

## Assuring Environmental Equity Rights Of Human In Vietnam

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**ABSTRACT:-** *The development of productive forces, the incredible growth of science and technology has brought to human significant achievements on material life. On the other hand, it also reveals shortcomings like the increase in the gap between the rich and the poor, social inequality, pollution and environmental degradation... Regarding developing countries like Vietnam, the fulfilment of economic-social activities, increase in using material, energy leads to the increase in environmental pollution, inequality in sharing benefits of resources and environment. The author claims human rights and frugal solutions in order to assure environmental equity rights of human in Vietnam today.*

**Keywords:** assuring environmental equity, rights of human, Vietnam

### I. INTRODUCTION

Today, countries all over the world are ceaselessly looking for ways to develop economy. The development of production that human being have reached based on science, technology has basically transformed agricultural production to modern industrial production, from the production with self-sufficient economy to commodity economy. The development of productive forces, the incredible growth of science and technology has brought to human significant achievements on material life. On the other hand, it also reveals shortcomings like the increase in the gap between the rich and the poor, social inequality, pollution and environmental degradation<sup>2</sup>... Regarding developing countries like Vietnam, the fulfilment of economic-social activities, increase in using material, energy leads to the increase in environmental pollution, inequality in sharing benefits of resources and environment. While natural environment is “an inorganic body”, a necessary condition for human being’s existence and development, today environment is seriously polluted due to overexploitation leading to the recession, and degradation and brutal destruction to the environment. Therefore, assuring the enjoyment good environmental conditions among members in the society is a theoretical problem and urgent practice.

#### 1. Contents of environmental equity rights

The essence of environmental equity is the equality of the chance of enjoying environment as well as sharing the responsibility of each member in the society towards the risks from the environment; of the correspondence between rights and obligations of human being; approaching, enjoying conditions, interests from the living environment. To assure the equity of environment of human being, it is compulsory to implement two contents: Rights and obligations, responsibilities of the individuals, organizations and State to the environment. It is based on human rights, recognized and protected, it is both historical and natural in order to assure core values of environmental equity. Although environmental equity is natural, objective demands and benefits of human being, it was not recognized in the first place. It was discussed, supplemented on the base of interpretations of researchers, international environmental organizations, governments of countries participating in the international environmental conferences.

In 1992, in Rio de Janeiro (Brazil), United Nations Conference on Environment and Development (UNCED) declared that human being had rights to live a helpful and healthy life, which harmonizes with nature

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<sup>2</sup> Truong Thi Thanh Quy (2017), Solutions to improve and protect the natural environment in Vietnam today, Journal of Human Studies, No. 4, p. 69.

and regulation that nations all over the world need to co-operate to prevent an activity leading to serious environmental degradation, or affection to human's wellbeing from being moved, transferred to any nation. At the same time, the Conference drew a petition on the connection between human rights and environment protection and claimed that the environmental problems needed solving in a best way with the participation of all related parties, at an appropriate level<sup>3</sup>. So, these petitions and regulations emphasized the environment protection based on assuring human rights on environment, therefore, it can be seen that this was included in the content of respecting and assuring the environmental equity in assuring environmental benefits of related parties. Besides, *Rio Declaration* recognized the rights of being informed, participating and surmounting the consequences when there is environmental incident, simultaneously considered this is a prerequisite, important condition to reach the environmental equity, heading to sustainable development. The community participation was also emphasized in the *Agenda 21* (ratified at *Rio Conference*) which affirmed that individuals, groups and organizations must have rights of receiving information related to environmental, operation mechanism of Central and local authorities, including information on products and activities which affect or may affect the environment, information on environmental protection methods. This agenda also appealed to nations all over the world to build administrative methods in order to surmount currently incoherent legal regulations to restrict activities harming the environment and to surmount, compensate environmental damage caused by those activities: encourage the governments of nations to build mechanisms of directly exchanging information between the government and citizens about environmental issues so that the citizens can judge environmental impacts most effectively. *The Agenda 21* drew new contents of environmental equity.

- a) Require nations to apply different methods in the regulation on protecting the environment to reach sustainable developing targets.
- b) Systems of national regulations on protecting the environment need to combine with preventive rules.
- c) The rule that individuals, groups, organizations causing pollution must compensate environmental damages.
- d) Draw new tools of protecting the environment, such as evaluating impacts on the environment, economic management tool in managing the environment in order to protect the environment.

With these above contents of environmental equity, *the Agenda 21* emphasized the assurance of environmental benefits, demands of each individual appropriately and equally.

In fact, human rights on the environment, environmental equity of human always go with civil, political, economic, social and cultural rights, self-determination ... These rights are described in the content of *Universal Declaration of Human Rights 1848*; *International Convention on Civil and Political Rights (ICCPR)* and *International Convention on Economic, Social and Cultural Rights 1966 (ICESCR)*. Rights on participating politics, associations, or libertarianism ... allow the individuals, groups being threatened by risks of environmental recession, pollution, and damage to express their voice. ICESCR does not only provide legal and moral framework of protecting the environment, but also draws important contents of environmental equity related to health demand, benefit of each individual like being managed and benefited from natural resources, demand of individuals and families for having minimum life on foods, healthcare, education... All of those demands and benefits are related tightly to environmental conditions. In 1998, *Convention on accessing information, participation of the community in deciding and legally approaching environmental issues* (Aarhus Covenant), in the 4<sup>th</sup> Ministerial Conference on "Environment for Europe" held in Denmark, signed by 39 countries and European Community. The target of the Covenant is "to take part in protecting rights for human of present and future generations so that they live in appropriate environment for their health and welfare"<sup>4</sup>.

#### ***Rights of living in safe, fresh environment***

To assure the equality among members in society on enjoying resources and living conditions, it is required that each person in this community needs to live in safe, fresh environment. Accordingly, "the safe, fresh environment that human have rights to enjoy is the natural environment around human, the living place, workplace, entertainment sites... including: landscape, air, water... The safe, fresh environment is the air, land, water environment which is not polluted, exhausted and it can assure life on earth for present and future generations; the environment must be protected to restrict and reduce sudden and destructive outbreak of disasters such as sea level rise, hurricanes, tsunami, unusual phenomenon of Ozone layer or geological activities"<sup>5</sup>. This content is affirmed the first time at Article 43, 2013 Constitution of Vietnam, according to this, everyone has rights to live in fresh environment and obligations to protect the environment.

<sup>3</sup> See: [www.nature.org.vn/vn/tai-lieu/luatmt2013/l.Rio\\_1992\\_and\\_Vietnam.pdf](http://www.nature.org.vn/vn/tai-lieu/luatmt2013/l.Rio_1992_and_Vietnam.pdf)

<sup>4</sup> See: <https://www.thienhien.net/2008/05/01/quyen-tiep-can-thong-tin-moi-truong-cua-cong-dong>

<sup>5</sup>. Doan Hong Nhung (2015), Human rights in the field of environmental resources with the issue of sustainable development in Vietnam, Justice Publishing House, Hanoi, page 59.

In other words, environmental equity assures individuals, community to live in unpolluted environment, good for health with standardized atmosphere and to enjoy and utilize land, water resources for basic demands in life. This means State plays an important role in managing resources and environment exploitation, utilization activities, and in protecting, preserving and improving the environment effectively; State needs to have necessary method to the allowed extent of available resources, developing abilities, qualifications to implement human rights on environment. According to WHO, in 2016, Vietnam have 60,000 people dying of cardiopathy, lung cancer, chronic obstructive pulmonary disease, pneumonia – diseases related to air pollution<sup>6</sup>. Otherwise, solid waste, industrial waste, medical waste and residential waste have been polluting the environment seriously in different areas. Therefore, it is compulsory to raise the cognition of Vietnamese citizens about rights to live in safe, fresh environment, as well as obligations to conserve their living environment.

### ***Rights of accessing environmental information***

Environmental problems and environmental condition enjoyment would be solved in the best way when each of citizen has rights to access information related to the environment: information on document and activities harmful to the environment. Each nation needs to facilitate citizen to access administrative documents, laws related to the environment: the information of products and manufacturing activities of any enterprise or corporation which may affect the environment negatively; the information on method of protecting the environment that appropriate authorities draw to minimize risks caused by those impacts. The rights of accessing environmental information is considered as the condition to create the environmental equity when citizens related to environmental issues take part in.

Information that citizens have rights to access: specific information on environmental status, factors affecting environmental status, health status and living conditions of human; cultural area, buildings affected by impacts which change environmental status... This is the rights of citizen as well as the obligation of State agencies in providing information to each citizen<sup>7</sup>. The rights of accessing information in general and environmental information in particular is the basic rights of citizens, it has an important meaning in managing state in order to head to the environmental equity and facilitate the access to other basic rights on economy, politics, culture, society.

In other words, the rights of accessing the information has function of preventing behaviors encroaching the environment as a mechanism, it does not only surmount environmental problems when it occur, but also has function of preventing behaviors encroaching the environment, helping individuals, community and organizations acknowledge that the environment they are living in may be, is being or will be threatened and it is compulsory to have protective or surmounting plan when they have adequate information on the environment. In Vietnam, rights of acknowledging information on environment of citizen is recognized in 2014 *Law on environment protection*, 2016 *Law on accessing information*. Accordingly, based on the rights of acknowledging information on environment, citizen can protect their legal environmental rights and benefits as well as implement rights of consulting, supervising, reclaiming, reporting related to environmental threat. According to these above laws, citizen can access environmental information only in two ways: The first one is provided by State, manufacturing, business subjects (however, this information is limited); the second one is provided as the community representatives ask state agencies, manufacturing, business establishments (individuals in community have no rights to ask directly, but via community representatives). Therefore, this regulation restricts the right of being informed of the citizen, resident community. 2016 *Law on accessing information* of Vietnam have some regulations restrict the rights of being informed about the environment of resident community (Article 6 of this Law appoints some information that citizens are not allowed to access; Article 28 appoints some cases of denying informing if the requested information affects the operation of State agencies)<sup>8</sup>.

### ***Rights of taking part in deciding environmental issues:***

Rights of taking part in deciding environmental issues includes: rights of taking part in making decisions on some activities (evaluating strategic environment or evaluating environmental impacts, developing projects, plans related to the environment...); “rights of a citizen in accordance with law which is able to

<sup>6</sup>. See: [https://www.wpo.who.int/vietnam/mediacentre/releases/2018/air\\_pollution\\_vietnam/vi/](https://www.wpo.who.int/vietnam/mediacentre/releases/2018/air_pollution_vietnam/vi/)

<sup>7</sup>. Dao Thi Minh Huong (2012), Some basic issues of human rights with the environment and conditions to ensure enforcement in Vietnam for the period of 2011-2020 for human development. Ministerial-level scientific research topic, Institute of Human Studies, Vietnam Academy of Social Sciences, Hanoi, p. 39

<sup>8</sup>. See: <http://vea.gov.vn/vn/truyenthong/tapchimt/nctd42009/Pages/Thuc-trang-chinh-sach-phap-luat-ve-su-tham-gia-cua-cong-dong-dan-cu-trong-bao-ve-moi-truong-o-Viet-Nam-hien-nay.aspx>

influence the process of making decision, operating and supervising environmental protection activities”<sup>9</sup>. Taking part in deciding environmental issues is the rights of every member in the society (as well as the obligation), individuals, households, organization and state agencies. Assuring the wide, positive participation of all sections in activities related to the environment is the act of assuring benefits, demands of each member in the society and representing the rights of environmental equity while any member plays a specific role in enjoying and protecting the environment. It is represented in different activities and forms:

1/ Rights of acknowledging, sending request and petition regarding decisions related to the environment.  
2/ Decisions of state agencies related to the environment needs directly asking for citizen’s opinions through conversation, Q&A, interview on environmental policies, at the same time, these decisions need consultancy from environmental experts or their participation, inspection, supervision about environmental policies as well as the implementation of those policies.

Otherwise, authority and appropriate authorities need to support citizens in order to enable them to organize in autonomous form or take part in activities in environment field. Therefore, publishing the information and citizen’s being informed about the environment leads them to take positive part in the process of making decision on the environment in order to assure the objectivity, transparency, equality through different ways of individual, resident group and social community. Accordingly, every citizen needs to acknowledge regulations, policies, administrative procedures, economic-social developing strategy in local areas, plans of using land, using water, controlling air quality...Individuals, resident groups getting environmental benefits directly relevant need asking opinions to distribute to activities of constructing, developing infrastructure, manufacturing which affect the environment. They should be consulted about drafts of appropriate authorities, track and inspect activities of those authorities, take part in implementing resolution, solve reclaims on using environmental funds and activities in order to assure transparency and equity. The citizen’s rights regarding environmental issues is implemented in the international legal extent and each country’s laws in order to create mechanism for that participation, enable the citizen to implement rights of tracking, supervising, implementing about the environment of relevant individuals, agencies, organizations; thence, organize the implementation of regulation of law on the citizen’s participation in activities of protecting demand, enjoyment of environmental conditions...Operation of appropriate authorities is held in rules of transparency, obligations to internalize, explain and respond to opinions of organizations, individuals on the environment in order to assure comprehensively the participation of citizen in the process of planning, operating projects, laws, policies... related to the environment, forming legal basis for regulations, procedure instruction, methods, procedures, rights and obligations of citizen, workers, organization on environmental policies<sup>10</sup>.

## II. OBLIGATIONS OF THE STATE, ENTERPRISES AND CITIZENS OF ASSURING THE RIGHTS OF ENVIRONMENTAL EQUITY OF HUMAN IN VIETNAM.

### *Responsibility of State*

The development of countries shows that the more market economy develops, the more pressure it influences the environment, this increases environmental recession and pollution. This pressure does not only come from promoting industrial, agricultural development, activities of exploring natural resources, minerals, but also come from population increase. Besides, the inefficiency of prevention, environment pollution control measures of governments is subjective reason leading to the increase in environment pollution status. In other words, environmental equity would not be assured in degraded and polluted environment, the contents of environmental equity are associated with the existence and development of human, the development of the society and human’s civilization. Therefore, the governments have important roles and responsibilities to assure the enjoyment of environmental benefit for the citizens. This is described in the contents like: Respecting, protecting and implementing the rights on environment of human through policies, measures to assure the environmental equity.

Firstly, States need to assure the rights of enjoyment of environmental demands, benefits, and rights of living in fresh environment of every member in the society; assure that no individual, resident group would be restricted, denied the access and enjoyment of fresh and healthy environment...

Secondly, States assure the environmental equity of every citizen. The basic function of State is to protect every member in the society, especially vulnerable, marginalized ones who have no ability to survive against the impacts of natural disasters like calamities, epidemic and environmental crisis... On the other hand, State needs to have measures of controlling the manufacture and business of individuals, household, enterprises in order to restrict bad effects to the environment and treating measures when environmental incidents occur.

<sup>9</sup> Nguyen Duc Thuy (chu bien) (2012), Access to human rights in environmental protection in Vietnam, IUCN Viet Nam, Ha Noi, p.104.

<sup>10</sup> See: Nguyen Thi Lan Huong (2009), Environmental responsibility - An aspect of social responsibility. Journal of philosophy, N09,p32-36.

Thirdly, States need to show their responsibilities through positive activities which implement the environmental rights of human by: promulgating policies, administrative regulations and laws, using national budget in preserving the environment; building strategies to resolve the environmental degradation, pollution affecting the survival and development of human, in which, it is needed to focus on vulnerable and marginalized subjects in the society.

To assure the environmental equity, States need to have general, comprehensive and long-term view, not only on social-economic development plan, but also on forming policies; apply management methods in the direction of approaching to advanced methods, models, standards, promote the application of scientific and technological advances in managing resources and protection the environment; promote to use economic rules, quickly complete market mechanism and administrative in assuring the environmental equity; share environmental benefits to the citizens and broaden the implementation and operation of the service of ecological support, implement measures of supporting means of living to the citizen when the environment changes; broaden and strengthen ways of generalizing knowledge, providing information, data related to environmental status on mass media, have positive mechanism enabling citizen to access environmental information, in order to allow them to take part in evaluating environmental impacts of activities related to the environment, facilitate the citizen to access to judicature in resolving the compensation of environmental damage.

#### *Responsibility of Enterprise*

In condition of developing market economy today, manufacture and business activities of enterprises have the strongest impact to the environment. The environmental responsibility of the enterprises is to connect to the community, scientists in order to promote, develop and apply clean technology like renewable energy, green technology and support citizens to transform means of living into environment-friendly means of production. On the other hand, enterprises need to share technological and technical capital of environment to community towards different beneficiary subjects, especially vulnerable and marginalized group to environmental changes. Industrial zones must have centralized, regularized waste processing system; would be fined, prosecuted if enterprises, industrial zones break the environmental laws. Industrial enterprises have responsibility to apply new, clean technology which economize materials, fuel in manufacturing and processing waste to control pollution from industrial sewage and emission.

In assuring the environmental equity, it is required that enterprises must have responsibility towards production and business activities through behaviors like controlling pollution, processing, recycling sewages, economizing resources, sharing environmental benefits, demands to community in their operation extent, field and ability. Otherwise, if complying with environmental laws, enterprises themselves get benefit when they are recognized by the society, their products are prestigious and trusted by the citizen; this makes their production, business activities more advantageous.

#### *Responsibility of the citizen*

In condition of developing market economy, citizens are not only the subject of economic, social, cultural activities, but also are the subject of enjoying the environmental benefits, demands. They do not only have environmental rights, but also have responsibilities of civil control on environmental pollution problems, promoting social supervision to environmental protection activities. Environment protection is the condition to assure the environmental equity. That means assuring conditions to implement their environmental benefits, demands. Individuals and community can expand models like community of environment protection, natural resources self-management, as well as share environmental benefits to other people by sharing experience, ways to do, clean and clear technology in production activity, especially towards agriculture.

On the other hand, the citizens need to change their behaviors and comportment if those behaviors encroach the environment or other's environmental benefits, demands. Their behaviors may be unintentional, because they are not conscious of potential harm to the environment. Therefore, changing recognition and behavior of the citizen is to restrict negative impacts on the environment, which has important meaning to preservation of fresh living environment for themselves.

### III. CONCLUSION

In condition of developing market economy today, contents of the environmental equity are represented in tight relationship between human rights on the environment and environmental responsibility of each individual, group of people, enterprises and state. Assuring human rights on the environment like rights of having safe, fresh environment, rights of accessing information and participating in environmental protection activities is the legal basis to assure every member in the society to have ability of enjoying environmental condition equally. However, these above contents are only implemented when every member in the society, from individuals to resident group, enterprises, state fulfil their responsibilities and obligations.

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