

# Environmental justice and implementation of environmental justice in Vietnam today

*Thi Lan Huong Nguyen*<sup>1</sup> \*

<sup>1</sup> Vietnam Academy of Social Sciences, 59, Langha St, Badminh Dist, Hanoi, Viet Nam

**Abstract.** Environmental justice is a topic that has been mentioned a lot in the world. However, in Vietnam, this is a field that is not directly discussed, especially from the perspective of academic studies. The complex nature of this topic requires an interdisciplinary view, in which it is impossible to lack the interpretations from the socio-philosophical perspective. Therefore, understanding, interpreting, and exposing its contents from the theoretical aspect, is the one of the research directions that needs to be clarified, especially in the con text of Vietnam. Stemming from the above judgments, this article analyzes and clarifies two main issues as follows: 1. Environmental justice and the basic principles of environmental justice implementation in Vietnam; 2. Reality of implementing environmental justice in Vietnam.

## 1 Introduction

For more than 30 years of renovation and development, Vietnam has now achieved many important results. The growth rate of Vietnam has been steadily increasing over the years [1-3]. The life of the people is constantly improving. However, the pressure of rapidly improving people's living standards, pursuing a socialist-oriented market economy from a low-starting point also leads to the challenges that Vietnam must face. These are the challenges not only on unemployment, social inequality, [4-10] but also on environment such as pollution, resource exhaustion, biodiversity decline [8,17] but above all, that is the environmental injustices hidden behind these phenomena. Therefore, from the perspective of socio-philosophy, this article focuses to clarify the issues related to environmental justice and implementation of environmental justice in Vietnam today.

## 2 Materials and methods

**Materials:** materials and data used in this article come from the results of researches and the official documents, most of which have been published in Vietnam and others can be found on the internet (reliable websites and online articles and books)

**Methods:** the author uses the comparison and analysis method to analyze the understanding of environmental justice and the relating concepts (justice, environment, environmental right, environmental responsibility) in Vietnam. The author also uses the

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\* Corresponding author: lanhuong59lh@yahoo.com

method of generalization to give the basic principles of environmental justice in Vietnam. Discussing the implementation of environmental justice in Vietnam, beside the above methods, the author also uses the methods of synthesis.

### 3. Results

#### 3.1 Environmental Justice and the Principles in Realizing Environmental Justice in Vietnam

In Vietnam today, the concepts related to environmental justice are understood as follows:

**Justice.** There are currently many definitions of justice in Vietnam. From the view of philosophy, the studies of justice in Vietnam agree that the justice involved in it the requirements of *agreements* between the practical role of individuals or social groups with their status in social life, between their rights and obligations, contribution and receiving, labor and wages, offence and punishment, merit and social recognition. Nonconformities in such relations are considered as injustice [1].

In most studies, the concept of justice is closely related to concept of *equality*, which is understood that is the same level between people and people in society in terms of opportunities and benefits, not only economically but also legally and politically, culturally, despite the differences of the abilities, roles, and dedication of each other [2,18,19].

The debate about these two concepts (justice and equality) and their relationship among the researchers of philosophy in Vietnam still exists. However, in this article, I agree with the view of some researchers that justice and equality are the close-to-each-other concepts but they are two different ones. When mentioning equality, one implies the equality between people and people in a certain aspect, while justice is a form of equality, namely the equality between people and people in a completely defined aspect [2,4].

**Environment.** From the philosophical aspect, in the philosophical textbooks taught in Vietnam currently, environment is all the conditions in which human beings live. Concept of environment includes both the natural environment and the social environment [5].

Also within the scope of philosophy, some researchers give definitions of the environment from the ecological aspect. According to that, environment also is the ecological environment and it includes all surrounding conditions related to the life of the organism. For human beings, ecological environment is all natural and social conditions, both inorganic and organic, related to human life, existence and development of society [11,14,15,17].

From the above understandings, it can be seen that in order to exist and develop, the people need to have a fresh environment in which the conditions for the human life must be ensured. It means the living environment of the people is not threatened by the factors, which can cause the physical, chemical and biological pollution.

**Environmental Justice.** In the world, environmental justice is the term mentioned by many researchers. It is not discussed as a category of law or the environmental movements, but also considered as an ethical value [20,21,22,23]. In Vietnam, the concept of environmental justice currently is not mentioned much in the studies. However, from the socio-philosophical perspective, the contents of environmental justice have been mentioned by some researchers but it is quite dispersed. In practice, the basic contents of environmental justice and its implementation principles are clearly expressed when the researchers discuss the issues of environmental protection and sustainable development [10, 17]. In general, the application of the contents and principles of environmental justice in Vietnam basically is similar to and based on the understandings of the international community. Specifically: Environmental justice is the fair treatment and meaningful

involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (<http://enb.iisd.org/email/mea-l/guestarticle87.html>). This goal will be achieved when everyone enjoys: the same degree of protection from environmental and health hazards; and equal access to the decision-making process to have a healthy environment in which to live, learn, and work (<http://chinesedisadvantagedgroups.weebly.com/who-are-disadvantaged-groups.html>).

From these above, it can be understood: environmental justice is the assurance of human's natural and objective needs and benefits, that is the needs of being existed and developed in a good environment which does not harm the life of human beings, according to the standards allowed on a legal basis.

Thus, speaking of environmental justice is essentially talking about equality of opportunities in enjoying environment as well as sharing responsibilities to the environmental risks; and on the compatibility between the rights and duties of human beings in approaching, enjoying the conditions and resources from their living environment. Therefore, discussing environmental justice also means to mention its basic contents such as environmental rights and environmental responsibilities of human beings.

Environmental Right. Environmental right mean any proclamation of a human right to environmental conditions of a specified quality. In the High-level Expert Meeting on the topic "The New Future of Human Rights and Environment: Moving the Global Agenda Forward", which was organized by The United Nations Environment Programme (UNEP) and the Office of the High Commissioner for Human Rights (OHCHR) at UNEP's headquarters in Nairobi from 30 November to 1 December 2009, the thinkers and experts focused on three main dimensions of the interrelationship between human rights and environmental protection:

First, the environment as a pre-requisite for the enjoyment of human rights. This dimension implies that human rights obligations of States should include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights

Second, certain human rights, especially access to information, participation in decision-making, and access to justice in environmental matters, as essential to good environmental decision-making. This dimension implies that human rights must be implemented in order to ensure environmental protection.

Third, the right to a safe, healthy and ecologically-balanced environment as a human right in itself (<https://eige.europa.eu/thesaurus/terms/1083>).

Essentially, environmental rights in Vietnam also embrace the main points as stated above.

Environmental Responsibility. Besides environmental rights, when discussing environmental justice, it is very important to identify environmental responsibility. Theoretically, environmental responsibility is an aspect of social responsibility. Environmental responsibility assumes that people are not only responsible for their behavior to other individuals and to society but also to be responsible for their actions before nature - the habitat of people themselves [7,8,16]. Environmental responsibility requires people to act wisely so as not to harm environment for the benefits of man and of the living beings. People protect the environment not only for their own benefits but also for the benefits of future generations.

Principles of Environmental Justice Implementation. In order to realize environmental justice, it needs to define its fundamental principles. These principles also are the foundation for realizing environmental rights and environmental responsibilities. Due to the historical context, implementation of environmental justice in Vietnam currently is based on the following principles:

Principle of Equality. Like social justice, the most important principle of environmental

justice must be equality. Theoretically, equality is the pre-requisite for justice, in which the most important is the equality in right [18,19]. In environmental justice, on my opinion, the principle can be concretized that all individuals, all communities in society have the equal rights in accessing and enjoying the qualified living conditions, especially the natural resources and environment including land, water, air, forest, sea, mineral...and each individual must share the environmental risks with others.

Thus, environmental equality must be an inherent/ a natural right of human beings. This right must be constituted in the constitution and specified in the relevant laws and protected not only by national law but also by international commitments and engagements. Here, equality not only exists as a guiding principle for dealing with environmental issues, but also is thoroughly understood in policies and legal documents of each state. This is the first foundation for establishing the specific contents of environmental justice, as well as environmental rights and responsibilities of social actors. At the same time, it directs the following principles.

Principle of Balance Between Rights and Obligations. This is the principle directly related to the principle of equality. Man lives and exists as the part of a community. He has the natural right to be enjoyed a safe environment, of course, he has an obligation to preserve and protect that environment. His preservation and protection are not only for his benefits but also for the benefits of other individuals of community and society. The right to benefit from natural resources comes with the obligation to protect them. All actions harming environment, natural resources, the interests of nature and of others must be condemned and punished. In fact, this principle is realized by the environmental rights and environmental responsibilities stated in the Constitution and laws, and becomes the legal framework for appreciating the environmental behaviors and actions. At the same time, it is used to build an institutional framework for operating the environmental policies of a nation. Thus, this principle is the mainstay for building and using legal tools of environmental management and implementation of environmental justice. Basing on this principle, they build the institutions for realizing the contents of environmental justice. The regulations of human rights and duties to environment are the important legal foundation to ensure the right of being lived in a fresh environment, the right of supervising activities of the parties involved in the environment, and to fulfill environmental obligations through the environmental protection activities. These regulations do not only establish the legal relation of human rights and obligations to the environment, but also express responsibilities and concerns of the State, as well as of other social entities in protecting and promoting environmental rights and obligations of human. The reality has shown that the right of being accessed to the information and the participation of the people have a great impact on implementing environmental rights of human. Through these regulations, the communities can expose their role and actively participate in making the environmental decisions and policies of the State. At the same time, the communities's participation also fosters the democratisation of the environmental decisions and policies and contributes to minimize the causes of environmental conflicts between the relating parties.

Hence, it can be seen the most important point in this principle is the balance between the rights and obligations of all social entities. Regulations on environmental obligations are in parallel with regulations on rights. Like the rights, obligations are concreted in the laws of environment and this is the one of the leading important tools for environmental management.

Principle of Adequacy between Contribution and Enjoyment in The Exploitation and Use of Resources.

The essence of social justice is the distribution of benefits according to the principle of adequacy between contribution and enjoyment. The same is true of environmental justice:

On the one side, those who contribute to preserving the environment and protecting natural resources must have the right to benefit from such contributions. The natural resources are the public property, but the preservation and protection of these are done by the specific people with certain actions. Everyone has equal rights (equality) in accessing to natural resources, but the resources are not unbounded. Therefore, if you only know how to consume and exploit, of course, those resources will be exhausted, at that time people have nothing to satisfy their needs.

On the other side, people live, exist in the human relations in which their interests are different and generally not the same. Therefore, their enjoyment of environment can be different in target. So how do one person's interests not harm the interests of the other, the interests of one group do not damage the interests of another in sharing resources? Here, this principle forces people to behave to each other and to treat the nature humanely. It means that the various economic entities often pursue the different interests, so they can harm the interests of others. The situation of interest conflicts between companies and local communities in the same area, where the exploiting and use of natural resources take place, is a clear evidence of the violation of this principle.

#### Principle of Priority to The Disadvantaged Groups

The disadvantaged group or the vulnerable group is a group of the individuals who are either not able to protect themselves, or are easy at risk of falling into a disadvantageous situation [27,28]. These groups include children, women, people who live in the areas affected by the environmental disasters, threatened by pollution and environmental accidents. They are at risk of falling into poverty due to the decline or loss of livelihood. Theoretically, the principle of equality emphasizes the equal rights of all individuals in society, but in fact it is not that all people are born, grown up, and enjoyed in the same conditions, and in the process of living, they are not equal to enjoy the same benefits. The weak and vulnerable people as mentioned above are the most obvious examples. Therefore, implementation of environmental justice must pay attention to these groups. Here, principle of prioritizing disadvantaged groups, on the one hand, demonstrates the humanity of society; on the other hand, it shows the ultimate in respecting the human right of living and existing. This principle is also the support, the complement for the cases, which the principle of equality cannot be covered.

Today, before the increase of environmental disasters, catastrophes and environmental incidents, the group of vulnerable people is tending to increase. Hence, in the development policies of each nation it needs to pay much attention on this issue. The concerns of the international for these groups have been increasing through the international efforts to assist and help the people, especially the disadvantaged people, who live in the environmental disaster areas.

### **3.2 Reality of Implementing Environmental Justice in Vietnam**

Vietnam has experienced two great wars and entered into building the country at the extremely low economic starting point. Besides, the social difficulties and consequences caused by these wars have put Vietnam before the enormous challenges and the very heavy tasks.

Besides, the pressure of speeding up industrialization and modernization on the foundation of the resource-based economy with the heavy influences of climate change and sea level rise is promoting the negative environmental consequences possibly to become the risks of social injustices in Vietnam. There are appearing the groups of people and the areas influenced by the bad environmental consequences of the development.

Before the environmental challenges, the implementation of environmental justice in Vietnam has become an urgent duty. In Vietnam, during the last years, in fact, the

implementation of environmental justice mainly belongs to the State's responsibility. In this field, Vietnam has attained the given successes, but there are still lots of problems needing to be solved.

Regarding The Institution. In 1992, A revised Vietnamese Constitution was adopted. Next, in 1993, Law on Environmental Protection of Vietnam is approved [12]. In 2005, the first time, this Law is revised, supplemented and passed (called Revised Law on Environmental Protection [13]) in order to agree with the period of industrialization and modernization of Vietnam. In 2014, this Law is again revised and complemented in order to agree with The Revised Constitution 2013 and the environmental changes in the world and in the country [6].

The Law on Environmental Protection, the bylaw texts related to the natural resources and living environment, and the policies of social security are the most concentrated embodiment of environmental institutions including the environmental justice, as in the Article 1 with the Governing scope: "This Law provides statutory provisions on environmental protection activities; measures and resources used for the purpose of environmental protection; rights, powers, duties and obligations of regulatory bodies, agencies, organizations, households and individuals who are tasked with the environmental protection task." [6].

The Law on Environmental Protection has approved for 25 years (since 1993), however, the awareness of law, especially the legal actions of the people, offices, unions, organizations, businesses, companies...till now, have still made many serious environmental faults. Almost workshops, factories, businesses, companies, enterprises, the workshops of processing natural resources, trade villages...have not fully and strictly followed to the environmental regulations in dealing with the toxic and harmful wastes.

Environmental pollution by toxic wastes from the processes of production and consuming in Vietnam today has been becoming an insolvable, intricate, knotty, complicated, and dangerous question influencing very negatively to implementation of environmental justice. Because, the compensation (if any) of the people who do the actions of "eliminating toxic wastes" is extremely small in comparison with the disastrous consequences which the actions have caused to the people and environment.

To execute the Law on Environmental Protection unstrictly and slightly also is manifested by the exploiting and using the natural resources (wood, wild animals...; minerals (coal, ferrit, titanium...); or precious stones...) extremely unsystematically, unmethodically, unorganizedly, uncontrolledly, and wastefully. Its consequences are not only to make exhaustion of natural environment but also to cause the heavy pollution of living environment, to destroy the nature. And the people who directly bear the heaviest consequences of these situations are not the makers (people who cause them), but are the poor laborers, the residents in the disaster areas, who have no capacities to cope with the natural disasters.

The issue of environmental justice has not been advanced as an important and full article in Vietnam's Law on Environmental Protection yet, especially, the key principles of environmental justice as I mention above (Principle of Equality, Principle of Balance between rights and obligations, Principle of Adequacy Between Contribution and Enjoyment, Principle of Priority to The Disadvantaged Groups).

From the real situation of exploiting and using natural resources and environment in Vietnam curenly, it can be seen that in order to realize environmental justice, it needs to solve a big question, that is to have a politico-economic institution of environmental justice, which is admitted in the Law on Environmental Protection, in the bylaw texts, and in the policies of social security

In fact, in Vietnam, environmental rights of human have not been specified into terms and come into practice as the part of national law. What Vietnam has done so far is the

revision and inclusion of the term "human rights" in the Constitution 2013 and "internalization" of some rights in the International Convention on Human Rights (mainly in the group of civil rights, political and socio-economic rights, and cultural rights). From the Constitution to Laws, it is a long process that requires many things to do. Among them, the particular attention must be paid to the impact of climate change itself (with its specific impact mechanism) on the legalization of human environmental rights in Vietnam.

Regarding The Role of State in Implementing Environmental Justice. In the process of national construction and development in general, as well as in the assurance and protection of human rights in particular, the State always plays an extremely important role in organizing, guiding and adjusting the behaviors and the activities related to ensuring and protecting human rights. The role of the State is reflected in its two major activities, namely to promulgate institutional documents and to organize the implementation of legal norms in socio-economic development practices. Like any phenomenon which appears and creates changes of the domestic context, environmental problems and climate change have caused constant fluctuations of the country's development conditions in general. The requirements of the practice are what the State should do, to show its role of organization, guidance and adjustment to stable society and develop the country.

For the implementation of environmental justice in a public system as in Vietnam today, the role of the state is also greatly limited. In the system of public ownership of means of production including natural resources, various elements of the environment are separated and granted the constitutive rights such as the right to assign, mortgage, use, etc.... In fact, it has come closely to private property. The private property system includes all of the aforementioned rights except the right to revoke the rights granted. Therefore, the inequality and environmental inequality in Vietnam through the past decades have not been diminished but are still on the rise. The realization of environmental justice in practice will not be possible as long as the system of public ownership, which is separated and gets the concession of private property rights, still exists.

In this situation, the role of the State is also affected by the certain effects. The state management of human environmental rights is carried out through the state management of economy, politics, culture, environment ... in a synchronized manner with the organization, guidance and adjustment. Therefore, when the environmental incidents affect one field of social life, they can definitely affect human rights. At that time, or it caused difficulties and hindrances to the planning, organization and implementation of state management programs and plans on the implementation and assurance of human rights and in various fields; or it creates conditions that prompts the changes in the way of the government's administration.

The revision of the 2013 Constitution, using the term of human rights and recognizing the right of living in a fresh environment in Article 43; or the amendment and supplement of the Law on Environmental Protection 2014 are two typical examples, directly related to the adjustment of state management by legal instruments and documents. Not only that, the environmental protection principle of the Law on Environmental Protection 2014 has paid attention to ensuring children's rights and promoting gender equality by making this issue become the one of the principles of environmental protection in Article 4, Clause 2 of this Law: "Environmental protection must harmonize with the 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" [6].

Besides, the disadvantages from the impacts of climate change have directly caused the certain obstacles to the implementation of state management programs and plans in order to enforce and ensure human rights, for example the impact on the Government's poverty reduction. During the past years, Vietnam has made continuous efforts to reduce poverty,

however, the irregular movements of the weather have greatly influenced the effectiveness of livelihood stabilization plans for the people. The Vietnamese State is facing many difficulties of sustainable poverty reduction for the people. This situation is very common among farmers currently, as the agricultural production of this group still relies on exploiting natural resources. Therefore, the efforts of the state management in developing economy, ensuring human rights may be not realized because of the consequences of environmental pollution and climate changes.

## 4 Conclusion

From the review and analysis about environmental justice and the implementation of environmental justice in Vietnam, it can be drawn some conclusions as follows:

- Environmental justice as a special branch of the socio-philosophical studies has not been mentioned in Vietnam. However, the contents of environmental justice have been shown clearly in the official documents of the State. In these documents, the main principles of environmental justice have been the foundation of the policies of the State in environmental protection and implementation of social justice.
- In implementation, Vietnam has established an institutional framework for implementing environmental justice. This framework is expressed in Constitution and the Laws on Environmental Protection. At the same time, the role of the Vietnamese State in realizing the contents of environmental justice is increasingly enhanced. However, there still exist many difficulties and challenges in implementation so that environmental justice can be fully realized in Vietnam.

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