

Some solutions for improving law system in terms of rural environment protection in process of building new rural areas in Vietnam

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ABSTRACT

Environment protection is one of the top considerations of all countries in the world in development process. In Vietnam, there are nearly 70% of population living and producing in rural areas, so the rural environment protection is increasingly more important, and this is a critical requirement in process of building rural areas. Regarding rural environment protection, constant improvement of law system in terms of environment protection is one of the most important solutions.

KEYWORDS: Solution, Environment, Rural, Law, Vietnam.

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I. INTRODUCTION

Rural areas are places where food is produced and provided for the consumption of the whole society. Rural areas are markets for product consumption, playing an important role in creating harmony between people and nature, helping to form peaceful and diverse ecotourism areas, contributing to the improvement of spiritual life for human beings. Therefore, the effective exploitation and use of natural resources and environmental protection in rural areas greatly affect the environmental protection of the whole country. Sustainable development in rural areas to ensure the long-term and sustainable development of Vietnam.

Therefore, in 2008, when implementing program of building new rural areas, the Government of Vietnam paid special attention to rural environmental protection as one of the important tasks contributing to the development of the economy in general and developing a sustainable agriculture in particular. However, in the process of building new rural areas, besides some achievements, there are still many problems, including environmental problems. In fact, the rural environment in Vietnam is increasingly seriously polluted. There are many causes of environmental pollution in rural areas in Vietnam, including the incomplete legal system on environmental protection in Vietnam. As a result, current violations of the law on environmental protection in Vietnam are often happened, requiring the Government of Vietnam to have specific solutions to develop a legal system in terms of complete environmental protection.

II. CURRENT SITUATION OF RURAL ENVIRONMENT IN BUILDING NEW RURAL AREAS IN VIETNAM

Since the commencement of building new rural areas in 2008, environmental protection in Vietnam has made positive changes. However, under the pressure of economic development, rural environmental pollution in Vietnam is at an alarming level. According to the Ministry of Natural Resources and Environment in 2013, every year in the agricultural sector generates tens of millions of tons of domestic waste, of which about 80% of waste volume, domestic waste water and pesticides package (Table 2.1), pesticides - hazardous waste which are disposed directly into the environment without being collected and treated; this leads to serious pollution of water source and the rural air environment.

Table 2.1. Collection of agricultural solid waste amount generated in 2016. Unit: ton/year

| Waste | Amount |
|----------------------------------|------------|
| Packing of plant protection drug | 10,000 |
| Packing of fertilizer | 102,180 |
| Straw | 76,000,000 |

Source: Vietnam Environment Administration, in 2017

In addition, in agricultural production, farmers casually use chemical fertilizer (Table 2.2), growth stimulants, plant protection drugs, and pesticides without compliance with the technical process and required isolation time, which has made the soil environment polluted. Meanwhile, in the field of aquaculture, people do mass production with lack of planning and compliance with the technical process, which has created large sources of toxic waste harming the rural environment. As a result, many diseases have spread rapidly, causing great economic losses and serious threats to the health of people in rural areas.

Table 2.2. Phosphorus and potassium amount used in some major crops in Thanh Long Commune, Thanh Chuong District, Nghe An Province, Vietnam.

Unit: kg / ha

| Crops | Super Phosphorus | Recommended | Chloride Cali | Recommended |
|---------|------------------|-------------|---------------|-------------|
| Paddy | 453.8 | 70 | 150.2 | 70 |
| Corn | 448.9 | 90 | 136.2 | 130 |
| Cassava | 219.2 | 40 | 112.8 | 70 |
| Lost | 412.8 | 90 | 134.4 | 90 |

Source: Vietnam Science –Technology Magazine, Vietnam, volume 10/2016

Moreover, the environment in rural handicraft villages in Vietnam is currently facing to serious pollution. With nearly 4,600 handicraft villages, rural production activities, other than the positive effects of creating jobs for more than ten million workers, the level of pollution and the rate of diseased people here tend to increase. , the life expectancy of people is also decreased and lower 10 years than the national average one. Many handicraft villages have not yet dealt with garbage and wastewater problems, causing bad appearance and polluting rural ecological environment. The management of rural wastes in localities is almost abandoned. Even so, in many localities, people have taken advantage of the ponds, lakes and lowland areas to dispose of garbage, form spontaneous burying holes, fail to ensure technical processes, and pollute surface and underground water sources. In addition, indiscriminate and unplanned exploitation and even extinction of natural resources have had negative impacts on the rural environment. This is the cause of the unusual changes of weather and great damage to agricultural production, property and life of the people.

III. CAUSES OF ENVIRONMENTAL POLLUTION IN RURAL AREAS

There are many causes of pollution in rural Vietnam, including incomplete legal system in terms of environment protection in Vietnam, which is shown in some followings issues:

Firstly, the laws on environmental protection have some points which are not consistent and integrated with other laws in the legal system, for example, in relation to the "Land Law". The "Land Law" mainly regulates land use and management relations, further adjusting to exploitation of land economic value, paying more attention to the asset element in land relations. Meanwhile, environmental protection law primarily regulates land relations, further focusing the land ecological value, specifying the responsibilities of subjects for preventing and stopping bad impacts of human beings for this resource. Most of the regulations of the "Land Law" focusing on the protection aspects of land as an environmental component often refer to the regulations of the Law on Environmental Protection, such as " Land user has to comply with the regulations on environmental protection ", however, manners of protection and standards applied are not fully regulated. Therefore, in case land users are involved in both laws, it is very difficult to enforce them.

Secondly, the legal documents system on environmental protection, especially the documents guiding implementation of some contents of environmental protection law are not sufficient. Currently in Vietnam, the legal document system on environmental protection with about 600 documents is quite a lot. But the legal documents system on environmental protection in rural areas still lacks important regulations, such as: environmental audit; detailed regulations about liability insurance and compensation for environmental damage; specific policies of encouraging environmental industry, developing public services in environmental protection, specific regulations about compensation principles in the field of environment.

Thirdly, the legal system on environmental protection still has many points that are inconsistent, contradictory and incompatible with reality. Laws on environmental protection and sub-law documents on environmental protection still have many points having inconsistencies and even contradictions, which are evident in many legal documents. For example: Section 5, Chapter VIII of the Environmental Protection Act 2014 specifies management of air environment at all levels for dust and gas emissions (Article 83); dust and exhaust gas with hazardous elements (Article 83) and greenhouse gas emissions, destruction of the ozone layer (Article 84). However, these regulations are still at the general level and there should be guiding documents, which clearly stipulate the specific sanctions for actions of organizations and individuals that produce dust, emissions, noise, vibration, light, radiation. Especially, the problems of determining violations in relation to the permitted standards and environmental standards, thus having specific and clear sanctions should be also concerned.

Fourthly, the sanctioning system for violations of environmental protection law remains unreasonable. At present, the sanctioning framework for violations of the environmental protection law still mainly focuses on methods of prevention and seriously disregards application of economic instruments and economic measures in conformity with the market economy. Although the mechanisms and policies about use of economic instruments under the State management in terms of environment have been widely applied in many countries in the world, but Vietnam has just applied taxes, fees of environmental protection, deposit. The other economic tools are only in the finishing phase. In addition, some violations of environmental protection law have not been decided specifically and clearly, even many violations have not been sanctioned.

Other than incomplete legal system of environmental protection, there are other causes of increasing environmental pollution in rural areas. Firstly, the awareness about environmental protection of local people living and producing in rural areas is not high. Secondly, the awareness about risk of environmental pollution in rural areas and the negative impacts of environmental pollution on the socio-economic life and people's health of many levels of government, organizations and individuals in many localities is not enough. Thirdly, the staff of rural environmental management is lacking and weak in professional knowledge. Fourthly, the investment budget for environmental protection in rural areas has not met the requirements.

Thus, it can be seen that in the process of building a new rural areas, despite the fact that the Communist Party and the Government of Vietnam always attach importance to environmental protection, the environment in rural areas is increasingly and seriously polluted. Therefore, in the coming time, Vietnam should have suitable solutions to protect the rural environment, focusing on perfecting the legal system on environmental protection.

IV. SOME SOLUTIONS FOR IMPROVING LAW SYSTEM IN TERMS OF RURAL ENVIRONMENT PROTECTION IN PROCESS OF BUILDING NEW RURAL AREAS IN VIETNAM

4.1. Improving Regulation On Rural Environment Protection In Development Of Handicraft Village

Firstly, Vietnam should issue synchronized policies from the investment plan in building infrastructure for the development of handicraft villages such as: electricity, water supply, communication, and environmental treatment to moving the business units polluting environment away from residential areas.

Secondly, Vietnam should have policies to support enterprises in terms of capital, tax and technology so that enterprises can perform their tasks in rural environmental protection. In particular, the system of policies and legal documents on environmental protection of handicraft villages will be further improved. At the same time, regulations on environmental sanitation in handicraft villages and national standards on waste gas and waste water in conformity with production units in handicraft villages should be built.

Thirdly, the planning of village space needs to be linked to environmental protection in two main types: concentrated in small industrial clusters and scattered on-site planning. However, for each type of handicraft village, it is necessary to have specific planning models in conformity with nature of the handicraft village and local characteristics. For long term, it is necessary to have policies to develop technologies to reduce emissions on the basis of economical and reasonable use of natural resources and avoid environmental pollution of rural areas as present.

Fourthly, there should be a policy to prohibit handicraft villages from using manual methods which cause serious environmental pollution, and from using radioactive ores and recycling wastes harming the rural environment.

4.2. Completing Regulations On Rural Environmental Protection In Cattle-Breeding

Firstly, it is necessary to revise the legal documents on cattle-breeding development, then supplement issues about need of rural environment protection in cattle-breeding development such as: policies about cattle-breeding planning, legal documents mandating cattle-breeding households to make commitments about the rural environment protection, regulations for units of purchasing, transplanting, slaughtering cattle and poultry.

Secondly, the agriculture and rural development sector needs to strengthen the state management in terms of cattle-breeding and rural environment protection in cattle-breeding such as advising People's Committees at all levels to make decisions, directing, planning about cattle-breeding, environmental protection in cattle-breeding; formulate and direct the implementation of waste treatment measures in cattle-breeding; guide, supervise and inspect the implementation of environmental control in cattle-breeding; organize the application of scientific and technical advances in cattle-breeding.

4.3. Improving Economic Instruments For Rural Environmental Protection

To begin with, it is necessary to expeditiously study and formulate orientations for mechanisms and policies of promoting the economicization of environmental sector. Specifically, it is necessary to carry out the following tasks: organize investigations and surveys to assess the potential and ability of contributing to budget

revenue and GDP growth of the environmental sector. Main subjects are revenues under law regulations such as environmental taxes, environmental protection costs for wastewater, waste solid and gas; fines for violations of environmental protection law, compensation for environmental damage on the principle that the polluters must pay.

Secondly, it is necessary to continue reviewing, formulating and improving the system of national standards and technical regulations on rural environment; developing specific regulations to encourage the application of environmental management systems (ISO 14000); carrying out environmental audit, issuing regulations on the use of emission quotas and the formation of quota transfer markets, formulating law on clean air.

4.4. Supplementing Legal Documents On Sanctioning Violations Of Rural Environmentals Protection Law

In order to enhance the role of the State in protecting the rural environment in the process of building new rural areas, the Government of Vietnam should strengthen the sanctioning system for violating the law on rural environmental protection in the following directions:

Firstly, timely and resolutely fine the organizations and individuals that harm the rural environment. In fact, environmental crime has increased; however, the number of environmental crimes investigated, prosecuted and judged is few. That means that many environmental criminals are outlawed, even if they continue to commit crimes. Therefore, the government and local authorities must take timely measures to deal with violations of the law on environmental protection in rural areas. To do this, it is necessary to strengthen the inspection and examination. Every year, agencies related to rural environmental protection need to review, evaluate and recommend each specific inspection content. When detecting acts of violating the environmental protection law in rural areas, functional agencies should take prompt and strong sanctioning measures in accordance with law.

Secondly, increase the fine level for violations of rural environmental protection law. In fact, the low level of fine is not enough deterrent for business and production units, they are willing to pay a fine instead of implementing commitments to protect the rural environment as defined by law. Therefore, it is necessary to increase the fine level so that the fine is higher than the amount of money spent by the business and production units to implement the regulations on environmental protection in rural areas. For those who do not pay the environmental protection fee in rural areas, it is necessary to increase the fine level further or coerce the production or business to set an example for other enterprises or units.

Thirdly, supplement and clarify some violations of the law on rural environmental protection. In the immediate future, it is necessary to study and supplement the regulations on environmental crime, specifically the regulations on handling violations of rural environmental protection law by legal persons. Or punish all behaviors of farmers using too many chemical fertilizers, pesticides leading to contaminated soil, water, contaminated agricultural products, affecting consumers' health.

4.5. Some Other Solution For Environmental Protection In The Process Of Building New Rural Areas In Vietnam

4.5.1. Promoting the socialization and development of public services in rural environment protection

Socialization of rural environmental protection is to mobilize participation of entire society in environmental protection and the country. In other words, the socialization of environmental protection is to make policies guidelines and laws on environmental protection as obligation, responsibility, right and benefit for all levels of society, including policy makers, managers, and people. The aim of socialization of environmental protection in building new rural areas is to maximize the resources of society and participate in environmental protection activities in order to keep the environment clean, clean and beautiful as well as ensure the ecological balance. The great significance of the socialization of environmental protection is that all subjects in society, from children to the elderly, from producers to consumers, are aware of their roles and responsibilities, their rights and obligations in preserving and protecting the rural environment. From awareness leading to action, people will move from their free and arbitrary lifestyle, thinking, and habits as the small farmers to civilized ones with respect for the environment.

4.5.2. Strengthening education about awareness of environmental protection in rural areas

Lack of understanding of environment is one of the important causes leading to environmental pollution and environmental degradation. When people lack understanding, it means that people have little knowledge of the environment, do not realize the importance of environmental protection, so there is no incentive to protect the environment. Beside, lack of understanding will make people do not know how to protect the environment, which leads to the fact that human discharge garbage and cause environmental protection without knowing its consequences and even giving any solution for protecting and improving the environment. On the other hand, because of inadequate and incomprehensive awareness of economic

development associated with the environmental protection, so people need to have the right awareness and do right actions about environmental protection. If there is adequate investment and thorough implementation in raising awareness of the people about environmental protection, it will make a significant change in thinking and lifestyle of people, especially the farmer - the subject of the process of building new rural areas. From there, they will have a big change in action. Once everyone are self-aware of environmental protection, the effect is positive. This is a solution built on the basic principle of Marxism-Leninism, both as the subject and the product of society and this is conscious control of the relationship between man and environment.

4.5.3. Strengthening investment in development of science and technology in rural environmental protection

Science and technology play an important role in the development process. Especially for sustainable development, science and technology have gradually shown a useful role in the environment, friendly with the environment and contributing to protecting and improving the environment. Therefore, it is necessary to concentrate more investment on this activity by State's encouraging and rapidly deploying research topics and projects, and technology transfer in the treatment of environmental pollution and degradation in the process of building new rural areas. The State shall step up the application of information technology in environmental protection, build and expand cleaner production models, elaborate and organize the implementation of projects on promoting the transfer and application of environmental technologies.

In agriculture, it is necessary to apply cultivation techniques to minimize the use of plant protection chemicals and to comply with the technical requirements for the use of plant protection chemicals. Planconcentrated cattle-breeding farms far from residential areas and build concentrated slaughter systems in order to ensure environmental quality. It is necessary to manage the sources of waste from cattle and poultry farms. The destruction of livestock and poultry with epidemic diseases is complied with regulations about environmental sanitation. The government also needs to apply strict policies to prohibit the import of backward technology into Vietnam, so as not to let the country become the world's technology dumping ground. Do not build more factories to develop "chimney industry". On the other hand, actively promulgate policies to encourage the development of energy such as wind power, geothermal power, hydropower ... It is necessary to early develop and implement systems that regulate environmental technology standards for all types of businesses and for business in the field of environment.

In order to effectively exploit and use environmental science and technology, it is necessary to train sound and high-quality experts on environment to act as the core force for the practical implementation of environmental protection activities. . In particular, it is necessary to form a market for environmental science and technology and to build enterprises that provide environmental treatment technology and waste control on a regional and international scale.

4.5.4. Strengthening financial investment for rural environmental protection

Environmental protection is an extremely difficult task, requiring a lot of resources. One of the most important resources for this success requires a great deal of financial investment. Lack of financial resources, the task of environmental protection cannot soon bring high efficiency. In Vietnam, financial resources for environmental protection have been paid attention. From 2006 up to now, spending on environmental protection in Vietnam has reached 1% of total state budget expenditure. This level of expenditure has not met the requirements of reality and is much lower than other countries in the region. While the problem of pollution, environmental degradation in our country is more and higher than many countries in the region and the world.

In the coming years, Vietnam will spend up to 2% of state budget expenditure on environmental protection. However, due to the policy of Vietnam, state budget spending on environmental protection is a regular source of funds, so the funding from this source cannot be allocated to invest in thoroughly dealing with increasing environmental problems. Moreover, there are many shortcomings in environmental protection, especially for localities that have not really worked. Therefore, in the coming time, it is necessary to supplement the provisions of the law on financial revenues and expenditures for environmental protection to suit the reality, to ensure that the expenditures are right and sufficient, and the annual spending levels increase with the speed of economic development. Diversify the sources of investment in environmental protection and raise the efficiency of investment. At the same time, fully exploit ODA capital sources. Economically and effectively manage the investment capital sources for environmental protection, carry out concentrated and focused investment, and avoid spreading. There should be a mechanism to supervise the use of environmental protection funds for the right purpose. Quickly and effectively use tax revenues, environmental protection charges and fines for environmental protection violations for the purpose of environmental protection. Deposits of environmental protection must also be taken seriously.

V. CONCLUSION

In order to protect the rural environment, the Government of Vietnam has issued a system of legal documents on environmental protection and regulations on organization and operation of environmental management agencies. However, violations of the law on rural environmental protection in Vietnam are ongoing. One of the main causes of the violation of the law on rural environmental protection is the unsound and inadequate legal system of environmental protection while fine for violations of law in the field of environmental protection in rural areas is not strong enough to deter violators. Therefore, in the coming time, to protect the rural environment, the Government of Vietnam needs to develop, promulgate, supplement and finalize environmental legislation. In addition, in order to protect the environment in the most effective way, other than improving the legal system on environmental protection, Vietnam should implement some other solutions such as: socialize and develop public services in the environment protection, raise the awareness of environmental protection, increase investment in developing science and technology about environmental protection, as well as increase financial investment for environmental protection.

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