



International Law on sustainable marine fisheries exploitation: Evolution, current status, and implications for the international community and Vietnam

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Abstract

Sustainable fisheries exploitation has become an urgent global priority in the context of declining marine resources and growing environmental challenges. This paper focuses on analyzing the international legal framework governing sustainable fisheries, including its definitions, characteristics, roles, and the historical development of the legal system. Based on this foundation, the author assesses the current international regulations, highlighting both the achievements and remaining limitations. The paper also provides recommendations for the international community on improving the legal framework and proposes strategic directions for Vietnam in terms of legal harmonization, enforcement, and active participation in international legal mechanisms, all aimed at achieving sustainable fisheries development aligned with global integration.

Keywords: International law, sustainable fisheries exploitation, Vietnam, ocean governance, global cooperation

Introduction

Over the past decades, fisheries have played a central role in the socio-economic development of many countries, especially coastal and developing nations. Fisheries not only provide an essential source of food, but also serve as the livelihood for millions of fishers and constitute a critical pillar of the global blue economy. However, increasing pressures from overfishing, destructive fishing methods, marine pollution, climate change, and the lack of effective international coordination mechanisms have led to the serious depletion of fishery resources worldwide.

In response to this situation, numerous international legal instruments have been adopted to regulate fisheries activities in a sustainable manner, forming a multi-layered international legal framework. This framework includes global treaties such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1995 United Nations Fish Stocks Agreement (UNFSA), as well as resolutions and technical guidelines from organizations like the Food and Agriculture Organization (FAO). Additionally, it includes soft law instruments, regional cooperation mechanisms, and bilateral/multilateral agreements.

Despite its growing complexity, this legal framework still faces several notable shortcomings. These include the lack of legally binding force in certain instruments, overlapping mandates among institutions, unequal enforcement capacities across countries, and the absence of effective monitoring mechanisms. At the national level, many states—including Vietnam—face institutional, financial, and managerial challenges in implementing international commitments.

In this context, Vietnam, a coastal country with a long-standing tradition of fisheries exploitation and one that is heavily affected by climate change, must place greater emphasis on studying, accessing, and effectively applying international legal provisions on sustainable fisheries.

Proactive participation in international cooperation frameworks, domestication of international obligations, and capacity building for enforcement are indispensable conditions for ensuring responsible and long-term fisheries exploitation. These efforts are also crucial for enhancing Vietnam's international standing and contributing to global ocean governance.

Methodology

This study employs a qualitative research approach, with legal analysis as its core methodology. It conducts a thorough review of secondary materials, including key international legal instruments such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1995 United Nations Fish Stocks Agreement (UNFSA), the Port State Measures Agreement (PSMA), and the FAO Code of Conduct for Responsible Fisheries. The research also incorporates scholarly literature, policy reports, technical guidelines, and international resolutions from organizations like the FAO, UNEP, WTO, and IUCN, alongside Vietnam's domestic legal instruments, including the 2017 Fisheries Law and related national strategies.

The study uses analytical and synthetic methods to examine the content, legal nature, regulatory goals, scope, and enforcement mechanisms of relevant international norms. Legal provisions are organized into key categories, such as principles, cooperation mechanisms, and conservation measures, allowing for a structured understanding of the current legal framework.

A comparative method is also employed, comparing international legal provisions with Vietnam's national legislation to identify convergence, divergence, and gaps, and to assess the harmonization of national and international legal regimes. The study further evaluates the coherence and coordination among international and regional legal

institutions, identifying overlaps, complementarities, and potential conflicts.

Throughout the analysis, the study is guided by the normative framework of sustainable development, emphasizing ecological protection, responsible resource use, and long-term socio-economic viability. This approach ensures that the findings and policy recommendations are legally robust and aligned with interdisciplinary objectives in environmental governance and marine resource management.

Results and Discussion

Overview of the International Legal Framework on Sustainable Marine Fisheries Exploitation

1. Definition, Characteristics, and Role of the International Legal Framework on Sustainable Marine Fisheries Exploitation

In the context of globalization and increasing pressures on marine resources, the concept of a “legal framework for sustainable marine fisheries exploitation” refers to a comprehensive set of international legal norms, including binding treaties, soft law instruments, foundational principles, and enforcement mechanisms. These norms aim to regulate fisheries activities in a rational and controlled manner that ensures sustainability across ecological, economic, and social dimensions.

The international legal framework governing sustainable marine fisheries exploitation is not consolidated in a single document but consists of a multi-layered system that interconnects binding legal instruments and soft law mechanisms. This framework is characterized by legal continuity, complementarity, and progressive development, shaped by practical governance needs and the imperative to protect the global marine environment. Its core objectives include preventing overfishing and depletion of fish stocks, establishing management mechanisms grounded in scientific evidence and the precautionary principle, strengthening international cooperation, and harmonizing economic development with marine biological resource conservation [1].

Several notable features define this framework. First, it is multi-layered and complex, encompassing a range of instruments from multilateral treaties such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the 1995 United Nations Fish Stocks Agreement (UNFSA) to non-binding technical instruments like the 1995 FAO Code of Conduct for Responsible Fisheries. Implementation responsibilities are shared between global institutions, such as the FAO, and regional fisheries management organizations (RFMOs). Second, the framework is inherently cooperative and transnational. Because many fishery resources—especially highly migratory and straddling stocks—transcend national jurisdictions, effective management necessitates cooperation among states and international bodies, including information sharing and joint regulation. Third, the framework is oriented towards sustainable development, integrating environmental protection, economic growth, and social equity. It places special emphasis on preserving marine ecosystems, biodiversity, and the regenerative capacity of fish populations. Fourth, it is adaptive and evolutionary, responding to rapid environmental changes and advances in fishing technologies. Principles such as precaution, ecosystem-based management, and science-based decision-

making have been progressively expanded to meet emerging challenges.

The international legal framework serves several critical functions. Primarily, it protects fishery resources and marine ecosystems by providing the legal basis to regulate fishing activities within sustainable limits, thereby supporting ecological balance and the conservation of threatened species. Secondly, it establishes a foundation for international cooperation, facilitating collaborative mechanisms among coastal and distant-water fishing states for fisheries management, data exchange, monitoring, and enforcement, which is especially vital for migratory species beyond national Exclusive Economic Zones (EEZs). Thirdly, it supports efforts to combat Illegal, Unreported, and Unregulated (IUU) fishing through instruments such as the 2009 FAO Port State Measures Agreement, RFMO regulations, and technical guidelines, addressing a major driver of resource depletion and inequity. Finally, the framework promotes equity and sustainable blue economic development by balancing the interests of developed and developing countries in accessing marine resources, supporting the livelihoods of fishing communities, and advancing a green economy vision through sustainable fisheries practices.

2. Historical Evolution of the International Legal Framework on Sustainable Marine Fisheries Exploitation

The development of the international legal framework for the sustainable exploitation of marine fisheries is the product of a long historical trajectory, reflecting a gradual transformation in global perceptions regarding the relationship between humankind and the oceans. Initially rooted in the doctrine of unrestricted access to marine resources, international legal thought has progressively evolved toward recognizing the need for collective governance and sustainable development principles in managing marine living resources. This shift has been driven by both ecological imperatives and the increasing complexity of global fisheries governance.

In the early period, particularly before 1950, international fisheries law was rudimentary and largely based on customary principles, most notably the doctrine of the freedom of the seas. Influenced by the work of Hugo Grotius in *Mare Liberum* (1609), the dominant legal view held that the ocean constituted a global common, freely accessible to all states without restriction. Given the limited capacity of fishing technology at the time and the localized nature of fishing activities, the need for formal international legal regulation was minimal. An exception to this was the 1946 International Convention for the Regulation of Whaling, which marked one of the earliest multilateral attempts to manage and conserve a specific marine species.

The transitional phase, spanning from approximately 1950 to 1982, was characterized by intensified exploitation of marine resources and the growing realization that unregulated fishing could lead to severe ecological degradation. The post-war industrialization of global fisheries, including mechanized fleets and improved navigational technologies, allowed fishing activities to expand into deeper and more remote areas, resulting in widespread overfishing and depletion of key stocks. These developments prompted coastal states to assert broader maritime claims, leading to disputes over jurisdiction and

access. The 1958 First United Nations Conference on the Law of the Sea (UNCLOS I) produced four foundational treaties, including the Convention on the High Seas and the Convention on the Continental Shelf, which began to define legal responsibilities related to marine resources. However, these instruments remained anchored in the traditional freedom-of-the-seas doctrine and lacked comprehensive or binding mechanisms for sustainable fisheries management [2].

The modern legal foundation was laid with the adoption of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which significantly restructured the legal landscape of marine governance. Often referred to as the "Constitution of the Oceans," UNCLOS introduced the Exclusive Economic Zone (EEZ), granting coastal states sovereign rights over marine biological resources within 200 nautical miles of their baselines. The Convention also established key obligations for conservation and sustainable use, including limitations on exploitation to ensure Maximum Sustainable Yield (MSY) and the requirement for international cooperation in managing migratory and straddling fish stocks [10]. Nevertheless, UNCLOS did not provide sufficiently detailed enforcement mechanisms, highlighting the need for further legal development to ensure compliance and effectiveness.

From 1995 onward, the international legal framework has undergone a process of refinement and consolidation through supplementary treaties and soft-law instruments. The 1995 UN Fish Stocks Agreement (FSA) enhanced UNCLOS provisions by incorporating the precautionary approach, scientific-based management, data-sharing requirements, and vessel monitoring systems. That same year, the FAO introduced the Code of Conduct for Responsible Fisheries, a non-binding yet influential instrument that has shaped both national policy and international standards. Further progress was achieved with the 2009 Port State Measures Agreement (PSMA), which represents the first binding international agreement specifically targeting vessels engaged in illegal, unreported, and unregulated (IUU) fishing. In parallel, the role of Regional Fisheries Management Organizations (RFMOs) has expanded, enabling states to coordinate fisheries governance at the regional level through quota allocation, technical standards, and enforcement measures.

Since 2015, the legal regime has increasingly intersected with broader global agendas on sustainable development and environmental protection. The integration of fisheries governance into the framework of the United Nations 2030 Agenda for Sustainable Development, particularly through Sustainable Development Goal 14 (SDG 14), has reinforced the legal, ecological, and socio-economic dimensions of fisheries management. Current trends emphasize the convergence of fisheries law with international environmental law, promoting ecosystem-based approaches that incorporate biodiversity conservation and climate change mitigation. Moreover, there is a growing emphasis on transparency, access to information, and the active involvement of civil society and local communities in fisheries governance. Technological advancements, including satellite-based vessel tracking, AIS/VMS systems, and the application of artificial intelligence, are increasingly employed to enhance monitoring, control, and surveillance capabilities.

Current Legal Structure of the International Framework on Sustainable Marine Fisheries Exploitation

1. Constituent Elements of the International Legal Framework on Sustainable Marine Fisheries Exploitation

International law, also known as public international law, refers to the system of principles and legal norms developed by states and other international legal subjects on the basis of voluntariness and equality, aimed at regulating relationships among these entities across all fields of international life. Simply put, international law is a set of common rules that countries agree to follow in order to resolve issues arising in their mutual relations, including political, economic, cultural, environmental, and other areas. The sources of international law include international treaties (conventions, agreements), international custom, general principles of law, judicial decisions, and the teachings of the most highly qualified publicists. The international legal framework on Sustainable Marine Fisheries Exploitation is an integral part of this broader system and accordingly draws from the same sources.

Based on this classification of legal sources, the structural components of the international legal framework on Sustainable Marine Fisheries Exploitation include the following [3].

1. International Treaties: The definition of an international treaty is provided in Article 2(1)(a) of the Vienna Conventions of 1969 and 1986, with minor differences concerning the signatory parties. Article 2(1)(a) of the 1969 Vienna Convention states: "'Treaty' means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation." The 1986 Convention expands this to include agreements between states and international organizations, or between such organizations themselves [8].

From this definition, international treaties on Sustainable Marine Fisheries Exploitation can be understood as legally binding written agreements, concluded between states or international legal subjects, and governed by international law, aiming to establish, modify, or terminate legal rights and obligations related to the sustainable management and exploitation of marine fisheries.

In this domain, treaties serve as the primary legal basis, imposing specific obligations on states to conserve and use marine fishery resources responsibly. The most prominent example is the 1982 United Nations Convention on the Law of the Sea (UNCLOS), regarded as the "constitution of the oceans," which contains multiple provisions on the conservation and sustainable use of marine living resources (Articles 61, 62, 119, among others). Additionally, the 1995 Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement) plays a vital role in establishing principles of sustainable exploitation and regional cooperation mechanisms.

2. General Principles of Law: Besides treaties, the international legal framework on Sustainable Marine Fisheries Exploitation also draws on general principles of law. These are foundational legal norms widely accepted and applied across various national legal systems and serve to guide and regulate conduct, ensuring justice and social order. Though abstract, these principles have significant practical value and are frequently invoked by courts, state authorities, and international organizations to resolve disputes and interpret laws.

Key general principles applicable to this area include the sovereign equality of states, the prohibition of the threat or use of force, the peaceful settlement of international disputes, non-intervention in internal affairs, the duty of international cooperation, the right of peoples to self-determination, and the principle of good faith in fulfilling international commitments (*pacta sunt servanda*). In addition, several specific principles are particularly relevant to sustainable fisheries, such as the precautionary principle, the polluter-pays principle, intergenerational equity, and the principle of sustainable development. These principles provide normative direction, balancing economic development with environmental protection, and guiding the interpretation of legal norms in concrete cases.

3. International Custom: Customary international law arises from the consistent and general practice of states carried out with a sense of legal obligation (*opinio juris*). In the field of fisheries, customary law plays an important role, especially where treaty law is absent. It helps consolidate and reinforce environmental protection obligations at the international level. For example, the duty not to cause significant harm to the marine environment during resource exploitation is widely recognized as a customary rule, reflected in international instruments, national practices, and jurisprudence from international courts.

4. International Jurisprudence: International case law refers to decisions made by international courts or tribunals, which, while not binding precedents, hold significant persuasive authority and contribute to the development of customary and treaty-based international law. In the context of Sustainable Marine Fisheries Exploitation, one notable example is the 2016 arbitral ruling by the Permanent Court of Arbitration (PCA) in the case brought by the Philippines against China. The tribunal emphasized the obligation to protect marine ecosystems and found that the destruction of coral reefs and overexploitation of endangered species constituted violations of international obligations on marine environmental protection.

5. Doctrines and Legal Scholarship: The teachings of the most qualified publicists of the various nations are regarded as subsidiary means for the determination of international law, especially in interpreting complex legal concepts or shaping new norms. While non-binding, the opinions and writings of leading scholars in international law—particularly in the fields of environmental and ocean law—are often cited by international courts and organizations. These scholarly contributions inform treaty negotiations, dispute

resolution, and the development of sustainable ocean policies.

6. Domestic Legislation: National laws, enacted by the legislative authorities of each state, apply within that state's territory and maritime jurisdiction and serve to implement international commitments at the domestic level. For example, Vietnam's Fisheries Law of 2017 explicitly incorporates principles of sustainable exploitation, marine ecosystem protection, licensing mechanisms, and penalties for violations. Similarly, countries such as the United States, Japan, and EU member states have adopted comprehensive domestic legal systems to meet their international obligations in this domain.

2. General Assessment of the Current International Legal Framework on Sustainable Marine Fisheries Exploitation

The management and exploitation of fisheries in a sustainable manner has become a key component in the development of international maritime law. In the face of alarming declines in marine biological resources caused by overfishing, climate change, and ocean pollution, the international community has gradually developed a multi-layered and relatively comprehensive legal framework. This framework integrates binding conventions, soft law instruments, and customary international law. However, despite notable progress, the system still reveals several legal gaps and shortcomings, necessitating further development and refinement in the future. The following is a general assessment:

a. Achievements

The key achievements of international law on Sustainable Marine Fisheries Exploitation include:

First: The establishment of a global legal foundation for sustainable fisheries management and exploitation: One of the most significant accomplishments of contemporary international law is the creation of a legal framework that underpins the governance of marine living resources—especially critical at a time when exploitation is surpassing the carrying capacity of ocean ecosystems. The 1982 United Nations Convention on the Law of the Sea (UNCLOS) laid the foundation by defining the rights and obligations of states in the exploitation of marine living resources, particularly within the Exclusive Economic Zone (EEZ) and on the high seas. In parallel, the 1995 Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) further concretized requirements for conservation and sustainable use of transboundary species. It promoted the precautionary approach, regional cooperation, and shared international responsibility.

Second: Strengthening international cooperation mechanisms, particularly through Regional Fisheries Management Organizations (RFMOs). International law has facilitated the creation and operation of regional fisheries cooperation mechanisms—most notably the RFMOs. These organizations serve not only as platforms for information sharing, scientific coordination, and quota-setting among states but also as key mechanisms for monitoring compliance with marine resource management regulations.

RFMOs help translate general legal principles of the law of the sea into practical and region-specific regulatory frameworks tailored to unique marine ecosystems.

Third: The establishment of international standards of conduct for sustainable fisheries: Although many instruments remain soft law in nature—such as the FAO Code of Conduct for Responsible Fisheries (1995)—they play a crucial role in shaping international ethical and legal norms for fisheries practices^[4]. Principles such as the ecosystem-based approach, biodiversity conservation, combating Illegal, Unreported and Unregulated (IUU) fishing, and the promotion of data transparency are gradually becoming widely accepted international customs.

Fourth: Promotion of domestic implementation and enhanced national commitment: Through international obligations, many countries have proactively reviewed, revised, and enacted national legal frameworks to implement international standards. This reflects not only political commitment but also contributes to enhancing institutional capacity and national-level sustainable ocean governance. Coastal states, particularly developing countries, are increasingly aware of the role of international law in protecting national interests through the rational and sustainable exploitation of marine living resources.

b. Remaining Limitations and Shortcomings

In addition to the achieved results mentioned above, international law regarding Sustainable Marine Fisheries Exploitation still faces several limitations and shortcomings, including the following:

First: The Fragmentation and Lack of Consistency in the Current International Legal System: One of the core weaknesses is the fragmentation between international documents, including binding agreements and soft law instruments, leading to overlaps and inconsistencies in content and scope of application. The lack of an effective coordination mechanism between international organizations and fisheries governance forums results in disconnected implementation of legal provisions, reducing enforcement effectiveness and complicating joint monitoring efforts.

Second: Inconsistencies in the content of legal provisions across various international instruments have significantly limited the effectiveness of the current legal framework for sustainable marine fisheries exploitation.

1. Limitations in UNCLOS 1982: Despite being regarded as the "Constitution for the Oceans," the 1982 UNCLOS contains significant gaps in regulating sustainable marine fisheries. It grants coastal states broad discretion over the exploitation of fish stocks within their EEZs, allowing them to deny the existence of surplus or allocate the entire allowable catch through joint ventures, effectively bypassing obligations to share access. The Convention also lacks clear rules for the allocation of migratory species between EEZs or between EEZs and the high seas. Apart from limited provisions in Articles 66 and 67, it permits largely unregulated exploitation, which can lead to overfishing and interstate competition. This legal vacuum

reinforces global imbalances, as a small number of fishing nations continue to dominate global catch volumes^[9]. Moreover, UNCLOS does not establish an integrated approach to fisheries management. Its fragmented legal structure fails to reflect ecological realities, particularly the interdependence of migratory and transboundary species. The continued recognition of high seas fishing freedom further weakens conservation efforts. Enforcement provisions are also vague^[6]. While Article 73 empowers coastal states to act against foreign vessels in their EEZs, it does not clarify enforcement rights over vessels in transit or those not engaged in fishing, nor does it address licensing requirements for such activities. On the high seas, the reliance on flag-state jurisdiction undermines accountability and enables unregulated fishing, limiting the effectiveness of international conservation measures.

2. Shortcomings in the 1995 UN Fish Stocks Agreement (UNFSA):

While the 1995 Agreement was intended to operationalize UNCLOS provisions concerning straddling and highly migratory fish stocks, it remains insufficient in addressing key regulatory gaps. Notably, the Agreement lacks mechanisms to establish a robust, centralized international system for the management of highly migratory species. Although it underscores the obligation of states to cooperate, it does not clearly define the operationalization of such cooperation. It also remains ambiguous on whether conservation measures within national EEZs must align with those on the high seas, thus weakening consistency and coordination across jurisdictions.

3. Deficiencies in Regional Fisheries Agreements:

Most regional fisheries agreements have been ineffective in achieving sustainable management of marine resources under their jurisdiction. A critical issue is the failure to adequately address resource allocation among member states, with many agreements either omitting the topic entirely or offering only short-term, ad hoc solutions. In some cases, allocation principles—such as the voluntary non-fishing principle in the 1952 North Pacific Fisheries Convention or the "first-come, first-served" principle in the 1966 Inter-American Tropical Tuna Commission—have been viewed as inequitable, further undermining cooperation. Regional fisheries management organizations (RFMOs) also face structural limitations, such as the absence of independent scientific advisory bodies or inadequate funding for those that exist. Consequently, many RFMOs lack the data and analytical capacity needed to determine sustainable catch limits or implement evidence-based conservation measures. In practice, member states often exceed sustainable quotas in pursuit of short-term economic gains. Additionally, some agreements lack clear legal mandates, leading to widespread non-compliance. Many regional agreements are reactive, formed to resolve specific disputes rather than to support long-term, ecosystem-based fisheries governance. Furthermore, current legal frameworks fail to address the participation of new entrants into regulated fisheries, delaying the implementation of necessary conservation measures and compromising

enforcement capacity. As a result, most RFMOs have not been able to prevent the ongoing degradation of fish stocks within their areas of responsibility ^[5].

4. Limitations of Bilateral Agreements: Bilateral agreements on fisheries are generally narrow in scope, temporary in nature, and insufficient for addressing complex, transboundary resource management challenges. These agreements typically focus on a limited number of commercial species and often apply only to nearshore fishing activities, lacking the comprehensiveness required for effective conservation—particularly for migratory stocks that cross multiple EEZs or traverse from EEZs to the high seas. Many fishing zones and species worldwide remain outside the jurisdiction of any formal agreement, rendering their exploitation effectively unregulated. In addition, regional agreements often fail to provide legal mechanisms for integrating new fishing states into existing frameworks, and frequently do not mandate timely or enforceable conservation measures. The cumulative effect of these shortcomings is that most bilateral and regional agreements have proven inadequate in curbing the depletion of marine fishery resources, highlighting the urgent need for a more coherent, inclusive, and enforceable international legal structure.

Third: Lack of Effective Enforcement Mechanisms and Specialized Judicial Institutions: Although many international obligations are clearly defined, most monitoring and enforcement mechanisms remain voluntary. Regional fisheries organizations often lack strong enforcement authority and do not have dedicated judicial bodies to address violations of international regulations. As a result, illegal, unreported, and unregulated (IUU) fishing remains a widespread issue in many maritime regions.

Fourth: Institutional and Technical Capacity Gaps Between Countries: International law on Sustainable Marine Fisheries Exploitation emphasizes cooperation but does not fully reflect fairness in providing technical and financial support between countries at different stages of development. Developing countries, particularly those with abundant fishery resources but lacking management capacity, face significant challenges in fulfilling international commitments due to a lack of resources, technology, and necessary scientific data.

Fifth: Weak Field Monitoring and Enforcement: Enforcing international law at sea requires advanced monitoring systems, control of fishing vessels, verification of seafood origins, and efficient management of fishing ports. However, in practice, countries and international organizations still face significant challenges in monitoring and controlling fishing activities on the high seas, especially from "flag of convenience" vessels or vessels of unknown origin. Sanctions are often weak and lack widespread applicability.

Sixth: failure to Adapt to Climate Change and Technological Advancements: A significant shortcoming is that most existing legal norms have not kept up with the rapidly changing marine environmental factors caused by

climate change, nor with technological advancements in fishing and seafood processing. Current regulations remain largely static, while ecological and technological risks are dynamic, requiring flexible updates, adjustments, and the integration of interdisciplinary science into policy design.

Implications for the International Community and Vietnam

1. Implications for the International Community in Strengthening the Legal Framework and Cooperation for Sustainable Marine Fisheries

In addressing global challenges in sustainable marine fisheries—particularly resolving international disputes and preventing resource decline—the international community must act proactively by enhancing the legal framework, enforcement, cooperation, and governance mechanisms.

Firstly: A unified and harmonized international legal framework is essential to overcome fragmentation and inconsistency among existing instruments. This framework should integrate binding treaties and soft law to ensure coherence at global, regional, and bilateral levels, focusing on controlling exploitation, conserving and restoring marine resources, and promoting fairness among nations.

Secondly: Promoting substantial international cooperation, especially through regional fisheries management organizations (RFMOs), is crucial for managing transboundary and migratory stocks. Regional collaboration facilitates information sharing, cost distribution, trust-building, and dispute avoidance, grounded in recognizing the biological unity of shared species and principles of equitable utilization.

Thirdly: International monitoring, enforcement, and adjudication mechanisms need strengthening. This may involve creating specialized fisheries dispute tribunals or expanding the International Tribunal for the Law of the Sea (ITLOS) jurisdiction. Fisheries agreements should embed dispute resolution and prevention procedures such as consultations, fact-finding, reporting, mediation, and reciprocal vessel release protocols.

Fourthly: Enhancing the universality of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) is vital. Encouraging non-ratifying states to join will solidify a comprehensive legal basis for marine fisheries governance, fostering cooperation and reducing risks of overfishing and conflicts.

Fifthly: From a management standpoint, international support should assist especially developing countries in adopting science-based fisheries plans. These plans must include determining maximum sustainable yield (MSY), fair resource allocation, harm-minimizing monitoring, and investment in resource recovery, with conservation obligations central to all policies.

Sixthly: Goodwill cooperation among nations should be promoted institutionally and politically, based on a shared recognition of the risks of ecosystem collapse due to overexploitation ^[7]. Reframing maritime sovereignty as a global conservation responsibility and involving fishing communities in policymaking and enforcement will enhance legitimacy and effectiveness.

Seventhly: Long-term legal and policy frameworks must be adaptable to climate change and technological developments. Integrating ecosystem-based management, interdisciplinary approaches, and advanced marine science into governance at all levels is critical for responsive and resilient fisheries management.

Eighthly: The international community should extend and reinforce legally binding provisions on fair resource allocation across regions, especially for migratory species beyond national jurisdiction. Narrowing existing legal gaps will prevent arbitrary exploitation and reduce complex disputes.

2. Implications for Vietnam in Legal Harmonization, Implementation, and Engagement in International Mechanisms for Sustainable Fisheries

Amid Vietnam's growing international integration and urgent need for sustainable fisheries development linked to maritime sovereignty, improving the domestic legal framework, strengthening enforcement, and actively engaging in international cooperation are critical strategic priorities. The following coordinated measures are essential:

Firstly: Vietnam must continue refining its fisheries legal framework to align with international law principles and standards, notably UNCLOS 1982, UNFSA 1995, and the FAO Code of Conduct for Responsible Fisheries. This process requires comprehensive domestic implementation of international commitments, including review, revision, supplementation, and harmonization of relevant legislation to ensure consistency, transparency, and enforceability. National law should explicitly define state management duties, conservation obligations, and legal exploitation rights to enhance governance effectiveness.

Secondly: Vietnam should adopt a proactive role in regional fisheries management organizations (RFMOs), particularly those overseeing economically and ecologically significant species or traditional fishing grounds. Active full membership will safeguard Vietnam's legal interests in resource allocation, contribute to rule-making and monitoring, and foster regional cooperation for marine resource conservation.

Thirdly: Strengthening field enforcement capacity is crucial, especially in combating illegal, unreported, and unregulated (IUU) fishing. Modernizing the monitoring, control, and surveillance (MCS) system by integrating digital technologies for vessel tracking, route monitoring, port control, and seafood traceability is imperative. Concurrently, enforcement agencies at sea must be equipped with advanced technology, comprehensive training, and coordinated inter-agency mechanisms for effective and timely violation responses.

Fourthly: Vietnam should accelerate scientific and technological cooperation and bolster fisheries research to develop a robust knowledge base for policymaking and resource management. This includes creating a comprehensive national fisheries database with regular updates on marine ecology, stocks, seasons, fishing areas, and environmental impacts. Expanding collaboration with other countries, international bodies, and research institutions will facilitate access to advanced management models and cutting-edge monitoring technologies.

Fifthly: Facing complex climate change impacts on marine ecosystems, Vietnam must devise and implement a comprehensive climate adaptation strategy integrated into national fisheries development plans. This strategy should secure sustainable livelihoods for vulnerable coastal fishing communities and raise public, business, and societal awareness about protecting marine resources as integral to sustainable socio-economic growth.

Sixthly: Vietnam should continue fully implementing the European Commission's (EC) recommendations under the "yellow card" IUU warning process. This represents an opportunity for sector-wide reform towards transparency, accountability, and sustainability, requiring coordinated efforts from political authorities, local governments, fishing communities, and enterprises to foster meaningful progress and reinforce Vietnam's reputation as a responsible marine resource steward.

Conclusion

The international legal framework for sustainable marine fisheries has evolved from emphasizing "maximum exploitation" to prioritizing "responsible and sustainable management." Anchored by key instruments such as UNCLOS 1982 and UNFSA 1995, this framework integrates ecological principles, equity, and international responsibility within a multi-layered legal order. This development responds to urgent ecological crises and a shift toward inclusive, multilateral governance involving states, international organizations, civil society, scientists, and industry stakeholders. However, challenges persist, including inconsistent enforcement, regulatory overlaps, weak institutional capacities in developing countries, and the limited binding force of many instruments. These challenges, compounded by globalization, climate change, and overfishing, necessitate ongoing reforms to enhance legal effectiveness, fairness, and sustainability. A viable solution is establishing multi-level cooperation—global, regional, and bilateral—rooted in legal coherence, policy integration, and adaptability to environmental and technological changes. Law must coordinate with management, institutional, and political tools to ensure resilient governance. For Vietnam, with its extensive EEZ and fisheries-dependent economy, aligning domestic law with international obligations, strengthening enforcement, and actively engaging in global cooperation are critical to advancing sustainable fisheries governance, fulfilling international commitments, and elevating its global role. In summary, the continuous improvement of the international legal regime for fisheries is a dynamic process shaped by science, law, and shared global interests. Developing countries like Vietnam must actively adapt and contribute to building an equitable, effective, and sustainable ocean governance framework.

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