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# ORGANIZING THE IMPLEMENTATION OF THE LAW ON URBAN ENVIRONMENTAL PROTECTION IN VIETNAM TODAY

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# INTRODUCTION

## 1. Implication of the dissertation

In the past, developing and finalizing the legal system and organizing the implementation of law effectively is an urgent requirement for our country, due to the impact of objective and subjective factors, especially the transition from a centrally planned economy to a socialist-oriented market economy, constructing a rule-of-law state and international integration. Over 30 years of implementing the renovation policy, the legal system of Vietnam has been basically built and completed. According to many national and international experts, many aspects of the Vietnamese legal system have become asymmetrical with the laws of many countries and international law, especially in the context Vietnam has gradually reformed its legal system to join the World Trade Organization (WTO). The implementation of Resolution No. 48 / NQ-TW on May 24th, 2005 of the Politburo Committee on the Strategy of building and improving the legal system of Vietnam until 2010 with orientation to 2020 achieved result and goal of "developing and completing the legal system in a uniform, unity, feasible, publicity and transparent manner".

However, the Vietnamese legal system is basically developed and finalized from the central to local level, the implementation of the law still has defects which reducing the practical effectiveness of the legal documents and becoming the deep concern of society. The situation of law violation, evasion of law, and legal abuse is taking place popularly in both society and state agencies, even in law protection agencies. Law has not been seriously implemented causes the decline of people's belief towards the rule of law, the system of state agencies, especially law enforcement agencies. Many laws have been promulgated, but not implemented or inadequately implemented, are a disturbing practice today. This also reflects the intersection between the development, improvement of law and law enforcement. Finding the real causes and solutions to this situation is really necessary in the current period.

Organizing the implementation of laws of state agencies has important and critical influences. In fact, there are cases which there are no involvement of state agencies, many of the laws are not implemented or implemented inadequately. Moreover, acts of law violation, evasion of law

enforcement by state agencies will cause serious consequences on the social level. On the other hand, improving the effectiveness of law enforcement by state agencies in particular will create a chain reaction which contributes to enhancing the quality of law enforcement in the whole system.

Environment has a special importance to lives, and economic, cultural and social development of nations and humanity. The process of globalization and international integration has a strong impact on the economic and social life of every country, and affected a lot to environment. Therefore, environmental protection has become an urgent problem in the world, including the protection of the urban environment.

Vietnam is entering the strongest urbanization period on both sides (scale and speed). In 2005, our urban's population is about 20 million people. It is forecasted that by 2020, the urban’s population will reach around 45 million people. Thus, our population will increase by 25 million people in 15 years. To achieve this goal, there are numbers of issues raised, in which environmental protection and the rational use of natural resources for the sustainable development of the urban system play an important role.

Urban environment is now under heavy pressure from the urbanization and expansion of urban administrative boundaries; urban population has increased rapidly due to the phenomenon of free migration and difficult to control people migrate from rural to urban areas. Rapid urbanization has had significant effects on the environment and natural resources, and ecological imbalances. Urban environment is also under pressure of the process of economic growth, industrialization, modernization, exploitation of natural resources, lack of synchronous planning, less attention to environmental protection in general and urban environment in particular.

Today, most countries in the world pay much attention to protecting the environment in general and protecting the urban environment in particular. However, environmental issues such as ecological imbalances, climate change, environmental incidents, urban pollution, etc. still occur, causing harm to people. There are many reasons leading to that situation, such as environmental consciousness of people is low, advanced scientific and technological achievements have not been applied effectively to environmental protection, especially the system of law on environmental protection is lack of synchronism and the implementation of environmental

law is ineffective. In particular, the main reason for this problem is due to weakness, inefficiency, lack of effective, appropriate and synchronous mechanism in implementing law on urban environmental protection.

The main subject of organizing the implementation of the law on urban environmental protection is urban administrations. This is a new issue in both theoretical and practical terms. The organizational structure and mode of operation of urban authorities also greatly affect the effectiveness of the implementation of the law on urban environmental protection.

For all above reasons, I chose the subject "Organization of implementing law on Urban Environmental Protection in Vietnam today" to research in this dissertation.

**2. Research objectives and study mission**

***2.1.* Research objectives**

The objectives of the dissertation are to study comprehensively and systematically on the implementation of the law on urban environmental protection; to assess the actual status of the implementation of the law on urban environmental protection, and to propose ideas and solutions to improve the effectiveness of the implementation of the law on urban environmental protection in Vietnam.

***2.2. Study mission***

The first, study mission is to clarify the basic theoretical issues on organizing the implementation of the law on urban environmental protection such as concept of urban environment, law on urban environmental protection, the implementation of the law on urban environmental protection, and its characteristics of organizations implementing the law of urban environmental protection; identify subject of the implementation of the law on urban environmental protection; and analysis content and factors affecting the effectiveness of organizing the implementation of the law on urban environmental protection.

The second, study mission is to analyze the current situation of the implementation of the law on urban environmental protection in Vietnam; to overview of urban, urban environment and the urban environmental protection law in Vietnam; to evaluate the actual situation of guiding the implementation of the law on urban environmental protection, the dissemination and education of the urban environmental protection law, the

actual situation of inspection, examination and handling of violations of law on urban environmental protection, the current state of the apparatus and the conditions for ensuring the implementation of the law on urban environmental protection, the actual situation of monitoring the implementation of the law on urban environmental protection and to identify the limitations and causes of restrictions in the implementation of the law of environmental protection in our country today.

The last, study mission is to propose directions and solutions to improve the effectiveness of the implementation of the law on urban environmental protection in Vietnam today.

**3. Subject and Scope of the Research**

Research subject:

The dissertation focuses on studying theoretical and practical issues of organizing the implementation of the law on urban environmental protection in Vietnam by agencies in executive apparatus.

Research scope:

The dissertation primarily focuses on the implementation of the law on urban environmental protection by agencies in executive branch, specifically the Government, People's Councils, People's Committees and specialized agencies in urban areas.

Research period: The dissertation studies the organization of implementating the law on urban environmental protection in Vietnamese cities since 2005 (from the year of enactment of 2005 Law on Protection of the Environment).

**4. Research Methodology**

The dissertation is based on the methodology of Marxist-Leninism, Ho Chi Minh's Ideology on the state and law, and the Party's and State's lines on the rule of law and Sustainable urban development.

In order to solve the specific missions proposed by the dissertation, it is necessary to study the dissertation on the basis of combination use of different research methods such as analytical methods, synthesis, and comparison and especially survey and sociological investigation.

The method of synthesis, analysis and comparision is mainly used to study issues in Chapter 1 and Chapter 2 of the dissertation. By collecting documents, comparing and synthesizing different views and opinions on the

organization of implementing law on urban environmental protection, the dissertation is initially develop the theory on the organization of implementating law in general, and law on urban environmental protection in particular.

Analytical method is mainly used to clarify the issues in Chapter 3 of the dissertation with the aim to analyze and evaluate the actual implementation of law on urban environmental protection. The issue of urban environmental protection law and the implementation of the law on urban environmental protection are quite new in terms of both theory and practice. Therefor, almost in the secondary reporting data this issue is rarely mentioned, if so, only mentioned in the general environmental protection reports in general and law enforcement organization in general. The issue of urban environmental protection, and urban government are also a new issue, so reporte and data storage are also beginning to be interested. Therefore, in order to stakle the limitations in the secondary reporting datas, the dissertation was also use the sociological survey method on the basis of survey forms for the entire urban system in the Northen provinces. The questionnaire forms were designed to access on two types of subjects. The first one is to the agency and the person competent to organize the implementation of the law on urban environmental protection, and the other one is to the urban citizen.

Chapter 4 of the dissertation was used the method of interpretation and inductive to look for directions and solutions to improve the efficiency of implementing law on urban environmental protection which are suitable with the direction of building the rule of law state and sustainable urban development.

**5. Research's contribution to legal sience**

On the basis of selective inheritance of previous research results on legal implementation, together with independent and serious research, the dissertation has given new contributions as follows:

Firstly, the dissertation has initially set up a number of theoretical issues on the organization of implementating law on environmental protection in urban areas, including urban environmental issues, law on urban environmental protection, law enforcement in general and implementation of law on urban environmental protection in particular; characteristics of the organization of

implementing law on urban environmental protection; responsibility of the subjects in organizing the implementation of the law on urban environmental protection, especially the role of urban administrations; contents and forms of the implementation law on urban environmental protection and factors affecting the effectiveness of this issue.

Secondly, the dissertation has also presented some international experiences in organizing the implementation of the law on urban environmental protection in accordance with the context of Vietnam today.

Thirdly, the dissertation has evaluated comprehensively and systematically the implementation of the law on urban environmental protection in Vietnam, as well as pointed out the limitations and causes of limitations of this activity.

Lastly, the dissertation has set out orientations and proposed solutions to improve the effectiveness of this activity in terms of awareness, the legal system, the subject of implementation and the specific contents and processes.

**6. Structure of the dissertation**

In addition to the introduction, conclusion, references, the content of the dissertation consists of 4 chapters:

Chapter 1: Overview of studies related to research topic

Chapter 2: Theoretical issues on organizing the implementation of the law on urban environmental protection

Chapter 3: Current situation of implementing the law on urban environmental protection in Vietnam

Chapter 4: Directions and solutions to improve the effectiveness of the implementation of the law on urban environmental protection in Vietnam today.

# Chapter 1
# OVERVIEW OF STUDIES RELATED TO RESEARCH TOPIC

In this chapter, the dissertation systematically presents domestic and foreign researches on issues related to the research topic as follow:

The first, studies on environment, urban environment and the law on urban environmental protection.

The second, studies related to the implementation of the law on urban environmental protection in Vietnam. In this section, the researchs are divided into two groups:

First of all, the research work involved organizing the implementation of the law in general.

Secondly, research works related to the implementation of the law on urban environmental protection in Vietnam.

Through systematic study of the above problem groups and the arrangement of logical studies such as: books, thesis, dissertations, scientific research papers, journal articles, etc. The dissertation has evaluated the results of researches and issues that need to further study in the dissertation.

Evaluating the results of researches which relating to the implementation of the law on urban environmental protection in Vietnam today.

From the results of the above surveyed researchs, some valuable remarks and evaluations for the dissertation are as follows:

Firstly, although studies in Vietnam relating to the topic of legal implementation, have not mentioned aspects and individual elements of law enforcement organization, they have not been mentioned an overall research on the organization of implementing law, especially the implementation of the law on urban environmental protection.

The current studies do not address the basic requirements for improving the effectiveness of the implementation of the law on urban environmental protection in the context of building a socialist rule-of-law State in Viet Nam, sustainable urban development and international economic integration in Vietnam. At the same time, these requirements require fundamental changes in law enforcement and organization in our country in the coming time. Researching and clarifying these requirements are also an important task of legal science.

The implication of such concepts as "law enforcement" and "effectiveness of the organization of law enforcement" is not much clear and well understood. This inevitably leads to the recognition and appreciation the role and function of organizing the law implementation in general is not unity in life, academic research, policymaking, and social management. In particular, these concepts closely connected with are linked to the functions

and missions of the Government in ensuring law enforcement throughout the country.

Since the Constitution of 2013, there have been quite radical changes in the legal system, the state organizational apparatus, especially the regulation of local government as on urban, as well as in the economic-social life of the country. There is no comprehensive survey or study on the current situation of law enforcement in the essential areas of social life, in which lawbreaking has become a hot issue. Therefore, study to find the causes and solutions to this situation has become urgently.

Secondly, the regulations of the law on urban environmental protection are not really suitable to the object of regulation. The provisions of Chapter VI "Urban environmental protection of urban and residential areas" in the Law on Environmental Protection 2014 do not understand properly, comprehensively and basically explain the concept of urban environment. Thus, we have a tendancy to make enumerated, metaphysical regulations of urban environmental law, we do not see this is a complex and sensitive issue.

In fact, according to an ecological point of view, an urban is an ecosystem, which means that there is input and outputs. Urban input and output are always balanced by the balance of ecosystems. However, that balance is always in the process of development and change, so the urban ecosystem is called the dynamic balance ecosystem. Moreover, urban ecology is considered to be the natural environment and cultural and social context that people build for themselves in urban areas. Therefor, urban is considered the highest manifestation of the human social and economic development, which is also a very complex entity. Since then, urban ecosystems are characterized by two types of control mechanism: natural and social one, in which the social mechanism gradually dominates. The limits of urban morphology will determine the scope of human mobility in urban ecosystem.

Different from other natural ecosystems, beside the basic components are biotic and infertile, urban ecosystem also has a third component that is a technological component. Technological component plays a decisive role and influence the flow of energy through the ecosystem.

With such an adjustment approach, it is necessary to study systematically about the law on urban environmental protection. Since the

urban environment is the dynamic balance ecosystem, the law also needs to be expected to move in line with the ongoing development of the urban. It means that law on urban environmental protection is always in a dynamic state, which will affect the method of law making. Law must be flexible and avoiding the use of enumeration methods, output management. The specific regulations must depend on input and out put or in other words depend on the size of the city. Because of the different scales, there are different criterias for ensuring balance. Assign strong authority to urban authorities to increase autonomy and suitability.

Urban environmental protection law also cover many other areas, especially planning, construction, master plan for land development, population size, role of science and technology, etc. which are concerned with many subjects. Urban environmental protection law is considered a living body, which required a general impact. If we do not aware of this relationship, the implementation of the law on urban environmental protection will be ineffective.

Thirdly, some researches on the implementation of law are diverse in many different fields, but in-depth study of law enforcement is still limit and in the form of small articles, which are not systematic and approach is on the first place. Comparision with law making, the organization of implementating law has not been properly respected. So on both theoretical and practical aspects, the organization of law implementation should be invested more adequately in the context of building a socialist rule-of-law state.

Fourthly, there is no scientific research on the implementation of urban law. The particularity of the city has been scientifically demonstrated, therefore the organization of urban government is also need to have a particularity. Studies have been clarified and realized this issue in the Local Government Act in the Constitution 1992, which was revised in 2013. However, the particularity of urban leads to the particularity of the urban environment, law on urban environmental protection, and peculiarities of urban government. These characteristics will determine the difference in the stage of implementation of urban law. In urban of Vietnam, urban government is a new topic, so the issues such as the implementation of urban

law in general and law on urban environmental protection have not been researched satisfactorily.

***Issues that need to be researched***

Based on the selective inheritance and promotion of research results of the surveyed researches, I myself find that ther are some following issues to be further studied:

The first, in theoretical aspect, the dissertation needs to continue to study the following fundamental issues:

- Studying a systematic, comprehensive concept of law on urban environmental protection and developing new concepts of urban environmental protection law which are suitable with the concept of urban environment. Clarifying the characteristics of urban environmental protection law, specific characteristics of urban environmental protection law with the perspective that urban environment is a dynamic balance ecosystem. The dissertation must also clarify the characteristics of the object of regulation, characteristics, content and form of law on urban environmental protection.

- Based on the inheritance of scientific researches on law implementation, as well as on the basis of practical issues, the dissertation has concentrated to build a new concept of implementing law on urban environmental protection. The dissertation should also clarify purpose, subject, field and characteristics of the implementation of the law on urban environmental protection, as well as requirements and factors to ensure the implementation of this activity. From those bases, the dissertation focuses on deepening the implementation, and emphasizing the role of the executive branch, with the particular subjects are the state and state agencies with two main forms are the implementation and application of law.

- The dissertation also has the task of further studying the implementation of environmental protection law in urban areas in Vietnam. In order to solve this problem, the dissertation focuses on studying the particularities of urban and urban environment as well as the need to protect the environment in urban areas. On that basis, the research addressed the basic theoretical issues in the organization of implementating the concept, characteristics, form and process of law on environmental protection in urban areas. The dissertation also outlined the concepts of effectiveness and efficiency criterias in implementing law enforcement.

The second, in practical aspect, the dissertation focuses on the following issues:

It is necessary to have an objective, comprehensive and systematic analysis and assessment of the current situation of the implementation of environmental protection law in urban areas in Vietnam, thereby proposing views and solutions to improving, the organization of implementating law on urban environmental protection law in urban centers in Vietnam.

***Research questions and scientific hypotheses***

***Research questions***

From the analysis of the research-related overview, the author identifies the four main research questions that need to be answered, corresponding to the four chapters of the research:

Research question 1: Which scientific theories and perspectives are the basis for the study and implementation of law in general and law on urban environmental protection in Vietnam in particular?

Research question 2: What are the nature and fundamental issues of implementing law in general and law on urban environmental protection in Vietnam in particular?

Research question 3: Current status of implementation of the law on urban environmental protection in Vietnam?

Research question 4: What are the issues to improve the effectiveness of implementing law on urban environmental protection in Vietnam in the coming time?

***Scientific hypothesis***

From the general analysis of the research related to the topic and research questions, the author has determined the scientific hypodissertation of the research: In recent years, comparision with law-making activities which have been concerned properly, the implementation of law has many shortcomings. Laws are promulgated, but not implemented or implemented inadequately and seriously enough are a worrying reality today. This also reflects the gap between the formulation and improvement of law and the organization of implementing law. So far, many conceptual and theoretical issues on implementing law have not been clarified, so there are many different ways of understanding and approaching. Concerning to the state management function in this field, Ministry of Justice is assigned the

function of assisting the Government in state management of legal development and organization. This is a right policy because in recent years, despite the monitoring of law enforcement in many fields has been carried out by ministries and agencies concerned, no agency is assigned to monitor and observe the general situation of law enforcement in the whole country. The absence of this focal point has created a breakdown in the assessment of law enforcement in each area, so the Government does not have an overview of the enforcement of capital legislation for operating, and macro management. Therefore, the first and most urgent problem is to have a comprehensive study to effectively carry out this function.

The issue of urban environment and law on urban environmental protection has also not been clarified; the provisions in Vietnamese law on this issue are already existed but still contain many shortcomings, backward, legal and unpredictable issues. The implementation of the law on urban environmental protection still has many problems, so the effectiveness of the protection of urban environment, and sustainable urban development is low. There is a lack of directions and solutions to improve the effective implementation of law on urban environmental protection in Vietnam in a comprehensive and systematic manner.

## Conclusion of Chapter 1

On the basis of evaluating the published researches related to the dissertation topic, previous scientific studies have more or less mentioned to the contents related to the matter of organizing the implementation of the law on urban environmental protection in Vietnam, the author has inherited and found out new points of the topic. Through out analysis, it can be seen that:

1. Law on environmental protection has long been a concern of scientists, and these studies have contributed to completing the implementation of the law on urban environmental protection with the characteristics of each country in each development period.

2. In Vietnam, there are a few scientific researches on law enforcement and there has been no scientific study on the implementation of environmental protection law. Particularly, through out the overview of the research situation in Vietnam, it can be confirmed that until now, there has been no systematic and comprehensive study on the implementation of the law on urban environmental protection. For all these reasons, the author has

chosen the topic "Organization of implementing law on urban environmental protection in Vietnam today" as a research topic that is not duplicated and a new topic in comparison with published scientific researches.

3. In order to achieve the purpose and scope of research, the dissertation has based on the theories of the doctrines of environmental science to implement the research and research methods are flexible in accordance with each section and chapter of the dissertation.

4. The summarized contents in Chapter 1 are the basis for the author to study deeply into the analysis of concepts, contents and factors affecting the implementation of the law on urban environmental protection in Vietnam in Chapter 2 of the research.

# Chapter 2
# THEORY OF ORGANIZING THE IMPLEMENTATION OF THE LAW ON URBAN ENVIRONMENTAL PROTECTION IN VIETNAM TODAY

## 2.1. Concept, Role of organizing the implementation of the law on urban environmental protection

### *2.1.1. General overview of urban environment, urban environmental protection and law on urban environmental protection*

Urban environment and its constituent elements

Urban environmental protection and the criterias of sustainable urban development on environment

Law on urban environmental protection and its basic contents

### *2.1.2. Concept, characteristics of organizing the implementation of the law on urban environmental protection*

- Concept of organizing the implementation of the law on urban environmental protection.

The Dissertation gives concept about organizating the implementation of the law as the basis of the proposed concept of organizing the implementation of the law on urban environmental protection.

Accordingly, organizing the implementation of the law on urban environmental protection is planning, arrangement of activities, clear and specific assignment of responsibilities to subjects which are state agencies in carrying out those activities, moreover, all elements, tools and necessary

conditions shall be established, organized and used in the process of putting the law on urban environment protection in order to ensure that the law is strictly enforced, unified and effective.

Characteristics of organizing the implementation of the law on urban environmental protection.

Firstly, organizing the implementation of the law on urban environmental protection depends on characteristics of urban territory management.

Secondly, organizing the implementation of the law on urban environmental protection depends on characteristics of the urban environment.

Thirdly, organizing the implementation of the law on urban environmental protection depends on characteristics of subjects which are state agencies, especially state administrative agencies.

***2.1.3. Role of organizing the implementation of the law on urban environmental protection***

Organizing the implementation of the law on urban environmental protection plays an important role in sustainable urban development.

Organizing the implementation of the law on urban environmental protection plays an important role in putting the law on urban environment protection into real life, and promoting its "second life", which was contributed to limit urban environmental pollution in the process of urbanization in Vietnam today.

Organizing the implementation of the law on urban environmental protection plays an important role in actively responding to the environmental challenges which were posed to the activities of urban development.

**2.2. Subject, content of organizing the implementation of the law on urban environmental protection**

***2.2.1. Subject of organizing the implementation of the law on urban environmental protection***

Constructing law, implementaing law and protecting law are fundamental components of maintaining the viability of the legal life; simultaneously, showing division of state power in accordance with the legislative, executive and judicial powers of the rule of law State. These

factors co-exist, interact each other and influent toghether. Organizing of implementing law in life mainly belongs to the responsibility and *function of the executive power.* It is the process of guiding and preparing the resources (people, organizational structure, material facilities to implement each legal document) to ensure readiness and relevance from the time of learning organization, thoroughly apply all behavior of subjects in accordance with the provisions of relevant laws. However, the degree of effectiveness of the implementation of the law depends on the quality of *legislative activity* - the enactment of the law and supervision in implementing the law of the National Assembly, the *judiciary's activity* in law protection and use coercive state.

Executive agencies in the broad meaning are understood to be Government and local government at all levels. Local governments at all levels include People's Councils, People's Committees and specialized agencies.

Thus, the subjects of organizing the implementation of the law on urban environmental protection are executive agencies, including the Government, Ministries, local goverments at all levels and specialized agencies. In implementing the law on urban environmental protection emphasizes the role of the particular subject is the urban government.

***2.2.2. Content of organizing the implementation of the law on urban environmental protection***Một là, hướng dẫn thi hành pháp luật bảo vệ môi trường đô thị

Firstly, guiding the implememting of the law on urban environmental protection.

Secondly, popularizing and educating the law on urban environmental protection.

Thirdly, inspecting, examining, supervising and handling violations against the implementation of the law on urban environmental protection.

Fourthly, ensuring the conditions of the apparatus, people and material for the implementation of the law on urban environmental protection of subjects

Fifthly, monitoring the implementation of the law on urban environmental protection.

**2.3. Factors affecting the effectiveness of organizing the implemention of the law on urban environmental protection**

Firstly, the quality of law system on environmental protection in general; directly, mainly the law on urban environmental protection in particular. This is the first premise to ensure the effective implementation of the law on urban environmental protection. Without legislation, there is no thing to do, no quality legal system is not organized effectively.

Secondly, the capacity of subjects of organizing the implementation of the law on urban environmental protection. This is the most important factor influencing the implementation of the law on urban environmental protection.

Thirdly, the objects under the regulatory impact of law on urban environmental protection.

Fourthly, the level of development of the economy's country. This is an economic factor that has a strong influence on organizing the implementation of the law on urban environmental protection. Because this factor affects the law, the administrative organization, people as the infrastructure of social life.

Fifthly, the coordination between state administrative agencies and the market and society in the development and implementation of the law on urban environmental protection.

Sixthly, human resources and material and technical conditions for supporting the implementation of the law on urban in particular and country in general.

Seventhly, the scale of urban (number of population and visitors), population density in urban areas.

**2.4. Experiences of some countries in the world on organizing the implementation of the law on urban environmental protection and reference value for Vietnam**

***2.4.1. Experience in constructing the legal system of urban environmental protection***

2.4.2. Experience in constructing urban environmental standards

2.4.3. Experience in dissemination and education the law on urban environmental protection

2.4.4. Experience in inspecting, examining and handling violations of the law on urban environmental protection

## Conclusion of Chapter 2

Constructing and improving the legal system and implementing the law effectively is an urgent requirement for our country due to the impact of objective and subjective factors, especially the transition from the economy The centralized planning for the socialist-oriented market economy, the building of a socialist rule-of-law State and international integration. Over the past 30 years of implementing the reformed policy, the legal system of Vietnam has been basically developed and perfected. According to many national and international experts, many aspects of the Vietnamese legal system have been asymmetric to the law of many countries and international law, especially after Vietnam reformed its legal system to join the World Trade Organization (WTO). However, as the legal system of Vietnam is basically built and finalized, the enforcement of the law has many shortcomings, reducing the effectiveness of the legal documents and now become deeply concern of society.

The environment is of special importance to the lives, economic, cultural and social development of nations and humanity. The process of globalization and international integration that is taking place has a strong impact on the economic and social life of every country, including many influences on the environment. Therefore, environmental protection has become an urgent problem in the whole world, including content of urban environmental protection.

Vietnam is entering the strongest urbanization ever seen on both sides (scale and speed). In 2005, our country's population was about 20 million people. It is projected that by 2020, the urban population will reach about 45 million. Thus, our population will increase by 25 million in 15 years. To achieve this development goal, a number of issues are raised. Environmental protection and the rational use of natural resources for the sustainable development of the urban system play a very important role.

However, the implementation of the law on environmental protection in general and the urban environment in particular has not been paid enough attention. The promulgation, implementation of the law on urban environmental protection is inadequate and limited.

In this chapter, the dissertation clarifies theoretical issues on organizing the implementation of the law on urban environmental protection: Interpretation of urban environment concepts, law on urban environmental protection and organizing the implementation of the law on urban environmental protection, characteristics and role of organizing the implementation of the law on urban environmental protection.

The dissertation clarifies the subject and contents of the activities of the organizing the implementation of the law on urban environmental protection. Analyzing the factors affecting the effectiveness of organizing the implementation of the law on environmental protection in urban areas. The dissertation also explores the experience of organizing the implementation of urban environmental protection law in some countries in the world as a basis for providing solutions to improve the effectiveness of this activity in Vietnam.

## Chapter 3
## CURRENT SITUATION OF ORGANIZING THE IMPLEMENTATION OF THE LAW ON URBAN ENVIRONMENTAL PROTECTION IN VIETNAM TODAY

**3.1. Current situation of urban, urban environment and law on urban environmental protection Vietnam.**

***3.1.1. Current situation of urban and urban environment in Vietnam***

***3.1.2. Current situation of law on urban environmental protection in Vietnam***

**3.2. Current situation of guiding of the implementation of the law on urban environment protection**

***3.2.1. Current situation on promulgating legal documents, directing and instructing the implementation of the law on urban environmental protection***

***3.2.2. Constructing and promulgating the technical standard and critiation on urban environment***

**3.3. Current situation of popularing and educating the law on urban environment**

**3.4. Current situation on investigating and handling violations, settling claims, accusations of the law on urban environmental protection**

**3.5. Current situation of condition for organizing the implementation of the law on urban environmental protection**

**3.5.1. Current situation of organization and apparatus in implementing the law on urban environmental protection**

**3.5.2. Qualifications of officials in organizing the implementation of the law on environmental protection**

**3.5.3. Funding for organizing the implementation of the law on urban environmental protection**

**3.6. Current situation of monitoring the implementation of the law on urban environmental protection**

**Conclusion of chapter 3**

Based on the theoretical framework on the implementation of the law on urban environmental protection elaborated in Chapter 2, the dissertation shall carry out a status assessment on the contents of organizing the implementation of the law on urban environmental protection. Based on the secondary reporting data of the competent authorities on the implementation of the law on urban environmental protection, data from the primary survey was conducted on two target groups which are agencies and people organized the implementation of the law by authority and citizen, the dissertation has given a picture of the current situation in the implementation of the law on urban environmental protection.

First of all, it can be perceived in terms of awareness, organizing the implementation of law in common and implementation of the law on environmental protection in particular has not been properly concerned. Up to now, there is no scientific research systematically on implementation of law. The theory of organizing the implementation of the law from concept, subject, content, assesment criteria of effectiveness has not been researched enough. Moreover, urban issues, urban environmental protection, law on urban environmental protection are not well aware of, so it is quite embarrassing before the rapid urbanization of Vietnam today, so urban management in general and implementation of the law on urban environmental protection in particular are not effective.

Next, the legal system for urban environmental protection and urban environmental protection law are not yet fully developed. The law on urban environmental protection has not been recognized and constructed

proportionably with its role in the process of urban environmental protection, coping with climate change and sustainable urban development. There is no legal document that specifically regulates the field of urban environmental protection. Law on urban environmental protection are in various legal norms of different branches of law, such as civil law, administrative law, criminal law, financial law, commercial law ... The above legal norms exist in many different legal disciplines, with a variety of subjects enacted and different regulatory regimes. Law on urban environmental protection also cover many other areas, especially planning, construction, master planning for land development, population size, role of science and technology, etc…concerned with many subjects, it is a living body, the methods of impact should be general ... If not aware of this relationship, the implementation of the law on urban environmental protection will not work effectively. Such general provisions do not yet see the specificity of the law on urban environmental protection, which leads to particularly organize on implementation such as subject of organizing the implementation, content and form (popularizing, educating of the law, urban administration, coordinating relationship, inspecting, investigating and handling violations).

- The popularizing and educating the law on urban environmental protection is not effective because the content of urban environmental protection has not been regulated separately, it often includes in the documents on the regulations on environmental protection in general. The form is not suitable for objects such as urban residents with differences on characteristics of population, culture, civilized life style, not yet covered with the migrants from rural to urban. The popular form remains as other regions.

- The advantages of urban administrations in implementing the law on urban environmental protection have not yet been promoted. At present, the urban management in general and the implementation of the law on urban environmental protection are not suitable with urban management. The organizational apparatus of the law enforcement in urban areas is overlapping and weak efficiency.

- Violations of the law on urban environmental protection have not been strictly handled. The objective reason is that the speed of urbanization of Vietnam in recent years is very “hot” out of control of urban authorities. Moreover, because the urban government is not properly organized, it

overlaps, contradicts and weakens each other's effectiveness. The sanctions imposed by the law are also insufficiently deterrent.

- Investment resources for organizing the implementation of the law on urban environmental protection are limited. Especially there are few scientific research in this field. The application of information technology and high technology in implementing the law on urban environmental protection are still limited.

- The observation of implementing the law on urban environmental protection is just concerned , so it remains disadvantages in both theoretical and practical reality.

# Chapter 4

# ORIENTATION TO IMPROVE THE EFFECTIVENESS OF ORGANIZING THE IMPLEMENTATION OF THE LAW ON URBAN ENVIRONMENTAL PROTECTION IN VIETNAM TODAY

## 4.1. Orientations to improve the effectiveness of organizing the implementation of the law on urban environmental protection in Vietnam today

4.1.1. Organizing the implementation of the law on urban environmental protection must be in relation to construction and protection of the law on urban environment.

4.1.2. Organizing the implementation of the law on urban environmental protection must be based on the concept of sustainable urban development on environment

4.1.3. Organizing the implementation of the law on urban environmental protection must derive from the characteristics of the urban environment and the urban social structure.

**4.1.4. Organizing the implementation of the law on urban environmental protection must go along with raising the awareness and responsibility of environmental protection of all subjects.**

4.1.5. Organizing the implementation of the law on urban environmental protection must ensure the compatibility of national law and international law on urban environmental protection.

**4.2. Solutions to improve the effective implementation of the law on urban environmental protection in Vietnam today**

4.2.1. Renew the perception of the Party, the State and the whole society on the role of organizing the implementation of the law on urban environmental protection.

4.2.2. Perfecting the provisions of the law on urban environmental protection and organize the implementation of the law on urban environmental protection in Vietnam.

4.2.3. Enhancing the popurlazation and education the law on urban environmental protection

4.2.4. Completing the organizational apparatus for implementation of the law on urban environmental protection

4.2.5. Strengthening the conditions to ensure the implementation of the law on urban environmental protection

4.2.6. Strengthening the inspection, supervision and handling of law violations related to organizing of the implementation of the law on urban environmental protection

4.2.7. Strengthening cooperation with international organizations and learning experiences of other countries in organizing the implementation of the law on urban environmental protection.

**Conclusion of Chapter 4**

Based on a thorough analysis of the actual implementation of the law on urban environmental protection on the basis of theoretical frameworks, Chapter 4 proposes measures and solutions to improve the effectiveness of implementing law on urban environmental protection.

These solutions address the awareness about the importance of implementing law in a comparative relationship with constructing and protecting law. This solution must be in line with the principles of building the rule of law, sustainable urban development and international integration.

The state agencies under the executive power have main responsibility in organizing the implementation of the law on urban environmental protection. However, in order to be effective this activity, the role of people, businesses and social organizations are important. Therefore, in the system of solutions, the dissertation focued on the solutions of dissemination and education of law, the socialization of the protection of urban environment,

the attraction of resources from outside State budget.

Organizing the implementation of the law on urban environmental protection is in the relationship with the completion of the law system on urban environmental protection and the protection of law on the urban environment by the law enforcement agencies. Therefore, the solution system in this dessertation focused on improvement of the legal system and strict handling of violations of the law on urban environmental protection.

Organizing the implementation of the law on urban environmental protection must be compatible with the specific characteristics of urban areas. Therefore, it is necessary to have social solutions to build strongly urban government, democracy, decentralization. Forms of law dissemination and education must be renewed in conformity with the objectives of management which are structure of urban territory, urban population. Particularly, it is necessary to strongly apply science and technology and strengthen international cooperation in the implementation of the law on urban environmental protection.

## CONCLUSION

Constructing law and organizing the implemetation of the law and protection of law are fundamental components of maintaining the viability of the legal life; simultaneously, they show division of state power in accordance with the legislative, executive and judicial powers of the rule of law. These factors co-exist, interact each other and influent together. Organizing the implemention of law in life mainly belongs to the responsibility and *function of the executive power*. Compared with law making and law enforcement, the implementation of the law in real life is not properly respected, not keeping pace with the funcion of legislative, although they have tight relationship which is the basis for coexistence and demonstrate the effectiveness of the law in practice.

In Vietnam, the regulations of the law on environmental protection and protection of the urban environment have not received attention enough from lawmakers, regulators and subjects. The promulgation, implementation of the law on urban environmental protection is inadequate and limited. Therefore, improving the effectiveness of the implementation of the law on urban environmental protection is an urgent and objective requirement.

The dissertation clarifies the theoretical issues on organizing the implementation of the law on urban environmental protection

First of all, the dissertation implies the concept of urban environment, the characteristics of urban environment, the law on urban environmental protection as the basis for organizing the implementation of the law on urban environmental protection.

Next, the dissertation researches and explores the concept of organizing the implementation of the law in general and the law of environmental protection in particular. The dissertation identifies key actors in organizing the implementation of the law on urban environmental protection and the particular characteristics of this activity. The dissertation also proposes contents and forms of implementation of the law on urban environmental protection and analyses the affecting factors .

The dissertation also clarifies the relationship between the construction and improvement of the law and the implementation of the law on urban environmental protection.

The dissertation analyzes the current situation of the implementation of the law on environmental protection in urban Vietnam. The dissertation also gives overview of urban, urban environment and law on urban environmental protection in Vietnam. To evaluate the actual situation of guiding the implementation of the law on urban environmental protection, the dissemination and education of urban environmental protection law, the actual situation of inspection, examination and handling of law violations. The law on urban environmental protection, the current situation of the apparatus and the conditions for ensuring the implementation of the law on urban environmental protection, the current situation of observing the law on urban environmental protection. Based on the analysis of the current situation of implementing the law on urban environmental protection, the dissertation points out the limitations and the causes of limitations in this activity.

On the basis of solving these theoretical and practical issues mentioned above, the dissertation continues to study orientations and solutions to improve the effectiveness of the implementation of the law on urban environmental protection in Vietnam.

## CANDIDATE'S PUBLICATIONS RELATED TO THE CONTENT OF THE DISSERTATION

1. Pham Thi Ngoc Dung (2016), "Disscusion on organizing the implementation of the Law on Urban Environmental Protection in Vietnam", *Journal of Democracy and Law* (February/2016), page 39-43.
2. Pham Thi Ngoc Dung (2017), "Implementing the Law on Urban Environmental Protection in Northern Mountainous Provinces", *Journal of Democracy and Law*, No. 1 (January/2017), page 39-44.