. Bringing the Law to Life

NORAD COLLECTED REVIEWS 19/2008

To conduct the internal review, the following review team (RT) was appointed:

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- Mr. Johan Williams, Project Technical Advisor

B. External members:

- Mr. Åsmund Bjordal, Director of Center for Development Cooperation in Fisheries (CDCF), Review team Leader.
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Norad collected reviews

The report is presented in a series, compiled by Norad to disseminate and share analyses of development cooperation. The views and interpretations are those of the authors and do not necessarily represent those of the Norwegian Agency for Development Cooperation.

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**VIETNAM-NORWAY
DEVELOPMENT COOPERATION IN FISHERIES**

INTERNAL MID-TERM REVIEW

**Of the Project:
Establishment of Vietnam Fisheries Law and Regulations –
Phase II
Bringing the Law to Life**

November 2007

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Abbreviations and acronyms

CCOP	Coordinating Committee for Geo-science Programmes in East and South East Asia
CDCF	Centre for Development Cooperation in Fisheries
DANIDA	Danish International Development Agency
DARD	(provincial) Department of Agriculture and Rural Development
DOFI	Provincial Department of Fisheries
FAO	Food and Agriculture Organization (of the United Nations)
FSPS2	Fisheries Sector Programme Support, Phase II
IFEP	Institute of Fisheries Economics and Planning
IUU	Illegal, Unregulated and Unreported (Fishing)
LD	Legal Department (of MARD)
MARD	Ministry of Agriculture and Rural Development
MoFi	Ministry of Fisheries
NADAREP	National Directorate of Aquatic Resource Exploitation & Protection
NAFIQAVED	National Fisheries Quality Assurance and Veterinary Directorate
NORAD	Norwegian Agency for Development
PTA	Project Technical Adviser
RIA 1,2,3	Research Institute of Aquaculture (no 1, 2 and 3)
RIMF	Research Institute of Marine Fisheries
RT	The mid term (internal) Review Team
SCAFI	Support to Capture Fisheries, FSPS II
STOFA	Strengthening the Fisheries Administration
ToR	Terms of Reference
WTO	The World Trade Organization

Summary, main Findings and Recommendations

The objective of the original law project supported by Norway: “Establishment of Vietnamese Fisheries Law and Regulations” – was to develop a modern legal framework for the Vietnamese fisheries sector.

Through an agreement between Norway and Vietnam of November 2004, this project was followed up by a “Establishment of Vietnamese Fisheries Law and Regulations - Phase II: “Bringing the Law to Life”, with the following Goal, Objective, Outputs and main Indicators:

Over all Goal: To contribute to the sustainable development of Vietnam’s fisheries sector.

Objective: Improved legal framework and enhanced institutional capability for better management and development of fisheries sector of Vietnam.

Outputs and main indicators:

1. Subordinate legislation has been developed, formulated, submitted for promulgation and implemented as appropriate. During the implementation of the Law, articles of the fisheries law have been reviewed and the feasibility has been taken into account and if revision is required, it will be done then proposed for adoption by National Assembly.
2. The level of public awareness and compliance with fisheries legislation has been raised.
3. The capacity to formulate and implement the law and subordinate legislation among organizations and civil servants has been enhanced.
4. Experiences have been collected through pilot studies as a basis for formulation of sub-laws and models for implementation of Fisheries Law developed.
5. Project managed and coordinated effectively

This report contains the result of an Internal Mid-term Review, conducted in October-November 2007, by a review team consisting of two project members, two external members and a representative of NORAD.

Main findings:

- The Project staff of the Legal Department of MARD seems to be highly motivated and competent for the task.
- The cooperation between the project staff and foreign legal experts and the part time adviser seemed to have functioned very well. This was also the case for the cooperation between different project related institutions in Vietnam.
- The project seemed to be well and effectively managed, both with regard to finances and reporting, with good documentation both in Vietnamese and English.
- The results obtained half way through the project period were impressive – as a majority of target indicators were met or even exceeded already.
- Over all, the costs were kept below the budget plans and the RT got the general impression of “good value for money” regarding expenditures and corresponding results.

Recommendations:

Output 1: Developing Regulations and Revisions of the Law

- The Legal Department (LD) together with the relevant fisheries directorates/departments and research institutes of MARD should further focus on the work needed in order to have an environmental sustainable fisheries and aquaculture sector in the form of updated or new Ministerial level legal documents in this sector.
- The LD should be assisted by foreign legal experts in reviewing the Vietnamese fisheries legislation in relation to WTO membership demands as well as other relevant international agreements.
- It is recommended that international legal experts be selected according to the possible new contents of draft documents to be formulated at each working visit. A list of new draft legal documents should be submitted to the CDCF and the PTA 3 months prior to the working visit of the international legal experts.
- Make use of Norwegian experience in coordinating environmental consequences and other conflict resolution between fisheries and petroleum exploration, with the petroleum authorities, especially related to the revision of petroleum legislation.
- To support DOFIs to identify relevant documents guiding the implementation of Fisheries Law to be submitted to Chairmen of Provincial People's Committees for promulgation.
- MARD should review and draft regulations on environmental aspects of aquaculture, assisted by research institutes on aquaculture and legal foreign consultants.
- Based on the Norwegian experience on cooperation between the fisheries-, environment- and petroleum sectors, the RT recommends that an activity for the purpose of advising the two sectors in pursuing such cooperation is introduced as a new, but small activity.
- As suggested by the PTA, Monitoring, Control and Surveillance (MCS) should be given more attention. It is recommended that persons on the operational level participate in an International MCS workshop to be held in Trondheim, Norway. August 2008.
- The RT observed that the quality of Vietnamese Fisheries Statistics seems to be rather poor. As correct catch logbooks is a basis for fisheries statistics, it is recommended that a new Project activity should focus on the regulations related to licences and corresponding obligations to deliver correct logbooks – including proper sanctions for not complying with these regulations.

Output 2: Dissemination

- To develop training manuals in dissemination based upon the courses already performed under Output 2.
- It is important to maintain the dissemination courses of Fisheries Legislation with larger diversity in methods of dissemination.

- The RT recommends that the dissemination of fisheries legislation dissemination should be combined with that of other related laws such as environmental protection legislation.
- In the coming period, the Project is advised to pay attention to the identification of proper contents and forms of dissemination work to fit with target audience with difference knowledge and legal approaches, especially the poor fishers living in remote and isolated areas; Making use of Legal Aid centers in the Provinces might be an efficient and useful way of mobilising the poor and illeterate.
- The link of the Project webpage to the new MARD website is necesary and useful for advocating the information more broadly to share experiences in the implementation of Fisheries Law and draw lessons from pilot models.
- In order to measure the effect of training courses – it is suggested that the participants are given the same standard test at the beginning and at the end of every course.

Output 3: Capacity Building in Law Formulation and Dissemination

- To give supports for training on legal skills for staff of MARD who are involved in drafting Fisheries legal documents.
- More legal staff to be trained in Aquaculture, Fisheries Economics, Quality control, Seafood sanitary safety and veterinary and Fisheries Trade.
- The RT is of advices that courses supported by the Fisheries Law project must focus on legal personnel mainly working with fisheries.
- The RT recommends that training in English for LD staff be given a higher priority, both through budget revisions and time allocation for relevant personnel. To measure capacity in Basic English, a standard international test should be introduced.
- Instead of appointing 3 staff to participate in abroad fisheries legal post-graduate courses, it is advisable to conduct immediate training for selection of 1 – 2 staff for the post-graduate courses.
- The RT recommends participation by relevant personnel at the MARD, LD or DOFI in specific international meetings in 2008 –as suggested in the PTA’s report of 24.10.07 – and further, the Project Management Board should make good use of information from the PTA, the Foreign Legal Advisers and FAO about important international meetings relevant to the Vietnamese fisheries legislation where Vietnam should be present - and plan its participation accordingly. Otherwise, the RT is of the opinion that the use of study tours in the project should be reduced or at least be given a second thought.
- As regional cooperation in fisheries is of great importance, the RT recommends that the project should provide Vietnam with external experts on the convention for the new RFMO in the SEAFDEC region.
- Given that FAO-consultations on a new Agreement on Port State Control is summoned, the RT suggests that the Project should support Vietnamese participation.

- The RT recommends that a seminar is arranged on the relationship between the fisheries-, petroleum and environmental sectors, including the experience of Norway and other countries in this field.
- The FSPS II/SCAFI in NADAREP, supports professional training of the staff in terms of short training courses, whereas STOFA supports longer-term education. The RT strongly recommends that young staff of NADAREP in need for capacity building should be particularly addressed by FSPS-II/STOFA, including exploiting the possibilities in post-graduate training in courses abroad, and at universities in Vietnam, e.g the University of Nha Trang's new courses in Fisheries Economics and Fisheries Management.

Output 4: Pilot Model Performance

Regarding Output 4, the RT mainly refers to the recently conducted Review of this Output, although noting that Output 4 review is still at the draft stage, without possible revision after comments from different stakeholders. In agreement with or addition to the recommendations of the Output 4 review, the RT has the following recommendations:

- It was observed that the implementation of the Pilot activities has been somewhat delayed. The idea of using Pilot models to implement and test laws and regulation in the field is innovative approach and this activity should therefore be given the time necessary to obtain proper results, experiences and evaluation. The RT therefore recommends that the Agreement between Vietnam and Norway be extended with one year (till 2010), within the same funding and budget.
- The RT recommends that MARD/LD should consider adding catch logbooks performance to the Pilot model 4 (Registration) linked to the drafting of regulations related to licences and corresponding obligations to deliver correct logbooks under Objective 1.
- The RT recommends that a final International project seminar should be held towards the end of the project period, with special emphasis on the experiences with the Pilot Model Performance as a new and innovative approach and that a publication is written on the pilot models experience– co-authored by Vietnamese and foreign project participants – to be submitted to a relevant international journal.
- The RT recommends that a new review of the Pilot Models take place the autumn of 2008 by the same persons, including the participation of an additional Vietnamese expert. This should be discussed during the planning of the work plan and budget for 2008, and the review experts should be given information about this assignment very early in order for them to align the work with other tasks.
- Further, the RT recommends that an end review of the Pilot Models be conducted prior (1-2 months) to the Final Project Review.
- The RT recommends that the Ministry make use of pilots or other type of mechanisms for dissemination and implementation of new regulations also outside the support from Norway.

- During the meetings with the LD there was a discussion of the need to review the socio-economic impact of the Fisheries Law. The RT is of the opinion that this is only possible for the pilots of Output 4 where baseline studies have been conducted, and that such a review only can be made after several years. The MARD/LD should, however, discuss whether this is a feasible type of impact study to undertake as the need for specific type of data is critical for impact studies.

Output 5: Project Management and Coordination

- Due to the organizational changes in the LD, key persons in the Project have been given new responsibilities, which gives reason for concern about loss of focus with negative impact on the future work in the Project. The RT therefore recommends that these organizational changes be reconsidered.
- Further, the RT observed that the location of the Project Office is not in the MARD/LD. This is against all principles of good project management, including the principles of Norwegian assistance. Therefore the RT strongly advises that project office is moved to the MARD/LD at the earliest convenience in order for the work to be more efficient – including easy communication between technical advisers and those they are going to advice.

1. Introduction

1.1 Background for the Internal Mid-term review

The Agreement signed between Vietnam and Norway for the second phase of the fisheries Legislation project specifies in Article IX on “Information – Evaluation – Reviews”, that “A mid-term review will be held after two years of the Project implementation, possibly in coordination with reviews of other important development cooperation projects of MoFi like the FSPS”. It is also stated that the review shall be carried out at joint review by a team of consultants appointed by the parties to the Agreement, and, if relevant, other donors. In the Agreed Minutes of the Annual Meeting 16 March 2007, the parties have agreed that an *internal* mid-term review will be undertaken for appraising the results of project implementation during the first years, with the support from in-country independent experts and foreign consultants. The reason behind this was, according to the briefings with the parties that funds were available for additional activities, which should be planned, in close cooperation with the Project and the part time adviser to the project, but at the same time keeping in line with having additional independent experts to look at the progress and results of the Project.

1.2 Terms of Reference (ToR)

The purpose and tasks of the review were stated in the ToR as follows:

- To collect information and recommendations with respect to the implementation of Fisheries legislations and the performance of pilot models.
- To appraise the improvement of legal framework and institutional capacity in management and development of Vietnam fisheries sector.
- To review if new and complementary activities might be included in the second half of Project Phase II
- To draw important lessons from the project implementation, proposing relevant changes for the remaining time of the project.

To conduct the internal review, the following review team (RT) was appointed:

A. Project’s internal members:

- Ms. Nguyen Thi Kim Anh, Deputy Director of Legal Department, Vice Director of Fisheries Law Project.
- Mr. Johan Williams, Project Technical Advisor

B. External members:

- Mr. Åsmund Bjordal, Director of Center for Development Cooperation in Fisheries (CDCF), Review team Leader.
- Ms. Duong Thanh Mai, Director of Institute of Legal Science, Ministry of Justice.

C. NORAD Representative:

- Mrs. Kirsten Bjøru, Senior Advisor of the Norwegian Agency for Development (NORAD).

The RT worked together in Vietnam (Hanoi and Haiphong) from 22 October to 2 November 2007 (J.H. Williams, 22- 24 October).

Within the RT, the role of the internal members was mainly to provide information and make possible corrections to misunderstandings and errors in the draft, while the other members had the main responsibility of drafting this report from an external/objective viewpoint.

See the following annexes:

- Annex 1: Terms of Reference, and
- Annex 2: Work program.

1.3 Approach to the Review Work

To assess the results and progress of the project during its first 2,5 year's period and give guidance for possible change of priorities and new project elements in the last period, the RT based its work on the following:

- Consultations of Project reports and documents, prior to- and during the field work in Vietnam. A comprehensive *List of reports and documents* is given in Annex 3 – where those used as main basis for the review work are underlined.
- Consultations/meetings with institutions and persons, directly or indirectly involved in the project. See: Annex 4: Persons and institutions met.
- Pilot Model Performance Review: Output 4 of the project (Pilot Model Performance) was reviewed separately, just prior to the present review. The RT received a de-briefing of this partial review from Mr. Lars Jøker as well as the draft Pilot performance review report. The internal mid-term review report will therefore lean on the findings of the pilot performance review, and will only highlight and add some thoughts to this.
- Financial status of the project by 1 July 2007: According to the project accounts and the funds still not transferred to the project, there is approximately NOK 13,5 mill. or USD 2,4 mill. (56% of total budget) available for the last 2,5 years of the Agreement period. In addition to fulfil the original obligations of the project there are therefore (as stated in the Agreed Minutes of the Annual Meeting, March 2007) funds available for additional activities. The review team was requested to provide recommendations on the best utilization of these funds for the latter part of the project period.

2. Background

2.1. The Vietnamese Fisheries Sector

- Fisheries in the Vietnamese society

Vietnam has a coastline of 3260 km and an EEZ of more than 1 million km². The role of the fisheries sector in the Vietnamese society is changing. It is now considered a “spearhead” sector in economic development, and given a prominent place in the vision for the country’s future economic growth. The national objective for the fisheries is laid out in the Government's Socio-Economic plan for the period 2001-2010, and in a Master Plan for Fisheries Development to the year 2010 and direction to 2020 (Decision 10/2006/Qd-TTg dated 11/1/2006 of the Prime Minister regarding approval to Masterplan of Fisheries sector to the year 2010 and direction to 2020). The objective towards 2010 is to develop the fisheries to a big commodity production sector, with high competitiveness, big export turnover, to provide great contribution to the socio-economic development of the nation in general and of the coastal areas in particular.

The role of Government in the fishery sector has changed after the introduction of Doi Moi (change from subsidy to market regime) in 1986. The role of the MoFi (the present MARD) is to issue and implement the rules and regulations for the sector, which includes creating an enabling environment for the private sector development. The Ministry of Agriculture and Rural Development is presently implementing different development programs for the fisheries sector, including: development program for fish seed up to 2010; a program for the development and protection of aquatic resources up to 2010; a program for export of fish and fish products to 2010 and direction to 2020. The program for development of offshore fisheries and assurance for offshore fishing activities is established and submitted to the Prime Minister for approval.

- Resources and fisheries

Vietnamese fisheries have grown considerably over the last decade. The Vietnamese authorities have ambitious plans for the expansion of the sector, aquaculture in particular, to enhance food security for the people and for export incomes.

The current official estimate of the total annual production in the fisheries sector is in the order of 3.7 million tonnes (2006), whereas the total production in 1990 was 1 million tonnes. Marine capture fisheries and aquaculture represent 2.0 and 1.7 million tonnes respectively.

Vietnamese marine fisheries are to a large extent multi-species fisheries, with catches typically involving numerous types of fish and shellfish. There are more than 100 fish species of economic value.

Marine capture fisheries are predominantly small-scale. Coastal fisheries are generally of a mixed subsistence/commercial nature, while offshore fisheries have a more commercial character. Aquaculture production ranges from subsistence (inland ponds) to highly commercial enterprises (shrimp).

The participants in the fisheries are very diverse, ranging from households to small-scale production units to large-scale companies and plants.

The fisheries take place along the entire Vietnamese coast. The four most important fishing areas are:

- 1 Minh Hai - Kien Giang (Gulf of Thailand)
- 2 Ninh Thuan - Binh Thuan - Vung Tau (South East)
- 3 Quang Ninh - Hai Phong (Tonkin Bay)
- 4 Spratley Island (Truong Sa Archipelago) and adjacent areas

The resources exploited in coastal fisheries are generally believed to be overexploited. Some species show signs of decline. The authorities have therefore promoted development of offshore fisheries as well as aquaculture as a means of diversifying the fisheries sector and increasing incomes.

In aquaculture, the major investments have been in shrimp farming. There are many new initiatives in shrimp farming as well as in other types of aquaculture aiming at the export market. A few are set up as joint ventures with foreign interests.

There is an estimated 500,000 marine fishers in the country. In addition to this, many are engaged in inland fisheries and aquaculture. More than 3 million people derive their livelihood from the fisheries sector, directly or indirectly. These figures are probably growing, as the authorities encourage the expansion of the fisheries sector offshore and in aquaculture. Many combine fisheries with other activities, as agriculture, for a living. The fisheries sector is therefore closely integrated with other sectors economically, socially and culturally.

The number of fishing vessels is now about 95,000 (2007). The fishing fleet is very diverse, with the large majority of vessels being open crafts with small engines.

More than 1 million ha of water surface is used in marine aquaculture (2006) and nearly ten times as much is utilised in land-based aquaculture. The area utilised for such purposes is doubled since 1980. This was made possible by a decree (decree 9 of 15 June 2000) enabling the conversion of agricultural land into aquaculture.

It is estimated that fisheries products provide around 40% of the animal protein in the Vietnamese diet.

The fisheries sector is the third most important export sector of the country, accounting for about 10 per cent of the total export value. The total export value of fish products, which has been increasing substantially over the last years, was estimated at US\$ 3.3 billion in 2006. The most important export products in terms of value are shrimp (accounts for more than 40 per cent), squid and finfish. Japan is the most important market, accounting for a third of the export value, with the rest of Asia and the US following. The activities in the fisheries sector expand, and so do those of other sectors as tourism, agriculture, transportation, etc. Various interests and concerns therefore have an increasing bearing upon each other and need to be reconciled.

- Fisheries management

On the basis of the Ministry of Marine Products (1976-1980), the Vietnamese National Assembly set up the Ministry of Fisheries in 1981. Presently the Ministry of Fisheries is merged with Ministry of Agriculture and Rural Development to become the Ministry of Agriculture and Rural Development. The Ministry's current responsibilities, tasks and

organisation will be stated in a new Decree regarding the functions and duties of new MARD, which is being promulgated soon.

A Department of Legislation of MoFi was established in 1998 and is now merged with Legal Department of MARD. The Department of Fisheries Resources Protection is a large unit with a mandate encompassing regulation and enforcement, and is an internal Agency for fisheries resources management.

In each of the 28 coastal provinces there is a Provincial Department of Fisheries (DOFI), which report to MoFi while remaining under the jurisdiction of the Provincial People's Committee (PPC). The DOFIs have not been merged with DARD yet until there is an official decision issued by the central level requesting the merger. In provinces with no DOFI the mandate of the Department of Fisheries is undertaken by the Department of Agriculture and Rural Development (DARD). The District level is the lowest administrative level with professional staff.

During the last decade, fisheries management has aimed at developing offshore fishing in order to reduce fishing pressure in coastal waters, providing households with access to aquaculture technology, allocation of rights to use of coastal waters, aquaculture development, and rehabilitation of fisheries.

Five research institutions belonging to MoFi (MARD) provide the science base for management of the fisheries. RIMF, based in Haiphong, is the main marine fisheries research institute, responsible for resource abundance assessments for MoFi. The responsibility for aquaculture research resides with three regional institutions, while research in economics and planning are carried out by IFEP in Hanoi.

Regulations exist for some fisheries in some fishing grounds, through limitations on access to fishing grounds, gears and methods. In some instances there are also restrictions on fishing seasons and closed areas, and there may be combinations of various types of limitations. It is acknowledged that the enforcement of these regulations and restrictions is weak.

A system for vessel registration exists, based on records established at province level. There are no restrictions to entry into any fishery. As of 1999, more than 60,000 vessels carried a license.

Access of foreign vessels to Vietnamese waters requires a permit from Vietnamese authorities.

Regulations are enforced through a fisheries inspection scheme involving some 50 patrol vessels. The inspection scheme is important in collecting fisheries statistics. It is envisaged that fishing ports will play a role in this regard in the future.

The increasing importance of fish exports has brought with it a need to ensure that standards for food safety are adhered to. NAFIQAVED, the National Fisheries Inspection and Quality Assurance Directorate, assist the industry in management of fishery quality and hygiene assurance in the whole production chain from capture/aquaculture to handling, processing, transportation, export, import and distribution in domestic markets. Its main focus so far has been on processing facilities for export.

- Fisheries legislation

The general legal framework for the fisheries sector is provided by the Ordinance on Fisheries Resources Protection and Development of 25 April 1989 and Decree No 195-HDBT on the implementation of the Ordinance of Fisheries Resources Protection and Development of 2 June 1992. An ordinance does not carry the same weight as a law. It covers the areas relating to fisheries conservation and protection, but not other activities in the sector.

Decision No 130-CT of 20 April 1991 of the Prime Minister and Decision No 187-QD/TS of the Fisheries Minister establishes the legal basis for fisheries conservation. The inspection services are provided for by Decision NO 415-TTg of 10 August 1994.

There exist numerous other legal texts relating to the fisheries at central and province levels. The combined legislation has however for a long time been regarded as inadequate in several respects. Among other things, the current body of law does not cover all relevant aspects of the fisheries sector and its activities. The expansion of capture fisheries and aquaculture, as well as the increasing interaction with other sectors and concerns requires change in the current legal system.

In July 2001 the Ministry of Fisheries took the initiative to review 10 years of implementation of the Ordinance in the provinces and the whole sector by authorizing the Fisheries Resources Protection Department, as consultative body to the Ministry, to synthesize the situation and to draft the review report. Then MoFi co-ordinated with other relevant ministries and sectors and provinces to officially summarize the activities. The findings were presented at a workshop organised by the Law project.

The Ordinance on Protection and Development of Fisheries resources was set out to address the protection and development of aquatic living resources as well as management of fisheries activities. However, the Ordinance is insufficient to address these issues arising with the rapid and strong development of the fisheries sector as a spearhead economic sector of the country:

- The Ordinance has not regulated a number of fisheries activities such as aquaculture, fishing operations, management of fishing ports, fish landing ports/places, protection and development of inland fisheries as well as allocation and leasing of marine areas for aquaculture;
- Some of its contents are obsolete, as it has not kept pace with the actual development of the fisheries sector.
- The ordinance is not harmonized with current relevant Laws and Ordinances such as the Land Law, the Law on Natural Resources and others.
- Requirements that arise from the integration process into the regional and global economy are not met by the Ordinance such as requirements for fishing operations, processing, import and export of fishery products etc.

The rationale for developing a new fisheries law is thus to provide the firmer legal status a law has, and to provide a comprehensive legal framework for regulating the further development of the sector. This is important to create an enabling environment for the growth of the industry.

The issuance and adoption of the Fisheries Law in 2003 has made an important contribution to address these shortcomings. The Law is presently being implemented and enforced in the field, and many items of the Law are being piloted via the implementation of pilot models.

A national summing up conference on 3 years' implementation of the Fisheries Law is planned for the end of November 2007. The conference will be a good opportunity to review the enforcement of Fisheries Law over the last 3 years and give proposals for amendments and supplementation of the Law if necessary. Inputs for the Law amendments and revisions are partly provided from the results of the Pilot performance model implementation.

2.2 International Development Cooperation in Vietnamese Fisheries

List of present Projects providing technical assistance to the Vietnam Fisheries Sector:

Donor	Title of the project	Duration	Budget (USD)	Foreign Agency	Vietnamese Agency	Remarks
DANIDA	FSPS II	2005 – 2010	37.800.000	DANIDA	MoFi	Implementing
NORAD	Capacity strengthening on research, education and fisheries extension at RIA 1	2002 – 2005 Proposal for longer duration	1.870.000	NORAD	MoFi	Implementing
NORAD	Establishment of Fisheries Law and Regulation (Phase 2)	2004 – 2010	3.360.000	NORAD	MoFi	Implementing
NORAD	Aquaculture and management of Vietnam Coastal areas	2003 – 2007	450.000		RIA 3	Implementing
DANIDA	Sustainable livelihood around Vietnam marine protected areas	2005 - 2010	4.000.000	DANIDA	DANIDA	Implementing
The USA	Capacity strengthening and transfer of research technology for RIA 1	2007 - 2009	180.000		MoFi /RIA1	Implementing
FAO	Capacity building for promotion of positive impacts of WTO accession to fisheries sector and poverty alleviation in coastal areas.	2007 - 2009	250.000	FAO	MoFi	Implementing
DANIDA	Fisheries program under International Mekong Committee	2006 - 2010	915.000	MRC	MoFi /RIA2-3	Implementing

2.3 Preparation of the Fisheries Law Project – Phase II: Bringing the Law to Life

(From the Project Annual Report 2006):

“On October 9, 1996 the Government of Republic Socialist of Vietnam and the Government of Kingdom of Norway reached an agreement regarding technical assistance of Norwegian

Government on “*Establishment of fisheries law of Vietnam and regulations*”. This Agreement then was signed on September 27, 1999 in Oslo during the official visit of Prime Minister of Vietnam.

Started in November 1999, the Project’s first semi-annual meeting was held at the end of that month. The first draft of the law was ready in January 2000, upon which the first expert meeting and workshop was arranged. After a number of revisions, the draft law was sent to Ministry of Justice in October 2000 for appraisal and to Government in September 2001. The Government, after consideration, had submitted the Draft to the Standing Committee of National Assembly in April 2002. The draft Law was looked through by mid 2003 and was adopted at the 4th session of Legislature XI of the National Assembly by the end of the same year. The Fisheries Law was officially adopted by the National Assembly on November 26th 2003 and has entered into force since July 1st, 2004.

Through the first phase, the project work was based on a close cooperation between the Ministry of Fisheries of Vietnam, the Legal Office of FAO and lawyers from the Directorate of Fisheries in Norway, based on a Bilateral Agreement between the Norwegian Embassy in Hanoi and the Ministry of Fisheries (MoFi), Vietnam, and an Institutional Cooperation Agreement between MoFi and CDCF, Norway, representing the Directorate of Fisheries and the Institute of Marine Research, Norway. This cooperation has proved to be efficient in achieving the results of the project, and with the ownership well anchored on the Vietnamese side.

In brief, the Project in its Phase I have been carried out with the right purpose, the right progress and in an effective manner. The project budget has been used in accordance with regulations that ensure the transparency and prudent practices.

During the 3rd annual meeting held on 15th November 2002, discussions were raised on the extension of the project to a Phase II for further compilation and finalization of fisheries-related legal documents and regulations. It was agreed that as the first step in preparing the project document for phase II, a team including internal and external consultants would prepare a draft Project Document.

With the assistance of NORAD and Ministry of Fisheries, a LFA workshop was held February 2nd through 6th 2004 in Cat Ba, Hai Phong for Project Document compilation. Participants were legal consultants and fisheries experts coming from Vietnam, Norway, Denmark and FAO. The Project Document then had been reviewed and consulted by both Norwegian and Vietnamese Governments. In the official letter of November 1st 2004, Vietnamese Government had requested Norwegian Government for approval of Fisheries Law Project, Phase II. As a result, the Agreement between the Government of Republic Socialist of Vietnam and the Government of the Kingdom of Norway on assistance of Project “*Establishment of Vietnam Fisheries Law and Regulations, phase II – Bringing the Law to Life*” was finally signed on the 2nd of November 2004 by Dr. Ta Quang Ngoc, Minister of Fisheries of Vietnam and Mr. Svein Ludvigsen, Minister of Fisheries and Coastal Affairs of Norway during the official visit of the King and the Queen of Norway.

On 14th and 15th April 2005, Ministry of Fisheries and the Norwegian Embassy in Hanoi co-organized the Fifth Annual Meeting, the summing up of Phase I, and the Inception Meeting of Phase II. The meeting has summed up and evaluated the results after 5 years implementing the Phase I. The operational mechanism for the implementation of Phase II (from 2005 to 2009) has also been discussed and agreed. In effect, the Fisheries Law Project, Phase II, Bringing the Law to Life is implemented according to the indicators acknowledged in the above-mentioned meeting”.

The approved Inception report defines the goal, purpose, outputs of the Fisheries Law Project, Phase II, as such:

Project Goal

To contribute to the sustainable development of Vietnam's Fisheries sector.

Project Purpose

Improved the legal framework and strengthened the institutional capacity for better management and development of the fisheries sector of Vietnam.

Outputs and Main Indicators

1. Subordinate legislation has been developed, formulated, submitted for promulgation and implemented as appropriate. During the implementation of the law, articles of the fisheries law have been reviewed and the feasibility has been taken into account and if any revision is required, it will be done then proposed for adoption by National Assembly.
2. The level of public awareness and compliance with fisheries legislation has been raised.
3. The capacity to formulate and implement the law and subordinate legislation among organizations and civil servants has been enhanced.
4. Experiences have been collected through pilot studies as a basis for formulation of sub-laws and models for implementation of Fisheries Law developed.
5. Project managed and coordinated effectively.

3. Output 1: Developing Regulations and Revision of the Law

3.1 Objective and Indicators

Objective: Subordinate legislation has been developed, formulated, submitted for promulgation and implemented as appropriate. During the implementation of the Law, articles of the Fisheries Law have been reviewed and if a revision is required, it will be done, and then proposed for adoption by the National Assembly.

Main Indicator: Within 5 years the Government of Vietnam will have 100 % and 80% of the relevant articles of the fisheries law that need the guidance for implementation by the Government and by the relevant Ministries respectively covered by subordinate legislation prepared with significant and effective participation of relevant organizations and individuals. MoFi will cooperate with other relevant Ministries and the relevant Organizations and individuals have reviewed the fisheries law and decided in revision (or not) of some of its articles and has submitted proposals for amendment. to the National Assembly for adoption, if so decided.

Detailed Indicators.

- * 8 governmental documents will be enacted.
- * 12 ministerial documents guiding the implementation of Fisheries Law will be enacted.
- * Fisheries Law will be reviewed and if revision required, it will be done, and then proposed for adoption by National Assembly.

3.2 Targets reached

So far the Legal Department have formulated 9 Governmental documents (decrees) and 1 decision by the Prime Minister, and have assisted various directorates and departments in the formulation of 17 ministerial documents. In addition assistance has been given to the Provincial level in drafting of regulations.

Further, Fisheries Law Piloted provinces have also received support on formulation of regulations for implementation of pilot models at locations given by the Project. In Kien Giang and Đà Nẵng, the Project is providing the competent authorities to establish the Regulation on fishing port management so that the Fisheries Department and Management Board of Fishing ports for submission to provincial People's Committees for issuance, pursuant to the guideline issued by the Minister of Fisheries.

The national Conference for summing up 3 years' implementation of the Fisheries Law will be convened by the end of Nov/2007. In order to prepare for this event, comments from Provincial Departments of Fisheries and other relevant Units will be collected. At the same time, MARD will conduct survey field trips to several provinces in the north, central and south of Vietnam for investigation of the enforcement of the Fisheries Law during the 3 year period since the law was issued. Results of the above activities will be incorporated by the Legal Department, and raised at the national Conference for summing up 3 years' implementation of the Fisheries Law. Based upon results of the Conference, MARD will obtain a basis for possible revisions of the Fisheries Law.

In relation to the *Main Indicator* the RT observed that 11 articles of the Fisheries Law have been covered by guidelines from the Government of Vietnam, and 14 of the relevant articles of the FL have been followed up with guidelines from the Ministry of Fisheries in Ministerial and Government legal subordinate texts.

The review team found that the *detailed indicators/targets* set for the output is soon to be reached.

As for the *formulation of legal documents the detailed targets are more than fulfilled*. The Legal Department will continue to assist the units and provinces in drafting regulations.

General comment: Regulations guiding the implementation of Fisheries Law have been enacted timely in accordance with right progress and procedures as regulated by law with the participation of relevant agencies, institutions and independent experts.

Level of achievement of targets set for Output 1: 100% and 80% of articles stated in Fisheries Law should be guided under documents of Government or ministries and sectors.

To date, the Government has enacted 9 Decrees and MOFI has enacted 17 legal documents within its competence.

With reference to Inception report, the number of legal documents is exceeded that stated in the inception report (7 Decrees).

A list of Articles in the Fisheries Law, needing guidelines in form of Governmental and Ministerial documents, see *Annex 5*.

3.3 Assumptions fulfilled

The drafting of most of the Government level guidelines of legal documents has been the responsibility of the Legal Department (LD), with assistance from Foreign legal consultants. Whereas the drafting of Ministerial level documents has been carried out according to MoFi's policy and *model* that the directorate or department responsible for the implementation have been drafting the documents, and LD, assisted by foreign legal consultants, has given advice and comments to the drafts. In its advisory capacity, foreign legal consultants have communicated directly with the relevant directorates as well as with the LD.

The review team found that this approach seems to have worked perfectly well. The team of foreign legal consultants were used in this way already from phase I, and the inclusion of the responsible units in the Ministry has moved this model even further. The other units of the Ministry and institutions involved in pilots were also very positive about the LD's way of including them in meetings and workshops of interest, which was part of one of the *assumptions* of Output 1 at the outset of the project.

According to Government guidelines, MoFi has contracted external fisheries- and legal experts in order to obtain objective viewpoints. Experienced staff members from the Government Office, Ministry of Justice and Ministry of Interior have also given comments to draft documents.

Another *assumption* for Output 1 was that there would be no major institutional changes within MoFi. With the rearrangement of ministries decided by the National Assembly this summer, where MoFi was merged with the Ministry of Agriculture and Rural Development, there seems to be an uncertainty about the future of the project support. The review team have discussed this both internally and with various external experts and is of the strong opinion that the merging should and would have no consequence for the mode and the contents of support. Reference is given to the bilateral Agreement between Vietnam and Norway regarding this project phase II, where it is quite clear that this is support to fisheries legislation, in the dissemination of the Fisheries Law, and capacity building in legal drafting in fisheries. The global international regime in fisheries and aquaculture is very extensive, and steadily developing in both sub-sectors, also regionally. It will be most important for Vietnam's future ability to participate in the international discussions and decision making forum, and is able to follow up agreements and standards in the national setting, that the capacity already being built up in this field is maintained and further developed. Vietnam is one of the world's biggest fish products producers and exporters, and will most probably continue its development in this area. The demand for sustainable fisheries and healthy and sustainable aquaculture put on Vietnam, from the outside world as well as increasingly from the domestic consumers, will put pressures on MARD's ability to deliver.

Output 4 on Pilot models will have an impact on Output 1, both on the Ministerial level legislation and possibly directly on the revision of the Fisheries Law itself, if any revision will take place. It is an important aspect of the pilots.

3.4 Future Needs and possible New Activities

Future needs; ongoing activities

- A great number of fisheries sector regulations still have to be developed. As an example, NAFIQAVED, NADAREP and Department of Aquaculture have already sent their list of legal documents to the LD for drafting during the next year. Such annual lists are revised every 6 months. The drafting of new or revised legislation is a continuous process in fisheries management and some of the directorates in MARD will in the near future develop their own legal capacity. The RT expects that is a result both of the project, of the development of the sector in Vietnam and the demanding international regime in fisheries and aquaculture.

- Seen from a sustainable development viewpoint, the most important aspect of many fisheries legal documents that has to be developed in Vietnam is on the environmental side. Given the growth of especially the aquaculture industry in Vietnam, environmental impacts are inevitable. NAFIQAVED does also foresee increasing animal health problems. The international market, being concerned about human health, put many demands on imported fish products. These demands, whether real or part of a protectionist regime, set standards that have to be met by exporting countries. For Vietnam the export of fish and shrimp is a major source of foreign exchange, and sustainable management of aquaculture and fisheries is therefore task number one - both for the private sector and governmental institutions in fisheries.

- During the visit to one of the pilots it became obvious to the RT that there is a need to review the sanctions on non-compliance to fisheries legislation, and especially the level of fines. RT propose that this is well taken care of by the LD and provincial level fisheries management, and that the need for new regulations in this regard is followed up, possibly outside the scope of this project.

- A question discussed by the RT was whether the capacity of the LD was such that no further assistance from Norway is needed in drafting of regulations. In meetings with the directorates it became obvious that there was a *need to change the composition of the Legal Task Team according to the contents of the drafting process to be carried out*. The competence should include legal advisers knowledgeable of international demands and agreements *in the specific area* of drafting, and of the technical specificities of the directorates/departments to be assisted. Among the areas mentioned were fish product quality, aquaculture and environment and settlement of international disputes.

- The RT *strongly advises* the LD to inform the CDCF and the PTA of what legal documents in fisheries that are to be formulated and what legal expertise is needed for each visit - and that this information is given at least three months ahead of the visit.

- The Draft Law on drafting of legal normative documents (revised law) presented by the Ministry of Justice to the National Assembly for first comments at the session in November /2007 and proposed to be adopted at session in June 2008 - shall regulate the duties of agencies in charge of drafting to assess the impact of their documents after entry into force in order to recommend for amendment. E.g. MARD is a host agency for formulation of Fisheries Law and regulations and it will host the evaluation of its impacts and then propose

to the competent agencies (National Assembly, Government) or to revise by themselves within its competence.

Possible New Activities

This output has at the outset been over budgeted in relation to the indicators set up for the output in the Inception Report. The review team therefore discussed the possibility and need to include additional activities in the Output, based upon the development of the fisheries sector in Vietnam, and the challenges set by international agreements and conventions. Four activities are recommended in this regard:

- Vietnam has recently joined the WTO. Reference is made to Output 3 where an International Seminar was conducted in early 2007 on “experience on implementation of WTO commitments on fisheries aspects”. For the purpose of fulfilling Vietnam’s obligations seen in the light of fisheries legislation in relation to WTO membership, the review team supports the suggestion of the PTA (Report of 24.10.07):

“As Vietnam has joined the WTO, it will be required of Vietnam to amend relevant legislation to make it compatible with WTO-rules

To this end I suggest that as an activity under output 1 a small group of WTO-rules-experts are engaged to review the fisheries and related (hygienic, trade) legislation of Vietnam in order to recommend necessary changes to make the national legislation WTO-compatible.

This should be undertaken in first half of 2008 and substitute the regular visit of Legal Task Team in the first half of 2008. The visit of Legal Task Team in second half of 2008 should then in its turn address the WTO-relevant legislation. (The members of the Legal Task Team will need to be changed as present members command little expertise in trade and WTO-legislation)”

- The LD together with the relevant fisheries directorates/departments of MARD should further focus on the work needed in order to have environmentally sustainable fisheries and aquaculture in the form of updated or new Ministerial level legal documents in this sector. Included in this work could be the need to harmonise the Biodiversity Law (being presently formulated) with the Fisheries Law, and vice versa.
- The formulation of Fisheries related legal documents is required to be relevant and appropriate with other related laws, including the Laws on Environment, Land, Water resources and Petroleum. At present Norway is involved in cooperation with the Ministry of Industry and Trade/PetroVietnam in the field of “Development of Management Systems on Safety and Pollution Control in the Vietnamese Petroleum Industry”, and a new activity or project is being developed for the purpose of assisting PetroVietnam in formulating or revising the Petroleum Law. Based on the Norwegian experience on cooperation between the fisheries and petroleum sectors, and in setting up appropriate institutions for this purpose (“Group of Co-existence”), the RT suggests that an activity for the purpose of advising the two sectors in pursuing such cooperation is introduced as a new, but small activity.

- It is suggested to conduct a RIA (Regulatory Impact Assessment) to get scientific and objective background on the effectiveness of the Law for proposal on finalization of Fisheries legislation including the revision of Fisheries Law if necessary.
- As suggested by the PTA, Monitoring, Control and Surveillance (MCS) should be given more attention. It is recommended that persons on the operational level participate in an International MCS workshop to be held in Trondheim, Norway. August 2008. (See Output 3 below for more on this aspect).
- The RT observed that the quality of Vietnamese Fisheries Statistics seems to be rather poor. As correct catch logbooks is a basis for fisheries statistics, it is recommended that a new Project activity should focus on the regulations related to licences and corresponding obligations to deliver correct logbooks – including proper sanctions for not complying with these regulations.
- Safety at sea is an important aspect to fisheries, and the number of casualties when working onboard fishing vessels is high. The RT proposes that the MARD/LD looks into this aspect in relation to registration of fisheries vessels and the revision of this regulation, in order to integrate minimum standards onboard for the safety of the fishermen and workers as standards to be followed by the vessel owners and builders. ILO has recently formulated such standards for fishing vessels.

4 Output 2: Dissemination and Law Training

4.1 Objective and Indicators

Objective: The level of public awareness and compliance with fisheries regulations has been raised

Main indicators:

- At least 80% of those involved in the fishery sector are informed about the fisheries legislation
- At least 2/3 of those involved in fishery sector shall in writing commit themselves not to violate the fisheries legislation.

Detailed indicators:

- 300 participations by civil servants of fisheries' sector in dissemination training courses.
- 10 training courses in fisheries legislation will be organized.
- 90% inspectors within fisheries' sector will be trained in fisheries legislation.
- Training course in Fisheries Law will be held in 28 coastal provinces and 5 land-locked provinces.
- 2000 commitments will be done by participants in fisheries activities.
- 10000 leaflets disseminating fisheries legislation will be distributed to individuals engaged in fisheries activities.

4.2 Targets reached

Objective and main indicators:

The success rate related to the objective of increased public awareness and compliance will be checked by a questionnaire investigation, which will be conducted in 2008. The same investigation will also address the main indicator of 80% awareness of the law in the fisheries sector. The questionnaire process will also be used as a tool for targeting the second main indicator of having at least 2/3 of the actors in the fishery sector to give a written commitment not to violate the fisheries law. The Commitment paper is already produced and tested in the Pilot performance model on fishing ports – where about 800 persons have signed already – indicating that the target of 2000 should be reached in 2008, through the questionnaire process, training courses for fishermen, fish farmers and fish processors or by other means.

Detailed indicators:

In general, it was observed that most of the detailed targets have been reached or exceeded already:

- The target of 300 participants attending dissemination training courses have been well exceeded – as at present 796 participants have attended these courses at central and local level (mentioned as one reason for exceeding the budget of this Output).
- Compared with the target of 10 courses in Fisheries legislation – till now 16 such courses for trainers and trainees have been held and 3 more are planned for 2007 and another 3 for 2008.
- Regarding training of Fisheries inspectors, 2 courses were held in 2006 and 3 will be arranged in November 2007 (with 60 participants per course) giving a total of 500 trained inspectors by 2007. It was not quite clear how this number relates to the target of 90%. The idea of giving the participants the same test before and after the course to measure increased knowledge will be tried in 2008.
- As for geographical coverage (target: 28 coastal and 5 inland provinces), training courses have so far been given in 18 provinces. 9 more provinces will be covered in 2007 and the remaining in 2008.

(All courses mentioned above are of 3 days duration)

- Compared with the target of producing 10 000 information leaflets during the project period, 3 different leaflets (Capture fisheries, Aquaculture and Fish processing) have already been produced and distributed – each in a number of 10 000. Due to the demand, a supplementary volume of 10 000 leaflets of the Fish capture version were produced in October 2007. Hence the target of 10 000 leaflets have been extensively exceeded.

Additional dissemination activities

In addition to the activities related to the Indicators of this Output, a series of other dissemination channels have been used;

- Television and radio-programs
- Newspaper bulletins
- Loudspeaker information in villages
- Local information meetings in villages
- Different posters with information on the main aspects of the Fisheries law (Capture fisheries, Aquaculture, Fish processing) – displayed outside the DOFI-offices, at fish processing plants etc. (This is according to Government regulations and not funded by the FLP).
- The WEB-site on the Fisheries law is under revision and adoption to the new MARD WEB-site and will be implemented in 2008.

4.3 Assumptions fulfilled

“The level of literacy is adequate for the target group” is the assumption under this output. The average illiteracy level in Vietnam is around 4%, but assumed to be much higher among fishermen. To overcome the problem of written information to this target group, alternative dissemination channels like information through loudspeakers, radio, TV and local information meetings have been developed. The RT find this useful, but recommend that easy understandable leaflets regarding different regulations still should be produced.

4.4 Future needs and possible new activities

- In a meeting with the Director of the National Extension Centre, he strongly suggested to give a particular training course in the Fisheries Law and regulations for the extension officers in all provinces. The review team is of the opinion that this should take place already in 2008 (in cooperation with Output 3) in order for dissemination to be even more effective in the provinces, districts and communes where the extension officers work
- According to the Output leader there is a need to *develop training manuals* based upon the courses already performed. It is highly recommended that this is planned for in the work plan and budget for 2008, in order for the LD to receive some experience with the manuals and possible feedback before the project ends.
- To rationalise law dissemination and demonstrate the connection between different laws, the RT recommends that the dissemination of fisheries legislation dissemination should be combined with that of other related laws such as environmental protection legislation
- In the coming period, the Project is advised to pay attention to the identification of proper contents and forms of dissemination work to fit with target audience with difference

knowledge and legal approaches, especially the poor fishers living in remote and isolated areas; Making use of Legal Aid centers in the Provinces might be an efficient and useful way of mobilising the poor and illiterate.

- The link of the Project webpage to the MARD website is necessary and useful for advocating the information more broadly to share experiences in the implementation of Fisheries Law and draw lessons from pilot models.
- In order to measure the effect of training courses – it is suggested that the participants are given the same standard test at the beginning and at the end of every course.

5 Output 3: Capacity Building in Law Formulation and Dissemination

5.1 Objective and Indicators.

Objective:

The capacity to formulate and implement the law and subordinate legislation among organizations and civil servants has been enhanced.

Main Indicators:

- 30 staff members of MoFi and at least 1 staff member from each provincial authority shall take part in a training course to improve the capacity to formulate legislation.
- All staff involved in fisheries management at central and local level participates in training courses concerning fisheries legislation
- 10 staff of MoFi shall be trained in English language on legislation matters; at least 3 staff shall be provided with post-graduate training on legal aspects.

Detailed Indicators:

- 10 training courses in formulation skills will be held with the participation of 90 officials from MoFi and 110 from provincial Departments of Fisheries.
- 5 members of Legal Department will be trained in professional skills in Vietnam (training in law at post-graduate level, in fisheries etc.)
- 20 officials of MoFi shall be trained in legal English
- 4 seminars with respect to legal aspects of fisheries management will be held
- 9 participations in 3 international meetings concerning legal aspects of fisheries management
- 3 officials will participate in post-graduate education abroad – one in international commercial law, one in international law/law of the seas, and one in economic law.
- 2 officials will participate in short training courses abroad.

- 4 study tours abroad will be organised in legal aspects of fisheries management
- 4 workshops will be held to enhance the capacity for fisheries law-enforcement agencies.

5.2 Targets reached

Through previous progress Reports and discussions with the person responsible for Output 3, the RT made the following observations:

- The RT was indeed very impressed by the progress in conducting training courses in the skills of formulating legal documents, although the team has not had a chance to observe the performance of this training. 2-3 training courses of one-week duration have been held every year. In total 7 training courses in the skill of compilation of legal documents have been conducted with 150 staff members of MoFi participating. In addition 136 DoFi staff members have participated in these courses. This has been carried out in close cooperation with Output 2. The LD wanted to extend these courses to include professionals on agriculture and forestry. The RT is of the opinion that this is not feasible as a part of the project tasks ahead for the fisheries lawyers implementing the project activities, but the Legal Department should of course pursue separate courses to be developed if needed, for other sector's personnel.

- The RT finds that the Vietnamese Government, together with the Fisheries Law Project is supporting in-country long-term courses on Law and economic administration. This activity is being conducted at Universities in Hanoi, with 2 staff participating. With respect to abroad post-graduate courses on legal aspect for 3 staff of Legal Department, no candidate has been selected yet. The main reason for this postponement is that the current English capacity of the LD staff is not able to meet the requirements of the overseas courses.

- English training in Vietnam is progressing. Training courses in Basic English has been given in Vietnam as well as through international crash courses. 8 staff members of the Legal Task Tam have attended such courses so far, out of a target of 10.

However, not much improvement has been achieved. It is seen that English training outside official working hours is not really effective. It is recommended by the RT that, during the remaining time of the Project, the LD should pay special attention to improve the English capacity of the staff of the LD. For some of the staff, the RT recommend that time should be given during working hours for English language classes. Instead of appointing 3 staff to participate in abroad fisheries legal post-graduate courses, it is recommended to conduct immediate English training for the *selection of 1 – 2 staff for post-graduate courses abroad*, the remaining budget of this activity should be used for appointing staff of the LD to participate in overseas short-term English training courses - in neighbouring English speaking countries, possibly including the 1-2 persons selected for international legal training at post-graduate level. The post-graduate training should start not later than the autumn of 2008 in order for the candidates to finish within the time left for the project (see later for extension of the Agreement). This means that applications have to be sent soon.

- It is important that the Project support the LD to attend international meetings, which are relevant to the Vietnamese fisheries sector. This will provide the LD staff with opportunities to strengthen their capacity, through access to the international modern fisheries development trends. The Project Technical Advisor (PTA) plays an important role in establishment of annual work-plans for this activity to make it appropriate to demands for integration of Vietnam Fisheries sector.

- According to the LD staff, good and informative seminars on international issues of concern to Vietnam has been held annually. This includes a WTO seminar and a seminar highlighting issues of the UN Fish Stocks Agreement as a first step in the process of Vietnam ratifying this Agreement..
- Participation in international meetings, in short training courses abroad, and in study tours (see the Progress Reports for 2005, 2006 and first half of 2007) has been according to or above expectations, and reports are available from each of these. Of particular importance is the participation in the review meeting of the UN Fish Stock Agreement, and in FAO technical consultation on IUU (Illegal, Unreported and Unregulated) fishing.

5.3 Assumptions fulfilled

The first assumption made is that “Trained staff is to work within the areas trained”. This is an assumption that was not problematic as long as there was a separate MoFi. With the merging taking place, the personnel working in the LD of MoFi have been given new tasks outside their sphere of competence and capacity developed during phases I and II of the project. This can be seen as a breach of Agreement between Vietnam and Norway. The review team strongly propose that the leadership of MARD and Legal Department of *MARD revise their decision on division of responsibility among the personnel in the department*. Arguments in this regard is also given under Output 1 above.

The next Assumption is “effective collaboration with FSPS II”. When questioning the relationship between the two projects in relation to training, the division of financing training between the two projects was clear – the Fisheries Law Project finances training of legal staff in MoFi (MARD) and DOFIs/DARDs, and FSPS II finances training in other aspects of fisheries, although FSPS II also assist capacity building of personnel in Legal Department as part of its support to MoFi personnel education. The Assumption seems therefore to be fulfilled.

5.4 Future needs and possible new activities

- The Director of the Legal Department suggested that agriculture and forestry personnel should be included in these courses, and therefore more courses than planned should be conducted. The RT is of the opinion that the Fisheries Law project must focus on professionals in *fisheries and personnel mainly working with fisheries*, and that funds not yet planned for should finance additional activity regarding legal fisheries issues rather than being spent on persons not working with legal issues in this sector. Reference is made to the discussion on Output 1, where the RT strongly advises that experienced and competent staff in fisheries law and international law in fisheries are assigned to these areas of work also in the future, and not in other sectors.
- With regard to English language training the review team suggests that more funding is used for such training in neighbouring English-speaking countries. It is proposed that such funding is reallocated from post-graduate education in Law in foreign countries, and that the target for the latter in the project is reduced from 3 persons during the period of the project to 1-2 persons. The review team propose a new indicator for English training, which should be as follows: “x number of members of the Legal Task team have passed the TOEFL examination (Test Of English as Foreign Language)” or a similar international test in English language for foreigners.
- The RT proposes that the activity/indicator on training in Legal English language is taken out of the Output 3 of this Project Phase, since the Project will not achieve this target, given the

present low proficiency in Basic English. However, it is of utmost importance that the LD follows this up in general among the legal fisheries staff, given the importance of international law for fisheries.

- It is recommended by the RT, that during the remaining time of the Project, the LD should pay special attention to improve English capacity to the staff of the LD. Instead of appointing 3 staff to participate in abroad fisheries legal post-graduate courses, it is advisable to conduct immediate training for selection of 1 – 2 staff for the post-graduate courses, the remaining budget of this activity will be used for appointing staff of the LD to participate in overseas short-term English training courses.
- In his report of 24.10.07, the PTA suggests participation in specific international meetings in 2008, including a FAO Technical Consultation on International Guidelines for the Management of Deep Sea Fisheries, meeting of the FAO Sub-Committee on Fish Trade, the Second Global Fisheries Enforcement Training Workshop. The review team agree with this and strongly recommend that persons selected for these meetings from the fisheries units of MARD and from the Legal Department/Project Management Board are the most relevant ones for the different activities, possibly including also representatives from one of the provinces in the first and the latter, depending on English proficiency. The latter will train in Monitoring, Control and Surveillance (MCS) issues, and the RT suggests that if MARD/LD find that this is an area of importance and interest to Vietnam to follow up in new regulations, or through more fisheries management organisational aspects, later work plans may address this issue for possible new activities in Output 1.
- The PTA also suggested that the project provide Vietnam with assistance from external expert(s) on the negotiations to be undertaken to agree on a convention for the new Regional Fisheries Management Organisation (RFMO) in the SEAFDEC region, as this is also closely linked to the eventual accession of Vietnam to the UN Fish Stock Agreement. This is of importance also with regard to International guidelines for the Management of Deep Sea Fisheries as well as harmonisation of the countries' rules and regulation of entering the waters of another country. Regional cooperation is of great importance
- The forthcoming FAO based negotiations on a new Agreement on Port State Control is also of importance to a new RFMO and to Vietnam. The RT suggests that if any consultation on this is summoned by FAO during the latter part of the project, the project should support Vietnamese participation, especially by relevant persons from the Project Management Board as well as from NADAREP and the Inspection Department.
- The RT is very positive to the fact that the vice minister of MARD, Le Phuong, as well as the vice director of LD, Kim Anh, are both requested by the Ministry of Industry and Trade to be engaged in the revision of the Petroleum Law. The RT suggests that a seminar is given (possibly co-funded by the Fisheries Law Project and the Ministry of Industries and Trade) on the relationship between the petroleum, the fisheries, and the environment sectors, including Norway's and other countries' experiences in this field. The regional organization in this sector CCOP might be invited for additional exchange of knowledge and information.
- Otherwise, for the Work Plans on this point during the latter part of the project, the Project Management Board should make good use of information from the PTA, the Foreign Legal Advisers and FAO about important international meetings relevant to the Vietnamese fisheries legislation where Vietnam should be present - and plan its participation accordingly.
- The RT is of the opinion that the use of study tours in the project should be reduced or at least be given a second thought. English language training in English speaking neighbouring countries, post-graduate education abroad and in Vietnam, and participation in international

and regional meetings, should from now on be the issues to follow up in the work plans. Relevant study tours to neighbouring countries might be undertaken in relation to regional meetings to be undertaken in the same countries.

- FSPS II/SCAFI in NADAREP, supports professional training of the staff in terms of short training courses, whereas STOFA supports longer-term education. The RT strongly recommends that young staff of NADAREP in need for capacity building should be particularly addressed by FSPS-II/STOFA, including exploiting the possibilities in post-graduate training in courses abroad, and at universities in Vietnam, e.g the University of Nha Trang's new courses in Fisheries Economics and Fisheries Management.

6 Output 4: Pilot Model Performance

6.1 Objective and Indicators

Objective

Experiences have been collected through pilot studies as a basis for formulation of sub-laws and models for implementation of Fisheries Law developed.

Main indicator

Useful information to formulate sub-laws and implementation experiences produced by 5 pilot studies in selected provinces and communes delivered during 4 years to specialized departments

Detailed Indicators

- 4 to 5 models of pilot studies will be implemented in which at least 2 to 3 models will be put in place in 3 focal provinces and 2 in other provinces.

- Information and experiences gained from pilot studies will be served for drafting of legal documents guiding the implementation of Fisheries Law, for reviewing and revising and for implementing effectively Fisheries Law.

6.2 Targets reached

As mentioned in the Introduction, a review of the Pilot Models performance have recently been conducted, so therefore the internal mid-term review report will lean on the findings of the pilot performance review, and will only highlight and add some thoughts and comments to this. However, the report presented from the Pilot Model Performance Review must still be considered as a draft, since the Project has not been able to give their comments in writing yet.

6.3 Findings, Comments and Recommendations

- In general, it was observed that the implementation of the Pilot activities has been somewhat delayed. The idea of using Pilot models to implement and test laws and regulation in the field is innovative approach and this activity should therefore be given the time necessary to obtain proper results, experiences and evaluation. According to the Pilot Model Performance Review

there are delays of such a nature in some of the pilots that there is a need to extend the Output activities with one year. The RT agrees to this recommendation. Based upon the funding used and the total funding for this project, and upon the performance also of other Outputs (re Output 3) there is nevertheless an argument for extending the project with one year (till 2010). The RT therefore recommends that the Agreement between Vietnam and Norway is extended with one year, within the same funding

- The general impression from the report and debriefing of the Pilot Model Performance Review Team is that the pilots will contribute substantially towards achieving output 4 and thus give important feedback into output 1 – revision of laws and regulations.

- The Project has been struggling to get full grasp of the idea behind the pilot models, and thus the findings by the Pilot Model Performance Review Team is encouraging.

- The RT suggests that a final International project seminar should be held at the end of the project period, with special emphasis on the experiences with the Pilot Model Performance as a new and innovative approach and that a publication is written on the pilot models experience– co-authored by Vietnamese and foreign project participants – to be submitted to a relevant international journal.

- The RT recommends, also based upon the report of the PTA, that a new review of the Pilot Models take place the autumn of 2008 by the same persons, including the participation of an additional Vietnamese expert. This should be discussed during the planning of the work plan and budget for 2008, and the review experts should be given information about this assignment very early in order for them to align the work with other tasks.

- The RT recommends that an end review of the Pilot Models is conducted prior to the End Review, which is foreseen in the bilateral Agreement between Vietnam and Norway. The timing of the End Review should take place some months before the end of the project period, so that it can be used as an input to

- The RT recommends that the Ministry make use of pilots or other type of mechanisms for dissemination and implementation of new regulations also outside the support from Norway. The models for this is now known to the Ministry and the capacity built up during this project should be made use of also in the future.

- During the meetings with the LD there was a discussion of the need to review the socio-economic impact of the Fisheries Law. The RT is of the opinion that this is only possible for the pilots of Output 4 where baseline studies have been conducted, and that such a review only can be made after several years. The MARD/LD should, however, discuss whether this is a feasible type of impact study to undertake as the need for specific type of data is critical for impact studies.

7 Output 5: Project Management and Coordination

7.1 Objective and Indicators

Objective: Project is managed and coordinated effectively

Indicator: At least 80% of the total activities approved by annual meetings will be successfully implemented on time.

7.2 Targets reached

The assessments of each of the outputs have shown that there is a very high degree of achievement of targets in the project (except for in Output 4, Pilots). However, in most other activities targets are more than 100 % achieved half way through the project. The rate of disbursement is below the target set, but the use of budget resources have been used most efficiently and effective.

7.3 Assumptions fulfilled

The *assumption* of output 5 is that the exchange rate fluctuations between NOK and USD are stable. Since the start of this phase of the project the USD has weakened in relation to NOK, but is stable in relation to VND. This means that the project till now have gained on this exchange rate change. There is no sign in the world economy that the relationship between NOK and USD will reverse.

7.4 Project Management in general

The RT is of the opinion that the project is managed very well and with good competence. This is the case for accounting, for reporting procedures and for leadership of the project in general. The Steering Committee and the Management Board of the project seem to have functioned very well, and the project managers and Minister/vice-minister has made sure that the relevant units of the Ministry are represented in these bodies. In addition the Project has upon request received good guidance from the leader of the Steering Committee.

The review team has found that the Legal Department is involving the various relevant units of the Ministry in an exemplary way. In meetings with several of these units this was underlined. The approach of managing this phase of the project is therefore according to what was agreed in the Project Document, and fulfilled in a most proper way.

For discussion and recommendation on Project management organization, reference is made to the PTA', report of 24.10.07:

“After the establishment of the new MARD and the merge of the two former Legal Departments into one department it is necessary to look at this anew.

I find that the present structure with Mr. Nguyen Van Tu as Director of the Legal Department and thus responsible for all activities of the department, Mr. Tran Van Quy,

Deputy Director of Legal Department and National Project Director of Fisheries Law Project, and Mrs. Nguyen Thi Kim Anh, Deputy Director of Legal Department and Vice Director of Fisheries Law Project and responsible for day-to-day running of the project, not to be the best in order to have clear lines of responsibilities and reporting.

To streamline the operational model of the project it should be considered if the former model, with the Director of the Legal Department also is National Project Director should be considered.. This as all activities of the Legal Department, including the activities of the Fisheries Law Project are to be reported to the Director of the Legal Department in any circumstances, and as this model as proven to be successful.

Such a command and reporting structure will safeguard both that the activities of the Fisheries Law Project are integrated into the general activities of the Legal Department of MARD, and that the good progress and reportedly good results and daily management of the project are continued.”

The Steering Committee of the Fisheries Law Project will discuss and advice on this matter in their next meeting.

The RT finds that the location of the Project Office is not in the MARD/LD. This is against all principles of good project management, including the principles of Norwegian assistance. Therefore the RT strongly advises that project office is moved to the MARD/LD at the earliest convenience in order for the work to be more efficient – including easy communication between technical advisers and those they are going to advice.

8 Cross cutting issues:

- **Environment:** This project is in itself very much a good governance project in environmental terms. Legislation making provisions for sustainable fisheries and aquaculture sectors is fundamental for these sectors to perform accordingly.
- **Gender:** The participation in the project in general, and in capacity building in particular can be looked at in a gender perspective. The project Steering Committee has 1 female member, corresponding to 20 %. The Project Management Board has 9 female members, corresponding to 50 %. Among the trainees in the skills in the drafting of legislation training courses the review team were not able to get numbers of female trainees, but in the Legal Department of the previous MoFi the number of female lawyers were 5, representing 50 % of all lawyers in LD/MoFi. The review team is of the opinion that gender wise the project is balancing well, and that the Ministry is taking good care of its female lawyers, recognising also that the two staff members taking further education at universities in Hanoi are both female.

9 Annexes

ANNEX 1: Terms of Reference

Terms of Reference for the Internal (mid-term) Review Fisheries Law Project – Phase II, Bringing the Law to Life

I. BACKGROUND

Project “*Establishment of Vietnam Fisheries Law and regulations*”, supported by Norwegian Agency for Development (NORAD), started in November 1999, after Vietnam and Norway signed the Agreement in 27th September 1999 in Oslo, Norway during the official visit to Norway of Vietnam Prime Minister.

Norway was proposed by Vietnam to provide assistance on establishment of Fisheries Law and regulations. At the end of 1999, the two nations agreed to establish the Project for implementing the cooperation and assistance to Vietnam on building Fisheries Law in accordance with the Agreement in 27th September 1999.

From 1 July 2007, Legal Department under Ministry of Agriculture and Rural Development of Vietnam is the Unit in charge of implementing the Project. Norwegian counterparts include Directorate of Fisheries and Institute of Marine Research, while the participation of FAO Legal Office in Rome has provided with technical assistance. In Vietnam, there have been many institutions participating in this Project, including Ministry of Justice, Government Office, different Departments under Ministry of Fisheries, and Fisheries and/or Agriculture Departments in different provinces. In addition, many People’ Committees, fishermen, fish processing workers have also been taking part in the project.

The project started its implementation in November 1999. During phase I, the project focused on establishment of basic Fisheries Law. This phase was successfully implemented with the Fisheries Law being adopted by National Assembly in 26th November 2003.

Through the first phase, the project work was based on a close cooperation between the Ministry of Fisheries of Vietnam, the Legal Office of FAO and counterparts in Norway. This cooperation has proved to be efficient in achieving the results of the project.

In brief, the Project in its Phase I has been carried out with the right purpose, the right progress and in an effective manner. The project budget has been used in accordance with regulations that ensure transparency and prudent practices.

During the 3rd annual project meeting held on 15th November 2002, discussions were raised on the extension of the project to a Phase II for further compilation and finalization of fisheries related legal documents and regulations. It was agreed that as the first step in preparing the project document for phase II, a team including internal and external consultants would prepare a draft Project Document.

With the assistance of NORAD and Ministry of Fisheries, a LFA workshop was held February 2 through 6, 2004 in Cat Ba for establishing Project Document. Participants were

legal consultants and fisheries experts coming from Vietnam, Norway, Denmark and FAO. The Project Document then had been reviewed and consulted by both Norwegian Government and Vietnamese Government. In the official letter of November 1, 2004 Vietnamese Government has requested Norway for approval of Fisheries Law Project, Phase II. The Agreement between the Government of Republic Socialist of Vietnam and the Government of Kingdom of Norway on assistance of Project "*Establishment of Vietnam Fisheries Law and Regulations, phase II – Bringing the Law to Life*" was finally signed on the 2nd of November 2004 by Dr. Ta Quang Ngoc, Minister of Fisheries of Vietnam and Mr. Svein Ludvigsen, Minister of Fisheries and Coastal Affairs of Norway during the official visit of the King and the Queen of Norway.

On 15th April 2005, the Contract on technical assistance was signed between the Vietnam Ministry of Fisheries and Centre for Development Cooperation in Fisheries (CDCF) with respect to the implementation of the Project "*Establishment of Vietnam Fisheries Law and Regulations – Phase II, Bringing the Law to Life*" (hereafter referred to as the Project).

Accordingly, the Project started in January 2005 and planned to be completed at the end of 2009.

The project's third annual meeting was convened in 16th March 2007. At the meeting, it is agreed by two sides that in 2007, instead of conducting the Mid-term Review, an Internal Review will be undertaken with the assistance of independent local and international consultants for reviewing the effectiveness of the project in the first few years of its phase II.

II. REVIEW PURPOSES

1. To collect information and recommendations with respect to the implementation of Fisheries legislations and the performance of pilot models.
2. To appraise the improvement of legal framework and institutional capacity in management and development of Vietnam fisheries sector.
3. To review if new and complementary activities might be included in the second half of Project Phase II
4. To draw important lessons from the project implementation, proposing relevant changes for the remaining time of the project.

III. WORKING SCOPE

With reference to the Project Document, the Agreement between the Government of Socialist Republic of Vietnam and the Government of the Kingdom of Norway regarding support to the project (November 2004), Review Team will:

1. Review the project implementation, including:
 - Daily procedures and administrative work undertaken;
 - Models on technical assistance undertaken;

- Any changes on powers and capacity of Legal Department during the project implementation process;
- The participation of local counterparts (within the former MOFI and the new Ministry of Agriculture and Rural Development) and foreign counterparts during the process of bringing the Law and regulations to life;
- Institutionalization of work relating to the Law and regulations with other Departments under the Ministry and localities.

2. Provide recommendations on feasible changes or changes in relevant fields of the project.

3. Provide evaluation on whether the Law and regulations have been brought to life or not; if not, how will the project assist Ministry of Agriculture and Rural Development to raise this question in the future.

4. Review the institutional establishment for formulating fisheries regulations in Ministry of Agriculture and Rural Development, including capacity and competence, and giving recommendations on activities to raise this matter in the future.

5. Review the need to put fisheries management and policies into general law and regulations, in relation to different sectors, and the effectiveness of this activity.

6. Based upon the remaining and unused budget and upon the evaluation of effectiveness of the Law and regulations in fisheries management, and based upon the practical process of project implementation to provide recommendations on the best utilization of the remaining budget, including new and complementary activities, and setting up relevant activity timing. An outline will be drafted upon those recommendations.

7. Give proposals on aspects and elements of activities/projects for the future fisheries management cooperation between Vietnam and donors, taking into consideration the most important and controversial matters in enforcement of Law and regulations and the implementation of proper management mechanisms.

Any recommendation given is based upon the most feasible and practical changes. It is a need to review the capacity building and competence in many different fields. Recommendation is also provided for to consider the necessary cooperation with other sponsors of the same fields.

IV. REVIEW IMPLEMENTATION

This activity is undertaken by a review group consisting of “the Project internal staff”, Project Technical Advisor, International and Vietnamese Consultants as follows:

A. Project’s Internal members:

- Ms. Nguyen Thi Kim Anh, Deputy Director of Legal Department, Vice Director of the Fisheries Law Project.
- Mr. Johan Williams, Project Technical Advisor

B. External members:

- Mr. Asmund Bjordal, Director of Center for Development Cooperation in Fisheries, Review team Leader.
- Ms. Duong Thanh Mai, Director of Institute of Legal Science, Ministry of Justice.

C. NORAD Representative:

- Mrs. Kirsten Bjoru, Senior Advisor of NORAD (Norwegian Agency for Development)

1. External consultants will study documents and information available on administrative work and project implementation before the whole group's working together. Those documents are available at Fisheries Law Project or at Norwegian Directorate of Fisheries/Institute of Marine Research. External consultants assisted by PTA will sum up the project implementation- this is the first point, and raise a list of questions and matters of importance and relevance to conducting the review, and drafting a report which serves as an instrument to follow. Any necessary interviews with relevant counterparts will be conducted by external consultants, with external consultants giving independent judgment on the project. The group will meet with counterparts in one of the provinces, and with leaders of the province.
2. Members of the review group will participate in the debriefing of the group regarding the review of the pilot model performance; working with FSPS II representatives.
3. All members of the review group will work together from 22 October to 2 November 2007 (PTA till 24 October). The group will conduct relevant interviews for its review. Discussions will be undertaken in the group itself and with other Units under the Ministry on the above-mentioned work, in addition to discussions on working and information collecting methods.

External consultants will be responsible for reporting and may agree with the project internal members on finalization of the report.

4. Reporting

The review group will present a draft report to the Ministry of Agriculture and Rural Development and Royal Norwegian Embassy before leaving Hanoi. The draft report will be submitted to the Ministry of Agriculture and Rural Development, Norwegian Ministry of Foreign Affairs in Oslo and Royal Norwegian Embassy in Hanoi for comments on events and/or misunderstandings, and handed in within 2 weeks after the review visit completes. The submission of comments will be conducted within 2 weeks. The final report will be printed into 5 copies, including progress summary, and submitted to NORAD in Oslo by 17 December 2007, within 6 weeks after completion of the review.

ANNEX 2: Work program (22/10 to 2/11/2007).

<i>Time</i>	<i>Activities</i>	<i>Persons in charge</i>	<i>Venue</i>
Monday 22/10	<p>Morning :</p> <p>9.00: Review team works with Project Management Board and receive documents.</p> <p>Afternoon:</p> <p>14.00: Review team and Project Management Board meet with Pilot model Review team, brief on results of pilot model review.</p>	<p>- Review Team, Project and Legal Department leaders. Mr. Lars Joker</p> <p>- Mid-term review Team, pilot model review team, Project Management Board</p>	Project Office
Tuesday 23/10	<p>Morning:</p> <p>9.00: Review Team works with Output 4</p> <p>Afternoon:</p> <p>14.00: Review Team works with Outputs 1, 2 and 5</p>	<p>- Review team, coordinators of Output 4</p> <p>-Review team, coordinators of Outputs 1, 2 and 5</p>	Project Office
Wednesday 24/10	<p>Morning:</p> <p>8.30 Review Team works with Legal Department of MARD</p> <p>10.00: MTR works with former NPD</p>	<p>Review Team, Leaders of Legal Department, MARD.</p> <p>Coordinator of Output 3</p>	

<i>Time</i>	<i>Activities</i>	<i>Persons in charge</i>	<i>Venue</i>
	11.30: MTR works with Output 3 Afternoon: 14.00: Review Team works with NADAREP.	Review Team, Management board, NADAREP Leaders.	Project Office
Thursday 25/10	Morning: 9.30: Review Team works with NAFIQAVED. 11.30: MTR works with Ministry's Inspection	-Review team, Leaders of NAFIQAVED, representatives of Ministry's Inspection	NAFIQAVED office and Project Office
Friday 26/10	Morning: 8.30: Review team works with Institute of Fisheries Economic and Planning 12.00: Review team works with Aquaculture Department. 14.00: Review team works with Output 2	Review team, representatives of IFEP, Aquaculture Department, coordinator of Output 2.	Project Office
Saturday 27/10	Day-off		
Sunday 28/10	14.00: Leave for Hai Phong	Review team, Legal Department representatives	
Monday 29/10	Morning : 8.00: Review team works Hai Phong People's Committee 9.00: works with DOFI Hai Phong 10.30: works with RIMF	Review team, representatives of Hai Phong DOFI , People's Committee, RIMF, Department	Hai Phong People's Committee and DOFI , RIMF offices

<i>Time</i>	<i>Activities</i>	<i>Persons in charge</i>	<i>Venue</i>
	14.00: works with Lap Le commune's People's Committee 16.00: meets with shipyard in Lap Le commune 17.00: leave for Hanoi Afternoon: 14.00: MRT prepares reports	of Fisheries Resources Protection	Lap Le communal People's Committee
Tuesday 30/10	Morning: 8.30: Review team works with Vice Minister Luong Le Phuong. 10.30: works with FSPS II Afternoon: 14.00: internal meeting	Review team , Vice Minister Luong Le Phuong, coordinator of FSPS II	Project Office
Wednesday 31/10	Morning: 9.00: Review teams works with Royal Norwegian Embassy 11.00: internal meeting Afternoon: Review teams prepares report	Review team	Royal Norwegian Embassy. Project Office
Thursday 01/11	Review teams prepares report	Review team	Project Office
Friday 02/11	Morning: 8.30: Review team works with Project management board to inform briefly of review results 10.30: meets with Project Management Board for debriefing.	Review team, Project management board	Project Office

Note: Members of the Review Team should arrange timing for teamwork themselves.

ANNEX 3: List of Reports and Documents

List of Reports from 1st January 2005 to October 2007
(Reports used as main basis for the Review marked in *Italics*).

I- Progress Reports

No	Progress Reports
1	Progress Report of 2005
2	<i>Progress Report of 2006</i>
3	<i>Progress Report of the first half of 2007</i>

II- Project Technical Adviser (PTA) Reports

No	Reports	Working duration
1	PTA Report	17- 26 Jan. 2005
2	PTA Report	16- 27 Jan. 2006
3	PTA Report	27 Feb - 7 March 2006
4	PTA Report	4 - 9 Sept. 2006
5	PTA Report	6- 13 Oct. 2006
6	PTA Report	4- 8 Dec. 2006
7	<i>PTA Report</i>	<i>8 Jan – 9 March 2007</i>
8	<i>PTA Report</i>	<i>14- 25 Oct. 2007</i>

III- Mission Reports of foreign legal experts/international consultants

No	Reports	Working duration
1	Mission Report- foreign legal experts	16- 19 April 2005
2	Mission Report-foreign legal experts	7- 17 Nov. 2005
3	Mission Report- foreign legal experts	28 March – 6 April 2006
4	Mission Report- foreign legal experts	3 – 12 Oct. 2006
5	Mission Report- foreign legal experts	19- 28 March 2007
6	Mission Report- international consultants	29 Jan- 8 Feb 2007
7	Mission Report- international consultants	1 – 22 Oct. 2007

IV- Abroad Study tour reports:

No	Study tour destinations	Duration of the tours
1	Indonesia	12- 18 Sept. 2005
2	Australia	8- 20 Oct. 2005
3	South Korea	20- 26 Nov. 2005
4	The U.S.A and Canada	13-22 May 2006
5	The U.S.A (UNFSA Review Meeting)	22-26 May 2006
6	The Philippines (SOM-AMAF 27 TH MEETING)	29-31 August 2006

7	Taiwan	From 23/10 to 29/10/2006
8	Thailand (SEAFDEC Meeting)	4- 8 Dec. 2006
9	Norway	2 nd to 11 th December 2006
10	Japan (International Tuna Conference)	22 to 26 January 2007
11	Italy (COFI meeting)	from 3/3 to 11/3/2007.
12	Thailand	28 th to 30 th March 2007
13	Cambodia (Seafdec Meeting)	4 to 8 April 2007
14	Australia	22- 27 April 2007
15	The U.S.A (UNFSA Meeting)	23 rd – 24 th April 2007
16	Thailand (CoC and GAP experience)	25 – 30 June 2007

V- Other reports

In addition, the following reports/documents were consulted as background for the present Review:

- *Establishment of Vietnam's fisheries law and regulations (NORAD/Vietnam SRV 018) Mid-term review April 2002 (June 2002, 82pp).*
- *Agreement between the Government of the socialistic republic of Vietnam and the Government of the kingdom of Norway regarding assistance to the project "Establishment of Vietnam Fisheries Law and regulations – Phase II – Bringing the Law to Life", Nov. 2004 (14 pp).*
- *Inception Report, Project "Establishment of Vietnam Fisheries Law and regulations – Phase II – Bringing the Law to Life", Hanoi, March 2005 (19 pp).*
- *Fisheries Law Project Document – Phase II, (43 pp).*
- *Vietnam, the Fisheries Law Project, Phase II. Pilot model performance review. Draft Final Report, October 2007 (76 pp).*
- *Overview Project Disbursements, per Nov 2007 (1 p).*

ANNEX 4: Persons and Institutions met

No	Name of person met	Working position
1	Mr. Lương Lê Phương	Vice Minister of Agriculture and Rural Development, Head of Steering Board of Fisheries Law Project
2	Mr. Nguyễn Văn Thành	Vice Chairman of Hai Phong city People's Committee
3	Mrs. Kirsti Digerud	First Secretary- Royal Norwegian Embassy in Vietnam
4	Mr. Trần Trọng Chính	Cooperation Development Adviser- Royal Norwegian Embassy in Vietnam
5	Mr. Đinh Xuân Thảo	Member of Economic Committee of National Assembly , Former Director of Fisheries Law Project
	Mr. Nguyễn Văn Tư	Director of Legal Department, Ministry of Agriculture and Rural Development
7	Mr. Trần Văn Quý	Vice Director of Legal Department, Ministry of Agriculture and Rural Development, Director of Fisheries Law Project
8	Mr. Nguyễn Việt Mạnh	Vice Director of International Cooperation Department, MARD, national coordinator of FSPS II
9	Mr. Đoàn Mạnh Cường	Staff of International Cooperation Department, MARD

10	Mr. Đào Mạnh Sơn	Vice Director of Research Institute of Marine Fisheries
11	Mr. Đặng Văn Thi	Vice Director of Research Institute of Marine Fisheries
12	Mr. Lê Trung Kiên	Vice Minister's secretary
13	Mr. Nguyễn Việt Nghĩa	Head of aquatic resources research division, Research Institute of Marine Fisheries (RIMF)
14	Mr. Nguyễn Công Dân	Vice Director of Aquaculture Dept. MARD
15	Mrs. Nguyễn Thị Hồng Vân	Head of socio-economic division, Institute of Fisheries Economic and Planning (IFEP)
16	Mr. Trần Quang Huy	Vice Chief Inspector, Inspection of MARD
17	Mr. Trần Anh Tuấn	Ministry's Inspector – MARD
18	Mr. Nguyễn Như Tiệp	Vice Director of Nafiqaved, MARD
19	Mr. Đào Hồng Đức	Vice Director of Nadadep, MARD
20	Mr. Hà Lê	Vice chief of office, Nadadep, MARD
21	Mrs. Đàm Thị Thanh Xuân	Staff of Legal Department, MARD, coordinator of output 1, Fisheries Law Project
22	Mrs. Phan Thị Huệ	Staff of Legal Department, MARD, coordinator of output 2, Fisheries Law Project
23	Mr. Lữ Minh Tuấn	Vice Director of Legal Department, MARD, Vice Director of STOfA component of FSPS II, coordinator of output 3, Fisheries Law Project
24	Mr. Dương Văn Cường	Staff of Legal Department, MARD, coordinator of output 4, Fisheries Law Project
25	Mr. Đinh Duy Kỳ Vũ	Accountant of Fisheries Law Project
26	Mr. Lars Jorker	Head of pilot model performance review team
27	Ms. Mai Hương	Haiphong Television station
28	Mr. Việt anh	Haiphong Newspaper
29	Mr. Nguyễn Văn An	Haiphong Television station
30	Mr. Vũ Văn Tư	Lap Le Commune
31	Mr. Nguyễn Đức Thiện	Chairman of Lap Le Commune People's Committee
32	Mr. Trần Văn Bôm	Haiphong fisheries extension center
33	Mr. Nguyễn Mạnh Hùng	Sub-NADAREP of Hai Phong
34	Mr. Vũ Văn Hợp	Sub-NADAREP of Hai Phong
35	Mr. Tạ Ngọc Diện	Haiphong DOFI
36	Mrs. Vũ Hồng Dung	Agriculture division of Thuy Nguyen District
37	Mr. Nguyễn Tư Thông	Haiphong DOFI
38	Ông Đinh Công Toại	Haiphong DOFI
39	Mr. Bùi Thăng Long	Haiphong DOFI

40	Mr. Phan Hồng Quang	Sub-NADAREP of Hai Phong
41	Mr. Dương Thanh Mai	Ministry of Justice
42	Mr. Nguyễn Thị Kim Anh	Vice Director of Legal Department, Ministry of Agriculture and Rural Development, Vice Director of Fisheries Law Project
43	Mr. Phạm Văn Hiến	Haiphong DOFI
44	Mr. Phan Ngọc Thành	Haiphong DOFI
45	Mr. Nguyễn Việt Quang	Sub-NADAREP of Hai Phong
46	Mr. Trần Văn Nam	Lap Le commune People's Committee Office
47	Mr. Đinh Khắc Nhân	Ship- builder in Lap Le commune

ANNEX 5: Fisheries Law Articles needing Guidelines

With reference to the articles in Fisheries Law that need guidelines in form of Government and ministry's documents:

-In form of Government legal documents:

1/ Article 9, par.2- Government shall regulate the standards and criteria for classification and proclamation of protected areas; rules for management of marine protected areas of national and international significance.

2/ Article 10, par.2- Government shall regulate the management and use of financial sources for aquatic resources rehabilitation....

3/ Article 15, par.2- Government shall delimitate the marine areas, fishing grounds and authorize the decentralization of power

4/ Article 16, par.3- Government shall regulate the procedures and process and decentralization of the granting, revocation of fishing license;

5/ Article 23, par 2- Government shall apporove the comprehensive development masterplan of fisheries sector (Decision 10/2006/QĐ-TTg dated 11/1/2006);

6/ Article 28, par. 7- Government shall regulate the allocation and lease of marine areas for aquaculture purposes;

7/ Article 35, par.3- Government shall regulate the trading conditions of feed, chemicals and drugs used in aquacutlure (Decree 59/2005/NĐ-CP dated 4/5/2005)

8/Article 49, par.3- Government shall regulate the agency to be in charge of granting licenses as well as conditions and procedures for Vietnamese fishing vessels to fish in waters beyond the jurisdiction of Vietnam (Decree 66/2005/NĐ-CP dated 19/5/2005)

9/ Article 50, par.4- Government shall regulate the conditions, procedures, conditions and competent agency in charge of granting and revocation of fishing license for foreign vessels operated in Vietnam sea (Decree 123/2006/NĐ-CP dated 27/10/2006)

10/ Article 53, par.3- Government shall regulate the organization and operation of fisheries inspectors (Decree 107/2005/NĐ-CP dated 17/8/2005; Decree 128/2005/NĐ-CP dated 14/10/2005 on the administrative sanction in fisheries field and Decree 154/2006/NĐ-CP dated 27/12/2006 amending Article 17 of Decree 128)

11/ Article 62- Government shall regulate and provide guidance for the implementation of this Law (Decree 27/2005/NĐ-CP dated 6/3/2005; Decree 191/2004/NĐ-CP dated 18/11/2004)

- in form of ministry's legal documents:

1/ Article 8, par.3;

2/ Article 19, par. 2- MOFI shall regulate the fishing vessels to which the master (captain) shall have certain degree and certificate ; par. 3- MOFI shall issue the form of logbook and content of logbook ;

3/ Article 21 par. 3- Marking of fishing gear as regulated of MOFI ;

4/Article 23,par. 2

5/Article 24, par.2

6/ Article 32, par.3

7/Article 34, par.4- MOFI shall regulate the list of exportable fishery-related commodities ;

8/ Article 35, par.4

9/Article 38, par.3

10/Article 41, par.3 ;

11/ Article 42, par.3 ;

12/ Article 43, par.4 ;

13/ Article 44, par.2 ;

14/ Article 46, par.3 ;

- in form of provincial People's Committee

1/ Article .9, par.2- Regulation on the management of marine protected areas under local management;

2/ Article.15,par.3- Regulation of fishing grounds in river, lake, lagoon ;

3/Article 23, par. 2- Local masterplan on fisheries

4/ Article 41, par.4- organization and management decentralization of fishing ports and fish landing places.

5/Article 42, par.33 Regulation of management of wholesale fish market

6/ Article 43, par.4- technical standards, food hygiene and safety, environmental protections standards ;

