

Completion of International Law on Marine Fishery Exploitation

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Abstract

Seas and islands have a particularly important position and role in economic, political, social, defense and security of most countries in the world, especially those with seas. Occupying 71% of the planet's area with an average depth of 3,710m and a total water mass of 1.37 billion km³, seas and oceans are capable of providing an enormous resource for humanity, of which marine life is the most important resource, including hundreds of thousands of animal species, plants and microorganisms. Recognizing the importance of fisheries resources at sea, international law governing this issue has been formed quite early, attracting a large number of participating countries. The provisions of international law in this field are relatively complete and detailed; basically, fishing activities at sea have been adjusted worldwide, but there are still shortcomings that need to be considered and modified to suit the current reality, especially in the face of the challenges of global climate change, the exploitation and destruction of marine living resources as well as disputes arising in the process of fishing in the seas... The authors of the article studied and pointed out the regulations as well as inadequacies in the provisions of international law on fishing at sea, thereby proposing the improvement of international law on fishing at sea.

Keywords: International law, fisheries, fishing, marine fishery exploitation.

Introduction

The international legal framework for fishing and fishing has evolved significantly since the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. UNCLOS is a landmark legal instrument when creating an international legal basis for the protection and exploitation of living and non-living resources of seas and oceans; At the same time, it is also the starting point for binding or voluntary international agreements related to the conservation of marine living resources, specifically as follows:

Exploitation in the exclusive economic zone

According to the provisions of Articles 55 and 57 of UNCLOS 1982, "Exclusive Economic Zone means an area located outside the territorial sea and adjacent to the territorial sea under a separate legal regime, whereby the rights and jurisdiction of coastal States, rights and freedoms of other States are governed by the appropriate provisions of the Convention... This sea shall be no more than 200 nautical miles wide from the baseline used to calculate the width of the territorial sea." With the nature of a special sea, the exclusive economic zone is not a national territory but is also not a sea jointly owned by the international community. The provisions of the 1982 Convention on Exclusive Economic Zones are a clear demonstration of the balance of interests between coastal States and other States when the rights of coastal States to resources in the seas adjacent to their territory are recognized and are privileges while the rights of other States remain recognized by the Convention.¹

Exploitation rights of coastal States within the exclusive economic zone

Unlike internal waters and territorial seas, coastal states have no territorial sovereignty but only rights to their exclusive economic zones. The coastal state has sovereign rights over the natural, living or non-living resources there as well as over other activities such as the production of energy from water, ocean currents, wind. Currently, the main natural resource in the EEZ that the coastal state does not fully fish can allow other countries to fish (but they must pay fees and comply with coastal state regulations). The coastal State shall have jurisdiction over the installation and use of artificial islands, equipment and structures; marine scientific research; protect and preserve the marine environment. According to UNCLOS 1982, in Part V - Exclusive Economic Zone - where, in international legal history, the main dispute has been

taking place in the exploration and exploitation of natural resources, in other words, the right to explore and exploit marine resources is the right characteristic for this Exclusive Economic Zone. Therefore, countries' right to exploit and protect fishery resources is clearly and specifically stipulated in Articles 61 to 75. As a rule, the coastal state's right to catch fisheries is regulated as follows:

(1) The coastal State shall fix acceptable catches for biological resources within its exclusive economic zone. (Clause 1 of Article 61 of UNCLOS); (2) The coastal State shall, on the basis of the most reliable scientific data available, take appropriate conservation and management measures with a view to making the maintenance of biological resources within its exclusive economic zone affected by overexploitation. Coastal States and competent international organizations, subregional, regional or world organizations, cooperate with each other appropriately to this end. (Clause 2 of Article 61 of UNCLOS); (3) Such measures are also aimed at maintaining or restoring stocked seafood caught at a level that ensures maximum stable productivity, taking into account appropriate ecological and economic factors, including the economic needs of coastal populations for fisheries and the particular needs of developing States and taking into account fishing methods, to the reciprocal relations between stocks and to all the minimum international norms generally proposed at the subregional, regional or world level. (Clause 3 of Article 61 of UNCLOS).

Accordingly, coastal States shall carry out fishing activities within their exclusive economic zones with the following activities: (1) To carry out activities that promote the optimal exploitation of fishery resources within the EEZ on the basis of not affecting conservation activities (Article 62.1); (2) Determine the quantity of fisheries that can be caught (Article 61.1), determine the exploitability themselves, on that basis, determine the amount of surplus fish in the exclusive economic zone (Article 62.2). These are extremely important rights because they are directly related to coastal States and the rights of other States. In order to have a basis for calculating the number of surplus fish that another country can catch, it must be based on the number of fish that can be caught, the number of surplus fish and the actual exploitation capacity of the coastal state. The calculation and determination of such data is entirely carried out by these States on the basis of taking into account their economic, social, environmental and other interests without the obligation to share them with international

organizations or other States. The only limit to these privileges is to be scientifically based and take into account the conservation of fish species; (3) Permitting other States to participate in the exploitation of surplus fish in the EEZ when the coastal State fails to exploit it fully through treaties or other agreements (Article 62.2) and to provide for matters governing foreign fishing activities in this case, on the basis of conformity with the Convention and taking into account the importance of fish resources for the economy of coastal States and the interests of other States and in particular the following issues may be addressed:

(i) the issuance of licences to fishermen or vessels and means of fishing, including the payment of taxes or any other payables, in the case of developing coastal States, which may be an adequate contribution to the budget, to the equipment and technical development of the fishing industry; (ii) specify the permitted species and fix percentages, either for specific herds or groups of seafood or for the catch of individual ships over a given period, or for the catches of nationals of States during a given period; (iii) prescribing the seasons, fishing areas, types, sizes and quantities of fishing facilities as well as the type, size and number of fishing vessels that may be used; (iv) fixing the age, size and other organisms to be caught; (v) the information that fishing vessels are to report, in particular those relating to catches and catching power, that inform vessels of their location; (4) Exercise jurisdiction (in a broad sense) over fishing activities within its exclusive economic zone. A coastal State shall have the right to promulgate regulations and regulations regulating fishing activities within its exclusive economic zone and may take all necessary measures, including searches, inspections, arrests and judicial prosecutions, to ensure respect for laws and regulations it has promulgated in accordance with the Convention (Article 73).

The exploitation rights of another State within the exclusive economic zone of the coastal State

In accordance with the 1982 Convention, ships and fishermen of other States may exploit fish resources within the coastal State's exclusive economic zone when the coastal State does not exploit all the fish in its EEZ, unless the coastal State has an economy heavily dependent on the exploitation of resources protozoan in the exclusive economic zone. Participation in the exploitation of surplus fish in the coastal State's exclusive economic zone shall be given priority to:

A, Landlocked country

A landlocked State shall have the right to participate, in a just manner, in an appropriate manner in the exploitation of an appropriate portion of the balance of biological resources in the exclusive economic zone of coastal States within the same subregion or area, taking into account the relevant economic and geographical characteristics of all States concerned, in accordance with this article and Articles 61, 62, (Article 69.1). The conditions and modalities of such participation shall be determined by the States concerned through a change, zoning or zone agreement, taking into account in particular that: (i) the need to avoid any action harmful to the fishing community or to the fishing industry of coastal States; (ii) To the extent to which landlocked States, subject to this article, participate or have the right to participate, under existing bilateral agreements, subdivisions or zones, in the exploitation of biological resources in the exclusive economic zones of other coastal States; (iii) The extent to which other landlocked States or geographically disadvantaged States are involved in the exploitation of biological resources, the coastal State's exclusive economic zone and the necessity to avoid giving any coastal State or any part of it a special burden; (iv) The food needs of the populations of the countries under consideration (Article 69.2).

The fishing capacity of a coastal State allows it alone to catch virtually the entire amount of acceptable catch, which is allotted for the exploitation of biological resources within its exclusive economic zone, and it and other States concerned shall cooperate with each other in entering into agreements dueling, equitable subdivision or subdivision that permits landlocked developing States in the same area or subdivision to participate appropriately in the exploitation of the biological resources of the exclusive economic zones of coastal States of the subregion or region, taking into account the circumstances and conditions satisfactory to all parties. In applying this provision, it is also necessary to take into account the factors mentioned in paragraph 2. (Article 69.3).

Landlocked developed States shall only have the right to participate in the exploitation of biological resources under this article, within the exclusive economic zones of developed coastal States within the same subdivision or area, taking into account the extent to which coastal States allow other States to exploit biological resources within their exclusive economic

zones It considers the need to minimize harms to fishing communities as well as economic disturbances in countries whose citizens routinely conduct fishing in the region. (Article 69.4).

The foregoing provisions shall apply without prejudice to agreements concluded if any in subzones or zones, in which coastal States may grant landlocked States in the same subdivision or zone equal rights, or give priority to exploiting biological resources in their exclusive economic zones. (Article 69.5);

B, Rights of Geographically Disadvantaged States

Geographically disadvantaged States have the right to participate, in a just manner, in the appropriate exploitation of the balance of biological resources in the exclusive economic zones of coastal States in the same subregion or region, taking into account economic characteristics, the proper geography of all States concerned in accordance with this article and Articles 61, 62, (Article 70.1). In this section, the term "geographically disadvantaged state" means coastal States, including those on the coast of an enclosed or semi-enclosed sea, whose geographical location makes them dependent on the exploitation of biological resources in the exclusive economic zones of other States in the subregion or zone In order to have enough fish to feed their populations or part of their populations, coastal states cannot have their own exclusive economic zones. (Article 70.2). The conditions and modalities of such participation shall be determined by the States concerned through the route of duplicative, subregional or regional agreements, taking into account in particular that: (i) the need to avoid any harm to the fishing community or to the fishing industry of coastal States; (ii) The extent to which a country is geographically disadvantaged, subject to this article, engages or has the right to participate under existing bilateral agreements, subdivisions or zones, in the exploitation of the biological resources of the exclusive economic zones of other coastal States; (iii) the extent to which other geographically disadvantaged States and landlocked States are involved in the exploitation of the biological resources of the coastal State's exclusive economic zone and the necessity to prevent any coastal State or any area of it from incurring a special burden; (iv) The food needs of the population in the countries under consideration. (Article 70.3).

The fishing capacity of a coastal State allows it alone to catch virtually the entire amount of acceptable catch, which is allotted for the exploitation of biological resources within its

exclusive economic zone, and it and other States concerned shall cooperate with each other in concluding agreements duplicative, equitable subdivision or zone, allowing geographically disadvantaged developing states within the same subdivision or zone to participate appropriately in the exploitation of the biological resources of the exclusive economic zones of coastal States within the subdivision or region, taking into account the circumstances and conditions satisfactory to all parties. In order to apply this provision, it is also necessary to take into account the factors mentioned in (paragraph 3 of Article 70.4). Geographically disadvantaged developed States have the right to engage only in the exploitation of biological resources, according to this article, in the exclusive economic zones of developed States in the same subdivision or region, taking into account the extent that coastal States, While allowing other countries to exploit biological resources within their exclusive economic zones, consideration has been given to the need to minimize harms to fishing communities, as well as economic disturbances in countries whose citizens routinely conduct fishing in the zone. (Article 70.5)

The foregoing provisions shall apply without prejudice to agreements concluded if any in subzones or zones in which coastal States may grant geographically disadvantaged States within the same subdivision or zone equal rights or privileges to exploit biological resources in their exclusive zones his economy. (Article 70.6). The provisions of the 1982 Convention have shown a reconciliation and balance of interests among different groups of countries related to the exploitation of biological resources (fisheries). First of all, it is in the interests of coastal States and other States when the exclusive fishing rights of coastal States are not only recognized but also guaranteed by the jurisdiction granted by the Convention, while the exploitation of foreign vessels and fishermen can still be carried out under certain circumstances. In addition, there is a reconciliation of interests among other States when the Convention gives priority to access to fish resources in the exclusive economic zone of coastal States to those countries that have disadvantages in exploiting these resources such as landlocked countries, geographically disadvantaged countries, especially developing nations...

Fishing in the continental shelf

Paragraph 1 of Article 76 of UNCLOS states: "The continental shelf of a coastal State includes the seabed and subsoil of the seabed outside its territorial sea, over the entire natural extension

of its land territory up to the outer shore of the continental margin, or to 200 nautical miles from the baseline used to calculate the width of the territorial sea, when the outer shore of that country's continental margin is at a closer distance." The coastal State shall have certain rights over its continental shelf: The coastal State shall exercise the sovereign rights over the continental shelf in respect of exploration and exploitation of its natural resources (Article 77.1). The rights referred to in paragraph 1 are privileged in nature, meaning that coastal States do not explore the continental shelf or exploit its natural resources, no one has the right to conduct such activities without the express agreement of that state. (Article 77.2). The rights of coastal States to the continental shelf do not depend on actual or nominal possession, nor on any explicit claims (Article 77.3). Mineral natural resources and other non-living natural resources of the seabed and subsoil of the seabed, as well as organisms of the sedentary type, that is, those which, at the catchable period, either lie motionless at the bottom, or subsoil at the bottom; or the inability to move without the possibility of contact with the bottom or bottom of the seabed. (Article 77.4). The rights of coastal States to the continental shelf do not interfere with the legal regime of the waters above or of the airspace above them (Article 78.1). The exercise of its rights by coastal States over the continental shelf shall not prejudice navigation or other rights and freedoms of other States recognized by the Convention, nor shall it inexplicably impede the exercise of these rights (Article 78.2).

Methodology

In the implementation process, the article uses the following main research methods:

Dialectical and historical materialism methods: The article is made on the basis of collecting and analyzing available documents related to the provisions of international law on fishing at sea; Researchers' views on inadequacies and complete solutions to international law governing this issue.

Qualitative Research method: The goal of applying qualitative research is to detect and identify some issues that have not been mentioned in previous studies.

Document Review

Although international organizations and countries around the world, especially for nearly a century, have jointly made efforts to build up rules and legal norms, through the signing of many international treatiesⁱⁱ to regulate issues related to the sea and fisheries in a fairly comprehensive way. Typical international law on this issue can be mentioned: United Nations Convention on the Law of the Sea in 1982 (UNCLOS), Agreement on Migratory Fish Stocks 1995 (UNFSA), some ASEAN documents such as: Regional Action Plan on Strengthening Responsible Fishing Practices including prevention, anti-IUU in the region in 2007; ASEAN guidelines on preventing the entry of fish products from IUU in supply chains in 2015; ASEAN-SEAFDEC Declaration on Regional Cooperation in IUU Prevention and Control and Enhancing the Competitiveness of ASEAN Fish and Fish Products 2016; However, due to various reasons, the current provisions of international law on the sea as well as fishing at sea, including the "constitution on the seas and oceans of humanity" - UNCLOS 1982, still have many shortcomingsⁱⁱⁱ. From inadequacies related to the provisions of treaties (unclear/incomplete, causing many different interpretations in the process of interpretation and application, leaving legal loopholes that easily lead to the situation that some countries can "exploit" for their own gain, as well as refusing/evading full compliance with obligations under international treaties for the sake of own interests instead of the common interest of humanity in the field of fisheries.

Analysis and Discussion

After studying the provisions of international law on fishing at sea, the authors discussed and agreed on the inadequacies of international law on this issue and proposed to improve the law on fishing at sea, namely:

Inadequacies of international law on fishing at sea

- Inadequacies in the provisions of UNCLOS 1982

Do not place any substantial restrictions on coastal States' competence to allow or disallow foreign actors access to residual fish stocks in their EEZs. Therefore, taking advantage of this

problem, the coastal State may not declare residual fish or declare no residual fish or may enter into a joint venture with a foreign company to exploit the full allowable catch; The distribution of fish species moving between EEZs of two or more coastal States or moving between EEZs of one coastal State and the high seas has not been adequately addressed (except for the exceptions set out in Articles 66 and 67 of UNCLOS 1982)^{iv}. As a result, coastal states whose fish species move through their EEZs and high-seas fishing nations are free to catch these fish. That leads to potential disputes because countries will seek to make the most of these fishery resources, thereby depriving other countries of their fishing rights; It is not guaranteed that these fishery resources are effectively conserved in EEZs and at sea, because: (i) UNCLOS 1982 does not meet the requirements of overall resource management and conservation due to the resolution of fishing and the allocation of fisheries resources on the basis of the formation of separate legal regulations for fishery resources in different marine areas; (ii) catastrophes of fishing freedom for fisheries resources remain an inevitable reality in many regions of the world^v;

There are no clear guidelines on whether the coastal State has the right to intercept vessels transiting through the EEZ to inspect such vessels and the circumstances under which it is permissible to carry them out, nor does it provide for the licensing of foreign fishing vessels transiting within the EEZ; The granting of coastal States exclusive jurisdiction over fishing vessels that fly its flag on the high seas has created conditions for States to exploit fisheries on the high seas to fail to strictly implement their commitments and obligations. thereby causing many disadvantages to the management and conservation of fish resources in the high seas.

- Inadequacies in the provisions of the Agreement on Migratory Fish Stocks (UNFSA) 1995

Failure to provide satisfactory solutions to long-distance migration problems: (i) failure to establish an effective international management system for these fish, (ii) while emphasizing the obligation of all States to cooperate in the conservation of these fish species on the high seas, The Agreement does not specify the fulfillment of this cooperation obligation, and (iii) does not specify that coastal or high-seas fishing states are obliged to ensure consistency between the conservation measures in the EEZ and other conservation measures.

- Inadequacies in regional international treaties

Most have been unsuccessful in conserving and managing fisheries resources under the control of fisheries commissions; Most of them failed to satisfactorily solve the problem of the allocation of fisheries resources among member states, some treaties did not even mention this issue, others addressed the allocation of fisheries resources but failed to provide a long-term solution^{vi}; Some fishing grounds and some fish species in many areas of the world are not yet under the control of any international treaties, so fishing activities in many areas of the world are not regulated.

- Inadequacies in ASEAN documents

First, there is the absence of a binding and effective legal instrument to cooperate with ASEAN against IUU fishing.

So far, ASEAN member states have not developed any legally binding regional documents on IUU prevention and control. ASEAN documents related to this issue are mostly only conservative recommendations, or offer cooperative solutions of a shared and coordinated action nature, most of which are committed to cooperation in the form of principles. This has shown the limitation in effectively developing anti-IUU policies and laws in the region, especially the fact that not all documents have the full participation of all 10 ASEAN members. Some of ASEAN's most notable documents on this issue include: the Regional Plan of Action on Strengthening Responsible Fishing Practices including IUU Prevention and Control in the Region in 2007; ASEAN guidelines on preventing the entry of fish products from IUU in supply chains in 2015; ASEAN-SEAFDEC Declaration on Regional Cooperation in IUU Prevention and Control and Enhancing the Competitiveness of ASEAN Fish and Fish Products 2016;

Second, there are no specific legal instruments nor bilateral agreements governing issues related to the delimitation of ASEAN's overlapping maritime zones.

ASEAN's waters are of strategic importance in terms of security and defense as well as economic interests, so disputes related to sovereignty among ASEAN countries seem inevitable. Moreover, there exist overlapping waters in these waters, meaning that in those

waters, two or more states concerned have legitimate claims on the basis of international law. However, the current international law of the sea does not contain specific provisions on fishing in these overlapping waters, UNCLOS only stipulates the cooperation obligations of concerned countries in the period waiting for the final agreement on the delimitation of overlapping areas in the exclusive economic zone in Clause 3, Article 74. Therefore, regional international instruments issued by ASEAN require filling this legal loophole in order to resolve fishing disputes in overlapping waters quickly and fairly, as this is one of the hottest legal issues in ASEAN's maritime areas. However, ASEAN documents as well as bilateral agreements between its members lack provisions governing the above-mentioned issue, or do not specifically regulate fisheries activities in overlapping waters, leading to the arrest of fishermen by a country fishing in a sea that is considered to belong to its own rights, which fall under the sovereign rights and jurisdiction of their respective States but are claimed by the arresting State as waters under its sovereignty, sovereign rights and jurisdiction.

Third, there is a lack of uniform and synchronous regulations regulating fishing activities at sea in general and fishing at sea in particular.

Each ASEAN country now develops and applies different policies and legal regulations to regulate issues related to marine exploitation, creating barriers to a common and uniform regulatory legal mechanism, leading to ineffective handling and regulation of these activities in ASEAN waters. In particular, the application of individual and different regulations and policies of each country can also cause and increase unnecessary tensions between members, for example, Indonesia provides sanctions for the seizure and sinking of fishing vessels for IUU violators in its vast waters, This has greatly affected the country's relations with other neighboring countries, especially in the case of the arrest and sinking of the wrong subject. In the long run, policy inconsistency, as well as the absence of common mandatory legislation will adversely affect the relationship of ASEAN countries, as well as inefficiency in the process of reducing and eliminating IUU status in ASEAN waters, especially crimes of an international nature such as this activity.

Fourth, limitations in the mechanism for enforcement, monitoring and coordination of actions in addressing IUU status in ASEAN waters.

This is not only a disadvantage related to ASEAN's policies and legal regulations on mechanisms in anti-IUU activities, but it is a general weakness of the organization in addressing regional legal issues. This issue has created obstacles to the harmonization of regional legislation that underpins cooperation in all areas, including anti-IUU cooperation, thereby reducing the incentive of member states to implement cooperation commitments. This disadvantage stems from respect for the principles of consultation and consensus in making joint decisions, the non-existence of supremacy and regulations that directly affect the members of ASEAN as well as the jurisdiction having the authority to uniformly interpret the law. These factors have contributed to a huge weakness in ASEAN's management and enforcement institutions on the IUU issue, thereby making it difficult to fully solve this problem, affecting the goal of sustainable fishing in the region.

Recommendations for the improvement of international law on fishing at sea^{vii}

After analyzing the inadequacies of international law in general in regulating issues related to fishing activities at sea, the study would like to make a number of recommendations to improve the international law on the sea and fishing at sea, especially issues related to illegal, unreported, unregulated fishing. Thereby, improving management efficiency and ensuring sustainable and responsible fishing activities, conserving aquatic resources for all humanity and promoting the welfare of all countries in the world.

- For UNCLOS 1982

(1) Strengthen the review, supplementation and improvement of inadequate provisions of international treaties on fishing at sea;

(2) Provisions should be added for the establishment of a competent authority to assess fisheries resources on a global scale to prevent coastal States from profiteering from the regulation on the disclosure of excess fish stocks;

(3) Supplementing regulations on symbiotic aquatic species^{viii};

(4) further specify the distribution of fish species moving between EEZs of two or more coastal States or moving between EEZs of one coastal State and the high sea area;

(5) Additional provisions for transit through EEZs of fishing vessels;

(6) Granting States certain jurisdiction (expulsion from fishing areas of ships that do not fly their flag on the high seas when they are found to have violated the law on fishing at sea);

7) Increase penalties for violations commensurate with the economic value of the offending ship's catch, especially for repeat offenses in order to ensure deterrence;

(8) Clarify the conditions for exclusion of the compulsory dispute settlement mechanism under Articles 281 and 282 of UNCLOS 1982;

(9) Enhance the recognition of the 1982 UNCLOS by encouraging States to ratify or accede to this Convention in order to provide a solid legal basis for cooperation in the field of fish resources management and conservation and for the settlement of international disputes over fishing at sea. The widespread recognition of UNCLOS 1982 will contribute to building an important legal foundation for maintaining security and order at sea, and effective management and conservation of natural resources^{ix}.

In particular, with regard to recommendations related to the amendment and supplementation of the provisions of UNCLOS 1982, due to the characteristics of this Convention as an international convention with a large content, having a great influence on all humanity and involving most countries and territories in the world, Therefore, gathering and encouraging all members of UNCLOS 1982 to sit down and negotiate amendments and supplements to the Convention is a process that takes a lot of time, money and effort, and cannot promptly adjust to current urgent issues. In addition, the amendment and supplementation of the Convention will also partly reduce the value and confidence of member states in regulations of this nature such as the "constitution of the ocean". Therefore, with regard to the proposal to amend and supplement the Convention, the paper proposes that changes to the content of UNCLOS will be finalized through the agreement of new agreements to supplement this Convention, notably the two agreements on the implementation of Part XI and on migratory fish stocks, In the near future, the Agreement on the Conservation of Marine Life is in the process of negotiation and finalization, an agreement directly regulating sustainable and responsible fisheries, in order to protect aquatic resources for all mankind.

- For multilateral, bilateral and other treaties of a regional nature

(1) Enhance the development of bilateral and multilateral agreements, in particular general international agreements to which they are legally obligatory, which provide exclusively for the protection of fishermen from natural dangers from the sea, threats and violence from man-made to which fishermen may be subject;

(2) Remedy overlapping issues in existing international legal instruments relating to the protection of fishermen;

(3) To specify the coastal State's obligation to pay bail to its fishermen and crew detained by other States;

(4) Ensure the safety of working and living conditions on fishing vessels of fishermen;

(5) Expand the mandatory control of port states (PSCs) to inspect working and living conditions on fishing boats by expanding the duties of shipboard inspectors and prescribing mandatory reporting obligations of inspectors for violations of human rights and labour standards^x;

(6) Includes provisions mandating the installation of vessel monitoring systems for vessels capable of offshore fishing, issuance of certificates of catch and traceability of fisheries from fishing, tightening regulations on the construction and conversion of fishing vessels;

(7) Promote the conclusion of bilateral and regional international treaties, with emphasis on the formulation of provisions governing issues such as conservation, management and settlement of fishing disputes and the establishment of regional fisheries organizations in compliance with the provisions of international treaties of a generally binding and influential nature as large as UNCLOS 1982, FAO regulations or UN resolutions;

(8) Strengthen the conclusion of international treaties on cooperation in supervision and law enforcement in the fisheries sector, which require Member States to internalize these regulations, allowing fisheries law enforcement vessels to operate within the EEZs of Member States^{xi}.

Recommendations to ASEAN

It is necessary to expedite the conclusion of the Agreement on the Delimitation of Overlapping Seas, implement interim measures in accordance with Article 74 of UNCLOS 1982 and seek models of fisheries cooperation, especially in overlapping waters; Develop a system of clear, specific and more binding common commitments on cooperation among ASEAN countries, combined with the process of voluntary cooperation among member states; Promote reform of the implementation supervision mechanism and effective implementation supervision mechanism in the process of institutional improvement, towards the formation of an ASEAN Community with a strict operating mechanism and operating apparatus; Develop regulations in the form of "soft laws", including mechanisms for dealing with situations arising in cooperation and handling of fishing at sea, mechanisms for notification, consultation, law enforcement as well as general rules on citizen protection in case of arrest of fishermen or confiscation of fishing vessels;

Establish a mechanism for exchanging information on IUU fishing, information on excess fish stocks and a mechanism to divide excess fish stocks among members; Develop fisheries information maps to address the weaknesses of each Member State in determining the status of fisheries resources at sea; Develop and share information on fish species in the region to establish fish species conservation areas, on IUU violations for timely inspection, management and handling to deter and ensure non-recidivism; Member States should finalize their national legislation against IUU fishing, serve as a stepping stone towards the formation of a common legal framework for regional cooperation, and realize the goal of harmonizing the laws of member states in regulating this issue, especially on signs of violations and sanctions, in order to avoid contradictions in the handling activities of member states, causing disunity and lack of synchronization in the mechanism, leaving legal loopholes that are not yet agreed upon to be exploited by subjects when IUU is a transnational offense. Harmonization of laws among ASEAN members will contribute to the prompt and effective resolution of issues arising in combating IUU fishing practices, especially the protection of citizens, extradition of criminals and conflicts of laws regulating jurisdiction. From there, it helps prevent and repel violations of fishing in the ASEAN sea in particular and international waters in general, ensuring the goal of responsible exploitation and sustainable conservation of fishery resources.

Conclusion

The international legal system is a particularly important legal foundation for countries to amend, supplement and perfect their laws and is the legal basis for countries to apply, cooperate and implement on a worldwide scale. The 21st century is considered the "Century of the Ocean". In the trend of going to the sea, mastering the sea, expanding living space, the exploitation and protection of marine resources has become a global strategic issue. This is an urgent issue for the world, especially in the context of changing increasingly depleted land resources, going to the sea, finding and exploiting marine resources is the last solution to solve the increasing food demand of humans. This has led to overexploitation, environmental pollution and degradation of marine resources. The value that seas and oceans bring to the world is enormous, so it is necessary to complete international laws on fishing at sea for countries. The article analyzed the regulations as well as pointed out the inadequacies of international law on fishing at sea, thereby proposing to complete the law governing this content.

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