



**Comparative Review
of Laws and Regulations concerning Fisheries,
Habitat Management and related Aspects
between Cambodia and Lao PDR
and
between Cambodia and Viet Nam**

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31 December 2016

PREPARATION AND DISTRIBUTION OF THIS DOCUMENT

Comparative Review of Laws and Regulations concerning Fisheries, Habitat Management and related Aspects between Cambodia and Lao PDR and between Cambodia and Viet Nam was prepared by the Secretariat of Southeast Asian Fisheries Development Center (SEAFDEC). The document is distributed to SEAFDEC Member Countries, SEAFDEC Departments and concerned institutions.

BIBLIOGRAPHIC CITATION

SEAFDEC. 2017. Comparative Review of Laws and Regulations concerning Fisheries, Habitat Management and related Aspects between Cambodia and Lao PDR and between Cambodia and Viet Nam, Southeast Asian Fisheries Development Center, Bangkok, Thailand, 91 pp.

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The preparation of this document is supported
by the Government of Sweden

Acknowledgements

This report was prepared under the SEAFDEC-Sweden Collaborative Program on “Fisheries and Habitat Management, Climate Change and Social Well-being in Southeast Asia” (2013-2017).

The work was conducted under the effective supervision of Dr. Magnus Torell, Senior Advisor, and was coordinated by Ms. Pattaratjit Kaewnuratchadasorn, Program Manager, whose efforts have been essential to ensure timely completion of the work. Valuable support was provided by Dr. Worawit Wanchana, Assistant Policy and Program Coordinator, Ms. Matinee Boonyintu, Administrative Officer/Secretary to Secretary-General, Mr. Kitsadee Wanitsawatwichai, Project Officer, Ms. Kanokwan Thobphuk, Training and Extension Officer of SEAFDEC/TD, and Ms. Rattana Tiaye, Fisheries Governance and Management System Scientist of SEAFDEC/TD during the inception and consultation workshops held in Phnom Penh, Pakse and Phu Quoc, respectively. Lastly, thanks also go to Ms. Sawitree Chamsai, Policy and Program Officer-I, who provided support during the initial stages of the assignment.

The project team would like to thank the national counterparts of the project including the fisheries authorities of Cambodia, Lao PDR and Viet Nam for their feedback and participation in the project activities. The author of this report is particularly grateful to Mr. Kuy Kimheang, National Legal Expert for Cambodia, Mr. Sommano Phounsavath, Director, Division of Fisheries, Department of Livestock and Fisheries, Lao PDR, and Dr. Nguyen Thanh Binh, Directorate of Fisheries, National Legal Expert for Viet Nam.

Executive Summary

The present report, developed under the SEAFDEC-Sweden Program (2013-2017), contains a two-tier comparative study on fisheries legislation between Cambodia and Lao PDR, on the one hand, and between Cambodia and Viet Nam, on the other. The first part of the legal review presents the international and regional framework for fisheries and habitat management, reporting on the status of ratification of the relevant international conventions by the three countries and on membership in relevant regional bodies. The second part of the legal review addresses the domestic framework for fisheries in each country and provides a comparative outlook of the current development strategies adopted by national governments, of the institutions governing the sector, and of the laws and regulations in place. The latter section offers two detailed comparative analyses focusing on inland fisheries and aquaculture legislation in force in Cambodia and Lao PDR, and on marine capture fisheries legislation in force in Cambodia and Viet Nam, with the support of two comparative matrices annexed to the report. The comparative analyses are based on the national legal reports and matrices compiled by national experts under the project, and on the feedback provided by national authorities during the consultative workshops held in the project areas. The last section of the report summarizes the main findings and conclusions of the comparative analyses, and recommends a number of actions to harmonize the current national frameworks – most of which may be taken under existing arrangements – in order to ensure sustainable fisheries management and counter illegal, unreported and unregulated fishing in transboundary areas.

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LIST OF ACRONYMS

| | |
|-------------------|---|
| AIS | Automatic Identification System |
| APFIC | Asia-Pacific Fishery Commission |
| ASEAN | Association of Southeast Asian Nations |
| BDS | MRC Basin Development Strategy |
| CBD | Convention on Biological Diversity |
| CFi | Community Fisheries in Cambodia |
| CITES | Convention on International Trade in Endangered Species of Wild Fauna and Flora |
| CMS | Convention on the Conservation of Migratory Species of Wild Animals |
| COBSEA | Coordinating Body on the Seas of East Asia |
| D-FISH | Directorate of Fisheries in Viet Nam |
| DLF | Department of Livestock and Fisheries in Lao PDR |
| FAO | Food and Agriculture Organization of the United Nations |
| FAOCA | Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas |
| FCA | Fishery Conservation Area in Cambodia |
| FiA | Fisheries Administration in Cambodia |
| FMC | Fisheries Management Committee in Lao PDR |
| GT | Gross Tonnage |
| hp | Horsepower |
| ILO | International Labour Organization |
| IUCN | World Conservation Union |
| IUU fishing | Illegal, Unreported and Unregulated fishing |
| INFOFISH | Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asian and Pacific Region |
| kg | Kilogram(s) |
| Lao PDR | Lao People's Democratic Republic |
| LMCM | Lancang/Mekong Cooperation Mechanism |
| MAF | Ministry of Agriculture and Forestry in Lao PDR |
| MAFF | Ministry of Agriculture, Forestry and Fisheries in Cambodia |
| MARD | Ministry of Agriculture and Rural Development in Viet Nam |
| MPWT | Ministry of Public Works and Transport in Cambodia |
| MRC | Mekong River Commission |
| NACA | Network of Aquaculture Centers in Asia-Pacific |
| PPC | Provincial People's Committee in Viet Nam |
| PSMA | Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing |
| Ramsar Convention | Convention on Wetlands of International Importance, especially as Waterfowl Habitat |
| SEAFDEC | Southeast Asian Fisheries Development Center |
| sq.m. | Square meter(s) |
| UNCLOS | United Nations Convention on the Law of the Sea |
| UNFSA | Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks |
| UNWC | Convention on the Law of the Non-Navigational Uses of International Watercourses |

| | |
|-------|---|
| USD | United States Dollar(s) |
| VMS | Vessel Monitoring System |
| WCPFC | Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean |
| WFC | Work in Fishing Convention |
| WWF | World Wildlife Fund |

I. INTRODUCTION

In Southeast Asia, the livelihoods of millions of people depend on fisheries and healthy aquatic habitats, both in marine and inland waters. Environmental degradation, overfishing, illegal and destructive practices and climate change have been identified as the main threats to fisheries resources. Against this background, the Southeast Asian Fisheries Development Center (SEAFDEC), with support from the SEAFDEC-Sweden Collaborative Program on “Fisheries and Habitat Management, Climate Change and Social Well-being in Southeast Asia” (2013-2017), is attempting to strengthen regional cooperation through the implementation of sub-regional and bilateral arrangements on fisheries and habitat management, as well as through capacity building for better management, particularly with regard to relevant national laws and regulations. Basic knowledge of neighbouring countries’ laws and regulations, including institutional responsibilities, is viewed as the basis for effective implementation of such sub-regional and bilateral agreements.

Following the request of SEAFDEC Member Countries, a series of bilateral dialogue meetings to agree on priority areas for cooperation on fisheries and habitat management as well as in areas of mutual concern. In particular, bilateral dialogue events between Cambodia and Viet Nam and between Cambodia and Lao PDR respectively led to the signing of two Memoranda of Agreement (MoA) in 2014. This **comparative study** has been commissioned under Component 1 (Legal Framework) of those MoA so as to allow countries to understand the scope and limitations of national legislation and to take joint action with regard to transboundary fisheries resources and habitats, based on existing laws and arrangements. To facilitate the role of SEAFDEC in strengthening regional and subregional cooperation, a **summary report on the recent advances** with regards to development of laws and regulations in the region is presented in the annex to this report.

This report is based on a documentary review of international agreements and on the analysis of national legislation, based on national compilations prepared by national experts from the three countries and on available unofficial translations. The national compilations have been prepared in accordance with the templates provided under the project, based on the legal analysis of national laws and regulations, interviews with relevant authorities, and field visits to the above-mentioned pilot areas. The templates for the comparative study and for the national compilations, including the **comparative matrices** presented in the annex to this report, were agreed during the inception workshops held in Phnom Penh, Cambodia, in October 2016, and reviewed during the consultation workshops held in Pakse, Lao PDR, and Phu Quoc, Viet Nam, in December 2016.

The comparative study and the national compilations of fisheries and habitat legislation are to be used as a tool for awareness raising and training of authorities and stakeholders in neighbouring countries, in accordance with the **training programmes** proposed in the annex to this report. Two pilot areas were identified for this purpose, namely the Mekong stretch between Stung Treng and Champasak Provinces for the comparative study between Cambodia and Lao PDR (inland fisheries) and the maritime area of Kampot and Kien Giang Provinces for the comparative study between Cambodia and Viet Nam (marine fisheries). This methodology may be expanded to enhance cooperation among other countries in the Gulf of Thailand and beyond, in the region

II. LEGAL REVIEW

1. INTERNATIONAL FRAMEWORK

1.1. Global Agreements

1.1.1. Fisheries Agreements

The four main international agreements on fisheries matters that are currently in force all relate to marine fishing activities:

- 1982 United Nations Convention on the Law of the Sea (UNCLOS);
- 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAOCA);
- 1995 Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (UNFSA);
- 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA).

In addition, the International Labour Organization (ILO) has adopted the **2007 Work in Fishing Convention C188 (WFC)**, which has not yet entered into force.

Ratification of these agreements by the Cambodia, Lao PDR and Viet Nam is summarized in Table 1 below.

Table 1. Status of ratification of the main international agreements on marine fisheries

| | Cambodia | Lao PDR | Viet Nam |
|---------------|-----------------|----------------|-----------------|
| UNCLOS | Signatory | ✓ | ✓ |
| FAOCA | - | - | - |
| UNFSA | - | - | - |
| PSMA* | - | - | - |
| WFC** | - | - | - |

* Thailand is the only party to the PSMA in the subregion but Viet Nam has initiated the accession process.

** The WFC is not yet in force.

With its 168 parties, **UNCLOS** is the main international treaty addressing all aspects of the resources of the sea and uses of the ocean. Upon adoption in 1982, the UN Secretary-General described it as “possibly the most significant legal instrument of this century”. Indeed, the convention regulates vital issues, including but not limited to navigational rights, territorial sea limits, jurisdiction over the Exclusive Economic Zone (EEZ), conservation and management of living marine resources, protection of the marine environment and marine research. Most notably, it establishes a binding procedure for settlement of disputes between States through the establishment of the International Tribunal for the Law of the Sea

(ITLOS). With specific regard to fisheries, UNCLOS encourages optimum use of fish stocks without risking depletion through overfishing. It hence requires coastal States to determine the total allowable catch for each fish species within their EEZ and to estimate their fishing capacity in order to give access to foreign vessels – particularly those flying the flag of neighbouring States and land-locked countries – to the surplus of the allowable catch. Foreign fishing vessels must comply with the conservation and management measures provided for in the legislation of the coastal State. The convention also requires State parties to protect and preserve the marine environment and to prevent, reduce and control marine pollution resulting from the use of technologies or the intentional or accidental introduction of alien or new species, which may cause significant and harmful changes to the marine environment.

Status: Lao PDR and Viet Nam have ratified UNCLOS, whereas Cambodia is only a signatory to the convention.

The **UNFSA, also known as the UN Fish Stocks Agreement**, was adopted in 1995 for the implementation of specific UNCLOS provisions on straddling and highly migratory fish stocks. Although the agreement is generally intended for application in areas beyond national jurisdiction, i.e. in the high seas, coastal States are required to apply the conservation and management principles provided for in UNCLOS and the UNFSA within areas under national jurisdiction, through incorporation of such principles in national legislation. In particular, the agreement establishes that coastal States and States fishing on the high seas shall adopt conservation and management measures that ensure long-term sustainability and avoid overfishing and excess fishing capacity. They shall apply the precautionary approach and ensure that measures are based on the best scientific evidence available. Compatibility of measures applicable in areas under national jurisdiction and in the adjacent high seas shall be ensured. Furthermore, species belonging to the same ecosystem or associated with or dependent upon the target stocks must be taken into consideration. States are also required to implement and enforce conservation and management measures through effective monitoring, control and surveillance. Finally and most significantly, States that do not participate in a subregional or regional fisheries management organization are not discharged from the obligation to cooperate in the conservation and management of the relevant straddling fish stocks and highly migratory fish stocks.

Status: None of the countries covered in the present report has ratified the UNFSA, which has 83 parties.

Adopted in 1993 under the aegis of the Food and Agriculture Organization of the United Nations (FAO), the **FAOCA or FAO Compliance Agreement** mainly aims at defining flag State responsibilities with regard to fishing vessels flying their flag and operating on the high seas, i.e. beyond areas of national jurisdiction. It requires flag States to ensure that fishing vessels entitled to fly their flag do not engage in activities that undermine the effectiveness of international conservation and management measures, such as those adopted by regional fisheries management bodies. To do so, flag States shall establish a special authorization regime for national vessels to fish on the high seas. Such authorization shall only be issued where the flag State “is satisfied that it is able, taking into account the links that exist between it and the fishing vessel concerned, to exercise effectively its responsibilities under this Agreement in respect of that fishing vessel” (art. III(3)). Moreover, flag States are required to maintain a record of fishing vessels entitled to fly their flag and authorized to be used for fishing on the high seas.

Status: None of the countries covered in the present report has ratified the FAOCA, which has 40 parties.

Another agreement promoted by FAO is the 2009 **PSMA or Port State Measures Agreement**, which entered into force on 5 June 2016. The agreement focuses on port State responsibilities in the fight against Illegal, Unreported and Unregulated (IUU) fishing. Member States commit to adopt a number of measures in order to control foreign (and possibly national) fishing vessels entering their ports and using port facilities. Such measures include designation of ports, advance request for port entry, and authorization or denial of port entry. In certain circumstances, a port State may deny use of port facilities to a fishing vessel that was authorized to enter port, namely if it has reasonable grounds to believe that the vessel was engaged in IUU fishing activities. The PSMA further requires port States to conduct regular inspections of ships according to a common set of standards, while ensuring that ports are adequately equipped and inspectors properly trained. Most importantly, the agreement includes provisions aiming at ensuring cooperation between the concerned port State and the flag State of the fishing vessel that was denied port entry or use of port facilities.

Status: None of the countries covered in the present report has ratified the PSMA, which has 41 parties so far. Viet Nam is in the process of acceding to the agreement.

Finally, the **WFC** applies to both marine and inland fishers employed on board fishing vessels engaged in commercial fishing operations, which include “all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing” (art. 1(a)). A special clause is drawn for member States that may not immediately implement all of the measures provided for in the convention “owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions” (art. 4(1)). In such case, the concerned member State may, in accordance with a plan drawn up in consultation, progressively implement a number of provisions with regard to smaller fishing vessels (e.g. vessels below 24 metres in length).

Status: None of the countries covered in the present report has ratified the WFC, which has 10 parties so far.

1.1.2. Multilateral Environmental Agreements

Among the numerous Multilateral Environmental Agreements (MEAs), five relevant texts are taken into consideration – all currently in force:

- 1971 Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention);
- 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- 1979 Convention on the Conservation of Migratory Species of Wild Animals (CMS);
- 1992 Convention on Biological Diversity (CBD);
- 1997 Convention on the Law of the Non-Navigational Uses of International Watercourses (UNWC).

Ratification of these agreements by the three countries covered in this report is summarized in Table 2 below.

Table 2. Status of ratification of relevant MEAs

| | Cambodia | Lao PDR | Viet Nam |
|--------------------------|-----------------|----------------|-----------------|
| CBD | ✓ | ✓ | ✓ |
| CITES | ✓ | ✓ | ✓ |
| CMS | -* | - | -* |
| Ramsar Convention | ✓ | ✓ | ✓ |
| UNWC | - | - | ✓ |

* Cambodia and Viet Nam are parties to the IOSEA Marine Turtles MoU, adopted under the CMS.

The mission of the **Ramsar Convention** is “the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world” (art. ...). Adopted in 1971 and amended in 1982 and 1987, it is the first binding instruments to address systematically the protection of a group of ecosystems. The broad definition of wetlands adopted by the convention includes lakes and rivers, aquifers, swamps and marshes, wet grasslands, peatlands, oases, estuaries, deltas and tidal flats, mangroves and other coastal areas, coral reefs, and all human-made sites such as fish ponds, rice paddies, reservoirs and salt pans. Under three main pillars, member States commit to work towards the wise use of all their wetlands, to designate suitable wetlands for the List of Wetlands of International Importance or Ramsar List and ensure their effective management, and to cooperate internationally on transboundary wetlands, shared wetland systems and shared species.

Status: All three countries have ratified the Ramsar Convention, which has 169 parties, and have designated a number of listed sites –

- **Cambodia has 4 Ramsar sites**, including the *Middle Stretches of Mekong River North of Stoeng Treng*, near the border with Lao PDR, and the area of *Koh Kapik and Associated Islets* on the Gulf of Thailand.
- **Lao PDR has 2 Ramsar sites**, namely the *Beung Kiat Ngong Wetlands* in the Pathoumphone District, Champasak Province, which has a Management Plan for 2013-2017, and the *Xe Champhone Wetlands* in the Champhone and Xonbuly Districts, Savannakhet Province, both of which are near the border with Cambodia.
- **Viet Nam has 8 Ramsar sites**, one of which – the *Mui Ca Mau National Park* – is located in the southernmost province of the country and includes a coastal area and a marine area in the Gulf of Thailand.

Promoted by the World Conservation Union (IUCN), **CITES** was adopted in 1973 with the aim to ensure that international trade in specimens of wild animals and plants does not threaten their survival. The convention subjects all import, export, re-export and introduction from the sea of specimens of selected species to a licensing regime. Each State party must designate one or more management authorities in charge of administering the licensing system and one or more scientific authorities to advise them on the effects of trade on the status of the species. The species covered by the convention are listed in three appendices, according to the degree of protection provided: Appendix I includes species threatened with extinction, for which trade is only permitted in exceptional circumstances; Appendix II

includes species that may not be threatened with extinction, but for which trade must be controlled in order to avoid utilization incompatible with their survival; and Appendix III includes species that are protected in at least one country, which has asked other CITES parties for assistance in controlling the trade.

Status: All three countries covered in this report have ratified CITES, which has 183 parties.

The **CMS** was adopted under the auspices of the United Nations Environment Programme (UNEP) to provide an international legal framework for the conservation and sustainable use of migratory animals and their habitats. The convention paves the way for concerted action aiming at the adoption of internationally coordinated conservation measures throughout a migratory range by bringing together the relevant Range States, *i.e.* the States that are located on the migration route of migratory animals. The CMS is a framework convention under which Range States are encouraged to adopt global or regional arrangements, such as treaties or MoUs, in order to protect these animals, conserve or restore their habitats and mitigate obstacles to migration, inter alia. Species covered by the convention are listed in two appendices: Appendix I contains migratory species threatened with extinction and Appendix II lists migratory species that need, or would significantly benefit from, international cooperation.

Status: None of the countries covered in this report has ratified the CMS, which has 124 parties. However, Cambodia and Viet Nam have signed the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South East Asia (IOSEA Marine Turtles MoU), adopted under the auspices of the convention. Both countries are also Range States for two other species covered by the convention, namely Dugong and Sharks.

Adopted in 1992 at the Earth Summit in Rio de Janeiro, the **CBD** has three main objectives, namely the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. It defines “biological diversity” as “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems” (art. 2). In accordance with their capabilities, State parties are required to develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity and to integrate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Status: All three countries covered in this report have ratified the CBD, which has 196 parties.

Finally, the **UNWC** or UN Watercourses Convention is a framework convention governing international watercourses, under which watercourse agreements may be concluded for “a particular international watercourse or part thereof” (art. 3(3)). It was adopted in 1997, and it entered into force on 17 August 2014 after a vigorous campaign led by the World Wide Fund for Nature (WWF). The scope of the convention includes the uses of international watercourses and of their waters for purposes other than navigation, as well as the measures of protection, preservation and management related to such uses. A “watercourse” is defined as “a system of surface waters and groundwaters constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus” (art. 2). The

UNWC codifies a number of principles, some of which were already part of customary international law. It requires watercourse States to utilize international watercourses in an equitable and reasonable manner and to take all appropriate measures to prevent the causing of significant harm to other watercourse States. In particular, watercourse States must give timely notification to other watercourse States of any planned measure or development that may have a significant adverse effect upon them, including the results of any environmental impact assessment and other relevant data or information. The convention also requires State parties to individually and jointly protect and preserve the ecosystems of international watercourses, as well as the marine environment, to prevent, reduce and control the pollution of an international watercourse, and to prevent the introduction of alien or new species into an international watercourse, which may have detrimental effects upon the aquatic ecosystem.

Status: So far, only Viet Nam has ratified the UNWC, which has 36 parties. The 1995 Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (Mekong Agreement) is a watercourse agreement as defined in the 1997 UNWC (see next section). Although the UNWC explicitly states that its provisions do not affect the rights and obligations established in pre-existing watercourse agreements, it goes on to say that State parties “may, where necessary, consider harmonizing such agreements with the basic principles of the present Convention” (art. 3(2) UNWC). Harmonization would become impelling where all member States of the Mekong River Commission became parties of the UNWC.

1.2. Regional Arrangements

Several regional bodies operating in South-East Asia are relevant to fisheries, namely:

- Asia-Pacific Fishery Commission (APFIC);
- Association of Southeast Asian Nations (ASEAN);
- Coordinating Body on the Seas of East Asia (COBSEA);
- Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asian and Pacific Region (INFOFISH);
- Mekong River Commission (MRC);
- Network of Aquaculture Centers in Asia-Pacific (NACA);
- Southeast Asian Fisheries Development Center (SEAFDEC);
- Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC).

Membership in these organizations is reported in Table 3 below.

Table 3. Membership in relevant regional and sub-regional bodies

| | Cambodia | Lao PDR | Viet Nam |
|-----------------|-----------------|----------------|-----------------|
| APFIC | ✓ | - | ✓ |
| ASEAN | ✓ | ✓ | ✓ |
| COBSEA | ✓ | - | ✓ |
| INFOFISH | ✓ | - | - |
| MRC | ✓ | ✓ | ✓ |
| NACA | ✓ | ✓ | ✓ |

| | | | |
|----------------|---|---|----|
| SEAFDEC | ✓ | ✓ | ✓ |
| WCPFC | - | - | -* |

* Viet Nam is a cooperating non-member of the WCPFC.

Founded in 1967, **ASEAN** is a regional organisation established to promote intergovernmental cooperation and facilitate economic integration amongst its members. It aims, *inter alia*, at accelerating economic growth, social progress and sociocultural evolution, and to protect regional stability and the peaceful resolution of differences. ASEAN also promotes collaboration and mutual assistance on matters of common interest, including agriculture and trade. Developed under the general framework of the Strategic Plan for ASEAN Cooperation in Food, Agriculture and Forestry (2016-2025), the Strategic Plan of Action on ASEAN Cooperation on Fisheries 2016-2020 was endorsed at the 38th AMAF Meeting held on 6 October 2016 in Singapore. The ASEAN Catch Documentation Scheme (ACDS) is currently being finalized. A Joint ASEAN-SEAFDEC Declaration on Regional Cooperation for Combatting IUU Fishing was issued on 3 August 2016.

Status: Cambodia, Lao PDR and Viet Nam are all members of ASEAN, which has 10 member States.

The **SEAFDEC** is a technical body mandated to harness the fisheries potential in the region, particularly through the transfer of new technologies, research and information dissemination activities. The strategic objectives of SEAFDEC are (i) to promote rational and sustainable use of fisheries resources in the region; (ii) to enhance the capability of fisheries sector to address emerging international issues and for greater access to international trade; (iii) to alleviate poverty among the fisheries communities in Southeast Asia; and (iv) to enhance the contribution of fisheries to food security and livelihood in the region. In 2016, a number of regional guidelines and plans of action have been prepared through the Fisheries Consultative Group of the ASEAN-SEAFDEC Strategic Partnership (FCG/ASSP), including the ASEAN Regional Plan of Action for the Management of Fishing Capacity and the Regional Guidelines on Traceability System for Aquaculture Products in the ASEAN Region.

Status: All three countries covered in this report are members of SEAFDEC, which has 11 member States.

The **MRC** is a basin organization created in 1995, with four member States (Cambodia, Lao PDR, Thailand and Viet Nam). It aims at the cooperation between riparian countries in all fields of sustainable development, utilization, management and conservation of the water and related resources of the Mekong River Basin, including but not limited to irrigation, hydropower, navigation, flood control, fisheries, timber floating, recreation and tourism. MRC members have agreed to cooperate in fisheries management and to protect the environment, natural resources, aquatic life and conditions, as well as the ecological balance of the basin from pollution or other harmful effects. At its 22nd meeting in January 2016, the MRC Council approved the Integrated Water Resources Management-based Basin Development Strategy (BDS) 2016-2020 for the Lower Mekong Basin, as a follow up to the BDS 2011-2015. Moreover, the MRC is currently preparing a study on fish ecology, productivity and value of capture fisheries, and a Mekong Basin-wide Fisheries Management and Development Strategy.

Status: All three countries covered in this report are members of the MRC. As the upstream States of the Greater Mekong Sub-Region – China and Myanmar – are not members of the MRC, the mandate of the Commission only covers the Lower Mekong Basin. Both countries, however, do cooperate with the MRC as Dialogue Partners. The 6 countries have recently launched the Lancang/Mekong Cooperation Mechanism (LMCM), Lancang being the name of the Mekong River in China. In addition, the Agreement on Waterway Transportation was signed in 2009 between Cambodia and Viet Nam to implement the provisions of the 1995 Mekong Agreement regulating freedom of navigation in the Mekong river system.

WCPFC is an intergovernmental organization aiming to ensure the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean through effective management. Established by the 2000 Convention, the WCPFC is a regulatory body adopting conservation and management measures that are binding upon its members, in accordance with UNCLOS provisions. The Commission has 26 member States, 7 participating territories and 7 cooperating non-members.

Status: None of the countries covered in this report is a member of the WCPFC agreement but Viet Nam is a cooperating non-member.

NACA is an intergovernmental organisation, created by the 1988 Agreement, which aims at promoting rural development through sustainable aquaculture, as well as to improve rural income, increase food production and foreign exchange earnings, and diversify farm production.

Status: All three countries covered in this report are members of NACA, which has 19 member States.

APFIC, previously known as the Indo-Pacific Fisheries Council, is a regional advisory body established in 1948 under Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations (FAO). APFIC has, *inter alia*, the responsibility to recommend measures and to initiate programmes or projects to increase the efficiency and sustainable productivity of inland and marine fisheries and aquaculture, conserve and manage resources, and protect resources from pollution. Lately, Member Countries have indicated that APFIC shall act as a Regional Consultative Forum that works in partnership with other regional bodies to increase knowledge of fisheries and aquaculture in the region to underpin decision-making.

Status: Only Cambodia and Viet Nam are members of APFIC, which has 21 member States.

COBSEA is a steering body in charge of implementing the Action Plan for the Protection and Development of the Marine Environment and Coastal Areas of the East Asian Seas Region (the East Asian Seas Action Plan), approved in 1981.

Status: Cambodia and Viet Nam are members of COBSEA, which has 9 member States.

INFOFISH is an intergovernmental organization providing marketing information and technical advisory services to the fishery industry of the Asia-Pacific region. It was launched in 1981 as an FAO project and formalized as an intergovernmental organization in 1987.

Status: Only Cambodia is a member of INFOFISH, which has 13 member States.

2. DOMESTIC FRAMEWORK

2.1. Strategic Framework

All three countries covered in this report have adopted a strategic framework for fisheries, generally aligned with the national development policy, to be implemented over 10 years or more. While the main objectives of the national strategies of Cambodia and Lao PDR are similar, particularly with regard to aquaculture development and improvement of post-harvest activities, Viet Nam appears to be more oriented towards industrialization of the fisheries sector, albeit within the framework of environmental protection.

More specifically, **Cambodia** has adopted a Ten-year Strategic Planning Framework for Fisheries 2010-2019 (SPF), which includes the Cambodian Code of Conduct for Responsible Fisheries (CamCode). The SPF is aligned with the Rectangular Strategy for Growth, Employment, Equity and Efficiency, developed for achievement of the Millennium Development Goals (MDGs), and with the National Strategic Development Plan 2014-2018. The SPF 2010-2019 was recently updated through SPF 2015-2024 in order to align it with Phase III of the Rectangular Strategy, announced in 2013.

The main development pillars established by the SPF are as follows:

- a) Sustainable management of inland and marine fishing;
- b) Promotion of inland and marine aquaculture; and
- c) Improvement of the quality and safety of fisheries products for domestic consumption and for export.

Within this framework, the Cambodian Fisheries Administration has committed to implementing seven key goals, namely:

- 1) The contribution of the fishery and aquaculture to national prosperity is high and sustained.
- 2) The livelihoods of people in the sector are improving and above the national average
- 3) The fisheries domain and associated resources are in a healthy and resilient condition and sustainably managed.
- 4) Fish is a plentiful, healthy and valuable source of food.
- 5) Fishing businesses are profitable, sustainable and responsible.
- 6) The fisheries domain is managed, developed and conserved in close cooperation with neighbouring countries.
- 7) The policy, regulatory and support environment for the sector is sufficient, appropriate and enabling.

In addition, Cambodia is in the process of adopting a National Aquaculture Development Strategy 2014-2030. The draft strategy is currently being reviewed at ministerial level.

On the other hand in 1999, **Lao PDR** has adopted the National Strategy for Fisheries Management and Development until 2025 (NSF), based on the 1996 Policy Framework for Fisheries Development in Lao PDR and in line with the National Socio-Economic Development Plan 2016-2020 and the National Strategy on Agriculture Development until 2025, Vision to 2030. The main priority areas identified are the following:

- a) Aquaculture and floodplain development and management;
- b) Reservoir fisheries development and management;
- c) Aquatic resources identification, assessment and management; and
- d) Post-harvest technologies, trade and regulations.

Since 2000, the NSF is being implemented through five-year action plans, the latest of which is the Strategic Implementation Plan for Fisheries 2016-2020, developed with the assistance of FAO. The plan identifies three priority areas: (i) fish production for food security; (ii) fish production for trade; and (iii) sustainable fisheries management and development with a focus on climate change adaptation. Eight strategic programmes are identified:

- 1) Zoning for fishery management and development;
- 2) Increasing aquaculture productivity;
- 3) Sustainable fishery management and climate change adaptation;
- 4) Fishery research;
- 5) Fishery extension and services;
- 6) Basic infrastructure improvement;
- 7) Human resources development;
- 8) Monitoring and evaluation.

The Laotian Department of Livestock and Fisheries is currently working with WWF-Laos on a Fisheries Management Plan for the Siphandone area 2016-2020. This project is a component of a larger effort that will protect biodiversity, sustainable natural resource use, and ecological functions in the three most important wetland sites on the lower Mekong – the 50-km Siphandone in southern Laos, the 40-km Ramsar Site between Stung Treng, Cambodia and the Laos border, and the 56-km Central Section between Kratie and Stung Treng, Cambodia.

Finally, fisheries development in **Viet Nam** relies on three main policy documents, namely the Strategy for the Development of the Fisheries of Viet Nam until 2020 (Decision No. 1690 of 2010), the Master Plan on Fisheries Development of Viet Nam to 2020, Vision to 2030 (Decision No. 1445 of 2013) and the Restructuring Scheme for the Fisheries Sector towards Higher Value-added and Sustainable Development (Decision No. 2760 of 2013). The main objectives the 2020 Fisheries Strategy are defined as follows:

- a) To develop fisheries into a commodity production industry with prestigious brands and high competitiveness in international economic integration;
- b) To continue the economic and labour restructuring along with industrializing and modernizing the fisheries sector and reorganizing fisheries production in all areas of exploitation;
- c) To improve living standards and conditions of the fishermen community and train human resources for the fishing industry;
- d) To develop fisheries toward quality and sustainability, through harmonizing the increase of added value with assurance of quality, food hygiene and safety, environmental protection, protection and development of resources and social security;
- e) To improve the capacity of state management of fisheries through access to the science of community-based integrated management of the fishing industry and interaction with other industries.

2.2. Institutional Framework

The three countries have a similar institutional framework for fisheries, with the fisheries administration lodged under the ministry in charge of agriculture. In particular, the main fisheries authority in Cambodia is the Fisheries Administration (FiA) – replacing the former Department of Fisheries (DoF) –, under the Ministry of Agriculture, Forestry and Fisheries (MAFF). In Lao PDR, fisheries matters fall within the competence of the Department of Livestock and Fisheries (DLF), under the Ministry of Agriculture and Forestry (MAF). In Viet Nam, the sector is managed by the Directorate of Fisheries (D-FISH), under the Ministry of Agriculture and Rural Development (MARD).

Two main Memoranda of Understanding (MoU) were signed respectively in 2010 between Cambodia’s FiA and Lao PDR’s DLF and in 2011 between Cambodia’s FiA and Viet Nam’s D-FISH as a framework for cooperation in the fisheries sector. Both MoU are to be implemented by Memoranda of Agreement (MoA) governing specific joint activities or projects. So far, two MoA were adopted in 2014, respectively between FiA and DLF and between FiA and D-FISH, for the implementation of a number of collaborative activities supported by the SEAFDEC-Sweden Program, under which this report was commissioned (Component 1 – Legal Framework).

Previously, two other arrangements had been adopted at the local level in the areas of the SEAFDEC-Sweden Program between Cambodia and Lao PDR on one hand, and between Cambodia and Viet Nam on the other. In 2006, the provincial authorities of Champasak, Lao PDR, and Stung Treng, Cambodia, signed the Minutes of the meeting on transboundary wetland management in Champasak and Stung Treng whereby they agreed on a number of recommendations in four main areas, namely fisheries management, tourism management, dolphin pool management and development management. In 2008, an MoA was signed between the Provincial People’s Committee of Kien Giang Province, Viet Nam, and the Governor of Kampot Province, Cambodia, for the implementation of the policy and framework for cooperation in management of coastal ecosystems and natural resources between the two provinces.

At the local level, the three countries have a similar institutional framework organized in provincial authorities, district authorities and commune authorities (village cluster authorities in Lao PDR), as reported in Table 4 below.

Table 4. Comparative table of administrative subdivisions

| Cambodia | | Lao PDR | | Viet Nam | |
|-------------------------------|----------|----------------------------------|----------|-----------------------------|-------------------------------|
| Capital City | Province | Capital City | Province | Municipality | Provincial People’s Committee |
| <i>Khan</i> (Municipality) | District | District | | District People’s Committee | |
| <i>Sangkat</i> | Commune | <i>Kum Ban</i> (Village Cluster) | | Commune People’s Committee | |
| Village | | <i>Ban</i> (Village) | | - | |
| Group | | <i>Noey</i> (Unit) | | - | |

In the three countries, local branches of the central fisheries authorities operate at the provincial, district and commune/village levels, as indicated in Table 5 below. In Cambodia, an additional level – the Inspectorate FiA – is established at the regional level incorporating several provinces. There are five Inspectorate FiAs throughout the country, with the mandate to formulate strategic management plans for fisheries, supervise, monitor and coordinate local FiAs within the region, and perform inspections and surveillance activities. In Viet Nam, Fishing Port Authorities are in charge of managing fishing ports.

Table 5. Comparative table of local fisheries authorities

| | Cambodia | Lao PDR | Viet Nam |
|------------------------|---------------------------|--|--|
| Regional / other level | Inspectorate FiA | - | Fishing Port Authority |
| Provincial level | Cantonment FiA | Provincial Livestock & Fisheries Section / Provincial Agriculture and Forestry Office (PAFO) | Sub-Departments of Fisheries, Aquaculture, Capture Fisheries & Resources Protection, Livestock Production & Animal Health, and Agro-Forestry-Fisheries Quality Assurance / Provincial Department of Agriculture and Rural Development (DARD) |
| District level | Division FiA | District Livestock & Fisheries Unit / District Agriculture and Forestry Office (DAFO) | District Division of Agriculture and Rural Development |
| Commune level | Sangkat FiA | Village (or Reservoir) Fisheries Management Committees (FMCs) | Division of Economics of Town/City |
| Village level | Community Fisheries (CFi) | | |

Finally, in the three countries, fisheries authorities shall cooperate with other national institutions according to their area of competence, as summarized in Table 6 below.

Table 6. Comparative table of other relevant authorities

| | Cambodia | Lao PDR | Viet Nam |
|------------------------------|-------------------------|---|---|
| Environmental matters | Ministry of Environment | Ministry of Natural Resources and Environment | Ministry of Natural Resources and Environment |

| | | | |
|---|--|---|---|
| Food safety | Ministry of Health | Ministry of Health | Ministry of Health |
| Hydropower development | Ministry of Mines and Energy | Ministry of Energy and Mines | Ministry of Industry and Trade |
| International cooperation | Council of Ministers & Ministry of Foreign Affairs and International Cooperation | Ministry of Foreign Affairs & Ministry of Planning and Investment | Ministry of Foreign Affairs |
| Law enforcement | Ministry of Interior | Ministry of Public Security | Ministry of Police & Ministry of National Defence |
| Maritime affairs & inland navigation | Ministry of Public Works and Transport | Ministry of Public Works and Transport | Ministry of Transport |
| Scientific research | Ministry of Education, Youth and Sports | Ministry of Sciences and Technology | Ministry of Science and Technology |
| Trade in food products | Ministry of Commerce | Ministry of Industry and Commerce | Ministry of Industry and Trade |
| Water resources | Ministry of Water Resources and Meteorology | Ministry of Natural Resources and Environment | Ministry of Natural Resources and Environment |

With regard to inter-institutional cooperation, it is worth noting that a Commission and Sub-Commissions to eliminate fishery offences were put in place in Cambodia in 2012. However, in 2014, the country was listed as non-cooperating third country in fighting IUU fishing under EU regulations¹. In order to address the issues identified by the EU Council, a National Working Group for combatting and preventing on IUU fishing was established in 2015. The National Working Group is composed of representatives from different authorities, including the Council of Ministers, the Ministry of Commerce, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Public Works and Transport, and the FiA, which has also established its own internal working group – the FiA Work Group for combatting and preventing IUU fishing – with the mandate to support the work of the National Working Group.

2.3. Fisheries and Related Legislation

The three countries have a fairly recent legal framework on fisheries in place that integrates most of the internationally accepted principles of sustainable fisheries management. In particular, Cambodia has adopted the 2006 Law on Fisheries, Lao PDR has enacted its first Fisheries Law in 2009, and Viet Nam relies on the 2003 Fisheries Law, which is currently being revised. Cambodia and Viet Nam also have a set of implementing regulations governing different matters, such as fishing fees and charges, foreign fishing, fishing operations, fishing gear, ornamental fish species, community fisheries and fish product quality and safety. Lao PDR has not yet adopted national regulations to implement the 2009 Fisheries Law, but regulations are found at reservoir or village level.

¹ Council Implementing Decision of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2014/170/EU).

This section presents the findings of the two comparative analyses between Cambodia and Lao PDR on inland fishing activities and between Cambodia and Viet Nam on marine capture fisheries, based on the respective matrices agreed during the inception workshops held in Phnom Penh in October 2016 and revised during the consultation workshops held in Pakse and Phu Quoc in December 2016. The two comparative matrices are reported in the annex to this report. The comparative analyses take into consideration primary and secondary legislation on fisheries, as well as other relevant texts such as environmental, maritime and veterinary legislation.

2.3.1. Inland Fisheries and Aquaculture – Cambodia / Lao PDR

A. Inland Capture Fisheries

1. Registration of fishing vessels/boats or fishers

In Cambodia, all inland vessels with capacity over 500 kg, including fishing vessels, must register with the MPWT. Registration of boats with loading capacity below 40 t or with engine capacity below 90 hp is handled at provincial/municipal level. In addition, the procedure for the granting of fishing licences includes registration of fishing vessels and gear with the FiA, subject to compliance with technical requirements for fishing vessels with capacity over 500 kg. Community Fisheries (CFi) Committees hold a register of fishing boats and gear operating in the CFi in accordance with their internal rules and by-laws. Finally, fishers are registered with Administration Police and with the relevant CFi.

In Lao PDR, no registration is required for small-scale traditional/subsistence fishing boats. It is reported that virtually no commercial fishing occurs in Laotian waters and that fishers informally cater for the local market and for the Thai market across the border. Fishers are registered with the Fisheries Management Committee (FMC) of the concerned water body. In large reservoirs, such as Nam Theun 2, the FMC holds a register of fishing boats.

Conclusion: No registration is required for small-scale inland fishing boats in either country; however, fishers' registration is generally ensured by community fisheries bodies and, in Cambodia, with Administration Police authorities.

2. Safety onboard fishing vessels/boats

In Cambodia, safety requirements for all vessels with capacity above 500 kg are established by MPWT regulations. Specific safety requirements are established under fisheries regulations.

In Lao PDR, no safety requirements are established for small-scale fishing boats.

Conclusion: No safety regulations for small-scale inland fishing boats in either country. However, most fishers carry a mobile phone. Authorities recognize that life vests should always be available on board.

3. Marking of fishing vessels/boats

In Cambodia, identification colours according to the city/province are established for the marking of fishing vessels with capacity above 500 kg but those provisions are generally not applied to inland fishing boats.

In Lao PDR, no provisions are made on the marking of fishing vessels.

Conclusion: No marking requirements are currently implemented for inland fishing boats in either country.

4. Zoning of fishing areas

In Cambodia, the Inland Fishery Domain is subdivided in 7 zones, namely concession fishing lots², fishery conservation areas, inundated forest areas, family-scale fishing areas reserved for traditional community fishing, unclassified open access areas, aquaculture development areas and seasonal floodplains. Cambodian legislation prohibits the use certain types of fishing gear or methods in certain areas.

In Lao PDR, no provisions are made on the zoning of fishing areas in relation with the type and size of fishing vessels, the type of gear or the type of fisheries.

Conclusion: Only Cambodian legislation provides for the zoning of fishing areas in relation with the type and size of fishing vessels, the type of gear, or the type of fisheries.

5. Licensing regime to fish in national waters

In Cambodia, legislation requires a licence for all types of fisheries, including in the inland domain, except for subsistence fishing. Fishing licences consist of two parts, one for the licensing of the vessel (FiA registration) and one for the licensing of fishing gear. In particular, the use of middle-scale fishing gear, including in the inland domain, is subject to a licence and to the payment of a fee according to the type and size or number of fishing equipment or to the engine power. As reported earlier, FiA registration is subject to compliance with technical requirements for fishing vessels with capacity above 500 kg.

In Lao PDR, no licensing regime is established under fisheries legislation. However, FMCs may establish a licensing system for commercial fisheries through local regulations applicable in closed water bodies such as reservoirs. In particular, in Nam Theun 2 reservoir three categories of fishing licence may be granted, namely for commercial fishing, for family consumption, and a daily fishing ticket.

Conclusion: No fishing licence is required in practice for inland fishing in either country, except for middle-scale fisheries in the Tonle Sap Great Lake in Cambodia and for commercial fisheries in the Nam Theun 2 Reservoir in Lao PDR.

² Concession fishing lots have now dismantled and mostly transferred to CFis; since then the number of bag net licences (*dai* fisheries) has remained constant.

6. Community-based management of fishing activities

In Cambodia, CFIs may be established by interested citizens on a voluntary basis, in specific areas allocated by MAFF. Agreements on the CFI area are decided or cancelled by the chief of Cantonment, and each CFI adopts a main by-law, internal rules and a management plan approved by the head of Central FiA. CFI Committees generally hold a register of fishers and a register of fishing boats and gear operating in the CFI in accordance with their internal rules and by-laws.

In Lao PDR, FMCs may be established for a specific water body at village or reservoir level, upon proposal of relevant village authorities. The establishment of FMCs shall be approved by the district governor and by the head of municipality. FMCs, which are composed of local authorities, fishers and other relevant stakeholders, must adopt a fisheries management and development plan. They are in charge of recording fisheries statistics (production, fishers, conservation zones, etc.), maintain a register of fishers and regulate access to commercial fisheries in the concerned water body.

Conclusion: Both countries have as community-based fisheries management system in place, with the power to adopt regulations and management plans. Community-fisheries bodies in both countries collect information of fishers and fishing activities occurring in the concerned water body. In Lao PDR, local authorities are FMC members, whereas in Cambodia only fishers are members of the CFI.

7. Requirements for foreign fishing vessels or fishers operating in national waters

In Cambodia, fisheries and aquaculture activities carried out by foreigners are subject to an agreement with MAFF, after approval by the Royal Government. In the inland domain, customary rules require that foreign fishers from bordering countries seek permission from CFI before entering Cambodian waters and commit to relevant CFI rules. CFI authorities generally report the information to the Commune.

In Lao PDR, no provisions are made with regard to foreign fishing vessels or foreigner fishers operating in national waters. The only relevant provision found in the fisheries law establishes that the settlement of disputes on transboundary matters pertaining to fisheries shall comply with applicable international law.

Conclusion: No formal requirement is made in either country for foreign fishers or fishing boats operating in national inland waters, but CFI customary rules are applied in Cambodia.

8. Fishing logbook requirements and regular communication of catch reports to the fisheries administration

In Cambodia, a model fishing vessel logbook is established under fisheries regulations for vessels with capacity above 500 kg. However, the requirement is not reportedly applied to inland fishing. As reported above, CFI Committees generally hold a register of fishers and a register of fishing boats and gear operating in the CFI in accordance with their internal rules and by-laws.

In Lao PDR, no provisions are made with regard to fishing logbook or catch reports but FMCs are in charge of collecting annual statistics on fishing activities occurring in their water body and of communicating them to the DLF.

Conclusion: No fishing logbook or catch report is formally required for inland fishing in either country but some information may be collected by community fisheries bodies. However, Cambodian CFIs do not have a specific obligation to collect fisheries statistics and communicate them to the FiA.

B. Conservation of Habitats and Species

9. Prohibition of destructive fishing methods

In Cambodia, legislation prohibits the use explosives, poisonous substances and electrified gear for fishing purposes. Modern or new fishing gear or methods are prohibited unless authorized by MAFF. The use of mosquito nets for fishing is strictly prohibited in the inland domain. Also forbidden is the pumping, bailing or drying out of any part of the fisheries domain. Other prohibited methods include the use of dikes with other types of fishing gear, brush parks, stationary fishing nets and boa nets, light fishing with certain fishing gear, freshwater trawlers, motorized boat push nets, and transversal strings (see Cambodia-Lao PDR matrix in the annex for further details). In the Mekong region of Stung Treng, the use of *dai* nets is strictly prohibited.

In Lao PDR, it is prohibited to use destructive fishing gears and methods such as poison, explosives, weapons, electric devices, lighting devices, acoustic devices, release of waste water and toxic chemicals into water bodies. It is also forbidden to use any method blocking the movement of aquatic animals such as seine net, gill net, drag net, bamboo wing traps, bamboo fence traps with bag net, and to block water bodies by erecting structures, digging ponds or pumping water.

Conclusion: Both countries prohibit the use of destructive fishing methods, such as explosives, noxious substances, electric devices, light fishing or water pumping. However, some destructive practices that are illegal in one country may not be prohibited in the other country (e.g. mosquito nets are prohibited in Cambodia and acoustic devices in Lao PDR). The most destructive practices are considered a criminal offence in Cambodia and sanctioned accordingly, whereas in Lao PDR they are punished with a criminal sanction only when they result in the destruction of habitats or spawning grounds or when they involve protected species.

10. Regulation of the use of fishing gear

In Cambodia, legislation prohibits the use of certain types of motorized fishing gear in the inland fisheries domain (see matrix item 10 for further details). It also prohibits certain types of fisheries outside specific areas (e.g. *dai* fisheries, trawling, middle-scale fisheries with seine nets) and regulates the size of seine nets according to the water body (300 m long outside Tonle Sap Great Lake and 600 m within the lake). In addition, 45 types of fishing gear are allowed during closed season and 50 types of fishing gear are allowed during open season.

In Lao PDR, legislation prohibits the use of the most destructive fishing gear or methods (see item 9 above) but does not regulate the use of authorized fishing gear.

Conclusion: Both countries prohibit the use of certain fishing gear. There are, however, a number of differences regarding the types of prohibited fishing gear, the specific areas where those prohibitions apply or the season during which they apply. Both countries punish the use of prohibited fishing gear with an administrative sanction, unless it results in damage to habitats or to fisheries resources.

11. Authorized mesh size for fishing nets

In Cambodia, the authorized mesh size of fishing nets is established in national legislation but local regulations also exist in this regard. In the inland domain, the 2006 Law on Fisheries prohibits the use of fishing nets, seines or iron wire with mesh size smaller than 4 cm to make barrier or replacement of bamboo fence, of gillnets or all types of seine nets with mesh size smaller than 1.5 cm, of all types of fishing nets with mesh size larger than 15 cm, and of all kinds of bamboo fences with mesh size smaller than 1.5 cm.

In Lao PDR, the authorized mesh size of fishing nets is generally defined in village-level fisheries regulations, by village authorities jointly with the FMC for each specific water body, to be approved by the district governor and the head of municipality. District governor regulations in the Champasak province establish that only gillnets above 5 cm and below 15 cm may be used in Fish Conservation Zones.

Conclusion: Both countries have provisions regarding the minimum/maximum mesh size for fishing nets but such provisions may substantially differ according to the type of fishing net or to the concerned fishing zone, especially considering that the issue is also addressed by local regulations. Cambodia makes it a criminal offence to use fishing nets with an illegal mesh size, whereas in Lao PDR it is punished with an administrative sanction unless it involves the exploitation of protected species or it results in the destruction of habitats and spawning grounds.

12. Protection of endangered species (protected species)

In Cambodia, the exploitation of endangered species is prohibited and sanctioned under the 2006 Law on Fisheries. Twenty-nine inland aquatic species are defined as endangered. Specific regulations exist for the conservation of freshwater dolphins (Irrawaddy dolphin or *Orcaella brevirostris*). In addition, protected species are defined by the Ministry of Environment in accordance with CITES.

In Lao PDR, the 2009 Fisheries Law classifies aquatic animal species in three categories: protected species, controlled species and common species. Protected species, including the Irrawaddy dolphin, shall not be exploited unless authorized by the Government. Controlled species may be exploited under certain conditions, and local authorities shall prohibit their exploitation if they are deemed at risk of extinction. Common species may be exploited in accordance with applicable regulations.

Conclusion: Both countries have provisions regarding the protection of endangered species, although some differences are found in the respective lists of protected species. Lao PDR

makes the exploitation of protected species a criminal offence, whereas Cambodia establishes an administrative sanction.

13. Minimum authorized fish size

In Cambodia, no provisions are made with regard to the minimum authorized size of fish for inland species. However, the 2006 Law on Fisheries prohibits the exploitation of fingerlings or fish eggs and other aquatic animals' offspring or eggs.

In Lao PDR, no provisions are made with regard to the minimum authorized size of fish. However, the 2009 Fisheries Law prohibits the harvesting of fingerlings for both protected and controlled species (see item 12 above).

Conclusion: No provisions on minimum fish size are found in either country, but both prohibit the catching of fingerlings. Lao PDR makes the catch of fingerlings a criminal offence, whereas Cambodia establishes an administrative sanction.

14. Spatial control measures (protected areas)

In Cambodia, a special permission to be issued by the minister of MAFF is required for fishing in Fishery Conservation Areas identified under the 2006 Law on Fisheries, namely rapids and deep pools in rivers, lakes, inundated forests, and mangrove forests. On the other hand, the 2008 Law on Natural Protected Areas identifies 8 types of Protected Areas: national park; wildlife sanctuary; protected landscape; multiple use area; Ramsar site; biosphere reserve; natural heritage site; and marine park. The Nature Protection and Conservation Administration (NPCA), established under the MoE, is responsible for the management of Protected Areas, pursuant to RGC policy.

In Lao PDR, according to the 2009 Fisheries Law, Fish Conservation Zones may be established by village-level regulations, which are adopted by village authorities in consultation with relevant FMCs. The establishment of Fish Conservation Zones is promoted in breeding and feeding grounds for the conservation of aquatic biodiversity. Moreover, Protected Areas may be established under the Forestry Law, which has now returned under the competence of MAF.

Conclusion: Both countries have established fish conservation areas or zones under fisheries legislation and protected areas under environmental or forestry legislation, which may create the need for enhanced inter-institutional collaboration within each country (inter-departmental in Lao PDR and inter-ministerial in Cambodia) and between the two countries. Fishing in conservation areas is deemed as a criminal offence and sanctioned accordingly in Cambodia, including for subsistence fishing, whereas in Lao PDR it is punished with an administrative sanction, unless it results in the destruction of habitats and spawning grounds.

15. Temporal control measures (closed seasons)

In Cambodia, the closed season for middle-scale fishing is from 1st June to 30 September for the inland fishery domains located north of Tonle Chaktomok parallel – which corresponds to the Quatre Bras junction in Phnom Penh – and from 1st July to 31 October for the inland fishery domain located south of the same, as established in the 2006 Law on Fisheries. The closed season for the Mekong region of Stung Treng goes from 1st May to 30 September:

from 1st May to 30 June all types of fisheries using fishing gear specified in the 2013 MAFF Proclamation are prohibited; from 1st June to 30 September middle-scale fishing is prohibited in accordance with the general provisions of the Law on Fisheries.

In Lao PDR, no specific dates are established for the closed season. It is, however, prohibited to fish during the breeding and spawning seasons. In the Champasak province, district governor regulations only allow fishing for 3 hours per day during the dry season. In addition, some FMCs reportedly define closed seasons in their area.

Conclusion: While Cambodia has identified specific dates for closed seasons depending on the area, Lao PDR makes a general mention of the breeding or dry season and relies on local regulations for the definition of specific dates. It should be noted, however, that the general provisions on closed seasons established at national level in Cambodia do not apply to small-scale fishing. Middle- or industrial-scale fishing during the closed season is deemed as a criminal offence and sanctioned accordingly in Cambodia, whereas in Lao PDR it is punished with an administrative sanction, unless it results in the destruction of habitats and spawning grounds.

16. Habitat rehabilitation

In Cambodia, habitat rehabilitation falls under the purview of the Fisheries Conservation Department and the Fisheries Affairs Department of MAFF. Habitat rehabilitation measures may be taken at the local level in CFi management plans. The 2006 Law on Fisheries states that protected inundated areas shall be conserved and reforested in order to maintain the balance the fishery ecosystem. In addition, numerous sanctions are provided for the protection of inundated forests and mangrove forests.

In Lao PDR, no provisions are made on habitat rehabilitation. However, the 2009 Fisheries Law includes provisions on the protection of habitats.

Conclusion: Cambodia has adopted general provisions on the need for habitat rehabilitation and has established sanctions to ensure the maintenance of inundated forests and mangrove habitats for fisheries resources and ecosystems. Lao PDR does not have specific provisions on habitat rehabilitation for the protection of living aquatic organisms.

17. Stock enhancement

In Cambodia, the 1st of July of each year is designated as the National Fish Day, a traditional fish or other aquatic animal releasing ceremony aiming to promote the awareness of the importance and benefits of fisheries to people. Moreover, provinces may establish their own Fish Day. Although no specific indication is given about the use of alien species for restocking, no alien species are reportedly used during the releasing ceremony since the adoption of the 2006 Law on Fisheries.

In Lao PDR, the 13th July of each year is designated as the National Fish Release Day. No specific indication is made about the use of alien species but regulations on habitat protection may be adopted under the 2009 Fisheries Law.

Conclusion: Both countries have determined a national day for the release of fish into the natural environment, and local authorities of border areas often participate in each other's

ceremony. Neither country explicitly prohibits the use of alien species for restocking purposes.

C. Inland Aquaculture

18. Authorization regime for aquaculture activities

In Cambodia, inland aquaculture is subject to a permission to be issued by the FiA for ponds above 5,000 sq.m., for pens above 2,000 sq.m., and for cages above 15 sq.m.. Ornamental fish farming is subject to a licence to be issued by the FiA according to the number of farmed specimens (over 10,000 for local species and over 5,000 for exotic species). Foreign investors shall apply to the Cambodia Council for Development (CDC) and obtain the approval of the Council of Ministers. Projects below 2 million USD fall under the competence of the Provincial Governor.

In Lao PDR, commercial aquaculture is subject to an authorization to be issued by DAFO for ponds between 15,000 and 50,000 sq.m. and for cages between 120 and 250 sq.m., or by PAFO for ponds above 50,000 sq.m. and for cages above 250 sq.m.. The farming of protected aquatic species is subject to prior authorization from the Government, whereas the farming of controlled species is subject to MAF approval.

Conclusion: Both countries regulate the conduct of inland aquaculture, although authorization criteria may differ. Moreover, Cambodia makes specific provisions for the farming of ornamental species, while Lao PDR requires a special authorization for the farming of protected and controlled species. Both countries establish administrative sanctions for unlicensed farming activities but, in Lao PDR, the breach is punished with a criminal sanction if it involves protected species.

19. Movement of live fish

In Cambodia, the import of aquatic fauna or flora seeds for aquaculture purposes is subject to a permission to be issued by the head of Central FiA, after quality control and analysis of specimen by the FiA Laboratory. Commercial transport of fishery products (including live fish) is subject to a licence to be issued by Central FiA or by Cantonment FiA if transport occurs within the province. A permission is required for catching, selling, buying, stocking and transporting fry, offspring or eggs of aquatic animals, as well as for transporting, processing, buying, selling, and stocking endangered fishery resources.

In Lao PDR, the import of live fish is subject to an authorization and to the possession of a certificate of origin and a health certificate transport of live fish. The transport of live fish falls under the 2008 Law on Livestock Production and Veterinary Matters, which regulates the international and domestic movement of animals and animal commodities. The 2009 Fisheries Law prohibits the reception, trade, possession and transport of illegally acquired aquatic animals.

Conclusion: The import, export and transport of live fish is regulated under the FL in Cambodia, and falls under veterinary legislation in Lao PDR. Specific regulations on the movement of live fish have yet to be adopted in Lao PDR. Both countries establish administrative sanctions in case of violations but, in Lao PDR, breaches are punished with a criminal sanction if they involve protected species.

20. Introduction of alien species

In Cambodia, a licence to be issued by FiA is required for exotic ornamental fish farming of more than 5,000 specimens. In addition, it is prohibited to import, farm and trade alien species known as Pirapatinga (Piranha fish) and to raise Tilapia near natural water bodies.

In Lao PDR, no specific provisions are made to regulate the introduction of alien species. However, regulations may be adopted in this regard under the 2009 Fisheries Law. The law also promotes scientific research on aquaculture in order to limit the import of broodstock and seeds.

Conclusion: No provisions on alien species are found in Lao PDR's FL, whereas Cambodia makes specific requirements for the farming of exotic ornamental fish and prohibits the import, culture and trade of Piranha fish, as well as the farming of Tilapia near natural water bodies. The farming of unauthorized species is punished with an administrative sanction under Cambodian legislation.

21. Waste management from aquaculture farms

In Cambodia, it is prohibited to discharge or dump any toxic substance in the fishery domains, and to perform any activities that may cause harm to aquatic animals. Aquaculture operators are specifically required to maintain the quality of land, water, aquatic biodiversity and the environment. An Environmental Impact Assessment (EIA) is required under environmental legislation for medium- to large-scale investment projects.

In Lao PDR, it is prohibited to discharge waste, polluted water and toxic chemicals in water bodies, and aquaculture farmers have the obligation not to cause any impact on the environment beyond the defined standards. Such standards, however, have not yet been adopted. An EIA is required under environmental legislation for medium- to large-scale investment projects.

Conclusion: Both countries require that aquaculture farms control their waste in order to avoid polluting water bodies and the environment; an EIA is generally required for medium- to large-scale farms. The discharge of toxic substances is punished with a criminal sanction in Cambodia, whereas in Lao PDR criminal sanctions are only applicable where such discharge results in the destruction of habitats and other specific environmental damage.

22. Control of fish disease

In Cambodia, no provisions are made to regulate disease control in fish farms but the 2006 Law on Fisheries is currently being revised to fill the gap.

In Lao PDR, aquaculture farmers have the duty to inspect and monitor the health of fish and other aquatic animals and to report any serious disease outbreak to the authorities. In case of an outbreak, farmers must remedy the situation in a timely manner in order to avoid the spread of the epidemics but no specific measures are prescribed. The 2008 Law on Livestock Production and Veterinary Matters, which covers aquatic animals, has recently been amended in this regard. The amending law is under promulgation.

Conclusion: No specific measures are prescribed in legislation or regulations for the control of fish disease in aquaculture farms in either country. However, Lao PDR requires farmers to monitor fish health, report any serious disease outbreak, and adopt unspecified timely measures in the case of an outbreak in their farm. In case of non-compliance, Laotian authorities shall suspend or cancel the aquaculture licence.

D. Trade in Fish and Fish Products

23. Authorization regime for the sale, import and export of fish and fish products

In Cambodia, the commercial import and export of fishery products is subject to a licence to be issued by the head of Central FiA, based on a quota system. The 2006 Law on Fisheries requires that a quality control certificate in fishery pathology, to be issued by the exporting country, accompany imported fish products. The commercial transportation of fishery products is subject to a licence to be issued by FiA, and to the payment of a premium to be determined by proclamation.

In Lao PDR, a certificate of origin and a health certificate are required for the import of fish and fish products. Regulations may be adopted under the 2009 Fisheries Law for the distribution, import, export, re-export and transit of fish and other aquatic animals.

Conclusion: In Cambodia, the import, export and transport of fish products is subject to a licence. In addition, a health certificate is required from the exporting country for the import of fish products. Lao PDR has yet to adopt regulations in this regard, but does require in practice a health certificate and a certificate of origin for the import of fish products. Administrative sanctions are applied in Cambodia in case of breach of legislation.

24. Establishment and use of fish landing sites and facilities

In Cambodia, the establishment and operation of a fish landing site as a location for collecting, distributing, trading fish products is subject to a licence to be issued by the competent FiA. Other permits from relevant authorities are required for the establishment of a fish landing site. A draft proclamation defining the procedure for the establishment of landing sites is currently being prepared.

In Lao PDR, no provisions are made on the establishment and use of fish landing sites but regulations on fish trade and distribution may be adopted under the 2009 Fisheries Law.

Conclusion: A licence is required in Cambodia for the establishment and operation of fish landing sites, whereas Lao PDR is yet to adopt regulations in this regard. Administrative sanctions are applied in Cambodia for the unauthorized establishment of landing sites.

25. Traceability of fish and fish products

In Cambodia, fish traceability falls under the responsibility of the Department of Fish Control and Post-Harvest of MAFF. Fish traceability regulations are currently being developed. As mentioned earlier, a quality control certificate in fishery pathology, to be issued by the exporting country, must accompany imported fish products.

In Lao PDR, the 2008 Law on Livestock Production and Veterinary Matters covers fish traceability. Specific regulations on traceability are being developed with support from FAO under the Second Trade Development Facility (TDF-2) approved by the World Bank as a follow on operation to support the country after accession to the World Trade Organization (WTO).

Conclusion: Neither country specifically regulates the traceability of fish products, although efforts are reportedly underway in both countries in this regard. In Cambodia, it is made a criminal offence to buy, sell, process, stock and transport fishery products originating from illegal fishing, but regulations are missing to ensure that relevant documentation is required along the value chain to effectively trace the origin of fish, including to fight IUU fishing (e.g. catch documents, landing documents, trade documents, health certificate).

26. Catch certification

In Cambodia, no provisions are made on the adoption of catch certification schemes. The adoption of such provisions is reportedly in progress.

In Lao PDR, no provisions are made on the adoption of catch certification schemes but regulations may be adopted in this regard under the 2009 Fisheries Law.

Conclusion: Neither country has yet adopted a catch certification scheme to guarantee the origin of imported fish and to certify that catch documentation is true and relevant. At the regional level, adoption of the ASEAN Catch Documentation Scheme is in progress.

2.3.2. Marine Capture Fisheries – Cambodia / Viet Nam

A. Management of Fishing Vessels

1. Definition of fishing vessel

In Cambodia, a fishing boat refers to any water vehicle equipped with fishing gear, whereas a water vehicle refers to any floating equipment used for storage or transportation.

In Viet Nam, a fishing vessel includes any vessel, boat, or other floating structure to be used specifically for fishing operations, aquaculture, preservation and processing of fish and fisheries products.

Conclusion: The definition of fishing vessel differs in the two countries as Viet Nam includes fish processing vessels and reefers.

2. Certification of vessel seaworthiness and safety at sea on board fishing vessels

In Cambodia, the certification of seaworthiness and safety of all vessels is under the competence of the MPWT and its local agencies. In addition, specific safety requirements are established by MAFF for fishing vessels with capacity above 500 kg.

In Viet Nam, the certification of seaworthiness and safety of fishing vessels is under the competence of D-FISH. National Technical Regulations on Safety Equipment of Fishing Vessels have been adopted by MARD. Prior to the issuance of the technical safety certificate,

the vessel must be inspected. The technical safety certificate has a maximum validity of 12 months.

Conclusion: Different authorities are in charge of certification of seaworthiness and safety on board fishing vessels in the two countries (MPWT in Cambodia for all vessels and MARD/D-FISH in Viet Nam for fishing vessels). Specific requirements for the safety of fishing vessels are in place in both countries.

3. Registration of fishing vessels and crew members

In Cambodia, all marine fishing vessels must be registered with MPWT or with its local agencies: fishing vessels with engine power of 75 hp or above must register at central level, whereas those below 75 hp must register at provincial/municipal level. The MPWT procedure results in a registration licence and the attribution of an identification number plate. On the other hand, the procedure for the granting of fishing licences includes the registration of fishing vessels and gear with FiA. FiA registration is subject to compliance with technical requirements for fishing vessels with capacity over 500 kg and to the granting of the MPWT registration licence and plate. Additionally, fishers are generally registered with Administration Police, and CFi Committees hold a register of fishing boats and gear in accordance with their internal rules and by-laws.

In Viet Nam, legislation defines the procedures for registration of both fishing vessels and crew members. Competent authorities are D-FISH at central level and the Sub-department of Fisheries at provincial level. Vietnamese fishing vessels operating in foreign waters, imported foreign fishing vessels, fisheries resources surveillance vessels, and research vessels must be registered at central level, whereas fishing vessels below 20 m in length of water design and bigger vessels authorized by D-FISH must be registered at provincial level. Regulations on the training of captain, chief mechanic and crew are currently in place.

Conclusion: Different authorities are in charge of fishing vessel registration in the two countries (MPWT in Cambodia for all vessels and MARD/D-FISH in Viet Nam for fishing vessels). Nevertheless, the licensing regime for fishing activities in Cambodia includes the registration of fishing vessels and gear with FiA. Administrative sanctions are provided for in both countries in case of non-compliance with fishing vessel registration procedures.

4. Mandatory installation of AIS and VMS on board fishing vessels

In Cambodia, no provisions are made on the mandatory installation of Automatic Identification System (AIS) and Vessel Monitoring System (VMS) on board fishing vessels.

In Viet Nam, no provisions are made on the mandatory installation of AIS and VMS on board fishing vessels. However, legislation requires that national vessels operating in foreign waters or on the high seas be fully equipped with safety communication devices (see item 10 below). VMS devices have been installed on about 3.000 fishing vessels with total engine capacity above 90 hp under a pilot project implemented by D-FISH.

Conclusion: Neither country has adopted provisions for the mandatory installation of AIS and VMS on fishing vessels but Viet Nam has recently installed VMS devices on large fishing vessels under a pilot project.

5. Marking of fishing vessels

In Cambodia, identification colours according to the city/province are established for the marking of fishing vessels with capacity above 500 kg.

In Viet Nam, marking regulations are established for motorized fishing vessels with engine capacity above 20 hp. Different markings are established for fishing vessels with engine capacity between 20 and 90 hp and for those above 90 hp. Further differences are established for the marking of fishing vessels with or without cabins.

Conclusion: Both countries have regulations on the marking of fishing vessels but the marking criteria differ significantly. Viet Nam punishes breaches with an administrative sanction, whereas Cambodia shall deny FiA registration to non-complying fishing vessels, after issuing a warning to require compliance.

B. Regulation of Fishing Operations

6. Licensing regime to fish in national waters

In Cambodia, legislation requires a licence for all types of fisheries, except for subsistence fishing. Fishing licences consist of two parts, one for the licensing of the vessel (FiA registration) and one for the licensing of fishing gear. In particular, the use of middle-scale fishing gear is subject to a licence and to the payment of a fee according to the type and size or number of fishing equipment or to the engine power. As reported earlier, FiA registration is subject to compliance with technical requirements for fishing vessels with capacity above 500 kg and to MPWT registration (identification plate).

In Viet Nam, a licence is required for any type of fishing operations, except when performed with a fishing vessel below 0.5 GT or without a fishing vessel. A fishing licence shall include, inter alia, information on the type of fisheries and fishing gear authorized, allowable fishing grounds and routes, authorized fishing periods and the licence validity period. The granting of a fishing licence is subject to a number of requirements including fishing vessel registration and inspection and qualified captain and operators with relevant certificates.

Conclusion: Both countries have a licensing regime for fishing operations but licensing criteria and requirements differ significantly. In both countries, fishing without a licence is punished with an administrative sanction.

7. Zoning of fishing areas

In Cambodia, the Marine Fishery Domain is divided in four main areas, namely: the inshore fishing area, which extends from the coastline at the highest tide level to the 20m-deep line; the offshore fishing area, which extends from the 20m-deep line to the outer limit of the EEZ; the fishery conservation area, sea grass area and coral reef area; and the mangrove forest area and protected inundated areas. Cambodian legislation prohibits the use of certain types of fishing gear or methods in certain areas – e.g. trawling and motorized short-necked clam scraper in the inshore fishing area, or fishing operations that may disturb or damage sea grass and coral reefs. Regulations also define the zones allowed for certain species (e.g. *Paphia Undulata*).

In Viet Nam, the marine area is divided in three main fishing zones, namely: the coastal area from the lowest tide level to the coastal route; the inshore area from the coastal route to the inshore route; and the offshore area from the inshore route to the outer limit of the EEZ. Vietnamese legislation defines the types of fishing vessels that may operate in each of the three zones. In particular, vessels with main engine total capacity of 90 hp or higher may only operate in the offshore area or in the high seas; vessels with main engine total capacity between 20 and 90 hp may only operate in the inshore and offshore areas; vessels with main engine total capacity below 20 hp and non-motorized vessels may only operate in the coastal area; purse seiners catching small pelagic fish and molluscs are not subject to limitation of engine capacity when operating in the coastal and inshore areas but Provincial People's Committees (PPCs) may regulate the type of fisheries and fishing grounds for such vessels; vessels below 20 hp or without engine may only operate in the coastal area of the province where they are registered unless the PPCs of two adjacent coastal provinces have reached an agreement to allow fishing vessels of one province to operate in the coastal area of the other.

Conclusion: Both countries have regulations on the zoning of fishing areas in relation with the type and size of fishing vessels, the type of gear, or the type of fisheries, but the zone delimitation and the activities allowed in each zone differ significantly. Violations are punished with administrative sanctions in both countries. However, criminal sanctions are established in Cambodia for breaches occurring in fishery conservation areas.

8. Community-based management of fishing activities

In Cambodia, CFis may be established by interested citizens on a voluntary basis, in specific areas allocated by MAFF. Agreements on the CFi area are decided or cancelled by the chief of Cantonment, and each CFi adopts a main by-law, internal rules and a management plan approved by the head of Central FiA. CFi Committees generally hold a register of fishers and a register of fishing boats and gear operating in the CFi in accordance with their internal rules and by-laws.

In Viet Nam, community-based management is promoted by a number of legal instruments but has not yet been implemented. In particular, PPCs have the right to decentralize the management of coastal areas to District and Commune People's Committees to develop community-based management models for fisheries resources. Community-based aquatic resource protection areas may also be established to recover vulnerable ecosystems such as coral reefs, mangroves, sea grass meadows, as well as spawning and nursery grounds. Importantly, MARD has adopted the 2010 Guidelines for small-scale fisheries co-management in Viet Nam.

Conclusion: Community-based fisheries management is well developed in Cambodia, whereas it has not yet been implemented in Viet Nam despite a number of provisions in this regard. Breach of provisions concerning CFi areas in Cambodia is punished with both administrative and criminal sanctions.

9. Requirements for foreign fishing vessels operating in national waters

In Cambodia, fishing exploitations or aquaculture by foreigners is subject to an agreement with MAFF, after approval by the Royal Government. Provisions are made with regard to the designation of ports for foreign fishing vessels and to the notification of port entry (see item 15 below). However, no foreign fishing vessels are currently authorized to fish in Cambodian waters.

In Viet Nam, foreign fishing vessels must apply for a licence with competent Vietnamese authorities. Eligibility of a foreign vessel for a fishing licence is subject to a number of conditions, including a certificate of registration issued by the flag State competent authorities. While in Vietnamese waters, foreign vessels must fly the Vietnamese flag, comply with national plans and ensure safety at sea.

Conclusion: Both countries require a special authorization for foreign fishing vessels to fish in national waters but Vietnamese legislation contains more detailed requirements. Unauthorized fishing in national waters by foreign vessels is punished with an administrative sanction in both countries.

10. Requirements for national vessels fishing in foreign waters or on the high seas (distant-water fishing)

In Cambodia, fishing operations and fisheries research in international marine waters by national vessels shall be authorized in accordance with UNCLOS and shall comply with national and international laws.

In Viet Nam, an authorization to be issued by D-FISH is required for national vessels fishing conducting distant-water fishing. Legislation indicates specific conditions to be met by such vessels and their crew. Vietnamese vessels may fish in foreign waters only if an agreement on fisheries cooperation is in place between Viet Nam and the concerned coastal State or territory or if legal contracts have been approved by competent agencies of such State or territory.

Conclusion: Viet Nam requires a special authorization from D-FISH for national fishing vessels operating in foreign waters or on the high seas (international waters), whereas Cambodian legislation only refers to UNCLOS requirements. Fishing without the required authorization is punished with an administrative sanction in both countries.

11. Fishing logbook requirements and to regular communication of catch reports to the fisheries administration

In Cambodia, a model fishing vessel logbook is established under fisheries regulations for vessels with capacity above 500 kg. As reported above, CFi Committees generally hold a register of fishers and a register of fishing boats and gear operating in the CFi in accordance with their internal rules and by-laws.

In Viet Nam, legislation requires the owner or captain of a fishing vessel to record and submit logbooks and fishing report to the competent authorities, in accordance with MARD requirements for fishing vessels with main engine capacity of 20 hp or above.

Conclusion: Both countries require the upkeep of a fishing logbook. Viet Nam additionally requires vessel owners/captain to submit catch reports to the competent authorities. Non-compliance with fishing logbook requirements is punished with an administrative sanction in both countries.

12. Embarkation of observers on board industrial fishing vessels

In Cambodia, no provisions are made with regard to observers, but regulations may be adopted under the 2006 Law on Fisheries. In practice, however, the embarkation of observers on board foreign fishing vessels was required in accordance with the fishing agreement between Cambodia and the concerned flag State. Currently, no foreign fishing vessels are authorized to fish in Cambodian waters.

In Viet Nam, embarkation of observers is only required for foreign fishing vessels operating in Vietnamese waters, namely for three types of activities – fishing, research and transfer of new technology. The mandate of observers includes monitoring vessels' activities and compliance with Viet Nam's legislation while in Vietnamese waters, and reporting required information fully and timely to D-FISH and to other competent authorities.

Conclusion: Vietnamese legislation requires the presence of observers on board foreign fishing vessels with monitoring and reporting functions. While Cambodian legislation does not include a similar provision, the embarkation of observers on board foreign vessels has been required in practice in the fishing agreement between Cambodia and the relevant flag State.

13. Transshipment of catch at port or in the roadstead (authorization and presence of inspectors)

In Cambodia, legislation requires fishers to tranship their fishery products at a fishing port determined by FiA and establishes sanctions for unauthorized transshipment operations.

In Viet Nam, no provisions are made with regard to the transshipment of catch at port or roadstead.

Conclusion: Cambodia requires that transshipment operations be performed in a designated port and punishes breaches with an administrative sanction, whereas Viet Nam does not make any provisions on the transshipment of catch.

14. Prohibition of transshipment at sea

In Cambodia, Transshipment at sea is implicitly prohibited given the requirement to tranship at port (see previous item).

In Viet Nam, no provisions are made with regard to the transshipment of catch at sea within national waters.

Conclusion: Neither country explicitly prohibits transshipment at sea, but Cambodia requires that any transshipment operations be carried out at a designated port. Unauthorized transshipment operations are sanctioned administratively.

15. Fishing port regulations

In Cambodia, provisions are made with regard to the designation of ports for foreign fishing vessels and to the notification of port entry. In particular, fishers are required to tranship their fishery products at a fishing port determined by FiA and duly licensed foreign fishing vessels shall inform FiA prior to port calls in the Cambodian Marine Fishery Domain.

In Viet Nam, the Board of Management in charge of managing fishing ports, landing sites and storm shelters for fishing vessels is empowered to prohibit the use of port facilities and to force any fishing vessels to leave the port in case of non-compliance with port rules.

Conclusion: Both countries regulate the use of fishing ports by national and foreign vessels although specific regulations may differ. Breaches to port regulations are punished with administrative sanctions in both countries.

16. Establishment and use of fish landing sites and facilities

In Cambodia, the establishment and operation of a fish landing site as a location for collecting, distributing, trading fish products is subject to a licence to be issued by the competent FiA. Other permits from relevant authorities are required for the establishment of a fish landing site. A draft proclamation defining the procedure for the establishment of landing sites is currently being prepared.

In Viet Nam, specific regulations apply to the operation of fishing ports, landing sites and storm shelters for fishing vessels, which are managed by a Board of Management.

Conclusion: Both countries regulate the establishment and operation of fish landing sites. Breaches are punished with administrative sanctions in both countries.

C. Conservation of Habitats and Species

17. Prohibition of destructive fishing methods

In Cambodia, legislation prohibits the use explosives, poisonous substances and electrified gear for fishing purposes. Modern or new fishing gear or methods are prohibited unless authorized by MAFF. The use of mosquito nets is prohibited for middle-scale and large-scale fishing. Also forbidden is the pumping, bailing or drying out of any part of the fisheries domain. Other prohibited methods include the use of dikes with other types of fishing gear, brush parks (*Samras*), stationary fishing nets and boa nets, light fishing with certain fishing gear, freshwater trawlers, motorized boat push nets, and transversal strings (see Cambodia-Viet Nam matrix in the annex for further details).

In Viet Nam, legislation prohibits the use of explosives, poisons, electric and other destructive fishing methods, as well of the use of fishing gear that obstructs, interferes with or causes damages to fishing organizations. It also forbids anchoring or stopping a fishing vessel where other fishers have installed their fishing gear or where other fishing vessels are visibly fishing, except in case of *force majeure*.

Conclusion: Both countries prohibit the use of explosives, noxious substances, electric and other destructive fishing gear. Differences are found among other prohibited fishing gear or methods. Cambodia establishes punishes breaches with criminal sanctions, whereas Viet Nam establishes administrative sanctions only.

18. Regulation of the use of fishing gear

In Cambodia, the use of certain fishing gear dragged or pushed by motor boat is forbidden in coastal fisheries without permission. In addition, fishing by trawler or short-necked clam scrapper is prohibited outside the permitted zone, as well as impairing or damaging coral reefs and sea grass. Regulations subdivide marine fishing gear into small/family-scale, middle-scale and large-scale (industrial) fishing gear.

In Viet Nam, the use of certain types of fishing gear and vessels is prohibited in coastal and inshore areas. For instance, in coastal areas, trawling is forbidden except pelagic trawling for small crustaceans, as well as fishing with lights except squid hand line fishing. Regulations establish the maximum size or engine capacity of fishing vessels allowed to fish in the coastal area. In inshore areas, regulations define the maximum intensity of light sources used for fishing, as well as the maximum size or engine capacity of fishing vessels. MARD also prohibits the use of trawl nets by fishing vessels below 90 hp and the use of fixed and trapped gear in the seabed.

Conclusion: Both countries regulate the use of fishing gear, but regulations often differ significantly (e.g. pair trawling and fishing with light are strictly prohibited in Cambodia, whereas Viet Nam allows pair trawling in the offshore area and squid hand line fishing with light). Breaches are punished with administrative sanctions in both countries.

19. Authorized mesh size for fishing nets

In Cambodia, the only prohibition made in the 2006 Law on Fisheries with regard to mesh size in the Marine Fisheries Domain concerns the use of all kinds of mosquito net fishing gears for middle-scale and large-scale fishing. However, the definition of “prohibited fishing gears” includes mosquito nets, as well as gillnets or seine nets with mesh size below 1.5 cm, although both gear types are specifically prohibited in the Inland Fisheries Domain only.

In Viet Nam, the mesh size of fishing nets employed for marine capture fisheries are regulated by MARD circulars.

Conclusion: In both countries, the minimum authorized mesh size is reportedly 1.5 cm for all fishing gears, except for anchovies (1 cm). Cambodia punishes mesh size violations with criminal sanctions, whereas Viet Nam only provides for administrative sanctions.

20. Protection of endangered species (protected species)

In Cambodia, the exploitation of endangered species is prohibited and sanctioned under the 2006 Law on Fisheries. Twenty-nine marine aquatic species are defined as endangered. In addition, protected species are defined by the Ministry of Environment in accordance with CITES.

In Viet Nam, existing legislation regulates the exploitation of endangered species. A list of endangered aquatic species requiring protection, rehabilitation and development is also established. Regulations prohibit catching protected species (permanent prohibition), other species during closed season (temporary prohibition), and any aquatic species that are declared by MARD as severely depleted or at risk of extinction during the validity of the decision. It is also prohibited to catch aquatic species below minimum size for the purposes of breeding, except if permitted by competent authorities at the provincial level.

Conclusion: Both countries have identified a number of protected species, although some differences are found in the respective lists of protected species. Both countries punish the exploitation of protected species with administrative sanctions.

21. Minimum authorized fish size

In Cambodia, the 2006 Law on Fisheries prohibits the exploitation of fingerlings or fish eggs and other aquatic animals' offspring or eggs. Regulations establish the minimum size for three marine species (mud crab, swimming crab and blood cockle). In addition, an annual FiA notification establishes the obligation to release gravid crabs.

In Viet Nam, regulations establish the minimum size of 68 economic aquatic species living in marine waters (31 marine fish species, 16 marine shrimp species and 21 other marine species). The allowable ratio of individuals below minimum size must not exceed 15 percent of the catch.

Conclusion: Cambodia has established the minimum size for three marine species and prohibits the catching of fingerlings and eggs; more significantly, Viet Nam has identified the minimum size of 68 marine species and establishes the percentage of individuals below minimum size that are allowed to be caught. In both countries, breaches are punished with administrative sanctions.

22. Spatial control measures (protected areas)

In Cambodia, the 2006 Law on Fisheries states that a number of fishery management areas of importance for the preservation of fisheries resources, including groups of islands, sea grass areas, coral reef areas and mangrove forests, shall be classified as Protected and Conservation Areas of Fishery Resources. In Fishery Conservation Areas (FCAs), fishing activities may only be carried out with special permission from the Minister of Agriculture, Forestry and Fisheries. Secondary legislation regulates the establishment of Marine Fisheries Management Areas (MFMA), which include fish *refugia*, FCAs, fishing communities and multiple use zones. MFMA fall under the purview of MAFF. On the other hand, the 2008 Law on Natural Protected Areas identifies 8 types of Protected Areas (PAs), namely national parks, wildlife sanctuaries, protected landscapes, multiple use areas, Ramsar sites, biosphere reserves, natural heritage sites, and marine parks. PAs are managed by the Nature Protection and Conservation Administration (NPCA) under the Ministry of Environment (MOE).

In Viet Nam, the 2014 Prime Minister Directive provides on the establishment of Marine Protected Areas (MPAs) and of community-based aquatic resource protection areas to recover vulnerable ecosystems such as coral reefs, mangroves, sea grass meadows, spawning and nursery grounds. Regulations prohibit fishing activities in MPAs and in temporarily closed fishing areas.

Conclusion: Both countries have adopted spatial control measures, although under different names. Viet Nam focuses on MPAs, while Cambodia may establish MFMA, including FCAs, under fisheries legislation or PAs under environmental legislation. Cambodia punishes any fishing activity in FCAs with criminal sanctions, whereas Viet Nam establishes administrative sanctions for prohibited operations in MPAs.

23. Temporal control measures (closed seasons)

In Cambodia, an annual notification by FiA establishes the closed season for mackerel from 15 January to 31 March. A closed season is also established for undulate venus (*Paphia undulata*) from 1st September to 31 October. Sanctions are established for middle- and industrial-scale fishing during the closed season. Further provisions are found at CFi level to ban fishing activities in fish *refugia*.

In Viet Nam, MARD regulations identify areas banned for fishing in certain period of the year and the 2014 Prime Minister Directive provides on closed seasons and grounds.

Conclusion: Both countries have provisions on the establishment of closed seasons. Cambodia has established closed seasons for two marine species at national level but local provisions ban fishing activities in fish *refugia*, whereas Viet Nam has established a list of areas that are closed during certain periods of the year. Breaches are punished with criminal sanctions in Cambodia and with administrative sanctions in Viet Nam.

24. Habitat rehabilitation for the protection of living aquatic organisms

In Cambodia, habitat rehabilitation falls under the purview of the Fisheries Conservation Department and the Fisheries Affairs Department of MAFF. Habitat rehabilitation measures may be taken at the local level in CFi management plans. The 2006 Law on Fisheries states that protected inundated areas, including mangrove forests, shall be conserved and reforested in order to maintain the balance the fishery ecosystem. In addition, numerous sanctions are provided for the protection of inundated forests and mangrove forests.

In Viet Nam, a Prime Minister Directive was adopted in 2014 for the establishment of measures and aquatic resource protection areas to recover ecosystems such as coral reefs, mangroves, sea grass meadows, as well as spawning and nursery grounds.

Conclusion: Both countries have general provisions on the need for habitat rehabilitation. Cambodian legislation includes criminal sanctions to ensure the maintenance of inundated forests and mangrove habitats for fisheries resources and ecosystems, whereas Viet Nam only provides for administrative sanctions in this regard.

25. Stock enhancement

In Cambodia, the 1st of July of each year is designated as the National Fish Day, a traditional fish or other aquatic animal releasing ceremony aiming to promote the awareness of the importance and benefits of fisheries to people. Moreover, provinces may establish their own Fish Day. Although no specific indication is given about the use of alien species for restocking, no alien species are reportedly used during the releasing ceremony since the adoption of the 2006 Law on Fisheries.

In Viet Nam, the establishment of a fish release day is in progress. Legislation requires the State to rehabilitate and develop fisheries resources, and to invest in the production of fish fry for release into their natural habitat. The Viet Nam Foundation for Aquatic Resources Reproduction was established in 2007 with a view to enhancing the protection and development of aquatic resources.

Conclusion: Both countries promote stock enhancement but only Cambodia has designated a national day for the release of fish in the natural environment. Neither country regulates the use of alien species for stock enhancement.

D. Trade in Fish and Fish Products

26. Traceability of fish and fish products

In Cambodia, fish traceability falls under the responsibility of the Department of Fish Control and Post-Harvest of MAFF. Fish traceability regulations are currently being developed. As mentioned earlier, a quality control certificate in fishery pathology, to be issued by the exporting country, must accompany imported fish products.

In Viet Nam, regulations are in place to ensure tracing and recall of fishery products failing to meet food quality and safety requirements. Catch documentation to track the fisheries products is the main tool for traceability and for combatting IUU fishing, in line with EU regulations.

Conclusion: Viet Nam has adopted provisions on fish traceability, whereas Cambodia is in the process of adopting regulations in this regard; both countries claim limited capacity to trace fish origin.

27. Catch certification

In Cambodia, no provisions are made on the adoption of catch certification schemes. The adoption of such provisions is reportedly in progress.

In Viet Nam, existing legislation regulates the issuance of catch certificates for fish products intended for export to countries requiring such documentation. The import of raw material from capture fisheries for the processing of export products must be accompanied with a catch certificate.

Conclusion: Neither country has yet adopted a catch certification scheme to guarantee the origin of imported fish and to certify that catch documentation is true and relevant. At the regional level, adoption of the ASEAN Catch Documentation Scheme is in progress.

III. FINAL REMARKS

1. CONCLUSIONS

1.1. International and Regional Framework

Cambodia, Lao PDR and Viet Nam are parties to the most relevant environmental agreements and members of the most relevant regional organizations, but have not ratified the main **international fisheries agreements**, with few exceptions. In particular, only Lao PDR and Viet Nam are parties to UNCLOS; Cambodia is a signatory to the convention but not yet a party. None of the three countries is a party to any of the other fisheries agreements, namely FAOCA, UNFSA, PSMA and WFC. However, Viet Nam has initiated the accession process to join the PSMA and toughen the fight against IUU fishing. As for the **MEAs**, all three countries are parties to the CBD, CITES and the Ramsar Convention. Only Viet Nam is a party to the UNWC. Although none of the countries is a party to the CMS, Cambodia and Viet Nam are parties to the IOSEA Marine Turtles MoU, adopted under the convention. At the **regional level**, the three countries are members of ASEAN, MRC, NACA and SEAFDEC. Only Cambodia and Viet Nam are members of APFIC and COBSEA, and Cambodia is also participates in INFOFISH. None of the three countries is a member of the WCPFC but Viet Nam is a cooperating non-member.

1.2. Domestic Framework

All three countries covered in this report have adopted a **strategic framework** for fisheries, generally aligned with the national development policy. While the main objectives of the national strategies of Cambodia and Lao PDR are similar, particularly with regard to aquaculture development and improvement of post-harvest activities, Viet Nam appears to be more oriented towards industrialization of the fisheries sector, albeit within the framework of environmental protection.

The three countries have a similar **institutional framework** for fisheries, with the fisheries administration lodged under the ministry in charge of agriculture. Global MoU and implementing MoA are in place for cooperation between the fisheries authorities of Cambodia and Lao PDR, and of Cambodia and Viet Nam. In the three countries, local branches of the central fisheries authorities operate at the provincial, district and commune/village levels. In Cambodia, Inspectorate FiAs are established at the regional level incorporating several provinces. Community-based fisheries management bodies are in place in Cambodia and Lao PDR, with slight differences in the composition of management committees. In Viet Nam, Fishing Port Authorities are in charge of managing fishing ports.

Legislative Framework for Inland Fisheries and Aquaculture – Cambodia / Lao PDR

In Cambodia and Lao PDR, inland capture fisheries is mostly regulated by community fisheries bodies. The zoning of fishing areas is only defined in Cambodia. Conservation measures are in place in both countries but sanctions are not harmonized. The main gaps are the lack of definition of minimum fish size and the lack of well-defined closed seasons for small-scale fishing at national level. Moreover, only Cambodia establishes clear habitat

rehabilitation measures. As for inland aquaculture, an authorization system is in place in both countries but gaps include lack of specific regulations on the movement of live fish and on the control of fish disease outbreaks in farms. Trade in fish and fish products is loosely regulated in both countries, the main gaps being the lack of an efficient traceability system and of catch certification schemes. In addition, only Cambodia regulates the establishment of fish landing sites.

In particular, with regard to **inland capture fisheries**, both Cambodia and Lao PDR have a community-based management system in place. Neither country requires the registration of small-scale inland fishing boats or the communication of catch reports to fisheries authorities, but community fisheries bodies often fill the gap by registering fishers and fishing activities within their area of competence. Safety on board and marking of small-scale inland fishing boats is not regulated in either country, and licences are generally not required for inland fishing, except for middle-scale fishing in the Tonle Sap Great Lake in Cambodia and for commercial fisheries in the Nam Theun 2 Reservoir in Lao PDR. Regarding foreign fishers or fishing boats operating in national inland waters, no formal requirements are made in either country but CFi customary rules are reportedly applied in Cambodia. Only Cambodia provides on the zoning of fishing areas in relation with the type and size of fishing vessels, the type of gear, or the type of fisheries.

Concerning the **conservation of habitats and species**, both countries have a number of measures in place to prohibit the use of destructive fishing methods. However, some destructive practices that are illegal in one country are not prohibited in the other country. The use of authorized gear is regulated in both countries, but the types of fishing gear that are prohibited in certain areas or seasons may differ. Both countries have provisions regarding the minimum/maximum mesh size for fishing nets but such provisions may substantially differ according to the type of fishing net or to the concerned fishing zone, especially considering that the issue is also addressed by local regulations. Differences are also found in the respective lists of protected aquatic species. No provisions on minimum fish size are found in either country, but both prohibit the catching of fingerlings. Both countries have established fish conservation areas or zones under fisheries legislation and protected areas under environmental or forestry legislation, which may create the need for enhanced inter-institutional collaboration. While Cambodia has identified specific dates for closed seasons depending on the area (mostly for middle-scale fishing), Lao PDR makes a general mention of the breeding or dry season and relies on local regulations for the definition of specific dates. Only Cambodia has adopted provisions aiming at habitat rehabilitation but both countries have determined a national day for the release of fish into the natural environment. Finally, both countries have established administrative and criminal sanctions for breaches of conservation measures, although sanctions vary significantly for similar breaches.

Both countries require an authorization for the conduct of **inland aquaculture**, although authorization criteria may differ. Cambodia makes specific provisions for the farming of ornamental species, while Lao PDR requires a special authorization for the farming of protected and controlled species. The import, export and transport of live fish is regulated under fisheries legislation in Cambodia. In Lao PDR the subject matter falls under veterinary legislation in Lao PDR but specific regulations on the movement of live fish are not in place. No provisions on alien species are found in Lao PDR's FL, whereas Cambodia makes specific requirements for the farming of exotic ornamental fish and prohibits the import, culture and trade of Piranha fish, as well as the farming of Tilapia near natural water bodies. Both countries require that aquaculture farms control their waste in order to avoid polluting

water bodies and the environment; an EIA is generally required for medium- to large-scale farms. No specific measures are prescribed for the control of fish disease outbreaks in aquaculture farms in either country, but Lao PDR requires farmers to monitor fish health, report any serious disease outbreak, and adopt unspecified timely measures in the case of an outbreak in their farm. Both countries have established administrative sanctions for breaches of aquaculture regulations, but criminal sanctions are generally provided in case of environmental damage.

Regarding **trade in fish and fish products**, in Cambodia, the import, export and transport of fish products is subject to a licence, and a health certificate is required from the exporting country for the import of fish products. Lao PDR has yet to adopt regulations in this regard, but does require in practice a health certificate and a certificate of origin for the import of fish products. A licence is required in Cambodia for the establishment and operation of fish landing sites but not in Lao PDR. Neither country specifically regulates the traceability of fish products, although efforts are reportedly underway in both countries in this regard. Neither country has yet adopted a catch certification scheme to guarantee the origin of imported fish. Adoption of the regional ASEAN Catch Documentation Scheme is in progress. Administrative sanctions are applied in Cambodia in case of breach of fish trade legislation but criminal sanctions are established for the trade of products originating from illegal fishing activities.

Legislative Framework for Marine Capture Fisheries – Cambodia / Viet Nam

In Cambodia and Viet Nam, differences are found in the definition of fishing vessels and different authorities are in charge of fishing vessel registration. Marking criteria also differ greatly. The main gap in fishing vessel management is the lack of requirements concerning communication systems on board, such as AIS and VMS. As for the regulation of fishing operations, both countries have a licensing system in place, including for foreign vessels and for national vessels operating outside national waters. However, significant differences are found between the two regimes. The zoning of fishing areas also differs, as well as regulations for port entry and use. The main gaps are the lack of transshipment regulations in Viet Nam and the lack of obligations for the submission of catch reports to fisheries authorities in Cambodia. Regarding conservation measures, both countries have prohibitions in place for destructive fishing gear and methods, but regulations for the use of fishing gear are not harmonized. Differences are found in the list of protected species, in the minimum authorized fish size, and in the defined closed seasons. Only Cambodia has established a national fish release day but neither country regulates the use of alien species for restocking. Cambodia applies tougher sanctions for breaches of conservation measures. Finally, neither country has an efficient traceability system or catch certification schemes in place for the trade of fish and fish products.

More specifically, concerning the **management of fishing vessels**, the definition of fishing vessel in Viet Nam includes fish processing vessels and reefers, whereas in Cambodia it is limited to vessels equipped with fishing gear. Different authorities are in charge of fishing vessel registration, certification of seaworthiness and safety on board in the two countries (fishing authorities in Viet Nam and transport authorities in Cambodia), but specific requirements for the safety of fishing vessels are in place in both with significant differences. The licensing regime for fishing activities in Cambodia includes the registration of fishing vessels and gear with fisheries authorities. Neither country has adopted provisions for the mandatory installation of AIS and VMS on fishing vessels but Viet Nam has recently

installed VMS devices on large fishing vessels under a pilot project. Both countries have regulations on the marking of fishing vessels but the marking criteria differ significantly. Administrative sanctions are established in both countries for breaches of legislation.

Both countries have a licensing regime for **fishing operations** but licensing criteria and requirements differ significantly. Both also have regulations on the zoning of fishing areas in relation with the type and size of fishing vessels, the type of gear, or the type of fisheries, but differences are found in the zone delimitation and the activities allowed in each zone. Community-based fisheries management is well developed in Cambodia but has not been implemented in Viet Nam. Both countries require a special authorization for foreign fishing vessels, however Vietnamese legislation is more detailed. Viet Nam requires a special authorization for national fishing vessels operating in foreign waters or on the high seas, whereas Cambodian legislation only refers to UNCLOS, which does not require a special authorization (FAOCA does). Both countries require the upkeep of a fishing logbook but Viet Nam also requires the submission of catch reports to competent authorities. Vietnamese legislation requires the presence of observers on board foreign fishing vessels with monitoring and reporting functions. While Cambodian legislation does not include a similar provision, the embarkation of observers on board foreign vessels is generally provided for in the relevant fishing agreement. Cambodia requires that transshipment operations be performed in a designated port, whereas Viet Nam does not make any provisions on the transshipment of catch at sea or at port. Both countries regulate the use of fishing ports by national and foreign vessels although specific regulations may differ. Both countries regulate the establishment and operation of fish landing sites. In both countries, breaches are generally punished with administrative sanctions although criminal sanctions are established in Cambodia for violations occurring in FCAs or CFis.

Regarding the **conservation of habitats and species**, both countries prohibit the use of destructive fishing gear and methods and regulate the use of authorized fishing gear, but regulations often differ significantly. In both, the minimum authorized mesh size is reportedly 1.5 cm for all types of nets, except for catching anchovies. Both countries have identified a number of protected species, although some differences are found in the respective lists of protected species. Cambodia has established the minimum size for three marine species and prohibits the catching of fingerlings and eggs; more significantly, Viet Nam has identified the minimum size of 68 marine species and establishes the percentage of individuals below minimum size that are allowed to be caught. Both countries have adopted spatial control measures, although under different names. Viet Nam focuses on MPAs, while Cambodia may establish MFMA, including FCAs, under fisheries legislation or PAs under environmental legislation. Both countries have provisions on the establishment of closed seasons: Cambodia has established closed seasons for two marine species at national level but local provisions ban fishing activities in fish *refugia*, whereas Viet Nam has established a list of areas that are closed during certain periods of the year. Both countries have general provisions on the need for habitat rehabilitation and promote stock enhancement, but only Cambodia has designated a national day for the release of fish in the natural environment. Neither country regulates the use of alien species for stock enhancement. In general, breaches of conservation measures are punished with administrative sanctions, although Cambodia applies criminal sanctions in case of use of destructive gear or nets with illegal mesh size, and in case of fishing activities in FCAs and during the closed season.

As for **trade in fish and fish products**, Viet Nam has adopted provisions on fish traceability, whereas Cambodia is in the process of adopting regulations in this regard; both

countries claim limited capacity to trace fish origin. Neither country has yet adopted a catch certification scheme to guarantee the origin of imported fish. At the regional level, adoption of the ASEAN Catch Documentation Scheme is in progress.

2. RECOMMENDATIONS

2.1. International and Regional Framework

The main recommendations with regard to participation in **international and regional agreements** on fisheries and habitat management are the following:

- Cambodia should initiate procedures for the ratification of UNCLOS;
- Cambodia, Lao PDR and Viet Nam should initiate procedures to accede to the UNFSA, the FAOCA, the PSMA, the WFC and the CMS;
- Cambodia and Lao should initiate procedures to accede to the UNWC;
- Consider joining WCPFC, APFIC, INFOFISH and COBSEA where relevant.

Furthermore, the three countries should take advantage of **opportunities for cooperation** under existing regional arrangements through ASEAN, MRC, NACA and SEAFDEC. In particular, they should implement the ASEAN-SEAFDEC Declaration on IUU fishing, the ACDS, and other ASEAN-SEAFDEC guidelines and action plans. Countries should also follow up on current MoU/MoA and joint action plans adopted under the SEAFDEC-Sweden Program.

Cambodia and Lao PDR should implement joint actions under the Integrated Water Resources Management-based Basin Development Strategy (BDS) 2016-2020. Both countries should also consider adopting a bilateral agreement under MRC for inland navigation, similar to the one in force between Cambodia and Viet Nam, possibly including provisions on fisheries, aquaculture and habitat management.

2.2. Domestic Framework

Legislative Framework for Inland Fisheries and Aquaculture – Cambodia / Lao PDR

Cambodia and Lao PDR should reinforce the regulation of **inland capture fisheries** by providing for the registration of fishers and fishing boats, implementing safety measures for small-scale fishing boats, and adopting appropriate marking requirements as well as a licensing regime applicable to small-scale fisheries, albeit excluding subsistence activities as appropriate. Both countries should also adopt a harmonized approach to the zoning of fishing areas so as to ensure effective habitat protection. In addition, an appropriate information system should be put in place for the collection and communication of catch data to fisheries authorities, in collaboration with community fisheries bodies.

In order to ensure the **conservation of habitats and species**, fishers should be trained on existing measures in their country and in the neighbouring country, and existing legal provisions should be gradually but effectively enforced. Sanctions should be harmonized in both countries for similar infringements, as well as regulations on fishing gear and methods,

protected species, protected areas and closed seasons, including for small-scale fisheries. Habitat rehabilitation measures should be adopted in Lao PDR where needed.

Both countries should enhance coordination in the field of **inland aquaculture**, particularly as regards the movement of live fish, including the import and export of fingerlings, and the control of fish disease outbreaks in farms. Joint action should also be taken with regard to waste management from farms and authorized species, to avoid aquatic pollution and escape of alien species in the natural environment. Awareness raising among stakeholders on existing regulations should be ensured, as well as training on fish disease.

For the development of **trade in fish and fish products**, border facilities should be established between Cambodia and Lao PDR for the set up of a local wholesale market. Both countries should gradually introduce traceability and catch certification measures to control the origin of fish. Lao PDR should define clear regulations for the establishment of fish landing sites for capture fisheries and aquaculture.

Legislative Framework for Marine Capture Fisheries – Cambodia / Viet Nam

Cambodia and Viet Nam should cooperate to ensure harmonization of measures regarding the **management of fishing vessels**, including reefers and fish processing vessels, to ensure proper registration and marking. Both countries should gradually introduce requirements on the installation of communication devices, such as AIS and VMS on board industrial fishing vessels.

Concerning the **regulation of fishing operations**, the zoning of fishing areas and the criteria for licensing of fishing activities should be harmonized. In addition, Viet Nam should regulate transshipment operations, and Cambodia should require the regular communication of catch reports to fisheries authorities.

Harmonization is also needed with regard to **conservation measures**, particularly on authorized fishing gear and methods, minimum fish size, protected species and closed seasons. Viet Nam should consider defining a national fish release day, and both countries should adopt regulations on the use of alien species for restocking. Viet Nam should strengthen sanctions for breaches of conservation measures.

As for **trade in fish and fish products**, both countries should gradually introduce traceability and catch certification measures to control the origin of fish.

IV. ANNEXES

Annex 1: PROPOSED AGENDA FOR TRAINING PROGRAMMES

1.1 Cambodia – Lao PDR (Stung Treng & Champasak Provinces)

| TRAINING PROGRAMME ON INLAND FISHERIES AND AQUACULTURE CAMBODIA / LAO PDR |
|---|
| <p>A. Inland Capture Fisheries</p> <ol style="list-style-type: none">1. Zoning of fishing areas2. Licensing procedures for national and foreign boats3. Community-based management of fishing activities4. Local regulations on fishers' registration and catch reports <p>B. Conservation of Habitats and Species</p> <ol style="list-style-type: none">1. Prohibited fishing gear and methods2. Regulation of fishing gear: authorized use and zones3. Authorized mesh size of fishing nets4. Protected /endangered species5. Minimum authorized fish size6. Prohibited activities in protected areas and fish conservation zones7. Prohibited activities during the closed season8. Stock enhancement and national fish day <p>C. Inland Aquaculture</p> <ol style="list-style-type: none">1. Authorization procedures: types of farms and authorized species2. Regulations on the movement of live fish3. Regulations on waste management from farms4. Measures for the control of fish disease outbreaks <p>D. Trade in Fish and Fish Products</p> <ol style="list-style-type: none">1. Catch landing requirements2. Fish marketing / sale requirements3. Fish transport requirements4. Fish import requirements5. Fish export requirements |

1.2 Cambodia – Viet Nam (Kampot & Kien Giang Provinces)

| TRAINING PROGRAMME ON MARINE CAPTURE FISHERIES CAMBODIA / VIET NAM |
|--|
| <p>A. Management of Fishing Vessels</p> <ol style="list-style-type: none">1. Fishing vessel definition2. Fishing vessel registration procedures3. Technical safety requirements for fishing vessels4. Marking requirements for fishing vessels <p>B. Regulation of Fishing Operations</p> <ol style="list-style-type: none">1. Licensing procedures2. Community-based management and local regulations3. Requirements for foreign fishing vessels4. Requirements for distant-water fishing by national vessels |

5. Fishing logbook requirements and catch reports

6. Fishing port and transshipment regulations

C. Conservation of Habitats and Species

1. Prohibited fishing gear and methods

2. Regulation of fishing gear: authorized uses and zones

3. Authorized mesh size of fishing nets

4. Protected /endangered species

5. Minimum authorized fish size

6. Prohibited activities in protected areas and fish conservation areas

7. Prohibited activities during the closed season

8. Stock enhancement and national fish day

D. Trade in Fish and Fish Products

1. Catch landing requirements

2. Fish marketing / sale requirements

3. Fish transport requirements

4. Fish import requirements

5. Fish export requirements

Annex 2: SUMMARY REPORT ON RECENT ADVANCES IN THE REGION

2.1 Mekong River Commission (MRC)

At its 22nd meeting in January 2016, the **MRC Council** approved the **Integrated Water Resources Management-based Basin Development Strategy (BDS) 2016-2020** for the Lower Mekong Basin, as a follow up to the BDS 2011-2015. The new strategy identifies a number of remaining knowledge gaps that must be given priority, including in the fields of biodiversity and capture fisheries ecology. It also acknowledges that dam development may have significant adverse transboundary impacts on sediment transport, and on capture fisheries and biodiversity, among others. In particular, it states that capture fisheries resources are “threatened by overfishing, the use of destructive fishing gear, agricultural and industrial water use, habitat fragmentation and loss of riverine connectivity from dams, roads, drains, canals, and barrages” and that “[i]nfrastructure development, such as dams, that alters the natural flow of the river and blocks migration routes, may further affect this valuable resource” (page 28). Against this background the BDS 2016-2020 recognizes the need for fish-friendly policies and active fisheries management, including the engagement of fisheries line/implementing agencies in basin development planning.

Seven basin-wide **strategic priorities** for basin development and management are identified in the BDS 2016-2020:

1. Reduce remaining knowledge gaps to minimise risks;
2. Optimise basin-wide sustainable development and cost and benefit sharing;
3. Strengthen the protection of mutually agreed environmental assets;
4. Strengthen basin-wide procedures and national implementation capacity;
5. Improve national water resources development and management;
6. Enhance information management, communication and tools;
7. Increase cooperation with partners and stakeholders.

The **strategic actions** to be implemented during 2016-2020 in the 7 priority areas identified above include the following:

- 1.1 Study of capture fish ecology with a view to mitigating impacts from development;
- 2.2 Implement and update the basin-wide fisheries management and development strategy;
- 2.4 Prepare and promote a basin-wide strategy for sustainable hydropower development;
- 3.1 Analyse the functioning and services of environmental assets and establish and agree on criteria for the selection and protection of these assets, including biodiversity sites, in the Lower Mekong Basin;
- 3.2 Prepare and promote a basin-wide strategy for the protection, development and management of the selected environmental assets;
- 5.3 Consolidate and implement guidelines for management of capture fisheries and develop guidelines for fisheries monitoring, and fisheries impact assessment and impact mitigation;
- 5.4 Consolidate and implement guidelines for design and operation of irrigation systems, including fish friendly irrigation schemes.

As agreed under strategic actions 1.1 and 2.2 above, the MRC's Environmental Division, which is now in charge of the Fisheries Programme, is currently preparing a study on fish ecology, productivity and value of capture fisheries, and discussing a Proposal for a Mekong Basin-wide Fisheries Management and Development Strategy (Draft 4 of May 2015).

In addition, the four MRC member States jointly with China and Myanmar have recently launched the **Lancang/Mekong Cooperation Mechanism (LMCM)**, Lancang being the name of the Mekong River in China. The LMCM aims at strengthening regional dialogue and cooperation in three key fields: political and security issues; economic and sustainable development; and social, cultural and people-to-people exchanges. It also strives to initiate cooperation in the following priority areas: connectivity of rivers, roads, and railways; cross-border economic cooperation; and water resources management.

2.2 Association of Southeast Asian Nations (ASEAN)

ASEAN has been working on two main documents to enhance regional cooperation in the fisheries sector: the **Strategic Plan of Action for ASEAN Cooperation on Fisheries 2016-2020 (SPA-Fisheries)** and the **ASEAN Catch Documentation Scheme (ACDS)**.

The final draft of the **SPA Fisheries** was agreed during the Second Technical Working Meeting held on 16-18 February 2016 in Nay Pyi Taw, Myanmar, and endorsed at the 38th AMAF Meeting held on 6 October 2016 in Singapore. In accordance with the general cooperation framework established in the Strategic Plan for ASEAN Cooperation in Food, Agriculture and Forestry (2016-2025), the main Strategic Thrusts of the SPA Fisheries are defined as follows:

- 1) Enhance quantity and quality of production with sustainable, "green" technologies, resource management systems, and minimise pre-and post-harvest losses and waste;
- 2) Enhance trade facilitation, economic integration and market access;
- 3) Ensure food security, food safety, better nutrition and equitable distribution.
- 4) Increase resilience to climate change, natural disasters and other shocks;
- 5) Assist resource constrained small producers and SMEs to improve productivity, technology and product quality, to meet global market standards and increase competitiveness.
- 6) Strengthen ASEAN joint approaches on international and regional issues affecting the FAF sector.

The implementation of the SPA Fisheries will be carried out by the ASEAN Sectoral Working Group on Fisheries (ASWFi) and the ASEAN Fisheries Consultation Forum (AFCF), pending the outcomes of the streamlining of the ASEAN Ministers on Agriculture and Forestry (AMAF) structure.

On the other hand, the third draft of the **ACDS**, developed in 2015, was presented at the 38th AMAF Meeting held on 6 October 2016 in Singapore, but has not yet been endorsed. The ACDS has three main goals:

1. To provide a unified framework that will enhance traceability of fish and fishery products for effective marine fisheries management in ASEAN member States;
2. To enhance the credibility of fish and fishery products for intra-regional and international trade; and

3. To prevent entry of fish and fishery products from IUU fishing activities into the supply chain of ASEAN member States.

2.3 Cambodia

In Cambodia, a draft National Aquaculture Development Strategy is currently being prepared and reviewed by MAFF before submission to the Council of Ministers for discussion and approval. With regard to legislation, the 2006 Law on Fisheries is being revised to include provisions on disease control in fish farms, and a draft proclamation defining the procedure for the establishment of landing sites is under preparation. Efforts are also being made to put in place a reliable traceability and catch certification system, consistent with the ACDS that is being developed for the region under ASEAN leadership. Finally, to date, the special law on personnel serving the air and maritime transport that should apply to crew members of marine fishing vessels has not been adopted. This matter is urgent considering that the 1997 Labour Law does not apply to air and maritime transport workers.

2.4 Lao PDR

In Lao PDR, the 2008 Law on Livestock Production and Veterinary Matters, which covers aquatic animals, has recently been amended to introduce provisions on disease outbreaks in a farm (November 2016) and is now under promulgation. Moreover, specific regulations on traceability are being developed with support from FAO under the Second Trade Development Facility (TDF-2) approved by the World Bank, as a follow on operation to support the country after accession to the WTO. The IUU Fishing Guidelines introduced by SEAFDEC have not yet been incorporated into national fisheries legislation.

2.5 Viet Nam

Viet Nam is in the process of acceding to the PSMA and amending the 2003 Fisheries Law. The implementation of community-based management is in progress, as well as the establishment of a national fish release day for stock enhancement. In order to enhance the monitoring, control and surveillance of fishing vessels, a pilot project was recently implemented by MARD, under which VMS devices were installed on about 3 000 fishing vessels with engine capacity over 90 hp.

Annex3: CAMBODIA-LAO PDR COMPARATIVE MATRIX ON INLAND FISHERIES AND AQUACULTURE

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|---|--|
| INLAND CAPTURE FISHERIES | | | | |
| 1. <i>Registration of fishing vessels/boats or fishers</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Registration with the Ministry of Public Works and Transport (MPWT) of all vessels with capacity > 500 kg navigating on Cambodian waterways, including fishing boats (Circular 3/1999 on Water Transport) – provincial/municipal level for all kinds of boats with loading capacity < 40 t or engine capacity < 90 hp - The procedure for the granting of fishing licences includes registration of fishing vessels and gear with FiA (art. 33 FL) - FiA registration is subject to compliance with technical requirements for fishing vessels with capacity > 500kg, including MPWT registration licence and plate (Proclamations 24/2010 and 25/2010) - Fishers are registered with Administration Police and with CFis if they are members - CFi Committees hold a register of fishing boats and gear operating in the CFi (internal rules and by-laws) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No registration is required for small-scale traditional/subsistence fishing boats - Fishers registration with Fisheries Management Committee of the water body (art. 14 FL) - Registration of boats in large reservoirs (Nam Theun 2) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing without FiA registration is sanctioned with a transactional fine (art. 95(5) FL) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Sanctions are provided for under reservoir regulations (Nam Theun 2 – fishers association) |
| 2. <i>Safety on board fishing vessels/boats</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The MPWT establishes the safety requirements for all inland vessels with capacity > 500 kg (chapter V(I)(g) Circular 3/1999) - Proclamation 25/2010 on the Technical Requirements of Fishing Vessel Management (vessel capacity > 500kg) <ul style="list-style-type: none"> - Radio communication units, fire extinguisher, rescue buoys, life jackets, binoculars, compass or GPS, first aid box, beams for navigations, emergency lights, horn or bell; | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Non compliance with requirements results in denial of FiA registration |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|--|--|
| | | | <ul style="list-style-type: none"> - Hull and engine with good quality and safety suitable for fishing operations; - Bins for proper storage of waste and used engine oil which are securely dumped at the assigned place <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No provisions concerning safety on board - Fleet is composed of small-scale traditional fishing boats (long-tail motor boats or paddle boats, mainly wooden boats) – no large-scale fishing vessels | <p><u>Lao PDR:</u> N/A</p> |
| 3. <i>Marking of fishing vessels/boats</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Proclamation 25/2010 (vessel capacity > 500kg) defines identification colours marked on the side of the vessel according to the city/province – generally not applied to inland fishing boats <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No provisions on the marking of fishing vessels | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Non compliance with requirements results in denial of FiA registration <p><u>Lao PDR:</u> N/A</p> |
| 4. <i>Zoning of fishing areas</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Inland Fishery Domain (art. 10 FL) – <ul style="list-style-type: none"> - Concession fishing lots - Fishery conservation areas - Inundated forest areas - Family-scale fishing areas reserved for traditional community fishing - Unclassified open access areas - Aquaculture development areas - Floodplain (seasonal) - Prohibition to use certain types of fishing gear or methods in certain areas (arts. 39-44 FL) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No provisions on the zoning of fishing areas in relation with the | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing with prohibited gear or methods in certain areas is sanctioned with a transactional fine (arts. 92(1)(3), 94(2)(4), 95(8)(9) FL) - Subsistence fishing in fisheries conservation areas is sanctioned with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101(9) FL) - Fishing with middle-scale gear in fisheries conservation areas is sanctioned with 3-5 years imprisonment and 5M-50M Riels fine (art. 99(4) FL) <p><u>Lao PDR:</u> N/A</p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|--|---|
| | | | type and size of fishing vessels, the type of gear or the type of fisheries | |
| 5. <i>Licensing regime to fish in national waters</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - A licence is required for all types of fisheries in the inland and marine domains, except subsistence fishing (art. 32 FL) - Fishing licences consist of two parts, one for the licensing of the vessel (FiA registration) and one for the licensing of fishing gear (art. 33 FL) - As mentioned under item 1 of this matrix, FiA registration is subject to compliance with technical requirements for fishing vessels with capacity > 500kg, including MPWT registration licence and plate (Proclamations 24/2010 and 25/2010) - The use of middle-scale fishing gear is subject to a licence and to the payment of a fee according to the type and size or number of fishing equipment or to the engine power (sub-decree 18/2010) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No licensing required for fishing in national waters such as rivers and wetlands - FMCs may establish a licensing system according to specific fishery regulations in some closed water bodies such as reservoirs (e.g. Nam Theun 2 reservoir) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing without a licence is sanctioned with a transactional fine (art. 95 FL) <p><u>Lao PDR:</u> N/A</p> |
| 6. <i>Community-based management of fishing activities</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - All Khmer citizens have the right to form Community Fisheries (CFi) in their area on a voluntary basis (art. 59 FL) - The procedures for the establishment of CFis are defined by a number of texts, including the 2006 FL, the 2005 Royal Decree, the 2007 Sub-Decree and the 2007 Proclamation - Community fishing areas are allocated by the MAFF - Agreements on the CFi area are decided or cancelled by the chief of Cantonment - Each CFi has a main by-law, internal rules and a management plan approved by the head of Central FiA | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Using fishing gear or fishing time in a CFi area other than that set by the Minister of MAFF is sanctioned with a transactional fine (art. 95 FL) - Selling, exchanging, renting, giving as gift, doing sharecrop, distributing or transferring of the CFi areas is sanctioned with 1-3 years imprisonment and 5M-50M Riels fine (art. 100 FL) |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|--|--|
| | | | <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Fisheries Management Committees (FMCs) may be established for a specific water body - FMC shall be proposed by the relevant village authorities and approved by the district governor and the head of municipality (art. 50-52 FL) - Composition of FMC: <ol style="list-style-type: none"> (1) municipality, district or village authorities (2) fishers (3) village or district mass organizations (youth, women, labour union, elders) (4) municipality, district or village security and defence (5) other key stakeholders as necessary - Each FMC must adopt a fisheries management and development plan and collect fisheries statistics (production, fishers, conservation zones, etc.) - Fishing rights are normally first allocated to local residents, and outsiders need to request permission - Except in case of some development projects, where impacted re-settlers have exclusive rights for a certain period of time as mentioned in the concession agreement and according to the Lao laws (mainly for hydropower development projects) | <p><u>Lao PDR: General sanctions</u></p> <ul style="list-style-type: none"> - Re-education for minor offences, i.e. <200,000 Kip damage (art. 64 FL) - A fine double the amount of any damage > 200,000 Kip (art. 66 FL) - Damage compensation, civil liability (art. 67 FL) - 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities (art. 68 FL) |
| 7. Requirements for <i>foreign fishing vessels or fishers operating in national waters</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing exploitations or aquaculture by foreigners is subject to an agreement with MAFF, after RGC approval (art. 38 FL) - Customary rules require that foreign fishers from bordering countries seek permission from CFi before entering Cambodian inland waters and commit to the relevant CFi rules – CFi then reports to the Commune <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No provisions on foreign fishing vessels or foreigners - Dispute settlement on international, i.e. transboundary, fisheries matters shall comply with applicable international law (art. 42 FL) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Sanctions are only provided for foreign vessels illegally fishing in the marine domain (arts. 94 and 96 FL) <p><u>Lao PDR:</u> N/A</p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|--|--|
| 8. <i>Fishing logbook requirements and regular communication of catch reports to the fisheries administration</i> | Y | N | <p><u>Cambodia:</u> - Proclamation 24/2010 on the application of models for fishing vessel logbook (vessel capacity > 500kg) – mostly applicable to marine fisheries</p> <p><u>Lao PDR:</u> - No provisions on logbooks or catch reports - FMCs shall collect annual statistics on fishing activities and communicate them to the DLF (art. 52(7) FL)</p> | <p><u>Cambodia:</u> - Fishing without fishing vessel logbook or non compliance with the fishing vessel logbook conditions is sanctioned with a transactional fine (art. 95(3)(6) FL) - Not having a logbook for recording statistics of fishery products is sanctioned with a fine of 500,000-5M Riels (art. 97(3) FL)</p> <p><u>Lao PDR:</u> N/A</p> |
| CONSERVATION OF HABITATS & SPECIES | | | | |
| 9. <i>Prohibition of destructive fishing methods</i> | Y | Y | <p><u>Cambodia:</u> - Use of the following fishing gear is strictly prohibited under art. 20 FL and sanctioned accordingly: - Fishing by pair trawlers [dragged seine net] or encircling net [encircling seine net] with attractive illuminated lamp for fish concentration (art. 94(1) FL) - Fishing with electrocuting fishing gears, explosive and all kinds of poisonous substances in the fishery domains (art. 98(4) FL) - Fishing by means of pumping, bailing, drying out any part of the fisheries domains that causes destruction to aquatic resources (art. 98(5) FL) - Fishing with modern fishing gears or newly invented fishing gears or new fishing methods or fishing gears not listed in the MAFF proclamation and leading to the destruction of fish, fishery resource and fishery ecosystem (art. 98(6) FL)</p> | <p><u>Cambodia:</u> - Fishing with prohibited gear/methods may be sanctioned with a transactional fine (art. 94 FL), with 3-5 years imprisonment (art. 98 FL), with 1-3 years imprisonment and 5M-50M Riels fine (arts. 99 and 100 FL) or with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101 FL)</p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|---|----------------------|
| | | | <ul style="list-style-type: none"> - Fishing by freshwater trawler [hand-dragged seine net] and Chhip Yun [motorized boat push net] in the inland water (art. 99(5) FL) - Using all kinds of mosquito net fishing gears for middle-scale and large-scale fishing (art. 99(7) FL) – note that fishing gear made of mosquito net in inland fisheries is strictly prohibited (art. 20(9) FL) - Using all kinds of string and other means that make fish escape (art. 100(1) FL) - Fishing by using dike with other types of fishing gears leading to the destruction of fishery resources (art. 100(2) FL) - Putting Samras [brush park] and other means that may attract fish or aquatic animals to concentration (art. 100(6) FL) - Fishing by using Chbok [three-pronged barbed spear], Sang [multi-pronged barbed spear], Snor [one-pronged barbless spear] or Spear fishing gears associated with projected lamp (art. 101(10) FL) - Fishing by using stationary fishing nets or all kinds of boa nets (art. 101(11) FL) - Gillnet or all types of seine nets fisheries with mesh size smaller than 1.5 cm in the inland fishery domain (art. 101(12) FL) - All types of fishing nets with mesh size larger than 15 cm in the inland fishery domain (art. 101(13) FL) - All kinds of bamboo fences with mesh size smaller than 1.5 cm (art. 101(14) FL) - Producing, buying, selling, transporting and storing any electrocuting devices, all type of mosquito net fishing gear, mechanized motor pushed nets [pair dragged seine net and motorized boat push net], inland trawler [hand-dragged seine net] that are used for fishing purpose is prohibited (art. 21 FL) - In the Mekong region of Stung Treng, it is strictly prohibited to use <i>dai</i> nets and all kinds of illegal fishing gears such as explosives, poisonous substances, electrocuting devices and mosquito nets (Proclamation 440/2013) | |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|--|---|
| | | | <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Prohibition of use of poison, explosives, weapons, electric devices, lighting devices and acoustic devices for fishing, as well as the release of waste water and toxic chemicals into water bodies (art. 38(1) FL) - Prohibition of fishing practice or method blocking the movement of aquatic animals such as seine net, gill net, drag net, bamboo wing traps, bamboo fence traps with bag net (art. 38(4) FL) - Prohibition of harvesting of fish from natural water bodies by blocking streams, coves, wetlands, water canals, pond digging, pumping water out from natural ponds, and fishing during spawning season (art. 38(5) FL) - Prohibition of destruction of fish conservation zones, fishing in spawning areas as designated by FMCs and stated in the local fishery regulations (art. 38(6) FL) - Prohibition of making, importing and selling of all types of prohibited and destructive fishing gears (art. 38(3) FL) | <p><u>Lao PDR:</u> <i>General sanctions</i> (arts. 63-68)</p> <ul style="list-style-type: none"> - 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities, including the destruction of habitats and spawning grounds (art. 68 FL) |
| 10. <i>Regulation of the use of fishing gear</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Use of the following fishing gear is strictly prohibited under the FL and sanctioned accordingly: <ul style="list-style-type: none"> - Fishing by gears namely Manh [pair trawler], Neam [deep drag net], Chon [v-shaped push net mounted on a boat], Mong Krolok [encircling gillnet], Mong Os [hand-dragged gillnet], Chhneang Os Leas/ Kchao [skimming push net] in the inland fisheries, which are dragged or pushed by motor boat without permission (art. 94(2) FL) - Fishing by using Dai fisheries and freshwater prawn Dai net outside Dai fisheries location (art. 94(3) FL) - Fishing by trawler outside the permitted zone (art. 94(4) FL) - Middle-scale fishing by seine net over 300 meters long outside the Tonle Sap lake and over 600 meters long in the Tonle Sap lake (art. 95(8) FL) - Middle-scale fishing by seine net in fishing areas reserved for people, in fishing areas disturbing the exploitation of fishing lot, and in the place where small- scale fishing gears are normally used (art. 95(9) FL) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing with prohibited gear is sanctioned with a transactional fine (arts. 94 and 95 FL) - Any fisheries offence causing damage to the fishery resources is sanctioned with 1-3 years imprisonment and with a fine of 5M-50M Riels (art. 99 (8) FL) |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|---|---|
| | | | <ul style="list-style-type: none"> - Using fishing net, seines or iron wire with mesh size smaller than 4 cm, to make barrier or replacement of bamboo fence (art. 95(15) FL) - Proclamations 630 & 129, as amended by 458/2012, define 45 types of gear allowed during closed season and 50 types of gear allowed during open season <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Destructive fishing gear and methods are prohibited under art. 38 FL as reported under item 9 of this matrix - Prohibition of making, importing and selling of all types of prohibited and destructive fishing gears (art. 38(3) FL) - FMCs may regulate the use of fishing gear in their own area (art. 54(4) FL) | <p><u>Lao PDR:</u> <i>General sanctions (arts. 63-68 FL)</i></p> <ul style="list-style-type: none"> - In particular: 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities, including the destruction of habitats and spawning grounds (art. 68 FL) |
| 11. Authorized <i>mesh size</i> for fishing nets | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The following prohibitions are made with regard to mesh size under the FL [see arts. 20 & 41] and violations are sanctioned accordingly: <ul style="list-style-type: none"> - Using fishing net, seines or iron wire with mesh size smaller than 4 cm, to make barrier or replacement of bamboo fence (art. 95(15) FL) - Using all kinds of mosquito net fishing gears for middle-scale and large-scale fishing (art. 99(7) FL) – note that fishing gear made of mosquito net in inland fisheries is strictly prohibited (art. 20(9) FL) - Gillnet or all types of seine nets fisheries with mesh size smaller than 1.5 cm in the inland fishery domain (art. 101(12) FL) - All types of fishing nets with mesh size larger than 15 cm in the inland fishery domain (art. 101(13) FL) - All kinds of bamboo fences with mesh size smaller than 1.5 cm (art. 101(14) FL) - Local regulations may exist regarding minimum mesh size <p><u>Lao PDR:</u></p> | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing with prohibited mesh size is sanctioned with a transactional fine (art. 95 FL), with 1-3 years imprisonment and 5M-50M Riels fine (art. 99 FL) or with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101 FL) <p><u>Lao PDR:</u></p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|---|---|
| | | | <ul style="list-style-type: none"> - Minimum mesh sizes are defined by village authorities jointly with the FMC for each specific water body in village-level fisheries regulations, to be approved by the district governor and the head of municipality (arts. 53 & 54 FL) - District governor regulations in the Champasak province establish that only gillnet > 5cm but < 15cm may be used in Fish Conservation Zones | <p><i>General sanctions (arts. 63-68 FL)</i></p> <ul style="list-style-type: none"> - In particular: 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities involving protected organisms, including fingerlings (art. 68 FL) - See village-level regulations (e.g. Champasak) |
| 12. <i>Protection of endangered species (protected species)</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Catching, selling, buying, transporting, collecting, processing and stocking all types of endangered natural fishery products is forbidden (art. 92(2) FL) - Exporting and importing all types of natural fishery products of endangered species is forbidden (art. 92(4) FL) - A list of 29 inland aquatic species are defined as endangered by sub-decree 123/2009 - A specific regulation on dolphin conservation was recently adopted (sub-decree 155/2012) - Protected species are defined by the MoE (CITES list) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Protected (endangered) species shall be determined by the Government upon proposal of MAF (art. 10 FL) - Controlled species are determined by decision of local administrative authorities, to be notified to the relevant agriculture and forestry section, or by decision of MAF if the species are found in two provinces or more (art. 11 FL) - The 2009 FL includes a list of 9 protected species (List I), 9 controlled species (List II) and 21 common species (List III) - Prohibition of fishing or catching newly born aquatic animals, for both protected and controlled species (respectively annex lists 1 & 2) (art. 38 (7) FL) - FMCs may define their own list of protected species (art. 54(3) FL) - CITES protected species fall under MONRE competence | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The exploitation of endangered species is sanctioned with a transactional fine (art. 92 FL) - Any fisheries offence causing damage to the fishery resources is sanctioned with 1-3 years imprisonment and with a fine of 5M-50M Riels (art. 99 (8) FL) <p><u>Lao PDR:</u></p> <p><i>General sanctions (arts. 63-68 FL)</i></p> <ul style="list-style-type: none"> - In particular: 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities, including catching, possession, import or export of protected species (art. 68 FL) |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|--|--|
| 13. <i>Minimum authorized fish size</i> | N | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - No specific provisions on minimum fish size for inland aquatic species; however, the establishment of closed seasons and the prohibition to catch fingerlings partly fill the gap - Catching, selling, buying, stocking and transporting fingerlings or fish eggs and other aquatic animals' offspring or eggs is prohibited (art. 23(1) FL) - The size of fingerlings, aquatic animals and ornamental shells of rare species shall be determined by MAFF proclamation (art. 23, para 3 FL) - Spawning, breeding and regional fishing seasons shall be established by MAFF proclamation (art. 16, para 3 FL) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No specific provisions on minimum fish size by species - Prohibition of fishing or catching fingerlings, for both protected and controlled species (respectively annex lists 1 and 2) (art. 38 (7) FL) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Catching, selling, buying, stocking and transporting fry, offspring or eggs of aquatic animals without a licence is sanctioned with a transactional fine (art. 94(7) FL) <p><u>Lao PDR:</u></p> <p><i>General sanctions (arts. 63-68 FL)</i></p> <ul style="list-style-type: none"> - In particular: 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities involving protected organisms, including fingerlings (art. 68 FL) |
| 14. <i>Spatial control measures (protected areas)</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - A number of fishery management areas, including rapids and deep pools in rivers, Tonle Sap Great Lake, lakes, inundated forests and mangrove forests, that are of importance for the preservation of fisheries resources shall be classified as Protected and Conservation Areas of Fishery Resources (art. 18 & 27 FL) - In Fishery Conservation Areas (FCAs), fishing activities may only be carried out with special permission from the minister of MAFF (art. 19 FL) - The 2008 Law on Natural Protected Areas identifies 8 types of Protected Areas (PAs) (art. 7): national park; wildlife sanctuary; protected landscape; multiple use area; Ramsar site; biosphere reserve; natural heritage site; marine park - The Nature Protection and Conservation Administration (NPCA), | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Subsistence fishing in the FCAs is sanctioned with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101(9) FL) - The use of middle-scale gear in the FCAs is sanctioned with 3-5 years imprisonment and 5M-50M Riels fine (art. 99(4) FL) - The use of industrial fishing gear in the FCAs is sanctioned with 3-5 years imprisonment (art. 98(8) FL) |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|--|--|
| | | | <p>established under the Ministry of Environment (MOE), is responsible for the management of PAs, pursuant to RGC policy</p> <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Promotion of the establishment of protected areas (i.e. Fish Conservation Zones) in breeding and feeding grounds for the conservation of aquatic biodiversity (art. 23 FL) - Prohibition of the destruction of Fish Conservation Zones and of fishing in breeding and spawning grounds as designated by local FMCs (art. 38(6) FL) - Establishment of Fish Conservation Zones by village-level fisheries regulations (art. 54) - Establishment of Protected Areas (PAs) is regulated under the Forestry Law, which has now returned under the competence of MAF | <p><u>Lao PDR:</u></p> <p><i>General sanctions (arts. 63-68 FL)</i></p> <ul style="list-style-type: none"> - In particular: 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities, including the destruction of habitats and spawning grounds (art. 68 FL) |
| 15. <i>Temporal control measures (closed seasons)</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The closed season for middle-scale fishing is defined as follows (art. 16 FL): <ul style="list-style-type: none"> - From 01 June to 30 September for the inland fishery domains located north of Tonle Chaktomok parallel (Latitude: 11° 33' 259"N) - From 01 July to 31 October for the inland fishery domain located south of Tonle Chaktomok parallel (Latitude: 11° 33' 259"N) - The closed season for Stung Treng goes from 01 May to 30 September as follows – <ul style="list-style-type: none"> - From 01 May to 30 June, it is prohibited to conduct any type of fisheries using the following gear: stationary gillnet and drift gillnet; all kinds of seines; <i>Manh</i>, giant cast net and <i>Neam</i>; and long line hook (Proclamation 440/2013) - From 01 June to 30 September, middle-scale fishing is prohibited (art. 16 FL) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Prohibition of fishing during the breeding and spawning seasons | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Conducting middle-scale fishing in the closed season is sanctioned with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101(8) FL) - Conducting industrial-scale fishing in the closed season is sanctioned with 3-5 years imprisonment (art. 101(8) FL) <p><u>Lao PDR:</u></p> <p><i>General sanctions</i></p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|---|--|
| | | | (art. 38(5)(6) FL) - District governor regulations in the Champasak province only allow fishing for 3 hours a day during the dry season - Some FMCs reportedly define closed seasons in their area | (arts. 63-68 FL) |
| 16. <i>Habitat rehabilitation for the protection of living aquatic organisms</i> | Y | N | <u>Cambodia:</u> - Protected inundated areas shall be conserved and reforested in order to maintain the balance the fishery ecosystem (art. 27 FL) - Habitat rehabilitation falls under the Fisheries Conservation Department and the Fisheries Affairs Department (sub-decree 188/2008) - The Fisheries Conservation Department grows flooded forests (15 ha/year), deploys 20 concrete boxes, and constructs concrete poles in the Tonle Sap Great Lake - Habitat rehabilitation measures may be taken at the local level in CFi management plans | <u>Cambodia:</u> - Commercial collection, transportation, and stocking of woods, firewood or charcoals of inundated and mangrove forest species is sanctioned with a transactional fine (art. 92(5) FL) - Obtaining a licence to manage fishing lots, without taking responsibility for maintaining and protecting the inundated forest is sanctioned with a transactional fine of 5M-10M Riels (art. 96(3) FL) - The following offences are sanctioned with 3-5 years imprisonment (art. 98 FL): (1) Cutting down, clearing land and rooting up to claim land of inundated forest and mangrove forest; (2) Making fire or burning inundated forest and mangrove forest; (11) Building charcoal kilns, handicraft place, processing place and all kind of factories that use the inundated forest and mangrove forest species as raw material - Expansion of agricultural land or land use for other purposes beside fishery development in the |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|---|---|
| | | | <p><u>Lao PDR:</u> - No provisions on habitat rehabilitation - Provisions on the protection of habitats are found in the FL (arts. 21 & 23 FL)</p> | <p>protected inundated areas is sanctioned with 1 month to 1 year imprisonment and with a fine of 1M-5M Riels (art. 101(2) FL)</p> <p><u>Lao PDR:</u> N/A</p> |
| 17. <i>Stock enhancement</i> | Y | Y | <p><u>Cambodia:</u> - The 1st of July of each year is designated as the National Fish Day, a traditional fish or other aquatic animal releasing ceremony, aiming to promote the awareness of the importance and benefits of fisheries to people (art. 17 FL) - Each province may establish their own Fish Day - No specific indication about the use of alien species; however, no alien species are reportedly used during the releasing ceremony since the adoption of the 2006 FL</p> <p><u>Lao PDR:</u> - The 13th July of each year is designated as the National Fish Release Day (art. 69 FL) - No specific indication about the use of alien species but regulations may be adopted under art. 23 FL on habitat protection</p> | <p><u>Cambodia:</u> N/A</p> <p><u>Lao PDR:</u> N/A</p> |
| INLAND AQUACULTURE | | | | |
| 18. <i>Authorization regime for aquaculture activities</i> | Y | Y | <p><u>Cambodia:</u> - Inland aquaculture is subject to a permission to be issued by the FiA for (art. 53 FL): - Ponds with a total area larger than 5,000 sq.m. - Pens with a total area larger than 2,000 sq.m. - Cages with a total area larger than 15 sq.m. - Ornamental fish farming is subject to a licence to be issued by the FiA (art. 55 FL): - Local species > 10,000 fish - Exotic species > 5,000 fish</p> | <p><u>Cambodia:</u> - The conduct of aquaculture without a licence, using unauthorized species and/or not complying with technical regulations is sanctioned with a transactional fine (art. 93(7) FL)</p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|--|---|
| | | | <ul style="list-style-type: none"> - Species authorized for farming are determined by MAFF Proclamation 485/2014 - Snakehead farming is regulated by Proclamation 325/2016 - The farming of crocodiles, tortoises, turtles, frogs, eels and snakes which get fertilized in water or other aquatic resources is regulated by Proclamation 430/2016 - Technical requirements for aquaculture shall be determined by the head of Central FiA (art. 56 FL) - Foreign investors shall apply to the Cambodia Council for Development (CDC) and then obtain the approval of the Council of Ministers; however, projects < 2M USD fall under the competence of the Provincial Governor <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Commercial aquaculture is subject to an authorization – (1) to be issued by DAFO for total fish pond or water surface area of 15,000-50,000 sq.m. or total fish cage area of 120-250 sq.m.; (2) to be issued by PAFO for total fish pond or water surface area of > 50,000 sq.m. or total fish cage area of > 250 sq.m. (art. 30 FL) - Aquaculture of protected species is subject to prior authorization from the Government - Aquaculture of controlled species is subject to approval of MAF that will designate the appropriate area according to specific regulations - Regulations on commercial aquaculture shall be adopted, including for ornamental fish farming (arts. 31, 32, 44(5)(6), 45(4)(7) and 46 (4) FL) | <p><u>Lao PDR:</u></p> <p><i>General sanctions (arts. 63-68 FL)</i></p> <ul style="list-style-type: none"> - In particular: 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities, including catching, possession, import or export of protected species (art. 68 FL) |
| 19. <i>Movement of live fish</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Commercial transportation of inland fishery products refers to the following (Appendix FL): <li style="padding-left: 20px;">A) - In country: <ul style="list-style-type: none"> - Transportation of freshwater fishery products (alive or fresh condition) > 200 kg or processed fishery product > 60 kg during the fishing season - Transportation of freshwater fishery products (alive or fresh condition) > 60 kg or fishery product > 20 kg during the closed season | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Catching, selling, buying, transporting, collecting, processing and stocking all types of endangered natural fishery products is sanctioned with a transactional fine (art. 92(2) FL) - Catching, selling, buying, stocking and transporting fry, offspring or eggs of aquatic |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|--|---|
| | | | <p>B) - For export: - All exports of fishery products (alive or fresh condition) even small quality, and refer to fishery products of more than 10 kg</p> <p>C) - For import: - All imports of fishery products (alive or fresh condition) even small quality, and refer to fishery products of > 10 kg</p> <p>- Commercial transportation of fishery products (including live fish) is subject to a licence to be issued by Central FiA (art. 64 FL) – or by Cantonment FiA within the province</p> <p>- A permission is required for catching, selling, buying, stocking and transporting fry, offspring or eggs of aquatic animals, as well as for transporting, processing, buying, selling, and stocking endangered fishery resources (art. 23 FL)</p> <p>- Importing aquatic fauna or flora seeds for aquaculture purposes is subject to a permission to be issued by the head of Central FiA, after quality control and analysis of specimen by the FiA Laboratory (art. 58 FL)</p> <p>- A special licence is required for import and export of endangered species (as determined by sub-decree) to be issued by the CITES Management Authority of Cambodia or of the exporting country as appropriate – not applicable to aquaculture products</p> <p><u>Lao PDR:</u> - Specific regulations shall govern other commercial fishery-related activities such as commercial processing, breeding, distribution, import, export, re-export, transit of fish and other aquatic animals (not in place) (art. 32 FL)</p> <p>- International and domestic movement of live animals falls under the purview of the 2008 Law on Livestock Production and Veterinary Matters</p> <p>- Prohibition of reception, trade, possession and transport of illegally-acquired aquatic animals (art. 38(2) FL)</p> <p>- Import of live fish is subject to an authorization and to the possession of a certificate of origin and a health certificate</p> | <p>animals without a licence is sanctioned with a transactional fine (art. 94(7) FL)</p> <p>- Importing all types of aquatic animals or plants without a licence is sanctioned with a transactional fine of 500,000 to 5M Riels (art. 97(7) FL)</p> <p><u>Lao PDR:</u> <i>General sanctions (arts. 63-68 FL)</i></p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|--|----------|---------|--|--|
| 20. <i>Introduction of alien species</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The only provision on alien species contained in the FL is the one requiring a licence to be issued by FiA for exotic ornamental fish farming of more than 5,000 fish (art. 55 FL) - Prohibition of import, culture and trade of alien species known as Piranha fish (pirapatinga or <i>Piaractus brachypomus</i>) (Proclamation 664/2003) - Prohibition of Tilapia farming near natural water bodies <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - No specific provisions on the introduction of alien species but regulations may be adopted under art. 23 FL on habitat protection - The State promotes scientific research on aquaculture in the country in order to limit the import of broodstock and seed from abroad (art. 19 FL) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The conduct of aquaculture without a licence, using unauthorized species and/or not complying with technical regulations is sanctioned with a transactional fine (art. 93(7) FL) <p><u>Lao PDR:</u> N/A</p> |
| 21. <i>Waste management from aquaculture farms</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Disposing, discharging, dumping or littering toxic substances (solid or liquid) in fishery domains, as determined by national law or regulations [see environmental legislation] and by international environmental law, or any activities that may cause harm to aquatic animals is prohibited (art. 22 FL) - Aquaculture and mariculture operations shall maintain the quality of land, water, aquatic biodiversity and environment, and shall not discharge any material or toxic substances or perform any other act as stipulated in art. 22 of this law (art. 57 FL) - An EIA is required for medium to large scale investment projects under environmental legislation (Sub-decree on EIA) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Prohibitions of discharge of waste, polluted water and toxic chemicals in water bodies (art. 38(1) FL) - Aquaculture farmers have the obligation not to cause any impact on the environment, nature and society beyond the defined standards (not yet adopted) (art. 37(2) FL) - An EIA is required for medium to large scale investment projects | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The discharge of toxic substances in the fishery domains that may harm aquatic life is sanctioned with 3-5 years imprisonment (art. 98(3) FL) - The discharge of toxic substances from aquaculture is sanctioned with a transactional fine of 500,000 to 5M Riels (art. 97(5) FL) <p><u>Lao PDR:</u> <i>General sanctions (arts. 63-68 FL)</i></p> <ul style="list-style-type: none"> - In particular: 3-month to 1-year imprisonment and fine double the value of the damage for criminal activities, including the |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|---|--|
| | | | under environmental legislation | destruction of habitats (art. 68 FL) |
| 22. <i>Control of fish disease</i> | N | Y | <p><u>Cambodia:</u> - No provisions are made on disease control in fish farms but the 2006 FL is currently being amended in this regard</p> <p><u>Lao PDR:</u> - Aquaculture farmers have the duty to inspect and monitor the health of fish and other aquatic animals and to remedy the situation in a timely manner in case of disease outbreak to avoid the epidemics (art. 37(7) FL) - No specific measures are prescribed in case of outbreak - The 2008 Law on Livestock Production and Veterinary Matters, which covers aquatic animals, has recently been amended (Nov. 2016, to be promulgated)</p> | <p><u>Cambodia:</u> N/A</p> <p><u>Lao PDR:</u> Article 35 states that in case of non-compliance (not reporting serious disease outbreak to the authorities, and no prevention and remedy measures that result in dangerous threats to other aquatic animals and human health) shall result into suspension or cancellation of commercial operation</p> |
| TRADE IN FISH AND FISH PRODUCTS | | | | |
| 23. <i>Authorization regime for the sale, import and export of fish and fish products</i> | Y | Y | <p><u>Cambodia:</u> - Commercial transportation of fishery products is subject to a licence to be issued by FiA (art. 64 FL) - See definition of commercial transportation of fish at item 19 on movement of live fish (Appendix FL) - Any physical or legal person transporting fishery products shall pay premium to the FiA, except for family use and research purposes, to be determined by proclamation (art. 65 FL) - Commercial import and export of fishery products is subject to a licence to be issued by the head of Central FiA (art. 66-68 FL), which is based on a quota system - A quality control certificate in fishery pathology to be issued by the exporting country is required for import</p> | <p><u>Cambodia:</u> The following offences are sanctioned with a transactional fine – - Transportation of fishery products without permission, over quantity, expired date, in wrong place of direction and/or wrong pass way, wrong transportation means defined in licence (art. 93(3) FL) - Transportation of fishery products without payment receipt and/or stocking license or do not deduct the quantity from the</p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|--|--|
| | | | <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Not mentioned clearly in the law, but in real practice a certificate of origin and a health certificate are required when importing fish and fish products from abroad at the border checkpoints - Specific regulations shall govern other commercial fishery-related activities such as commercial processing, breeding, distribution, import, export, re-export, transit of fish and other aquatic animals (not yet adopted) (art. 32 FL) - Regulations shall also be adopted under the provisions defining the role of MAFF, PAFO & DAFO (arts. 44(5), 45(4) & 46(4) FL) | <p>stocking licence (art. 93(4) FL)</p> <ul style="list-style-type: none"> - Import and exports of fishery products without licence (art. 93(5) FL) - Import and export of fishery products without quality control certificate in fishery pathology (art. 93(6) FL) <p><u>Lao PDR:</u> <i>General sanctions (arts. 63-68 FL)</i></p> |
| 24. <i>Establishment and use of fish landing sites and facilities</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The establishment and operation of a fish landing site as a location for collecting, distributing, trading fishery products is subject to a licence to be issued by the competent FiA (art. 37 FL) - Other permits from relevant authorities are required for the establishment of a fish landing site - A draft proclamation defining the procedure for the establishment of landing sites is under preparation <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - To be developed as specific regulations under art. 32 FL on other commercial fishery-related activities (fish trade/ distribution) | <p><u>Cambodia:</u></p> <p>The following offences are sanctioned with a transactional fine of 5M-10M Riels:</p> <ul style="list-style-type: none"> - Using expired license for establishing fish landing, location for large-scale processing of fishery products (art. 96(1) FL) - Establishing fish landing port, industrial processing plan of fishery products without license from the FiA (art. 96(8) FL) <p><u>Lao PDR:</u> N/A</p> |

| INLAND FISHERIES AND AQUACULTURE MATRIX | Cambodia | Lao PDR | Comments | Applicable sanctions |
|---|----------|---------|--|---|
| 25. <i>Traceability of fish and fish products</i> | N | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Provisions on fish traceability are currently being developed - Fish traceability, which falls under the responsibility of the Department of Fish Control and Post-Harvest (sub-decree 188/2008) - A quality control certificate in fishery pathology to be issued by the exporting country is required for import (arts. 66-67 FL) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - Specific regulations on traceability being developed and drafted (possibly as ministerial decision) with support from FAO expert (MIC/WTO technical assistance project TDF2) - IUU Fishing Guidelines introduced by SEAFDEC (not yet included in the fishery legislation) - Fish traceability falls under the 2008 Law on Livestock Production and Veterinary Matters - The concept of traceability is mainly regarded as an issue related to farmed-product certification | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Buying, selling, processing, stocking and transporting fishery products originating from illegal fishing is sanctioned with 1 month to 1 year imprisonment or with a fine of 1M-5M Riels (art. 101(15) FL) <p><u>Lao PDR:</u> N/A</p> |
| 26. <i>Catch certification</i> | N | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - No provisions are made on catch certification (in progress) <p><u>Lao PDR:</u></p> <ul style="list-style-type: none"> - To be developed as a specific regulations under art. 32 FL on other commercial fishery-related activities (import of fish and other aquatic animals and their products) | <p><u>Cambodia:</u> N/A</p> <p><u>Lao PDR:</u> N/A</p> |

Annex 4: CAMBODIA-VIET NAM COMPARATIVE MATRIX ON MARINE CAPTURE FISHERIES

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--|----------|----------|---|---|
| MANAGEMENT OF FISHING VESSELS | | | | |
| 1. <i>Definition of fishing vessel</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - <i>Fishing boat</i> refers to any water vehicle, which is equipped with fishing gears for fishing (appendix to the 2006 Law on Fisheries (FL)) - <i>Fishing</i> refers to attempting, searching, activating, using any mean to attract, capture, trap, wound, dizzy, kill and collect aquatic animals from the fishery domain (appendix FL) - <i>Water vehicle</i> refers to floating equipment used for storing or transporting such as boat, engine boat, ship, sampan, raft etc. (appendix FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - The term <i>fishing vessel</i> includes any vessel, boat, or other floating structure to be used specifically for fishing operations, aquaculture, preservation and processing of fish and fisheries products (art. 2(9) of the 2003 Fisheries Law (FL)) - <i>Fishing operations</i> means the capture of fisheries resources at seas, in rivers, lakes, lagoons and other natural waters (art. 2(4) FL) - Fishing vessel classification (Circular 20/2015) | <p><u>Cambodia:</u> N/A</p> <p><u>Viet Nam:</u> N/A</p> |
| 2. <i>Certification of vessel seaworthiness and safety at sea on board fishing vessels</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The certification of seaworthiness and safety of all vessels is under the competence of the Ministry of Public Works and Transport (MPWT) and its local agencies (chapter 3(III), MPWT Circular 006/1999 on Sea Shipping) - In addition, Proclamation 25/2010 of the Ministry of Agriculture, Forestry and Fisheries (MAFF) on the Technical Requirements of Fishing Vessel Management requires the following safety equipment for fishing vessels with capacity > 500 kg – <ul style="list-style-type: none"> - Radio communication units, fire extinguisher, rescue buoys, life jackets, binoculars, compass or GPS, first aid box, beams for navigations, emergency lights, horn or bell - Hull and engine with good quality and safety suitable for fishing operations | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - If, upon random inspection, a vessel is found to be lacking any of the requirements for seaworthiness, the competent authority shall order immediate suspension of its operation and withhold its registration licence (chapter 3(III)(3)(c), MPWT Circular 006/1999) - If the vessel owner fails to comply by the specified date of inspection, he/she shall be |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---------------------------------|----------|----------|---|---|
| | | | <p>- Bins for proper storage of waste and used engine oil which are securely dumped at the assigned place</p> <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Safety requirements for vessels and crew are defined in Decree 66/2005 - Circular 25/2014 establishes the technical requirements for fishing vessel design - Technical safety conditions of the fishing vessel are specified by the National Technical Regulation on Safety Equipment of Fishing Vessels 02-21: 2015 adopted by Circular 20/2015 of the Ministry of Agriculture and Rural Development (MARD) - The procedure for issuing technical safety certificate is (art. 15, Regulation on fishing vessel register): <ul style="list-style-type: none"> - Application submitted by the vessel owner - Authority sends inspectors as agreed time and location - If the vessel conditions satisfy technical requirements, competent authority must issue a certificate for the vessel owners | <p>sanctioned with a fine of 5,000 Riels per day (chapter 3(III)(3)(d), MPWT Circular 006/1999)</p> <p>- Non compliance with specific safety requirements for fishing vessels results in denial of FiA registration</p> <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Seaworthiness (art. 21 Decree 103/2013) - Safety (art. 22 Decree 103/2013) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--|----------|----------|---|--|
| | | | <p>within 5 working days</p> <ul style="list-style-type: none"> - Technical safety certificate is valid for max 12 months - Vessel owner must apply for re-inspection no later than 15 days from expiration date <p>- <i>Central register</i>: Department of Capture Fisheries and Resource Protection (currently D-FISH) is responsible for the register of fishing vessels under MARD management, Vietnamese fishing vessels operating in foreign waters, foreign fishing vessels imported into Viet Nam (for first inspection), fisheries resources surveillance vessels, and research vessels</p> <p>- <i>Provincial registers</i>: fishing vessels < 20 m in length of water design or fishing vessels ≥ 20 m authorized by D-FISH</p> <p>- Decree 52/2010 on import of fishing vessels, as amended by Decree 53/2012 – Imported fishing vessels must ensure the technical safety conditions for vessel and people working on board, in accordance with the technical safety standards, environmental pollution prevention provided by Vietnamese laws (i.e. National Technical Regulation on Safety Equipment of Fishing Vessels 02-21: 2015 adopted by MARD Circular 20/2015) and by applicable international treaties</p> <ul style="list-style-type: none"> - Regulation on fishing vessel register (Decision 96/2007) - Inspections prior to the registration of fishing vessels are regulated by Circular 13/2013 | |
| 3. <i>Registration of fishing vessels and crew members</i> | Y | Y | <p><u>Cambodia</u>:</p> <ul style="list-style-type: none"> - Registration with MPWT of all fishing vessels (Circular 006/1999 on Sea Shipping) – at central level for fishing vessels with engine power ≥ 75 HP; at provincial/municipal level for fishing vessels with engine power < 75 HP (registration licence and identification number plate) - The procedure for the granting of fishing licences includes registration of fishing vessels and gear with FiA (art. 33 FL) - FiA registration is subject to compliance with technical requirements for fishing vessels with capacity > 500kg, including MPWT registration licence and plate (Proclamations 24/2010 and 25/2010) - Fishers are registered with Administration Police | <p><u>Cambodia</u>:</p> <ul style="list-style-type: none"> - Fishing without FiA registration is sanctioned with a transactional fine (art. 95(5) FL) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--|----------|----------|--|---|
| | | | <p>- CFi Committees hold a register of fishing boats and gear operating in the CFi (internal rules and by-laws)</p> <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Vessel registration procedure is defined by Regulation on the registration of fishing vessels and crew members (MOFI Decision 10/2006, consolidated as MARD Document 07/VBHN-BNNPTNT) – <ul style="list-style-type: none"> - Application (application form, vessel ownership document, registration fee, picture of the vessels), technical safety certificate, communication devices using permit must be submitted to the competent authority - Within 7 working days after receiving complete application, the competent authorities should issue the “fishing vessel registration certificate” for the owner. - Re-issue of fishing vessel registration certificate is possible if application submitted to the competent authorities - Temporary fishing vessel registration certificate can be issued for some certain cases - Cancellation of registration of missing, sunk or cancelled fishing vessels must be done - Crew registration procedure – <ul style="list-style-type: none"> - Application and copies of seaman books of each crew members must be submitted to competent authority - Within 7 working days after receiving complete application, competent authorities issue book of crew list - Competent authorities are the Department of Capture Fisheries and Resource Protection (currently D-FISH) and provincial sub-DECAFIREP (under DARD, currently Sub-Department of Fisheries in many coastal provinces) (see item 2 of this matrix) - Regulations are in place on the training of captain, chief mechanic and crew (Decision 77/2008/BNN) | <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Violations relating to the management of fishing vessels and crew members are sanctioned with administrative punishments (arts. 18-23, Decree 103/2013) |
| 4. <i>Mandatory installation of AIS and VMS on board fishing vessels</i> | N | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - No provisions for the mandatory installation of AIS and VMS <p><u>Viet Nam:</u></p> | <p><u>Cambodia:</u> N/A</p> <p><u>Viet Nam:</u></p> |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--------------------------------------|----------|----------|---|--|
| | | | <ul style="list-style-type: none"> - VMS devices have been installed on board about 3.000 fishing vessels (total engine capacity > 90 HP) under a pilot project implemented by D-FISH (MARD) on fishing vessel monitoring system - National vessels operating in foreign waters or on the high seas must be fully equipped with safety communication devices (see item 10 below) | N/A |
| 5. <i>Marking of fishing vessels</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Proclamation 25/2010 (vessel capacity > 500kg) defines identification colours marked on the side of the vessel according to the city/province <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Circular 25/2013 regulates the marking of fishing vessels – <ul style="list-style-type: none"> - Fishing vessels with main engine capacity \geq 90 HP <ul style="list-style-type: none"> . <i>Vessels with cabins:</i> painting 2 vertical marking bands in the middle of the cabin sides and as long as the cabin height of the vessel; each painted band width of 25-30 cm; distance between two painted bands of 30-40 cm . <i>Vessels with no cabin:</i> painting 2 vertical marking bands on the side of the vessels after the vessel registration number and 30 cm away from the registration number, the height marking bands 2 times higher than the height of registration number; each painted band width of 25- 30 cm; distance between two painted marking bands are 30- 40 cm - Fishing vessels fishing with main engine capacity \geq 20 HP and < 90 HP <ul style="list-style-type: none"> . <i>Vessel with cabins:</i> painting 01 vertical marking band in the middle of the cabin sides and as long as the cabin height of the vessel; each painted band width of 25- 30 cm . <i>Vessel with no cabin:</i> painting 01 vertical marking bands on the side of the vessels after the vessel registration number and 30 cm away from the registration number, the height marking bands | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Non compliance with requirements results in a warning issued by FiA, followed by denial of FiA registration if the vessel fails to comply after warning <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Infringement of the marking regulation is sanctioned by administrative punishment (art. 11, Decree 103/2013) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|---|---|
| | | | 2 times higher than the height of registration number; each painted band width of 25- 30 cm - Fishing vessels < 20 HP with or without engine: no marking - The colour of marking bands of fishing vessels can be orange paint or affixed reflective orange decals - The paint colour of marking bands and cabin's paint of the fishing vessel must not be identical | |
| REGULATION OF FISHING OPERATIONS | | | | |
| 6. <i>Licensing regime to fish in national waters</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - A licence is required for all types of fisheries in the inland and marine domains, except subsistence fishing (art. 32 FL) - Fishing licences consist of two parts, one for the licensing of the vessel (FiA registration) and one for the licensing of fishing gear (art. 33 FL) - As mentioned under item 3 of this matrix, FiA registration is subject to compliance with technical requirements for fishing vessels with capacity > 500kg, including MPWT registration licence and plate (Proclamations 24/2010 and 25/2010) - The use of middle-scale fishing gear is subject to a licence and to the payment of a fee according to the type and size or number of fishing equipment or to the engine power (sub-decree 18/2010) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - A licence is required for any type of fishing operations, except when carried out by individuals using fishing vessels with tonnage < 0.5 GT or not using a fishing vessel (art. 16 FL + Decree 59/2005) - A fishing licence shall include information, inter alia, on type of fisheries and fishing gear, allowable fishing grounds and routes, fishing periods and duration of fishing licence - Conditions for the granting of fishing licence (art. 17 FL) – <ul style="list-style-type: none"> - Application form - Business registration for capture fisheries - Registration and inspection of fishing vessels - Proper fishing gear and equipment - Qualified captain and operators on board with relevant | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing without a licence is sanctioned with a transactional fine (art. 95 FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Performance of fishing operations without a licence, with a licence for different operations or with an expired fishing licence for vessels > or < 90 HP is sanctioned with administrative punishment (art. 10(3)(4), Decree 103/2013) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|---|---|
| | | | certificates - Renewal of a fishing licence shall require – - Renewal application form - Certificate of vessel safety | |
| 7. <i>Zoning of fishing areas (in relation with the type and size of fishing vessels, the type of gear, or the type of fisheries)</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Marine Fishery Domain (art. 11 FL) – - Inshore fishing area, up to the 20m-deep line - Offshore fishing area, up to EEZ edge - Fishery conservation area, sea grass and coral reef areas - Mangrove forest area - Prohibition to use certain types of fishing gear or methods in certain areas – trawling and motorized short-necked clam scraper in the inshore fishing area, or fishing operations that may disturb or damage sea grass and coral reefs (arts. 46, 49, 50 and 52 FL) - Proclamation 183/2012 defines the zones allowed for certain species (<i>Paphia Undulata</i>) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Decree 33/2010 (amended by Decree 53/2012) on the management of fishing activities in sea areas by Vietnamese organizations and individuals (annex 3) divides the marine area into 3 fishing zones – - Coastal area (from lowest tide level to coastal route) - Inshore area (from coastal route to inshore route) - Offshore area (from inshore route up to EEZ edge) - Fishing vessels with main engine total capacity ≥ 90 HP may only operate in the offshore area or high seas - Fishing vessels with main engine total capacity > 20 HP and < 90 | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing with prohibited gear or methods in certain areas is sanctioned with a transactional fine (arts. 94(2)(4), 95(13) and 98(10) FL) - Subsistence fishing in fisheries conservation areas is sanctioned with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101(9) FL) - The use of middle-scale gear in fisheries conservation areas is sanctioned with 1-3 years imprisonment and 5M-50M Riels fine (art. 99(4) FL) - The use of industrial fishing gear in fisheries conservation areas is sanctioned with 3-5 years imprisonment (art. 98(8) FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Art. 10(5) Decree 103/2013 |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--|----------|----------|--|--|
| | | | <p>HP may only operate in the inshore and offshore areas</p> <ul style="list-style-type: none"> - Fishing vessels with main engine total capacity < 20 HP or non-motorized vessels may only operate in the coastal area - Fishing vessels purse seining small pelagic fish and catching molluscs are not subject to limitation of engine capacity when operating in the coastal and inshore areas; PPC shall regulate the type of fisheries and fishing grounds for such vessels - Fishing vessels must fully meet safety requirements when operating in any sea area - Fishing vessels < 20 HP or without an engine may only operate in the coastal area of the province where they are registered unless the PPC of two adjacent coastal provinces have reached an agreement to allow fishing vessels of one province to operate in the coastal area of the other | |
| 8. <i>Community-based management of fishing activities</i> | Y | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - All Khmer citizens have the right to form Community Fisheries (CFi) in their area on a voluntary basis (art. 59 FL) - The procedures for the establishment of CFis are defined by a number of texts, including the 2006 FL, the 2005 Royal Decree, the 2007 Sub-Decree and the 2007 Proclamation - Community fishing areas are allocated by the MAFF - Agreements on the CFi area are decided or cancelled by the chief of Cantonment - Each CFi has a main by-law, internal rules and a management plan approved by the head of Central FiA <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Decree 33/2010 stipulates that Provincial People's Committees (PPCs) have the right to decentralize the management of coastal areas to people's committees at district and commune level to develop community-based management models for fisheries resources in coastal areas - Prime Minister Directive 19/2014 provides on the establishment of | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Using fishing gear or fishing time in a CFi area other than that set by the Minister of MAFF is sanctioned with a transactional fine (art. 95 FL) - Selling, exchanging, renting, giving as gift, doing sharecrop, distributing or transferring of the CFi areas is sanctioned with 1-3 years imprisonment and 5M-50M Riels fine (art. 100(7) FL) <p><u>Viet Nam:</u> N/A</p> |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--|----------|----------|---|--|
| | | | <p>community-based aquatic resource protection areas to recover typical ecosystems such as coral reefs, mangroves, sea grass meadows, spawning and nursery grounds</p> <p>- MARD Decision 67/2010 establishes the Guidelines for small-scale fisheries co-management in Viet Nam</p> | |
| <p>9. <i>Requirements for foreign fishing vessels operating in national waters</i></p> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing exploitations or aquaculture by foreigners is subject to an agreement with MAFF, after RGC approval (art. 38 FL) - Provisions are made with regard to the designation of ports for foreign fishing vessels and to the notification of port entry (art. 47 FL – see item 15 of this matrix) - No foreign fishing vessels are currently authorized to fish in Cambodian waters <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Fishing operations of foreign fishing vessels in Vietnamese waters are regulated by Decree 32/2010 (amended by Decree 53/2012) on the basis of international cooperation and ensure equality, mutual benefit, mutual respect for independence, sovereignty and laws of each party and international laws - Foreign fishing vessels must conform to national plans, ensure safety at sea and apply for a licence with competent Vietnamese authorities - Foreign fishing vessels must fly the Vietnamese flag during operations in Vietnamese waters, at the same height and next to the relevant State flag - Foreign vessels are eligible for a fishing licence of fishery activities if the below conditions are met – <ul style="list-style-type: none"> - Obtaining one of the following: investment licence; Prime Minister approval for cooperation projects on stock assessment of aquatic resources; MARD approval for cooperation projects on technical training and fisheries technology transfer; approval of MARD or PPC Chair for projects on business cooperation | <p><u>Cambodia:</u></p> <p>The following breaches are sanctioned with a transactional fine (art. 94(5)(6) FL) –</p> <ul style="list-style-type: none"> - Using a foreign vessel for fishing operations not complying with the agreement conditions - Using a foreign vessel for fishing operations without a licence <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Foreign fishing vessels' violations relating to fishing operations in Vietnamese waters are sanctioned with administrative punishments (art. 13, Decree 103/2013) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|--|--|
| | | | <ul style="list-style-type: none"> - Certificate of registration of fishing vessel issued by the competent authorities of the flag State - Certificate of technical safety of fishing vessels by competent authorities of the flag State or by MARD fishing vessel register - Permits to use frequencies and radio transceiver issued by the competent authorities of Viet Nam - Diplomas or certificates of captains and chief engineers accepted by the competent agencies of Viet Nam - List of crew members and persons working on board - At least one person on board must be fluent in Vietnamese or English | |
| <p>10. <i>Requirements for national vessels fishing in foreign waters or on the high seas (distant-water fishing)</i></p> | N | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing operations and fisheries research in international marine waters by national vessels shall be authorized/ registered in accordance with UNCLOS and shall comply with national and international laws (art. 51 FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - The application for fishing operations in the high seas and foreign waters must be submitted to D-FISH (art. 7, Decree 33/2010, amended by Decree 53/2012) - National fishing vessels operating on the high seas or in foreign waters must satisfy the following conditions (art. 6, Decree 33/2010, amended by Decree 53/2012) – <ul style="list-style-type: none"> - Meet requirements to operate in limited operating region I and unlimited operating areas, and at least in limited operating region II if operating in ASEAN countries, and be duly registered - Have certificates of technical safety valid for at least 3 months - Be fully equipped with safety communication devices - Have sufficient crew members as regulated - Crew members and persons working on board such vessels must satisfy the following conditions – <ul style="list-style-type: none"> - Captain and chief engineer must have diplomas or certificates issued by the competent authority - Have crew insurance - Have a seaman’s book | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing without FiA registration is sanctioned with a transactional fine (art. 95(5) FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Violation of the regulations on the operation of Vietnamese fishing vessels in foreign water are sanctioned with administrative punishment (art. 12, Decree 103/2013) - Criminal Law is applicable in case of organized crime activities |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--|----------|----------|--|--|
| | | | <ul style="list-style-type: none"> - In addition, fishing vessels or groups of fishing vessels may operate in foreign waters only if – <ul style="list-style-type: none"> - An agreement on fisheries cooperation is in place between Viet Nam and the concerned countries/territories or legal contracts have been approved by competent agencies of these countries/territories - At least one person is fluent in English or in another language spoken in the concerned countries/territories - Crew members on board must have ordinary passports - Fishing vessels operating in the waters of the other countries or territories must meet the following conditions – <ul style="list-style-type: none"> - Have a fishing contract with organizations and individuals of the relevant coastal countries or territories, approved by the competent authorities of the coastal countries or territories or in compliance with Fisheries Cooperation Agreement in force between Viet Nam and such countries or territories - Meeting the requirements for vessel, crew and people working on board as defined by Decree 33/2010 (art. 6, para 1 and 2) - Satisfying any other condition prescribed by local legislation | |
| <p><i>11. Fishing logbook requirements and to regular communication of catch reports to the fisheries administration</i></p> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Proclamation 24/2010 on the application of models for fishing vessel logbook (vessel capacity > 500kg) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Logbooks must be maintained in compliance with MARD requirements (Decree 33/2010) - Circular 25/2013 regulates the responsibilities of fishing vessels | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing without fishing vessel logbook or non compliance with the fishing vessel logbook conditions is sanctioned with a transactional fine (art. 95(3)(6) FL) - Not having a logbook for recording statistics of fishery products is sanctioned with a fine of 500,000-5M Riels (art. 97(3) FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Fishing vessels engaged in fishing operations without logbooks or records of the |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|--|--|
| | | | <p>owners/captain to record and submit logbooks and fishing report to the competent authorities</p> <ul style="list-style-type: none"> - <i>Catch report</i>: Vessel owners or captains of all licensed vessels are responsible for recoding fish catches at each fishing trip in logbooks (form in annex VIII) - <i>Record and submit fishing logbooks</i>: <ul style="list-style-type: none"> - For fishing vessels with main engine capacity ≥ 20 HP, the captain is responsible for recording the fishing logbook (form in annex VIII) - The vessel owner or captain must submit and receive the fishing logbooks as prescribed by DARD | <p>logbooks are sanctioned with an administrative punishment (art. 9, Decree 103/2013)</p> |
| <p>12. <i>Embarkation of observers on board industrial fishing vessels</i></p> | <p>N</p> | <p>Y</p> | <p><u>Cambodia</u>:</p> <ul style="list-style-type: none"> - No provisions are made with regard to observers, but regulations may be adopted under art. 47 FL - In practice, the embarkation of observers on board foreign fishing vessels was required in accordance with the fishing agreement between Cambodia and the concerned flag State; today, however, no foreign fishing vessels are authorized to fish in Cambodian waters <p><u>Viet Nam</u>:</p> <ul style="list-style-type: none"> - Embarkation of observers is only required for foreign fishing vessels operating in Vietnamese waters, namely for three types of activities – fishing, research and transfer of new technology - Decree 32/2010 stipulates their responsibilities, including: <ul style="list-style-type: none"> - Monitoring the vessel's activities and its compliance with Viet Nam's legislation while in Vietnamese waters - Reporting fully and timely to MARD (D-FISH) and other competent authorities on required information | <p><u>Cambodia</u>:</p> <ul style="list-style-type: none"> - Using a foreign vessel for fishing operations in the marine fishery domain contrary to the terms and conditions established in the fishing agreement is sanctioned with a transactional fine (art. 94(5) FL) <p><u>Viet Nam</u>:</p> <ul style="list-style-type: none"> - Art. 13 Decree 103/2013 |
| <p>13. <i>Transshipment of catch at port or in the roadstead (authorization and presence of inspectors)</i></p> | <p>Y</p> | <p>N</p> | <p><u>Cambodia</u>:</p> <ul style="list-style-type: none"> - Fishers are required to tranship their fishery products at a fishing port determined by FiA (art. 47 FL) - Other conditions on transshipment shall be determined by FiA | <p><u>Cambodia</u>:</p> <ul style="list-style-type: none"> - Transshipment of fishery products for export without permission is sanctioned with a transactional fine (art. 93(2) FL) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|--|---|
| | | | <u>Viet Nam:</u> - No provisions on transhipment of catch at port or roadstead | <u>Viet Nam:</u> N/A |
| <i>14. Prohibition of transhipment at sea</i> | Y | N | <u>Cambodia:</u> - Transhipment at sea is implicitly prohibited given the requirement to tranship at port (art. 47 FL) <u>Viet Nam:</u> - No provisions on the transhipment of catch at sea within national waters | <u>Cambodia:</u> - Transhipment of fishery products for export without permission is sanctioned with a transactional fine (art. 93(2) FL) <u>Viet Nam:</u> N/A |
| <i>15. Fishing port regulations</i> | Y | Y | <u>Cambodia:</u> - Provisions are made with regard to the designation of ports for foreign fishing vessels and to the notification of port entry (art. 47 FL) – - Fishers are required to tranship their fishery products at a fishing port determined by FiA - Duly licensed foreign fishing vessels shall inform FiA prior to port calls in the Cambodian Marine Fishery Domain - FiA may determine additional requirements for the anchoring of foreign fishing vessels <u>Viet Nam:</u> - The Board of Management, that is in charge of managing fishing ports, landing sites and storm shelters for fishing vessels, is empowered to prohibit the use of port facilities and to force any fishing vessels to leave the port in case of non compliance with port rules (art. 14, Decree 80/2012) - No regulations and laws have been formulated so far to address the landing of fish catches across boundaries | <u>Cambodia:</u> - Anchoring a licensed foreign vessel in the Cambodian Marine Fishery Domain without informing or obtaining permission by FiA is sanctioned with a transactional fine of 5M-10M Riels (art. 96(2) FL) <u>Viet Nam:</u> - Violations relating to operation of fishing ports, landing sites and storm shelters for fishing vessels is sanctioned with administrative punishments (art. 31, Decree 103/2013) |
| <i>16. Establishment and use of fish landing sites and facilities</i> | Y | Y | <u>Cambodia:</u> - The establishment and operation of a fish landing site as a location for collecting, distributing, trading fishery products is subject to a | <u>Cambodia:</u> The following offences are sanctioned with a transactional |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|---|--|
| | | | <p>licence to be issued by the competent FiA (art. 37 FL)</p> <ul style="list-style-type: none"> - Other permits from relevant authorities are required for the establishment of a fish landing site - A draft proclamation defining the procedure for the establishment of landing sites is under preparation <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - The Board of Management is in charge of managing fishing ports, landing sites and storm shelters for fishing vessels (Decree 80/2012) - Fishing ports, landing sites and storm shelters for fishing vessels are operated under the Regulation on the management of fishing ports, landing sites and storm shelters for fishing vessels (MOFI Decision 20/2006) | <p>fine of 5M-10M Riels:</p> <ul style="list-style-type: none"> - Using an expired licence for establishing a fish landing site for large-scale processing of fishery products (art. 96(1) FL) - Establishing fish landing port, industrial processing plant of fishery products without a licence from FiA (art. 96(8) FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Violations relating to operation of fishing ports, landing sites and storm shelters for fishing vessels is sanctioned with administrative punishments (art. 31, Decree 103/2013) |
| CONSERVATION OF HABITATS & SPECIES | | | | |
| 17. <i>Prohibition of destructive fishing methods</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Use of the following fishing gear is strictly prohibited under art. 20 FL and sanctioned accordingly: <ul style="list-style-type: none"> - Fishing by pair trawlers or encircling net with attractive illuminated lamp for fish concentration (art. 94(1) FL) - Fishing with electrocuting fishing gears, explosive and all kinds of poisonous substances in the fishery domains (art. 98(4) FL) - Fishing by means of pumping, bailing, drying out any part of the fisheries domains that causes destruction to aquatic resources (art. 98(5) FL) - Fishing with modern fishing gears or newly invented fishing gears or new fishing methods or fishing gears not listed in the | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing with prohibited gear/methods may be sanctioned with a transactional fine (art. 94 FL), with 3-5 years imprisonment (art. 98 FL), with 1-3 years imprisonment and a fine of 5M-50M Riels (arts. 99 & 100 FL) or with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101 FL) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---------------------------------|----------|----------|---|---|
| | | | <p>MAFF proclamation and leading to the destruction of fish, fishery resource and fishery ecosystem (art. 98(6) FL)</p> <ul style="list-style-type: none"> - Using all kinds of mosquito net fishing gears for middle-scale and large-scale fishing (art. 99(7) FL) - Fishing by using dike with other types of fishing gears leading to the destruction of fishery resources (art. 100(2) FL) - Putting Samras and other means that may attract fish or aquatic animals to concentration (art. 100(6) FL) - Fishing by using Chbok, Sang, Snor or Spear fishing gears associated with projected lamp (art. 101(10) FL) - Fishing by using stationary fishing nets or all kinds of boa nets (art. 101(11) FL) - All kinds of bamboo fences with mesh size smaller than 1.5 cm (art. 101(14) FL) <p>- Producing, buying, selling, transporting and storing any electrocuting devices, all type of mosquito net fishing gear, mechanized motor pushed nets, inland trawler that are used for fishing purpose is prohibited (art. 21 FL)</p> <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - The 2003 FL prohibits the following (art. 6(6)(7) FL) – <ul style="list-style-type: none"> - Use of explosives, poisons, electric and other destructive fishing methods - Use of fishing gear that obstructs, interferes with or causes damages to the fishing organizations - Anchoring or stopping a fishing vessel where other organizations or individuals have installed their fishing gear or where other fishing vessels are visibly fishing, except in case of <i>force majeure</i> - Prime Minister Directive 01/1998 assigned MOFI (presently MARD) to enforce the Ordinance on the Protection and Development of Aquatic Resources (present 2003 FL) and related regulations on the prohibition of the use of electricity, dynamites and poisons in capture fisheries, in collaboration with other ministries and provincial governments - Prime Minister Directive 19/2014 further provides on prohibited | <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - The use of dynamite, electricity and poison in fishing operations is sanctioned with an administrative punishment (arts. 14-18 Decree 103/2013) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|--|----------|----------|---|---|
| | | | fishing gears and other conservation measures | |
| 18. <i>Regulation of the use of fishing gear</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Use of the following fishing gear is strictly prohibited under the FL and sanctioned accordingly: <ul style="list-style-type: none"> - Fishing by gears namely Chhneang Os Kreng Chhem in coastal fisheries, which are dragged or pushed by motor boat without permission (art. 94(2) FL) - Fishing by trawler or short-necked clam scrapper outside the permitted zone (art. 94(4) FL) - Fishing impairing or damaging coral reefs and sea grass (art. 95(13) FL) - Proclamation 630 on inland and marine fishing gear was amended by 319/2015, which subdivides marine fishing gear into small/family-scale, middle-scale and large-scale (industrial) fishing gear <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - A number fishing gears and vessels are prohibited in certain areas (Circular 02/2006, as amended by MARD Circular 62/2008) – <ul style="list-style-type: none"> - <i>Coastal areas:</i> trawls (excluding pelagic trawling for small crustacean), using light (excluding squid hand line), employing fishing vessels with main engine capacity or design waterline length > than specified in Decree 33/2010 - <i>Inshore areas:</i> using light source exceeding the provision at paragraph e, point 2, Section II of Circular 02/2006, employing fishing vessels with main engine capacity or design waterline length > than specified in Decree 33/2010 - MARD also prohibits the use of trawl nets by fishing vessels < 90 HP and of fixed and trapped gear in the seabed - In addition, Circular 02/2006 regulates the use of fishing gear in combination with light – <ul style="list-style-type: none"> - <i>Coastal areas:</i> total capacity of lighting equipment per fishing unit should not exceed 200W for fishing with lift net (by hand) and 500W for squid fishing | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing with prohibited gear may be sanctioned with a transactional fine (arts. 94 & 95 FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - The misuse of fishing gears, equipment and methods is sanctioned with an administrative punishment (arts. 14-18 No. 103/2013) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|--|--|
| | | | <ul style="list-style-type: none"> - <i>Inshore areas</i>: total capacity of lighting equipment per unit of extraction for purse seine and squid fishing should not exceed 5,000W - <i>Offshore areas</i>: no regulations limiting total capacity of lighting equipment and capacity of each bulb - The gap between a lighting point and fixed gear must be > 500 m | |
| 19. <i>Authorized mesh size for fishing nets</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The only prohibition made in the FL with regard to mesh size in the Marine Fisheries Domain concerns the use of all kinds of mosquito net fishing gears for middle-scale and large-scale fishing (art. 99(7) FL) - The definition of “prohibited fishing gears” includes mosquito nets, as well as gillnet or seine net with mesh size smaller than 1.5 cm (appendix FL), although both gear types are specifically prohibited in the Inland Fisheries Domain only (art. 20(6)(9) FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Authorized mesh sizes for fishing nets employed for marine capture fisheries are regulated by Circular 02/2006 (section II(2)(d) & annex 2), as amended by MARD Circular 62/2008 | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Fishing with prohibited mesh size is sanctioned with 1-3 years imprisonment and 5M-50M Riels fine (art. 99 FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Art. 14 Decree 103/2013 |
| 20. <i>Protection of endangered species (protected species)</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Catching, selling, buying, transporting, collecting, processing and stocking all types of endangered natural fishery products is forbidden (art. 92(2) FL) - Exporting and importing all types of natural fishery products of endangered species is forbidden (art. 92(4) FL) - A list of 58 aquatic species, including 29 marine species, are defined as endangered by sub-decree 123/2009 - Protected species are defined by the MoE (CITES list) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Lists of endangered aquatic species requiring protection, rehabilitation and development (MARD Decision 82/2008, modified by MARD Circular 01/2011 to add and delete aquatic species, to amend Vietnamese and scientific names, and modify protection levels of aquatic species in the lists) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - The exploitation of endangered species is sanctioned with a transactional fine (art. 92 FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Violations relating to the protection of aquatic resources, which includes protection of aquatic animals and their living environment, |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|--|---|
| | | | <ul style="list-style-type: none"> - Management of export, import, re-export, introduction from the sea, transit, breeding, rearing and artificial propagation of endangered species (Decree 82/2006, amended by Decree 98/2011) - Circular 02/2006 prohibits – <ul style="list-style-type: none"> - Catch of protected species (permanent prohibition) or other species during closed season (temporary prohibition) (annexes 5 & 6 and PPC regulations approved by MARD) - Catch of aquatic species declared by MARD as severely depleted or at risk of extinction during the validity of the decision - Catch of aquatic species living in natural waters for the purposes of breeding below minimum size (appendix 7), except if permitted by competent authorities on capture fisheries and protection of fisheries resources at the provincial level | <p>endangered aquatic species and operations prohibited in MPAs, are sanctioned with administrative punishments (arts. 5-8 and 28 Decree 103/2013)</p> |
| 21. <i>Minimum authorized fish size</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Catching, selling, buying, stocking and transporting fingerlings or fish eggs and other aquatic animals' offspring or eggs is prohibited (art. 23(1) FL) - The size of fingerlings, aquatic animals and ornamental shells of rare species shall be determined by MAFF proclamation (art. 23, para 3 FL) - Spawning, breeding and regional fishing seasons shall be established by MAFF proclamation (art. 16, para 3 FL) - Proclamations 3 and 258 establish the minimum authorized size for 3 marine species (mud crab, swimming crab and blood cockle) - An annual notification by FiA establishes the obligation to release gravid crabs <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - The minimum sizes of economic aquatic species living in natural water bodies (annex 7, MOFI Circular 02/2006) – <ul style="list-style-type: none"> - 31 marine fish species - 16 marine shrimp species - 21 other marine species - The allowable ratio of individuals below minimum size must not exceed 15% of the catch (minimum of 3 samples taken randomly to calculate the average rate) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Catching, selling, buying, stocking and transporting fry, offspring or eggs of aquatic animals without a licence is sanctioned with a transactional fine (art. 94(7) FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Misuse of fishing gear, equipment and method, and use of dynamite, electricity and poison is sanctioned with an administrative punishment (arts. 14-18, Decree 103/2013) |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|--|---|
| 22. <i>Spatial control measures (protected areas)</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - A number of fishery management areas, including groups of islands, sea grass areas, coral reef areas and mangrove forests, that are of importance for the preservation of fisheries resources shall be classified as Protected and Conservation Areas of Fishery Resources (art. 18 & 27 FL) - In Fishery Conservation Areas (FCAs), fishing activities may only be carried out with special permission from the minister of MAFF (art. 19 FL) - Proclamation 576/2016 regulates the establishment of Marine Fisheries Management Areas (MFMA) – fish refugia, FCAs, fishing communities and multiple use zones - The 2008 Law on Natural Protected Areas identifies 8 types of Protected Areas (PAs) (art. 7): national park; wildlife sanctuary; protected landscape; multiple use area; Ramsar site; biosphere reserve; natural heritage site; marine park. - The Nature Protection and Conservation Administration (NPCA), established under the Ministry of Environment (MOE), is responsible for the management of PAs, pursuant to RGC policy <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Prime Minister Directive 19/2014 provides on the establishment of Marine Protected Areas (MPAs), community-based aquatic resource protection areas to recover typical ecosystems such as coral reefs, mangroves, sea grass meadows, spawning and nursery grounds - Circular 02/2006 prohibits – <ul style="list-style-type: none"> - Fishing activities in marine protected areas and temporarily closed fishing areas (appendix 4 and PPC regulations approved by MARD) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Subsistence fishing in the FCAs is sanctioned with 1 month to 1 year imprisonment or with a fine of 1M-5M Riels (art. 101(9) FL) - The use of middle-scale gear in the FCAs is sanctioned with 1-3 years imprisonment and 5M-50M Riels fine (art. 99(4) FL) - The use of industrial fishing gear in the FCAs is sanctioned with 3-5 years imprisonment (art. 98(8) FL) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Art. 8 Decree 103/2013 |
| 23. <i>Temporal control measures (closed seasons)</i> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - An annual notification by FiA establishes the closed season for mackerel from 15 January to 31 March - A closed season is also established for undulate venus (<i>Paphia undulata</i>) from 01 September to 31 October - Provisions are found at CFi level to ban fishing activities in fish refugia | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Conducting middle-scale fishing in the closed season is sanctioned with 1 month to 1 year imprisonment or a fine of 1M-5M Riels (art. 101(8) FL) - Conducting industrial-scale |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|----------|----------|--|--|
| | | | <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Areas banned for fishing in certain period of the year are defined by MARD Circular 89/2011 - Prime Minister Directive 19/2014 provides on closed seasons and grounds | <p>fishing in the closed season is sanctioned with 3-5 years imprisonment (art. 101(8) FL)</p> <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Art. 6 Decree 103/2013 |
| <p>24. <i>Habitat rehabilitation for the protection of living aquatic organisms</i></p> | Y | Y | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Protected inundated areas, including mangrove forests, shall be conserved and reforested in order to maintain the balance the fishery ecosystem (art. 27 FL) - Habitat rehabilitation falls under the Fisheries Conservation Department and the Fisheries Affairs Department (sub-decree 188/2008) - Habitat rehabilitation measures may be taken at the local level in CFi management plans - MFMA consist of fish refugia, FCAs, fishing communities and multiple use zones, as agreed between local authorities and CFis (proclamation 576/2016) | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - Commercial collection, transportation, and stocking of woods, firewood or charcoals of inundated and mangrove forest species is sanctioned with a transactional fine (art. 92(5) FL) - Obtaining a licence to manage fishing lots, without taking responsibility for maintaining and protecting the inundated forest is sanctioned with a transactional fine of 5M-10M Riels (art. 96(3) FL) - The following offences are sanctioned with 3-5 years imprisonment (art. 98 FL): (1) Cutting down, clearing land and rooting up to claim land of inundated forest and mangrove forest; (2) Making fire or burning inundated forest and mangrove forest; (10) Destroying sea grass or coral reef and causing |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---------------------------------|----------|----------|--|---|
| | | | <p><u>Viet Nam:</u> - Prime Minister Directive 19/2014 provides on prohibited fishing gears, closed seasons and grounds, the establishment of MPAs and inland water protected areas, community-based aquatic resource protection areas to recover typical ecosystems such as coral reefs, mangroves, sea grass meadows, spawning and nursery grounds and the rehabilitation of aquatic resources</p> | <p>destruction to sea grass or eco-systems; (11) Building charcoal kilns, handicraft place, processing place and all kind of factories that use the inundated forest and mangrove forest species as raw material - Expansion of agricultural land or land use for other purposes beside fishery development in the protected inundated areas is sanctioned with 1 month to 1 year imprisonment or with a fine of 1M-5M Riels (art. 101(2) FL)</p> <p><u>Viet Nam:</u> - Arts. 5 and 8 Decree 103/2013</p> |
| 25. <i>Stock enhancement</i> | Y | Y | <p><u>Cambodia:</u> - The 1st of July of each year is designated as the National Fish Day, a traditional fish or other aquatic animal releasing ceremony, aiming to promote the awareness of the importance and benefits of fisheries to people (art. 17 FL) - Each province may establish their own Fish Day - No specific indication about the use of alien species for stock enhancement; however, no alien species are reportedly used during the releasing ceremony since the 2006 FL</p> <p><u>Viet Nam:</u> - The State shall (art. 8 FL) – - Issue policies regarding the conservation, protection and</p> | <p><u>Cambodia:</u> N/A</p> <p><u>Viet Nam:</u> N/A</p> |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---|-----------------|-----------------|---|--|
| | | | rehabilitation of fisheries resources, particularly endangered, rare and precious species and species with an economic value and scientific importance - Encourage scientific research for suitable measures to develop fisheries resources - Invest in production of fish fry for releasing into their natural habitat and shall create artificial residence places in order to rehabilitate and develop fisheries resources - Prime Minister Decision 29/2007 establishing the Viet Nam Foundation for Aquatic Resources Reproduction, which has the following mission – - Contributing to improvement of the livelihoods for a majority of people who depend on fisheries - Raising awareness, understanding and sense of responsibility of all levels and sectors, and of each person for the protection and development of aquatic resources - Socializing the protection and development of aquatic resources, creating sustainable financial resources protection and development of aquatic resources - The establishment of a fish release day is in progress | |
| TRADE IN FISH AND FISH PRODUCTS | | | | |
| 26. <i>Traceability of fish and fish products</i> | N | Y | <u>Cambodia:</u> - Provisions on fish traceability are currently being developed - Fish traceability falls under the responsibility of the Department of Fish Control and Post-Harvest (sub-decree 188/2008) - A quality control certificate in fishery pathology to be issued by the exporting country is required for import (arts. 66 and 67 FL) - Buying, selling, processing, stocking and transporting fishery products from illegal fishing or from the use of illegal fishing gears (art. 101(15) FL) <u>Viet Nam:</u> - Decree 03/2011 on tracing and recall of fishery products failing to meet food quality and safety requirements is the main text on traceability for fisheries products | <u>Cambodia:</u> N/A <u>Viet Nam:</u> - Art. 28 Decree 103/2013 |

| MARINE CAPTURE FISHERIES MATRIX | Cambodia | Viet Nam | Comments | Applicable sanctions |
|---------------------------------|----------|----------|--|---|
| | | | <ul style="list-style-type: none"> - Catch documentation to track the fisheries products is the main tool for traceability and for combatting IUU fishing - The system was harmonized from EU Regulation 1005/2008 and stipulated by MARD Circular 50/2015 | |
| 27. <i>Catch certification</i> | N | N | <p><u>Cambodia:</u></p> <ul style="list-style-type: none"> - No provisions are made on catch certification (in progress) <p><u>Viet Nam:</u></p> <ul style="list-style-type: none"> - Only for export of fisheries products to markets that require a catch certificate, the import of raw material from capture fisheries for processing export products must be accompanied with a catch certificate - Catch certificates for export of fisheries product are issued in accordance with provisions of MARD Circular 50/2015 - ASEAN countries agreed to formulate the ASEAN Catch Documentation Scheme (ACDS), aiming at combatting IUU in the region; the first draft was presented to member nations | <p><u>Cambodia:</u> N/A</p> <p><u>Viet Nam:</u> N/A</p> |