

ENVIRONMENTAL IMPACT ASSESSMENT IN VIETNAM: PREVENTIVE GOVERNANCE, PUBLIC PARTICIPATION AND POST-APPROVAL ACCOUNTABILITY

Tống Thị Thu Trang

Department of Law, TNU – University of Sciences, Thai Nguyen, Vietnam

ABSTRACT

Environmental impact assessment (EIA) is intended to integrate environmental considerations into investment decisions before significant harm occurs. This article examines the Vietnamese framework under the Law on Environmental Protection 2020 and its implementing instruments, focusing on screening, assessment quality, consultation, appraisal, environmental permitting and post-approval monitoring. It treats EIA not as an administrative report but as an iterative process for identifying alternatives, distributing information and assigning responsibility. The analysis highlights persistent governance risks: late assessment, formulaic public consultation, weak consideration of cumulative impacts, uncertain coordination among authorities and insufficient follow-up once projects receive approval. Drawing on the precautionary principle, comparative assessment guidance and administrative-law reasoning, the article recommends earlier scoping, accessible environmental information, meaningful participation, independent review of high-risk projects and transparent verification of mitigation commitments. The analysis acknowledges that implementing legislation has undergone amendments and requires project-specific verification of applicable consolidated provisions.

Keyword: *Environmental impact assessment; environmental law; public participation; precaution; monitoring; Vietnam.*

1. INTRODUCTION

Industrial investment, transport infrastructure, energy facilities and urban development can deliver substantial economic benefits while imposing irreversible environmental costs. Pollution, habitat fragmentation and social disruption can arise gradually, across administrative borders or through the combined effect of several projects. Environmental impact assessment is a legal instrument for identifying such risks before an investment decision forecloses safer alternatives.

Vietnam's Law on Environmental Protection 2020 establishes an EIA framework as part of a wider environmental governance system. Decree No. 08/2022/ND-CP provides implementing detail and has subsequently been amended. This framework reflects a shift from treating environmental protection as remediation after damage toward preventive decision-making, but the effectiveness of prevention depends on the timing, quality and consequences of assessment.

The article uses doctrinal analysis and draws on general principles associated with the Rio Declaration and established EIA practice. It asks how information produced by an assessment changes decisions, who can scrutinize that information and what institutions do when predictions or promised mitigation measures prove inadequate. The central claim is that legal quality should be judged by decision influence and follow-through rather than the number of reports completed.

2. THE PREVENTIVE FUNCTION OF ENVIRONMENTAL ASSESSMENT

Environmental assessment operates before the full consequences of a project can be observed. Its distinctive function is therefore anticipatory. Project proponents are expected to identify likely impacts and explain how they will avoid, reduce or manage significant harm. This requires explicit treatment of uncertainty: scientific models can identify plausible pathways and exposure levels,

but they cannot guarantee that every effect will occur exactly as predicted.

Assessment differs from an environmental permit. EIA evaluates expected effects and measures at a planning stage; permitting and subsequent monitoring regulate specified operational obligations. The two mechanisms should inform one another. Where the permitting stage reveals a materially different project design or risk profile, the regulatory system needs clear procedures for reassessment rather than assuming the original report remains conclusive.

An important issue is the consideration of reasonable alternatives. Comparing an industrial facility with a different technology, layout or location can reveal environmental costs that disappear if the assessment considers only the developer's preferred plan. A credible report should identify a baseline, describe methodology, explain chosen assumptions and compare meaningful alternatives, including the consequences of not proceeding where relevant.

3. PROJECT SCREENING, SCOPING AND REPORT QUALITY

Screening determines which projects require an EIA and how intensive the assessment should be. Legal categorization can improve administrative efficiency, but thresholds and classifications are only proxies for actual environmental risk. A relatively modest project may still be damaging when located near protected habitats, concentrated residential areas or water resources already under stress.

Scoping is the stage at which decision-makers determine the range of impacts requiring serious investigation. Poor scoping can produce long reports that devote attention to easily measured variables while neglecting health consequences, livelihoods, biodiversity or cumulative pollution. Scoping should consider geographic reach, temporal effects and vulnerable receptors, not merely administrative boundaries or the boundaries of the project site.

Report quality depends on transparency about data sources, baseline observations and modelling assumptions. Predictions should distinguish routine impacts from credible accident scenarios. If important monitoring data are missing, the report should identify that limitation and explain how it affects the assessment rather than inserting

unsupported certainty. Independent technical review is especially valuable for projects with severe or difficult-to-reverse risks.

Consultants face a structural incentive problem when retained and paid by proponents whose projects they evaluate. This relationship does not invalidate their work, but it underscores the need for disclosure, professional accountability and expert verification. Regulators should review substantive methodology and mitigation feasibility rather than treating completeness of forms as a substitute for critical appraisal.

4. PUBLIC CONSULTATION AND ENVIRONMENTAL JUSTICE

Participation serves an informational function as well as a democratic one. Local residents may know about seasonal flooding, existing contamination, drinking-water use or culturally significant places not visible in a short technical visit. Their input can improve project design and reduce costly conflict. However, a consultation process organized only after major design choices are settled may offer little opportunity to influence the outcome.

Meaningful consultation requires timely disclosure in accessible language, adequate notice, opportunities to question technical claims and a recorded explanation of how concerns were addressed. Publishing a large technical document without a usable summary may satisfy a formal disclosure step while leaving affected persons unable to participate. Access barriers are particularly serious for remote communities and people with limited digital connectivity.

Participation also raises distributional questions. A project may yield benefits at national scale while concentrating noise, displacement or exposure in a small locality. Environmental justice therefore requires attention to who bears risks and who gains the benefits. The assessor should not erase distributional effects by presenting only aggregate net benefit, and approval authorities should document their evaluation of significant community concerns.

Consultation is not equivalent to a general veto over all development. The legal objective is an informed and accountable decision that weighs relevant interests within the applicable statutory standards. Nonetheless, treating objections merely as an administrative obstacle undermines

confidence in both the assessment process and the eventual project.

5. APPRAISAL, PERMITTING AND POST-APPROVAL OVERSIGHT

The quality of administrative appraisal depends on reviewers having time, expertise and access to relevant evidence. Large projects may require expertise in hydrology, air modelling, public health, biodiversity and industrial engineering. Coordinated review must also identify where specialized agencies have overlapping responsibilities so that important matters do not fall between mandates.

Approval conditions should be operationally precise. Statements that a developer will 'minimize pollution' do not tell inspectors what level of performance is required, what monitoring is necessary or how non-compliance will be established. Conditions should identify measurable commitments, responsible persons, time frames and reporting requirements where the legal framework allows.

Monitoring after approval tests the assumptions on which the administrative decision relied. If actual emissions, traffic patterns or ecological impacts materially diverge from projections, the regulator needs reliable data and authority to require corrective measures. An EIA system without meaningful follow-up risks becoming a licensing ritual rather than a preventive institution.

Public access to monitoring summaries and material compliance outcomes can strengthen accountability. Disclosure must account for legitimate protected information, but broad confidentiality claims should not prevent affected communities from understanding material environmental risks. The coordination of EIA, environmental permitting and inspection should allow information generated in one stage to inform later decisions.

6. REFORM DIRECTIONS AND IMPLEMENTATION PRIORITIES

First, project screening and scoping should adopt a clearer risk-sensitive approach. Guidance could identify factors such as ecological sensitivity, cumulative stress, vulnerable populations and reversibility of harm. Earlier screening would allow assessment to inform project design rather

than rationalize a decision that has already been effectively made.

Second, disclosure and consultation should be designed for practical accessibility. Nontechnical summaries, maps, alternative scenarios and written responses to major concerns would be more useful than publishing unstructured volumes of documentation. Consultation records should distinguish issues resolved through design changes from issues left contested, with reasons.

Third, appraisal should prioritize independence and competence. For high-risk projects, structured external peer review and transparent conflict-of-interest rules could improve confidence in technical conclusions. Strengthening specialist review is not equivalent to adding more administrative steps; the aim is to reduce error and improve the quality of consequential decisions.

Fourth, mitigation commitments should be traceable through approval, permitting and inspection. Digital registers could connect predicted impacts, promised measures, deadlines and monitoring outcomes. Regulators should be able to identify quickly which commitments have been verified, which require corrective action and which have become obsolete because a project has materially changed.

Finally, evaluation of the EIA regime should examine environmental outcomes and participation quality, not merely processing time or the number of approvals. Administrative simplification has value only when it preserves the capacity to detect serious environmental risks before they become costly or irreversible.

7. CONCLUSION

Environmental impact assessment is most valuable when it changes the timing and quality of investment decisions. Vietnam's statutory framework provides an institutional basis for prevention, but robust outcomes require technically credible reports, meaningful participation, coordinated appraisal and accountable follow-up. Reform should connect early risk identification with verifiable mitigation and public access to material information. Implementation research should investigate whether assessed predictions are validated in practice and whether affected communities

receive understandable explanations of consequential environmental decisions.

8. ACKNOWLEDGEMENTS

The author would like to thank TNU- University of Sciences for supporting us to complete this article.

REFERENCES

- [1] National Assembly of Vietnam. (2020). Law on Environmental Protection No. 72/2020/QH14.
- [2] Government of Vietnam. (2022). Decree No. 08/2022/ND-CP detailing a number of articles of the Law on Environmental Protection (as amended).
- [3] Government of Vietnam. (2025). Decree No. 05/2025/ND-CP amending Decree No. 08/2022/ND-CP.
- [4] United Nations. (1992). Rio Declaration on Environment and Development.
- [5] United Nations Economic Commission for Europe. (1991). Convention on Environmental Impact Assessment in a Transboundary Context.
- [6] United Nations Economic Commission for Europe. (1998). Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.
- [7] International Association for Impact Assessment. (1999). Principles of Environmental Impact Assessment Best Practice.
- [8] International Finance Corporation. (2012). Performance Standards on Environmental and Social Sustainability.
- [9] World Bank. (2017). Environmental and Social Framework. World Bank.
- [10] Jay, S., Jones, C., Slinn, P., & Wood, C. (2007). Environmental impact assessment: Retrospect and prospect. *Environmental Impact Assessment Review*, 27(4), 287–300.
- [11] Morgan, R. K. (2012). Environmental impact assessment: The state of the art. *Impact Assessment and Project Appraisal*, 30(1), 5–14.
- [12] Sadler, B. (1996). Environmental Assessment in a Changing World: Evaluating Practice to Improve Performance. International Association for Impact Assessment.