



ABSTRACT PROCEEDINGS

INTERNATIONAL HYBRID CONFERENCE
ENVIRONMENTAL PROTECTION
AND CLIMATE CHANGE POLICIES AND LAW 2023
(EPCCPL 2023)

INTERNATIONAL AND NATIONAL LEGISLATION REACHING NET-ZERO EMISSIONS

THE PERSPECTIVE OF DEVELOPING COUNTRIES

Friday, 01 December 2023

- Vietnam time



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OUR FANPAGE

The University of Economics and Law, VNU-HCM

No.669, National Highway 1, Quarter 3,
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CONFERENCE PROGRAMME

TIME	TOPICS	SPEAKERS
8:30-9:00	Welcome participants and guests	
9:00	OPENING SESSION (Room A.114) Zoom link: https://uelelearning.zoom.us/j/3577607348?pwd=MmRjdEhrODRGbWtsVFRVU1hb2ErUT09 Meeting ID: 357 760 7348 Passcode: 01122023	
9:00 - 9:10	Welcome speech from the University of Economics and Law, VNU-HCM	Assoc.Prof. Le Vu Nam <i>Vice-President</i> <i>University of Economics and Law,</i> <i>VNU-HCM</i>
9:10 - 9:20	Opening remark from Hanoi Law University	Dr. Chu Manh Hung <i>Chairman of the University Council,</i> <i>Hanoi Law University</i>
9:20 - 9:30	Introductory speech from Hue University School of Law	Assoc.Prof. Doan Duc Luong <i>Rector</i> <i>Hue University School of Law</i>
9:30 - 9:40	Thank you letters, flowers awards, and group photos	
9:40	PLENARY SESSION (Room A.114) Zoom link: https://uelelearning.zoom.us/j/3577607348?pwd=MmRjdEhrODRGbWtsVFRVU1hb2ErUT09 Meeting ID: 357 760 7348 Passcode: 01122023	Chair: Assoc.Prof. Le Vu Nam, <i>Vice-President</i> <i>University of Economics and Law,</i> <i>VNU-HCM</i> Dr. Chu Manh Hung <i>Chairman of the University Council,</i> <i>Hanoi Law University</i> Assoc.Prof. Nguyen Duy Phuong <i>Vice-Rector</i> <i>Hue University School of Law</i> Assoc. Prof. Nguyen Thi Hong Nhung <i>Dean</i>

		<i>Faculty of Law University of Economics and Law VNU-HCM</i>
9:40-10:00	Awakening Capitalism: Lessons from the East for the West <i>(online)</i>	Prof. Alan R. Palmiter <i>William T. Wilson, III, Presidential Chair for Business Law Wake Forest University, The US</i>
10:00-10:20	Legal Challenges in Combating Climate Change	Prof. Yuko Nishitani <i>Vice President of the Hague Academy of International Law Kyoto University, Japan</i>
10:20-10:40	Pursuing Climate Justice Through Public Interest Litigation: Theories, Practices, and Prospects	Prof. Zhang Hui <i>Southwest University of Political Science & Law, China</i>
10:40-11:00	Trends of carbon pricing and policy options for Viet Nam	Dr. Dao Gia Phuc <i>Managing Director Institute of International and Comparative Law University of Economics and Law VNU-HCM</i>
11:00-11:30	Discussion	
11:30-13:00	Lunch Break (UEL Space, B1 Building)	
PANEL SESSIONS		
13:10	Panel 1: International legislation reaching net-zero emissions (Room A.114) Zoom link: https://uelelearning.zoom.us/j/3577607348?pwd=MmRjdEhrODRGbWtsVVFRVU1hb2ErUT09 Meeting ID: 357 760 7348 Passcode: 01122023	Chair: Prof. Yuko Nishitani <i>Vice President of the Hague Academy of International Law Kyoto University, Japan</i> Dr. Su Wai Mon <i>Faculty of Law, Associate member of the Institute of Ocean and Earth Sciences (IOES), University of Malaya, Malaysia</i> Dr. Nguyen Thi Hong Yen <i>Senior Researcher & Lecturer, Head of Public International Law Division, Hanoi Law University</i>

13:10-13:30	Mediation in Resolving Environmental Disputes Between Investors-State: Vietnamese Perspectives	<p>Assoc. Prof. Doan Duc Luong <i>Rector, Hue University School of Law</i></p> <p>Dr. Nguyen Thi Hong Trinh <i>Dean of International Law Department, Hue University School of Law</i></p> <p>Mr. Phan Dinh Nguyen, LL.M. <i>Lecturer, Faculty of International Law, Hue University School of Law</i></p>
13:30-13:50	The Nexus Between Climate Change and Maritime Security	<p>Dr. Su Wai Mon <i>Faculty of Law, Associate member of the Institute of Ocean and Earth Sciences (IOES)</i> <i>University of Malaya, Malaysia</i></p>
13:50-14:10	Environmental protection under private international law toward SDGs	<p>Prof. Mao Uematsu <i>Ritsumeikan University, Japan</i> <i>Chulalongkorn University, Thailand</i></p>
14:10-14:30	Advancements and limitations of the 2002 ASEAN agreement on haze transboundary pollution: a reflection of “the ASEAN way” <i>(online)</i>	<p>Ms. Nguyen Thuy Duong, LL.M. <i>Lecturer, Faculty of International Law, Hanoi Law University</i></p>
14:30-14:50	Dealing with climate change in international investment arbitration: the case of renewable energy disputes	<p>Assoc. Prof. Nguyen Duy Phuong <i>Vice-President, Hue University School of Law</i></p> <p>Mr. Le Ngoc Phu, LL.M. <i>Lecturer, Faculty of Administrative Law, Hue University School of Law</i></p> <p>Ms. Bui Thi Quynh Trang, LL.M. <i>Lecturer, Faculty of International Law, Hue University School of Law</i></p>
14:50-15:10	International legal framework for carbon markets: good practices and policy recommendations for Viet Nam	<p>Dr. Nguyen Thi Hong Yen <i>Senior Researcher & Lecturer, Head of Public International Law Division, Hanoi Law University</i></p> <p>Ms. Nguyen Phuong Dung, LL.M. <i>Associate Lecturer (Law), The Business School, RMIT University Vietnam</i></p>

15:10-15:45	Discussion	
13:10	Panel 2: National legislation reaching net-zero emissions (Room A.811)	Chair: Dr. Nguyen Thi Hong Trinh <i>Dean International Law Department Hue University School of Law</i> Asst.Prof. Surinrat Kaewtong <i>Faculty of Law, Prince of Songkla University, Thailand</i> Assoc.Prof. Doan Thi Phuong Diep <i>Head of Legal Inspection Department, Research Director at Institute of International and Comparative Law, University of Economics and Law VNU-HCM</i>
13:10-13:30	International standards on the management of plastic waste from fishing activities – The context of Viet Nam and recommendations	Assoc. Prof. Ngo Huu Phuoc <i>Vice Dean of Faculty of Economic Law, University of Economics and Law</i> Mr Nguyen Dinh Duc, LL.M <i>Lecturer, Faculty of Economic Law, University of Economics and Law</i>
13:30-13:50	Assessing challenges and prospects of carbon credits in Thailand	Asst.Prof. Surinrat Kaewtong <i>Faculty of Law, Prince of Songkla University, Thailand</i>
13:50-14:10	Developing renewable energy from solid waste – certain legal issues and suggestions for Vietnam	Dr. Nguyen Thi Tinh Dr. Nguyen Thi Thanh <i>Faculty of Law, Thuong Mai University</i>
14:10-14:30	Challenges when construction and implementing environmental protection tax with solar power development in Viet Nam	Mr. Phan Dinh Minh, LL.M <i>Head of Business Relations and Entrepreneurship, Law Practice and Entrepreneurship Center Hue University School of Law</i>
14:30-14:50	Sea level rise due to the climate change: causes and effects on offshore features	Mr. Dinh Trong Hiep <i>Hanoi Law University</i>
14:50-15:10	Climate change litigation in the Netherlands and inspiration for Viet Nam	Dr. Nguyen Thi Hong Trinh <i>Dean International Law Department Hue University School of Law</i>

		Mr. Nguyen Huu Khanh Linh, LL.M <i>Lecturer, Hue University School of Law</i>
15:10-15:45	Discussion	
13:10	Panel 3: Climate justice and meaningful public participation in environmental decision-making (Room A.107) Zoom link: https://uelelearning.zoom.us/j/9025623186?pwd=ZURpM3hXaWM1MHIFQ0VrOk5JTVILdz09 ID meeting: 902 562 3186 Password: 01122023	Chair: Assoc. Prof. Vo Tri Hao <i>Senior Specialist Institute of International and Comparative Law University of Economics and Law VNU-HCM</i> Prof. Zhang Hui <i>Southwest University of Political Science & Law, China</i>
13:10-13:30	Towards climate justice: from a market-based to a more inclusive approach and implications for climate change legislation, policies, and research	Dr. Nguyen Truong Anh Tram <i>University of Economics and Law VNU-HCM</i>
13:30-13:50	The Inter-American court and the international tribunal for the Law of the Sea's advisory opinions on climate change: main challenges and opportunities	Ms. Julia Cirne Lima Weston, PhD Candidate <i>Católica Research Centre for the Future of Law, Portugal</i>
13:50-14:10	Improving the role of women in adaptation climate change in Viet Nam <i>(online)</i>	Ms. Nguyen Thi Quynh Trang, LL.M <i>Lecturer, Hanoi Law University</i>
14:10-14:30	The impact of climate change on the implementation of children's rights in Sub-saharan Africa <i>(online)</i>	Dr. Bright Phiri <i>Marwadi University, India</i>
14:30-14:50	The Importance of the Fossil Fuel Non-Proliferation Treaty to Achieve Climate	Dr. Raj Varma, Dr Sujata Arya Prof. Kshitij Naikade

	Justice in India and Other Asian Countries <i>(online)</i>	<i>Assistant Professor, Symbiosis Law School, Pune, under the aegis of Symbiosis International (Deemed University), India</i> Ananya Ahajoy <i>Symbiosis Law School, Pune, India</i>
14:50-15:10	Gender mainstreaming in climate policies and laws for environmental protection in developing countries: a comparative study of India and Vietnam <i>(online)</i>	Ms. Shuma Talukdar <i>Supreme Court of India and World Commission on Environmental Law</i>
15:10-15:45	Discussion	
13:10	Panel 4: Climate change, Carbon market and cross-cutting issues (A.704) Zoom link: https://uelelearning.zoom.us/j/95104126715?pwd=QVpVYzVXL21ZUEo4T3JQVXJEeVVxUT09 ID meeting: 951 0412 6715 Password: 01122023	Chairman: Dr. Nguyen Toan Thang <i>General Director, Comparative Law Institute, Hanoi Law University</i> Assoc. Prof. Nguyen Thi Hong Nhung <i>Dean Faculty of Law University of Economics and Law VNU-HCM</i>
13:10-13:30	Improve the relevant legal framework to promote free, prior, informed and consent (FPIC) practice under REDD+ program in Viet Nam	Ms. Phan Anh Thu, LL.M <i>Faculty of Economic Law, Hue University School of Law</i> Ms. Tran Thi Ngoc Mai <i>People's Committee of M'Drak district, Dak Lak province</i>
13:30-13:50	A policy and legal analysis of the relevance of the EU's Carbon Border Adjustment Measure for Vietnam <i>(online)</i>	Dr. Cuong Viet Do <i>Vietnam National University, Hanoi - University of Law</i>
13:50-14:10	Employee rights in the context of climate change – some legal issues and recommendations for Viet Nam <i>(online)</i>	Ms. Le Thao Nguyen, LL.M <i>Lecturer, Faculty of Economic Law, Hue University School of Law</i> Dr. Dao Mong Diep

		<i>Lecturer, Faculty of Economic Law, Hue University School of Law</i>
14:10-14:30	Enforcing the right to live in a healthy environment in Vietnam: lessons from Japan and the United States <i>(online)</i>	Ms. Nguyen Phuong Anh, PhD Candidate <i>Civil Servant, Criminal and Administrative Legislation Department, Ministry of Justice; Graduate School of Law, Nagoya University</i> Mr. Vo Minh Ky, PhD Candidate <i>Prosecutor, People's Procuracy of Ninh Kieu District, Can Tho City; Graduate School of Law, Nagoya University</i>
14:30-14:50	Managing non-point pollution under Vietnam's law: practice and feasible approach	Ms. Nguyen Thi Lan Anh, LL.M, Mr. Nguyen Luong Sy, LL.M <i>University of Law, Hue University</i>
14:50-15:10	Climate Change, Sustainable Development Goals and the EIA Notification 2020 in India: A Critical Review w.r.t European Union <i>(online)</i>	Mr. Abhinav Shrivastava <i>Ph.D. Scholar and Assistant</i> Dr. Shashikala Gurpur <i>Professor, Symbiosis Law School (SLS) Symbiosis International (Deemed University) (SIU), Vimannagar, Pune, Maharashtra, India</i>
15:10-15:45	Discussion	
CLOSING SESSION		
16:00-16:15	Appreciation Letter to Conference's Sponsors Certificates for Presenters	Assoc.Prof. Doan Duc Luong <i>Rector Hue University School of Law</i>
16:15-16:30	Closing remarks	Assoc.Prof. Le Vu Nam <i>Vice-President University of Economics and Law, VNU-HCM</i>

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CONFERENCE PRESENTATIONS



PLENARY SESSION

LEGAL CHALLENGES IN COMBATTING CLIMATE CHANGE

Yuko Nishitani

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ABSTRACT

Climate change is becoming a serious, pressing issue worldwide. It arguably affects the Global South more than the Global North. International legal instruments grounded on states' consensus have not been effective enough to combat climate change. The Japanese government has also struggle to adopt adequate measures for reducing CO₂ emissions after the Fukushima nuclear disaster. To better shape and enforce state obligations, climate change litigation can be useful means. Some lawsuits brought against governments have had success by relying on human rights. Private enforcement by civil tort actions against multinationals is more challenging. After the 2021 Royal Dutch Shell case from the Netherlands, it is lively discussed whether and to what extent private companies can be held liable to reduce CO₂ emissions and possibly pay damages. This paper discusses cutting-edge issues on climate change from a viewpoint of public and private international law, referring also to the government policy of Japan and the challenges surrounding its implementation.

PURSUING CLIMATE JUSTICE THROUGH PUBLIC INTEREST LITIGATION: THEORIES, PRACTICES AND PROSPECTS

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ABSTRACT

Global warming and climate change have long been the international challenges, causing more and more deep concern with the sustainable development and fair treatment of human beings within the international community. Low-income communities, people of color, indigenous people, people with disabilities, older or very young people, and even women, all can be more susceptible to risks posed by climate impacts like extreme weather, flooding, drought, rising of sea level, short of water and food, and unusual diseases. How to curb the extension of climate change, mitigate the adverse impacts, impartially vindicate the interests of all human beings, and ensure the access to justice, currently, is emerging into a notable consciousness, called climate justice. Although, different people may have different perspectives, nobody would put aside the significance of litigation to pursue justice they were born to deserve.

In recent years, scholars observe that the failure of the UN climate change conference in Copenhagen in 2009 (COP15) reignited an interest in the prospects for climate litigation in some countries, and many of the cases that occurred subsequently have been led by activists seeking the courts to challenge climate inaction. The years following the Paris Agreement in 2015 have also seen an increase in activity in some places, both in terms of activism and in new types of climate-related cases in the courts. In the same year of 2015, China enacted its new Environmental Protection Law which is known as the most stringent act historically, created an unprecedented suit named Environmental Civil Public Interests Litigation, and subsequently introduced Environmental Administrative Public Interests Litigation, jointly referred to China EPILs. Since then, there has been a spurt increase in EPIL, but in 2022, 5,885 EPIL cases and 221 ecological damage compensation cases were heard at different levels of environmental tribunals, making outstanding contributions to climate justice.

In Europe, the case *Urgenda v. Netherland* 2019 and the case *Milieudefensie et al v. Shell* 2021 attracted the attention of the whole world, raising deep and universal debate on pursuing climate justice by public interests litigation. Not only the government, but also the enterprises are both liable for mitigating the side effects of climate change, and compensate for damages incurred or is to be incurred in line with the doctrine of duty of care.

Undoubtedly, both China and Netherland have made great achievements in pursuing climate justice, however, less is worthy of applauding at this moment. We have to realize that the absolute proportion of climate cases is heard under the domestic laws by domestic courts, the binding force of these judgments is limited with their boundaries, lacking of international effects. Some countries like U.S and China do not have a specific climate change law, but made great progress in climate justice, while some country like Brazil has more than 20 climate change related laws but reaped only two cases in response to climate change. In

addition, other than China EPILs, most of the cases brought in U.S. and European Courts are not essentially public interests suits, but private ones taking the form of class actions. All in all, if we insist on utilizing public interests litigation as a typical way to achieving climate justice, we have to explore and enrich the basic theories of PIL, including but not limited to the theory of human rights, the public trust, public nuisance, and the theory of torts, and furthermore, to review and redesign the current practices of PIL to enhance the extraterritorial legal effects of Climate judgements, to enlarge the access to participate in climate decision making and legislation without regard to the race, gender, career, location and color, and ultimately to enjoy a fruitful prospects of Climate justice for all human beings.

Keywords: Climate Change; Climate Justice; Public Interests Litigation; Climate Legislation; Climate Judgement; Enforcement.

TRENDS OF CARBON PRICING IN THE WORLD AND CONSIDERATIONS FOR VIETNAM

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ABSTRACT

The development of carbon markets and mechanisms has demonstrated a major effort to combat climate change in countries around the world. Recently, many countries have consistently implemented novel mechanisms for carbon pricing to successfully meet their commitments under the Paris Agreement. The concept of carbon pricing is being examined from a wider perspective, encompassing its role not just as a crucial policy for mitigating climate change but also as a means to generate money, stimulate innovation, and contribute to the achievement of larger sustainability and development objectives. This article investigates the current trend of carbon pricing around the world and then identifies opportunities and challenges of such mechanism to combat climate change. Thereby undertaking a comprehensive examination of the diverse carbon pricing initiatives implemented by the global community and drawing implications for policies and laws in Viet Nam.

Keywords: climate change, carbon pricing, carbon taxes, emission trading system.

v



PANEL 1

MEDIATION IN RESOLVING ENVIRONMENTAL DISPUTES BETWEEN INVESTORS-STATE: VIETNAMESE PERSPECTIVES

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ABSTRACT

Over the past two decades, attracting Foreign Direct Investment (FDI) has become crucial for Vietnam's external economic pursuits. However, as a developing country, Vietnam's economic growth is often prioritised over environmental issues. When receiving foreign investment resources, the government could encounter ecological problems leading to disputes with various entities. On the other hand, investors typically prioritise maximising profits. As a result, they constantly seek legal protection and risk mitigation. However, due to the legal system's lack of synchronisation and transparency in Vietnam and other developing nations, disputes commonly arise between investors and the state, particularly about environmental policies. Traditional dispute settlement methods such as court proceedings or arbitration might be time-consuming and impose costs for investors and states. Meanwhile, mediation has been a more sensible approach that could reduce conflict and resolve disputes in that it prioritises harmony. The mediator majorly focuses on guiding the parties towards a mutually beneficial outcome, making it more preferred by investors. In the context of environmental disputes related to foreign direct investment, it would benefit Vietnam to develop a robust legal framework, particularly regarding mediation.

To address this concern, Section (I) of this paper provides a comprehensive overview of theoretical perspectives on investment dispute resolutions between investors and states, particularly in environmental disputes. Next, Section (II) delves into China's investor-state dispute settlement (ISDS) mechanism system. Moreover, it also explores the Chinese Government's perspective on the mediation method as they considered it more suitable for investment disputes related to environmental issues. This exploration takes into account China's considerable influence on Vietnam's economy. Finally, Section (III) presents an overview of the environmental dispute resolution within Vietnam's legal framework, specifically focusing on the mediation methods between foreign investors and the state. By considering China's regulations, valuable insights can be gained to enhance Vietnam's policies and mechanisms for effectively resolving environmental disputes between investors and the government.

Keywords: Environmental Investor-State dispute settlement, Mediation, China, Vietnam.

THE NEXUS BETWEEN CLIMATE CHANGE AND MARITIME SECURITY: THE CASE FOR SOUTHEAST ASIA

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ABSTRACT

To date, the nexus between the two significant concepts of climate change and maritime security has been explored by the limited academic literature while both are considered contemporary challenges and the major concern for the international community as a whole. According to UN Climate Change, the ocean has long been the brunt of the impacts of human made global warming as the ocean absorbs excess heat and energy released from rising greenhouse gas emissions trapped in the Earth's system where about 90 percent of the heat generated by rising emissions has now been absorbed by the ocean. Consequently, the change in seawater temperature leads to unparalleled cascading effects, including ice-melting, sea-level rise, marine heatwaves, and ocean acidification as well as the loss of marine biodiversity. Sea level rise affects low-lying coastal areas and deltas of the world, which leads to flooding of the coastal infrastructure, such as ports that facilitate the shipping industry which is significant for international trade. In addition, climate change has a significant impact on food security, and human health as well as specific physical effects, such as erosion, inundation, coastal hazards, and flooding which create challenging situations for the livelihood of the coastal communities. They are therefore more likely to engage in forms of maritime criminality since maritime crime becomes a means to compensate for insufficient or decreased revenue and for a decrease in well-being and poverty in general. Moreover, Maritime security on the other hand is a broad concept that covers various non-traditional security challenges in the maritime domain including maritime crimes such as piracy, illegal fishing, and activities that are detrimental to the marine environment and biodiversity. The existence of possible indirect linkages between the effects of climate change on coastal communities and maritime criminality has been recognized by the IPCC in its 5th assessment report. Undoubtedly, there are commonalities among the impacts caused by both climate change and maritime security which are also transnational in nature. Therefore, international cooperation efforts are essential to the effective ocean governance and sustainable management of ocean resources in the face of growing impacts from both climate change and maritime security. This paper attempts to explore the nexus between climate change and maritime security in Southeast Asia and the existing regional efforts to address such challenges.

Keywords: climate change, maritime security, marine biodiversity, security threats, ASEAN

ENVIRONMENTAL PROTECTION UNDER PRIVATE INTERNATIONAL LAW TOWARD SDGs

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ABSTRACT

Sustainable Development Goals (SDGs) and ESG (Environmental, Social and Governance) are hot topics over the world now. These concepts include, no doubt, Net-Zero Emission (especially of greenhouse gases). Not only public law but also private (international) law contributes to SDGs and the conformity of ESG. It used to exist many obstacles that substantially disturb the environmental protection internationally also in private international law rules, namely, those of International Jurisdiction, Choice of Law and its Application, and Recognition/Enforcement of Foreign Judgement. The victim of the cross-border pollution could be relieved very hard in reality. In tort cases, many laws admit the place of injury or/and damage as a jurisdictional ground. So, the victim can sue the tortfeasor in its home. At the stage of the choice of law and application of the law, however, the claim might not have been admitted very possibly for the time being. And, even though the judgement in favor of the victim rendered in its home, the recognition/enforcement of it could be possibly refused in the state of the tortfeasor. As a result, the international environment seemed to have been not protected enough by the law. Recently, the trend to abate such kinds of obstacle is perceived in accordance with SDGs and ESG. The prospected new legislation over the world will make a paradigm shift toward the environmental protection as well. The due diligence law is a typical example. This kind of law shall overwhelm private law, including private international law, and extract the extraterritorial effect by its nature. So, the traditional implementation of private international law will be replaced at least partially by the new legislation for SDGs and ESG. The victim, in turn the environment, shall be more protected in private international law as well. Not only new legislation but also traditional private international law shall be changed or at least interpreted toward SDGs.

Keywords: Private International Law, SDGs, ESG, Due Diligence, International Environmental Protection

ADVANCEMENTS AND LIMITATIONS OF THE 2002 ASEAN AGREEMENT ON HAZE TRANSBOUNDARY POLLUTION: A REFLECTION OF “THE ASEAN WAY”

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ABSTRACT

For decades, transboundary haze pollution in Southeast Asia has caused severe environmental and health impacts for people, as well as economic consequences for countries in the Southeast Asian region. The Association of Southeast Asian Nations (ASEAN), as a regional intergovernmental organization, has made efforts to promote the signing of the ASEAN Agreement on Transboundary Haze Pollution (AAHTP) in 2002. The agreement is the organization's first and only legal document which came into effect in environmental cooperation, with an approach suitable for the regional context: focusing on establishing a preventive mechanism rather than imposing sanctions on non-compliant countries. However, after more than two decades since its signing, transboundary haze pollution in the region continues to persist, indicating that the implementation of this document in dealing with transboundary haze has yet to achieve the expected results. Based on a theoretical framework of the ASEAN Way approach, on the one hand, the paper points out the advancements of the AAHTP, which align with the political considerations of ASEAN members in environmental cooperation. On the other hand, the paper emphasizes the reflection of this fundamental norm of the association in the AAHTP, which leads to significant limitations, especially the vagueness of legally binding and the need for enforcement measures within the instrument.

Keywords: ASEAN environmental cooperation, haze pollution, transboundary haze.

DEALING WITH CLIMATE CHANGE IN INTERNATIONAL INVESTMENT ARBITRATION: THE CASE OF RENEWABLE ENERGY DISPUTES

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ABSTRACT

In the field of international investment law and arbitration, controversial questions referring to how the investment tribunals will decide claims that result from climate change mitigation measures and whether (and, if so, how) the international investment law mechanism must be modified to accommodate measures taken by states to cope with the climate crisis. The increase in the number of arbitral awards in renewable energy in recent years expresses the significant impact of international investment arbitration on the law on renewable energy. It is notably suspicious whether international investment arbitration offers adequate protection to renewable energy investments. Furthermore, whether the host state's withdrawal of subsidies constitutes a breach of legitimate expectations under international investment treaties remains unanswered. The article will analyze the opportunities and challenges for the contribution of international investment law and arbitration in mitigating climate change through several international disputes concerning renewable energy.

Keywords: Climate change, international investment arbitration, renewable energy disputes.

INTERNATIONAL LEGAL FRAMEWORK FOR CARBON MARKETS: GOOD PRACTICES AND POLICY RECOMMENDATIONS FOR VIETNAM

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ABSTRACT

The Paris Agreement represents a pivotal historical accord, embodying a paramount international endeavour aimed at combating climate change through global collaboration. It encompasses a range of objectives, including the mitigation of climate change impacts and the adoption of low-carbon development strategies that do not compromise food production. Central to the strategy of reducing greenhouse gas (GHG) emissions is the utilization of carbon finance as a catalyst to facilitate the widespread adoption of renewable energy sources. Within the framework of the Kyoto Protocol, countries with surplus emissions allowances are empowered to engage in emissions trading schemes with counterparts that have either exceeded or fallen short of their prescribed emission reduction targets. This market-oriented approach exemplifies the superiority of such mechanisms over traditional climate change policies. Vietnam, classified as a developing nation projected to face significant repercussions from climate change, has established a target to launch a carbon trading platform in 2025, with the ultimate aim of achieving full operational status by 2028. The introduction of a carbon market bestows numerous advantages upon Vietnam, encompassing the effective reduction of carbon emissions, improved compatibility with international carbon pricing mechanisms, and integration into global carbon markets on both regional and international scales. Furthermore, this endeavour strengthens the competitiveness of Vietnamese products in the global marketplace and acts as a catalyst for the development and adoption of low-emission technologies, thereby aligning with the overarching aspiration of attaining a carbon-neutral economy. However, the impending implementation of this market presents formidable challenges, particularly in terms of legal and technical considerations. As a result, this scholarly article places emphasis on addressing salient issues, encompassing (i) elucidating the international legal framework and best practices governing carbon markets globally, (ii) identifying the specific legal and practical challenges associated with establishing a carbon market within the Vietnamese context, and ultimately, (iii) presenting recommendations to facilitate Vietnam's comprehensive preparation for the official operation of the carbon market by the year 2028.

Keywords: Climate change, carbon market, emission trading, environmental law, Net-zero.



PANEL 2

REGULATIONS ON MANAGEMENT OF PLASTIC DEBRIS FROM FISHING ACTIVITIES – INTERNATIONAL STANDARDS AND RECOMMENDATIONS FOR VIETNAM

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ABSTRACT

Vietnam used to be ranked among the countries that dump the most plastic debris into the sea in the world, and the problem of plastic pollution has been identified as an urgent problem in Resolution 36. With the orientation of sustainable development of the marine economy based on green growth, conservation of biodiversity, marine ecosystems, and linking marine environment protection with prevention and prevention of pollution and environmental incidents, strengthening regional and global cooperation, Vietnam needs to actively study international standards in the management of plastic debris from operations fishing to consider applying in a way appropriate to its fishery context. The article will systematize the Regulations of Vietnam's current law on plastic debris management in fishing activities and analyze relevant regulations in international instruments. On this basis, the authors make several recommendations to improve legal regulations to develop sustainable fisheries.

Keywords: UNCLOS, plastic debris management, international law, MARPOL 73/78

ASSESSING CHALLENGES AND PROSPECTS OF CARBON CREDITS IN THAILAND

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ABSTRACT

This paper is to provide a critical evaluation of the existing carbon credit and other environmental initiatives in Thailand and make recommendations for their progress and expansion. A comprehensive examination of existing regulations, policies and programs in place, as well as challenges and potential obstacles will first be conducted. The research will also include a comparative investigation into producing countries' best practices and evaluate the possibilities of innovating and implementing such programs in Thailand. Ultimately, this paper will supply insights into how the difficulties can be overcome and a range of suggestions for improving Thailand's potential in the international carbon market. Ultimately, the discussion hopes to reinvigorate the conversation on the capability of carbon credit and other environmental initiatives in Thailand, in order to potentially place the nation as a leader in emissions trading rights. Greenhouse gas accumulation in the atmosphere is resulting in global warming and having a significant effect on the global climate change. This encouraged the United Nations Framework Convention on Climate Change (UNFCCC) in 1994 with the aim of bettering the environment and producing a structure for emissions trading rights, such as carbon credits. Thailand ratified UNFCCC in 1998 and took effect the following year, and even though the country is not obliged to reduce emissions, like other Annex I nations, it still has several projects to promote the sale of carbon credits. However, slow advancements are allowing it to fall behind other countries in the region, potentially reducing their ability to implement environmental initiatives due to lack of finance. The research will provide recommendations to restore Thailand to a leading position in the carbon market, making the most of the collective potential of carbon credit and other environmental strategies.

Keywords: Climate Change, Carbon Credit, Environmental Initiatives

DEVELOPING RENEWABLE ENERGY FROM SOLID WASTE – CERTAIN LEGAL ISSUES AND SUGGESTIONS FOR VIETNAM

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ABSTRACT

Garbage and waste treatment is always a dilemma for any country worldwide, especially in big cities. When the economy develops at a rapid pace, human consumption demand is growing and the volume and quantity of waste is increasing, posing a complex problem for countries. In that context, converting waste into energy is a lifeline for the planet as well as an ideal solution, not only processing the garbage, protecting the environment, minimizing landfill area and reducing greenhouse gas emissions, but also creating an energy source for production and daily life, and partially solving the human need for electricity. To be able to impose this measure effectively, one of the current urgent issues is to create a mechanism to develop renewable energy projects from solid waste, in which the legal element plays an important role, creating a foundation for the state to manage as well as being a basis for investors to choose and confidently deploy investment projects. In this article, the author will introduce the legal framework for energy development using solid waste in Vietnam today and point out several legal inadequacies and directions for improvement to further promote and encourage investors to participate in this field.

Keywords: solid waste, renewable energy, renewable energy from solid waste...

CHALLENGES WHEN CONSTRUCTION AND IMPLEMENTING ENVIRONMENTAL PROTECTION TAX WITH SOLAR POWER DEVELOPMENT IN VIETNAM

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ABSTRACT

The Environmental Protection Tax is considered one of the important economic tools, a lever in developing solar power in Vietnam, aiming to minimize negative impacts from the use of fossil energy. for the environment and reduce the intensity of greenhouse gas development on GDP by at least 15% by 2030 compared to 2014 and aim for net emissions of "zero" by 2050, encouraging production activities, trading in environmentally friendly products, individuals and organizations investing in developing renewable energy sources such as solar energy, saving energy and reinvesting and sponsoring friendly projects with the environment effectively, has been applied in a number of countries around the world. However, the development and implementation of environmental protection tax policies for solar power development pose many challenges for a number of countries around the world, including Vietnam, such as regulations on appropriate tax between the problem of economic development and environmental protection, tax enforcement in production and business activities, costs as well as monitoring and enforcement of environmental protection tax compliance, challenges set out in policy development and implementation of environmental protection tax with solar power development in Vietnam. From there, it is proposed to develop and implement an environmental protection tax for solar power development in Vietnam.

Keywords: Environmental protection tax, solar power.

SEA LEVEL RISE DUE TO THE CLIMATE CHANGE: CAUSES AND EFFECTS ON OFFSHORE FEATURES

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ABSTRACT

Sea level rise is one of the foremost impacts of climate change. Over the past few years, the sea level rises average 4mm per year and tends to keep increasing. Recently, on 15th February 2023, the United Nations has held a Security Council meeting on the global impacts of sea level rise in order to seek compatible solutions for this hazardous disaster. In the meeting, the United Nations Secretary-General António Guterres has stressed that rising seas pose “*unthinkable*” risks to billions around the world, with profound implications for security, international law, human rights and the very fabric of societies. It is no doubt that sea level rise will have a huge negative impact on coastal states, especially for developing countries where financial and technological potentials are still deficient. Those offshore features of the coastal states (such as islands, rocks, etc.) are the most vulnerable, since their physical nature and their geographical distance from the mainland will make countermeasures face a lot of difficulties. Consequently, part or even entire land areas of the offshore features may disappear forever, which will not only deprive the territory and attached entitlements of the coastal state, but also affect adversely the habitat of billions. As such, the paper will focus on 03 main legal issues: *Firstly*, the paper will analyze the practice of sea level rise and clarify the impacts of climate change on the sea level rise. According to the reports of scientists studying climate change, there are two main reasons why climate change affects the level of the sea, the melting ice sheets and glaciers, and the expansion of seawater. Each of the above causes is the effect of a long-term process of climate change on Earth, which makes natural entities to be negatively affected. *Secondly*, the paper will analyze and elucidate the possible legal effects of sea level rise on the status and entitlement of offshore features. Accordingly, there are different types of offshore features under international sea law. Each of such will have different legal status and entitlement depending on its physical nature and position. Therefore, when the sea level rise diminishes the size of the offshore features, it will possibly affect their legal regime and function in defining the territory and entitlement of the coastal state. *Thirdly*, the paper will analyze the practice of international regime and countries in adapting with the sea level rise and the submergence of offshore features due to climate change. This part will focus on the legal regime for the adaptation of international sea law, assess the impact of human intervention (focusing on land reclamation, fortification activities) as adaptive measures to sea level rise and its legal effect. In the conclusion, the paper will evaluate the above-mentioned legal issues and their feasible impacts.

Keywords: Climate change, Sea level rise, International law, Offshore features.

CLIMATE CHANGE LITIGATION IN THE NETHERLANDS AND INSPIRATION FOR VIETNAM

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ABSTRACT

Climate change has emerged as a central global concern and challenge. The Netherlands, a nation with an admirable history of environmental protection, has emerged as a pioneer in employing litigation as a tool to address climate change. This article aims to offer an overview of climate change litigation on a global scale. Subsequently, it delves into an analysis of climate change litigation in the Netherlands, highlighting a national model where climate litigation activities are robustly developed. To elucidate the legal issues surrounding climate change litigation in the Netherlands, the article examines two landmark cases: *Urgenda* and *Shell*. Following this, the article assesses the broader impact of climate change litigation in the Netherlands on the international community. Within the context of Vietnam, this article suggests that the successes of legal actions in countries like the Netherlands, particularly the *Urgenda* and *Shell* cases, provide vital insights for nations such as Vietnam that are grappling with the tangible consequences of global warming.

Keyword: climate change, the Netherlands, Vietnam, climate change litigation, climate change mitigation, court proceedings, *Urgenda*, *Shell*.



PANEL 3

TOWARDS CLIMATE JUSTICE: FROM A MARKET-BASED TO A MORE INCLUSIVE APPROACH AND IMPLICATIONS FOR CLIMATE CHANGE LEGISLATION, POLICIES AND RESEARCH

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ABSTRACT

Climate change is not a discrete event, independent of all social factors and phenomena. On the foundation of social sciences generally and sociology specifically, this research aims to find out the intimate connection between climate change and climate injustice; the research also aims to discover the main root of the dual problem of climate change *and* climate injustice, examine current dominant climate change responses, and find (more) effective solutions to this dual problem. From social science perspectives, an effective approach to the global climate crisis is the one that can address the dual problem of *both* climate change and climate injustice. The research results show that the current global approaches to climate change are heavily dependent on natural scientists and economists and that natural scientists and economists alone cannot tackle the global climate crisis completely; particularly market-based solutions to carbon dioxide emissions, limited to carbon (or emissions) trading policies in this paper, are not sufficient to combat both climate change and climate injustice. In other words, although carbon trading benefits both sellers and buyers, in reality greenhouse gas emitters continue to emit and their victims (most of them are populations in developing countries) continue to suffer. It also means that developing countries are reaping the consequences of what they do not cause, and what they receive in compensation are much less than the damages they suffer. In the next section, through a critical lens, the article examines some national and international legal texts to identify the dominant approach to climate change currently used in Vietnam in particular and across the world in general. The article ends with the conclusions that a) economists and natural scientists alone cannot tackle the global climate crisis and climate injustice root and branch; rather, to respond more effectively to the dual problem of climate change and climate injustice, there should be a more inclusive and comprehensive approach on the bedrock of both natural sciences and social sciences and that b) although emissions trading schemes are desirable, they have some drawbacks in terms of equality and effectiveness, and therefore emissions trading should be adopted with caution, especially from the perspective of developing countries. This research is significant in that it may change the attitude of the global environmental change community towards social sciences, especially sociology, because the role of social sciences has long been considered inessential within this community. Consequently, this may facilitate more valuable contributions from social scientists, which gives a wider view of climate change and climate injustice and thus offers more effective solutions to these issues. Finally, the results of this research also have some implications for national and international climate laws and policies as well as for further research on climate change and climate injustice.

Keywords: dual problem, climate change and climate injustice, emissions trading, social sciences, inclusiv

THE INTER-AMERICAN COURT AND THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA'S ADVISORY OPINIONS ON CLIMATE CHANGE: MAIN CHALLENGES AND OPPORTUNITIES

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ABSTRACT

Climate change is undoubtedly a concern and a topic within current International Law discussions. The submission of States, especially developing States, of advisory opinions to diverse international courts seeking to clarify the responsibilities of States in climate change can help bring clarity to this issue. In this sense, this work takes two recent submissions, one made to the Inter-American Court (IACHR), and one made to the International Tribunal for the Law of the Sea (ITLOS), their legal questions and an overall analysis of what challenges these courts will face and the diverging and converging points between both submissions. In order to do so, it will first contextualise the request for an advisory opinion submitted to the ITLOS, moving on to the request submitted to the IACHR, finalising with an analysis based on the latest developments of both the submissions concerning their similarities, differences, challenges and opportunities.

Keywords: Climate Change; Law of the Sea; Human Rights, ITLOS, IACHR.

IMPROVING THE ROLE OF WOMEN IN ADAPTATION CLIMATE CHANGE IN VIETNAM

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ABSTRACT:

Gender and climate change is one of the issues which is mentioned on the agenda of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP19) from 2013 to the present. According to United Nations Entity for Gender Equality and the Empowerment of Women climate change has serious consequences for populations including 70% women. In Vietnam women not only play an important role in production, business, and reducing greenhouse effect when applying climate change adaptation activities. Further they do significant roles in their family, workplace, community and country. According to Mr. Bruce Campbell, Representative of the United Nations Population Fund in Vietnam, emphasized that: Climate policies do not refer to the human factor, especially women, will never thoroughly solve the problem of the climate change and protect humans from climate change. Therefore, the author chooses to explore the role of women, limiting barriers and proposes solutions to enhance their role in climate change adaptation.

Keywords : climate change, the woman, role, important, adaptation

THE IMPACT OF CLIMATE CHANGE ON THE IMPLEMENTATION OF CHILDREN'S RIGHTS IN SUB-SAHARAN AFRICA

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ABSTRACT

Climate change is one of the most pressing challenges facing the world today. The effects of climate change are already being felt around the world, but they are particularly devastating in sub-Saharan Africa. Children are especially vulnerable to the impacts of climate change, as they are more likely to be exposed to extreme weather events, waterborne diseases, and malnutrition.

Disrupting education: Climate change is causing school closures in sub-Saharan Africa, as schools are damaged or destroyed by extreme weather events. In addition, climate change is making it more difficult for children to attend school, as they are being forced to help their families cope with the effects of climate change.

Threatening health: Climate change is increasing the incidence of vector-borne diseases such as malaria and dengue fever. In addition, climate change is making it more difficult for children to access clean water, which is leading to an increase in waterborne diseases such as cholera and typhoid.

Undermining food security: Climate change is threatening food security in sub-Saharan Africa. For example, climate change is causing crop failures, which is leading to food shortages. In addition, climate change is making it more difficult for farmers to grow crops, as they are facing increased droughts and pests.

Making children more vulnerable to violence and exploitation: Climate change is also making children more vulnerable to violence and exploitation. For example, climate change is displacing families, which can lead to an increase in child trafficking. In addition, climate change is making it more difficult for children to access safe water and sanitation, which can lead to an increase in child abuse.

This study examines the impact of climate change on the implementation of children's rights in sub-Saharan Africa in three key areas: Education, health and vulnerability to violence, to achieve the study will implore doctrinal research method which includes: library, website and other relevant materials.

Keywords: Climate Change, Children's rights, Health, Education, Vulnerable

THE IMPORTANCE OF THE FOSSIL FUEL NON-PROLIFERATION TREATY TO ACHIEVE CLIMATE JUSTICE IN INDIA AND OTHER ASIAN COUNTRIES

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ABSTRACT

The rising sea levels, sea ice loss, heat waves and shifts in flora and fauna-based geographic ranges have been linked to climate change. Climate change has significantly affected the world, posing an existential threat to humankind. It currently stands at a point where it demands imperative scientific solutions and solidarity. The Paris Agreement, 2015 stipulates that all countries must work towards limiting temperature increase to 1.5° C above pre-industrial levels, and more countries are simultaneously moving towards carbon neutrality. To combat climate change, the Fossil Fuel Non-Proliferation Treaty (FF-NPT) is an initiative that is currently being deliberated upon by several countries. The FF-NPT is a proposed treaty that aims to stop the exploitation of fossil fuels and transition to clean energy. While the world has been moving towards sustainable development, the exploitation of fossil fuels in industrial requirements has not been reduced proportionately. Fossil fuels are the most significant contributors to global climate change, with over three-fourths of the total greenhouse gas emissions and almost all carbon dioxide emissions worldwide. The FF-NPT was discussed at the United Nations General Assembly by Vanuatu and by Tuvalu at Cop27. Its goals align with the temperature goal set out in the Paris Agreement. An FF-NPT can reduce fossil-fuel-related pollution, leading to cleaner air, improved aerosol-influenced rainfall, and food and water security, among many benefits. Implementing the FF-NPT calls for both substantive and procedural commitments, such as setting limits on the usage of fossil fuels and scientific assessments to establish thresholds. Common but differentiated Responsibilities and Respective Capabilities (CBDR-RC) under the UNFCCC, human rights principles, and climate justice must also be considered. The World Health Organisation, the Vatican and the European Parliament have all supported the treaty initiative. Under India's G20 presidency, the Environment and Climate Sustainability Group (ECSWG) aims for states to cooperate in developing novel solutions for the sustainable management of environmental resources; India has a possible role of pioneering the FF-NPT. This paper aims at understanding the future of

the FF-NPT in terms of its implementation and compliance at a global level and its overall impact on the reduction of climate change and climate justice in India and other Asian countries.

Keywords: Asia, Climate Change, FF-NPT, Paris Agreement

GENDER MAINSTREAMING IN CLIMATE POLICIES AND LAWS FOR ENVIRONMENTAL PROTECTION IN DEVELOPING COUNTRIES: A COMPARATIVE STUDY OF INDIA AND VIETNAM

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ABSTRACT

This paper presents a comparative study on gender mainstreaming in climate policies and laws for environmental protection in developing countries, focusing specifically on India and Vietnam. These two countries were chosen due to their regional proximity, shared developing country status, and diverse populations. The purpose of the study is to examine the incorporation of gender perspectives into climate policies and legal frameworks in order to improve environmental protection and address the challenges posed by climate change.

The study begins by evaluating the state of gender mainstreaming in climate policies and laws in India and Vietnam, identifying implementation gaps and challenges. It then explores the relationship between gender equality, environmental protection, and climate change impacts, highlighting the gendered vulnerabilities and adaptation needs within each country.

The institutional mechanisms for gender mainstreaming are examined, considering the roles and responsibilities of government agencies and stakeholders in promoting gender-responsive approaches. The study also looks into the capacity-building efforts in both countries and the involvement of grassroots and civil society organizations in advocating for gender mainstreaming in climate action.

Through a comparative analysis, the research identifies best practices and case studies where gender-responsive climate policies and laws have been effective in India and Vietnam. These examples provide insights into the factors contributing to success and offer lessons for replication or adaptation.

Based on the findings, the study offers policy recommendations for India and Vietnam to strengthen gender mainstreaming in their climate policies and legal frameworks. The recommendations encompass strategies to overcome challenges and enhance implementation, taking into account the specific needs and priorities of developing countries.

This comparative study contributes to the existing knowledge by examining the experiences of India and Vietnam in integrating gender perspectives into climate policies and laws. It highlights the significance of gender mainstreaming for environmental protection and sustainable development in developing countries, while providing insights for global efforts to address climate change and promote gender equality.

Keywords: Gender mainstreaming, climate policies and laws, developing countries, India, Vietnam.



PANEL 4

FREE, PRIOR, INFORMED AND CONSENT PRACTICE UNDER REDD+ PROGRAM: CONSTRAINTS IN THE RELEVANT LEGAL FRAMEWORK AND RECOMMENDATIONS FOR ITS PROMOTION IN VIETNAM

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ABSTRACT

Since first implementation of the REDD+ program in participating countries, REDD+ related policies and national legal framework have seen significant progression in almost all aspects. According to the data provided by UNFCCC-REDD+ info hub, however, among 4 core elements of a successful REDD+ program, the Safeguard Information System has been the least developed. Centre in the Safeguard Information System, the practice of Free, Prior, and Informed Consent (FPIC) has also seen limited growth. Similar to other countries participating in REDD+ program, Vietnam is facing some challenges in developing its own Safeguard Information System, and promoting FPIC. Through this paper, the authors aim to scrutinise the current Vietnam legal framework underpinning the enforcement of FPIC in the country as well as make some recommendations to make that framework more supportive in backing up the practice of FPIC as a measure to safeguard REDD+ activities in Vietnam.

Keywords: REDD+, FPIC, national legal framework.

A POLICY AND LEGAL ANALYSIS OF THE RELEVANCE OF THE EU'S CARBON BORDER ADJUSTMENT MEASURE FOR VIETNAM

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ABSTRACT

Climate neutrality, sustainability and energy transition are currently making more headlines than ever before. With the strong commitments announced by the Prime Minister of Vietnam at the 2021 UN Climate Change Conference (COP26) to achieve net-zero emissions by 2050, Vietnam has demonstrated leadership in charting an ambitious clean energy transition that will deliver long-term energy security. In another context, the European Commission, in July 2021, presented its proposal for a regulation establishing the carbon border adjustment measure (CBAM) – in the form of an import tax – as a key element in the European Green Deal to accelerate the reduction of greenhouse gas emissions and achieve carbon neutrality by 2050. Questions have been raised in this regard whether CBAM complies with WTO rules or whether this CBAM on imports can be justified on environmental grounds. Such a unilateral trade-based measure, even with the climate ambition of positioning Europe as a global leader in the race to net-zero emissions, will nevertheless affect and impose substantial costs on developing countries like Vietnam. In fact, the EU and Vietnam entered into a free trade agreement in 2020, and Vietnam is the EU's largest trading partner in the Association of Southeast Asian Nations (ASEAN). As both EU and Vietnam have a desire to take a leading role in the climate action space, this paper argues that Vietnam should consider how it might support such the EU's proposal of CBAM from a trade and policy perspective, and in return, EU could help to finance the green transition in Vietnam.

EMPLOYEE RIGHTS IN THE CONTEXT OF CLIMATE CHANGE – SOME LEGAL ISSUES AND RECOMMENDATIONS FOR VIETNAM

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ABSTRACT

Undoubtedly, climate change is a worldwide pressing concern that seriously hinders human development as well as efforts to protect human rights. According to survey results, Vietnam is one of the countries most affected by climate variability and extreme weather events. In this regard, like many countries in the world, Vietnam has introduced several environmental, economic and legal measures to reduce climate change's effects on people. In particular, employees, who are considered the weaker party in the labor relation, are one of the groups suffering profound impacts from climate change in many different aspects. Specifically, it can be seen that the severe impacts of climate change and extreme weather have affected their legal rights, working conditions and job security, etc. In order to protect employees against the consequences of climate change, the State has enacted various policies and regulations in recognition of their crucial role in society and economic growth. However, up to the present time, there are still some inadequacies in the process of applying these legal regulations in practice that needs to be overcome. In this article, the author focuses on analyzing the impact of climate change on employee rights from a legal perspective and researching Vietnamese regulations regarding this issue. Based on this, the article aims to point out specific legal issues and suggest some recommendations to improve the effectiveness of protecting employee rights in the coming time, especially in the context that Vietnam has a solid commitment to Net-Zero Emissions by 2050.

Keywords: Employee rights; Human rights; Climate change; Legal issues

ENFORCING THE RIGHT TO LIVE IN A HEALTHY ENVIRONMENT IN VIETNAM: LESSONS FROM JAPAN AND THE UNITED STATES

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ABSTRACT

Since the 1986 Renovation in industrialization and modernization, Vietnam has had increasingly severe environmental pollution, which directly infringes on people's right to live in a clean environment. Vietnam has improved its legal framework to protect the environment and people's health. In 2013, Vietnam stipulated the right to live in a clean environment for the first time as a constitutional regulation. With this constitutional principle, Vietnam is getting closer to international environmental protection regulations. Recently, environmental rights and environmental justice have increasingly attracted attention in Vietnam by enhancing its legal system in general and the environmental protection field in particular. However, only legal documents are insufficient to protect the right to live in a clean environment effectively. Environmental violations still occur across the country, and the administrative state organs do not have a measure to control them. Vietnam needs to enforce the implementation of this constitutional right with more active measures in practice.

Protecting the right to live in a clean environment protects the individual rights of citizens in one country. In a broader sense, if a country has an appropriate mechanism to protect environmental rights, this country can contribute to protecting the environment worldwide. This paper chooses the United States and Japan to study based on their experiences in dealing with environmental pollution. Learning from their lessons, the authors make some recommendations to ensure the implementation of the right to live in a clean and healthy environment of people in Vietnam.

To be the world's leading developed economies, these two countries encounter severe environmental pollution during economic development. In the case of Japan, the country creates a unique voluntary measure that motivates the whole society to overcome pollution and maintain the quality of the environment for its citizens. On the one side, Japan establishes an agreement mechanism between the state and the businesses. On the other side, Japan creates an open administration, which improves citizen control of pollution with state agencies. The United States presents another approach to enhance this right. Because the United States drafted and enacted the federal Constitution more than 200 years ago, long before the environmental issues arose, the federal Constitution does not explicitly recognize any environmental rights. Instead, from the executive branch at the federal level, a series of environmental acts has protected this right. At the state level, most states' constitutions stipulate some provisions relevant to the right to live in a clean, healthy, and sustained environment. Moreover, citizen participation by judicial suits also contributes substantially to a clean, healthy environment in the United States.

Keywords: the right to live in a clean environment, environmental rights, the United States, Japan, Vietnam.

MANAGING NON-POINT POLLUTION UNDER VIETNAM'S LAW: PRACTICE AND FEASIBLE APPROACH

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ABSTRACT

Nowadays, non-point pollution is an emerging problem that conventional systems may fail to control. The most challenging obstacle is to identify the diffuse sources that probably cost an extensive resource. In general, managing non-point pollution shall be a long trying process that requires the manipulation of international environmental principles into national laws. Non-point pollution sources, notably from fertilisers and manure, are unable to identify. Therefore, the system must be designed to monitor all input (substances) and output (waste) of pollutants, setting water quality targets for the overall management. Vietnam faces their own challenges. The challenges may come from the institutional difference, laws' inadequacy approach and economy's unique characteristics. This article aims to describe the shortcomings of Vietnam's law in managing non-point pollution, therefore, some recommendations are proposed.

Keywords: non-point, water pollution, Vietnam.

OTHER ABSTRACTS

THE INTERACTIONS BETWEEN INVESTMENT TREATIES AND THE REGULATIONS ON RENEWABLE ENERGY FOR SUSTAINABLE DEVELOPMENT – A FOREGROUND FROM INVESTOR-STATE ARBITRATIONS AND LESSONS FOR VIETNAM¹

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ABSTRACT

Investment treaties and the Investor-State Dispute Settlement (ISDS) system are frequently lauded for their role in encouraging foreign investment and promoting sustainable development. These agreements offer foreign investors sweeping and imprecise safeguards, which are subsequently interpreted and enforced by arbitrators through the ISDS system. As such, investment arbitrators play a crucial role in shaping the relationship between international investment law and sustainable development. That said, due to the lack of clear guidance and accountability for arbitrators, the system is susceptible to inconsistent and arbitrary application of treaty protections, resulting in unpredictability. Such limitation reduces the policy options available to countries and impedes progress towards sustainable development. States, therefore, are expected to derive lessons from arbitral awards to pursue sustainable development purposes and prevent looming disputes.

Keywords: Interactions, Investment, Treaties, Regulations, Renewable, Energy, Sustainable, Development, Investor, State, Arbitration

¹ The opinions expressed in this article are the authors' own and do not reflect the official view of the institution where the authors work or any other institutions and organizations. This paper is a work in progress, please do not cite or transcribe it.

TRADING OF GREENHOUSE GAS EMISSIONS – LEGAL PERSPECTIVES AND PRACTICAL REALITIES

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ABSTRACT

Greenhouse gas emissions trading has garnered substantial global attention, acknowledged by numerous countries as a means to mitigate environmental pollution and promote sustainable economic development. The comprehension and allocation of rights pertaining to greenhouse gas emissions trading signify a successful outcome in negotiating international agreements with enforceable commitments and associated legal ramifications. Particularly within Europe, the widespread adoption of the greenhouse gas emissions trading market is considered an invaluable tool for nations striving to curtail the escalation of greenhouse gas emissions. This article aims to elucidate the current landscape of greenhouse gas emissions trading by analyzing its implementation from both legal and practical standpoints. Consequently, the article proposes a spectrum of solutions aimed at diminishing greenhouse gas emissions rates, broadening the greenhouse gas emissions trading market, and enhancing the utilization of carbon credits within the contemporary context.

Keywords: Greenhouse gas emissions trading, Carbon market, EU-ETS, Kyoto Protocol.

LEGAL IMPLICATION OF VOLUNTARY CARBON CREDITS: INTERNATIONAL EXPERIENCE AND RECOMMENDATION FOR VIETNAM

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ABSTRACT

On January 7, 2022, the Government issued Decree 06/2022/ND-CP to mitigate greenhouse gas emissions and protect the ozone layer. Vietnam is in the process of finalizing carbon market regulations. Voluntary carbon markets allow carbon emitters to offset their inevitable emissions by purchasing carbon credits led by projects that target the reduction of greenhouse gas emissions released from the atmosphere. Voluntary carbon credits are flexible and not limited by boundaries set by countries. They are also likely to be accessed by all sectors of the economy rather than a limited number of industries. The construction and operation of a carbon market are expected to help reduce greenhouse gas emissions, promote the development of low-emission technologies, and improve the competitiveness of enterprises. However, the legal nature of voluntary carbon credits still needs to be clarified and depends mainly on host country legislation. The article investigates the legal experience of the voluntary carbon credit market in France, Japan, and Singapore and several voluntary carbon credit exchanges worldwide. On that basis, the article recommends developing a law to regulate the voluntary carbon credit market in Vietnam. The issues of Vietnamese law that need to be adjusted include: (i) Determining what type of asset a carbon credit is; (ii) There should be a legal basis to affirm that carbon credits are intangible assets; (iii) There should be tax regulations related to carbon credit transactions; (iv) There should be regulations to ensure safety in carbon credit transactions.

Keywords: carbon offset; carbon credits; voluntary carbon credits; carbon credit market; carbon credit transaction

DRIVING SUSTAINABLE DEVELOPMENT: THE RISE OF VIETNAM'S CARBON MARKET

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ABSTRACT

As the world confronts the challenges of climate change, Vietnam is taking significant strides toward building a sustainable future. At the forefront of these efforts is establishing a domestic carbon market, a transformative mechanism to mitigate greenhouse gas emissions and promote low-carbon practices. This article delves into Vietnam's carbon market's emergence, potential impact, and commitment to a greener economy. It highlights the legal framework in the specific context of Vietnam, emphasizing the country's potential for emission reduction projects in sectors like renewable energy, energy efficiency, waste management, and reforestation. The article also discusses the importance of carbon markets in establishing a financial value for carbon emissions and driving sustainable development. Furthermore, it acknowledges the challenges faced by Vietnam, including the need for capacity building, infrastructure development, and supportive policy frameworks. The article concludes by emphasizing the need for stakeholder collaboration, awareness, and supportive policies to unlock the full potential of Vietnam's carbon market in driving sustainable development and mitigating climate change.

Keywords: Climate change, carbon market, sustainable development, Vietnam

INTERNATIONAL LEGAL RESPONSIBILITIES FOR SEA LEVEL RISE

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ABSTRACT

During the United Nations' early 2023 hearing on sea level rise, United Nations Secretary-General António Guterres emphasized that “the impact of rising seas is already creating new sources of instability and conflict”². From an international legal perspective, sea level rise poses “unthinkable” risks, with profound impacts on security, international law, human rights, and social structure, etc., which leads to large migrations in some vulnerable areas. Research on the relevant legal consequences as well as international legal responsibilities on sea level rise is necessary to prevent unwanted future damage to humanity. This article focuses on clarifying the causes leading to current sea level rise, the consequences, and the legal implications of this issue, thereby determining the international legal responsibilities of the parties and taking the first steps to provide relevant suggestions to prevent the above consequences. Besides, the article also provides some advice for the case of Vietnam.

Keywords: sea level rise, international legal responsibility, non-traditional security

COMPLETING POLICIES AND LAWS IN MANAGEMENT MARINE ENVIRONMENT IN THE CONTEXT OF INTERNATIONAL INTEGRATION AND CLIMATE CHANGE

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ABSTRACT

Recently, environmental management in general and marine environmental management in particular have received attention from Vietnam based on the perspective of sustainable development in the context of international integration and climate change. In particular, the work of building and promulgating policies and laws on marine environmental management has been promoted to create a legal corridor and tools for marine environmental management. Research on marine environmental management in Vietnam through policy and legal tools is necessary. The article focuses on clarifying issues of policy and law on marine environmental management in Vietnam. At the same time, the article also proposes improving policies and laws on marine environmental management in Vietnam in the context that the international community needs to solve common problems of marine and ocean environmental pollution and change. climate and sea level rise.

Keywords: marine environment, marine environmental management, policy, law.

ENSURING ENVIRONMENTAL RIGHTS IN VIETNAM AND SOME ECOMMENDATIONS

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ABSTRACT

Human life cannot be separated from the environment; in other words, it always depends on the environment. Air, water, and food are what people absorb every day and may cause severe health problems if polluted; landslides caused by erosion can easily wipe out property and lives; living in an unaesthetic landscape will cause stress for people; river and sea pollution causes serious damage to the economy; drought causes agricultural crop failure... Obviously, a clean environment plays the role of one core factor contributing to humankind's quality of life. The rights to live in a clean and healthy environment is one of the basic principles of the Stockholm Declaration (1972), which has been institutionalized by Vietnam as a constitutional and explicit human right in the 2013 Constitution. Through legalization and the process of exercising these rights, there are still a lot of issues that the state needs to pay more attention to in the coming time, especially when climate change is affecting us more and more severely (Vietnam is one of the countries most affected by extreme weather and climate events) in order to really ensure the quality and sustainability of both people's lives and country's development, not only today but also in the future. This manuscript focuses on the inadequateness of protecting people's rights to access environmental information and rights to compensation, then points out some solutions to improve the legal framework, enhance the responsibility of the state and community in protecting the environment and reducing the impact of climate change in Vietnam.

Keywords: Human rights, environment, institutionalization, quality of life.

SEA LEVEL RISE DUE TO CLIMATE CHANGE AND IMPACTS ON FREEDOM OF RESIDENCE – AND ITS IMPLICATIONS TO VIETNAM

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ABSTRACTS

Climate change, as governments and multinational organizations have acknowledged, has a negative influence on a wide variety of human rights. Global sea level rise is one of the most worrisome challenges that climate change offers to human life today. This is a complicated problem that is posing a challenge to the world community. Sea level rise is a severe threat to coastal life all over the world, and it has an impact on the enjoyment of basic human rights in general, and freedom of residence in particular. The article will present an overview of the relationship between human rights, particularly the right to residence, and sea level rise; provide a human rights framework in accordance with key UN human rights treaties; and demonstrate how the effects of sea level rise might influence the enjoyment of freedom of residence. Simultaneously, the paper examines both the international legal framework and Vietnamese law in order to defend the right to freedom of residence in the face of sea-level rise. As a result, the author will assess and highlight the limitations of the international legal framework and Vietnamese legislation, as well as identify more appropriate policies and scenarios to guarantee the right to freedom of residence in the face of rising sea levels.

Keywords: *climate change, sea level rise, freedom of residence, immigration.*

CHALLENGES IN CONSTRUCTION AND IMPLEMENTATION CARBON TAX IN VIETNAM

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ABSTRACT

Carbon taxes are considered an important policy tool in reducing carbon dioxide (CO₂) emissions and mitigating and slowing climate change. Encouraging low-carbon activities by taxing carbon emissions, encouraging individuals and companies to reduce carbon emissions and invest in lower-carbon activities such as renewable energy, energy saving technology energy saving and public transportation, financing climate-friendly projects has been effective and has been built and applied in a number of countries around the world such as Denmark, Sweden, Finland, Switzerland, Ireland. However, the development and implementation of carbon taxes pose many challenges in some countries, including Vietnam. The article is based on information from secondary documents through the principles of tax policy development, the impact of carbon tax on the economy and climate change, and access to experiences in developing and implementing laws. National laws, through investment activity reports of businesses, focus on discussing the challenges of implementing carbon taxes: (i) determining and measuring carbon emissions; (ii) determine the appropriate tax level between the need to reduce emissions and ensure economic growth and development; (iii) manage and monitor the application of carbon tax; (iv) fairness and transparency in tax collection; (v) proposal to develop and implement a carbon tax in Vietnam.

Keywords: Carbon tax, implementation, challenges, climate change, sustainable development.

FROM CENTRALIZED TO DECENTRALIZED ADMINISTRATIVE STRUCTURE: GOVERNING CLIMATE CHANGE AND THE PERSPECTIVES OF VIETNAM

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ABSTRACT

How does the transformation of administrative structure influence Vietnam's governance of climate change? This article addresses this question by comparing two structures of public administration: centralization (tập quyền) and decentralization (phân quyền). It first examines the two models through their features, strengths, and limitations. Each model appears to produce its own mixed effects. The article then inspects the intersection of administrative structure and the governance of climate change, to shed light on what impact the transformation of structure could have on the government's capacity to fight climate change. Lastly, the article focuses on the perspectives of Vietnam as a developing country with limited resources but an ambitious goal of reaching Net-Zero by 2050. Based on this context, the authors will analyze the efficiency and challenge of applying administrative structures in the current and future situation of Vietnam. The unpredictability of climate change means that there is no specific solution for administration transformation; however, it calls for flexibility in structuring the government to better adapt to climate change. While decentralization is popular in many countries and promoted by the Vietnamese government in the fight against climate change, it is not a panacea. Giving more power to the local government is not always a helpful solution for better climate change governance. A case study in Vietnam showed that while decentralizing in one sector may prove to be helpful for the national objectives, it could be harmful in other sectors. This finding calls for proper consideration before any attempt to transform the administrative structure in Vietnam or any other country.

Keywords: Vietnam, Administrative Structure, Centralization, Decentralization, Climate Change.

IMPROVE THE CAPACITY TO RESPONSE TO CLIMATE CHANGE OF LOCAL GOVERNMENTS

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ABSTRACT

Climate change is one of the major challenges facing humanity in the 21st century, directly affecting the ecosystem, environmental resources and human life, this is the factor causing the phenomena. Extreme weather leads to disasters and natural disasters with frequency and increasing severity. Disasters and natural disasters tend to become more and more complicated, each year claiming the lives of thousands of people, forcing millions of others to evacuate, and the level of economic damage is increasing. Climate change is currently creating huge challenges, affecting many sustainable development goals of countries around the world. Therefore, responding to this problem requires the efforts of all countries, as well as each individual and organization. In Vietnam, the impacts of climate change and extreme weather events are frequent, unusual, and affect many different fields and regions. To cope with climate change, many solutions and tasks to adapt to climate change have been implemented synchronously in ministries, branches and localities. In that common effort, the initiative from local authorities at all levels in implementing solutions and tasks to effectively respond to climate change is very important. The article evaluates the situation and impacts of climate change on Vietnam's economy and society, and the climate change scenario of the Ministry of Natural Resources and Environment; local authorities' ability to respond to climate change in recent times, while also clearly pointing out remaining areas and limitations.

On that basis, propose solutions to improve the capacity of local authorities to respond to climate change in the coming time, thereby contributing to the effective implementation of climate change adaptation strategies, achieve the country's sustainable development goals. At the same time, it demonstrates Vietnam's high responsibility before the international community, contributing to the common goals of humanity, in accordance with the general development trend of the world.

Keywords: Local government, climate change, impacts, response capacity, solutions.

SOME LEGAL ISSUES FOR GREEN CREDIT IN VIETNAM

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ABSTRACT

This study aims to investigate the legal framework governing green credit in Vietnam and assess its practical implementation within the context of recent advancements in green growth and sustainable development. Through the synthesis, evaluation, and comparison of secondary data sourced from current legal documents related to green credit and complementary research endeavors, this research unveils a range of positive aspects along with several significant limitations. These limitations encompass the absence of a comprehensive legal framework, the absence of a cohesive and unified policy governing green credit implementation, the lack of legal mechanisms to address capital challenges for organizations involved in green credit initiatives, and various other constraints hindering the effective implementation of green credit regulations. Consequently, this research proposes a set of solutions to mitigate these limitations and enhance the effectiveness of green credit legislation, all in the context of promoting green growth and sustainable development in Vietnam.

Keywords: Green credit, sustainable development, environment, green growth, credit institutions.

PROMOTING CLIMATE JUSTICE BY IMPLEMENTING CARBON TAX MECHANISM IN VIETNAM

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ABSTRACT

The Carbon Tax is one of the practical financial tools many countries use to reduce Carbon emissions and contribute to the global effort on climate change. The successful application of the Carbon tax tool also contributes significantly to implementing climate justice, reducing negative impacts on population groups and businesses, generating revenue for the Government, and promoting the development of clean industries such as renewable energy and green technology. In the context that Vietnam is one of the countries with a high level of Carbon emissions, the application of the Carbon tax has the potential to reduce Carbon emissions and encourage more environmentally friendly activities. At the same time, the practical application of this tool also contributes to the promotion of climate equity by reducing the challenges that other financial instruments are facing in Vietnam, such as lowering resistance from interest groups, reducing the negative impact on the economy, and significantly reduce the impact on low-income people. Therefore, the urgent issue here is the requirement to ensure the implementation of the Carbon tax fairly and justly; the emission reduction burden must be shared equally among different economic groups without harming the economies of hazardous groups. Based on the goal of achieving climate justice through the implementation of a Carbon tax in Vietnam, this article will focus on three significant research parts: First, an overview of Climate Justice; Second, an assessment of the usefulness of financial mechanisms in protecting the air environment to achieve climate justice; and lastly, define about the Carbon Tax and Carbon tax needs in Vietnam and policy recommendations for creating Carbon tax in Vietnam to promote climate justice. The article aims to contribute potential values for applying the Carbon Tax in Vietnam to promote climate justice by addressing these essential aspects.

Keywords: Climate justice; financial instruments; Carbon tax; Vietnam.

CLIMATE MIGRANT IN DISASTER-PRONE COUNTRIES – URGING IN PERFECTING THE LEGAL FRAMEWORK

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ABSTRACT

Migration is often seen as a strategy to adapt to the hazards of climate change. The combination of climate change and the rapid population growth in areas affected by climate change makes sustainable resettlement for environmental migrants to be necessary. The target for resettlement includes people in disaster-prone areas, areas designated for special development projects (such as building flood control systems or hydroelectric dams), as well as people living in island regions, nomadic communities, and forest conservation areas.

On one hand, migration is considered as a potential solution to cope with and mitigate the impacts of climate hazards and bring benefits to vulnerable populations. On the other hand, if the policies implemented by the government lack sustainability, temporary resettlement can lead to severe impacts on the economy and threaten the livelihoods of vulnerable groups, such as the poor, women, children, the elderly, ethnic minorities, and people with disabilities. In the context of climate change, population growth, rapid urbanization, social inequality, discrimination against women, migrants, refugees, and poverty continue to persist. Therefore, in United Nations meetings, countries emphasize the challenges they face in ensuring human rights due to climate change and call for enhanced cooperation through international mechanisms, such as actively implementing the 2030 Agenda for Sustainable Development, the Global Compact for Safe, Orderly, and Regular Migration (GCM), and climate change agreements.

Viet Nam is one of the most disaster-prone countries in the world. More than 7,7 million people living in 9 coastal provinces affected by the natural disasters, such as typhoons, tropical storms and floods. The mountainous interior is also frequently hit by flash floods and landslides. The successive storms caused extensive damage to water networks, sanitation facilities, schools, clinics, houses put coast dweller to displacement. Thus, climate migrant is a current and pressing problem in disaster-risk countries in general, including Viet Nam. What if millions of people in Vietnam will likely be forced to move from their current settlements over the next few decades?

In this paper, the author will discuss problems through some the following contents: (i) study the provisions of international law related to ensuring the rights of climate change-impacted migrant people; (ii) analysis of challenges facing disaster-prone countries in ensuring the rights of climate migrant people; (iii) suggest some solutions to solve the above challenges.

Keywords: climate change, human right, climate migrants, disaster-prone country.

IMPACT OF CLIMATE CHANGE ON ENSURING SOCIAL SECURITY RIGHTS IN VIETNAM

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ABSTRACT

Global climate change poses a significant peril to humanity, potentially leading to catastrophic consequences for various fundamental aspects of human existence worldwide. In practice, numerous experts and researchers contend that climate change primarily affects social security, particularly jeopardising human well-being, livelihood, property, etc. Hence, this research explores the impact of climate change on social security rights in Vietnam and proposes legal improvements to ensure social security rights under the impacts of climate change. The research commences by delving into the profound perspectives of social security, and the impacts of climate change on the realisation of human rights to social security. It sheds light on the formidable challenges posed by climate change, which significantly undermine the availability and accessibility of key social security elements. Additionally, the research analyses the goal of a sustainable social security system in Vietnam and critically examines the laws of Vietnam in safeguarding social security rights in the context of climate change. From this analysis, the research provides some recommendations for Vietnamese law to ensure social security rights amidst the adverse impacts of climate change. In order to achieve its objectives, the research employs various research methods, including analysis, synthesis, and systematic analysis. These methods provide a comprehensive understanding of the current challenges and enable the identification of potential solutions. The research findings indicate that, overall, climate change detrimental impacts the following aspects: safety, health, and lives; living conditions encompassing housing and access to essential services, particularly clean water for daily necessities; and resources and production conditions entailing the degradation of quality, loss, or diminishment of livelihoods, primarily affecting the impoverished and agricultural labourers in vulnerable regions. Struggling with the wide-Ranging Impacts of Climate change on Social Security in Vietnam, the research emphasises the importance of expanding the concept of social security towards including risks regarding climate change while proposing various measures to improve the legal framework for protecting social security rights in Vietnam. It focuses on areas such as employment, basic health services, and other essential social services. The recommended legal amendments not only contribute to safeguarding social security rights but also provide a foundation for addressing the climate change challenge. The research offers valuable insights to policymakers, lawmakers, and stakeholders involved in shaping social security regulations. By implementing these recommendations, Vietnam can better protect the rights of its citizens and enhance resilience in the face of climate change impacts.

Keywords: climate change, social security rights, sustainable development goals.

THE THEORY OF THE RIGHT TO ACCESS CLEAN WATER AND SANITATION IN INTERNATIONAL LAW, SOME SUGGESTIVE ISSUES FOR VIETNAM

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ABSTRACT

Clean water is a finite resource and one of the most essential factors in ensuring the health and well-being of all individuals. Clean water is a limited resource and one of the most important elements for human life. Along with that, basic hygiene conditions also play a huge role in ensuring the health and quality of life of all individuals. It can be seen that ensuring equitable access to clean water and sanitation is ensuring one of the aspects of the right to life, and the right to access a clean environment. From that awareness, in session No. 108 on July 28, 2010, the UN General Assembly passed a Resolution recognizing the right to access clean water and sanitation as a basic individual right. In addition, facing the fact that: (i) billions of people around the world do not have access to or adequate use of clean water and sanitation; (ii) an increase in world population; (iii) water resources are gradually decreasing due to many factors including climate change; The United Nations and member countries have identified clean water and sanitation as one of the world's 17 sustainable development goals. Thus, studying the right to access clean water and sanitation to perfect policies and laws to ensure the implementation of this right in the future will be one of the critical tasks of countries. However, at present, studies on this issue have not appeared much in Vietnam, so to lay the foundation for systematic research of this issue, this small thesis below will introduce the theory on the right to access clean water and sanitation in international law, thereby analysing and suggesting an appropriate approach for Vietnam.

Key word: *Human right; Clean water and sanitation; Climate change*

THE LEGAL FRAMEWORK FOR CARBON PRICING IN VIETNAM – RECOMMENDATIONS FROM A COMPARATIVE PERSPECTIVE

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ABSTRACT

According to the Global Meteorological Organization's report, the Earth temperature is accelerating at a disquieting rate due to the increasing cover of greenhouse gas (“GHG”). Among the contemporary instruments for controlling and reducing GHG emission, carbon pricing emerges as one of the most effective methods and is predicted to become the dominant international political scheme to deal with climate change in the near future. Carbon pricing is understood as the burden of damage caused by those who hold accountability for, or those who could avoid emitting greenhouse gas. The carbon price delivers an economic signal to emitters by imposing them on whether to reduce emissions or to pay reparation. Under the Paris Agreement 2015, carbon pricing may help facilitate emission pathways compatible by keeping global temperature from rising 2°C more than pre-industrial levels, by which the risen temperature is expected not to exceed above 1.5°C. In Vietnam, to implement the development and climate change goals, the new domestic carbon emission trading scheme enabled by the Law on Environmental Protection 2020 aimed to create a carbon pricing instrument that will penalize emitters of GHG emissions based on the principle of “polluter pays”. The Government has consistently established a legal framework for the carbon market by investing in better data collection and analysis as well as consulting with various stakeholders. However, Vietnam still faces many challenges, including the inadequate information, along with the difficulties in regulating the carbon prices targeting environmental goals. With an aim to contribute to the establishment and improvement of a proper framework for the aforementioned issues, this article examines the legal concept of carbon pricing and carbon trading price in the Emissions Trading System (ETS). Additionally, recommendations will be proposed for Vietnam to have a legal framework suppressing the excessive fluctuation of carbon price. Another basis for the authors’ proposals is a selective comparative study on the relevant legislative experiences of several jurisdictions, focusing on the European Union, China and the United States of America where the regulatory frameworks and legal researches for the carbon market are quite comprehensive and effective.

Keywords: Carbon pricing, carbon market, carbon emissions, legal framework.

CLIMATE CHANGE, SUSTAINABLE DEVELOPMENT GOALS AND THE EIA NOTIFICATION 2020 IN INDIA: A CRITICAL REVIEW W.R.T EUROPEAN UNION

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ABSTRACT

Climate change as a challenge imposes an obligation on nations to indicate that climate change mitigation is at the core of their domestic policymaking. India as a responsible stakeholder in climate change mitigation, responded by announcing constitutional protection for the environment under the constitution. Since then, India has enacted several legislations to protect and conserve the environment. In 1994, the Environmental Impact Assessment (EIA) was one such attempt to forecast and mitigate possible harm to the environment. Recently, the Government of India has amended the EIA process by introducing changes to the law through the EIA Notification 2020. The paper identifies the problems associated with recent changes and produces empirical evidence to substantiate the study. It further attempts to appraise the Sustainable Development Goals and the importance given to environmental impact assessment by international organizations including the World Bank and the Asian Development Bank. The paper further studies several best practices in the European Union and concludes by suggesting law reforms in Indian law.

Keywords: Environment Impact Assessment, Climate Change, Sustainable Development Goals, EIA Notification, Aarhus Convention

PAYING FOR FOREST ENVIRONMENTAL SERVICES – EFFECTIVE ECONOMIC TOOLS FOR SUSTAINABLE FOREST PROTECTION AND DEVELOPMENT

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ABSTRACT

Vietnam's topography and climate have created a diversity of natural forest ecosystems on the mainland and coastal mangroves. This ecosystem brings great economic, social, cultural and scientific benefits in both quantity and quality to Vietnam in particular and the world in general. However, human activities and climate change have been gradually threatening the current quality and area of forests. To prevent this situation, payment for forest environmental services becomes one of the effective economic tools for sustainable forest management.

Payment for forest environmental services is an economic tool for users of forest environmental services to pay to providers of forest environmental services. On the basis of recognizing the advantages of this ecosystem service fee, the article will summarize the situation of pilot application of payment for forest ecosystem services in some localities in recent years, clearly recognizing achievements and problems to be solved. Since then, offering solutions to pay for forest environmental services has really become an effective economic tool in the protection and sustainable development of forests in our country.

Keywords: *Payment for forest environmental services, fee for ecosystem services, sustainable forest management.*

CRIMINAL MEASURES APPLIED TO LEGAL ENTITIES RESPONSIBLE FOR ENVIRONMENTAL OFFENSES IN THE UNITED STATES AND VIETNAM: A COMPARATIVE PERSPECTIVE AND IMPLICATIONS FOR VIETNAM

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ABSTRACT

Environmental crime involves violating laws and conventions to protect the environment, biodiversity, and natural resources. Common global crimes include illegal wildlife trade, logging, fishing, hazardous waste trade, ozone depletion, and smuggling. These crimes can cause harmful effects like deforestation, biodiversity loss, soil, water, air contamination, and climate change. Inadequate global environmental crime policy leads to low prosecution risks and increased profit incentives, notably through organized crime. The UN recognizes environmental crimes as a serious global threat and calls for more sophisticated and collaborative responses from national authorities. All countries must strengthen the rule of law, define illegal activities, impose penalties, and enforce mechanisms to combat these crimes. Studies have been conducted to address this, but there is a lack of research encompassing criminal measures applied to legal entities responsible for environmental crimes comprehensively and comparatively. This research aims to provide a comprehensive comparative analysis of US criminal law on criminal measures for legal entities responsible for environmental crimes. It will use methods such as analysis, synthesis, comparison, statistics, comparative jurisprudence, proof, and practical research to offer valuable insights and lessons for Vietnam. The 2015 Vietnamese Penal Code (Revised and amended in 2017), hereinafter referred to as the 2015 Vietnamese Penal Code, introduced legal persons as accountable entities for criminal responsibility, aligning with the 2013 Constitution. The Code provides a detailed interpretation of environmental crimes, quantifies violations and consequences, and provides a list of activities causing pollution. It contributes to pollution prevention and combat while meeting international integration demands. The US follows the Common Law legal tradition and has distinct characteristics from Civil Law jurisdictions. Non-punitive criminal measures, such as Title 18, are dispersed across various legal sources, including the Federal Criminal Code. Environmental statutes include Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act (Superfund); Emergency Planning and Community Right-to-Know Act; Federal Insecticide, Fungicide, and Rodenticide Act; Oil Pollution Act; Ocean Dumping Act; Resource Conservation and Recovery Act (hazardous waste); Safe Drinking Water Act; and Toxic Substances Control Act. This research serves as a valuable reference for lawmakers involved in the refinement of legal provisions concerning criminal measures applied to legal entities responsible for environmental crimes. In light of the aforementioned, the research contains three main sections: a brief systematization and elucidation of the theoretical and practical foundations of criminal measures; an analysis of these laws criminal measures applied to legal

entities responsible for environmental crimes; a comparative examination and assessment of these laws on the concept, application, subjects, the framework and implementation of non-penalty criminal measures; authors' evaluations and comments regarding the reasons for the similarities and differences and suggestions for improvements and modifications to Vietnam's existing legislation.

Keywords: criminal measures, legal entities, environmental offense, comparative study

DELEGATED GOVERNMENT MANAGEMENT ON ESTABLISHING MEASURES TO ADDRESS CLIMATE CHANGE ENSURING SUSTAINABLE DEVELOPMENT IN VIETNAM

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ABSTRACT

Decentralized state management in establishing measures to cope with climate change" means the process of organizing and managing by the Government to formulate and implement measures to deal with the phenomenon of climate change. Due to the global impact of climate change, decentralized state management in establishing coping measures is necessary to ensure coordination and effectiveness among different levels of management and between countries. By 2050, Vietnam could experience an 8% GDP loss due to the impacts of climate change, and nearly one-third of the Mekong Delta region could be submerged under the sea level (data from the French Development Agency, AFD). Sustainable development ensures that measures to cope with climate change do not cause significant harm to the environment and natural resources. This ensures the existence and recovery of ecosystems, protects biodiversity, and maintains human reliance on ecosystem services. Therefore, decentralized state management in establishing measures to cope with climate change ensures sustainable development in Vietnam, and it is an essential issue that needs to be continuously approached through interdisciplinary research.

Keywords: Decentralization of state management, Climate change, Sustainable development, Vietnam.

“CARBON TAX” AS A POLICY INSTRUMENT FOR SUSTAINABLE DEVELOPMENT IN CONSIDERATION OF BALANCE BETWEEN REDUCTION OF NEGATIVE IMPACTS ON THE ENVIRONMENT AND CONSUMER’S BENEFITS

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ABSTRACT

For the purpose of sustainable economic development, one of the issues that needs to be focused is to limit the negative impacts on the natural environment and protect it. So, many countries and Vietnam are always looking for solutions to sustainable development goals and environmental protection. Some solutions to environmental issues have been proposed and implemented by countries, but the promulgation of regulations on carbon taxation for some sectors of production that generate greenhouse gas emissions is considered as an effective solution to reduce the negative impacts on the natural environment and contribute to sustainable economic development. However, the promulgation of regulations on carbon tax must be carefully assessed, because the application of carbon taxation may also bring some disadvantages to the Vietnamese economy, especially to consumer’s benefits. Certainly, the carbon tax and technical solutions to reduce carbon emissions in the production process can increase the cost of production that push up the price of products or goods on the market, which directly affects consumer’s rights. Therefore, the application of carbon tax in Vietnam should be considered in different aspects, thereby proposing recommendations for the promulgation of regulations on carbon tax in Vietnam and it’s necessary to ensure the balance between consumer’s benefits and environmental protection.

Keywords: Sustainable development, carbon tax, natural environment, CO₂, consumer’s right, carbon pricing, greenhouse gas emissions.

STABILIZING POPULATION IN RESPONSE TO NATURAL DISASTERS (FLASH FLOODS, LANDSLIDES) IN HOA BINH

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ABSTRACT

In recent years, there have been continuous occurrences of flash floods and landslides in Hoa Binh, resulting in the deaths and injuries of hundreds of residents as well as the destruction of many buildings and infrastructure. With the effect of climate change, these natural disasters can become even more devastative and unpredictable, so relocation of residents from highly vulnerable places along with means to stabilize the population is a matter of utmost urgency. Consequently, it is necessary to answer the following questions: (1) which areas are in need of relocation, (2) where should the residents be relocated to, and (3) how to restore their lives, including customs, housing, and livelihood, after the resettlement? Results of the research on Hoa Binh will also be informative for other regions with similar conditions when dealing with natural disasters and climate change..

Keywords: Population stabilization, flash flood, landslide.

DEVELOPMENT OF COASTAL ECONOMY IN CENTRAL VIET NAM IN THE CONTEXT OF CLIMATE CHANGE AND MARINE ENVIRONMENTAL PROTECTION: CURRENT SITUATION AND POLICY RECOMMENDATIONS

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ABSTRACT

Central Vietnam possesses significant potential and advantages for developing its coastal economy and has made substantial progress in sectors such as seafood exploitation, processing, and tourism. However, the contribution of the marine economy to sustainable growth is still limited, not commensurate with its existing potential and advantages. This article is based on theoretical analysis and practical insights regarding the development of the coastal economy in Central Vietnam, linked to environmental protection. Accordingly, it provides recommendations for policy makers to develop a sustainable and environmentally friendly blue economy, aiming to mitigate the impacts of climate change in the current context.

Keywords: Coastal economy in Central Vietnam, green and sustainable development, climate change, marine environmental protection.

PERFECTING LAWS ON THE PRESERVATION OF AIR ENVIRONMENT WITH A VIEW TO ALLEVIATING CLIMATE CHANGE IN VIETNAM

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ABSTRACT

It is conspicuous that air pollution is closely associated with climate change. The process of burning fossil fuels releases emissions and greenhouse gasses that give rise to air contamination, which acts as the major culprit behind global climate change. In a concerted endeavor to mitigate climate change, it is imperative that countries synchronously take a host of measures to reduce the emission of greenhouse gasses into the atmosphere, in which the development and completion of the legal system on air environment protection are highlighted. As realistically depicted, despite certain accomplishments obtained over the past few years, there are remained limitations and shortcomings in the legal corridor on air environment protection in Vietnam, thereby exerting detrimental effects on the overall environmental protection, as well as the extent to which responses and mitigation of climate change are executed. On the basis, the article is centered on making an in-depth analysis and elaboration of the on-going stumbling blocks of legal regulations on air environment protection in Vietnam, at the same time putting forward viable suggestions for the enhancement.

Keywords: air pollution, legal regulations, mitigation of climate change.

CARBON PRICING POLICIES AND JUST TRANSITION: THE ELEMENTS AND RECOMMENDATIONS FOR VIET NAM

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ABSTRACT

Climate change is a fundamental threat to development, the environment, and public health, with high costs to the public and future generations. In that context, the Paris Agreement 2015 marked a turning point for international climate action on enhancing cooperation among nations on climate change mitigation, including the carbon pricing approach. This mechanism is gaining momentum across the world, becoming a measure for countries to reduce carbon emissions, avert the climate crisis, and drive the transition to a climate-neutral economy. On the other hand, challenges to adopting carbon pricing instruments are the concept, the potential impacts of carbon pricing on industries, jobs, and low-income households, and a lack of an adequate legal framework. A just transition is a key requirement of the Paris Agreement on climate change that parties need to consider. It acknowledges the imperatives of a just transition of the workforce and the creation of decent work and quality jobs, in accordance with nationally defined development priorities. However, incorporating just transition into climate law to identify and manage the negative socio-economic impacts of carbon pricing is still ways ahead. This article would analyze the Just transition elements for carbon pricing, the role of carbon pricing policies in facilitating a just transition and approaches in different contexts, thereby proposing some solutions to implement carbon pricing mechanism to support Just transition in Viet Nam.

Keywords: carbon pricing policies, Just transition, climate change.

THE IMPACT OF CLIMATE CHANGE ON VIETNAMESE WOMEN: AN ANALYSIS OF FEMINIST LEGAL THEORY

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ABSTRACT

Climate change and women, at first sight, seem to be non interconnected fields, or the climate change issue is a gender neutral. Interestingly, this matter has been carefully considered and numerous scientific journals published recently with actual observation have proven their clear correlation. Therefore, we can explore that women and girls are strongly affected by impending climate crisis, which threats them in all aspects like health, livelihoods and security. On the contrary, global warming prevention also needs the cooperation and contribution of women. Based on the lens of Feminist legal theory, the article will point out the close relationship between climate change and gender inequality, especially Vietnamese women with their socioeconomic status and health care as well as their crucial role in respond to the shadow of global climate risk. In other words, we may shed light on this essential problem in a multifaceted and intersectional way to acknowledge how gender identities deal with the impacts of climate change. It is becoming ever more apparent that our government should focus on integrating gender effects into its national policy framework and strategy on reducing catastrophic proportions of climate change and achieving sustainable environmental development. Notably, some efficient solutions are proposed in this paper such as women must be empowered to obtain their environmental rights and actively take part in decision-making processes of the government's policies or enhance the position of the Vietnam Women's Union in political system to resolve urgent issues related to natural disasters when the climate change has become more complicated and unpredictable in Vietnam.

Key words: Feminist legal theory, climate change, women, gender impact.

CLIMATE CHANGE LIABILITY IN VIETNAM - APPLICATION PERSPECTIVE AND COMMENTS

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ABSTRACT

The impact of severe consequences caused by climate change on human life is indisputable, with the leading cause attributed to the dramatic economic development associated with the global population explosion in recent decades. Against this backdrop, some countries have provided laws defining liability for damages caused by climate change to mitigate the polluting acts of businesses and enhance environmental protection awareness. These legal requirements aim to force enterprises emitting greenhouse gases to be more environmentally responsible while undertaking their business activities. As a leading country, the U.S. has demonstrated much legal experience in approaching the topic of climate change liability. Based on the U.S.'s experiences and jurisprudence, this article provides insightful comments on the status of Vietnam's legal regulations and constructive suggestions to improve the current approach. First, legal requirements on climate change liability must engage the distinctive characteristics of climate change damage and the corresponding responsibility. Second, the authority of agencies involved in climate change litigations should be clarified with separate roles. Finally, since the enforcement of climate change liability legal requirements is likely to be challenged, a new and appropriate approach in line with the current context of Vietnam is required.

Keywords: Climate change liability, Tort, Environment, Sustainable development.

THE INFLUENCES OF GREEN POLICIES ON ECONOMIC DEVELOPMENT: EVIDENCE FROM VIETNAM

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ABSTRACT

To harmonize economic growth and environmental preservation, the Vietnamese government has implemented significant green growth and climate adaptation policies, with Decision No. 1393/QĐ-TTg leading the way as a bold commitment to addressing these challenges. This study focuses on assessing the influence of green policies on economic development in Vietnam, with a particular emphasis on Decision No. 1393. Using panel data covering the period from 2000 to 2022 for thirty-four provinces and cities in Vietnam, the study examines various economic indicators, including Gross Regional Domestic Product (GRDP), Foreign Direct Investment (FDI), and industrial structure. Statistical models, including Pooled OLS, Fixed Effect Model (FEM), and Random Effects Model (REM), are employed to evaluate the effectiveness of green policies. The findings reveal that green policies have had a significantly positive impact on two dimensions of economic development namely GRDP and industrial structure. The study provides valuable insights for policymakers and stakeholders in Vietnam, highlighting the effectiveness of green policies in driving economic growth and sustainability.

Keywords: Green policy, Economic development, OLS, FEM, REM, GLS.

PEOPLE'S POLICE FORCE IN PREVENTING ENVIRONMENTAL LAW VIOLATIONS CONTRIBUTING TO CLIMATE CHANGE RESPONSE

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ABSTRACT

The article generalizes some results of preventing environmental law violations from a criminological perspective in recent years according to the functions of the People's Public Security force. The author then analyzes, evaluates, and points out the primary reason for proposing solutions that enhance the effectiveness of preventing environmental law violations, responding to climate change and protecting the environment, sustainable development, and peaceful people's lives in the current period.

Keywords: People's Public Security, climate change response.

RESOLVING ENVIRONMENTAL DISPUTES - CHINA'S EXPERIENCE AND RECOMMENDATIONS FOR VIETNAM

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ABSTRACT

Mediation is one of forms of Alternative Dispute Resolution (ADR). It is a consensus-based mechanism often used outside the judicial system to resolve private disputes. This article primarily examines whether mediation, as an ADR mechanism, can effectively resolve environmental-related disputes. It explores the characteristics, advantages, methods, and types of environmental disputes suitable for mediation. Additionally, by studying China's theoretical basis and mechanism for environmental dispute resolution, the author gives insights for the implementation of an environmental dispute resolution mechanism in Vietnam.

Keywords: Environment, Mediation, Alternative Dispute Resolution method.

MAPPING SOUTHEAST ASIAN STATES' OBLIGATIONS REGARDING FORCED CLIMATE MIGRATION THROUGH THE SYSTEMATIC INTEGRATION OF INTERNATIONAL ENVIRONMENTAL AND HUMAN RIGHTS LAWS

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ABSTRACT

The climate crisis is a human crisis. Consequently, the population of Southeast Asia is expected to encounter substantial impacts from climate change, encompassing migration and displacement stemming from rising sea levels, coastal inundations, and severe weather. However, even though forced climate migration looms large within this climate emergency, the existing international legal framework lacks the capacity to offer sufficient safeguards for forced climate migrants. Within this context, the systematic integration of international environmental law and international human rights presents a useful strategy to confront this legal deficiency and the escalating scale of climate-induced displacement. Accordingly, as the climate regime shapes states' discourse regarding forced climate migrants, the human rights regime, by recognizing these migrants based on their inherent humanity, provides them with a means to safeguard their rights and interests during displacement. As such, they impose upon states international and regional obligations to address climate change as the root cause of forced climate migrants as well as respect, protect, and fulfil the human rights of the forced climate migrants in such a context. In that sense, the integration of climate and human rights obligations could establish a more potent incentive for states to adhere to each respective framework and ensure that affected individuals receive more comprehensive and enhanced protection. Hence, this paper attempts to map out those obligations for Southeast Asian states and evaluate the extent to which such an approach can achieve its intended purposes. Upon compiling a list of obligations vested in Southeast Asian states in handling the issue of forced climate migration in the Southeast Asia region, this paper seeks to provide potential forced climate migrants with a tool to safeguard their rights and interests.

Keywords: climate refugee, forced climate migration, climate change, human rights, Southeast Asia

LEGAL FRAMEWORK ON OFFSHORE WIND POWER IN THE EU: EXPERIENCES AND RECOMMENDATIONS FOR VIET NAM

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ABSTRACT

After the Cop 27 in November 2022, The Global Offshore Wind Alliance (GOWA), was officially launched, where a large group of countries agreed to a rapid ramp-up of offshore wind. The trend of offshore wind power development in the world is increasing sharply, currently 57 GW and can reach 500 GW installed by 2040, 1,000 GW by 2050. This development was formed to meet electricity demand, ensure energy security, diversify power sources, and provide stable and reliable electricity, meeting the needs of economic, social, and security development of countries in the world. In terms of developing offshore wind power, policy and law play an important role in encouraging and supporting the development of this renewable energy. Moreover, this industry requires a stable and predictable regulatory and regulatory framework to translate this policy into a clear operating model in national legislation. For example, To ensure that offshore renewable energy can help reach the EU's ambitious energy and climate targets for 2030 and 2050, the Commission published a dedicated EU strategy on offshore renewable energy and bring many positive impacts to the current offshore wind power development.

Regarding offshore wind in Viet Nam, according to the survey results of the World Bank's Energy Assessment Program for Asia, Vietnam has the largest wind potential in Southeast Asia with a total wind power potential estimated at 513,360 MW, 200 times larger than the Son La hydropower plant (the largest capacity in Vietnam) and more than 10 times the total forecasted capacity of Vietnam's electricity industry in 2020. Furthermore, in Decision No. 2068/QĐ-TTg dated 25 November 2015, approving the development strategy of renewable energy in Vietnam by 2030 with a vision to 2050, Vietnam's renewable energy development strategy aims to prioritize the rapid development of renewable energy sectors with large resources and good commercial prospects, such as wind power. Therefore, experience in law and policy making from the EU in the field of offshore wind energy is necessary for Vietnam to develop national policies and laws, contributing to boost revenue generation and attract investment as well as ensuring sustainable development of offshore wind power.

Keywords: Offshore wind, Renewable energy, Offshore wind policy and law.

CLIMATE-RELATED POLICIES AND LAW THROUGH THE LENS OF THE FEMINIST THEORY

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ABSTRACT

Vietnam is one of the countries most affected by climate change because of its extensive coastline and river deltas. Many science reports indicate that extreme weather events and climate-related phenomena are increasing in intensity and frequency. In this context, women commonly have very few options when faced with climate change because of several reasons. Firstly, the economic barriers and cultural norms have limited women's access to paid work, meaning that women livelihoods mainly depend on climate-sensitive sectors such as agriculture. Secondly, natural disasters - one of the results from climate change, which women tend to suffer more because of less physical strength. Thirdly, gender inequality is reflected in the unequal distribution of opportunities. In many rural families, daughters' education is sacrificed to save on costs compared to their sons. In practice, women play an important role in preserving and protecting the environment, however, the stereotype that women are better suited for household and caregiving work than participating in community activities and discussing critical social lead to the number of women holding management positions at all policy-making levels remains low, limiting their representation and voice in addressing the needs and issues of women such as coping with climate change. The feminist theory aims to highlight the social problems and issues that are experienced by women. The author argues that analyzing climate change from a gender perspective is crucial to identifying and addressing the specific challenges women face with climate change. In this article, the author assesses the integration of gender equality in Law on Environmental Protection 2020 compared to the Law on Environmental Protection 2014. This evaluation identifies the law's achievements and limitations, and provides recommendations for enhancing the role of women in climate change adaptation.

Keywords: Climate change, the feminist theory, gender equality, Law on Environmental Protection.