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# Ensuring a Healthy Environment Toward Sustainable Development
## An Analysis of Legislation to Implement the Constitution in Vietnam

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**Abstract** The article examines how Vietnam's constitutional right to a healthy environment is implemented through the 2020 Law on Environmental Protection. Read through the lens of the three pillars of sustainable development (economic, social and environmental) and against benchmarks from international law and the SDGs, it reveals an implementation gap: a growth-centred economic pillar still dominates, fragmenting governance and hollowing out participation. It argues that only a rebalancing which strengthens environmental institutions and 'greens' economic policy can turn this constitutional promise into an effective, lived right.

**Keywords** Healthy environment. Sustainable development. Constitution. Environmental legislation. Vietnam.



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## 1 Introduction

The global legal landscape has been reshaped over the past decade by the ascendance of the right to a clean, healthy, and sustainable environment as a universal human right, a landmark development solidified by resolutions from the United Nations Human Rights Council in 2021 and the General Assembly in 2022 (Boyd 2024, 1). Vietnam's formal recognition of this right in its 2013 Constitution marks a pivotal moment, signaling the nation's integration into this global normative current and its commitment to environmental stewardship (Constitution of Vietnam 2013, Art. 43). This constitutional entrenchment, however, presents Vietnam with a profound dual challenge: the imperative to operationalize this fundamental right for its citizens while simultaneously pursuing a national agenda of rapid industrialization and socio-economic progress under the paradigm of sustainable development. This complex interplay places the country at a critical juncture, where the aspirations of constitutional law meet the formidable realities of a developmental state in transition (Ortmann 2017, 67).

This article posits that realizing the constitutional right to a healthy environment in Vietnam is not merely a matter of legal enforcement but a far more intricate exercise in balancing the three interdependent pillars of sustainable development: economic growth, social equity, and environmental protection (WCED 1987, 39). It argues that while Vietnamese legislation, particularly the comprehensive Law on Environmental Protection (LEP) 2020, has made significant strides in creating a framework for this balance, a persistent implementation gap reveals a structural tendency to prioritize short-term economic objectives over long-term environmental integrity and social justice. This tension is characteristic of developmental states, where the logic of economic growth often subordinates other policy goals, potentially rendering environmental rights aspirational rather than enforceable. The concept of 'sustainable development' itself, while intended to be integrative, can be co-opted to justify environmentally detrimental activities in the name of economic progress, a critique that resonates strongly within the Vietnamese context (Lostal 2025, 828).

Consequently, this study seeks to answer a central question: How has Vietnam's legal framework institutionalized the relationship between the right to a healthy environment and the goals of sustainable development, and what are the practical outcomes and structural barriers affecting this balance? To this end, the article aims to critically evaluate the effectiveness of existing legal mechanisms, identify the systemic gaps that hinder the harmonization of the three pillars, and propose holistic solutions. Employing a methodology that combines doctrinal legal analysis, comparative review against international standards, and public policy analysis, this paper

examines the architecture of Vietnam's environmental law. It uses the normative framework established by the United Nations as a benchmark for assessment (UN Human Rights Council 2021). The significance of this research lies in its potential to offer a nuanced understanding of the legal deficiencies and practical challenges, thereby providing targeted recommendations to strengthen enforcement, foster genuine public participation, and ultimately align Vietnam's development trajectory with its constitutional and international commitments.

The article is structured as follows. The second section will establish the international legal framework, exploring the synergistic relationship between the right to a healthy environment and the principles of sustainable development. The third section will analyze Vietnam's legal response, examining how the 2013 Constitution and the LEP 2020 have sought to institutionalize this relationship. The fourth section critically assesses the realities of implementation, highlighting the systemic imbalance between the pillars of sustainable development through an analysis of key challenges and illustrative case studies. Finally, the fifth section will propose a set of strategic, multi-faceted recommendations aimed at recalibrating this balance and paving the way for a more sustainable and rights-respecting future in Vietnam.

## 2 Environmental Rights and Sustainable Development in International Law

### 2.1 The Convergence of Two Normative Streams

International law over the past half-century has witnessed the parallel evolution of two powerful normative streams that have increasingly converged: the right to a healthy environment and the principle of sustainable development. Initially conceived on separate tracks, their conceptual synthesis has become a cornerstone of modern global governance, reflecting a growing recognition that environmental integrity is not a policy option but a fundamental precondition for just and durable human progress. This convergence did not occur overnight but was the result of a gradual, iterative process of norm development, driven by escalating ecological crises and a deepening understanding of the indivisibility of human rights (UNEP 2023, 14).

The genesis of the right to a healthy environment is often traced to the 1972 Stockholm Declaration, which, for the first time in a global instrument, proclaimed that man has a "fundamental right to […] an environment of a quality that permits a life of dignity and well-being" (UN 1972, Art. 1). While this was a landmark statement, it initially

existed more as a political aspiration than a legally binding norm. For decades, its development was primarily advanced through regional instruments, such as the African Charter on Human and Peoples' Rights (1981) and the San Salvador Protocol (1988), and through the innovative jurisprudence of human rights courts interpreting existing rights, such as the right to life and private life, through an environmental lens. This period saw the 'greening' of human rights law, where environmental protection was increasingly framed not as an end in itself, but as essential for the enjoyment of established human rights (Boyle 2012, 613).

Concurrently, the concept of sustainable development emerged onto the world stage, most influentially defined by the 1987 Brundtland Report as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (WCED 1987, 39). This paradigm was revolutionary for its explicit integration of environmental considerations into the very definition of development, seeking to reconcile the often-conflicting imperatives of economic growth and ecological preservation. The 1992 Rio Declaration further solidified this nexus, particularly through Principle 4, which stated that "In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it" (UN 1992, 4).

The definitive convergence of these two streams began in the twenty-first century. The 2012 UN Conference on Sustainable Development (Rio+20) outcome document, "The Future We Want", explicitly recognized that a healthy environment is integral to sustainable development (UNGA 2012, § 30). This was followed by the adoption of the 2030 Agenda for Sustainable Development, whose 17 Sustainable Development Goals (SDGs) implicitly and explicitly link environmental health to social and economic outcomes. The culmination of this process arrived with the formal resolutions by the UN Human Rights Council (HRC Res 48/13, 2021) and the UN General Assembly (UNGA Res 76/300, 2022), which universally recognized the human right to a clean, healthy, and sustainable environment. The inclusion of the term "sustainable" in the right's formulation was deliberate, cementing the inseparability of human rights and the sustainable development agenda and marking the maturation of these once-parallel concepts into a unified legal and policy framework (Boyd 2018, 17).

## 2.2 Environmental Rights as the Foundation for the Environmental Pillar of Sustainable Development

The conceptual convergence of environmental rights and sustainable development is more than a mere intersection of ideas; it represents a fundamental restructuring of global environmental governance. Within this integrated framework, the human right to a healthy environment serves as the normative, rights-based foundation for the environmental pillar of sustainable development. This evolution is transformative because it recalibrates the architecture of governance, shifting environmental protection from the realm of discretionary policy – often subject to political negotiation and economic trade-offs – into the domain of a binding legal obligation incumbent upon states (May, Daly 2014, 87). By framing environmental integrity through the universal language of human rights, this approach elevates its status, providing it with the legal gravitas and moral urgency necessary to stand on equal footing with the economic and social pillars of the sustainability paradigm. It legally codifies the principle that a thriving economy and an equitable society are ultimately unattainable without the ecological preconditions that a healthy environment provides, a view explicitly recognized in the UN Human Rights Council's resolution, which states that "the protection of the environment […] contribute[s] to and promote[s] human well-being and the enjoyment of human rights" (UN Human Rights Council 2021, 1).

A rights-based approach fundamentally alters the relationship between the state, its citizens, and the environment, creating a new dynamic of empowerment and accountability. Under a traditional policy-driven model, individuals and communities are often positioned as passive 'stakeholders' to be consulted, their interests weighed against competing priorities. In contrast, a rights-based framework redefines them as active rights-holders, legally entitled to demand action and seek redress from the state as the primary duty-bearer. This is not merely a semantic shift; it activates the core state obligations of international human rights law: the duty to respect the right by refraining from harmful actions, the duty to protect the right from infringement by third parties such as corporations, and the duty to fulfil the right by taking positive measures to create an enabling environment (Knox 2018, 3). This framework provides a legal shield for individuals and, crucially, for vulnerable and marginalized groups who are often disproportionately affected by environmental degradation. Their claims are no longer pleas for political favor but demands for the enforcement of a legal entitlement, making the state's failure to prevent environmental harm a potential violation of its human rights obligations.

Furthermore, operationalizing the environmental pillar through a rights-based approach provides a robust and coherent structure for implementation and monitoring, directly linking it to the concept of the environmental rule of law (UNEP 2023, 15). The substantive components of the right – clean air, a safe climate, healthy ecosystems, and non-toxic environments, among others – are not abstract ideals; they serve as specific, and increasingly measurable, legal benchmarks for state performance (Boyd 2024, 7). For instance, the right to clean air can be linked to scientifically established standards like the World Health Organization's Air Quality Guidelines, transforming a general principle into a justiciable standard against which state policies can be evaluated in a court of law. This concrete translation of principles into standards is what gives the environmental pillar of sustainable development its legal teeth.

Simultaneously, the procedural elements of the right – access to information, public participation, and access to justice – function as the indispensable guardrails of the entire sustainable development process. These "gateway rights" are the mechanisms that ensure transparency, accountability, and equity in all environmental decision-making, from the strategic planning phase to individual project approval (Eliantonio, Richelle 2024, 261). They are essential for preventing the kind of opaque decision-making that leads to environmental injustice, where the social and environmental costs of development are borne by the poor and politically weak (Atapattu, Gonzalez, Seck 2021, 5). The UN Human Rights Council's resolution underscores this by recognizing that "the exercise of human rights, including the rights to seek, receive and impart information, to participate effectively […] and to an effective remedy, is vital to the protection of a clean, healthy and sustainable environment" (UN Human Rights Council 2021, 2). Ultimately, this rights-based foundation legally enforces the principle of indivisibility, making it clear that the three pillars of sustainable development are not a menu from which to choose. The right to a healthy environment ensures that the environmental pillar is not an afterthought, but a legally mandated, non-negotiable component of any development path that can legitimately be called 'sustainable'.

## 2.3 The Content of the Right in the Context of Sustainable Development

The universal recognition of the human right to a clean, healthy, and sustainable environment is not merely a symbolic declaration; it represents the maturation of a legal norm endowed with distinct substantive and procedural content, progressively clarified through decades of international legal development. This content is inextricably interwoven with the principles of sustainable development, providing a concrete and actionable framework for state obligations. Far from being an "empty vessel", the right has been filled with meaning derived from international treaties, jurisprudence from human rights bodies, and the authoritative work of UN Special Rapporteurs (Knox 2018, 5). Understanding the dual dimensions of this right – its substantive elements that define the essential qualities of the environment to be achieved, and its procedural elements that mandate a just and inclusive governance process – is critical for any meaningful evaluation of its implementation within a national legal system like Vietnam's.

### 2.3.1 Substantive Elements: The Ecological Foundation for Human Dignity

The substantive elements of the right articulate the core ecological conditions necessary for a life of dignity, equality, and freedom. These are not aspirational environmental goals but legally cognizable components essential for the enjoyment of a wide spectrum of established human rights, including the rights to life, health, food, water, and culture. The Framework Principles on Human Rights and the Environment provide the most comprehensive catalogue of these elements (Knox 2018, 7).

First and foremost is the right to clean air, a component of critical importance given that air pollution is the single largest environmental risk to human health, responsible for millions of premature deaths annually (Boyd 2019, 4). This right imposes a clear obligation on states to move beyond generic anti-pollution policies. It requires them to establish robust systems for monitoring air quality against science-based standards, such as the World Health Organization's Air Quality Guidelines, and to enforce stringent emissions limits for industrial facilities, transportation, and other sources. It also entails a duty to provide the public with real-time, accessible information about air quality and associated health risks, enabling individuals to take protective measures.

Second, the right encompasses a safe climate, a component that has gained prominence with the escalating climate crisis. This is arguably

the most challenging element, as it requires states to take ambitious and urgent action to mitigate greenhouse gas emissions in line with their international commitments under the Paris Agreement. This obligation is not just about setting distant net-zero targets; it involves implementing concrete, near-term measures to phase out fossil fuels, accelerate the transition to renewable energy, and protect carbon sinks like forests and wetlands. Furthermore, it includes a duty to enhance adaptive capacity, particularly for vulnerable communities, to protect them from the unavoidable impacts of climate change, such as sea-level rise and extreme weather events (UN Human Rights Council 2021, 2).

Third, the right includes access to safe and sufficient water and sanitation. While these are also recognized as stand-alone human rights, their inclusion within the environmental right adds a crucial ecological dimension. It expands the focus from the delivery of water services to the protection of the water sources themselves – the rivers, lakes, wetlands, and aquifers. This imposes on states a clear duty to prevent the contamination of water bodies by industrial, agricultural, and domestic pollution, and to manage water resources sustainably to prevent depletion, thereby safeguarding the health of aquatic ecosystems for both present and future generations (UNCESCR 2002, 1-18).

Fourth, the right to a healthy environment is intrinsically linked to healthy and sustainably produced food. This element connects the health of ecosystems directly to human health and nutrition, addressing the profound environmental impacts of modern food systems. State obligations under this component are multifaceted. They include protecting soil and water from contamination by pesticides and fertilizers, thereby ensuring that food produced is safe for consumption. Furthermore, it demands a systemic shift towards sustainable agricultural practices, such as agroecology, that conserve biodiversity, restore soil health, and minimize greenhouse gas emissions. This element challenges the industrial agricultural model, which often leads to deforestation, water depletion, and loss of genetic diversity. By incorporating healthy and sustainable food, the right to a healthy environment champions food systems that are not only productive but also ecologically resilient and socially equitable, ensuring food security for present and future generations without compromising the planet's ecological integrity (Boyd 2021, 2).

Fifth, the right to healthy ecosystems and biodiversity is recognized as fundamental to human survival. This moves beyond a purely anthropocentric view, acknowledging that human well-being is deeply dependent on the services provided by functioning ecosystems, such as pollination, soil fertility, flood control, and disease regulation. State obligations under this component include establishing and effectively managing protected areas, taking

measures to halt biodiversity loss, restoring degraded ecosystems, and ensuring the sustainable use of natural resources (Knox 2018, 1).

Finally, the right demands a non-toxic environment, which obligates states to establish a strong regulatory framework for the entire life cycle of hazardous substances and wastes – from production and use to disposal. This requires states to prevent the contamination of air, water, soil, and food, and to protect individuals, especially vulnerable groups like children and workers, from harmful exposures. It encompasses everything from industrial chemicals and pesticides to plastic pollution and electronic waste, demanding a precautionary approach to chemical management (Boyd, Orellana 2022, 1-21). Together, these six substantive elements form a comprehensive and legally grounded vision for the environmental pillar of sustainable development, setting the minimum standards for a world where humanity can thrive in harmony with nature.

### 2.3.2 Procedural Elements: The Pillars of Environmental Democracy

If the substantive elements define the desired outcome, the procedural elements prescribe the indispensable process for achieving it. They are the pillars of what is commonly referred to as 'environmental democracy' and are crucial for ensuring that the path to sustainable development is itself just, equitable, and accountable (Ebbesson 2009, 1-36). These procedural rights are not secondary considerations; they are co-equal components of the right to a healthy environment and are essential for strengthening all three pillars of sustainability.

The first pillar is access to information (Knox 2018, 11). This right is foundational, as informed participation is impossible without it. It imposes a dual obligation on the state: a reactive duty to provide environmental information upon request in a timely and affordable manner, and a proactive duty to actively collect, update, and disseminate crucial environmental data. This includes information on pollution levels, environmental quality, the environmental performance of corporations, and the potential environmental and human rights impacts of proposed development projects. In an age of environmental crisis, transparency is not a luxury but a necessity for building public trust and ensuring governmental and corporate accountability.

The second pillar is public participation in decision-making (Knox 2018, 12). This guarantees the right of all individuals and communities, particularly those who will be most directly affected, to participate in a meaningful way in decisions that impact their environment. This right applies across the entire spectrum of decision-making, from the formulation of national-level environmental

laws and policies to the environmental impact assessment (EIA) process for specific projects. For participation to be meaningful, it must occur early, when all options are still on the table, and the public must be provided with the necessary information and capacity to engage effectively. The state has an obligation to take the public's views into account, and to provide justifications for its final decisions, demonstrating how public input was considered.

The third, and arguably most critical, pillar is access to justice and effective remedies (Knox 2018, 13). When the first two rights are denied, or when substantive environmental rights are violated, individuals must have access to impartial, independent, and effective judicial and administrative procedures to seek redress. This requires states to remove barriers to justice, such as prohibitive costs, restrictive standing rules, and undue delays. 'Effective remedies' can take many forms, including compensation for harm, restitution of property, injunctions to halt or prevent harmful activities, and orders compelling public authorities to take specific actions to protect the environment. Without access to justice, all other environmental rights risk becoming mere 'paper tigers'. These three procedural rights, famously articulated in Principle 10 of the Rio Declaration and legally codified in regional treaties like the Aarhus Convention, form a self-reinforcing triangle that is essential for implementing the right to a healthy environment in a manner that is truly sustainable – environmentally sound, socially equitable, and economically viable (UN 1992, 5).

## 3 Institutionalization in Vietnam: Integrating Environmental Rights into the Development Framework

### 3.1 The Constitutional Vision: Balancing Protection and Development

The enactment of the 2013 Constitution represents a watershed moment for environmental governance in Vietnam, formally elevating the protection of the environment to the highest level of the nation's legal hierarchy. For the first time, Article 43 explicitly recognizes that "Everyone has the right to live in a healthy environment and has the duty to protect the environment" (Constitution of Vietnam 2013, Art. 43). This provision marks a profound normative shift from previous constitutions, which had framed environmental protection primarily as a state policy rather than an individual right (Doan, Tran 2023). The dualistic structure of Article 43 is particularly significant: it not only bestows a right upon individuals but simultaneously

imposes a corresponding duty, creating a framework of shared responsibility among citizens, organizations, and the State itself. This constitutional language resonates strongly with the spirit of the international legal framework, reflecting a domestic commitment to the principles that would later be universally affirmed by the United Nations.

However, a closer analysis reveals that while Article 43 aligns with the overarching goal of the international right, it is articulated as a general clause rather than a detailed enumeration of specific entitlements. In contrast to the granular substantive elements laid out in the UN Framework Principles – such as a safe climate, non-toxic environments, or healthy biodiversity (Knox 2018, 7-8) – the Vietnamese Constitution employs the broad, encompassing term "healthy environment". This generality is not a flaw but a deliberate legislative choice that grants significant discretion to the legislature and executive branches to interpret and implement its meaning through subsequent laws and policies. It establishes a foundational principle, but leaves the complex task of defining its precise parameters – and resolving the inevitable conflicts with other interests – to the political and administrative process. This approach sets the stage for a continuous dialogue and contestation over the very meaning of a "healthy environment" within Vietnam's specific socio-economic context (Bui 2022).

Crucially, Article 43 does not exist in a constitutional vacuum. Its mandate for environmental protection must be read in conjunction with other powerful constitutional directives that underscore the State's commitment to socio-economic development. Article 50, for instance, sets the national objective to build "an independent, self-reliant economy", while Article 51 outlines the roles of various economic sectors in achieving national prosperity (Constitution of Vietnam 2013, Arts. 50-1). This creates a deliberate constitutional architecture that embeds a foundational tension between environmental preservation and the imperatives of economic growth. This is the hallmark of a developmental state, where the constitution serves not only to protect rights but also to legitimize and guide a national project of rapid development (Bui 2016).

Therefore, the constitutional vision for a healthy environment in Vietnam is best understood not as an absolute, self-executing right that trumps all other considerations, but as a programmatic principle. It sets a clear direction and a binding goal for the state, but one that must be actively pursued and balanced against the equally legitimate constitutional mandate for development (May, Daly 2014, 209). This inherent tension means that the true measure of Vietnam's commitment to Article 43 lies not in the text itself, but in how this balance is struck in subsequent legislation, most notably the Law on Environmental Protection 2020, and how it is adjudicated in the

face of concrete conflicts on the ground. The Constitution provides the vision; the laws and their implementation reveal the reality of that balance.

## 3.2 Institutionalization in the Law on Environmental Protection 2020: Instruments for Sustainability

The Law on Environmental Protection (LEP) 2020, which took effect in January 2022, stands as the most significant and ambitious legislative instrument for operationalizing Vietnam's constitutional vision for a healthy environment and its commitment to sustainable development. It represents a paradigm shift in the country's environmental governance, moving beyond the reactive and fragmented approaches of its predecessors (the 1993, 2005, and 2014 laws). The new law was crafted in the shadow of major environmental disasters, most notably the Formosa steel plant incident in 2016, which served as a powerful catalyst for political and public demand for a more robust legal framework (Do, Thi 2022, 113). Consequently, the LEP 2020 is designed not merely to regulate pollution but to fundamentally re-engineer the relationship between economic activity, social well-being, and environmental integrity. It does so by introducing a suite of modern governance tools aimed at integrating sustainability into the very fabric of development.

### 3.2.1 'Greening' the Economic Pillar

A central challenge for Vietnam's sustainable development is to decouple economic growth from environmental degradation. The LEP 2020 addresses this by strengthening and introducing a range of legal instruments designed to internalize environmental costs into economic decision-making, thereby 'greening' the pillar of economic development.

The first and most foundational of these is the more robust application of the Polluter Pays Principle (PPP). While this principle existed in previous legislation, the LEP 2020 operationalizes it with greater force and clarity. Article 4 stipulates that organizations and individuals who discharge waste or cause pollution must pay for treatment and remediation, and are liable for any damages caused (LEP 2020, Art. 4.6). This is implemented through a combination of environmental taxes on polluting products, pollution fees for wastewater and solid waste, and a newly strengthened civil liability regime for environmental damage. Crucially, the law also introduces a modern deposit-refund mechanism for products with recyclable packaging or those containing toxic substances, requiring consumers

to pay a deposit that is refunded upon return of the product, thereby creating a direct financial incentive for recycling (LEP 2020, Art. 55).

A major institutional innovation is the introduction of a single, integrated Environmental License (LEP 2020, Art. 39). This reform addresses a significant source of fragmentation and inefficiency in previous regimes, where a business might need up to seven different environmental permits from various agencies. The new license consolidates these into a single, comprehensive permit covering all aspects of waste discharge (wastewater, emissions, solid waste, hazardous waste) for high-risk projects (Group I, II, and III). This not only streamlines administrative procedures for businesses but, more importantly, creates a single, powerful point of control for state authorities. It allows for a holistic assessment of a project's total environmental footprint and makes monitoring and enforcement more coherent and effective. The license specifies the types and limits of pollutants that can be discharged, sets requirements for monitoring, and becomes the primary legal basis for inspection and sanctions, thereby serving as the law's core command-and-control instrument.

Further advancing the goal of a circular economy, the LEP 2020 for the first time codifies Extended Producer Responsibility (EPR) as a mandatory obligation (LEP 2020, Art. 54). This market-based instrument shifts the responsibility for the post-consumer stage of a product's life cycle from municipalities and the public back to the producers. Manufacturers and importers of certain products, including packaging, batteries, lubricants, and tires, are now legally required to either organize the recycling of their products according to a mandatory rate and specification or make a financial contribution to the Vietnam Environment Protection Fund to support recycling activities. This policy is designed to create a powerful economic incentive for producers to design products that are more durable, easier to recycle, and contain fewer hazardous substances, directly embedding the principles of circularity into industrial design and production.

Finally, in light of its long-term climate commitments, the LEP 2020 establishes the legal foundation for a domestic carbon market (LEP 2020, Art. 139). This provision is a direct response to Vietnam's pledge to achieve net-zero emissions by 2050. The law mandates the development of a national carbon credit trading system, outlining a roadmap for its implementation. It requires major greenhouse gas emitters in sectors such as energy, industry, and transportation to conduct GHG inventories and adhere to their allocated emission quotas. Enterprises that reduce their emissions below their quota can sell their surplus credits on the market, while those exceeding their quota must purchase credits. While the market is still in its early stages, establishing this legal framework is a critical first

step in utilising a market-based mechanism to drive low-carbon investment and achieve national climate goals in an economically efficient manner (Hanns Seidel Foundation in Southeast Asia 2021).

### 3.2.2 Empowering the Social Pillar

A significant weakness in Vietnam's past environmental governance has been the largely formalistic and inadequate role of the public, leading to social conflicts and undermining the legitimacy of development projects. The LEP 2020 attempts to rectify this by significantly strengthening the procedural rights that form the bedrock of the social pillar of sustainable development (Hanns Seidel Foundation in Southeast Asia 2021, 35).

The most profound change lies in the reinforced mechanisms for public consultation during the Environmental Impact Assessment (EIA) process. Previous laws mandated consultation, but the process was often opaque and channeled through official organizations like the Fatherland Front, with limited direct engagement with affected communities (Tran 2024, 121). The LEP 2020 revolutionizes this by explicitly identifying "residential communities and individuals directly affected by the project" as the primary subjects of consultation (LEP 2020, Art. 33). It mandates that project developers must consult these communities and that the results of this consultation must be included in the EIA report. The law specifies various forms of consultation, including public meetings and written comments, and requires that the EIA report must present and address the public's concerns. Furthermore, it stipulates that a failure to conduct proper consultation is grounds for the authorities to reject an EIA report, giving this procedural requirement unprecedented legal weight.

Complementing this is a stronger commitment to access to information. The law mandates the public disclosure of a wide range of environmental information on the web portals of government agencies, from the national to the district level. This includes draft EIA reports, approved EIA reports, issued environmental licenses, and the results of environmental inspections and monitoring (LEP 2020, Art. 114). This creates a legal basis for transparency that was previously lacking, enabling civil society organizations, researchers, and the public to access the information needed to scrutinize development projects and hold both government and businesses accountable. By making this information publicly accessible, the law aims to level the playing field and foster a more informed public discourse on environmental issues.

The LEP 2020 also provides a stronger legal footing for community-based monitoring. Article 159 formally recognizes the right and responsibility of residential communities to participate in

environmental protection within their localities (LEP 2020, Art. 159). It explicitly grants community representatives the right to request information from project developers and state agencies, and to participate in inspections. The law further creates a legal pathway for communities to report and provide information about environmental violations to the authorities. This provision aims to formalize the 'eyes and ears' role that communities have often played informally, giving them a legally recognized standing in the environmental monitoring and enforcement process. While the effectiveness of this provision will depend heavily on the responsiveness of state agencies, it marks a critical step in empowering the social pillar and fostering a model of co-governance where communities are active partners in protecting their own environment.

### 3.2.3 Strengthening the Environmental Pillar

To build a truly sustainable system, environmental considerations must be integrated 'upstream' into the earliest stages of planning and decision-making. The LEP 2020 introduces and strengthens several strategic tools designed to shift governance from a reactive, project-by-project approach to a more proactive and integrated model, thereby strengthening the environmental pillar itself.

A cornerstone of this new approach is the refined preliminary environmental impact assessment (PEIA) and project classification system (LEP 2020, Arts. 28-9). Instead of a one-size-fits-all approach, the law now categorizes all investment projects into four groups based on their potential environmental risk (Group I: high risk, Group II: medium risk, Group III: low risk, Group IV: no risk). This risk-based screening, conducted at the earliest stage of investment approval, determines the type of environmental assessment required. High-risk projects (Group I) must undergo both a PEIA and a full EIA, while low-risk projects may only require an environmental registration. This is a crucial efficiency reform that allows regulatory agencies to focus their limited financial and human resources on the projects that pose the greatest threat to the environment and public health, while simplifying procedures for less harmful activities.

The law also enhances the role of Strategic Environmental Assessment (SEA). SEA is a tool for integrating environmental considerations into higher-level decision-making, such as national strategies, master plans, and sectoral development plans (LEP 2020, Art. 25). While SEA existed previously, the LEP 2020 clarifies its application and strengthens its link to the planning process. By requiring an assessment of the potential environmental impacts of an entire strategy or plan, SEA aims to identify and mitigate environmental risks long before specific projects are even proposed.

This ensures that the environmental pillar is considered alongside economic and social factors at the strategic level, helping to steer national and regional development onto a more sustainable path from the outset.

Finally, the LEP 2020 provides a stronger legal basis for Environmental Zoning, a key tool for integrated spatial planning (LEP 2020, Art. 22). This involves the creation of a national environmental protection master plan that designates different zones based on their ecological sensitivity and function. These zones include strictly protected areas (e.g., national parks, nature reserves), buffer zones, and zones designated for sustainable development. This master plan is intended to serve as a guide for all other sectoral and provincial-level planning, ensuring that decisions about land use and investment are aligned with national environmental protection priorities. By providing a clear spatial framework for balancing conservation and development, environmental zoning represents a powerful instrument for proactively managing the environmental pillar and preventing future land-use conflicts.

## 4 Implementation in Practice: The Imbalance of the Pillars

While Vietnam's constitutional and legislative framework, particularly the LEP 2020, presents a sophisticated and modern architecture for balancing environmental protection with sustainable development, the reality of its implementation reveals a persistent and systemic imbalance. The ambitious legal script often collides with the powerful political and economic logic of a developmental state, resulting in a gap between *de jure* commitments and *de facto* outcomes. An analysis of the practical application of this framework demonstrates a hierarchy among the three pillars of sustainable development: the economic pillar remains dominant, often at the expense of a weakened environmental pillar and an underdeveloped social pillar. This section will critically examine this imbalance, exploring the root causes and practical manifestations of the challenges that hinder the full realization of the right to a healthy environment in Vietnam.

## 4.1 The Dominance of the Economic Pillar

The central, and often overriding, priority of the Vietnamese state since the *Đổi Mới* reforms of 1986 has been rapid socio-economic development. This national project has been remarkably successful, lifting millions out of poverty and transforming Vietnam into a regional economic powerhouse. However, this success has been built upon a model of development that is resource-intensive and heavily reliant on foreign direct investment (FDI), creating a powerful systemic bias that prioritizes economic growth above all else. This prioritization is not merely a political choice but is deeply embedded in the state's performance metrics and the political economy of provincial governance (Ortmann 2017, 67). Consequently, while national policy documents and laws speak the language of sustainable balance, operational commitment on the ground often tells a different story (Do, Thi 2022, 113).

The most catastrophic illustration of this imbalance was the 2016 Formosa Ha Tinh Steel disaster, a national environmental trauma that profoundly shaped the discourse leading to the LEP 2020. The incident, where a massive discharge of toxic industrial waste from the Taiwanese-owned steel plant caused an unprecedented marine ecological disaster along Vietnam's central coast, was not simply an industrial accident. It was a systemic failure of governance, rooted in the prioritization of a monumental economic project over rigorous environmental risk management (Fan, Chih-Ming, Mabon 2022, 192). The environmental impact assessment (EIA) process, designed to be a critical gatekeeper, failed to prevent the construction and operation of a facility with an inadequately designed and monitored wastewater treatment system. This reflects a broader pattern where, in the pursuit of attracting large-scale FDI, provincial authorities may engage in a "race to the bottom", offering incentives that can include a less stringent application of environmental standards and oversight (Carlitz, Povitkina 2021).

This dynamic is exacerbated by what Do and Thi (2022, 113) term "over-decentralization" without adequate accountability mechanisms. While empowering provincial authorities to approve investments appears sensible, it creates a conflict of interest where the same provincial government that benefits directly from the tax revenues and employment generated by a project is also responsible for enforcing environmental regulations against it. This structural conflict often results in pro-business interests overriding environmental concerns in local decision-making. The national goal of balancing development and protection, therefore, lacks "operational commitment" at the provincial level where most critical investment decisions are made. The data on Vietnam's development trajectory bears this out: a period of rapid GDP growth has been accompanied

by skyrocketing CO2 emissions and a sharp decline in "adjusted net savings" – a World Bank metric that accounts for resource depletion and pollution damage – indicating a fundamentally unsustainable development trend. The dominance of the economic pillar is thus not an aberration but a structural feature of Vietnam's political economy, posing the single greatest challenge to the substantive realization of the right to a healthy environment (Do, Thi 2022).

### 4.2 The Weakness of the Environmental Pillar

In the face of the powerful momentum of the economic pillar, the environmental pillar, despite its robust legal articulation in the LEP 2020, often proves to be a 'paper tiger'. The effectiveness of environmental law is contingent upon the capacity and political will of the institutions tasked with its implementation and enforcement. In Vietnam, these institutions face a combination of structural, financial, and human resource limitations that severely curtail their ability to act as an effective counterweight to entrenched economic interests (UNEP 2023, 36-40). This results in an "enforcement deficit" where sophisticated laws exist on the books but are only weakly applied in practice, a problem identified as a key challenge in Vietnam's 30-year environmental policy history (Do, Thi 2022, 113).

A primary constraint is the chronic underfunding and understaffing of environmental management agencies. Financial resources allocated from the state budget for environmental protection have consistently been insufficient, meeting only about 55% of the demand and accounting for a mere 0.3% of GDP, well below the regional average. This translates into a critical lack of capacity at the operational level. For example, on average, each province has only eight environmental inspectors, a number wholly inadequate to cover the demanding tasks of monitoring thousands of industrial facilities, mining operations, and land administration issues. This institutional weakness creates a low-risk environment for polluters, where the probability of being inspected is low, and even when violations are detected, the penalties are often seen as a mere "cost of doing business" rather than a significant deterrent (Do, Thi 2022, 113).

This problem of fragmented governance and poor interagency coordination has long been a defining challenge for Vietnam's environmental policy. For decades, environmental management authority was notoriously dispersed across multiple ministries with overlapping mandates and often conflicting priorities, a primary obstacle to effective policy implementation. The classic structure involved the Ministry of Natural Resources and Environment (MONRE) as the central environmental regulator, while the Ministry of Agriculture and Rural Development (MARD) governed

critical environmental sectors like forestry, water resources for irrigation, and agricultural pollution. This division created inherent coordination challenges, for example, in managing river basin health where MONRE was responsible for overall water quality while MARD managed irrigation and agricultural runoff. This fragmentation was exacerbated by the powerful economic ministries, such as the Ministry of Planning and Investment (MPI), which holds the gatekeeping role for investment approvals, often prioritizing economic targets over environmental concerns raised by MONRE.

Recognizing this systemic weakness, Vietnam has initiated a landmark institutional reorganization aimed at overcoming this fragmentation. The most significant of these changes is the decision to merge the Ministry of Agriculture and Rural Development with the Ministry of Natural Resources and Environment to form a new, integrated Ministry of Agriculture and Environment. This is a revolutionary move designed to internalize the management of natural resources and environmental protection directly within the ministry that oversees the sectors most reliant upon and impactful to them. Theoretically, this merger seeks to resolve the long-standing silos between resource exploitation (agriculture, forestry) and resource protection (environment). By placing both functions under a single ministerial roof, the reform aims to foster a more holistic, ecosystem-based approach to governance, where policies for agricultural intensification, for instance, must inherently consider their environmental consequences on water and soil quality from the outset (Ngoc 2025).

This structural change has profound implications for the implementation of the LEP 2020. The law's emphasis on tools like strategic environmental assessment (SEA), environmental zoning, and river basin management can now, in principle, be coordinated more coherently. For example, planning for agricultural development and setting environmental standards for agricultural pollution would no longer be a matter of negotiation *between* two ministries, but an internal policy-making process within one. However, while this consolidation is a powerful step towards resolving fragmentation in the 'green block' of government, it does not eliminate the overarching tension between environmental protection and the broader national economic agenda. The newly formed Ministry of Agriculture and Environment will still need to interface and negotiate with the powerful economic ministries that remain separate, particularly the Ministry of Planning and Investment (MPI) and the newly consolidated Ministry of Finance.

Therefore, the ultimate success of this ambitious reform will hinge on two factors. First is the internal capacity of the new super-ministry to genuinely integrate its dual mandates, ensuring that the environmental protection function is not subordinated to

the powerful and established agricultural production interests within its own structure. Second, and more importantly, is its ability to champion this integrated 'green growth' perspective effectively in high-level policy debates with the economic ministries. The LEP 2020 provides this new ministry with powerful legal tools, but the challenge of balancing the pillars of sustainable development has now shifted from being primarily an inter-ministerial coordination problem to a combination of an intra-ministerial integration challenge and a continued contest of priorities at the highest levels of government.

Furthermore, there is a palpable lack of political will to utilize the strongest enforcement tools available. Although Vietnam's Criminal Code includes provisions for environmental crimes, these are very rarely prosecuted. Despite numerous cases of severe water pollution, only several cases of illegal water discharge have ever been treated as an environmental crime. This is because criminal prosecution requires a high burden of proof to establish cause and effect and severity of damage, which is often beyond the technical capacity of current institutions. The reluctance to pursue criminal charges sends a powerful signal that environmental violations are not treated with the same seriousness as other offenses, further weakening the deterrent effect of the law and reinforcing the perception of the environmental pillar as subordinate to economic and political interests (Do, Thi 2022).

### 4.3 The Fading of the Social Pillar

The LEP 2020's progressive provisions on public participation, access to information, and access to justice are designed to empower the social pillar, creating a system of 'bottom-up' accountability to complement 'top-down' state management. However, in practice, this pillar remains the most underdeveloped, hindered by a combination of limited public awareness, formalistic implementation of procedural rights, and significant barriers to accessing justice. This deficit in environmental democracy not only undermines the rights of affected communities but also removes a crucial driver for better environmental governance.

A fundamental barrier is the limited legal awareness and understanding of environmental rights among the general public. As noted by Tran (2024, 115), awareness of these specific human rights is still very limited, and there is often a cultural tendency to accept environmental misfortune as 'fate', rather than as a violation of an enforceable right. This is reinforced by a lack of accessible legal education and support. While official channels for participation exist, many citizens lack the knowledge, resources, or confidence to navigate them effectively. Surveys consistently show that while

concern for the environment is rising, particularly among the educated and urban youth, this concern does not always translate into active and informed engagement in governance processes (Hanns Seidel Foundation in Southeast Asia 2021).

Consequently, the implementation of procedural rights often becomes a formalistic, box-ticking exercise rather than a process of meaningful dialogue. Public consultation for EIAs, while legally mandated, is frequently conducted in a perfunctory manner. Communities may be presented with highly technical documents at short notice, with little opportunity for genuine input or influence on the final project design. The case of the Rang Dong factory fire in Hanoi serves as a stark example of the failure of information disclosure. In the aftermath of the massive mercury release, residents were left in a state of confusion and fear due to the lack of timely, clear, and trustworthy information from both the company and the authorities about the health risks they faced. The LEP 2020's mandate for information disclosure is a step forward, but its effectiveness depends entirely on a culture of transparency that has yet to be fully institutionalized (Nguyen 2013).

Finally, when consultation fails and harm occurs, access to justice remains a formidable challenge. The path to the courthouse is fraught with obstacles, including high costs, a lack of specialized environmental lawyers, the difficulty of proving causation in complex pollution cases (Tran 2024, 123). While some specialized environmental benches have been established within the court system, they are few and their capacity is limited. Furthermore, there is often a reluctance on the part of courts to rule against major state-supported development projects. The combination of barriers means that the social pillar, envisioned in the law as a vibrant partner in governance, remains largely muted, unable to exert the necessary pressure to bring the dominant economic pillar and the environmental pillar into a more sustainable and equitable balance.

## 5 Recommendations: Recalibrating the Pillars for Genuine Sustainable Development

The preceding analysis has demonstrated that while Vietnam has constructed an impressive legal edifice for environmental protection and sustainable development, its practical application is undermined by a systemic imbalance where economic priorities consistently outweigh environmental and social considerations. Bridging the gap between the nation's constitutional aspirations and its on-the-ground reality requires more than incremental adjustments; it necessitates a strategic recalibration of the relationship between the three pillars of sustainable development. The following recommendations are not

presented as a simple checklist but as a holistic and interconnected strategy designed to strengthen the weaker pillars – environmental and social – while simultaneously 'greening' the dominant economic pillar. This approach aims to foster a governance model where the right to a healthy environment is not an obstacle to development, but its essential and non-negotiable foundation.

## 5.1 Elevating the Environmental Pillar: From a Subordinate Mandate to a Core Governance Principle

To move beyond being a 'paper tiger', the environmental pillar requires a significant enhancement of its institutional authority, enforcement capacity, and its integration into the core machinery of the state. This involves not only empowering environmental agencies but also ensuring that environmental considerations are a mandatory and powerful component of all government decision-making.

First, the recent institutional reorganization, merging the Ministry of Natural Resources and Environment (MONRE) with the Ministry of Agriculture and Rural Development (MARD) into a new Ministry of Agriculture and Environment, presents a historic opportunity that must be carefully managed. To be effective, this 'super-ministry' must establish robust internal mechanisms to ensure genuine integration, preventing the environmental protection mandate from being subsumed by the more established and economically powerful agricultural production interests. This requires creating a clear internal hierarchy where the environmental regulatory body (analogous to the former Vietnam Environment Administration) is endowed with significant autonomy, a guaranteed budget, and the authority to review and, if necessary, veto environmentally detrimental agricultural or forestry policies developed within the same ministry. Furthermore, a clear and empowered inter-ministerial coordination mechanism, led at the Deputy Prime Minister level, must be established to adjudicate policy conflicts between this new ministry and the powerful economic ministries, particularly the Ministry of Finance. This mechanism is crucial for ensuring that the 'gatekeeper' of investment does not systematically override the 'gatekeeper' of environmental health.

Second, there is an urgent need to strengthen enforcement capacity at both the national and provincial levels, a weakness highlighted by numerous studies (Ortmann 2017; Do, Thi 2022). This requires a significant increase in the state budget allocation for environmental protection, moving it closer to the regional average. These funds should be earmarked for specific capacity-building initiatives: increasing the number of well-trained environmental inspectors, providing them with advanced monitoring technology

(such as real-time sensors and satellite imagery analysis tools), and establishing independent, well-resourced environmental laboratories. Following international best practices, Vietnam should consider establishing a National Environmental Enforcement Agency, a body with a degree of operational independence from political influence at the provincial level, tasked with investigating and prosecuting serious environmental violations (Hanns Seidel Foundation in Southeast Asia 2021, 10). This would help to mitigate the conflict of interest where local governments are hesitant to enforce regulations against major investors. Furthermore, the sanctions regime must be reformed to ensure that fines are not merely a 'cost of doing business'. Penalties should be linked to the economic benefit gained from the violation and the severity of the environmental harm, ensuring they serve as a genuine deterrent.

Finally, Vietnam must harmonize its entire legal framework with the principles of the LEP 2020. This requires a systematic and mandatory review of other key laws, such as the Law on Investment, the Land Law, and sectoral laws, to identify and eliminate contradictions that weaken environmental standards. The principle of "non-regression", which holds that states should not weaken existing environmental standards, should be explicitly adopted as a guiding principle for all future law-making (Knox 2018, 14). This comprehensive legal and institutional strengthening is the first step in transforming the environmental pillar from a subordinate concern into a core principle of state governance.

## 5.2 Empowering the Social Pillar: Fostering a Culture of Participatory Governance

A strong social pillar is not a luxury but an essential component of effective environmental governance. Empowered and informed citizens and civil society organizations act as a vital 'bottom-up' accountability mechanism, complementing 'top-down' state enforcement. To activate this pillar, Vietnam must move beyond the formalistic application of procedural rights and foster a genuine culture of participatory governance.

The first priority is to give practical meaning to the right of access to information. While the LEP 2020 mandates information disclosure, the reality is often one of opaque and inaccessible data (Do, Thi 2022). The government should establish a single, user-friendly, and publicly accessible National Environmental Information Portal. This portal should provide real-time or near-real-time data from automated monitoring stations, full and searchable texts of all approved EIA reports and environmental licenses, and a public registry of environmental violations and enforcement actions. Following the

principles of the Aarhus Convention, information should be provided in a format that is easily understandable to the layperson, and barriers to access, such as fees or complex procedures, should be eliminated. This radical transparency is the precondition for all other forms of public engagement.

Second, the public consultation process must be reformed to ensure it is meaningful, not merely procedural. This requires a shift in mindset from 'informing' the public to genuinely 'consulting' them. Clear guidelines, inspired by international best practices such as the Akwé: Kon Guidelines for cultural, environmental, and social impact assessments, should be issued, mandating that consultation happens early in the project cycle, before key decisions are made (Knox 2018, 17). Project developers should be required to fund independent technical experts to help communities understand complex EIA documents. Most importantly, the authorities reviewing the EIA must be legally required to provide a written, public justification explaining how community feedback was considered and why specific concerns were accepted or rejected. This 'duty to give reasons' is a cornerstone of accountable governance.

Third, access to justice must be made a practical reality. As the case of the Rang Dong factory fire demonstrated, the path to legal redress is often blocked by financial and procedural hurdles (Tran 2024, 113). Vietnam should reform its legal framework to explicitly allow for public interest litigation and class action lawsuits in environmental cases, enabling NGOs and community representatives to bring cases on behalf of a wider group of affected people. The 'loser pays' principle, which can have a chilling effect on public interest litigation, should be modified for environmental cases, so that claimants acting in the public interest do not face the risk of crippling legal costs if they lose. Furthermore, establishing specialized environmental courts or tribunals, as many countries have done, would build judicial expertise and streamline the handling of these complex cases (UNEP 2023, 123). Investing in legal aid programs specifically for environmental cases would further empower marginalized communities to seek justice, transforming the social pillar into a powerful force for accountability.

## 5.3 'Greening' the Economic Pillar: Aligning Market Forces with Sustainability

The long-term solution to environmental degradation lies not only in strengthening regulation and participation but also in fundamentally reorienting the economic pillar itself. This involves creating a policy environment where market forces and private investment are systematically channeled towards sustainable outcomes, making environmental protection not a burden on the economy, but a driver of innovation and competitiveness.

First, Vietnam must rigorously implement and expand the use of market-based instruments introduced in the LEP 2020. The Polluter Pays Principle should be enforced not just through fines but through a robust and progressively increasing system of pollution charges and environmental taxes that accurately reflect the social and environmental costs of pollution. The revenues generated from these charges should not disappear into the general state budget but should be transparently reinvested into the Environmental Protection Fund and used for remediation and green technology initiatives. The domestic carbon market, established under the LEP 2020, must be accelerated. The government should set a clear, ambitious, and progressively tightening cap on emissions to create a meaningful carbon price that will drive investment away from fossil fuels and towards renewable energy and energy efficiency (Ngo, Nguyen 2022).

Second, the state must play a more proactive role in incentivizing sustainable business practices and green investment. This goes beyond simply regulating polluters; it involves creating a favorable ecosystem for green businesses. This can be achieved through a variety of policy tools: providing tax incentives, preferential credit, and land access for companies investing in renewable energy, circular economy models, and clean technology; launching a robust national "Green Label" program to guide consumers and create market advantages for sustainable products; and reforming public procurement rules to mandate that all government agencies give preference to sustainable goods and services. By creating clear market signals that sustainability is profitable, the government can harness the innovative power of the private sector to drive the transition (Dang 2020).

Finally, Vietnam must undertake a systematic review and phasing out of perverse subsidies. Sizable fossil fuel subsidies, for example, directly contradict the nation's climate goals and create an unlevel playing field that disadvantages renewable energy (Do, Thi 2022). Similarly, subsidies in agriculture that encourage the overuse of chemical fertilizers and pesticides should be redirected to support farmers in transitioning to organic and agroecological practices. This process of subsidy reform is politically challenging but is an

essential step in ensuring policy coherence and aligning the country's economic incentives with its constitutional commitment to a healthy environment. By strengthening the environmental pillar, empowering the social pillar, and greening the economic pillar in a coordinated and strategic manner, Vietnam can begin to close the implementation gap and move towards a future that is not only prosperous but also truly sustainable (Le 2024).

## 6 Conclusion

Vietnam's journey over the past decade in environmental governance represents a microcosm of the central challenge of the twenty-first century: how to reconcile the urgent imperative of economic development with the non-negotiable necessity of environmental preservation. This article has critically examined this journey, tracing the path from the landmark constitutional recognition of the right to a healthy environment in 2013 to the ambitious legislative framework of the Law on Environmental Protection 2020. The analysis demonstrates that Vietnam has successfully constructed a sophisticated legal architecture that aligns with international best practices and embraces the modern paradigm of sustainable development. The law institutionalizes the crucial nexus between environmental rights and sustainability, providing a comprehensive suite of tools designed to balance the economic, social, and environmental pillars.

However, a persistent gap exists between these *de jure* commitments and the *de facto* reality. The practical implementation of Vietnam's environmental law is characterized by an imbalance, where the powerful momentum of the economic pillar can overshadow the environmental and social pillars. This is not simply a matter of weak enforcement or limited resources, though those are significant factors. It is a structural consequence of a developmental state model where the logic of economic growth remains the dominant organizing principle of governance. This has resulted in a weakened environmental pillar, hampered by fragmented authority and insufficient capacity, and a muted social pillar, where the procedural rights of citizens to participate are often more formal than substantive.

Closing this implementation gap and achieving a genuine rebalancing of the three pillars is the most critical task for Vietnamese policymakers in the coming decade. This will require more than just better enforcement of existing laws; it demands a profound shift in the nation's governance philosophy. The recommendations put forth in this paper – strengthening the institutional authority of the environmental pillar, empowering the social pillar through genuine participatory governance, and 'greening' the economic pillar by

aligning market forces with sustainability – are not discrete options but form an interconnected, holistic strategy for change.

Ultimately, the successful realization of the constitutional right to a healthy environment is not an impediment to Vietnam's development aspirations but is, in fact, the only viable path to achieving them in a sustainable manner. A polluted environment degrades the human capital, depletes the natural resources, and erodes the social stability upon which long-term prosperity depends. By strategically recalibrating its governance framework to give genuine weight to the environmental and social pillars, Vietnam can move beyond a model of growth that comes at an unacceptable ecological cost. This is the essential next step in its journey, a step that will transform the constitutional right to a healthy environment from a noble aspiration into a lived reality for all its citizens and secure a truly sustainable and prosperous future for the nation.

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