

Practice of Administrative Sanctioning in Marine Fisheries Exploitation in Hai Phong City and Some Recommendations

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Abstract:

In the context of Vietnam's intensified efforts to combat Illegal, Unreported and Unregulated (IUU) fishing, enhancing the effectiveness of administrative sanctions has become a critical requirement for fisheries governance and law enforcement. This article examines the practice of imposing administrative sanctions in marine fisheries exploitation in Hai Phong City during the period 2021–2025 through an analysis of the legal framework, statistical data, and official reports from competent state authorities. The findings indicate that although the size of the fishing fleet declined significantly, the number of administrative sanctions remained high and increased again in 2025. The implementation of the Vessel Monitoring System (VMS) has substantially improved the detection of potential violations; however, enforcement effectiveness remains constrained by difficulties in establishing fault, assessing electronic evidence, and coordinating enforcement activities among competent authorities. Of the 322 fishing vessels identified and investigated for prolonged VMS signal loss or crossing authorized fishing boundaries, only 69 cases were supported by sufficient legal evidence to warrant administrative sanctions. Based on these findings, the article proposes improving the legal criteria for determining fault and the evidentiary value of VMS data, strengthening the integration of fisheries databases, standardizing inspection and verification procedures, and enhancing coordination and case-transfer mechanisms for inter-provincial fishing vessels. The study contributes to a better understanding of the practical challenges in applying administrative sanctioning laws in the fisheries sector and provides policy recommendations for improving the legal framework and strengthening the implementation of anti-IUU measures in Vietnam.

Keywords: Administrative sanctions; marine fisheries exploitation; Illegal, Unreported and Unregulated (IUU) fishing; Vessel Monitoring System (VMS); Hai Phong City.

1. Introduction

Marine fisheries exploitation plays a significant role in promoting the blue economy, sustaining the livelihoods of coastal communities, and safeguarding national sovereignty and sovereign rights at sea. However, the increasing prevalence of Illegal, Unreported and Unregulated (IUU) fishing poses substantial challenges to fisheries governance, the conservation of marine resources, and Vietnam's fulfillment of its international commitments [1].

In recent years, as part of its efforts to address the European Commission's (EC) "yellow card" warning, Vietnam has progressively strengthened its legal framework governing fisheries management and administrative sanctions. In particular, Decree No. 38/2024/ND-CP and Decree No. 301/2025/ND-CP introduced important amendments concerning fisheries-related

violations, sanctioning authority, and the management of Vessel Monitoring Systems (VMS), thereby providing a stronger legal basis for inspection, detection, and enforcement activities [10], [11]. Nevertheless, the practical effectiveness of administrative sanctions remains constrained by several factors, including difficulties in collecting and evaluating electronic evidence, establishing the fault of vessel owners and captains, coordinating enforcement among competent authorities, and handling fishing vessels operating across provincial jurisdictions. These challenges reveal a considerable gap between the legal framework and its practical implementation.

Existing studies have primarily focused on anti-IUU policies, fisheries governance, or the improvement of fisheries legislation at the national level. By contrast, empirical research examining the implementation of administrative sanctions at the

local level remains relatively limited. In particular, few studies have investigated the relationship between the application of Vessel Monitoring System (VMS) data, the detection of fisheries violations, and the actual effectiveness of administrative enforcement based on empirical evidence.

Hai Phong is one of the major fishing centers in northern Vietnam and has actively implemented various anti-IUU measures. During the period 2021–2025, the number of suspected violations detected through VMS data substantially exceeded the number of cases that ultimately resulted in administrative sanctions, highlighting the gap between detecting suspicious activities and legally proving violations. This situation underscores the need for a comprehensive assessment of the effectiveness of administrative sanctioning, identification of the practical difficulties encountered in detecting, verifying, and proving fisheries violations, and the development of appropriate legal and institutional solutions.

Accordingly, this article analyzes the practice of administrative sanctioning in marine fisheries exploitation in Hai Phong City during the period 2021–2025. It examines the practical challenges encountered in applying the law, particularly those relating to violations involving Vessel Monitoring Systems (VMS), and proposes recommendations for improving the legal framework and enhancing the effectiveness of administrative enforcement, thereby contributing to stronger fisheries governance, more effective implementation of anti-IUU measures, and the sustainable development of Vietnam's fisheries sector.

2. Research Methodology

This study is conducted based on the methodology of dialectical and historical materialism, ensuring that legal provisions governing administrative sanctions are examined in relation to the requirements of state management of marine fisheries exploitation and the practical implementation of the law.

To achieve the research objectives, the study employs a combination of research methods. First, legal analysis and document synthesis are used to systematize the provisions of the Law on Fisheries 2017, the Law on Handling of Administrative Violations, and relevant implementing regulations

governing administrative sanctions in marine fisheries exploitation. These methods are also applied to review relevant academic literature and establish the theoretical foundation for the study. In addition, doctrinal legal analysis is employed to clarify the scope, content, and practical limitations of the current legal framework, particularly the provisions governing administrative sanctions for fisheries-related violations.

Second, statistical analysis and documentary research are conducted using official reports, statistical data, and specialized documents issued by competent state authorities concerning the enforcement of administrative sanctions in Hai Phong City. These empirical data provide the basis for assessing enforcement practices during the study period.

Furthermore, comparative analysis is employed to compare statutory provisions with their practical application, thereby identifying inconsistencies, enforcement challenges, and the underlying causes of existing shortcomings in administrative sanctioning.

Finally, analytical reasoning and policy evaluation are applied to formulate recommendations aimed at improving both the legal framework and the effectiveness of administrative sanctions for fisheries-related violations. The proposed recommendations are intended to support more effective fisheries governance, strengthen the implementation of anti-IUU measures, and respond to the practical demands of law enforcement in Vietnam.

3. Results and Discussion

3.1. Characteristics of Marine Fisheries Exploitation in Hai Phong Affecting Administrative Enforcement

Hai Phong is a coastal city located in the Northern Coastal Region of Vietnam, characterized by an extensive coastline, estuarine systems, navigable waterways, and strategically important offshore islands such as Cat Hai, Long Chau, and Bach Long Vi. Its marine waters form part of the Gulf of Tonkin fishing grounds, where a wide range of fishing activities are conducted, including gill-net fishing, trawl fishing, lift-net fishing, longline fishing, and fisheries logistics services. Fishing operations are carried out in coastal, inshore, and offshore waters, while many fishing vessels undertake long-distance voyages, operate across

multiple fishing grounds, and frequently land their catches at ports outside their registered provinces.

These geographical and operational characteristics create favorable conditions for fisheries development but simultaneously increase the complexity of monitoring, inspection, and law enforcement. Fishing vessels are highly mobile, remain at sea for extended periods, operate over vast maritime areas, and are significantly affected by seasonal monsoons, tropical depressions, and typhoons. Consequently, direct inspections at sea cannot be conducted regularly for the entire fishing fleet. In many cases, suspected violations are identified only after cross-checking data obtained from the Vessel Monitoring System (VMS), fishing logbooks, port entry and departure records, and fisheries port databases. The increasing reliance on electronic monitoring systems reflects the global trend toward risk-based fisheries enforcement and digital fisheries governance [9].

During the period 2021–2025, the number of registered fishing vessels in Hai Phong declined substantially. The fleet decreased from approximately 1,308 vessels in 2021 to 788 vessels in 2025, representing a reduction of 520 vessels (approximately 39.8%) [12]. The number of vessels shorter than 12 meters also fell markedly, from approximately 610 vessels to 378 vessels, equivalent to a decrease of about 38.0%. This reduction reflects Vietnam's fisheries restructuring policy, which aims to reduce nearshore fishing capacity and promote sustainable fisheries management in line with international commitments to combat IUU fishing [19].

However, the decline in fleet size did not correspond to a proportional reduction in the number of administrative sanctions imposed. This finding suggests that the scale of the fishing fleet is not the sole determinant of fisheries violations or enforcement outcomes. Instead, improvements in inspection mechanisms, the application of digital monitoring technologies, and intensified anti-IUU enforcement activities have become increasingly important factors influencing the detection and sanctioning of fisheries-related administrative violations.

3.2. Administrative Sanctioning Practices in Marine Fisheries (2021–2025)

Administrative violations in marine fisheries in Hai Phong primarily involve breaches relating to

fishing licenses, vessel operating conditions, vessel monitoring system (VMS) requirements, fishing logbooks, catch traceability, fishing zone regulations, and compliance with port entry and departure procedures. The administrative sanction statistics presented in this study reflect only those cases that were detected, verified, and resulted in formal sanctioning decisions; they do not represent the actual total number of violations occurring in practice. Consequently, the effectiveness of administrative enforcement should be evaluated by considering the entire enforcement chain—from violation detection and evidence collection to legal verification and final sanctioning decisions—rather than relying solely on the number of penalties imposed [3].

Table 1. Administrative sanctions imposed on marine fisheries violations in Hai Phong (2021–2025)

Year	Number of sanction cases	Total fines	Change in cases	Change in fines
2021	243	VND 1.96 billion	—	—
2022	145	VND 2.57 billion	–40.3%	31.10%
2023	162	VND 2.01 billion	11.70%	–21.8%
2024	161	VND 2.34 billion	–0.6%	16.40%
2025	219	VND 2.90 billion	36.00%	23.90%

Source: Compiled from Hai Phong IUU Fishing Prevention Reports (2021–2025).

The statistical results reveal that the number of administrative sanctions and the total amount of fines did not fluctuate in the same direction. In 2021, the highest number of administrative sanction cases (243) was recorded, with total fines amounting to approximately VND 1.96 billion [14]. In contrast, although the number of cases declined sharply to 145 in 2022, the total amount of fines increased to approximately VND 2.57 billion [15]. This

divergence indicates that enforcement effectiveness cannot be measured solely by the number of violations detected. Rather, the monetary value of sanctions depends on the legal classification of violations, the severity of the offence, the size and capacity of the fishing vessel, aggravating or mitigating circumstances, and the applicable penalty framework under fisheries legislation.

Following a modest increase to 162 cases in 2023 and relative stability in 2024 (161 cases), administrative sanctions rose significantly to 219 cases in 2025, accompanied by total fines of approximately VND 2.9 billion [12], [13], [16]. During the same period, however, Hai Phong's fishing fleet continued to contract substantially. This inverse relationship suggests that the reduction in fleet size alone did not necessarily reduce the incidence of administrative violations. Instead, the increase in sanctioning activity may reflect both the continued non-compliance of certain vessel owners and captains and the enhanced enforcement capacity of competent authorities through intensified inspections and technological monitoring. Similar observations have been reported by the Food and Agriculture Organization (FAO), which notes that improvements in monitoring and enforcement systems often lead to increased detection of violations during the initial implementation period rather than an immediate decline in infringement rates [4].

Another notable trend is the gradual shift in enforcement priorities toward violations directly associated with combating Illegal, Unreported and Unregulated (IUU) fishing. Administrative sanctions increasingly targeted failures to maintain VMS operation, prolonged interruption of VMS transmission, unauthorized movement beyond permitted fishing zones, deficiencies in fishing logbooks, violations of catch traceability requirements, and non-compliance with vessel operating conditions. This transition reflects Vietnam's broader policy orientation toward strengthening fisheries governance in response to the European Commission's "yellow card" warning and aligning domestic enforcement practices with international fisheries management standards [2].

The implementation of the Vessel Monitoring System has significantly enhanced the ability of fisheries authorities to detect abnormal vessel behaviour. Through continuous transmission

of vessel position, speed, and movement data, VMS enables competent authorities to identify suspicious activities, prioritize inspections, and allocate enforcement resources more efficiently than traditional sea patrols alone. In practice, VMS has transformed fisheries enforcement from a predominantly reactive approach based on direct inspection to a risk-based monitoring model supported by digital surveillance and real-time data analysis.

Nevertheless, increased detection capability has not automatically translated into a corresponding increase in administrative sanctions. According to the Hai Phong Department of Agriculture and Environment's report dated 26 December 2025, authorities detected and investigated 322 fishing vessels that either lost VMS connection for more than six consecutive hours, experienced prolonged signal interruption, or crossed authorized fishing boundaries. After the verification process, only 69 cases (approximately 21.4%) satisfied the legal requirements for administrative sanctions, while the remaining 253 cases (approximately 78.6%) were not sanctioned because competent authorities could not establish sufficient legal evidence of violations or because objective circumstances justified the interruption of VMS signals [12].

These figures illustrate a substantial discrepancy between the ability to identify suspected violations and the legal capacity to impose administrative penalties. In other words, technological monitoring substantially improves detection, but does not eliminate the legal requirements concerning proof, causation, and fault. Administrative liability under Vietnamese law continues to require competent authorities to establish not only the occurrence of an objective event but also sufficient evidence linking that event to an unlawful act attributable to a specific subject.

From an evidentiary perspective, VMS data constitute an important source of electronic evidence but cannot independently establish legal liability. VMS records objectively indicate the location, movement trajectory, duration of signal interruption, and vessel position relative to authorized fishing zones. However, they do not automatically demonstrate the reasons for signal loss, nor do they establish whether the interruption resulted from intentional tampering, equipment

malfunction, adverse weather conditions, communication failure, or other technical causes. Consequently, enforcement authorities must corroborate VMS information through multiple additional sources of evidence, including fishing logbooks, port entry and exit records, vessel inspection reports, equipment maintenance records, meteorological information, technical assessments provided by VMS service providers, and statements from vessel owners and captains. This evidentiary burden explains why many suspected violations ultimately fail to satisfy the legal threshold required for administrative sanctions.

The findings therefore suggest that the principal challenge in fisheries enforcement has shifted from detecting potential violations to establishing legally sufficient evidence capable of supporting administrative sanctions. This phenomenon is consistent with international experience, where electronic monitoring technologies have substantially improved surveillance capacity but have simultaneously generated new legal challenges concerning evidentiary standards, procedural fairness, and the admissibility of digital evidence in fisheries law enforcement [2], [4]. Accordingly, strengthening the legal framework governing electronic evidence, standardizing verification procedures, and improving inter-agency data sharing should be regarded as essential measures for enhancing the effectiveness of administrative sanctions against IUU fishing in Vietnam.

3.3. Challenges in the Detection, Verification, and Administrative Sanctioning of Fisheries Violations

Despite significant improvements in Vietnam's legal framework and the expanded application of the Vessel Monitoring System (VMS), the empirical findings from Hai Phong indicate that administrative enforcement against fisheries violations continues to encounter substantial legal and operational challenges. These obstacles arise throughout the enforcement process—from the initial detection of suspected violations to evidence verification and the issuance of administrative sanctioning decisions.

The first and perhaps most significant challenge concerns determining the causes of VMS signal interruption and establishing the legal fault of vessel owners or captains. An identical VMS

anomaly, such as prolonged signal loss, may result from multiple causes, including equipment malfunction, adverse weather conditions, communication failures, interruption of the power supply, or deliberate tampering with or deactivation of the monitoring device. While VMS data objectively record the transmission status of the equipment, they do not reveal the underlying reasons for signal interruption or demonstrate the subjective intent of the responsible individuals. Consequently, although Decree No. 301/2025/ND-CP expands the legal responsibilities of vessel owners, captains, and VMS service providers in cases where monitoring equipment fails or ceases transmitting data [10], the legislation does not provide sufficiently detailed criteria for determining when equipment should legally be considered "malfunctioning," how technical failures should be verified, or what evidentiary weight should be assigned to technical inspection reports. As a result, verification procedures are often prolonged, and similar cases may receive inconsistent legal treatment across different local authorities.

This issue reflects a broader challenge commonly encountered in technology-assisted fisheries enforcement. Electronic monitoring systems substantially improve surveillance capacity but do not eliminate the legal requirement to prove fault, which remains a fundamental element of administrative liability in many jurisdictions [3].

The second challenge concerns the conversion of electronic monitoring data into legally admissible evidence for administrative sanctioning. VMS information cannot be relied upon in isolation but must be corroborated through multiple sources, including fishing logbooks, port entry and departure records, fishing permits, vessel registration documents, inspection reports, and other supporting materials. In practice, however, fisheries information remains fragmented across several institutions, including fisheries authorities, border guards, port authorities, and private VMS service providers. Consequently, collecting, exchanging, and cross-verifying data often requires considerable time and administrative coordination, particularly where vessels operate across provincial jurisdictions or land catches at ports outside their home provinces.

The increasing reliance on digital evidence therefore creates a paradox. While digital

technologies enhance the ability to identify suspicious activities, they simultaneously impose higher evidentiary requirements before administrative liability can be established. Without standardized procedures governing the collection, preservation, authentication, and evaluation of electronic evidence, competent authorities remain vulnerable to procedural challenges that may undermine the legality of sanctioning decisions.

The third challenge concerns inspection capacity and institutional resources. Marine fishing activities are conducted across extensive offshore areas, voyages frequently last for several weeks, and vessel movements are highly mobile and unpredictable. By comparison, the number of enforcement officers responsible for fisheries inspection remains relatively limited, while many local authorities continue to assign fisheries management responsibilities to officials serving concurrently in multiple administrative positions. Resource constraints reduce the ability of authorities to conduct timely inspections, perform immediate technical verification, and preserve evidence shortly after suspicious activities are detected. Since electronic evidence may rapidly lose evidentiary value if not promptly verified, delays in enforcement can significantly reduce the likelihood of successful administrative sanctioning.

Furthermore, increasing dependence on technology requires corresponding improvements in institutional capacity. Enforcement personnel must possess not only legal expertise but also technical competence in interpreting VMS data, evaluating electronic records, and distinguishing between genuine technical failures and intentional manipulation of monitoring equipment [17]. Without continuous professional training and technical support, the effectiveness of digital monitoring systems may not be fully realized.

The fourth challenge relates to inter-provincial coordination mechanisms for vessels operating outside their registered localities. Fishing vessels registered in Hai Phong frequently conduct fishing activities in other coastal provinces and may unload catches at ports located outside their home jurisdiction. Under such circumstances, the detection of suspected violations, on-site inspection, evidence collection, and administrative sanctioning often involve multiple authorities exercising different legal competences. Existing regulations

governing case referral, allocation of investigative responsibility, and information exchange remain relatively general and do not always establish clear procedural responsibilities or mandatory time limits. Consequently, administrative files may experience delays during transfer, duplicated verification procedures, or uncertainty regarding the competent authority responsible for issuing final sanctioning decisions.

Comparable governance challenges have also been identified internationally. The Food and Agriculture Organization emphasizes that effective fisheries enforcement increasingly depends not only on technological monitoring systems but also on integrated institutional coordination, standardized information-sharing mechanisms, and interoperable fisheries databases across administrative jurisdictions [4].

These four categories of challenges are closely interconnected rather than independent. The widespread deployment of VMS has significantly increased the number of vessels requiring verification, yet improvements in detection capacity have not been accompanied by corresponding developments in evidentiary standards, digital data governance, human resources, or institutional coordination. Consequently, although authorities are now able to identify substantially more suspected violations than in previous years, only a relatively small proportion ultimately satisfy the legal requirements for administrative sanctions.

The findings therefore demonstrate that enhancing administrative enforcement should not focus exclusively on improving surveillance technologies. Rather, effective enforcement requires strengthening every stage of the enforcement chain, including the legal recognition of electronic evidence, preservation of digital records, determination of legal fault, standardized verification procedures, inter-agency information sharing, and efficient case referral mechanisms. Only through a comprehensive and integrated enforcement framework can the full potential of VMS technology be translated into more effective administrative sanctions and stronger compliance with IUU fisheries regulations.

3.4. Recommendations for Improving the Effectiveness of Administrative Sanctions

3.4.1. Improving the Legal Basis for Determining Fault and the Evidentiary Value of VMS Data

To address the current difficulties in establishing fault, it is necessary to further refine the implementation guidelines of Decree No. 38/2024/ND-CP and Decree No. 301/2025/ND-CP by providing clearer legal criteria for distinguishing objective technical failures from intentional acts of disabling or manipulating Vessel Monitoring System (VMS) equipment [10], [11]. Rather than relying solely on the duration of signal interruption, competent authorities should adopt a comprehensive evidentiary approach that considers the vessel's geographical position, prevailing weather conditions, power supply status, equipment diagnostic logs, maintenance and repair records, information provided by VMS service providers, fishing logbooks, and the conduct of vessel owners and captains following the occurrence of the interruption.

A standardized technical inspection report should be recognized as an essential component of the investigation dossier. Such reports should record the condition of hardware, software, SIM cards, antennas, power systems, communication logs, and the technical causes of abnormal device performance. Likewise, VMS equipment suppliers and service providers should be legally required to retain system logs, provide technical data upon request, and cooperate with enforcement authorities within specified time limits. Vessel owners claiming that signal interruptions resulted from objective technical failures should also bear the responsibility of promptly notifying competent authorities, preserving maintenance documentation, and providing supporting evidence during the verification process.

In addition, clearer evidentiary standards should be established for the admissibility and assessment of electronic evidence in administrative sanctioning proceedings. Although VMS data constitute a reliable source of digital information, they should not automatically be regarded as conclusive proof of an administrative violation without corroboration from other evidence. Instead, legal regulations should explicitly define the evidentiary hierarchy of VMS records, specify procedures for preserving data integrity and authenticity, and establish uniform standards for

evaluating digital evidence. Such clarification would improve legal certainty, promote consistency in administrative decision-making, and reduce disputes arising from different interpretations of electronic data by enforcement authorities [18].

VMS data should therefore be regarded as preliminary evidence that initiates the verification process rather than as standalone proof of liability. An administrative sanction should only be imposed after VMS records have been cross-checked against fishing logbooks, port entry and exit records, licensing documents, technical inspection reports, and other relevant materials sufficient to establish the act, the offender, the time and place of the violation, and the element of fault. Such an approach maximizes the benefits of digital monitoring technology while minimizing the risk of imposing sanctions solely on the basis of a single technical indicator.

This recommendation is also consistent with international fisheries governance principles. International organizations increasingly emphasize that electronic monitoring technologies should support, rather than replace, due process and comprehensive evidence-based enforcement. An integrated evidentiary framework combining electronic monitoring with documentary and physical evidence enhances both the effectiveness and legitimacy of fisheries law enforcement, particularly in combating Illegal, Unreported and Unregulated (IUU) fishing [3], [7].

3.4.2. Enhancing Data Integration and Modernizing Inspection and Verification Procedures

An important measure for improving the effectiveness of administrative sanctions is the development of an integrated fisheries information system that ensures interoperability among vessel registration records, fishing licenses, Vessel Monitoring System (VMS) data, port entry and exit records, fishing logbooks, catch reports, traceability information, and administrative sanction records. The VMS platform, the national fisheries database, and port management information systems should be interconnected to enable real-time retrieval, verification, and cross-checking of information for individual fishing vessels. Such data integration would significantly reduce the time required for evidence collection, minimize inconsistencies

among different data sources, and facilitate the handling of vessels operating outside their registered localities.

Furthermore, the monitoring system should evolve from a passive data-recording mechanism into an intelligent risk-based management tool. Repeated signal interruptions, unauthorized boundary crossings, previous records of non-compliance, and abnormal changes in fishing routes should automatically trigger risk alerts and be prioritized for inspection. Under this approach, enforcement authorities can combine targeted on-site inspections at fishing ports with electronic data analysis rather than allocating inspection resources uniformly across the entire fishing fleet. A risk-based inspection strategy would improve the efficiency of law enforcement by concentrating limited administrative resources on vessels with the highest probability of violating fisheries regulations, a practice that has been widely recommended in international fisheries governance [8].

The verification process should also be standardized by clearly defining each procedural step, including the receipt of automated alerts, preservation of digital evidence, requests for explanations from vessel owners or captains, technical inspections of VMS equipment, examination of fishing logbooks, cross-verification with other databases, and the final determination of the violation and the element of fault. Each stage should specify the responsible authority, applicable time limits, required documentation, and procedures for preserving the integrity of electronic evidence. Verification outcomes for cases involving legitimate technical failures or other objective circumstances should also be systematically documented to facilitate future monitoring, identify recurring technical problems, and evaluate the reliability of VMS equipment and service providers.

In addition, greater efforts should be devoted to implementing electronic fishing logbooks, digital administrative sanction records, and the digitization of port inspection documents. Once these data sources become fully integrated, enforcement authorities will be able to compare vessel movements with port entry and exit records, authorized fishing grounds, reported catch volumes, and explanations submitted by vessel operators, thereby substantially enhancing the reliability and

objectivity of verification findings. The establishment of a unified digital information platform would also improve transparency, reduce administrative duplication, and strengthen inter-agency cooperation, particularly in cases involving vessels operating across provincial jurisdictions [2].

From a broader governance perspective, digital transformation in fisheries enforcement should not merely focus on technological modernization but also on institutional coordination and data governance. The effectiveness of VMS and other electronic monitoring systems ultimately depends on the interoperability of databases, standardized information-sharing protocols, and clearly defined responsibilities among fisheries authorities, border guards, port authorities, and other competent agencies. International experience demonstrates that integrated fisheries information systems significantly enhance compliance monitoring, improve traceability throughout the seafood supply chain, and strengthen national efforts to combat Illegal, Unreported and Unregulated (IUU) fishing [18].

3.4.3. Strengthening Inter-agency Coordination and Case Transfer Mechanisms for Fishing Vessels Operating Across Provincial Jurisdictions

An effective enforcement framework requires the establishment of a unified coordination mechanism among fisheries management authorities, the Border Guard, Fisheries Surveillance Force, Coast Guard, provincial People's Committees, and fishing port management authorities in receiving information, conducting inspections, verifying violations, and imposing administrative sanctions. Such a mechanism should clearly define the responsibilities of each agency, including the authority responsible for detecting suspected violations, leading the verification process, conducting on-site inspections, issuing administrative decisions, and providing relevant documentary and electronic evidence throughout the enforcement process.

For vessels departing from Hai Phong but operating or landing catches in other provinces, an electronic notification mechanism should be established immediately after a suspected violation is detected. The initial case file—including VMS tracking data, the duration of signal interruption,

vessel location, registration information, fishing license details, and requests for further verification—should be transmitted electronically to the competent authority at the landing port for on-site inspection. The inspection results should subsequently be returned to the lead authority within a clearly prescribed timeframe to prevent procedural delays, duplication of investigative efforts, or uncertainty regarding institutional responsibility.

Vessel owners and captains should likewise be required to fulfill their obligation to declare their intended landing ports and promptly notify competent authorities of any changes during the fishing voyage. Where violations fall under the jurisdiction of another administrative authority, case files should be transferred using standardized electronic templates to ensure that digital evidence, technical inspection reports, and verification records remain legally valid and can be reused without requiring duplicate evidence collection. Standardized procedures for electronic case transfer would not only improve procedural efficiency but also help preserve the integrity, authenticity, and continuity of digital evidence throughout administrative proceedings [20].

Strengthening inter-agency coordination should serve not only the resolution of individual administrative cases but also the establishment of an integrated governance framework for fishing vessel management across provincial jurisdictions. By sharing information on vessel movements, previous violations, VMS maintenance records, inspection findings, and sanction histories, competent authorities would be better equipped to identify repeat offenders, conduct risk profiling, issue early warnings, and adopt proportionate enforcement measures based on compliance history rather than isolated incidents.

From a broader governance perspective, effective coordination depends not only on legal mandates but also on institutional interoperability and mutual recognition of administrative information among competent authorities. Fragmented jurisdiction and inconsistent information-sharing mechanisms often create enforcement gaps that may be exploited by non-compliant operators, particularly in the context of IUU fishing where vessels frequently operate across multiple administrative boundaries. Accordingly, Vietnam should consider establishing a centralized

digital platform that enables authorized agencies to access standardized enforcement records in real time, thereby reducing administrative duplication, improving accountability, and ensuring consistent application of fisheries legislation nationwide [9].

This recommendation is also consistent with international best practices in fisheries governance. The FAO Port State Measures Agreement (PSMA) and related international instruments emphasize that combating IUU fishing requires timely information exchange, coordinated inspections, and effective cooperation among national authorities. Likewise, international experience demonstrates that integrated enforcement networks and interoperable information systems significantly enhance compliance monitoring, facilitate cross-jurisdictional investigations, and strengthen the credibility of fisheries management regimes [6], [7].

4. Conclusion

The findings of this study demonstrate that administrative sanctioning of fisheries violations in Hai Phong City has been significantly strengthened during the 2021–2025 period in terms of violation detection, verification procedures, and enforcement activities. Despite a substantial decline in the size of the local fishing fleet, the number of administrative sanctions remained consistently high and increased again in 2025, indicating that improvements in monitoring and enforcement have partially offset the reduction in fishing effort. The widespread implementation of the Vessel Monitoring System (VMS) has substantially enhanced the capacity of competent authorities to identify suspected violations, particularly those related to signal interruptions and unauthorized fishing activities. However, the fact that only 69 out of 322 verified cases ultimately resulted in administrative sanctions highlights a considerable gap between the detection of suspected violations and the legal establishment of administrative liability.

The study identifies several major challenges affecting the effectiveness of administrative sanctions, including difficulties in determining the causes of VMS signal loss, establishing the element of fault, assessing the evidentiary value of electronic data, and coordinating enforcement actions for vessels operating across provincial jurisdictions. These challenges illustrate that technological

advancements alone cannot ensure effective law enforcement unless accompanied by clear legal standards, standardized verification procedures, interoperable information systems, and effective institutional cooperation among competent authorities.

Based on the empirical findings, this study recommends improving the legal framework governing VMS-related violations by clarifying the legal criteria for determining fault and the evidentiary status of electronic monitoring data. It further proposes the development of an integrated fisheries information system linking vessel registration, licensing, VMS records, fishing logbooks, port inspections, traceability information, and administrative sanction databases. In addition, standardized verification procedures and strengthened inter-agency coordination mechanisms, particularly for cross-provincial fishing operations, are essential to improving enforcement consistency and procedural efficiency.

Beyond its practical recommendations, this study contributes to the existing literature by examining the relationship between digital fisheries monitoring technologies and administrative law enforcement at the local level. Using empirical evidence from Hai Phong City, the research demonstrates that improvements in violation detection through VMS do not automatically translate into higher enforcement effectiveness unless supported by appropriate legal, procedural, and institutional arrangements. These findings provide practical insights for evaluating the implementation of fisheries legislation in Vietnam and may also be relevant to other coastal jurisdictions facing similar challenges in combating Illegal, Unreported and Unregulated (IUU) fishing [9].

Nevertheless, this study is subject to several limitations. The analysis is based primarily on administrative reports and enforcement data from Hai Phong City during the 2021–2025 period and therefore does not capture regional variations or allow broader statistical comparisons among coastal provinces. Future research could employ comparative analyses across multiple localities, incorporate interviews with enforcement agencies and fishing communities, and evaluate the long-term impacts of digital monitoring technologies on

regulatory compliance and fisheries governance [18].

Overall, enhancing the effectiveness of administrative sanctions requires an integrated approach that combines legal reform, digital transformation, institutional coordination, and evidence-based enforcement. Such measures will not only improve compliance with Vietnam's fisheries legislation but also support the country's ongoing efforts to combat IUU fishing, fulfill its international commitments, promote sustainable fisheries management, and facilitate the removal of the European Commission's "yellow card" warning.

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The author confirms that the thesis and the present article are the results of the author's own original research. The work has not been copied, does not infringe upon any copyright, and has not been previously published in any other academic publication. All data and materials used in this study were obtained from legitimate and clearly identifiable sources and have been collected, processed, analyzed, and presented accurately, objectively, and in accordance with the principles of academic integrity and research ethics.

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References

- [1]. Communist Party of Vietnam, 12th Central Committee. (2018). *Resolution No. 36-*

- NQ/TW dated October 22, 2018, on the strategy for the sustainable development of Vietnam's marine economy through 2030, with a vision to 2045.* Hanoi, Vietnam.
- [2]. European Commission. (2023). *Questions and Answers on the EU's Fight against Illegal, Unreported and Unregulated (IUU) Fishing*. Directorate-General for Maritime Affairs and Fisheries (DG MARE).
 - [3]. Food and Agriculture Organization of the United Nations (FAO). (2022). *The State of World Fisheries and Aquaculture 2022: Towards Blue Transformation*. Rome: Food and Agriculture Organization of the United Nations.
 - [4]. Food and Agriculture Organization of the United Nations (FAO). (2023). *Voluntary Guidelines for Catch Documentation Schemes*. Food and Agriculture Organization of the United Nations.
 - [5]. Food and Agriculture Organization of the United Nations (FAO). (2009). *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Rome: FAO
 - [6]. Food and Agriculture Organization of the United Nations (FAO). (2021). *Guidelines for Transshipment*. Rome: FAO. <https://doi.org/10.4060/cb6831en>
 - [7]. Food and Agriculture Organization of the United Nations (FAO). (2023). *The State of World Fisheries and Aquaculture 2023 (SOFIA 2023)*. Rome: FAO. <https://doi.org/10.4060/cc0461en>
 - [8]. Food and Agriculture Organization of the United Nations. (2024). *The State of World Fisheries and Aquaculture 2024: Blue Transformation in Action*. Rome: FAO. <https://doi.org/10.4060/cd0683en>
 - [9]. Food and Agriculture Organization of the United Nations. (2024). *The State of World Fisheries and Aquaculture 2024: Blue Transformation in Action*. Rome: FAO. <https://www.fao.org/publications/fao-flagship-publications/the-state-of-world-fisheries-and-aquaculture/en>.
 - [10]. Government of Vietnam. (2024). *Decree No. 38/2024/ND-CP of April 5, 2024, providing for administrative sanctions in the fisheries sector*. Government of Vietnam. <https://vanban.chinhphu.vn/>.
 - [11]. Government of Vietnam. (2025). *Decree No. 301/2025/ND-CP amending and supplementing several provisions of Decree No. 38/2024/ND-CP on administrative sanctions in the fisheries sector*. Hanoi, Vietnam.
 - [12]. Hai Phong Department of Agriculture and Environment. (2025). *Report No. 794/BC-SNNMT dated December 26, 2025, on the implementation of measures against Illegal, Unreported and Unregulated (IUU) fishing in Hai Phong City*. Hai Phong, Vietnam.
 - [13]. Hai Phong Department of Agriculture and Rural Development. (2021). *Report No. 562/BC-SNN dated December 26, 2021, on the implementation of measures against Illegal, Unreported and Unregulated (IUU) fishing in Hai Phong City*. Hai Phong, Vietnam.
 - [14]. Hai Phong Department of Agriculture and Rural Development. (2022). *Report No. 457/BC-SNN dated December 26, 2022, on the implementation of measures against Illegal, Unreported and Unregulated (IUU) fishing in Hai Phong City*. Hai Phong, Vietnam.
 - [15]. Hai Phong Department of Agriculture and Rural Development. (2023). *Report No. 775/BC-SNN dated December 22, 2023, on the implementation of measures against Illegal, Unreported and Unregulated (IUU) fishing in Hai Phong City*. Hai Phong, Vietnam.
 - [16]. Hai Phong Department of Agriculture and Rural Development. (2024). *Report No. 779/BC-SNN dated December 24, 2024, on the implementation of measures against Illegal, Unreported and Unregulated (IUU) fishing in Hai Phong City*. Hai Phong, Vietnam.
 - [17]. Organisation for Economic Co-operation and Development (OECD). (2020). *Evading the Net: Tax Crime in the Fisheries Sector*. Paris: Organisation for Economic Co-operation and Development.
 - [18]. Organisation for Economic Co-operation and Development (OECD). (2020). *The*

Governance of Fisheries: Improving Data, Compliance and Enforcement. OECD Publishing.

<https://doi.org/10.1787/9b5d6b64-en>

- [19]. Organisation for Economic Co-operation and Development (OECD). (2025). *Review of Fisheries 2025: Country Statistics and Sustainable Fisheries Policies*. Paris: OECD Publishing.
- [20]. United Nations Office on Drugs and Crime. (2022). *Rotterdam Process: Strengthening Law Enforcement Cooperation to Combat Crimes in the Fisheries Sector*. Vienna: UNODC.