

ASSESSING VIETNAM'S ENVIRONMENTAL LAWS AND DIRECTION FOR IMPROVEMENT

VÕ TRUNG TÍN

Department of Commercial Law, Hochiminh city University of Law

Email: vtin@hcmulaw.edu.vn

Abstract

Environmental protection has gotten much attention and been prioritized in policy making for economic – social development of countries around the world, including Vietnam. The policies have been gradually institutionalized into law. Environmental Protection Law comes into existence in Vietnam as in other developing countries, which could be affirmed as the latest legal field. Before Environmental Protection Law was issued as an independent legal document by the National Assembly, other environmental regulations in Vietnam covered some aspects of environmental protection to meet management need without targeting the protection of environmental factors. Environment or environment-related regulations have been found in many separate legal documents. In order to meet the growing demand for integration, Vietnam needs to continue to reform environmental regulations. The paper analyzes the Vietnamese environmental regulations and practical implementation, thereby giving some suggestions.

Keywords: *environment, environmental regulations, environmental protection law, sustainable development*

Environmental protection in Vietnam has become the real concern since the 1990s and was officially institutionalized into the Constitution. Accordingly, Article 17 and Article 29 of the Constitution 1992 formed the constitutional bases for the incorporation of environmental protection obligations into other fields.¹ The Constitution 2013 has further confirmed that role of environmental protection under Articles 43, 53, and 63.² The appearance of the Environmental Protection

¹ The Constitution 1992 was adopted by the National Assembly VII of the Socialist Republic of Vietnam, at its 11th session, on April 15, 1992. According to Article 17 of the Constitution 1992: “The land, forests, rivers and lakes, water supplies, wealth lying underground or coming from the sea, ... and all other property determined by law as belonging to the State, come under ownership by the entire people”; according to Article 29 of the Constitution 1992: “State organs, units of the armed forces, economic and social bodies, and all individuals must abide by State regulations on the rational use of natural wealth and on environmental protection. All acts likely to bring about exhaustion of natural wealth and to cause damage to the environment are strictly forbidden”.

² The Constitution 2013 was adopted by the National Assembly XIII of the Socialist Republic of Vietnam, at its 6th session, on November 28, 2013. According to Article 43 of the Constitution 2013: “Everyone has the right to live in a clean environment and has the obligation to protect the environment”; according to Article 53 of the Constitution 2013: “Land, water resources, mineral resources, resources in the sea and airspace, other natural resources, and property managed or invested in by the State are public property, owned by all the people, and represented and uniformly managed by the State”; according to Article 63 of the Constitution 2013: “1. The State shall adopt environmental protection policies; manage and use natural resources in an efficient and sustainable manner; conserve nature and biodiversity; and take the initiative in preventing and controlling natural disasters and responding to climate change. 2. The State shall encourage all activities for environmental protection and the development and use of new energy and renewable energy. 3. Organizations and individuals that cause environmental pollution, natural resource exhaustion or biodiversity depletion shall be strictly punished and shall rectify and compensate for damage”.

Law 1993 (later replaced with the Environmental Protection Law 2005 and the Environmental Protection Law 2014),³ as a single environmental legislation, confirms the deep concern of the Vietnamese Government on environmental protection. The regulations on environmental protection are not only found in Environmental Protection Law, but also in other legal documents, governing every human activity which has effects upon nature, causing certain impacts on living environment. It can be seen that the scope of environmental-related legal documents is greatly expanded. The system of legal documents in environment in Vietnam is categorized into two groups: (i) documents on environmental protection, and (ii) documents on exploitation and management of environmental factors (including statutes issued by the National Assembly; Decrees issued by the Government; Circulars and Decisions issued by the specialized Ministries).⁴

General and specialized legal documents in Vietnam impose obligations to protect environment on every relevant individuals and organizations. When mentioning environmental protection, specialized legal documents normally refer to measures to prevent, to fight, to overcome environmental pollution, environmental degradation, and environmental incident as being regulated in Environmental Protection Law, or apply environmental quality standards, environmental impact assessment provided for in implementing documents of the Environmental Protection Law.

From constitutional principles of Constitution 2013, Environmental Protection Law and environmental-related legal documents, the basic changes in environmental protection awareness are manifested through criminalization of conduct of destroying environment under the Criminal Code 1999 (as amended in 2009)⁵ and the Criminal Code 2015.⁶ Overall, Vietnam has initially established a system of legal documents on environmental protection with the target to contribute to the protection of natural resources, environment purity, and sustainable development.

1. Vietnam's environmental laws concretize many principles of international environmental laws

As a member of many international treaties on the environment, Vietnam has concretized the principles of international environmental

³ *The Environmental Protection Law* (1993) was adopted on December 27, 1993. The Environmental Protection Law 2005 was adopted on November 29, 2005. *The Environmental Protection Law* (2014) was adopted on November 23, 2014.

⁴ See *Law on Cultural Heritage* (2001) was adopted on June 29, 2001 (amended in 2009); *Law on Minerals* (2010) was adopted on November 17, 2010; *Law on Food Safety* (2010) was adopted on June 17, 2010; *Law on Water Resources* (2012) was adopted on June 21, 2012; *Law on Natural Resources and Environment of Sea and Islands* (2015) was adopted on June 25, 2015, *Law on Forestry* (2017) was adopted on November 15, 2017, *Law on Fisheries* (2017) was adopted on November 21, 2017.

⁵ Article 182 to Article 191a, Chapter XVII of *Criminal Code* (1999).

⁶ Article 235 to Article 246, Chapter XIX of *Criminal Code* (2015).

law in national legislation. There are many important principles such as the principle on ensuring human rights to live in a clean and healthy environment, precautionary principle, principle on sustainable development and uniformity of the environment.⁷

Principle on ensuring the human right to live in a clean and healthy environment: this is a natural right of people and a very important right because it is related directly to the quality of human life. However, this right is seriously affected by activities affecting the environment, leading to the fact that the environment is polluted and degraded⁸.

Declaration of the United Nations Conference on the Human Environment in 1972 (Stockholm Declaration) introduced human rights to live in a clean and healthy environment as a principle of relations between nations.⁹ This is also reiterated in Declaration of the United Nations Conference on Environment and Development in 1992 (Rio de Janeiro Declaration).¹⁰ The Constitution 2013 stipulated that human rights and citizens' rights in the political, civic, economic, cultural and social fields are recognized, respected, protected and guaranteed. Everyone has the right to live in a clean environment and has the duty to protect the environment.¹¹ The Environmental Protection Law 2014 recognized: "*Environmental protection is the responsibility and obligation of every agency, organization, family household and individual.*"¹² Many other provisions in the Environmental Protection Law 2014 illustrate this principle.¹³

The human right to live in a clean environment is a human natural right. The government must recognize it because of the current serious environmental issues, creating a legal framework for people to protect their rights to live in a clean environment. At the same time, the government is responsible for implementing necessary measures to protect and restore the environment; ensuring that people can live in a clean environment and exercise this right in reality.

Precautionary principle is widely acknowledged in environmental law of many countries, resulting from the effectiveness of prevention compared

⁷ Vo Trung Tin (2009), 'Basic principles of environmental law', *Vietnamese State and Law Journal*, no. 08, p. 55.

⁸ Vo Trung Tin and Nguyen Ngoc Hong Phuong (2012), 'Right to access Environmental information under the Environmental Protection Law 2005', *Vietnamese State and Law Journal*, no. 09, p. 76.

⁹ Principle 1 of the Stockholm Declaration stated that "*Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations*".

¹⁰ Principle 1 of the Rio de Janeiro Declaration also affirmed that "*Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature*".

¹¹ See Articles 14 and 43 of the *Constitution* (2013).

¹² Clause 1, Article 4 of the *Environmental Protection Law* (2014).

¹³ See Articles 128, 130 and 131 of the *Environmental Protection Law* (2014).

to remediation. In fact, there are environmental consequences that cannot be overcome but can only be prevented (especially the risk of death, extinction of rare species). Further, even where the risks can be overcome, the cost to overcome is always higher than the cost to prevent.

The prevention is addressed in Principle 15 of Rio de Janeiro Declaration.¹⁴ The Environmental Protection Law 2014 stipulated that “*Environmental protection activities must be carried out in a regular manner, and prioritize the prevention and control of environmental pollution, emergencies and degradation.*”¹⁵ This provision is specified in many other articles in the Environmental Protection Law 2014 on preventive measures and responses to environmental emergencies.¹⁶

In order to implement this principle, Vietnamese environmental law requires the anticipation of risks that humans and nature may cause to the environment, on the basis of which necessary precautions are taken. Predicting the risks determines the effectiveness of the prevention. Precautions can be a measure to eliminate risks, if not excluded, they must also minimize risks at an acceptable level and governments must be prepared (with the plans, forces and means) to be ready to cope with risks when they happen.

Principle of sustainable development is the principle that requires a combination of economic development, environmental protection and guarantee of social progress, while balancing the needs of generations. In order to build the economic growth, we must protect the environment. At the same time, if we want to protect the environment, it is necessary to develop the economy because the main threat to the environment is underdevelopment.

Sustainable development is mentioned in Principle 11 of Stockholm Declaration and Principle 12 of Rio de Janeiro Declaration.¹⁷ The Constitution 2013 stipulates that “*The State has a policy to protect the environment; to manage and effectively and stably use natural resources; to protect nature and biodiversity; to take initiative in prevention and resistance against natural calamities and respond to climate change.*”¹⁸ The Environmental Protection Law 2014 stipulates that: “*Environmental protection must harmonize with the*

¹⁴ Principle 15 of Rio de Janeiro Declaration recognized: “*In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities.*”

¹⁵ Clause 6, Article 4 of the *Environmental Protection Law* (2014).

¹⁶ See Chapter X, *Environmental Protection Law* (2014) and specialized legal documents such as Water Resources Law, Dyke Law, Law on natural disaster prevention and control, Irrigation law, etc.

¹⁷ The Principle 11 of the Stockholm Declaration mentions that “*The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries*”. Principle 12 of the Rio de Janeiro Declaration also mentions that “*States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries.*”.

¹⁸ Article 63 of the *Constitution* (2013).

economic growth, social security, assurance about the children's right, promotion of gender equality, development and conservation of biodiversity, response to climate changes, in order to ensure the human right to live in a pure environment."¹⁹ Sustainable development is also the principle that needs to be ensured in the exploitation of natural resources in Vietnam.

There are many different ways to evaluate the sustainable development. The Vietnamese environmental law aims at sustainable development through two main requirements: *the first one* is harmonizing the objectives of economic development, environmental protection and ensuring social progress; *the second one* is ensuring the sustainable exploitation of natural resources, emissions in the ability of self-cleaning of the environment.

Principle on uniformity of the environment expressed in spatial unity (atmosphere, sea, international rivers ...) and the unity between the elements of the environment (the relationship between land, forest, water and aquatic resources...). Deriving from the overall and borderless nature of the environment, depriving from the disparities in the conditions and the degree of environmental impact of different countries, countries must be responsible for cooperating to protect the environment.

Ensuring the uniformity of the environment is mentioned in Principle 21 of the Stockholm Declaration and Principle 2 of the Rio de Janeiro Declaration.²⁰ The Constitution 2013 stipulates that "*The Socialist Republic of Vietnam is an independent, sovereign and united country, which in its territorial integrity comprises its mainland, islands, territorial waters and air space.*"²¹ The Environmental Protection Law 2014 also stipulates that: "*National environmental protection must conform to the regional and global environmental protection; environmental protection must ensure no harm to the national sovereignty and security.*"²²

On the international scale, this principle requires that countries need to cooperate to protect the environment on the basis of respect for environmental uniformity. Environmental protection is a shared responsibility, and no country is excluded from that common

¹⁹ Clause 2, Article 4 of the *Environmental Protection Law* (2014).

²⁰ Principle 21 of the Stockholm Declaration mentioned that "*States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction*". Principle 2 of the Rio de Janeiro Declaration stipulated that "*States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.*"

²¹ Article 1 of the *Constitution* (2013).

²² Clause 4, Article 4 of the *Environmental Protection Law* (2014).

responsibility; protecting the environment in each country must be an integral part of common environmental protection. On the national scale, this principle also requires that environmental management and protection must also be carried out on the basis of environmental uniformity; environmental protection is not divided by the administrative boundaries; the protection of this environmental factor must be placed in relation to other environmental factors.

The concretization of many principles of international environmental law helps Vietnam to implement its international commitments.

2. Dealing with environmental violation with a specific case

In Vietnam, environmental disputes are settled by one of three methods: (i) negotiation, mediation; (ii) court hearing; (iii) arbitration, among which negotiation, mediation are the most common methods. There is no separate procedure for environmental cases but trials are done mainly by civil proceedings in Civil Court.

Setting up an environmental court in Vietnam is quite a new development. This originates from the aversion of litigation of the majority of Vietnamese people. Conflicts, disagreements are usually resolved by negotiation or mediation. Legal responsibilities imposed on breach of environmental law depend on the level of such breach and include: (i) administrative responsibility; (ii) civil liability; (iii) disciplinary responsibility; (iv) criminal responsibility. Accordingly, it is popular to apply administrative sanction to deal with environmental breaches. The Vietnamese Government has issued many decrees on administrative sanctions for breaches on environment protection, exploitation of natural resources, environmental hygiene, and destruction of heritages. However, the application thereof is not thorough (due to lack of mechanism to ensure the enforcement of law, no effective measures in dealing with violations of environmental law – especially in dealing with administrative violations).

The case of Vedan Corporation discharging waste water to the Thi Vai River is a typical example. This is a case of environmental pollution which was jointly uncovered by the Environmental Policeman Agency – the Ministry of Police and the Ministry of Natural Resources and Environment in September 2008. The installation of the waste discharge system by Vedan is a serious violation of environmental protecting regulations. The investigation has announced 10 violations by Vedan, including: exceeding waste water discharges standard, not fully implementing environmental monitoring, not registering the

commitment to protect the environment, not doing the report on environmental impact assessment, not complying with regulations on hazardous waste management. A weak administrative sanction of 267.5 million VND²³ imposed on these violations shall lead many other companies to cause serious environmental pollution and accept the sanctions instead of investing in wastewater treatment systems because of high cost in operating these systems. This is rooted from the application of Decree 81 in 2006 by the Government on administrative sanctions for violations against the environmental protection. Accordingly, the highest fine imposed on a violation is only 70 million VND. After this case, Decree 81 was replaced by Decree 117 in 2009, Decree 179 in 2014 and Decree 155 in 2016 on dealing with violations against the environmental protection, providing the administrative sanction up to 2 billion VND.²⁴ Criminal responsibility by Vedan in the above-mentioned case has not been addressed, due to weak Vietnamese legislation, i.e. no criminal responsibility is applied for legal entities (enterprises) but for individuals (specific person) only. This is an issue debated among legal researchers before the adoption of the Criminal Code 2015.

The Prime Minister had urgently and decisively directed the functional bodies to implement the measures in dealing with environmental violations towards Vedan Corporation. However, the case had continued until 2011 with the issue of compensation by Vedan to residents along the Thi Vai River. This was a long-lasting environmental dispute due to the disagreement of the parties on the value of damages as well as the joint responsibility by Vedan. The 220 billion VND compensation by Vedan to residents in Dong Nai, Ba Ria – Vung Tau and Ho Chi Minh City had reflected the intervention of the authorities and the pressure of the mass media instead of Vedan's voluntary agreement.

The penalty for environmental violations has increased significantly but not serious enough. Many enterprises, such as Vedan, are ready to accept fines for administrative violations instead of investing in wastewater treatment system. In such cases, additional penalties (such as imposing fixed-term suspension of License for treatment of hazardous waste, License for discharge of industrial emissions, Certificate of eligibility for environmental protection in import of scrap for use as production

²³ Chief Inspector of Ministry of Natural Resources and Environment made decision on sanction against Vedan's administrative violations in the field of environmental protection with the amount of 267.5 million VND, collecting environmental protection fee arrears of more than 127 billion VND.

²⁴ *Decree No. 179/2013/ND-CP on the sanction of administrative violations in the domain of environmental protection* (2013), *Decree No.155/2016/ND-CP on the sanction of administrative violations in the domain of environmental protection* (2016), replacing *Decree 179/2013/ND-CP*.

materials, License to transport dangerous goods being toxic or infectious substances, Certificate of marketing authorization of biological products for waste treatment in Vietnam, Certificate of eligibility for provision of environmental monitoring service, confiscating exhibits and/or instrumentalities of administrative violations against regulations on environmental protection) and remedial measures should be applied. However, damages in environmental disputes are often very large and difficult to identify. Moreover, the burden of proof for damages under Vietnamese law belongs to injured parties, often without conditions to protect their legitimate rights and interests.

3. Management authorities on environment in Vietnam

Organizational structure and environmental management apparatus in most countries around the world may take one among four following forms: (i) environmental protection authority is an independent ministry; (ii) environmental protection authority is a ministerial body or under the government office; (iii) environmental protection authority under a multifunctional Ministry; (iv) no individually specialized agencies for environment, hence environmental management functions belonging to some related ministries. In Vietnam, the government is the consolidating management authority on environment. The environmental management function is assigned to many different ministries (such as Ministry of Science and Technology, Ministry of Agriculture and Rural Development, Ministry of Health...). The Ministry of Natural Resources and Environment is the government body which, performs the function of state management of land, water resources, mineral and geological resources, environment, meteorology, hydrology, surveying, mapping, general and consolidating management of the sea and islands. Despite the fact that the Ministry of Natural Resources and Environment is considered as the body taking primary responsibility for performing the state management function on environment, other Ministries are also in the position of management authority (for example, Ministry of Agriculture and Rural Development manages forest and fisheries resources; Ministry of Culture, Sports and Tourism takes care of heritages; Ministry of Science and Technology manages questions of standardization). This leads to the dispersion of management responsibilities and the overlapping in jurisdiction among the competent authorities.

The fact that many specialized ministries perform or coordinate to provide guidelines for the implementation of legal documents in environmental protection results in the overlap and conflicts in functions and duties. Even though the law on environmental protection is elaborated

during the reform process of the country, many aspects of its management model do not reflect the advanced model of environmental management. In fact, it is still a traditional state management model, in which the enforcement of the law of environment protection has burdened the bureaucratic administrative based government. According to this traditional management model of Vietnam, a Ministry not only plays a key role in managing one specialized area but also shares its functions and cooperates with other Ministries to manage other fields. That model is also applied to the local levels, in particular at provincial and district levels. The conflicts and overlaps in functions and duties in addition to the lack of coordination are among the challenges arisen from this model. Furthermore, the lack of assurance of unanimity in the interpretation of law of environmental protection by sectors, agencies and localities throughout the country also challenges the performance of this model. Besides, the transparency, explanation accountability as well as the public participation in these authorities' activities should be improved.

From the international experience, environmental issues be settled effectively not only by State power but also by the strength of the whole society, especially the 3 main pillars: the government, the market and the civil society (including civil society organizations and communities). However, many legal issues and enforcement measures need to be improved for promoting the synergy of these pillars. For instance, it is necessary to adjust the mechanism for the communities and civil society organizations to effectively supervise the enterprises' observance of the environmental protection law as well as to file lawsuits against enterprises in order to stop their violations and ask for compensation for damages caused. New mechanism to publicize the observance of law (especially the violation of the environmental legislation by enterprises) should be more transparent. The data should be announced publicly and nationally connected to facilitate the update, monitoring and evaluation by the public.

4. Participation of Vietnam in international environmental treaties

It helps developing countries have better potential for environmental protection activities. In recent years, Vietnam has attempted to implement its obligations under international environmental treaties, in particular:

- *Carrying out legislative activities*

Before and after participating in international environmental treaties, Vietnam has elaborated a lot of legal documents to protect its environment and contribute to the implementation of international environment treaties. These documents have created a legal framework to enforce environmental protection obligation in Vietnam in order to

implement the international environmental treaties as well as contribute to the global environmental protection. However, a number of obligations arising from the international environmental treaties are not fully stipulated in current legal documents.

- Planning the protection of environment and natural resources

Vietnam has built and implemented programs, short-term and long-term plans to enforce the protection of its environment and natural resources. After participating in international environmental conventions, Vietnam has adopted the Action Plan on biological diversity in 1995, the Action Plan for the implementation of the Framework Convention on Climate Change, the National Strategy on Environmental Protection of the period 2001 - 2010. In addition, Vietnam has also established a system of nature conservation areas to protect biological diversity.

- Establishing agencies to implement international environment treaties

After participating in international environment treaties, Vietnam has defined its State agencies as “Vietnam agencies” for specific conventions, i.e., Forest Protection Department (FPD) under the Ministry of Agriculture & Rural Development (MARD) is the agency for the Biological Diversity Convention and CITES; Environment Protection Department (EPD) under the Ministry of Natural Resources and Environment (MONRE) is the agency for Basel Convention. Through the legal system, management authorities are given powers to manage the environment and natural resources, contributing to the implementation of international treaties on the environment.

Up to now, Vietnam has ratified about 20 international environment treaties, namely the 1982 Convention on the Law of the Sea, the 1985 Vienna Convention for the Protection of the Ozone Layer, the 1992 United Nations Framework Convention on Climate Change, the 1989 Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES 1973), the 1971 Convention on Wetlands of International Importance, especially as Waterfowl Habitat (RAMSAR Convention 1971), the 1973 International Convention for the Prevention of Pollution from Ships (1973 MARPOL Convention), the 1992 Convention on Biological Diversity, the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage.

Besides, Vietnam has also actively participated in other international projects and institutions on biological diversity such as the Advisory Board of

Science and Technology of the 1992 Convention on Biological Diversity, the Project on “Reversing Environmental Degradation Trends in the South China Sea and the Gulf of Thailand (SCS), the Mekong Wetlands Biodiversity Conservation and Sustainable Use Program (MWBP), the Vietnam – Laos–Cambodia biodiversity Forum, the Global Tigers Forum (GTF). In addition to the above agreements, Vietnam has also participated in regional and sub-regional forums and organizations, especially treaties of ASEAN, including agreements relating to environment protection in general and nature conservation and biodiversity in particular. Within the ASEAN’s framework of environmental cooperation, Vietnam also participated in other institutions such as the ASEAN Ministerial Meeting on the Environment (AMME), ASEAN Senior Officials on Environment (ASOEN) and the working groups of ASOEN on the following areas: multilateral environmental treaties and conventions, marine environment and coastal areas, nature conservation and biodiversity, sustainable development of urban areas, integrated management of water resources and the ASEAN Haze Technical Task Force (HTTF). Vietnam is also an active member of ASEAN Regional Centre for Biodiversity Conservation (ARCBC) based in the Philippines.

5. Evaluation of Vietnamese legal system on environment and recommendations

Firstly, the legal system on environment in Vietnam has grown in both substance and procedure, covering almost all environmental elements. Legal documents on environmental protection have specified functions, duties and powers of the management authorities on the environment, as well as basic rights and obligations of individuals and organizations in environmental exploitation, use and protection. The system of environmental standards has been promulgated as legal basis for determining legal responsibilities and obligations of stakeholders in environmental protection. Legal documents have focused on global aspects of environmental problems, clearly identifying that environmental protection is the obligation of not only the government but also the entire population. However, legal documents on environment with regard to each environmental factor or governance of human activities creating impact on the environment have not been issued concurrently and consistently.

Secondly, Vietnamese legal provisions on environmental protection cover almost all elements of environment, content of which has promptly and fully spelled out the obligations of international environmental protection that Vietnam has committed. However, the mechanism of enforcement of national laws and international commitments are

not effective. Generally, the sanctions are not appropriate and strong enough for punishment and deterrence against violations. In addition to active promulgation of legal documents relating to environmental protection, Vietnam has gradually joined the international conventions on environmental protection. The ratification of these conventions is an important prerequisite for the integration of Vietnamese legal system to the international common standards and rules governing human activities creating impact on nature and environment.

Thirdly, it is a right decision, yet thorough to have the functions of State management on environment and natural resources assigned to the Ministry of Natural Resources and Environment. The management of natural resources have been assigned to several Ministries, sectors while the coordination mechanism for State management is not concurrent and efficient

The improvement of the legal framework on environment should be based on an overall evaluation of legal policies relating to the environmental protection (including the consolidation and analysis of strategies, guidelines, legal documents, policies to improve the legal system on the environment and environmental protection).

To meet the above specific requirements, the following solutions are proposed:

Firstly, the establishment of legal framework on the environment in Vietnam must be stemmed from the overall policies and national orientations of socio-economic development, which is determined in two ways: (i) amending and supplementing the existing laws in order to overcome the inconsistency, non-specificity, lack of clarity in the governance of social relations in environmental protection; and (ii) promulgating new regulations to cover other social relations which have not been governed yet.

Secondly, the trouble of governing scope and actors of environmental legislations must be solved thoroughly. The former must be in line with views on sustainable development, environmental integrity, prioritization of both the prevention and remediation, environmental improvement and conservation of natural resources. The latter should be covered in a large scale, not only in Vietnam, but also in the global and regional interests, not only by the State as the main actor taking charge of environmental protection but also by many others such as public authorities and enterprises

Thirdly, compliance with the principles of environmental law should be emphasized. The State recognition and protection of human right to

live in a healthy environment requires the fulfillment of environmental law provisions. The precautionary principle imposes a proactive requirement in risk estimation. The principle of uniformity of environment requires the assignment and coordination among State management agencies. The principle of sustainable development is the combination of economic and environmental objectives and ensuring social progress. Other principles include the principle of polluters pay requires polluters to bear the costs of remedying and treating environmental pollution.

Fourthly, international cooperation on environment should be strengthened. Environmental protection is a global issue; therefore, there is a need to strengthen international cooperation in this area, particularly international cooperation on legislation. Besides, it is necessary to find an appropriate mechanism to incorporate international environmental treaties to which Vietnam has signed into the national legal system. Moreover, it's also essential to determine legal effects of the processes in the international treaties in order to decide which provisions will be applied directly and which ones should be incorporated into national legislations. However, the basic issue is to develop a mechanism to ensure effective implementation of international commitments related to environmental protection in Vietnam. ●

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