

LEGAL FRAMEWORK FOR PUBLIC PARTICIPATION IN VIET NAM

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- The following are present in Viet Nam:
 - sealed radioactive sources
 - research reactor
- The nuclear power plant projects have been postponed since November 2016
- The PFS of a new research reactor project is being considered for approval

LAWS CURRENTLY GOVERNING PUBLIC PARTICIPATION (1)



- **Law on atomic energy 2008:** Dossier for site approval shall include the Resolution of the Provincial People's Committee of the place where the nuclear power plant is to be located, stating public opinions on measures for safety and security assurance, investment policy for construction of infrastructure, development of culture, education and welfare in order to harmonize the benefit of the State, investors and local people (Article 47 on NPP site)
 - Decree No. **70/2010/NĐ-CP:**
 - Environmental Impact Assessment Report shall include Opinion of People's Council and representatives of public in the Ward where the project is implemented.

LAWS CURRENTLY GOVERNING PUBLIC PARTICIPATION (2)

- **Law on Environmental Protection 2014:**
 - Article 21: Consultation to be required in the process of the environmental impact assessment, aiming at completing the report on environmental impact assessment, helps minimize the bad impacts on the environment and human beings and ensure the sustainable development of the project. Project owners are obligated to consult with regulatory agencies, organizations and communities that are directly affected by the project.
 - Article 22: Main subject-matters of the report on environmental impact assessment shall include the Consultation result.
 - **Decree No.18/2015/NĐ-CP** Article 12 stipulates the consultation procedure, correction upon receive the opinions and requirement from the People's Council and public in the Ward where the project is implemented.
 - **Circular 27/2015/TT-BTNMT** regulations and guidelines on strategic environmental assessment, environmental impact assessment and environmental protection plan including the sample forms for consultation.

LAWS CURRENTLY GOVERNING PUBLIC PARTICIPATION (3)

- Hand book on guidance for formulation of Environmental Impact Assessment Report of NPP, issued by the Ministry of Environment and Natural Resources:

Chapter 6. Public consultation:

Objectives: Collecting information and data for the EIA process and decision making

Principles:

- Consultation on the right people at the right time
- The content of the consultation must be honest with the content of the project and be shown in a simple and easy to understand.
- Consultation in the EIA implementation process and reflecting in the EIA report.

Content:

- **Consultation time**
- **Subject to consultation**
- **Forms of consultation**
- **Feedback consulting results**

LAWS CURRENTLY GOVERNING PUBLIC PARTICIPATION (4)

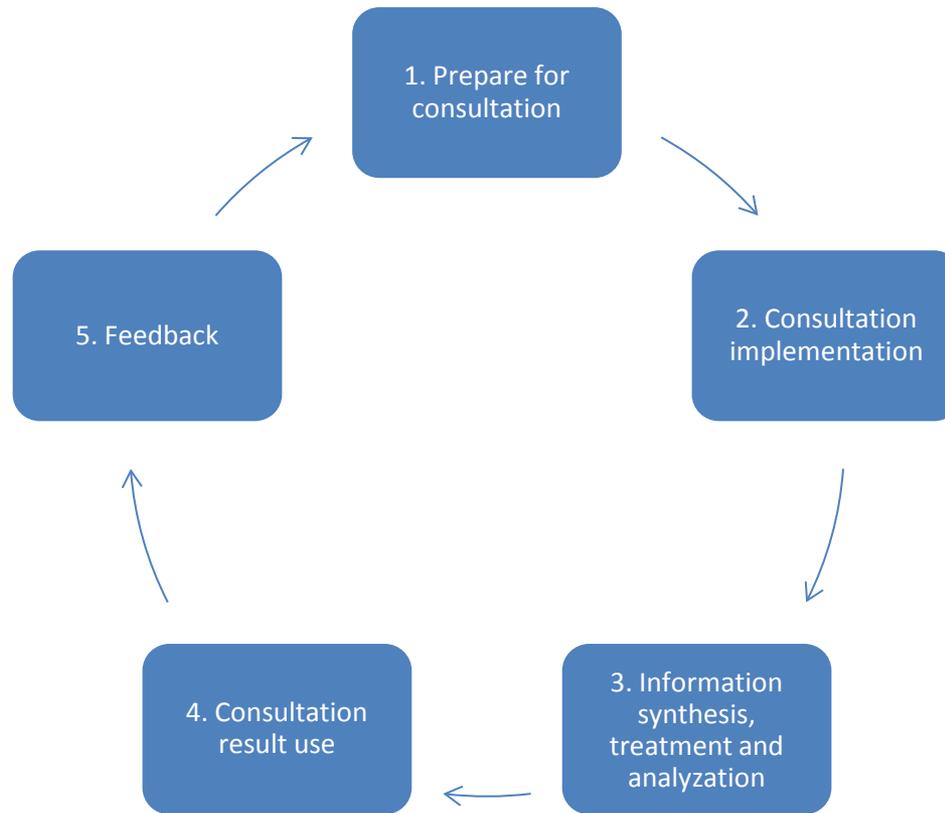


- **Ordinance on exercise of democracy in communes, wards and townships**

The Ordinance stipulates the issues that must be discussed and participated in authority's decision by local people.

- in order to concretize the above provisions, some Provincial People's Councils have issued separate resolutions of the People's Councils to guide procedures and related contents of consultation activities.

LAWS CURRENTLY GOVERNING PUBLIC PARTICIPATION (5)



Public consultation process

CHALLENGES

- Difficulty in finding common view in the preparation and construction phase of projects such as land acquisition, compensation, site clearance and resettlement.
- Many projects have been delayed, failing to meet the targets due to long-running disputes.

CONCLUSIONS

- Stakeholder consultation is an effective way to mobilize people's knowledge to improve the project, increase social feedback, minimize the negative impact of the project, make the consensus of people.
- In order to enhance public participation in the project development, it is necessary to comply with the related policies and laws; transparent, open and honest about information and activities of the project. The project owner and related organizations should be fully involved in the consultation process, especially with civil society organizations and communities directly affected by the project.

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***Thank you for
your attention !***