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Enhancing the Effectiveness of Environmental Protection Law Enforcement in the Current Context

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ABSTRACT

Environmental issues are becoming increasingly severe, posing a significant threat to human health, socio-economic development, and national security. In this context, effective enforcement of environmental protection laws is imperative. The 2020 Environmental Protection Law introduced several progressive and practical measures aligned with the country's development and international integration. However, law enforcement still faces many limitations and deficiencies, falling short of the required standards. To enhance the effectiveness of environmental protection law enforcement, efforts are needed not only from the political system but also from the entire society. This article proposes several solutions to improve the enforcement of domestic environmental policies.

Keywords: *Environmental Protection Law, effectiveness, Vietnam, new context.*

I. INTRODUCTION

In recent years, Vietnam has made significant strides in various sectors, particularly in the economy, experiencing remarkable growth rates along with continuous improvement in the material and spiritual lives of the community. However, the process of socio-economic development has also posed several limitations, exerting considerable pressure on the environment, ecosystems, and the country's biodiversity. Environmental pollution continues to evolve complexly, with many regions witnessing a significant decline in environmental quality (Nguyen Manh, 2022).

Vietnam's Environmental Protection Law (EPL) plays a crucial role in ensuring sustainable development and maintaining a balance between the economy, society, and the environment. The law has undergone several amendments to meet practical needs and international requirements. However, the enforcement effectiveness of this law still faces numerous limitations and challenges, especially in the new context of climate change and strong economic integration.

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Vietnam, with its rapid economic development, is confronted with various environmental challenges. According to the Ministry of Natural Resources and Environment, Vietnam ranks fourth among the 10 countries with the lowest air quality index globally. Additionally, the country grapples with the severe impacts of climate change, leading to natural disasters, soil erosion, rising sea levels, and biodiversity loss.

In recent times, environmental pollution in Vietnam has presented significant challenges, particularly in surface water, with severity observed in river basins such as Nhue - Day, Bac Hung Hai, Cau, Vu Gia - Thu Bon, and Dong Nai - Saigon. Urban wastewater has increased significantly, largely untreated, directly released into the environment, causing water pollution in urban and residential areas. The wastewater collection and treatment infrastructure do not meet the required standards, creating concerns and insecurity regarding water source pollution. Currently, air pollution, especially particulate matter (PM10, PM2.5), has become a serious alarm in Vietnam. Air pollution, particularly in densely populated cities like Hanoi and Ho Chi Minh City, is escalating due to increased emissions from economic activities, directly affecting community health and causing psychological distress.

Challenges in industrial zones, industrial clusters, and traditional villages are alarming. The urgent challenge lies in solid waste issues, requiring prioritized investment and resolution. With millions of tons of household waste, industrial solid waste, and thousands of tons of hazardous waste annually, most of it is not source-separated. The predominant waste disposal method is landfilling, often without proper sanitation, causing unpleasant odors in residential areas. The situation of pollution in the East Sea (Bien Dong) is complex, especially regarding plastic waste, dredging, and the sinking of dredged materials. Marine environmental incidents are increasing, such as oil pollution from oil and gas exploitation and maritime traffic, significantly affecting Vietnam's coastal areas. Moreover, pollutants from the mainland are also impacting the coastal water quality. Natural ecosystems continue to be fragmented and degraded, leading to ecological imbalance, reduced protective functions, groundwater supply loss, and habitat loss for many species. The decrease in the number and population of wild species is evident due to illegal hunting, exploitation, and trafficking, putting them at a high risk of extinction. The emergence of invasive species and risks from genetically modified organisms also adds pressure to ecological security (Nguyen Manh, 2022).

In this context, the effective enforcement of Vietnam's Environmental Protection Law becomes an urgent and essential issue. The National Assembly has made various efforts to pass this law with the goal of protecting the environment, promoting sustainable use of natural resources, preventing and controlling pollution, and improving the quality of people's lives. The

Environmental Protection Law details the responsibilities and rights of state agencies, organizations, individuals, and communities in environmental protection. However, the implementation process still faces many limitations and difficulties. The main reasons include inconsistency and clarity in legal regulations, along with a lack of human resources, finances, and technology for environmental management agencies. Coordination between ministries, sectors, and localities is also limited, along with insufficient participation and oversight from civil society and the public. Additionally, the lack of deterrence and timely handling of violations is a significant issue. Faced with these challenges, this paper analyzes and proposes some solutions to enhance the effectiveness of enforcing Vietnam's Environmental Protection Law in the new context.

II. CURRENT SITUATION OF VIETNAM'S ENVIRONMENTAL PROTECTION LAW

Vietnam's Environmental Protection Law is constructed as a system of rules and legal regulations enacted by the State with the purpose of protecting the environment, preventing and minimizing pollution, mitigating environmental degradation, conserving biodiversity, addressing climate change, restoring the environment, and ensuring the rational and efficient exploitation and utilization of natural resources.

The first Environmental Protection Law of Vietnam was established in 1993 and has undergone revisions in 2005 and 2014. The latest version, the 2020 Environmental Protection Law, was passed by the National Assembly on November 17, 2020, and officially took effect on January 1, 2022. Notable features of the 2020 Environmental Protection Law include clearly defining environmental protection goals, emphasizing the role and responsibilities of the community, administrative procedure reform, and enhancing inspection, supervision, and violation handling.

Some important new points of the 2020 Environmental Protection Law include:

- *Clearly defining the goals of Environmental Protection*

The 2020 Environmental Protection Law has explicitly stated its goals, namely protecting the environment, preventing and minimizing pollution, halting environmental degradation, maintaining and conserving biodiversity, addressing climate change, restoring the environment, and utilizing natural resources rationally and efficiently to contribute to sustainable socio-economic development. This goal clearly reflects the Party and State's direction in environmental protection, considering it as a crucial task in the process of socio-economic development.

- *Emphasizing the role and responsibility of the community in Environmental Protection*

The 2020 Environmental Protection Law elevates the role and responsibility of the community in environmental protection. Accordingly, the community, including residents, households, and individuals, has the right and obligation to participate in environmental protection by contributing to the development and implementation of environmental protection plans, complying with environmental laws, monitoring and providing feedback on environmental activities, and proposing actions against legal violations. This highlights the Party and State's recognition of the community as a significant subject in environmental protection.

- *Administrative procedure reform in Environmental Protection*

The 2020 Environmental Protection Law includes provisions to reform administrative procedures to minimize time and costs and facilitate organizations and individuals in carrying out administrative procedures related to environmental protection. Specific reforms involve the application of the one-door, one-stop principle, leveraging online public services for environmental procedures, providing transparent information about environmental administrative procedures, and enhancing inspection, supervision, and violation handling in the field of environmental protection.

- *Strengthening inspection, supervision, and violation handling in Environmental Protection*

The 2020 Environmental Protection Law enhances the inspection, supervision, and violation handling efforts. It stipulates increased responsibilities for state management agencies in environmental protection concerning inspection, supervision, and handling of violations. The law broadens the scope of prohibited environmental activities, escalates fines for environmental violations, aiming to improve the effectiveness of inspection, supervision, and violation handling, contributing to pollution prevention and environmental degradation reduction.

Moreover, the 2020 Environmental Protection Law introduces various other important points, such as regulations on solid waste and industrial waste management, environmental protection in environmental services, environmental protection in natural resource management, climate change adaptation, and regulations on environmental incident prevention and response, as well as state management in environmental protection (National Assembly, 2020). These regulations demonstrate the Party and State's concern for current environmental issues, aiming to contribute to environmental protection and sustainable socio-economic development.

The 2020 Environmental Protection Law has played a part in enhancing the effectiveness of

environmental protection efforts in Vietnam, demonstrating the determination of the Party and State to build a sustainable socio-economic system. Its main content covers the rights and obligations of state agencies, organizations, community members, households, and individuals, measures for environmental protection, regulations on environmental aspects of production, business, services, construction, natural resource management, climate change adaptation, prevention, and response to environmental incidents, along with state management in environmental protection.

However, the practical implementation of the Environmental Protection Law still faces several limitations, requiring close coordination from all levels, sectors, organizations, individuals, and the community to enhance its effectiveness in environmental protection and ensure sustainable socio-economic development.

III. LIMITATIONS IN THE ENFORCEMENT OF THE ENVIRONMENTAL PROTECTION LAW

The 2020 Environmental Protection Law, with its many significant points, reflects the determination of the Party and the State in environmental protection and sustainable socio-economic development. However, practical implementation reveals that the enforcement of the Environmental Protection Law still faces several limitations that need to be addressed to optimize its effectiveness.

- *Incomplete Policies and Legal Framework for Environmental Protection*

Policies and legal regulations related to environmental management in various sectors have not reached a sufficient, clear, and cohesive level. Despite the establishment and continuous improvement of the environmental legal system in Vietnam, the content of environmental protection is still dispersed and appears in multiple legal documents, such as the 2020 Environmental Protection Law, 2020 Investment Law, 2019 Public Investment Law, 2014 Construction Law (amended in 2020), 2012 Water Resource Law, and 2010 Mineral Law. Currently, these laws have not achieved unity and still contain legal gaps, affecting the effectiveness of state management in controlling, detecting, and addressing environmental violations (Tran Linh Huan & Pham Thi Hong Tam, 2023).

- *Limited Capacity of State Management Agencies in Environmental Protection*

The workforce of environmental management officials at all levels, especially at the local level, is insufficient in terms of quantity and does not meet the requirements of expertise and professionalism. At the commune level, environmental management tasks are not adequately

prioritized, leading to a situation of neglect. The number of environmental management officials in our country is very low, with only 10 people per 1 million inhabitants, much lower than other countries in the region (Tran Van Chu, 2019).

- *Ineffective Inspection, Supervision, and Violation Handling in Environmental Protection*

Evidence shows that specialized inspection and control activities related to the environment, considered effective tools in state management of Environmental Protection, have become routine activities for environmental management agencies at all levels. Annually, these agencies conduct inspections of organizations operating in the fields of production, business, and services (Hoang Van Thuc, 2023). However, inspection and supervision activities in Environmental Protection have not effectively detected violations promptly. The handling of environmental violations lacks seriousness and deterrence, leading to a situation where legal violations related to Environmental Protection continue to be complex. Policies regarding inspection, control, and violation handling are not fully refined, and there is a looseness in management and a lack of responsibility in environmental inspection and supervision. Sanctions for actions causing harm to the environment are not strong enough, and there are few cases where environmental damage leads to criminal prosecution, resulting in low efficiency and effectiveness in addressing environmental law violations (Nguyen Tuan Anh & Nguyen Van Diem, 2023).

- *Limited Awareness and Understanding of Community Responsibility in Environmental Protection*

Within the community, businesses, and even at the leadership and management levels, awareness of environmental protection remains insufficient. Environmental issues have not received adequate attention at the leadership and business levels. Most businesses still consider environmental protection as the sole responsibility of the state, not placing significant importance on complying with environmental regulations. The lack of cooperation from businesses is one of the main reasons for the reduced effectiveness of state-led Environmental Protection management (Nguyen Thi Thom, 2011). Practices such as waste dumping, resource wastage, and violations of environmental regulations in production and business are still prevalent. The development of livestock farming, aquaculture, and the cultivation of staple crops and flowers has led to significant environmental pollution, especially water pollution in rural areas. In agricultural processing facilities, especially small-scale ones, controlling and addressing environmental pollution, as well as ensuring food safety and hygiene, still face many difficulties. The misuse of chemicals and pesticides in agricultural cultivation is causing

environmental pollution and serious detrimental consequences (Tran Linh Huan & Pham Thi Hong Tam, 2023).

IV. PROPOSING SOLUTIONS TO ENHANCE THE EFFECTIVENESS OF VIETNAM'S ENVIRONMENTAL PROTECTION LAW

In the context of rapid economic and social development and deep international integration, environmental protection has become increasingly essential for Vietnam. Here are some solutions to enhance the effectiveness of the enforcement of Vietnam's Environmental Protection Law in the new context:

Firstly, Improve Policies and Legal Framework for Environmental Protection

This is the top-priority solution that needs to be prioritized. Adjusting and supplementing the provisions of the Environmental Protection Law will make it more flexible and adaptable to new environmental challenges. Simultaneously, strengthening penalties and handling violations strictly will send a clear message about the seriousness of environmental protection. To improve policies and legal regulations on Environmental Protection, focus should be on the following:

- Improve legal normative documents to implement the 2020 Environmental Protection Law, ensuring that the new provisions of the law are effectively implemented in daily life.
- Review and amend related laws to create consistency, avoid contradictions and overlaps in legal documents, including Land Law, Mineral Law, and Biodiversity Law.
- Develop new legal documents on Environmental Protection to fully meet the requirements of socio-economic development in the new context.

Secondly, Enhance the Capacity of State Management Agencies in Environmental Protection

To effectively enforce the Environmental Protection Law, it is necessary to strengthen the capacity of state management agencies in Environmental Protection from central to local levels. Specifically, the focus should be on the following:

- Review and clearly define the functions, tasks, organizational structure, and enhance the management capacity of environmental management officials at all levels, especially at the district and commune levels.
- Enhance training programs and professional development for the environmental management officials.

- Provide conditions for state management agencies in Environmental Protection to access advanced information and technology in the field of Environmental Protection.

Thirdly, Strengthen Inspection, Supervision, and Violation Handling in Environmental Protection

Inspection, supervision, and handling of violations in Environmental Protection are crucial solutions to enhance the effectiveness of the Environmental Protection Law. Therefore, it is necessary to strengthen activities related to inspection, supervision, and violation handling in Environmental Protection, focusing on objects with a high risk of environmental pollution. Specifically, the following measures should be implemented:

- Increase surprise inspections and regular inspections of projects and production facilities with a high risk of environmental accidents and pollution.
- Improve the efficiency of inspection, supervision, and handling of violations related to environmental protection activities, ensuring severity, fairness, with no restricted areas or exceptions.
- Enhance transparency in information about inspection results, supervision, and violation handling in Environmental Protection.
- Increase community participation in Environmental Protection. The community is a significant force in Environmental Protection. Therefore, it is necessary to enhance community participation in Environmental Protection, including strengthening awareness through communication, encouraging and supporting community involvement in Environmental Protection activities, and providing conditions for the community to monitor the enforcement of Environmental Protection laws.

Fourthly, Strengthen International Cooperation in Environmental Protection

International cooperation in Environmental Protection is an inevitable trend in the context of globalization. Therefore, it is necessary to strengthen international cooperation in Environmental Protection, including:

- Enhance the exchange of information and experiences in the field of Environmental Protection with other countries.
- Participate in international organizations on Environmental Protection.

- Collaborate with other countries in addressing cross-border environmental issues."

V. CONCLUSION

In the face of increasing environmental challenges, enhancing the effectiveness of the enforcement of the Environmental Protection Law in Vietnam requires the combination of multiple measures. Only through close collaboration among the government, businesses, communities, and international organizations can Vietnam achieve the goal of environmental protection and build a sustainable future. The effective implementation of the above solutions will contribute to improving the enforcement of the Environmental Protection Law, protecting the environment, and fostering sustainable economic and social development in Vietnam in the new context.

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