
A LARGE SCALE SURVEY USING ENVIRONMENTAL INSPECTIONS TO ASSESS AND ENFORCE THE IMPLEMENTATION OF THE LAW ON ENVIRONMENTAL PROTECTION IN VIETNAM, 1997

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SUMMARY

The Ministry of Science, Technology and Environment arranged for the first time a large-scale environmental inspection of enterprises in Vietnam during 1997. The purpose was to investigate the nationwide implementation of the Law on Environmental Protection. The number of enterprises investigated was more than 9000 and it was found that approximately 50% of the investigated enterprises violated the Law on Environmental Protection. The inspectors issued administrative fines and warnings to the enterprises violating the law. Fines for 120.000 USD were issued and 114 enterprises were asked to halt their activities. The inspection activity has been very successful and increased public awareness as well as provided very useful information for future work on environmental inspections.

1 BACKGROUND

There have been some positive changes in the awareness, attitude and behavior of individuals, and organizations in observing the Law on Environmental Protection after it has been implemented over the past three years. However there remain a number of problems and serious violations of the Law on Environmental Protection throughout the country, causing a serious threat to the environment and for the sustainable development of various branches in all localities nationwide.

To implement the resolution of the 2nd plenum of the Party Central Committee, the 8th Legislature, the Ministry of Science, Technology and Environment (MOSTE) has been focusing on conducting surveys and inspection of the management by the State and ministries and especially of the implementation of the law on environmental protection. The Ministry decided to conduct a large-scale inspection of environmental protection throughout the country from June to November 1997.

This is the first large-scale inspection conducted by MOSTE to raise awareness about obligation of all individuals and organizations to protect the environment in their process of exploiting and using environmental resources. This inspection is also to timely discover and apply administrative fines to stop and prevent possible acts in violation of the law on environmental protection. The inspection also helped to make an assessment of the current environmental situation at production establishments, businesses, and services nation wide in order to help policy makers work out feasible and appropriate measures and policies on environmental

protection. Besides, this also helped contribute to finalizing legal documents on environmental protection, while exerting the responsibilities of all levels involved in state management of environmental protection and increase the effectiveness of inspection activities on environmental protection.

Targets of this inspection were identified with specific purposes, focusing on establishments which failed to prepare a report on Environment Impact Assessment or that failed to meet the requirements established as conditions on the decision to approve reports submitted on the Environment Impact Assessment. These included enterprises that need to invest in settlement of environment problems and which are causing serious pollution or who have been accused many times for damaging the environment.

Despite numerous difficulties in both human and financial resources, members of MOSTE and Departments for Science, Technology and Environment (DOSTE) of 61 provinces and cities, the large-scale investigation on environmental protection has achieved its basic goals even beyond its expectations. All parties involved have closely cooperated with the concerned ministries and agencies, local administrations at all levels and with local people's support. Following is the report on the results of the inspection.

2 DEVELOPMENTS OF THE PROCESS TO CARRY OUT THE LARGE-SCALE INSPECTION ON ENVIRONMENTAL PROTECTION

2.1 Legal and personnel preparations

Thorough and diversified preparations were made for the implementation of the large-scale investigation on environmental protection.

To create the legal framework for the Inspection, on May 6, 1997, the Minister for MOSTE issued an Instruction No. 513/VP on the implementation of the large-scale investigation on environmental protection. This Instruction has become a legal foundation and an order for all State Investigation Organizations on environmental protection to carry out the investigation nationwide. Having reviewed the report on the investigation by the MOSTE, the Government Prime Minister has also instructed MOSTE to carry out regular inspections on environmental protection.

According to a plan approved by MOSTE, in May 1997 and the first half of June 1997, the National Environment Agency and inspectors from the ministry organized three training courses on environmental inspection knowledge and skills for over 350 staff who will later on carry out the inspection. Trainees were inspectors, personnel involved in environmental protection from DOSTE and some inspectors and managers of different divisions and branches concerned.

MOSTE sent a letter to the Provincial People's Committees, Cities and to Ministries and Agencies concerned asking for their cooperation in implementing the inspection.

The State Inspectorate also sent an instruction with guidelines for inspecting Agencies affiliated with the State Inspectorates asking them to cooperate with the inspection team on environmental protection and also appoint staff to join the inspection team of MOSTE.

Other ministries such as defense, public health, industry have wholly supported and closely cooperated with MOSTE in implementing the inspection. The Ministry of Defense organized a training course on Decree 26/CP with stipulations on administrative punishment on environmental protection for National Defense Inspectors. They also established inspection teams to carry out environmental protection inspections at a number of establishments affiliated

with the Ministry of Defense and at the same time cooperated with MOSTE to set up an inter-ministerial inspection team to carry out inspections at establishments under its control. As a result, the inspection teams of MOSTE, and DOSTE had no difficulties in inspecting environmental protection situations in all establishments run under the Ministry of Defense thanks to the support from leaders of these units.

Almost all of the Provincial People's Committees and Cities had prepared instructions for various branches asking them to carry out the large-scale investigation on environmental protection and asked the production and business establishments to strictly observe the Law on Environmental Protection. The People's Committees also issued decisions to establish inspection teams to conduct inspections in provinces and Cities and to be prepared to coordinate with inspection teams at ministerial level.

The direct instruction from the Government, the close cooperation between State inspectors, and among ministries and localities reflect consistent guidance, an important condition to ensure the inspections would be a success.

2.2 The establishment of a Steering Committee at MOSTE and inspection teams

MOSTE established a steering committee for the inspections with 7 members. The Director General of the National Environment Agency headed the Steering Committee. Its Headquarters was at the Environment Inspection Division at the National Environmental Agency of MOSTE.

The Steering Committee's responsibilities were to provide guidance and coordinate and monitor every activity during the investigation while organizing monthly meetings for timely settlement of any problems which might arise and help localities to solve their problems. The Steering Committee organized 4 investigation teams to supervise the implementation of the Instruction 513/VP in 8 provinces including Ha Tay, Thai Binh, Nghe An, Ha Tinh, Lam Dong, Ba Ria-Vung Tau, Tra Vinh and Long An. The Steering Committee also sent 7 notes to the Departments of Science, Technology and Environment and to Inspection teams at ministerial levels to provide guidance and encourage them to fulfill the task on time. The Steering Committee was informed timely results of inspections in all localities and provided specific professional guidance and encouragement to all localities to fulfill their tasks while reminding those who failed to catch up with the inspection speed. This information helped localities to be aware of developments in other places, share experiences and readjust their plans to overcome their problems.

The Steering Committee also established 5 inspection teams at the ministerial level in order to assist the localities with inspection experience and human resources. Later on an additional ministerial inspection team was set up to meet requirements of the localities. Members of these ministerial inspection teams were inspectors and personnel involved in environmental protection at the Ministerial Inspection Board, Environmental Inspection Division and at the General Department for Standardization, Metrology and Quality Control.

On average, each province or city had two inspection teams to carry out the inspection of all the establishments in their localities. Members of the inspection teams were mainly from the Inspection Department of the Province or City, or from the Environment Management Division and other divisions from the Science Technology and Environment Departments.

2.3 Coordination of mass media agencies

Correspondents of television, radio and newspapers from the central to grass-roots level have been interested in the large-scale inspection on environmental protection. They have closely followed and issued timely reports on every step of the implementation of the project on television, radio, and major newspapers like Nhan Dan, Labor, New Hanoi, Vietnam Investment Review, People's Army, Young people, Youth and bulletins of Vietnamese News Agency and of MOSTE, the Environment Department and various local radios and televisions as well as newspaper. The coordination and support of the mass media have greatly encouraged the inspection teams and provided the public with information about the large-scale inspection. They focused on describing the positive impacts on the environment that will be the results from the inspection on those that are using or exploiting environment components. This helped them to be aware of their responsibility and rights in environmental protection. News about the inspection was also covered by overseas news agencies.

3 RESULTS OF THE INSPECTIONS ON A NATIONAL SCALE

3.1 Facts and figures

Implementing the large-scale inspection on environmental protection, inspectors of the Departments of Science, Technology and Environment, the MOSTE and from the Defense Ministry have obtained following results:

- a) Number of inspected establishments: 9384
This accounts for 138% of the initial figure (6800)
- b) Components of the inspected establishments are allocated as shown in figure 1. below.
- c) Number of establishments subjected to administrative fines for environment protection: 4390
This accounts for 47% of the total inspected establishments
Including: warning 2175 establishments
 administrative fine 2215 establishments
- d) Among the fined establishments, 58% are private enterprises.
- e) Areas of business by the inspected establishments:
 - Enterprises belonging to the paper industry, timber processing, sugar industry, confectionery manufacturing and other products from flour, mineral exploitation, food processing, hotels, restaurants and construction material manufacturing violated the Law on Environmental Protection in 60% of the cases.
 - Enterprises belonging to the textile, dying, aquaculture, chemicals and cement production violated the Law on Environmental Protection in between 40-60% of the cases

- f) Total sum from administrative fines: 1,56 billion VND (approx. 120.000 USD)
- g) Biggest fine: 15 million VND (1.200 USD)
- h) Lowest fine: 100,000 VND (8 USD)
- i) Recommendation that local administrations halt operation of 114 establishments

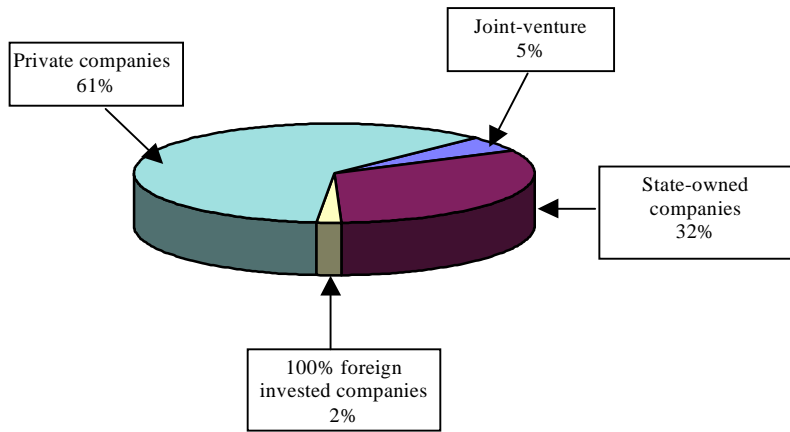


Figure 1 Components of Inspected Establishment

Other punishing measures: the establishments are required to stop violation of the environmental protection law and to make report on assessment of environment impact, establish waste treatment projects and abide by decisions of the decisions to appraise reports on assessment of environment impacts.

This large-scale inspection also gave the following results: raised awareness and changed the attitude of the public towards environmental protection and socio-economic issues, helped to settle environmental pollution and promoted the enforcement of the Law on Environmental protection.

3.2 Evaluation of the results of the large-scale environmental protection environmental investigation.

Comparing the above mentioned results with the targets set for the investigation we can draw the following conclusions:

- a) This is the first time State Management Agencies on environmental protection both at the central and local level conducted an investigation in a large number of establishments. Subjects of the investigation were very diversified and of different sizes. The outcomes from the investigation were a number of theoretical

and practical results in environmental management and protection activities. The large-scale investigation more than fulfilled its targets in terms of the number of sites inspected, subjects of the inspection and time.

- b) The inspection raised the awareness, changed the attitude and behavior of both establishments either subjected or not subjected to the inspection this time. This result was proven by the fact that the establishments have finalized a report on assessment of environmental impact and invested in installation and construction of waste treatment facilities. Among them were establishments which formerly did not observe the law on environmental protection. Many establishments in various localities have asked the State Agencies to provide them with guidelines and instructions on environmental protection. Many of them also prepared reports on Assessment of Environment Impact after being fined, before the time limits fixed by the inspection team.
- c) The inspection was carried out throughout the country. All the provinces and cities inspected a large number of production establishments and businesses operating in their localities. The reports from the inspection showed that almost all establishments operating either before or after the Law on Environmental Protection (taken in 1994) did not have any waste treatment facilities. Liquid and air wastes were only initially treated by mechanical way. Very few establishments have waste treatment facilities and most of them do not work properly. Most of the enterprises have signed contracts with the Urban Environment Company (URENCO) to collect solid waste and transfer to the city or provincial capital's dumping ground. There are no facilities for treating solid and hazardous waste. Many provinces and cities do not have a master-plan including treatment measures or dumping ground according to the stipulation of the Law on Environmental Protection, and the instruction 199/CT of the Government Prime Minister. The Inspections made timely discoveries and settled acts violating the Law on Environmental Protection. This greatly contributed to reductions in environmental pollution and at the same time prevented further acts in violations of the law by individuals and organizations.
- d) During the inspections, administrative fines against individuals and organizations for violating the Law on Environmental Protection were applied in the following way: In most cases they were given a warning and fined. In a few cases, the offenders were asked to stop the acts in violation of the law and observe stipulations of State management Agencies on environmental protection (within time limit). The effectiveness of the inspection was reflected in the implementation and coverage of all requirements and procedures by the inspection team. Many fined establishments strictly observed the decisions of the inspection teams. Those who were fined handed the money to the State Treasury. Thorough considerations were made to settle cases in which the fined establishments claimed that the fine was too strict. The settlements were strictly in line with the Law. According to the reports by 35 Departments of Science, Technology and Environment, the fined establishments had handed to the State Treasury 734 million dong, out of the 922 million dong fined.

All establishments are strictly implementing other requirements imposed by the inspection teams such as preparing a report on Environment Impact Assessment, investing in waste treatment facilities, prevention of environmental pollution. Necessary coercive measures are being applied to those who delayed the implementation of these decisions of the inspection teams.

As for those who cause serious pollution, the inspection teams asked the authorized agencies to halt their operations or forced them to move to other places. At present 74 out of 114 establishments were asked to halt operations by the inspection teams.

However, this is only the initial results. All localities are following up and applying necessary measures to require all these establishments to strictly observe the inspection teams decisions.

- e) The inspection was carried out in a large-scale, mobilizing most of the inspectors from the Departments of Science, Technology and Environment including a large number of staff of from other related branches. Through this activity, inspection teams from the central to the grass roots levels accumulated a lot of experience and knowledge in settling cases of violation of the Law on Environmental Protection more effectively. The inspection teams also gained experience and a better understanding of the establishments subjected to inspection.
- f) The inspection also facilitated the close coordination between branches and between the central and local levels and especially the coordination with the mass media. The investigation also helped to increase the role and influence of the environmental inspectors in society. Noteworthy is that through the inspection, over 9000 establishments and tens of thousands of people have been introduced to the Law on Environmental Protection by working with the inspection teams.
- g) Results of the large-scale inspection also gave a warning on the implementation of environmental protection regulations by production and business establishments, reflecting the disadvantages in State management of environmental protection. The inspection also proved that there are a number of problems that needs to be settled immediately. This includes the strengthening of state management apparatus on environmental protection, strengthening coordination among ministries, branches and local administrations, finalizing legal documents on environmental protection, while strengthening the capacity building for inspectors on environmental protection.

4 RECOMMENDATIONS

- a) The inspection proved the importance and essential role of inspection work. The Steering Committee recommended that managers at all level should pay more attention to inspection work on environmental management in their localities. Inspection should be considered a regular activity of the management process. Attention should be made to organize planned inspections at different places and within different sectors.

- b) To strengthen capacity building of state inspectors on environmental protection, actions should be taken including the recruitment of more staff, investment in new measuring equipment and allocation of funds for environmental inspection work at both the central and local level and organization of training courses for inspectors and those who are involved in environmental management.
- c) Policies on taxes, credit, and banking should be urgently formulated and issued to encourage investments on environmentally friendly technologies and to prevent the use of obsolete technologies which might cause environmental pollution. It is also necessary to have a clear financial system so that state owned enterprises can identify their fund allocation for environmental protection during their operations.
- d) It is necessary to reconsider, review legal documents on environmental protection to make amendments to the old ones in order to make them more relevant or to develop new laws or regulations, if necessary.
- e) The responsibility of state management on environmental protection needs to be strengthened for people's committees at district levels with a view to ensure strict observation of the Law on Environmental Protection.
- f) Appropriate and strict measures should be applied to halt the operation or move some establishments to other places to avoid severe environmental pollution in the most polluted areas.
- g) The implementation of decisions by inspection teams at all the establishments inspected by the large-scale inspection in 1997 needs followup monitoring and supervision of the implementation of the decisions by the inspection teams towards some big establishments. Strict fines should be applied to those who deliberately avoid implementing the requirements/ orders of inspection teams. Environmental protection agencies at all levels should be prepared to deal with " post inspection issues" such as appraising a large number of reports on Environment Impact Assessment, issue license on environmental protection and assist establishments to choose most the most appropriate solutions to minimize pollution.

The Steering Committee appreciated efforts of those who were involved in the inspection to fulfill all the targets set for by the Departments of Science, Technology and Environment. Their efforts made the inspection a success. The Committee highly appreciated the efforts of the 36 Departments of Science, Technology and Environment who completed their tasks brilliantly. The Departments are from Ho Chi Minh City, Ca Mau, Quang Nam, Kien Giang, Vinh Long, Bac Lieu, Tien Giang, Soc Trang, Binh Duong, Ben Tre, Dac Lac, Dong Thap, Tra Vinh, Gia Lai, Bac Ninh, Phu Yen, Long An, Tay Ninh, Lao Cai, Hanoi, Binh Phuoc, Hai Phong, Ninh Thuan, Lai Chau, Dong Nai, Thai Nguyen, Ha Nam, Thua Thien-Hue and Hoa Binh.

The Steering Committee recommended to the Minister of MOSTE to give awards to a number of Departments of Science, Technology and Environment for their outstanding efforts during the inspection. Some of them fulfilled the targets by 120% while carrying out the inspection on schedule and delivered the inspection report on time. The Departments are from Ho Chi Minh City, Ca Mau, Quang Ngai, Kien Giang, Vinh Long, Bac Lieu, Tien Giang, Soc Trang, Binh Duong, Ben Tre, Dac Lac, Dong Thap, Tra Vinh, Gia Lai, Bac Ninh, Phu Yen, Long An and some central agencies such as the Environment Department, Inspection boards of MOSTE and of the Defense Ministry and the Newspaper "Labor"

The Large-scale inspection on environmental protection in 1997 was the first of its kind involving State Agencies responsible for Environmental protection at all levels nationwide. The diversified results of the inspection will be analyzed and evaluated to learn lessons for the future. The Steering Committee is looking forward to more recommendations from various individuals and organizations who take part in the conference dealing with issues mentioned in the report.

After the conference to evaluate the inspection is held, the Steering Committee will sum up experiences drawn from the inspection activities, and suggestions from various ministries, branches, and localities. The evaluation report will be submitted to leaders of MOSTE so as to work out relevant orientations for follow-up activities for state management on environmental protection.

