

REVIEW AND ASSESSMENT OF EXISTING LEGISLATION AND MANAGEMENT OF CORAL REEFS IN NINH HAI DISTRICT, NINH THUAN PROVINCE, VIETNAM

by Ninh Thuan Department of Science, Technology and Environment (DOSTE) and
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1. **Project site:** Coral reefs in coastal Ninh Hai District, Ninh Thuan Province
2. **Brief description of project site and objectives**

Vinh Hai is a coastal commune of Ninh Hai District, Ninh Thuan Province, with the coastline of more than 20 km along the eastern boundaries of Nui Chua Nature Reserve. The natural resources play very important ecological and economical roles. The diverse ecosystems of corals and sea grass create high biodiversity values to the marine area. This is the reproduction, nursery and conservation place for marine valuable creatures and endangered species, including sea turtles. Besides, this ecosystem plays an important role in the maintenance of sustainable utilization of neighbouring catchments.

While sea turtles are disappearing in most coastal areas in Viet Nam, Ninh Hai beach is known as the rare living and nesting ground of turtles. In 2000, WWF Indochina collaborated with Ninh Thuan DOSTE to carry out a sea turtle conservation project with many education campaigns on biodiversity, marine biodiversity, and turtle conservation activities. The project successfully established a turtle conservation volunteer group and mobilized great support from local communities.

The diversity values of marine resources in Ninh Hai and seriously damaged condition of the coral reefs are well acknowledged. Furthermore, there is conflict between the benefits of local communities, who want to protect their fishing ground and coral exploitation plan for cement production.

Following the success of the sea turtle conservation project in Vinh Hai, Ninh Hai District, Ninh Thuan Province, WWF funded and collaborated with Ninh Thuan DOSTE and Nha Trang Institute of Oceanography to carry out a project on coral reef management and appropriate utilization in the local area since 2001.

Currently, functional zoning for optimal utilization with specific regulations applied for each zone and policies to encourage community-based management are being finalized and will be submitted to get approved from Provincial People's Committee's (PPC). The zoning proposal comprises: 1) Strict protection sub-zone; 2) Sea turtle conservation sub-zone; 3) Tourism sub-zone; 4) Aquaculture and ecological restoration sub-zone; and 5) Sustainable fishing sub-zone.

Together with the above mentioned activities, a volunteer group of 8 skillful fishermen was selected and trained in the Reef Check technique to monitor coral reefs in the future.

Objective: *Toward sustainable management and utilization of coral reefs in Vinh Hai commune, Ninh Hai district, Ninh Thuan province through functional zoning for optimal utilization and the involvement of local communities in management.*

Aimed at: Efficient protection of marine biodiversity,
Sustainable fishing,
Reduction of conflicts on resources,
Establishment of cost effective management mechanism.

3. **Managing agencies:**

Authority of Vinh Hai commune is responsible for administration and implementation of provincial and district plans in the commune.

Nui Chua Nature Reserve Management Board is in charge of the Protected Area.

Sub-Fisheries Protection Department (FiPD) is in charge of the protection of fisheries resources

DOSTE is responsible for environment-related issues including EIA and environmental management

4. Legal situation

At national level:

At the beginning of the 1980s, Viet Nam's marine areas, with 3260-km coastline and thousands of islands, were considered as significant potential for exploitation and economic development. This policy together with insufficient knowledge of marine conservation and sustainable resource utilization, and regulations on free fishing to maximise resource exploitation have created the depletion of marine creatures and their habitats, caused by various destruction fishing methods. Acknowledging the serious depletion of fishery resources and habitats, and sharp increase of poverty in coastal communities, various policies and documents have been issued to restore and maintain marine resources, especially inshore. They are:

1. State Law on fishery protection and development (promulgated by Chairman of State Council on 25/4/1989) with attached guideline decrees and decisions to facilitate the implementation of this State Law

In this State Law, the protection of fishery and habitats, including coral reefs, are mentioned in Article 8.

"Forbid all activities causing fishery destruction and pollution to habitats of fisheries like using poisons, dynamite, weapons and electricity in fishing, using poisons with concentration higher than permitted limitation, destruction of mangrove, watersheds, coral reefs, underwater vegetation and special ornament creatures."

The Fishery Protection Department was established on 20/4/1991 to be in charge of the implementation of the State Law.

In 2000, after 10-year implementation of the State Law, the fishery resource is still being threatened seriously. Nevertheless, Vietnam became CITES's member in 1994. A greater attention is now paid to fishery and coral protection. Further regulations have been issued, including:

Bans on the exploitation of hard corals, 6 orders of which are forbidden for exportation. They are *Stolonifera*, *Cnidatia*, *Anthozoa*, *Coenotheria*, *Antipatharia* and *Sleractinia* (only dead corals are allowed for export).

However, the State Law mainly focuses on the protection of fisheries resources with high economic values and their habitats. Coral reefs are included because they serve as habitat for valuable fisheries rather than an important marine ecosystem with high biodiversity values. Thus, coral reefs have not been prioritised, compared with other marine habitats. In fact, the awareness of its importance and efforts to protect this ecosystem is much lower than other ecosystems such as mangrove.

1. The Environment Law, ratified in 1993, concentrated on pollution, especially industrial pollution. The protection of forest and marine biodiversity and other ecosystems was vaguely mentioned in Article 12.

"Institutions, privates are responsible for the protection of wild life, biodiversity, forests, marine areas and ecosystems. The exploitation of resources should be carried out at the right time, in the right location, using appropriate methods and recommended tools. The exploitation should also ensure resource recovery in terms of density, genera, species without negative impacts on biological balance."

2. Biodiversity Action Plan of Vietnam was approved in 1995 and mentioned the establishment of MPAs, aimed at conservation of coral reef biodiversity. Nevertheless, the national MPA system has not been officially established. There is no official legal framework or regulations applied for this type of protected area.

At local level:

Coral exploitation in Ninh Thuan Province is a pressing matter, as already mentioned. They are:

- Coral resources of Ninh Thuan is diversified in terms of genera and has high economic value.
- The exploitation is very convenient since coral reefs are mostly distributed in near-shore shallow water.
- Poverty and lack of conservation awareness of coastal communes.
- Destructive fishing.
- Ineffective law enforcement.
- Inappropriate awareness of ecosystem importance at various levels of policy makers

Regarding coral resource protection in Ninh Thuan, besides legal framework at national level as mentioned above, the province leaders have paid attention to these issues since 1999 and promulgated several legal documents:

1. Official Letter No 572/KT of Ninh Thuan PPC dated 15/4/1999 on the prevention of illegal exploitation and trading in provincial area.
2. Directive No 20/2000/CT of the Chairman of Ninh Thuan PPC dated 13/6/2000 on strengthening coral resource management in provincial area.
In this directive, Ninh Thuan DOSTE was assigned as advisory agency in the province.

However, policies of province leaders related to these issues are not completely consistent. Particularly, there is a policy on coral exploitation for developing the industrial sector in the province such as cement production, promulgated simultaneously with directives and documents on coral protection and trading prevention. There are many reasons for that e.g. short-term economic benefits, employment for people, and the core reason is insufficient awareness of the importance to protect this ecosystem.

Comments

Generally, even though there is the existence of a of legal framework as mentioned above , in fact, coral reef management and protection is not efficient and there is no appropriate investment from authorities at national and provincial levels. This is due to the following reasons:

- The importance of coral reefs has not been fully evaluated. Root causes of coral reef depletion has not been sufficiently understood, leading to the absence of a legal framework, policies and plans, in which coral reefs should be considered as a very important factor, and relevant regulations to protect this ecosystem. Policies consider coral reefs in respect of habitat aspect.
- Nevertheless, inappropriate attention has been paid to factors causing negative impacts on coral reefs. Regulations in the fishery sector on coral reef protection concentrate on exploitation and explosive fishing prevention only. Other causes of coral depletion. include anchoring and accumulated pollution from living discharges, wastes from aquaculture, agriculture and industry chemicals, solid wastes and sediments from construction near shoreline and soil erosion due to deforestation.
- There are many overlaps and inadequacies in various policies of the State. Policies usually priorities exploitation and development activities such as policy of Ministry of Fishery to increase the exportation yield of sea products, including aquaculture products and natural fisheries inshore and offshore. These projects usually receive bigger investment, compared with conservation ones, and the implementation is normally taken place before planning without the consideration of environment impacts.
- There is no policy on the rights and duties to coordinate different sectors and encourage people to become involved in coral reef protection.

Even though there are shortcomings as mentioned above, this is a sufficient legal framework to ensure the implementation of coral ecosystem protection in Ninh Thuan.

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5. Current situation of coral reef management

Concerned institutions related to coral reef management in Ninh Thuan Province comprise:

1. Provincial people committee (PPC): responsible for promulgating policies related to coral reef management and utilization.
2. DOSTE (Department of Science, technology and Environment) : responsible for environmental issues in local area, including nature and biodiversity protection, in the framework of Environment Law to maintain pure and clean environment, ensure ecological balance, reduce negative impacts caused by man and nature on the environment, appropriately and economically use natural resources.

DOSTE serves as a consultant to PPC to direct environment-related issues; the implementation, monitoring and fining environmental violations, environmental appraisals for production development project.

The two main functional sections of the Department responsible for these issues are:
Environment Section
Investigation Section

3. Sub- FiPD (Sub-Fidheries Protection Department) under provincial Fishery Department: Implement coral reef protection in the framework of State Law on Fishery Resource Protection in Ninh Thuan marine area of 18,000 km². It is enforced by 2 patrolling boats and 15 staff members.

In order to carry out their tasks, Sub-FiPD collaborates with police and the frontier army to levy finessing for violations of coral exploitation and explosive fishing. However, their achievement is still far from reaching the requirements.

6. Management obstacles

1. In contrast to terrestrial areas, the administration right over water surface has not been clarified.
2. Insufficient knowledge of sustainable resource utilization causes the absence of a master plan for appropriate utilization of marine and coastal resources to minimise environmental problems.
3. Policy of free fishing or open fishing grounds, allowing fishing permission for all fishermen, makes monitoring and supervision of activities on sea difficult.
4. Insufficient knowledge and lack of collaboration between concerned sectors which have influence on coral reefs such as Department of Agriculture and Rural Development (DARD), Industrial Department, Tourism Department and Transportation Department.
5. Awareness of biodiversity and other values of coral reef ecosystem is low. Thus, there is no appropriate investment in coral reef study and efficient planning to protect coral reefs in Ninh Thuan particularly, and in Vietnam generally.
6. Ineffective implementation of existing policies due to: inappropriate awareness at different levels on the importance of coral reefs, and shortage of human and material resources of fishery sector - the legal implementing agency to protect coral reefs from exploitation and destruction - are big obstacles for this issue.
7. Poverty and lack of employment for coastal communities.

8. Inappropriate knowledge of local communities on marine biodiversity and coral reef importance. There is no joint management with people.
9. Even though attention is paid to coral reef protection in recent years, it is the efforts of only the fishery sector to protect coral habitat with a very narrow viewpoint with respect to fishery resource maintenance. These efforts just concentrate on preventing live coral exploitation.
10. The last significant difficulty is limited investment of the government in this sector.

Figures 1 and 2. Community involvement with managing coral reefs.



7. Follow-up requirements

1. Raising awareness of authorities at different levels and local people in the province on the importance of coral reefs by information campaigns through public media, training courses and study-tours.
2. Strengthening management capacity of related institutions such as DOSTE and FiDP to improve enforcement effectiveness by training for the staff who is responsible for coral reefs protection facilities for monitoring and controlling.
3. Training to improve knowledge of policy makers and planners at provincial, district and local levels on marine ecosystem management, including coral reef management
4. Training in integrated coastal management to ensure policies promulgated in line with sustainable development and minimization of impacts on the environment.
5. Training in coral reef monitoring.

8. Tentative management plan

1. Promulgate policies to allow and encourage people to become involved in marine resource management.
2. Strengthen and centralize legal enforcement with priority criteria to avoid diluting the existing resources. Mobilise resources to effectively protect prioritised areas.
3. Carry out dissemination activities on functional zones and their regulations to local peoples and fishermen from other provinces.
4. Mark boundaries of functional zones on sea and make signboards on land.
5. Control and monitor resource management activities.