



From extraction to surveillance: Re-territorialisation of Vietnam's ocean frontier through fisheries reforms

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Abstract

This paper examines how the EU's Illegal, Unregulated and Unreported (IUU) fishing policy has influenced Vietnam's recent fisheries management reforms. We draw on the idea of policy mobility to unpack how the EU's IUU objectives to better manage Vietnamese fisheries is being implemented across national and provincial spaces. We find that the EU-influenced IUU regulations serves to reterritorialise fisheries management in Vietnam, along with reworking actors' socio-spatial relations. Translating policy into practice results in a significant mismatch between IUU regulations and everyday fishing practices, raising questions about the sustainability of the newly designed IUU fisheries policies. Vietnam's core policy narratives have shifted from a fisheries industry that was mainly extractive, to a fisheries industry relying on significant control and surveillance management. We conclude by troubling the notion of the EU as a 'green actor', and by reflecting on how the EU is reshaping fishing policies across the global South.

Keywords Policy mobility · IUU fishing · Blue boats · EU trade policy · Vietnam

Introduction

Illegal, Unreported, Unregulated (IUU) fishing is known as a 'wicked problem' for fisheries sustainability (Jentoft and Chuenpagdee 2009). Wicked problems are complex, persistent or reoccurring, and hard to fix because they are linked to broader political-economy issues (Khan and Neis 2010). Industrial fishing is a space where unregulated fishing can pose profound threats to fish stocks, aquatic species, marine ecosystems, seafood trade, food security, household incomes

and local livelihoods (Sumaila et al. 2016). Destructive fishing practices, to name a few, include fishing over-quota, using destructive gear (EJF 2023), or targeting particular species for extra profit (e.g., shark finning). To counter this challenge, the EU's IUU fishing policy emerged in the late 2000s: the threat of trade sanctions by the EU influences a third country to enter into dialogue with the EU and to undertake fisheries reforms (Kadfak and Antonova 2021). The policy represents a promising set of governing tools for third country compliance and better governance in the fight against IUU fishing (Nolan et al. 2022), particularly for those countries who export seafood products to the EU.

The EU expanded its anti-IUU ideology through assemblages of governance instruments, including a carding system, convening state level dialogues, and market pressure (Kadfak and Linke 2021). One of many reasons why the EU has become a frontrunner actor to fight the wicked IUU problem, apart from direct economic threat of complete sanctions on fisheries products, is through adopting a socialisation mode towards governance, whereby the EU proposes government to government dialogues to reform third country fisheries management in addressing IUU fishing challenges during a carding period (Kadfak and Antonova 2021). Such a dialogue involves updating and enhancing legal frameworks, making monitoring, control,

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and surveillance effective, and ensuring that fish catch certificates are fully traceable (Huang et al. 2021; Kadfak et al. 2024). The results of IUU revisions in particular countries include: full traceability of vessel monitoring and in-person inspections of pre/post fishing trips in Thailand (Kadfak and Widengård 2022); revising fisheries management schemes for longline tuna fishing on Taiwanese fishing vessels (Huang et al. 2021); and the full integration of fishers and traders into catch certificate production in Indonesia (Dodema et al. 2020).

While recent studies on EU IUU policy have focused on how the core normative of good governance is being translated within a third country, there remains a lack of understanding in terms of how IUU policies have reshaped third country fisheries management during a dialogue process. The EU-led fisheries reforms are typically done in global South contexts that rely on a portion of trade with the EU: IUU dialogues are often occurring in post-colonial contexts, are not devoid of resistance to changes in fisheries practice, and may be re-interpreted given a particular socio-economic and cultural context (Kadfak and Antonova 2021). We are interested in understanding how the EU's IUU policy gets adopted and re-imagined in a particular context, in our case Vietnam, which has a robust fisheries sector with significant IUU fishing challenges and relies on a portion of its' trade to the EU.

Concurrently, critiques are growing of the EU as an actor that reproduces colonial and capitalist ecologies (Almeida et al. 2023), through distorting and intervening in domestic resource management practices and regional markets (Gegout 2016) or acting as an economic opportunist through so-called partnership with imposed regulations (Thorpe et al., 2022). Our Vietnamese fisheries case feeds into these debates by questioning the processes of how the EU is emerging as a 'greening empire' (Almeida et al. 2023) via several grand policy strategies, such as the European Green Deal and the new Common Fisheries Policy, where EU IUU policies are embedded. The EU IUU policies main objectives include protecting ocean biodiversity and increasing sustainable food production (e.g., a farm to fork strategy), while continuing to promote blue economy growth (Hadjimichael 2018). Through these IUU policies, the EU has begun to reshape the jurisdictional frontier of the ocean. However, seeing EU fisheries sustainability via a set of standards from a distance does not bring into view the everyday realities and struggles of fishers, who have embodied, adapted and in some cases side-stepped such mandated change (Widengård et al. 2018).

We begin our article by drawing on policy mobility as a conceptual lens to unpack how the Vietnamese central government interprets the EU IUU objective for Vietnam and how this then translates to provincial and port authorities

who deal with everyday fisheries management. We then discuss Vietnamese fisheries regimes, and recent fisheries transitions occurring with the EU IUU yellow card, before providing details of our methodological approach towards unpacking policy mobility. We find that the EU-influenced IUU regulations serve to reterritorialise fisheries management in Vietnam, along with reworking actors' socio-spatial relations. As a result, Vietnam's core policy narratives have shifted from a fisheries industry that was mainly an extractive industry to a fisheries industry that relies on a control and surveillance management regime. A policy mobility approach focusing on provincial-local fisheries governance dynamics, illustrates how IUU policy materialises and the challenges facing implementing countries, which tend to also be global South actors. We conclude by troubling the notion of the EU as a 'green actor'.

Tracing anti-IUU fishing policy

To better unpack how IUU policy is adopted and reimagined in Vietnam, we draw from the critical geography literature on policy mobility to understand the spread of policy ideas and hegemonic discourse (Haupt 2023). Policy mobility, to date, has been used in urban studies to compare best practices from across cities or regional/national borders (Andersson and Grundel 2021), although this idea has started to gain attention in other research fields, including in fisheries (Fairbanks 2019; Song et al. 2019a). Policy mobility researchers ask critically 'for whom', in terms of the benefits of so-called best practices or policy models that are being adopted into new spaces (Temenos and McCann 2013). This question helps us to reconsider the existing and emerging tensions between local politics and global-local processes that a particular policy tries to cut across. In particular, we use policy mobility to guide how we understand the EU's policy intentions to address IUU fishing in Vietnam. We see the importance of tracing the EU IUU policy movement across spaces and borders, to understand where policy ideas come from, how they travel, and in which ways these ideas are "fixed by local geographies, actors, and practices" (Fairbanks 2019, p. 850).

We use a policy mobility approach in two distinct ways. First, policy mobility allows us to see 'localised forms of policy' (Fairbanks 2019, p. 850), since the interpretation and implementation of policies are always dependent on the everyday practices of these individuals and contexts. Policy mobility helps to understand not only how EU IUU policy is translated, embedded and 'put to work by local actors' (own emphacise Peck and Theodore 2012, p. 25), but also how local actors are struggling to understand and grapple with such changes. In other words, by asking 'at what cost', we

consider the extent to which Vietnamese fishers and fisheries officers bear the cost of integrating EU IUU policy into their everyday fishing activities.

Second, we consider tracing and exploring how power is re-shaped as ideas, techniques and approaches ‘remakes the relations between jurisdictions A...E, constructing symbiotic networks and circulatory systems across and between them’ (Peck and Theodore 2010, p. 170). The ideology of anti-IUU fishing does not simply travel across jurisdictions, but it remakes and restructures the policy landscape and institutional environments, in our case in the Vietnamese context that we are exploring. We probe the perceptions of IUU fishing across spaces, including for national actors, policy implementers and policy receivers, to consider points of alignment, contention and difference, and are interested if the Vietnamese context differs from other third countries such as Thailand that have integrated EU IUU policy into their recent fisheries reforms (Kadfak and Linke 2021).

Policy mobility scholars have extended the focus of mobility from global to local contexts through discussions of scale, where the conceptualisation of territorialisation and deterritorialisation emerge, or in their terms ‘motilities’ and ‘moorings’ (Hannam et al. 2006). McCann and Ward (2010) argue that a scaling approach to policy mobility shows “how cities are produced in relation to processes operating across wider geographical fields, while recognizing that urban localities simultaneously provide necessary basing-points for those wider processes” (p. 176). Replacing the object of analysis from ‘cities’ to ‘fisheries management’, policy mobility opens up an understanding of how EU IUU policy reworks fishing territories and fisheries regulatory landscapes embedded within the geographical field of Vietnam. The arguments offered by policy mobility scholars aligns with resource geographers by focusing the analysis on bounded spaces as a way to observe territorialisation processes (Vandergeest and Peluso 1995).

Territorialisation has recently been applied in the oceanic context (i.g., oceanic territorialisation), with particular interest in understanding the relationships between sovereignty, capital accumulation, and ocean governance (Havice 2018; Raharja and Karim 2024). With the recent push toward a neoliberal agenda in the blue economy, oceanic territorialisation has begun shifting its focus on sovereignty to ocean resource extraction (Campling and Colás 2018). This continuous revision of territorialisation, which we refer to as the “re-territorialisation process,” aligns with the work of Raharja and Karim (2024). In their study of contemporary Indonesian marine policy, the authors demonstrate how the Indonesian government requires “a renewed mobilisation of state power” (p. 5) to capture marine resources. This aligns with our effort to understand how the Vietnamese government has had to rework national marine policy in response

to external pressures to restrict resource extraction within Vietnam’s territory. By focusing on the movement of policy ideology across space, we can examine how such policies take root, become fixed, and may ultimately reterritorialise resource governance (McCann and Ward 2010).

Tracing people, materials and meetings

We base our methodological approach towards both the movement of policy and the embeddedness of policy at downstream sites and actors (Peck and Theodore 2012), through the tracing of people, materials and meetings (Wood 2016). Semi-structured interviews, participant observation (tracing of people and of meetings), and document analysis (tracing of materials) were used as key methods to collect data and information. Research took place in central Vietnam, which accounts for 40% of the country’s fishing boats (VIFEP & RIMF, 2021).

In tracing people, we identified five groups of Vietnamese actors who have been actively involved in the recent fisheries reform. These groups include nine provincial and district fisheries officials, five boat owners, four fish workers, two academics, and five private company employees, totaling 25 interviewees across six central provinces (see Appendix A). Additionally, we conducted dozens of informal conversations to better contextualize IUU practices and challenges. Interviewees were selected through snowball sampling and the author’s networks. We guaranteed both confidentiality and anonymity to all participants.

In tracing meetings, we observed five IUU reform meetings held between Vietnamese national delegates and provincial authorities across two coastal provinces over the course of 9 days in 2022. The IUU delegation first inspected anti-IUU fishing activities at the Port Management Board Office and the Representative Office of Inspection and Control of Fisheries. Each member of the IUU delegation was responsible to inspect specific aspects of IUU policy, including: (1) fishing licenses and registration of fishing boats; (2) registration of departures and arrivals of fishing boats and submission of logbooks; (3) provision of catch certificates; (4) ensuring boats have a vessel monitoring system (VMS); and (5) issuing sanctions. IUU delegation members further inspected random records. They asked for explanations from Vietnamese provincial and portstaffs when they found mistakes or unclear information, and subsequently requested staffs to read relevant legislations and correct their errors or inappropriate actions.

After this inspection, the delegation held meetings with local government unit and their staff, including the Provincial Vice Chairperson, coastal commune chairperson, leaders and staff of the Department of Agriculture and Rural

Table 1 Policy measures enacted to fight IUU fishing since 2017

Governance mechanism	Key shifts
Traceability	<p>Reorganise catch statement and catch certificate process for accuracy (Vietnam's catch certificate regulations were only implemented post IUU reforms)</p> <p>Developing plans to inspection fisheries</p> <p>Captains on 12 m+ vessels need to fill in log-books prior to offloading</p> <p>Captains on 6 - 11.9 m vessels need to submit weekly logbooks</p> <p>Port management boards inspect departures & arrivals of 15 m+ fishing vessels</p> <p>Fishing port management boards issue catch statements</p> <p>Fisheries provincial office issues catch certificates for domestic fish catch</p>
Restricting fishing capacity	Suspending the construction and upgrading of fishing vessels
Monitoring, control, & surveillance	<p>VMS installation: over 24 m installed by 1 July 2019; between 15–24 m installed by 1 April 2020</p> <p>Issue fishing licenses based on stock and fishing quotas</p> <p>Licenses can be renewed every five years; boat owner can apply for a license for one fishing zone</p> <p>Implementing port out, port in inspections, along with VMS tracking</p> <p>Increasing patrols</p>
Fines & sanctions	Maximum fine for individuals is 42,617 US dollar (1 billion VND); double this for organizations.
New governing bodies	<p>Established the National Steering Committee on IUU fishing</p> <p>Established offices for inspection and control at designated fishing ports</p>

NB: This table reviewed seven main legislative and administrative papers: Decree 67/2014/NĐ-CP, Law 18/2017/QU14, Circular 21/2018/TT-BNNPTNT, Decree 26/2019/NĐ-CP, Decree 42/2019/NĐ-CP, Circular 13/2020/TT-BNNPTNT, and Decision 339/2021/QĐ-TTg. See Appendix B

Development, leaders and staff of the Branch of Fisheries, leaders of the Border Guard, and leaders of the District Office of Agriculture and Rural Development. During these meetings, the delegation presented their inspection results and recommended improvements for implementation. The local government agencies discussed the challenges they faced during IUU implementation.

In tracing materials, we gathered and analysed seventeen Vietnamese policy documents (see Table 1, and Supplementary Data in Appendix B); five meeting reports of the National Steering Committee on Combating IUU fishing (these meetings were held before and after the EU visited Vietnam) (see appendix C); and dozens of articles posted on online newspapers and the government websites to gain background information about the implementation of the IUU fisheries reform. Our interest was to capture how learning and implementation takes place in practice amongst

various local and global practitioners and policymakers (Wood 2016, p. 391).

What led to the yellow card?

This section focuses on fisheries management in Vietnam, including an examination of how Vietnamese fisheries policy has shifted in response to the EU IUU yellow card. Vietnam previously had a significant extractive fisheries regime, which we argue has transitioned toward a control and surveillance regime following the implementation of IUU fisheries reforms post-yellow card.

Vietnam emerges as a major player on the fish export scene

Vietnam transformed itself into a major exporter of seafood products over the past three decades. Already in the 2000s Vietnam's seafood sector had emerged as an important economic contributor to both Vietnamese gross domestic product (GDP), including agriculture GDP, but also as an important source of food security (Marschke & Betcherman 2016). Signs of overfishing were evident by the late 2000s: for example, as the number of fishing vessels and total fleet engine power increased, Vietnam's catch per unit effort decreased from 1.11 ton per horsepower in 1985 to 0.34 ton per horsepower in 2005 (Pomeroy et al. 2009). Even so, fleet size continued to expand: between 2012 and 2019 Vietnam's blue boat fleet, known for its brightly blue painted wooden boats¹, grew 25%, rising to 33,000 vessels in 2019 (EJF 2019).

Such sustained growth came at a cost: resource depletion in nearshore waters (Betcherman and Marschke 2016; Pomeroy et al. 2009), the importance for fishers of catching both high value and trash fish² used to sustain fishing practices (Marschke & Betcherman 2016), and drawing on a relatively low paid labor force to support blue boat activities (Alonso and Marschke 2023). Fisheries management focused on sustaining growth rather than fisheries management, in what Boonstra and Dang (2010) coined as operating in a 'management void'. Boats were pushed to expand their fishing grounds, further increasing competition, and sending

¹ Blue boats are over 15 m in size, often up to 24 m in size although sometimes longer, using engine horsepower of at least 90 hp. Blue boats are forced to fish in offshore zone (see Wilcox and Bergseth 2021).

² What gets obscured when reading Vietnam's aquaculture statistics is the role of wild fish in supporting and sustaining farmed fish: trash fish – by-product when targeting another species – have been used extensively to grow out farmed fish directly or as feed throughout Vietnam's aquaculture industry (Marschke & Betcherman 2016). Fisheries management affects both sectors.

some searching for fish in foreign waters (EJF 2019). In such circumstances, national fisheries agencies – in this case the Ministry of Agriculture and Rural Development (MARD) who develop policy and oversee implementation through line departments operating at provincial and district levels – did not have the capacity to monitor or enforce fisheries laws, and it is hard for line departments to apply sanctions to local fishers. Such a void creates an institutional vacuum, enabling fishers to violate the law, but also speaks to broader challenges of decentralization that have existed in Vietnam for decades (Armitage and Marschke 2013; Boonstra and Dang 2010) along with the broader pressures to sustain fisheries practices to support economic development.

Overfishing has been part of Vietnam’s strategy in emerging as a world leader in seafood exports, and fisheries officials have not had the patrolling or management capacity to enforce many regulations. As the number of nearshore and offshore fishers increase, it becomes hard to sustain fish catch levels: a positive feedback loop is created as competition and profit squeezing incentivizes fishers to continually increase their catch, often by adapting more harmful fishing techniques such as electric fishing or trawling (Boonstra and Hong Nhung 2012). Fishers are aware of both the environmental damage caused by harmful fishing techniques and of the fines they risk by participating in IUU fishing, but the economic incentives generally outweigh the drawbacks or risks (Boonstra and Dang 2010; Marschke & Betcherman 2016).

The Vietnamese state has further relied on fishing boats to safeguard and secure territory. For example, in 2009, the Vietnamese government passed the Law on Militia and Self-Defence Forces, creating a ‘fishing militia’ pilot of approximately 8,000 fishing vessels to operate as maritime self-defence (Ojamaa 2018, p. 21). The idea behind this approach was that as boats claimed fishing grounds, other foreign fleets would understand that the space had already been claimed; in turn, fishers would report fishing or other foreign boats found in the region to the Vietnamese coast guard. In the past decade, territorial anxieties (Roszko 2017) between China, Vietnam and the Philippines erupted around disputed areas of the Paracel and Spratly archipelagos. Fishing trips beyond Vietnam’s exclusive economic zone (EEZ) waters served as an act of map drawing to claim legitimate sovereignty rights at sea (Roszko 2017, 2021). On the one hand, territory claims through promoting fishing activities have produced and reproduced a ‘socially constructed image of the state geo-body capitalising on strong nationalistic sentiments’ (Roszko 2015, p. 245), to create an image of a powerful maritime nation. On the other hand, Vietnamese blue boats have been perceived as threat to maritime security across the Asia and Pacific region (Song et al.

2019b), and blue boats have been withheld and confiscated in bordering territorial waters (Alonso and Marschke 2023).

Framing fishers, particularly those operating further from shore (known as offshore, industrial, or blue boat fishers), as “mobile maritime actors” (Roszko 2021) highlights their strategies for moving between illicit and licit livelihood activities at sea. This perspective helps explore individual fishers’ incentives to navigate the risks of fishing beyond territorial waters. Vietnamese fishers “navigate not only the seas, but also economic opportunities and constraints afforded by changing technologies and geopolitical configurations” (Roszko 2021, p. 665). The notion of fishers as “drivers of territorial enclosure” (Roszko 2021, p. 665) has been reinforced by the Vietnamese government to sustain the extractive fisheries regime and to mobilize them as a maritime militia tasked with protecting and claiming territorial waters in the South China Sea (Roszko 2015, 2021). Therefore, blue boats operate at the intersection of their work at sea, shifting fish ecologies, and the state’s demands for sovereignty claims in the South China Sea.

Time to stop growing unsustainably: a warning from EU

The EU began engaging with Vietnam prior to issuing a yellow card in 2017, with a key concern being that the Vietnamese fleet consistently entered into other nations EEZ territory e.g., fishing beyond its’ own waters. In the 2010s the Vietnamese government introduced a number of legal and executive documents to request coastal provinces to address IUU fishing, including: (a) Official telegram 1329/2012/CĐ-TTg on continuing to implement measures on prevention and reduction of number of fishing vessels violating foreign waters (August 30, 2012); (b) Official telegram 732/2017/CĐ-TTg on prevention, reduction and stopping of infringements by Vietnamese fishing vessels and fishers regarding illegal fishing in foreign waters (May 28, 2017); and, (c) Directive 689/2010/CT-TTg on measures to prevent and reduce the number of fishing vessels violating foreign waters (May 18, 2020). The implementation of these policy directives were, however, limited. Vietnamese fishers continued to move beyond Vietnam’s EEZ, into other Southeast Asian waters but also as far as the Pacific Islands (Song et al. 2019b). In the same period, an estimated 43% of fishing stocks were fully exploited within Vietnam’s EEZ (Harper and Sumaila 2019). The combination challenged the capacity and ability for Vietnam’s extractive fisheries management regime.

In October 2017, Vietnam received a yellow card, an indication that the European Commission felt that Vietnam was not doing enough to fight IUU fishing. At that moment, Vietnam did not have a system in place to deter IUU fishing,

many blue boats were fishing illegally throughout Southeast Asia and the Pacific Islands, and there was a limited traceability system in place (EC, 2017). The Vietnamese government immediately responded: “If not removed, the Yellow Card from the European Commission will cause many bad impacts, directly affect Vietnam’s seafood exports to the EU, and will soon affect the US and other potential markets.” (Central Propaganda Committee 2020, p.3). In other words, a major motivator for engaging with the EU IUU dialogue to solve IUU fishing was for Vietnam to continue its role as a major seafood producer (Alonso and Marschke 2023), and for reputational risk. Moreover, other export markets started to demand traceability mechanisms, including in Japan and the US (He 2018). As such, Vietnam began a process of regulatory change.

Seafood imports subject to the EU yellow card include wild-caught seafood and associated commodity chains, rather than farmed fish products. While this point is not explicitly elaborated upon in the EU IUU regulations, Article 2 of the regulation refers to all IUU activities as fishing activities and not farmed or caged activities. Thailand has made a clear statement regarding this point, to rule out the risk of including the aquaculture sector into their fisheries reform (Office of Agricultural Affairs 2015). Vietnam exports a higher Dollar value of aquaculture products to the EU (16%) than capture fisheries (9%) (World Bank 2021, pp. 10–14). So even if Vietnam’s capture seafood exports to the EU were to be completely banned, farmed seafood could still enter the EU market. Even so, Vietnam would likely be impacted through reputational damage, increased customs controls, and the potential loss of the Vietnam - European Union Free Trade Agreement (EVFTA). If Vietnam were to receive a red card, capture fisheries would lose around USD 387 million per year (World Bank 2021). What is not taken into account in understanding seafood supply chains is the reliance of Vietnam’s aquaculture sector on small marine fish (known as trash fish) as fish feed (Marschke & Betcherman 2016) and how interconnected the wild and farmed sectors are.

The yellow card, therefore, emerged within a complex geopolitical context, where fishers were encouraged to assert Vietnam’s sovereignty in the South China Sea by continuing their fishing activities while increased fisheries production remained a national economic priority. We now turn to a detailed analysis of the impacts of the yellow card and Vietnam’s fisheries reforms.

Tracing policy movement: from the EU to Vietnamese ports

We draw on a policy mobility lens (Peck and Theodore 2010) to focus on the changes in the policy landscape of Vietnamese fisheries, examining three scales: national regulatory change, everyday policy practices of provincial and port-based officials, and the opinions of policy receivers, namely fishing boat owners.

National regulatory change

Vietnam’s fisheries reforms resemble Thailand’s fisheries reforms, which were also linked to the EU’s IUU policy. For example, in Thailand a VMS system was implemented at the vessel level to ensure full traceability, along with a fining system for boat owners who violate the new regulation (Kadfak and Linke 2021). In this sense, based on what has emerged across Southeast Asia with regards to IUU fishing, Vietnam’s policy reforms are in line with regional shifts and an EU influence. For example, Vietnam adopted several new measures into national regulation to align with the EU’s suggestions to improve IUU fishing including mechanisms for fish traceability, restricting fishing capacity, monitoring, fines and establishing new governing bodies. We outline these new regulations in Table 1.

To evaluate how IUU policies were being implemented in Vietnam, the EU held annual field inspections in 2018 and 2019, although these in person inspections were halted during the Covid-19 pandemic. In 2020 the Director General of Vietnamese Directorate of Fisheries reflected on the reform progress:

“There are still serious problems in the implementation of the new legal framework and compliance, especially the control of violations of foreign waters, enforcement of administrative sanctions, and the control of seafood products imported into Vietnam to ensure the legitimacy of these products.” (VOV journalist, 2021).

Between 2017 and 2021, there were five official meetings between Vietnamese government delegates and EU delegates. In reading official documents, it appears that both the EU and the Vietnamese government were trying to find a common ground. Even as the EU recognized Vietnam’s achievements on addressing IUU fishing challenges, each meeting ended up with additional tasks for Vietnamese officials to improve upon (see Supplementary Data, Appendix C).

Everyday policy implementation at ports: new rules, shifting practices

As the plethora of new and revised regulations emerged, we were curious to understand how such policies are seen and implemented at port level. We focus on how new and repurposed authority configurations are engaged in the fight against IUU fishing and the policy instruments being used to shift fishing management practices.

New and repurposed authorities to fight IUU fishing

Coastal provinces now have to inspect and control fishing activities from departure to arrival. The Representative Office of Inspection and Control of Fisheries (hereafter Inspection & Control), Fishing Port Management Boards (hereafter Port Management), Border Patrol, and Fisheries Surveillance are involved in inspections and control. For example, Inspection & Control offices were established in all designated fishing ports whereas Port Management and Border Patrol offices already existed and were given additional responsibilities post yellow card. The offices of Inspection & Control and Port Management are land based, examining reports and logbooks of fishers, VMS data, and information sent from Border Patrol and the Fisheries Surveillance who inspect and control fishing activities at sea. Captains go to these offices to share paperwork prior to departure and upon return to port. To reach a full regime of monitoring, control and surveillance, these four authorities need to take on extra tasks, which has changed the relationship between these government offices and boat owners, captains and fish workers.

To ensure that the implementation of these new policies are on the right track, the national government established a (temporary) National Inspection Unit (NIU) to annually inspect how fisheries reforms are being implemented. The NIU consists of the Deputy Minister and staff in the Directorate of Fisheries. We observed the NIU conducting two port-based inspections, working with two local units (e.g., Inspection & Control; Port Management). Here, the NIU examined the: (a) provision of fishing licenses and registration of fishing boats; (b) registration of fishing vessel departures and arrivals, and submission of logbooks; (c) provision of catch certificates; (d) using the VMS to monitor fishing boats at sea; and (e) issuing and implementing sanctions. The NIU asked for clarification or further explanation from staff working in the two local units when they found mistakes or paperwork was unclear.

During annual inspections local staff appeared stressed and tense; they also spoke of feeling overwhelmed by the number of new tasks they were expected to do, and of being evaluated as “unperforming staff” during annual staff

evaluations. For instance, local staff are required to monitor fish catch to ensure consistency between the fish catch filled in the logbook and those that are uploaded; check the arrivals and departures of all offshore fishing vessel to make sure they have VMS equipment, logbooks, fishing license, no labour under 18 years old etc. Vietnam’s fisheries are multi-species fisheries which require time and labour to check fishing logbooks and uploaded fish catch numbers, the offices for Inspection & Control and Port Management have limited human resources to do so. As the manager of a Port Management explained:

“Before the yellow card, our responsibilities are to manage the infrastructure of the port, make sure fish vessels dock in order, keep the port secured and clean. Now we have to monitor fish catch; check the arrivals and departures of fishing vessel around the clock, and provide catch statements. We have more work but no more labour and finance.” (Interview 20).

Financial constraints were a major complaint throughout our communication with government officers. The Director General at the Directorate of Fisheries admitted the lack of human and financial resources to fight IUU fishing in one of his interviews:

“Many times when we work with the provincial governments, we ask them to allocate resources to enforce IUU fishing regulations...How can 2 or 3 people manage a coastline over hundred kilometres long? There are no boats, no staff, no financial resources.” (Mỹ Phượng and Lê Anh 2022).

We elaborate in the next section on how these new and repurposed governmental units have exercised their power and implemented the policy since the reform.

Key policy instruments

Monitoring, control and surveillance have been pushed as important policy instruments to address IUU fishing. Practices include issuing fishing licences, pre- and post- port inspections, monitoring vessels at sea, and issuing sanctions. Let us examine each in turn.

For licensing quota allocations Coastal provinces are able to allocate fishing license quotas for inshore and mid-shore fisheries, adjusting these every five years; in contrast, the Ministry of Agriculture and Rural Development (MARD) allocates the number of fishing license for offshore

fisheries³ in each coastal province. All such fishing quotas are meant to be allocated based on the state of marine resources; in practice, quotas were determined based on the number of reported fishing boats. So, once coastal province reported the number of 15 m+ vessels to the national level (MARD), the allocation of fishing were determined. For instance, according to Decision 1481/QĐ-BNN-TCTS, in 2017, 29,408 offshore fishing licences were issued across 28 coastal provinces. Two years later the offshore fishing license quotas to coastal provinces had increased to 29,527 offshore fishing licences e.g., an additional 119 licenses. Most of these additional 119 fishing licenses were giving to boat owners who were able to lengthen their fishing boats (e.g., those with boats that were close to 15 m) to meet the definition of an offshore fishing vessel rather than to boats that were newly built (Nông Nghiệp 2019).

Prior to the yellow card, obtaining a fishing license was easy and Vietnam supported all offshore fishing vessels. However, post IUU reforms, it is proving to be more difficult to obtain a new fishing license, and no new fishing boats are meant to be built. Vietnam, post IUU, is attempting to reduce its' offshore fleet for the first time.

Inspections Pre-departure inspection consists of examining a fishing boats' profile to check the availability and validity of all required documents which include fishing licenses, boat registration certificates, captain certificates, crew lists, logbooks, and other relevant certificates. The staff further inspect fishing boat call sign the painted number on the side of the boat), the availability of VMS and safety equipment, and type of fishing gear used on a particular vessel. Staff are further required to examine crew identification cards to avoid situations involving child labour, a concern raised by a recent EJF report focusing on Vietnam (EJF 2019). If a vessel passes inspection, confirmation papers are issued.

Once at sea, vessels can be monitored in two ways, through monitoring their VMS system or through at sea inspections. The VMS system enables a form of satellite tracking to ensure that vessels stay within Vietnamese waters. When fishing boats go beyond Vietnam's EEZ, the Inspection & Control asks the boat captains or boat owners to return to Vietnamese waters. And, when it is noticed that a boat has their VMS turned off, the Inspection & Control contacts a boat owner and their families to ask that the VMS be reconnected or other devices are used to report a boats' location. A fishing boat is considered to be practicing

IUU fishing if these acts are not corrected. In practice, fishing vessels do lose their VMS connection, for a variety of reasons, including turning off their VMS when approaching EEZ border areas (Alonso and Marschke 2023). Vessel owners should face sanctions when a boat returns to port, since all vessels over 15 m are required to have their VMS turned on at all times.

At sea inspections are done via patrolling by the Border Patrol, Fisheries Surveillance and Coast Guard. Patrols are not always effective, as fishing crew often know if the Coast Guard plans to patrol. As one interviewee noted: "*fishers often cover their violations at sea because they know in advance if a boat will be out for patrol. Fishers' relatives or friends inform them when they see a patrol boat leave port.*" (Interview 06). In terms of fishing gear violations, there is a focus on destructive fishing gear such as electric fishing or dynamite fishing, along with shark fishing. People learn about shifts in policy through news or documentaries on television, training courses, and through their local representatives. The head of a local fisheries union noted how it was up to them to pass on information to fishers and boat owners about new fishing regulations (Interview 11).

Fishing net size, in contrast, tends to be overlooked. This is because fishers tend to use a small fishing net size to also catch trash fish and authorities struggle to enforce this. "*We do not have enough resources to enforce this regulation [fishing net size]. There is propaganda⁴ and a rare inspection for net size but this has little effect on compliance*" (Interview 9). Although regulations exist for fishing net size, the vessel owners that we met did not pay attention to such regulations. The use of small fishing net size is a practice that has been an issue for decades (see also Armitage and Marschke 2013; Boonstra and Dang 2010; Hanh and Boonstra 2018).

Species size is also not enforced. As one interviewee explained: "*I know that we should target tuna above 30 kg. But we target all tuna that are hooked. The small 1kg tuna can be sold for 3.40 USD (80 thousand VND) /kg. Why should we release them?*" (Interview 17). This is consistent with other studies who note that fishers catch targeted species of all sizes, along with trash fish (Marschke & Betcherman 2016).

Although there has been an effort to track blue boats through equipping them with a VMS to ensure they fish within Vietnam's EEZ, and blue boats are no longer seen in the Pacific Islands, many blue boats continue to fish beyond Vietnamese waters, particularly in other Southeast Asian countries waters. This concern was raised by the EU, during the bilateral meeting 2019 and 2021 (see Appendix C). In

³ The offshore fishing zone, which allows vessels longer than 15 m to fish until the edge of Vietnam's EEZ, became the most controlled fishing area after the yellow card was allocated. This is in part to ensure that vessels do not go beyond Vietnam's EEZ.

⁴ Propaganda in Vietnamese context refers to the way in which Vietnamese government staffs provide relevant regulations to boat owners and fishers and convince or encourage them to follow the regulations.

2022, for example, around 85 fishing boats with 704 crew were arrested in neighboring countries (Thanh Sơn and Minh Sáng 2022), including in Thailand, Indonesia, Malaysia and the Philippines. At times boats were confiscated, some fish workers spent time in prison, and in other case boats, captains and workers were fined and released (Alonso and Marschke 2023). Satellite imagery further shows that blue boats fish in China's EEZ, and here arrests do not seem to be taking place or at least are not reported in the English language news (Alonso and Marschke 2023). The majority of information about blue boats fishing beyond Vietnam comes from arrests in other countries, in part linked to IUU policies implemented in Thailand and Indonesia.

Sanctions: Sanctions refer to punishment mechanisms for differing degrees of illegality, including fines, confiscating catch, and withdrawing a captain's license. Vietnam has legislated tough sanctions since the reform. According to Ministry of Agriculture and Rural Development, 6,811 violations occurred between 2020 and 2023, with more than 142 billion VND (around 5.6 million USD) paid in fines (Chinhphu 2023). Violations include: failure to maintain VMS connections, violation of fishing zones, incorrectly filled logbooks, failure to fill out and submit logbooks, fishing without licenses, failure to register fishing boats, violation of other countries' waters, failure to dock in designated fishing ports. Still, sanctions are not enough to fully enforce anti-IUU fishing regulations. The central government has been urging coastal provinces to impose frequent sanctions with higher fines, according to EU pressure during the bilateral meetings (see Appendix C), however, provinces do not often do so. Fisheries and port-based authorities in the provinces admit that the sanctions are light, are not enforced, and are not really creating a deterrence for violators (Interview 07). The procedures for implementing sanctions are complicated and time consuming, meaning that it is not easy for staff to impose sanctions.

Staff handling inspections are allowed to issue smaller fines (less than 43 USD or 1,000,000 VND). Yet, the challenge local staff run into, such as fishing outside Vietnam's EEZ, turning of a boat's VMS, not filling in logbooks, or fishing without a license should all be fined at far higher rates. As a result, staff report such violations to their bosses or other relevant authorities to decide on an appropriate fine. Although local staff describe the violation, provide evidence, and have their descriptions confirmed by either offenders or witnesses, if severe sanctions are to be imposed, this will take many meetings with upper management to determine which sanctions apply. As such, staff prefer to remind offenders to not to repeat their violations over writing an official report.

Even when staff do write reports, higher authorities may hesitate in making a decision. As an official in one of coastal provinces noted:

“The identification of violations is very difficult. We see clearly on the screens that those fishing boats are crossing the border. We know that the purpose of this crossing is to fish illegally in other countries' water. However, we cannot issue sanctions as the maritime boundary is not clear. Regarding the loss of VMS signal, we do not have enough evidence to prove that they turned off their VMS on purpose to fine them.” (Interview 07).

Interestingly, when sanctions are applied this can differ across coastal provinces. For example, one of the provincial officers detected that 277 offshore fishing boats lost their VMS connection in 2021, but no sanctions were issued. In contrast, another provincial officer we interviewed imposed sanctions of 853 USD (20,000,000 VND) per vessel that lost a VMS connection, asking telecommunication operators to verify if there was an issue with the system, and then using this as evidence in applying sanctions. Fines do not seem to be consistently applied.

Policy receivers: perceptions and impacts of boat owners

Since the yellow card, there is now a ban on new boat construction: non-fishing households can no longer easily enter into the fishing profession. This attempt to reduce the number of fishing boats is a signal that the Vietnamese government is moving away from an approach that only focuses on extraction of aquatic resources.

In addition to barring new entrants, boat ownership is seen to be more expensive and burdensome. One boat owner reflected on the ease with which they gained permission and borrowed money to build a boat in the early 2000s:

“In 2003, my boat was considered to be a large boat. I borrowed from the bank to build this boat, and I cleared my debt after two years. It was easy to get permission to build a boat at that time, the government encouraged it. Anyone who could afford the costs of boat construction was given permission. It is more difficult now.” (Interview 11).

Another challenge facing fishers is the shift in determining fishing grounds based on horsepower (Hp) compared with boat size. Fishing boats with 90 Hp or more could fish offshore; in contrast boat length was based on *feng shui* principles for luck, to ensure a bountiful catch, and for safety

at sea. After the issuing of the yellow card, fishing grounds began to be managed based on boat size, meaning that offshore boats needed to be a minimum of 15 m in length. This impacted over 3,500 fishing boats (Tâm Thời 2019): pushing these boats to the midshore fishing grounds or to dry dock at port. Although boat owners can lengthen their boats to meet the definition of an offshore fishing vessel, this is expensive. As one interviewee lamented:

“I had trouble getting this fishing license for my boats. Before the government managed fishing boats by engine power. At that time, I built fishing boat at 14.9 m as I believe that this number would bring me luck. ... After 2017, I had to extend my boat to over 15 m to get the license. This costs me time and money.” (Interview 12).

Boat owners spent significant funds to lengthen their boat: one interviewee spent over 4,260 US dollar (100 million VND) (Interview 11). Not all boat owners could afford to lengthen their boats, meaning they either fished in the midshore or stopped fishing.

Boat owners felt that they faced greater inspection and control than in the past, and that their choice of where to fish had shrunk. Although the fight against IUU fishing is meant to help sustain marine resources and fisheries livelihoods, and promote responsible fishing practices, these boat owners as well as fishers did not see any benefits to the reforms, and felt they bore much of the costs. This is because vessel owners were responsible to lengthen their boats, add in a VMS system, and pay for this system to be connected (Hanh and Kadfak 2025).

It is no surprise, then, that we heard mostly negative perceptions from fishers in relations to the IUU fisheries reforms. Beyond the financial costs of adhering to such reforms, modifying a fishing vessel also disrupted fishing activities. Increased paperwork requirements and pre and post port inspections has rendered fishing to be structured and bureaucratic. This adds another layer of work to a job which is already time consuming and intense. Moreover, most boat owners and captains were not trained on the ins and outs of such paperwork, and this was not necessarily their forte.

Discussion

This article examines how the EU's IUU policy has reshaped Vietnam's fisheries management by tracing policy ideology and governance instruments intended to fight IUU fishing at the national, provincial and local levels. We draw our analysis from a policy mobility perspective, embedded

within critical geography, to unpack how the EU's ideology of anti-IUU fishing has travelled across Vietnamese policy spaces and to make visible the perceptions and implementation of everyday fishing practices in Vietnam. An important tension that we observed was how the Vietnamese government struggled to shift from an extraction approach in fisheries management, whereby fisheries management is seen as a source of poverty alleviation, food security and economic development (Boonstra and Dang 2010; Marschke & Betcherman 2016) to a surveillance approach that prioritizes fisheries sustainability, economic development and trade. This tension is particularly apparent in the struggle to control blue boats fishing outside of Vietnam's EEZ, and is illustrative of a policy mismatch between intention and actual implementation across policy scales.

Vietnam's central government has adopted the core ideas for fighting IUU fishing into national regulations to ensure stricter monitoring, surveillance and traceability mechanisms; in turn, these policies are meant to filter down to provincial or port-level authorities (Kadfak et al. 2024). A policy mobility lens helps to illustrate how provincial officials are struggling to keep up with and to implement the multiple new regulations that have emerged, in part linked to limited human and financial resources. Serious IUU reforms require patrol boats, staff that can patrol at sea, and the ability to handle consistent port-in/port-out checks. To support the national inspection unit (NIU), provincial fisheries officers and port-based authorities prepare intensively to ensure all documents are in order for national inspectors to examine. Although provincial and port-based authorities do not create new policies, they are the key policy connectors for interpreting IUU global policy into local practices, even when staff are not necessarily equipped or supported for such a task. Enforcement of newly created policy tends to be based on vessel owners having appropriate paperwork on hand, which is burdensome and bureaucratic for both low-level bureaucrats and boat owners. The reform has stretched fisheries officers' capacity and may limit their ability to focus on other tasks necessarily for better management.

While EU IUU policy aims at tackling the sustainability challenge for oceans governance, such sustainability objectives become blurred by the receiving end of the policy movement. Monitoring, control and surveillance as a governing instrument is strongly recommended by the EU as a way to control who can access marine resources, but such an approach does not fully cover all aspects of sustainable fisheries. For instance, provincial officers emphasise a focus on monitoring fishing vessels, but exclude sustainable stock management in coastal areas. Moreover, authorities focus on controlling the length for offshore fishing vessels (15 m), without paying attention to the types of fishing gear used or engine power. The shift from engine power to length causes

damage to aquatic resources, in that boats of less than 15 m but with an engine above 90Hp were forced to fish in mid-shore areas. There is a perception that such increased fishing capacity has exaggerated resource degradation in midshore areas (Hanh and Kadfak 2025). We realise that the reform has made fish far more traceable, but being traceable does not necessarily signify sustainability (Kadfak and Widengård 2022), unless other interventions are also at play.

We reflect on 'at what cost' of introducing the new anti-IUU fishing policy to Vietnam. The cost falls largely onto boat owners and low-level bureaucrats. Limiting blue boats from fishing in international waters, now deemed to be illegal (I in IUU) by the EU, has progressively reduced fisheries income for Vietnamese boat owners who previously relied on fishing beyond Vietnam's EEZ. While there is an argument that preventing IUU fishing will reduce the vulnerability of fishers in the long term (Dias et al. 2023), short term and medium term pains are real. Boat owners either had to take an investment risk to extend their boats to 15 m to continue fishing in the offshore zone or were forced to fish in the midshore areas. For boats fishing in the midshore, they caught less fish, which was reflected by the perceptions of resource depletion by midshore boat owners we talked to. Low-level bureaucrats have also borne the cost of extra office hours for paperwork along with physical inspections at port. They are further asked to interpret and inform the ideology of anti-IUU fishing to boat owners, who in the past had been encouraged by the government to increase productivity.

Although the focus of this paper is not on territorial claims or conflicts in the in the South China Sea per se, our interviews do illustrate how the new 'control and surveillance regime' has been designed to limit resource access beyond Vietnamese EEZ boundaries (Alonso and Marschke 2023). This regime has tamed the illicit fishing activities with the purpose of gaining a reputation for Vietnam as a good nation for fisheries management. Control and surveillance modes of governance are adopted with the hope to maintain seafood market access to the EU and others (US and Japan). We acknowledge this mandate may run in contrast to other policies pushing for re-territorialization in the South China Sea.

Conclusions

The ocean as a resource frontier is not a lawless space, but a space with blurred legal boundaries which allows different actors to challenge and act unruly (Vandergeest 2018). IUU fishing is an example of a wicked problem that falls between complex legalities, private and state responsibilities, and a lack of value chain transparency. This management

challenge requires intra-state and market states to step in and attempt to govern this wicked problem. Our main contribution is to use the Vietnamese case to illustrate how the EU anti-IUU fishing ideology has fixated and reshaped local geographies, actors and practices. The core finding, apart from the challenges of enacting IUU policies on the ground, is the trade-off between surveillance policy and the livelihoods of policy receivers. We find that the EU IUU policies are remaking the Vietnamese policy landscape across scales and are transforming the Vietnamese fishing industry from an extractive regime to one of control and surveillance. We further note that the EU IUU policies allow for the EU to spread a policy normative of good governance in fisheries, which reproduces colonial and capitalist ecologies (Almeida et al. 2023). This comes at a serious cost for the receiving end country. It remains to be seen if EU IUU policies will help sustain Vietnam's fisheries or fisheries-based livelihoods.

Through a policy mobility approach, we offer insights into how IUU policies have actually reterritorialised third country fisheries management during an EU IUU dialogue process. We observed how policy interpolators, the low-level bureaucrats at provincial and port levels in our case, are the main actors who prioritise and filter ideas and are responsible for translating policies into practice, as we saw with boat length and tracking fishing vessels within a VMS system. Growing EU IUU policies illustrate how the EU has become a front-runner actor addressing mal-fishing practices using the threat of trade sanctions and dialogue techniques. Therefore, EU's 'green will to improve' (see Almeida et al. 2023) regarding IUU fishing is seen in our study, through the way in which the EU acts as an expert to presume and determine the scope of problems that need to be fixed and how to fix them. Only focusing on the EU IUU dialogue process at a national level highlights certain emerging regulations, but misses out on how a third country translates such policies into action. We learn, from our case, that it is challenging to enact global policy approaches at a provincial-local level without adequate resources including financial and capacity support.

While not our main contribution, worth noting is how this article has expanded the policy mobility literature by moving away from urban studies and the application of a successful policy within a city boundary rather to engage with policy formulation in the resource governance arena (Fairbanks 2019). In particular, we see a potential for re-conceptualising policy mobility in conjunction with the ocean frontier literature, to explore how EU IUU policy is situated within broader jurisdictional frontiers of the sea (Havice and Zalik 2018), where legal boundaries and legitimate authorities are blurred. We could benefit from investigating further how EU IUU policy influences or pressures

legitimate actors to establish order and a system of control in these jurisdictional vacuums against IUU fishing globally. And the result, as we tried to illustrate in this study, can be observed through a re-territorialised of a new order, e.g., a new fisheries regime, at different locations.

The Vietnamese case offers a nuanced understanding of the influence of the EU as a global actor to fight against IUU fishing. Although Vietnam's fisheries reforms have been slower than in Thailand, we observe similar processes of regulatory revisions in both countries including policy reforms, increased surveillance, and enactment of traceability systems through a catch certificate (Alonso and Marschke 2023; Kadfak and Widengård 2022; Toonen and Bush 2020). These governing techniques are part of a global attempt to fight IUU fishing, within the EU but also other major seafood markets including the U.S., Japan, and Australia (He 2018). That said, the EU has been the only market nation that has expanded their ocean governance beyond their legal (or territorial) boundary to the third country, and has a major impact in domestic fisheries reform, as evident in this study and previous studies (Kadfak and Linke 2021). The EU could potentially reposition itself from being a 'front-runner' in fighting IUU to a 'facilitator' among major seafood market states in fighting IUU fishing. This including, for instance, IUU products from carded states can end up in less strict markets like China and South Korea, as our interviewees mentioned.

We further speak to the challenge the EU faces in the process of becoming a green actor. Our case situates EU IUU policy in a broader quest to improve environmental resource governance in different sectors beyond EU's territory. The EU holds a strong position as a 'moral intervener' (Almeida et al. 2023) with the aim of being the first to tackle IUU fishing at a global scale. However, the 'EU moral authority is intrinsically linked with universalism' (ibid., p. 5), which dictates the rules of the game and, at the same time, excludes non-Eurocentric traditions. Hence, only global South countries have received red and yellow cards to date. While we see the necessity of intra-state involvement in handling the IUU wicked problem, we question how the handling is being done, and the lack of inclusivity of a third country's jurisdictional context along the process. Therefore, learning from the Vietnamese case, there is work to do.

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Declarations

Conflict of interest None.

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