STRENGTHENING ENVIRONMENTAL GOVERNANCE IN VIETNAM: A CASE STUDY OF COMMUNITY RESPONSE TO POLLUTION OF THE THI VAI RIVER

Mr. Xuan Sang Vo

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Thesis Advisor	Carl Middleton, Ph.D.

Accepted by the Faculty of Political Science, Chulalongkorn University in Partial Fulfillment of the Requirements for the Master's Degree

..... Dean of the Faculty of Political Science (Professor Supachai Yavaprabhas, Ph.D.)

THESIS COMMITTEE

..... Chairperson

(Professor Surichai Wun'Gaeo)

......Thesis Advisor

(Carl Middleton, Ph.D.)

..... External Examiner

(Detcharut Sukkumnoed, Ph.D.)

ซาง ซวน โว: การเสริมความเข้มแข็งแก่ธรรมาภิบาลด้านสิ่งแวดล้อมในเวียดนาม: ศึกษากรณี ปฏิกิริยา ต อ บ ส น อ ง ข อ ง ชุ ม ช น ต่ อ ม ล ภ า ว ะ ใ น แ ม่ น้ำ ทิ ว า ย (STRENGTHENING ENVIRONMENTAL GOVERNANCE IN VIETNAM: A CASE STUDY OF COMMUNITY RESPONSE TO POLLUTION OF THE THI VAI RIVER) อ.ที่ปรึกษาวิทยานิพนธ์หลัก (คร.คาร์ล มิคเดอตัน, 128 หน้า.

วีแคนเวียคนาม บริษัทที่ถือหุ้นโดยชาวได้หวันทั้งหมดได้ก่อมลพิษให้แฒ่ม่น้ำทิวายซึ่งอยู่ทางตอนใต ของประเทศเวียคนามมาตั้งแตปี 2537 ถึงปี 2550 ชาวนานับพันคนที่อาศัยอยู่บริเวณที่ราบลุ่มตลอดแนวแม่น้ำใ จังหวัดบาไรวุงโท ดงนัย และนครโฮจิมินห์ได้รับผลกระทบอย่างมากต่อสุขภาพและการดำรงชีวิต ระหว่างปี 2547 และปี 2552 ชุมชนท้องถิ่นร่วมกับประชาชนองก์กรและหน่วยงานต่างๆจึงได้ตอบโต้ด้วยหลากหลายวิธีเพื่อ เสริมสร้างธรรมาภิบาลด้านสิ่งเวคล้อมท้องถิ่นให้แข็งแกร่งและเพื่อหยุดการก่อมลพิษ

งานวิจัยนี้มุ่งศึกษาการเกิดขึ้นของแนวคิดธรรมาภิบาลด้านสิ่งแวดล้อมในประเทศเวียดนามผ่าน กรณีศึกษาของแม่น้ำทิวายโดยใช้ทฤษฎีการระคมทรัพยากรเพื่อประเมินความสามารถของชุมชนระหว่างปี 2537 ถึงปี 2554 ในการจัดการระคมทรัพยากรจากภายนอกและใช้โอกาสทางการเมืองในการปกป้องวิถีชีวิตและ สุขภาพของตนเอง

เพื่อให้เข้าใจปฏิสัมพันธ์ระหว่างตัวแสดงต่างๆผ่านช่วงเวลาต่างๆของกรณีศึกษา ผู้วิจัยได้สัมภาษณ์ ประชากรในตำบลลองโธ จังหวัดดงนัย และตำบลธานอัน นครโฮจิมินห์ รวมถึงตัวแสดงภาคเอกชน สื่อ นักกฎหมาย สมาคมผู้บริโภค และผู้จำหน่าย และเจ้าหน้าที่ภาครัฐในส่วนของตำบลจนถึงระดับจังหวัดของ จังหวัดดงนัยและนครโฮจิมินห์

เหตุการณ์นี้ได้ชี้ให้เห็นถึงความขัดแข้งขั้นรุนแรงในระหว่างที่เศรษฐกิจกำลังเจริญเติบโตและการ ปกป้องสิ่งแวคล้อมในช่วงการเปลี่ยนผ่านการพัฒนาประเทศจากระบบเศรษฐกิจที่ถูกควบคุมและวางแผนจาก ส่วนกลางไปขังระบบเศรษฐกิจแบบตลาคซึ่งเริ่มใช้ในปี2529 ซึ่งทำให้กลไกการปกป้องสิ่งแวคล้อมอ่อนแอลง ทรัพยากรธรรมชาติถูกนำมาใช้มากขึ้นเรื่อยๆเพื่อตอบสนองกิจกรรมของภากอุตสาหกรรมและสิ่งแวคล้อมใน ชุมชนตกอยู่ในอันตราย ด้วยเหตุนี้ ชุมชนท้องถิ่นจึงต้องเรียนรู้ในการเตรียมความพร้อมของตัวเองและสร้าง เครือข่ายนักรณรงก์ด้านสิ่งแวคล้อมทั้งจากภาครัฐและภากเอกชนเรียกร้องความรับผดชอบ ความชอบธรรม และ การบังกับใช้กฎหมายเพื่อการพัฒนาธรรมาภิบาลด้านส่งแวคล้อม

ภายใต้บริบทของการพัฒนาประชาธิปไตยในเวียคนาม การศึกษาได้ชี้ให้เห็นว่าชุมชนและตัวแสดงที่ ไม่ใช่ภาครัฐได้มีส่วนร่วมมากขึ้นในธรรมาภิบาลด้านสิ่งแวคล้อม ซึ่งเป็นปัจจัยสำคัญในการพัฒนาธรรมาภิบาล ด้านสิ่งแวคล้อมในชุมนต่อไป

สาขาวิชา การพัฒนาระหว่างประเทศ	ถายมือชื่อนิสิต
ปีการศึกษา 2554	ลายมือชื่ออ.ที่ปรึกษาวิทยานิพนธ์หลัก

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Vedan Vietnam, a fully-owned Taiwanese enterprise, had polluted The Thi Vai River in the South of Vietnam from 1994 to 2008 and had caused negative impact to health and livelihoods of thousands local farmers living along its basin in Ba Ria-Vung Tau, Dong Nai provinces and Ho Chi Minh City. In response to the negative impact caused by the river pollution, local communities had reacted to the case from 1994 to 2011 with different strategy and actors to empower themselves to strengthen local environmental governance and to stop the pollution.

This study aims to investigate the emergence of the concept of environmental governance in Vietnam using the Thi Vai River as a case study. The study also applies Resource Mobilization Theory to evaluate the community's ability to organize themselves to mobilize outside resources and utilize political opportunities between from 1994 and 2011 to protect their livelihoods and health.

To understand how actors interacted together through the time line of the case, residents of Long Tho commune, Dong Nai province and Thanh An commune, Ho Chi Minh City were interviewed together with non-state actors including the media, lawyers, Consumers Protection Associations, and distributors, and governmental authorities from the commune to the provincial level in Dong Nai Province and Ho Chi Minh City.

This case demonstrated a strong conflict in economic growth and environment protection in the period of transition from plan and control economic model to market based economic model in Vietnam which was initiated in 1986 was the main cause of weakening environment protection mechanism. Under this economic transform, natural resources has been gradually increased used by industrial activities which previously had mainly served for agriculture activities which resulted in environmental threats to local communities. In response, local communities had learnt to organize among themselves and network with pro-environment protect actors from state and non-state actors to call for improvement in accountability, legitimacy and enforcement the legal framework to enhance environmental governance.

This study also showed that in the context of improving democracy in Vietnam, communities and non-state actors had more space to participate in environmental governance. Their involvement was an important factor to enhance local environmental governance.

Field of Study: International Development Studies Academic year 2011

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CONTENTS

ABSTRACT (THAI)	iv
ABSTRACT (ENGLISH)	v
ACKNOWLEDGEMENTS	vi
CONTENTS	vii
LIST OF TABLES	xii
LIST OF FIGURES	xiii
ABBREVIATIONS	xiv
CHAPTER I INTRODUCTION	1
1.1 Research Problem	3
1.2 Research Objectives	4
1.3 Research Questions	5
1.4 Hypothesis	5
1.5 Conceptual and Theoretical Framework	5
1.5.1 Concept Environmental Governance	5
1.5.2 Resource Mobilization Theory	7
1.6 Research Methodology	10
1.6.1 Scope of Research	10
1.6.2 Data Collection	10
1.6.2.1 Secondary Data Collection	10
1.6.2.2 Primary Data Collection	11
1.6.3 Data Analysis	15
1.7 Constraints and Limitations	16
1.8 Significance of Research	17
CHAPTER II LITERATURE REVIEW	19

vii

Page

	•
2.1.1 Overview Linkage of FDI and Environment	20
2.1.2 FDI and Environmental Threat in Vietnam	20
2.2 Environment Institutional Arrangement in Vietnam	22
2.3 Development of Environmental Legal Framework	24
2.4 Environmental Governance and River Management for the Industrial Sector	25
in Vietnam	
2.4.1 The Changing Pattern of River Usage in the Industrialization and	25
Urbanization Era in Vietnam	
2.5 Environmental Governance	28
2.5.1 Democracy in Vietnam	28
2.5.2 Actors' Participation	29
2.5.3 Accountability	33
2.5.4 Legitimacy	34
2.6 Conclusion	36
CHAPTER III THE CASE OF VEDAN VIETNAM	38
CHAPTER III THE CASE OF VEDAN VIETNAM	38 38
3.1 Profile of Thi Vai River and threat to the environment from industrial	
3.1 Profile of Thi Vai River and threat to the environment from industrial activities	38
3.1 Profile of Thi Vai River and threat to the environment from industrial activities3.2 Profile of Vedan Vietnam and its Environmental Violation history	38 40
 3.1 Profile of Thi Vai River and threat to the environment from industrial activities 3.2 Profile of Vedan Vietnam and its Environmental Violation history	384040
 3.1 Profile of Thi Vai River and threat to the environment from industrial activities	 38 40 40 41
 3.1 Profile of Thi Vai River and threat to the environment from industrial activities	 38 40 40 41 45
 3.1 Profile of Thi Vai River and threat to the environment from industrial activities	 38 40 40 40 41 45 45
 3.1 Profile of Thi Vai River and threat to the environment from industrial activities	 38 40 40 41 45 45 48
 3.1 Profile of Thi Vai River and threat to the environment from industrial activities. 3.2 Profile of Vedan Vietnam and its Environmental Violation history. 3.2.1 Profile of Vedan Vietnam. 3.2.2 Vedan Vietnam's History of Environment Violation . 3.3 Profile of affected communes. 3.3.1 Profile of Thanh An Commune. 3.3.2 Profile of Long Tho Commune. 3.4 Impact of pollution. 	 38 40 40 41 45 45 48 49
 3.1 Profile of Thi Vai River and threat to the environment from industrial activities	 38 40 40 41 45 45 48 49 50

3.4.2.1 Impact to livelihoods	53
3.4.2.2 Impact to Health	55
CHAPTER IV COMMUNITIES' RESPONSES	57
4.1 Period 1: From 1994 to 2007	61
4.1.1 Community Ability to Organize	61
4.1.2 Availability of Outside Resources	66
4.1.3 Political Opportunities	68
4.1.4 Actors Involved	71
4.2 Period 2: From September 2008 to September 2009	71
4.2.1 Community Ability to Organize and Mobilize Outside Resources	73
4.2.2 Availability of Outside Resources	75
4.2.3 Political Opportunities	76
4.2.4: Actors involved	77
4.3 Period 3: From October 2009 to July 2010	77
4.3.1 Community Ability to Organize and Mobilize Outside Resources	78
4.3.2 Availability of Outside Resources	79
4.3.3 Political Opportunities	80
4.3.4 Actors Involved	81
4.4 Period 4: From beginning of August 2010 to 13 August, 2010	81
4.4.1 Community Ability to Organize and Mobilize Outside Resources	83
4.4.2 Availability of Outside Resources	84
4.4.3 Political Opportunities	85
4.4.4 Actors Involved	86
4.5 Period 5: After 13 August 2010 to present	86
4.5.1 Community Ability to Organize and Mobilize Outside Resources	88
4.5.2 Availability of Outside Resources	89
4.5.3 Political Opportunities	89
4.5.4 Actors Involved	90
4.6 Conclusion	91
4.6.1 Actors involved in the case of Vedan Vietnam	91
4.6.2 Communities' interaction and coalition with other actors in	93

environmental governance
CHAPTER V DISCUSSION ON ENVIRONMENTAL GOVERNANCE
5.1 Actor' Participation
5.1.1 Actors in Environmental Governance from 1994 to 2007
5.1.2 Actors in Environmental Governance in the Period from 2008 to
2010
5.2 Accountability
5.2.1 Accountability in Environmental Governance from 1994 to 2007
5.2.2 Accountability in Environmental Governance from 2008 to 2010
5.3 Democracy
5.3.1 Democracy in the Period from 1994 to 2007
5.3.2 Democracy in the Period from 2008 to 2010
5.4 Legitimacy
5.4.1 Legitimacy in the Period from 1994 to 2007
5.4.2 Legitimacy in the period from 2008 to 2010
5.5 Conclusion
CHAPTER VI CONCLUSION AND RECOMMENDATIONS
6.1 Conclusion
6.1.1 Significant Improvements in Environemntal Governance
6.1.1.1 Improvement in Communties' Ability to Learn and Empowe
Themselves
6.1.1.2 Improvement in environmental governance when more actor
involved
6.1.2 Weaknesses
6.1.2.1 Contested Legitimacy
6.1.2.2 Weakness in Capacity of Local Environment Protection
Bodies
6.1.2.3 Capacity of Community to Realize the Pollution
6.2 Recommendations
6.2.1 Strengthening Legitimacy
6.2.2 Empower Local Environment Protection Bodies

Х

6.2.3 Improve Capacity of Communities to Early Respond to Pollution	115
6.3 Recommended Future Research Areas	115
REFERENCES	116
APPENDIX	120
BIOGRAPHY	128

LIST OF TABLES

Tables	
1.1 Key Themes of Information Collection	13
2.2 Summary of 6 case studies in O'Rourke (2004)	32
3.1 Polluted Areas, Pollution Level and Percentage of Pollution Caused by	43
Vedan Vietnam to Thi Vai River in 2008	

LIST OF FIGURES

Figures	Page
1.1 Actors and Principles in Environmental Governance	7
1.2 Elements Contributing to a Successful of Social Movement	9
1.3: Map of Thi Vai River	10
3.1 Location of Thi Vai River	39
3.2 Picture of Vedan Vietnam Company	40
3.3 A polluted section of Thi Vai River near Thanh An Commune in 2008	45
3.4 Map of Thanh An Commune, Can Gio District, Ho Chi Minh City	45
3.5 Map of Long Tho commune, Nhon Trach district, Dong Nai province	48
3.6 Aquatic Production at Thanh An Commune	54
3.7 A Deserted Shrimp Pond at Long Tho Commune	54
3.8 Activities in the 2010 Green Consumption Campaign	85

ABBREVIATIONS

ADB	The Asian Development Bank
CSR	Corporate Social Responsibility
DONRE	Department of Natural Resources and Environment
DRAD	Department of Agriculture and Rural Development
EIA	Environmental Impact Assessment
EPA	Environment Protection Agency
FDI	Foreign Direct Investment
GDD	Grassroots Democracy Decree
GDP	Gross Domestic Product
GONGO	Government-Organized Non-governmental Organization
GSO	General Statistics Office
IUCN	International Union for the Conservation of Nature
LEP	Law on Environment Protection
MONRE	Ministry of Natural Resources and Environment
MOSTE	Ministry of Science-Technology and Environment
NGO	Non-governmental Organization
SIDA	Swedish International Development Authority
UNDP	United Nations Development
VEA	Vietnam Environment Administration
VND	Vietnam Dong (exchange rate between US\$ and Vietnam Dong in
	August 2011 is 1US\$=22,000 VDN)
WB	The World Bank

CHAPTER I

INTRODUCTION

The Thi Vai River is one of five main rivers of the Dong Nai river system in Vietnam. It originates in Long Thanh district, Dong Nai province and flows to Ba Ria-Vung Tau province before emptying into the sea at Ranh Rai bay in Can Gio district, Ho Chi Minh City. The river's total length is 76 kilometers. Within the South-Eastern region of Vietnam, this once natural resource rich river was the primary source of livelihood among thousands of households living within the basin because of its plentiful aquatic production and seafood. This changed in the late of 1980s when Vietnam initiated its development program, known as "Doi Moi.". The development program focused on industrialization, and attracting Foreign Direct Investment (FDI) was a key strategic factor to promote industrialization. Since then, Dong Nai and Ba Ria-Vung Tau provinces and Ho Chi Minh City have become increasingly industrialized to form Vietnam's Southern Economic Zone.

Vedan Vietnam Enterprise Corp. Ltd is a 100 percent Taiwanese-owned monosodium glutamate (MSG) enterprise (Vedan Vietanm). It was established in 1991 in Phuoc Thai Commune, Long Thanh District of Dong Nai Province, about 70 kilometers Southeast of Ho Chi Minh City, and it was the first FDI enterprise operating and discharging wastewater into the upstream section of the Thi Vai River. Pollution of the river began in 1994, coinciding with the onset of Vedan Vietnam's operations. In 1995, the river water began to change color and emanate a strong odor. Around this time reports of shrimps and fish raised by farmers were decimated, which appeared to be linked to the pollution. Between 1994 and 2007, Vietnam's Environment Protection Agency (EPA) discovered three counts of environmental protection violations from Vedan Vietnam. The company was punished for its actions and also required to pay compensation to affected farmers in 1995 and again in 2005, totaling US\$2,950,000. However, repeat illegal actions ensued. In September 2008, Vedan Vietnam was caught illegally discharging untreated waste water into the Thi Vai River. The government took action to stop Vedan Vietnam from polluting by ordering it to temporarily stop the operation of its four factories that did not meet environment protection standards. The government also imposed a financial punishment to Vedan Vietnam for its environment violations and overdue environment protection fees of US\$7,376,000. In early 2009, Vedan Vietnam invested US\$33,187,516 in environmental technology to meet environment protection standards (Ministry of Natural Resources and Environment (MONRE), 2010).

The actions of the government in 2008 stopped Vedan Vietnam from polluting the environment, but compared to the past infractions in 1995 and 2005, this time the government did not require Vedan Vietnam to compensate local communities for economic losses and the negative impacts to health caused. A year later, in 2009, this resulted in a social movement formed with the involvement of the communities, lawyers, the media, Farmers' Association, Consumer Protection Associations, distributors and consumers asking Vedan Vietnam to compensate the economic losses of affected farmers. In August 2010, Vedan Vietnam agreed to compensate US\$11 million to the affected farmers in Dong Nai and Ba Ria-Vung Tau provinces and Ho Chi Minh City, after it faced pressure from a nationwide campaign boycotting its products.

Overall, environmental degradation associated with industrialization has become an issue of concern to the Vietnam Politburo. On 15 November 2004, for example, environment issues were addressed in Resolution No. 41-NQ/TW (cited in MONRE, 2011):

"[There] appears to be rapid environmental degradation to an alarming degree - ... the soil has been eroded and degraded; the quality of water resources decreases... all of which present an acute challenge for environmental protection." In 1994, Vietnam enacted its first Law on Environment Protection (LEP), which was amended in 2005. In 2002, the Vietnam Government established a Ministry of Natural Resources and Environment (MONRE), which specializes in environment protection. This revision of institutional arrangements has helped to fill gaps within environment management in Vietnam, the responsibility for which was previously assigned to a multi-functional Ministry of Science-Technology and Environment (MOSTE). However, although there have been some improvements in Vietnam's environmental legal framework and institutional arrangement, the case of the pollution of the Thi Vai River for 14 years by Vedan Vietnam, demonstrates inefficiency of Vietnam's environmental governance.

The social movement that called on Vedan Vietnam to pay for the economic losses it had caused to farmers in three localities lasted from September 2008 to August 2010, and finally succeeded in asking the polluter to pay for impacts. Significantly, after the Vedan Vietnam case, some weaknesses in Vietnam's legal framework and broader environmental governance have also been addressed. In addition, in cases where the government has not provided efficient environment protection mechanisms, communities and non-state actors have drawn important lessons from the Vedan Vietnam case to strengthen environment protection.

1.1 Research Problem

The case of Vedan Vietnam was a landmark in Vietnam's ongoing economic development strategy that prioritizes industrialization and is associated with promoting attraction of FDI. It gave a chance for policy makers and related stakeholders to review Vietnam's economic development policy in general and environment protection mechanisms in particular. With regard to environmental governance, the case demonstrated that the government had failed in environment protection to the extent that communities' livelihoods were threatened. Hence communities and non-state actors acted in accordance with their rights to be involved in environmental governance and successfully strengthen environment protection. Participation of communities and non-state actors in environmental governance seeded for a new approach to environmental governance with the inclusion of all three actors interacting: state, business, communities and non-state actors. However, how to maximize the effectiveness of this new approach to environmental governance within the changing socio-political and economic context of Vietnam has not been systematically studied and as such remains a gap in knowledge.

Hence this research focuses on analyzing two key issues: First, to identify and evaluate the actors in environmental governance, then evaluate key principles namely: actor's participation, accountability, democracy and legitimacy (Delmas and Young, 2009) which are considered important to facilitate effective interaction among community, state and non-state actors in the new approach of environmental governance. Second, the research seeks to adopt the Resource Mobilization Theory to understand how affected farmers in case organized amongst themselves, interacted with outside actors in the movement to protect their interests.and anhenced environment protection. This part of analysis accounts for community's ability to organize and mobilize outside resources, the availability of outside resources, and political opportunities.

1.2 Research Objectives

The main objectives of this research are:

1) To identify which actors from state, non-state and the private sector have been involved in the case of Thi Vai River polluted by Vedan Vietnam;

2) To evaluate how affected communities interacted and built coalitions with state and non-state actors to strengthen environmental governance that stopped Vedan Vietnam company from polluting the Thi Vai River; and

3) To identify how environmental governance in Vietnam could be strengthen in the future.

1.3 Research Questions

The main research question is, in the case of the Thi Vai River polluted by Vedan Vietnam Company, how have communities interacted with state and non-state actors over time to strengthen local environmental governance and protect themselves form environmental threats?

The following specific questions are asked to answer the main question

- Who are the main actors (communities, state and non-state at local and national level) involved in the case of the Thi Vai River polluted by Vedan Vietnam Company?
- 2) How have the communities interacted with and built coalitions with state and non-state actors to strengthen environmental governance that stopped Vedan Vietnam Company from polluting the Thi Vai River?
- 3) How could Vietnam environmental governance be strengthened in the future?

1.4 Hypothesis

Environmental governance was strenthened sufficiently to stop the Vedan Vietnam company from polluting the Thi Vai River when: communities gained more knowledge of the Law and how to use it; communities gained the ability to organize amongst themselves, mobilize outside resource and work with state and non-state actors who shared the communities' objectives to address river pollution; and space for participation and accountability, which are key components of Environmental Governance, in Vietnam grew.

1.5 Conceptual and Theoretical Framework

1.5.1 Concept of Environmental Governance

Since the mid-1960s, the nature of environmental governance has changed from a focus on the state and market as actors in environmental governance to a view that communities and local institutions are also important actors to be involved in environmental governance (Delmas and Young, 2009). This new approach to environmental governance allows communities, civil society, and Environmental Non-Governmental Organizations (NGOs) to adopt a legitimate role (Figure 1) in strengthening environmental management, and is more efficient than in the hands of the state or state-market co-management alone. However, determining the principles and mechanisms to facilitate an efficient and effective coalition of state and non-state actors and communities in environmental governance is very important. The principles by which these actors might best interact in this new governance approach have been widely discussed, but there is yet to be agreement on standardized principles. Young (1990, cited in Delmas and Young, 2009) suggests four key principles for these actors to interact.

- *Stakeholder involvement*: The degree to which a governance system allows public participation.
- *Accountability*: The extent to which managers report to the public their efforts to solve problems and take responsibilities for their decisions.
- Democracy: Allows citizens to express their views on matters of concern.
- *Legitimacy*: Actors feel that their voices in the operation of governance systems are legitimate and their liberties are respected.

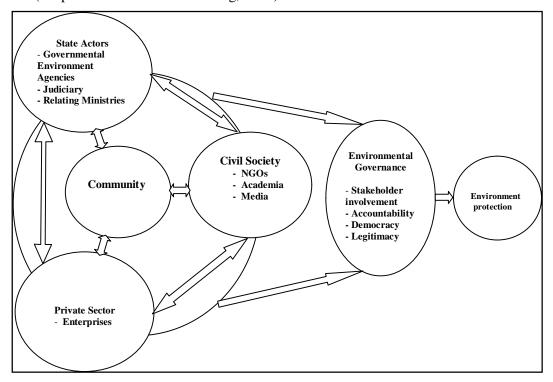


Figure 1.1: Actors and principles in new approach of environmental governance (adopted from Delmas andYoung, 2009)

1.5.2 Resource Mobilization Theory

Social movements in the 1960s brought new perspectives to social movement studies. One predominant school of thought was led by the work of Oberschall (1973), Tilly (1978) and Jenkins (1981) who formed a new theory of social movement known as Theory of Resource Mobilization (cited in Jerkins, 1983).

The Theory of Resource Mobilization emphasizes three key elements which contribute to the failure or success of a social movement (see Figure 1.2):

- First, *community's skills* of organizing amongst themselves and mobilizing outside resources, meaning members of social movements have leadership skills, know how to mobilize outside resources, and have strategy;
- Second, *outside resources*, which include funding, equipment, supporters, attention of the media, and legal consultancy;

• Third, *political opportunities*, meaning that social movements enjoy democracy, legitimacy, and freedom of media;

This theory is based on real social movements in the West since the 1960s and emerged in the context of the growth of industrial capitalism and the building of modem states, which destroyed the autonomy of small groups. It takes place in the context of urbanization and the growth of the mass media that provided opportunities for small groups to mobilize outside resource for their movement (Diani, 2007).

Resource Mobilization Theory is relevant to analyze the social movement of affected farmers asking for compensation for economic losses in the case of the Thi Vai River as Vietnam is under a process of industrialization, and industrial activities are threatening environment protection, livelihoods and health of local communities. At the same time, distinctions between the conditions that supported social movement in the West in 1960s and Vietnam society can be drawn. For example, media freedom in Vietnam is limited due to government control, additionally demonstrations are prohibited by law and therefore collective activities are not a legitimate action for participants of social movement.

Criticism towards Resource Mobilization Theory has also been raised, as it ignores cultural factors (Diani, 2007). To overcome this criticism, Tilly (2001) proposed to focus on identifying mechanisms to explain political opportunities rather than rely on an abstract structure of political opportunity. Therefore, to adapt Resource Mobilization Theory to the context of Vietnam, key differences between Vietnam at present and the West in 1960s need to be acknowledged. Differences between the two include:

- 1. Vietnam is led by a single Communist Party, and is therefore different from the multi-party system in the West;
- Demonstrations are not allowed in Vietnam, whilst it is a legitimate and powerful tool used by participants in social movements in the West;

- 3. There are no independent social organizations in Vietnam. The Womens Union, Labor Unions, and Farmers' Associations were all established and are controlled by the Communist Party;
- 4. Mass media are governmental units, not privately owned.

Given the different political and social characteristics of present-day Vietnam and the West in 1960 described above, political opportunities suggested in Cragun and Cragun (2008) can be understood in the context of Vietnam as: Increasing involvement of non-Communist party members in Vietnam's political system; decline in repression; disagreement over the balance between economic growth and environmental protection amongst politicians and leaders; and increasing decentralization as local governments gain more power from central government.

The above factors and differences will be taken into account when applying Resource Mobilization Theory and used to explain the movement of affected farmers seeking compensation for economic losses in the case of Thi Vai River polluted by Vedan Vietnam.

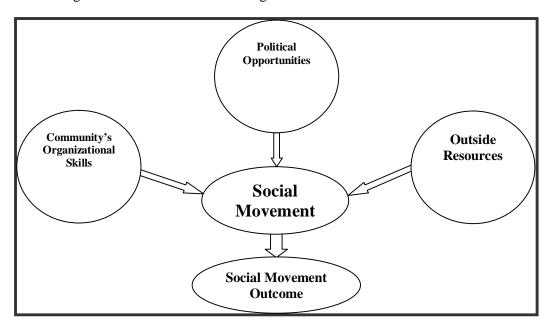


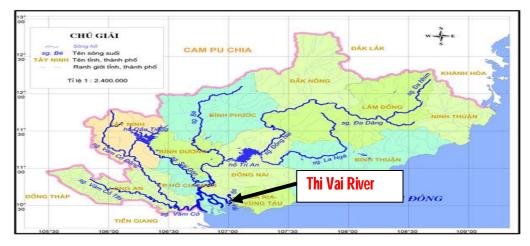
Figure 1.2: Elements Contributing to a Successful of Social Movement

1.6 Research Methodology

1.6.1 Scope of Research

This research considers three geographical levels of analysis - province, district and commune - to assess environmental governance as a multi-scale phenomenon. The three units of analysis are: The Thi Vai River basin geography, where Ho Chi Minh City and Dong Nai province share the Thi Vai River's resources (see map 1.1); Can Gio district in Ho Chi Minh City and Nhon Trach district in Dong Nai province; and Long Tho commune in Nhon Trach district and Thanh An commune in Can Gio district.

Figure 1.3: Map of Thi Vai River.



Source: Vietnamnet (21 June, 2011) < http://www.vietnamnet.com/>

1.6.2 Data Collection

1.6.2.1 Secondary data collection

Secondary data was collected from previous studies and the media about the Vedan Vietnam case to compare with primary data collected during interviewing. Secondary data helped to understand the reactions of communities, state and non-state actors in the period from 1994 to 2010. Secondary data collected relating to the case from 1994 to 2007 when the case was not well known to the public was especially useful to understand the reactions of high ranking government officials from local to central government during this period, who I did not have a chance to interview.

1.6.2.2 Primary data collection

Informants for collecting primary data were from three main groups: state actors, non-state actors, and communities. Interviews and field visits to affected communities in Ho Chi Minh City and Dong Nai province were carried out from 19th June to 11th July 2011.

Among state actors, semi-structured interviews were conducted from three levels of authorities: Commune, District and Provincial. At the commune level, interviews were conducted with members of the People' Committees of Long Tho commune, Nhon Trach district, Dong Nai province and Thanh An commune, Can Gio district, Ho Chi Minh City. They included the Chairs of the communes' Farmers' Association, Women's Union, and Staff of the Land and Environment. At the district level, interviews were conducted with members of the Farmers' Association, the Department of Natural Resources and Environment (DONRE), and the Department of Agriculture and Rural Development (DARD) of Nhon Trach district, Dong Nai province and Can Gio district, Ho Chi Minh City. At the provincial level, interviews were conducted with members of DONRE, the Farmers' Association, and the Department of Planning and Investment of Ho Chi Minh City and Dong Nai province.

Interviewing state actors from Ho Chi Minh City and Dong Nai Province allows comparison of the perspectives and actions of different governmental officials in different localities over which Vedan Vietnam has different economic power and influence on them. Given that Vedan Vietnam is located in Dong Nai Province and this province is an upstream river locality, therefore it has benefited economically from Vedan Vietnam's operation whilst also suffering the pollution impacts. In contrast, Ho Chi Minh City is a downstream locality that was affected by the pollution, with no benefit from the factory's operation.

Non-state actors interviewed using semi-structured interviews included: Two lawyers from two different law firms in Ho Chi Minh City who consulted affected farmers to collect evidence in the Vedan Vietnam case; Two lecturers in Ho Chi Minh National University who specialize in the field of environment; The Director of Center for Bio-diversity and Development in Ho Chi Minh City; Three journalists; The Director of Saigon Co-Op supermarket; Two staff of Enda Vietnam, a Non-Governmental Organization (NGO) in Ho Chi Minh City, and the Vice-Director of the Consumer Protection Association.

The communities that were selected for field research were Long Tho Commune in Nhon Trach District, Dong Nai Province and Thanh An Commune in Can Gio District, Ho Chi Minh City. These communities were selected as fieldwork locations because they were the most affected communes in each respective province.

For interviews in the selected communes, interviews were conducted with residents of two villages in Thanh An Commune, namely Thieng Lieng and Thanh Hoa, and two villages in Long Tho Commune, namely villages 1 and 4. In each village, focus group discussions were held with one group of 8 villagers (4 women and 4 men) and another group of village leaders which included the Village Leader, the leaders of the Youth Union, the Womens Union, the Farmers' Association and village Health staff. In addition, I also interviewed 16 residents of these villages that I randomly met when walking through the villages to understand their livelihood activities.

For the focus group discussions, the eight paprticipants were selected randomly from two lists of villagers (one list of all women in that village aged from 18 to 65 and the other of all men aged from 18 to 65). From each list, those who had number 60, 120, 180 and 240 were selected for the focus group discussion.

The two villages selected in Thanh An Commune were selected subjectively to ensure the information and opinions from informants were representative of the commune. Thanh An Commune has 3 villages, namely Thanh Binh, Thanh Hoa and Thieng Lieng. Thanh Hoa and Thanh Binh are located on a large island-commune center where the governmental bodies locate such as People's Committee, the Health Center and schools. Thieng Lieng village, on the other hand, is located on another island about 45 minutes away from the commune center. Residents in Thanh Hoa and Thanh Binh have similar sources of income generation, and most of them earn their living by aquatic activities. In addition to aquatic livelihood activities, villagers in Thieng Lieng village, also earn their living by salt production. On this basis, Thanh Hoa village was chosen because it is also representative of Thanh Binh and Thanh Hoa villages.

Long Tho Commune has 5 villages, namely: Village 1, Village 2, Village 3, Village 4 and Village 5. Villagers in all of these villages have the same sources of livelihood which include vegetable and rice growing and aquatic production. They were all similarly affected by the pollution of Vedan Vietnam, so Village 1 and Village 4 were selected randomly.

Data collection was constructed according to 4 key themes of environmental governance (Participation, Accountability, Democracy and Legitimacy) and the three elements of Resource Mobilization Theory (Table 1.1).

	Table 1.1: Key Themes of Information Collection
	1. Actors in environmental governance
o Identit	fy actors who participated in the case of Vedan Vietnam from the
comm	nunity, and state and non-state actors at the commune, district, province and
nation	al levels
	2. Environmental governance

2.1 Stakeholder involvement

• To which degree different actors at different levels participated in the case of Vedan Vietnam through the time line of the case

o In which stages of the case did different actors participate

• How was each actors voice heard or considered by decision makers over the case timeline

2.2 Accountability

o How authorities responded to other actors over the timeline

o How information about the case was disclosed to the public or interested actors

o How environmental management authorities' roles and responsibilities were defined

• How governmental agencies drew lessons from the case and improved environment management for the future

2.3 Democracy

• Opportunities for interest groups/ individuals participating in all processes of the case

o How non-state actors and community voices influenced decisions

• Opportunities for non-state actors and communities to monitor environmental matters

2.4 Legitimacy

• How is participation of actors in environmental governance defined in the relevant laws

• Actions actors took in response to the Vedan Vietnam case and how the authorities responded

o Existence of mechanism to facilitate different actors' participation in practice

o Efficiency of law enforcement mechanisms

3. Adequacy of law and how it is used by community

o Coverage of all environmental issues

o Law is usable and enforceable

o Law is widely publicized and understood by all

o Clearly define roles and responsibilities of all stakeholders and actors

• Sufficient law consultancy services, especially for vulnerable groups.

- 4. Community's ability to organize amongst themselves and with other actors
- o How community organize themselves to protect their environment and interests
- o Availability of outside resource for communities to mobilize
- Legitimacy for community to act, network and mobilize resource from outside actors
- o Opportunity for communities to work with state and non-state actors

1.6.3 Data Analysis

Data was analyzed based on the three research questions. First, information about various actors from communities, local and central government and non-state actors involved in discovering, solving the polluting and resolving the economic losses of the affected farmers in Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh City as a result of the pollution caused by Vedan Vietnam from 1994 to 2011 was grouped together accordingly to the periods of the case. This information helped answer question 1 of the research namely: *Who are the main actors (communities, state and non-state at local and national level) involved in the case of the Thi Vai River polluted by Vedan Vietnam Company?*

Second, information was grouped according to the three sub-groups of: communities' skill in organizing amongst themselves and skills of mobilization of outside resources; availability of outside resources; and political opportunities. The information of these 3 sub-groups was also classified according to each period of the case. This method focused on addressing how Resource Mobilization Theory explains the movement of affected farmers in the case and also answered for question 2 of the research namely: *How have the communities interacted with and built coalitions with state and non-state actors to strengthen environmental governance that stopped Vedan Vietnam Company from polluting the Thi Vai River*?

Third, the information was grouped according to the four principles of environmental governance during the time line of the case from 1994 to 2011, namely: Actors' Participation, Democracy, Accountability and Legitimacy,. This evaluation addressed question 3 of the research: *How could Vietnam environmental governance be strengthened in the future*?

Information gathered from informat interviews was recorded by note taking, audio recording of the interviews and transcription. Photographs of villagers' livelihood activities were also taken.

1.7 Constraints and Limitation

The most important constraint of this field research was political sensitivity. When I contacted the authority of Can Gio district in Ho Chi Minh City to introduce myself with the objectives, content of the research and presented my plan to work with people at Thanh An Commune in Can Gio District they seemed unwilling to help me access information related to the case study. Given the fact that 22 households in Thanh An commune did not agreed with the amount of compensation they received from Vedan Vietnam in August, 2010, during the time that field research was conducted (June 2011), affected farmers were still engaging the media and lawyers to help them file a lawsuit against Vedan Vietnam seeking further compensation. The local court had rejected this lawsuit and the government had prohibited media authorities did not want outsiders to contact these farmers. As a result, the local authorities allowed me to work with farmers in Thanh An Commune thanks to the introduction of a lawyer from Ho Chi Minh city.

Another limitation of this research was in accessing to information relating to the case in the period from 1994 to 2007. Information of local communities' reactions and how the government responded was not well documented, such that only the communities and a few journalists knew the case well during this period.

1.8 Significance of Research

First, water pollution is an alarming issue in Vietnam. Previous studies have approached the issue at the macro level looking at law and national policies to assess environmental governance. In contrast, this research assessed the environmental governance in Vietnam by examining the interactions of actors on the ground to give recommendations to strengthen local environmental governance, as well as law and policy.

Second, the chosen case study in this research relates to FDI in Vietnam. Vietnam has considered FDI to be the preferential source of economic growth and attracting more FDI will be the key objective to achieve the government's future goal of being a basic industrial nation by 2020. Many FDI studies have been conducted to assess the role of FDI in Vietnam's economic development, including the trends and patterns and how to attract more FDI in the future. In general, previous studies focused more on the *quantity of FDI* in Vietnam such as total FDI inflow, percentage of FDI in GDP and so on. This research focuses more on the *quality of FDI* in Vietnam, in particular the impacts of FDI to the environment. It intends to provide a more complete overview of FDI in terms of both advantages and weaknesses to help Vietnam's policy-makers to take the issues raised into account for their future strategy to attract more FDI and minimize its negative impacts.

Third, the case study of Thi Vai River polluted by Vedan Vietnam Company has been well known to the public since 2008, but it has not been well analyzed in a systematic way that reflects how environmental governance has been changed and the interactions of different actors, especially the affected communities. This research reexamines all elements that have led to the successful movement of affected farmers to protect their interests, and hence good practice can be drawn and applied by other communities to protect their interests in similar environmental conflicts, as the Thi Vai River is not the only river polluted by industrial activities in Vietnam. The rest of the thesis is structured as follows. Chapter 2 is a Literature Review and covers Vietnam's industrialization strategy that has heavily depended on FDI after Vietnam's economic transform in 1986 known as "*Doi Moi*" and the environmental impacts associated with this development strategy in general and in river management in particular. This chapter ends with a review of Vietnam's environmental institutional arrangements and legal framework from the early 1990s until 2010 together with the key principles of environmental governance. Chapter 3 starts with profiles of the selected communities of the research, and provides a profile of Vedan Vietnam, its history of environment violation and the impact of the pollution to communities. Chapter 4 focuses on analyzing the factors influencing the outcome of the social movement of affected farmers claiming compensation and seeking to improve environment governance from 1994 to 2011. Chapter 5 focuses on analyzing the four principles of environmental governance in the Vedan Vietnam case. Chapter 6 offers conclusions, recommendations and recommendation for future research.

CHAPTER II LITERATURE REVIEW

Since launching the Innovation (*Doi Moi*) Program in 1986, Vietnam has shifted from a planning and control economic model to a mixed market economic model. This has seen Vietnam adopt economic development policies similar to neighboring Southeast Asian nations such as Thailand, Malaysia, Indonesia and the Philippines, all heavily reliant on export manufacturing for development. To boost industrialization, Vietnam reformed its economic and foreign relations policies to call for foreign investment in the industrial sector, focusing on export-oriented manufacturing (Pham, 2004). A shift from the control and planning model to a mixed market economic model required a shift in institutional arrangements and legal frameworks in Vietnam in the early 1990s to provide a mechanism for actors in the new economic model to function effectively, as well as to manage failures of the market-based economic model such as environment degradation.

This chapter aims to review how FDI relates to environmental issues in Vietnam and how environment protection mechanisms have responded to the changing economic development policies that promote FDI. Section 2.1 reviews the linkage between FDI and the environment in general at global level and in Vietnam in particular. Section 2.2 reviews the development of Vietnam's environment institutional arrangement during the period of industrialization and evaluates if these institutional arrangements are adequate to protect the environment. Section 2.3 reviews the development of Vietnam's environmental legal framework to see if it is adequately developed to provide an efficient legal framework to protect the environment. Section 2.4 reviews environmental governance through the lens of river management because water pollution has been the most serious problem in Vietnam since the beginning of industrialization. Section 2.5 ends the chapter with a review of the key principles of environmental governance, namely Actors' participation, democracy, accountability and legitimacy.

2.1 Linkage of FDI and Environment

2.1.1 Overview Linkage of FDI and Environment

FDI both positively and negatively affects the environment. On one hand, a positive linkage between FDI and environment can be observed through the following characteristics. First, FDI facilitated through free trade will function according to a competition principle. To gain benefits and increase competition, investors have to improve their machinery to increase productivity and to minimize material waste. In doing so, advanced technology invested in the host country by FDI enterprises will help to minimize environmentally negative impacts (Anderson, 1992). Second, technology invested from FDI to the host countries becomes a good channel for the host country to transfer and access advanced technology in general and further environment protection in particular (Pham, 2004). Third, FDI will foster economic growth resulting in increased capital in the host countries so they are in a better position to allocate budgets for environment protection (Bhagwati, 2000).

On the other hand, FDI also threatens environment protection in the host country because low environmental protection costs are considered a competitive advantage for FDI enterprises when deciding where to invest (Klevorick, 1996). Under this condition, a host country wanting to attract more FDI tends to lower environmental protection standards or ignore and not enforce existing environmental protection legal frameworks. This leads host countries to "*the race to the bottom*".

2.1.2 FDI and Environmental Threat in Vietnam

FDI has contributed as much as 14% of the total Gross Domestic Product (GDP) of Vietnam and 54% of its total exports from 1992 to 2002 (Freeman, 2002). FDI in Vietnam is mainly allocated to the manufacturing sub-sector in which food processing, textile and garment, electric machine and equipment, and automotive production are the dominant industries. FDI capital allocated to manufacturing

increased from 25 percent in 1992 to nearly 50 per cent in 1999 of the total FDI in Vietnam (Pham, 2004). This is in line with data from Athukorala's (2002) study on FDI in Vietnam; he found that the manufacturing sector on average had a total share of FDI capital from 1988-2001 of 53.5 percent, while primary production, construction and services' share was 13.7, 12.3 and 19.2 percent respectively. In terms of foreign investors in Vietnam, from the early 1990s until now Singapore, Taiwan, Hong Kong, South Korea and Japan are the largest investors in Vietnam, and are strongly represented in the four industries of the manufacturing sub-sector mentioned above (Athukorala, 2002). Until 2006, only 80 out of the world's 500 largest international corporations were present in Vietnam (Nguyen et al, 2006).

However, the four main industries in the manufacturing sub-sector raise a major threat to the environment (ICEM, 2007). For instance, electronic equipment contains dangerous toxic chemicals that affect the human nervous system, brain and other organs. Food processing is an intensive water user and employs a host of organic chemicals. Textile and garment manufacture consumes large quantities of chemicals and discharges waste water. Transportation equipment manufacturing discharges toxic chemicals in many steps of the manufacturing process. Meanwhile, many studies on the technology spillover of FDI in Vietnam have shown that the level of technology utilized in manufacturing is low when compared to international standards (Le 2005). Vitto and Brooks (2004) find that technological spillover effects through FDI in Vietnam is limited because of the underdevelopment of the domestic private sector. That means that FDI enterprises don't have to compete with domestic competitors by investing in advanced technology.

Another cause of low technology brought in by FDI enterprises in Vietnam comes from the form of investment (Pham, 2004). Given that FDI enterprises can be established in Vietnam in the form of joint ventures, under this cooperation Vietnam partners can contribute land as shared investment capital while foreign partners contribute technology. This cooperation mechanism resulted in Vietnamese partners not ensuring that the technology brought in by foreign partners was advanced or that it met environment protection standards. Because technology investment from foreign partners and knowledge of environmental protection technology was new to Vietnamese government officers, it has been difficult for them to assess which are good or bad for the environment.

The characteristics of FDI in Vietnam from the early 1990s to 2007, with dominant investors from Asia and Southeast Asia and specializing in low value-added industries as mention above, did not only not significantly contribute to technology transfer in Vietnam and also caused negative environmental impacts due to extensive natural resource consumption and low technology investment.

2.2 Environment Institutional Arrangement in Vietnam

After the Doi Moi economic transformation program, the Vietnamese Government developed the "National Plan for Environment and Sustainable Development 1991-2000" which was formulated with technical assistance from international organizations such as the United Nations Development Program (UNDP), Swedish International Development Authority (SIDA) and the International Union for the Conservation of Nature (IUCN) (Tran, 2008). This program includes 3 main components: legislative, policy and institution framework.

In 1992, the Ministry of Science-Technology and Environment (MOSTE) and its implementing agency, the Environment Protection Agency (EPA) were created. However, despite the transition from a socialist command economy to a marketdriven model, the new environmental policy framework remained dominated by a highly centralized logic of "command-and-control". Assignment of environment management in MOSTE, a multi-functional ministry, did not efficiently manage the environment (Mitchell, 2006). This weakness was acknowledged by the government in 1998 when, in a directive on "Strengthening Environmental protection in the period of National Industrialization and modernization", the Political Bureau of the Communist Party stated: "The Law on Environmental Protection has not been strictly enforced. [...] legal documents on environmental protection are lacking, overlapping and not consistent" (Communist Party of Vietnam, 1998).

To overcome the weaknesses of fragmentation of environment functions, in 2002, the Ministry of Natural Resources and Environment (MONRE) was created to replace MOSTE in environment management and in 2008 the Vietnam Environment Administration (VEA) was created to replace the previous Environment Protection Agency. The creation of MONRE and its implementation agency – VEA - has helped to adopt an integrated environment management approach.

However, environment management was still inefficient after creating MONRE to provide overall environment administration. First, there was overlap in environment management after creating MONRE because MONRE is not the only player in environmental administration. For example, the Ministry of Agriculture and Rural Development is in charge of protecting forests and fostering rural development, including the promotion of handicrafts; the Ministry of Construction is responsible for the provision of urban drinking water and waste water facilities; the Ministry of Industry monitors pollution from State-owned Enterprises; and the Ministry of Fisheries manages inland and offshore fishing activities (Dimitrios, 2007).

Second, MONRE and its environment bodies at the local level did not have strong power to act on all environmental issues. Given that in each province and district there is one Department of Natural Resources and Environment (DONRE) that manages environment at the local level, but provincial and district People's Committee decide the budget and human resource of DONRE, in practice DONRE is influenced more by the provincial People's Committee on environment management rather than MONRE (O'Rourke, 2004). In addition, the goal of the People's Committee at the local level is to promote economic development rather than environment protection enhancement, so as a consequence the People' Committee at the local level influence the function of local environment bodies. The World Bank states that: "The goals of the People's Committees are often at odds with national environmental policy objectives. The resulting lack of cooperation frequently aggravates important capacity constraints at the local level" (World Bank, 2008).

2.3 Development of Environmental Legal Framework

In parallel with changes in institutional arrangements, the Government of Vietnam implemented a number of measures to deal with environment protection. They included regulatory tools (development of institutional and legislative framework, capacity building, strengthening international cooperation), economic tools (market –based instruments to be applied in parallel with command and control ones), and voluntary tools (awareness raising, training and education).

As a result, throughout the 1990s, a number of laws addressing environmental issues were passed, including the Law on Forest Protection and Development (1991), the Law on Land (1993), the Mineral Law (1996), the Law on Environment Protection (1994), which was also revised in 2005, and the Law on Water Resources (1999)

In terms of availability of legal framework and its coverage to environmental issues, Vietnam environmental legal framework is considered advanced compared to international standards to deal with environment protection (Brad, 2005). But the law system is weak in implementation because the legal framework in Vietnam is quite complicated. The central government issues the main law but local authorities may also issue sub-laws. This led to overlapping and inconsistent rules and sometimes conflict between main law and sub-law (Can Tho University, 2011). A study that analyzed more than 300 relevant legal documents on the water sector in Vietnam carried out by Loan (2010) revealed that these documents contain many overlaps, gaps, contradictions and even conflicts. She shows that the conflict not only exists

between the Law on Water Resource and the related laws, but also between the Law on Water Resource and its sub-laws.

Another issue relating to enforcement of the environmental framework in Vietnam is that during the progress of Vietnam's environment protection legal framework development, international agencies such as UNDP, SIDA and IUCN played an important role to provide techniques, knowledge, and funding to formulate law. To some extent, international financial bodies such as the World Bank (WB) and Asian Development Bank (ADB) also used their financial power to influence Vietnam to upgrade environment policy to comply with standards. These influences have often resulted in Vietnam's environment legal framework appearing to be adequate on paper, but not effectively enforced in practice because the Vietnam government was not the initiator and was not fully committed to enforcement of the country's environmental framework.

2.4 Environmental Governance and River Management for the Industrial Sector in Vietnam.

2.4.1 The Changing Pattern of River Usage in the Industrialization and Urbanization Era in Vietnam.

Vietnamese people have a saying that "First advantage is living near the market and second is living near the river". In the context of Vietnam's agricultural era before 1986, rivers provided water supply, a means of transportation, aquatic resources, and water for agricultural activities. The most developed areas of Vietnam are the Red River basin in the North and the Mekong River basin in the South. These two areas are Vietnam's rice baskets and supply rice for Vietnamese people who eat rice three times a day. However, since Vietnam has started the industrialization and urbanization process in 1986, there have been some changes in river usage. The river held new purposes for the industrial sector such as water supply for industrial activities, a sink for pollutants, and a means of transportation. At the same time, the quality and quantity of traditionalwater usage decreased in areas such as aquaculture,

agriculture and drinking water. These changing water usage patterns led to conflicts over river management and usage, and to some extent threaten the livelihoods and health of local people who depend on the river's resources.

Vietnam's industrialization policies are associated with "Focal Economic Zone" policy. Under this policy, the government has selected some areas that have relatively good conditions to establish industrial zones. For example: relatively developed infrastructure; availability of labor force; or abundant raw material supply (Pham, 2004). Hence, industrialization in Vietnam has not developed evenly between regions of the country and most industrial estates are located in three focal economic zones: Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh city in the South; Quang Nam, Quang Ngai and Danang city in the Central area; and Hanoi and Vinh Phuc in the North.

This industrialization policy has resulted in negative impacts to the health of Vietnam's rivers in many ways. First, the rivers in the focal economic zones have become a source of water supply for industrial activities. For example, the ADB (2009) revealed that:

"The total water used by industry is estimated around 3,760 million m^3 a year, of which the biggest shares are located in the Red River Delta (50%), the Dong Nai River basin (25%) and the Mekong Delta (10%) and by 2015 the volume of water used by industry will be double the volume of 2009".

Second, rivers have become sinks for pollution from industrial activities. For example, in 2007, nationally there were 154 industrial parks and export processing zones (excluding the provincial industrial parks and local clusters) but only 43 centralized wastewater treatment plants. It is estimated that when 100% of land in industrial zones is finally used, only 31% of wastewater will be treated and the rest will be routed into rivers or canals without any treatment. Furthermore, about half of the non-state owned enterprises are located outside of industrial zones that directly

discharge waste to the water sources without (or with very little) treatment (Loan, 2010).

Third, besides directly increasing the use of water for industrial activities and discharging waste into the rivers, industrialization is causing an increased volume of inland water transportation. This results in more river pollution from oil spills and river-bank erosion due to the use of fast speedboats. Can Tho University (2011) found that:

"Transport of cargo on inland waterways accounts for almost 20% of the total cargo transported in Vietnam with a growth rate between 2001 and 2006 of about 7%. Of this, 92% of cargo on inland volume comes from the Dong Nai, The Red and The Mekong Rivers."

Fourth, the focal economic zone in industrialization policy has also facilitated a rapid urbanization process and increasing domestic waste water discharging into the rivers. Given that most industrial estates in Vietnam are export-oriented manufacturing, which are labor-intensive industries, to fill the labour market gap, people have migrated from the countryside to industrial zones. Consequently, the population in large centres is growing and crowded and the river receives an increasing volume of domestic water discharge.

A result of the survey on household living standards in 2006 carried out by General Statistics Office (GSO) showed that around 62% of urban households used piped water supply, 30% used their wells, 4% used rain water and 2% relied on water from rivers or ponds. When rivers become polluted by industrial waste, it affects the quality of underground water resources too; hence about 32% of people who use water from wells, rivers and pond will be affected (GSO, 2007).

2.5 Environmental Governance

The notion of good environmental governance has been widely discussed at the global level. The most significant change indicated by the term environmental governance was the shift from an approach that environment management mainly belongs in the hands of government and enterprises to the new approach of increasing participation of communities and civil society in environmental governance (Delmas and Young, 2009). Turton et al. (2007, p.7) offer more detail on how actors interact in the new approach of governance with the idea that governance describes the relationship between people, the ways that they interact with each other in the context of their environment and the systems of principles, rules and norms that are set up to guide these interactions. Basically, the new approach incorporates more actors' participation in environmental governance according to clearly defined principles namely: Democracy, Actors' Participation, Legitimacy and Accountability.

In the context of globalization, this new approach of environmental governance has been adopted in Vietnam and the principles to facilitate interaction of communities and civil society also introduced. The following sections will review the key principles in the new approach of environmental governance.

2.5.1 Democracy in Vietnam

Vietnam people lived and worked under an economic planning and control model until 1986. In the context of the planning and control model, people were not allowed to participate in the process of developing policy, law and the defining the direction of economic development. Instead, they implemented the approved policies and plans by Central government rather than participate in the formulation of these policies and plans. The idea of participation was also new to the government. Facilitating efficient participation from communities and civil society in governance requires time and clear principles of public engagement.

The term "Democracy" in Vietnamese is understood as "people are owners." The development of democracy in Vietnam was seeded in 1998 when the government responded to riots in Thai Binh Province over the corruption of local governmental officials. The central government issued Decree 29/1998/ND-CP (later superseded by Decree 79/2003/ND-CP), known as the Grassroots Democracy Decree (GDD) (UNDP, 2006). The goal of the GDD was to increase transparency, participation, and accountability at the local level (Conway, 2004). This decree is well known by Vietnamese people as "People are informed, people discuss and plan, people implement and people monitor and check." In fact, a number of rights are confirmed by the GDD including the right to be informed about policies, laws, socioeconomic development plans, land use plans, and participation in discussions, decisions, and assessments of local government activities (Phung, 2007). In some cases, the implementation of the GDD has led to increased knowledge of rights and duties among citizens, participation in village activities and meetings, information about government policies, and closer relationships with commune officials. However, overall these positive impacts were not so common and good law and policy has not necessarily translated into good implementation. Adhikari et al (2004) concludes that "in general, the implementation of the democracy regulations has been poor."

2.5.2 Actors' Participation

Even though the implementation of the Grassroots Democracy Decree has been poor, this decree has set a framework for legitimate participation in governance by the people. As O'Rourke (2002) observed, "Vietnam's socialist legacy has provided the opportunity for community and civil society to participate in pollution regulation." In general, Vietnam has a strong history of popular participation. Organizations such as the Farmers' Association, Trade Union, Youth Union, and Women's Union have all exerted pressure on the government to implement policy changes. For example, roughly 90% of the recommendations of the Vietnam Women's Union, which was formed in 1930, have been made into laws (Eccleston and Potter, 1996). According to Loi (2007), there were 10,457 water management organizations at the grassroots (farmer) level in Vietnam with different names (e.g. water user organizations, water user associations, water user groups). For example, in many places in Vietnam local Women's Unions, in conjunction with local governments, have organized environmental campaigns and cleanup operations (Phung, 2007). Unfortunately, local authorities have not properly paid attention to these organizations. For instance, these organizations did not receive any funding support from government to effectively manage water resource at the local level.

The role of civil society and NGOs in environmental governance in Vietnam is limited because of control from the government. In many countries, NGOs are important forces for advancing civic environmental concerns, as well as for influencing state and corporate decision-making (Keck and Sikkink 1998). In industrialized countries, environmental NGOs that employ scientists and lawyers have been particularly effective in leveraging state-authorized forms of participation and challenging technocratic policies and programs that previously served to exclude environmental and social concerns. However, this is not the case in Vietnam, as Wu (2002) finds that there are few independent NGOs working on pollution issues. In fact, Government-Organized Non-governmental Organizations (GONGOs) dominate the landscape rather than independent NGOs. Furthermore, to date, there have been no national-level protests regarding the environment because the Vietnamese law does not allow demonstrations.

In terms of discovering river pollution, Phung and Mol (2004) emphasized the importance of communities. They conclude that most of the environmental violation investigations were driven by community complaints. For example, Dong Nai province' DONRE received 200 complaints from local residents in 2003 although they conducted only 45 investigations that year because of a lack of human resource. Similarly, Ha Noi DONRE received nearly 1000 complaints from communities in 2002, but conducted only 100 investigations that year. O'Rourke (2004) reflected on the weakness of the environment inspection force as below:

"Monitoring and inspections are still all too rare. And even when inspectors do show up, they are often ill-prepared and underpaid so they can easily be bought off or blocked."

However, O'Rourke (2004) gave hope for those who share a concern about environment protection in Vietnam. On the one hand, he confirmed the widely accepted reasons for failure in environment protection in Vietnam including lack of trained personnel, lack of budget, low levels of political commitment, and state conflict of economic development and environment protection. He summarizes that "Few people [are] surprise[d] that developing countries' governments failed in environment protection." But on the other hand, he goes beyond analyzing the weaknesses of state actors to recognize the role of communities in improving environmental governance. O'Rourke (2004) carried out research on environmental governance in Vietnam from 1994 to 2000 with 13 trips to Vietnam and spent 12 months in the field visiting around 30 companies and surrounding communities, including both state-owned and FDI enterprises. All these companies had polluted the environment and caused impacts to local communities from their industrial production. In all cases, the affected communities had first complained about environment issues to the authorities, but there had been no action to stop the pollution. Finally, the communities pressured the companies directly to improve their environment protection. In all case studies, he finds that the strategy of all communities followed the same patterns: (1) communities identify priority environmental problems and instigate actions to solve them, usually through complaint letters to a local government agency, letters to the company, or protests; (2) the state responds by investigating, gathering data, and analyzing past performance and existing requirements on the company; (3) the state may also set fines or require technical changes inside the factory; (4) the community monitors the state's actions and any changes in the performance of the company; (5) if the pollution is not reduced the community escalates its pressure on the company and challenges the state to fulfill its legal mandate, often turning to extra local actors (such as the media or higher governmental bodies) to support their claims. He states:

"Only when state actions were instigated by, and combined with community's pressures, did a firm significantly improve its environmental performance. Without community pressure, existing policies achieved little in the way of environmental protection. Community actions that successfully drove a process of state legitimated regulation achieved environmental improvements."

From this finding, he proposes a new policy model for pollution control which he terms "community-driven regulation," He shows that environmental problems can be solved when affected community groups mobilize to pressure both state and industry. See details of the case studies in table 2.2.

Company	Dona	Lam Thao	Viet Tri	Tan Mai	Ba Nhat	Tae
Name	Bochang					Kwang
Ownership	Taiwanese	100%	100%	100%	100%	Korea
form	Vietnamese	State-	state-	state-	state-	
	Joint	Owned	owned	owned	owned	
	Venture	enterprise	enterprise	enterprise	enterprise	
Product	Textiles	Fertilizers,	Chemicals	Paper	Chemicals	Nike
		chemicals				shoes
Pollution	Boiler gases	Acids	Chlorine	Black	Calcium	Solvents,
		Sulfur	gas	Liquor	Carbonate	boiler
		Dioxide	Sodium	Boiler	dust	gases,
		Sulfuric	Hydroxide	gases	Noise	Solid
		Acid	detergents	Fibers,		waste
				dust		
Location	Dong Nai	Phu Tho	Phu Tho	Dong Nai	Hanoi	Dong
	province	Province	Province	province		Nai
						province

Table 2.2: Summary of 6 case studies in O'Rourke (2004)

However, all the case studies in O'Rourke (2004) reflect relatively small-scale pollution. For example, most of the companies in O'Rourke's research caused air pollution for surrounding communities that did not cause direct impacts to local communities' livelihoods. In addition, all the cases in O'Rourke's (2004) research occur from 1994 to 2000, when the main actors involved in solving pollution problems were communities, companies and the government, and does not reflect the significant changes in Vietnam society from 2000 to 2010 that have influenced environment governance. For instance: accountability has improved significantly at the national level; the National Assembly has been more independent and the responsibility of Ministers has been closely monitored by National Assembly Members; and environmental issues have become the concern of many non-state actors such as lawyers, the media, Consumers Protection Association, consumers who have been become a powerful force to deal with polluters.

The case of the Thi Vai River polluted by Vedan Vietnam is a case where large amounts of pollution caused negative impact for more than 7,000 farmers over more than 14 years. Hence, the Thi Vai River case requires a new understanding of how communities organize themselves and mobilize emerging outside resources from state and non-state actors to protect themselves, as well as strengthen environmental governance over the past decade in Vietnam.

2.5.3 Accountability

Accountability is an abstract term understood and used differently in different fields. Young (2009) defines accountability as the extent to which managers report to the public their efforts to solve problems and take responsibility for their decisions. This definition is practical to apply in environmental governance because we can measure it. The extent that national environmental governance is accountable can be assessed on the following practical dimensions: At the national level, Central government takes the interests of all groups of people into account when issuing policy and passing law. At local level, accountability can be assessed based on the performance of local authorities. In this regard, first, local authorities should be accountable for the performance of their defined duties and responsibilities accordingly to policies and laws, and second, local authorities should report or explain to central government and communities their performance such that they are responsible for their decisions.

The literature review reveals the weakness of accountability in environmental governance at the local level in Vietnam. For example, Roodman (1999) points out that from 1995 to 1998 Ho Chi Minh City's DOSTE received over 1000 complaints per year. The Hanoi DOSTE similarly received around 1000 complaints per year, while Dong Nai province received approximately 200 complaints per year. This large number of complaints from local community reflects the weakness of local environmental agencies, and with the increasing environmental violations nationwide the mechanisms to respond to communities' complaints was inefficient. For instance, O'Rourke (2004) notes that while the Dong Nai Department of Science, Technology and Environment (DOSTE) received 200 complaints in 1997 the Head of Dong Nai DOSTE said "If the complaints of a community are very strong, that factory will be inspected first. We have too many factories to inspect, so we prioritize based on complaints"

In sum, the accountability of environmental governance at the local level is limited. It is reflected in the increasing environmental depletion and complaints from local communities. The limitation of accountability in environment management at the local level is due to the following reasons: unclear definition of role and responsibilities of local environmental agencies; inadequate allocation of human and financial resources; and the dependency of local environmental agencies to local authorities.

2.5.4 Legitimacy

Legitimacy in environmental governance can be assessed according to two dimensions. First, all actors in environmental governance have an equal right to participate in the policy-making process and share power in the management and use of natural resource. Following this, all actors should abide by the policy and laws. Second, the right of non-state actors and communities to participate in environmental governance is enforced and protected by government. In short, the government has to provide sufficient laws to realize the basic rights of people and provide a sufficient mechanism to enforce the law.

Regarding this, legitimacy in environmental governance at the local level can be reflected in two key issues: first, the implementation of Environmental Impact Assessment (EIA) studies, and second, the implementation of the principle of polluter pays that is stipulated in the law. These factors reflect legitimacy in environmental governance because EIA is the necessary tool for policy makers and potentially impacted actors to evaluate predict and mitigate environmental impacts. In the scenario where the process of EIA is not implemented in a transparent and accountable manner, the principle of polluter pay helps to reduce levels of pollution and any impacted actors will also receive compensation.

Review of the literature reveals weaknesses in implementation of these two key issues. For instance, regarding EIAs in Vietnam, a World Bank study (2006) notes that: "Environment Impact Assessment (EIA) is required to be carried out in each individual project from central to local level in all sectors. EIA report is approved by MORNE which has issued delegation to provinces and cities. However the standards of environment protection in each report vary from provinces and cities. Another issue is the checking activities after the approved report is weak." Another issue related to the quality of the EIA report lies in the process that the EIA has prepared. According to the current requirement of the law, the investor pays money to for an authorized agency to conduct the EIA. Many question the quality of the report because it is rare that the agency would report anything that would lead to the cancellation of the project.

An important component of Vietnam's system of environmental laws is the right of citizens to complain about environmental problems. Article 33 of the Law on Environment Protection (2005) states that people who detect signs of pollution must immediately notify the local People's Committee. Article 43 states that the public has the right to complain or denounce state management of environmental problems. And Article 49 and 52 establish that polluters must compensate those people who suffer

impacts from pollution. But in practice, local authorities do not have or create efficient mechanisms to respond to the complaints of communities, and in all case of environmental violation, the losses of affected people are never fully compensated. O'Rourke (2004) observes that:

"These statements of environmental rights, while still fairly vague, have served to legitimate public complaints and created a small window of opportunity for public participation in environmental issues."

2.6 Conclusion

In conclusion, the above literature review reveals the picture of environment protection in Vietnam in the era of industrialization and rapid urbanization. One of the environmental issues of greatest concern in Vietnam is water pollution caused by industrial activities and results in negative impacts to the livelihoods and health of local communities. The literature review also reveals the weaknesses of environmental governance in Vietnam, which conflicts between economic development objectives and environment protection, lack of capability of environmental bodies at the local level, and inefficiency in institutional arrangement. O'Rourke (2004) identifies the role of communities in strengthening environmental governance via "*Community Driven-Regulation*". However, overall there is still a gap in recognizing the role of communities and non-state actors in the changing economic and social-political environment in recent years in Vietnam.

Despite this, at the national level the perspective of the government towards FDI has changed when compared to the beginning period of industrialization. Accountability has also developed at higher levels, and National Assembly members have started to pay close attention to the performance of Ministers, such that the role of National Assembly members has been more influential. At the local level, communities are increasingly demanding equality, legitimacy and enforcement of legal frameworks. The availability of Internet and telephone networks facilitates them to connect to outside actors interested in environmental issues who also have more legitimacy to act on environment protection, such as Consumers Protection Association, consumers and distributors. The combination of all these changes has improved environmental governance at the local and national levels.

These new factors emerging in recent years in Vietnam that contribute to improving environmental governance will be reflected and discussed in the following chapters in the case of Vedan Vietnam and the Thi Vai River.

CHAPTER III

THE CASE OF VEDAN VIETNAM

This chapter begins by describing the background geographical information of Thi Vai River and the industrial activities that have polluted this river. In section 3.2, general information about Vedan Vietnam Company is introduced, including its history of environment violations from 1994 to 2008. Section 3.3 provides profiles of the two selected communes of the field research: Thanh An Commune in Can Gio District, Ho Chi Minh City and Long Tho Commune in Nhon Trach District, Dong Nai Province. Section 3.4 summarizes the impact of pollution to local peoples' livelihoods and health.

3.1 Profile of Thi Vai River and Threat to Environment from Industrial Activities

The Thi Vai River is one of the five main rivers of the Dong Nai river system. It originates in Long Thanh District, Dong Nai Province and flows to Ba Ria-Vung Tau Province, before emptying into the sea at Ranh Rai bay in Can Gio District, Ho Chi Minh City. The river's total length is 76 kilometers (Lam and Le, 2008). The Thi Vai River has been considered the most beautiful and resource rich river in the South-eastern region of Vietnam. It used to be the source of livelihood for nearly 300,000 local people thanks to the richness of aquatic life. For the communities who live on the islands of Phu Hoi and Thieng Lieng of Thanh An Commune where there is no fresh water source, the river also provides water resources for bathing and washing activities. Additionally, Thi Vai River provides an important transportation route for international ships to Dong Nai and Nha Be ports.

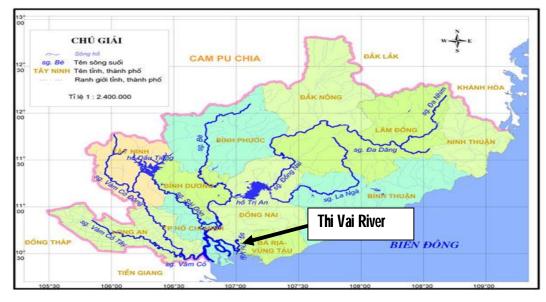


Figure 3.1: Location of Thi Vai River.

Source: www.Vietnamnet.com, accessed 25 June, 2011.

However, from the early 1990s, more and more industrial factories came and operated in industrial zones in the area around the Thi Vai River. For instance, as of 2006, in Dong Nai Province alone there are 6 industrial zones that discharge approximately 15,500 m³ of wastewater into the Thi Vai River daily. In Ba Ria-Vung Tau, there are 5 industrial zones which discharge of 4,000 m³ of wastewater into the Thi Vai River daily. Phu My Nitrogenous Fertilizer Company, Con Co Fertilizer Company, Vedan Vietnam and Phu My Thermo-Electric Power Plant are amongst the worst polluters of the Thi Vai River (Lam and Le, 2008).

Until 2006, there were 271 factories operating along Thi Vai River. Investigating environment protection standards of 77 high environmental risk factories out of 271 factories, MONRE in 2007 found that 44 had installed waste treatment systems, but only 12 of them had waste treatment systems that met the required standards. Fifty-four factories had environmental monitoring systems but only 39 of them met the reporting requirement of twice per year. The report concluded that most of the factories did not achieve environment protection because they sought short-term benefits, and as a result the Thi Vai River had become heavily polluted (MONRE, 2007). Indeed, some sections of the river are now dead (Phan, 2010).



Figure 3.2: Picture of Vedan Vietnam Company (taken on 02 July, 2011)

3.2 Profile of Vedan Vietnam and its Environmental Violation history

3.2.1 Profile of Vedan Vietnam

Vedan Vietnam Enterprise Corp. Ltd (Vedan Vietnam) is a 100 percent Taiwanese owned enterprise. Its main products are monosodium glutamate (MSG), animal feeds, and fertilizers with 70% of its production exported and 30% consumed in Vietnam (Vedan Vietnam homepage, 2011). It was established in 1991 and is located in Phuoc Thai Commune, Long Thanh District of Dong Nai Province – about 70 kilometers southeast of Ho Chi Minh City. The company employs approximately 2,700 workers, most of them are residents of Dong Nai Province (www.vedan.com.vn, accessed on 02 June, 2011)

3.2.2 Vedan Vietnam's History of Environment Violation

Vedan started to build its factories in 1991 and began operation in 1993. In June 1994, the company started polluting the Thi Vai River by discharging untreated waste water into the river. Local communities realized the river was so polluted when their shrimps and fishes on the river died. The water smell was bad and the water color changed to brown and black

In December 1994, the Prime Minister instructed the Dong Nai Department of Science-Technology and the Environment to investigate Vedan's polluting activities. They found the company discharged waste water directly to the river and this was the main cause of the pollution. In June 1995, in a meeting with experts of the Environmental Agency and the Dong Nai Science-Technology and Environmental Department, Vedan's officials admitted the firm's violations and compensated a total of US\$950,000 for economic loss to farmers in Nhon Trach District in Dong Nai Province, Long Thanh District in Dong Nai Province, and Can Gio District, Ho Chi Minh City (Dong Nai DONRE, interview on 7 July, 2011).

In October 2004, the company was found to be discharging untreated waste water into the river again and was accused of causing pollution and killing aquatic products of farmers again in the three localities of Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh City. In 2005, the company compensated US\$2,000,000 to affected farmers from the three localities. However, local residents that met during field research said that after Vedan Vietnam was caught with this environment violation, it did not stop polluting the river and the government did not check the

environment protection compliance of Vedan Vietnam afterwards and the river continued to be polluted.

In June 2006, Vietnam's Environmental Protection Agency detected the company violating environment protection standards as it had in 1994 and 2004. Almost all tests of waste water samples taken from the river nearby the company revealed pollution.

On September 8, 2008, the Environmental Police Agency and inspectors of the Ministry of Natural Resources and the Environment caught Vedan discharging untreated waste water into the Thi Vai River again. But this time, the violation of the company was very serious. It had used a hidden underground waste discharging system to avoid detection by the authorities. After discovering the hidden waste discharge system, the authorities did a further investigation and accused Vedan Vietnam of 10 infringements:

- 1. Discharge of wastewater 10 times higher than allowable levels at the starch factory;
- Discharge of wastewater 10 times higher than allowable levels at the MSG and lysine factory;
- 3. Discharge of wastewater 10 times higher than allowable levels at the other factories;
- 4. Failure to provide full reports to agencies with relevant information and data on environmental protection;
- 5. Failure to register environmental protection commitments for its pig breeding farm with the Environmental Protection Agency;
- Developing and putting into operation a project for raising the capacity of the soda and acid factory, without an Environmental Impact Assessment report;
- 7. Developing and putting into operation projects for raising the capacity of the plants, including those for MSG, starch, high-grade

spices, and lysine, without Environmental Impact Assessment reports;

- 8. Discharging bad odors directly into the environment, without using equipment to minimize pollution levels;
- 9. Failure to control harmful waste in accordance with environmental protection regulations; and
- 10. Releasing wastewater into the water source at locations not specified in the license (MORNE, 2010).

To assess the pollution level of the Thi Vai River and the impact of the pollution to local communities, in late of 2009 the Institute of Natural Resources and Environment (INRE) conducted an assessment of the economic and environmental impact caused by Vedan Vietnam and released their report in May 2010 with details of the pollution level, the polluted areas and the percentage of pollution caused by Vedan Vietnam to the Thi Vai River in 2008 (table 3.1).

Table 3.1: Polluted Areas, Pollution Level and Percentage of Pollution Caused byVedan Vietnam to Thi Vai River in 2008.

Pollution Level	Polluted Area and Pollution Percentage caused by		
	Vedan Vietnam		
Extremely serious	Partial areas of Long Phuoc and Phuoc Thai		
polluted areas	communes, Long Thanh District,		
(Area has at least one	Partial areas of Long Tho and Phuoc An communes,		
pollution indicator which	Nhon Trach District, Dong Nai Province.		
is 10 times over allowed	Partial areas of My Xuan Commune, Tan Thanh		
standard)	District, Ba Ria-Vung Tau Province.		
	Total length of this area is 12 kms. Total affected		
	area is 3,294 ha.		
	Vedan Vietnam is responsible for 89% of pollution.		

Serious polluted areas	Partial areas of Long Phuoc and Phuoc Thai		
(Area has at least one	Communes, Long Thanh District		
pollution indicator which	Partial areas of Long Tho and Phuoc An communes,		
is 5 times over allowed	Nhon Trach District, Dong Nai Province.		
standard)	Partial areas of My Xuan and Phu My communes Tan		
	Thanh District, Ba Ria-Vung Tau Province.		
	Partial areas of Thanh An Commune in Ho Chi Minh		
	city.		
	Total serious polluted area is 5,152 ha. The polluted		
	length of the river is 1.7 km.		
	Vedan Vietnam is responsible of 30.3% of pollution		
Polluted areas	Partial areas of Long Phuoc Commune in Long		
(Area has at least one	Thanh District		
pollution indicator which	Partial areas of Long Tho and Phuoc An communes,		
does not meet allowed	Nhon Trach District, Dong Nai Province.		
standard)	Partial areas of Phu My, Tan Phuoc and Phuoc Hoa		
	communes, Tan Thanh District, Ba Ria-Vung Tau		
	Province.		
	Partial area of Thanh An Commune, Can Gio		
	District, Ho Chi Minh City.		
	Total polluted area is 11,500 ha. Total length of the		
	river is 2 kms.		
	+ Vedan is responsible of 10.1% of pollution		

Source at: Institution of Natural Resource and Environment (2010)

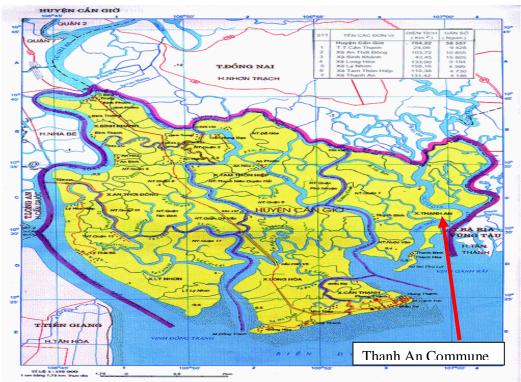
Figure 3.3: A polluted section of Thi Vai River near Thanh An Commune in 2008.



Source: Phap Luat News, accessed on 20 Sep, 2008,<www.phapluattp.com.vn>

3.3 Profile of affected communes

3.3.1 Profile of Thanh An Commune



Map 3.4: Map of Thanh An Commune, Can Gio District, Ho Chi Minh City

Source: Lam and Le (2008)

Thanh An is an island commune of Can Gio District, Ho Chi Minh City. Thanh An Commune includes 2 separate inlands namely: Phu Hoi Island and Thieng Lieng Island. The commune has 3 villages, namely Thanh Binh, Thanh Hoa and Thien Lieng. Thanh Binh and Thanh Hoa villages are located in Phu Hoi Island, which is also the center of Thanh An commune where a kindergarten, primary and secondary school are located. Thieng Lieng village is located on a separate island called Thieng Lieng Island.

It takes 45 minutes by boat to travel to Phu Hoi Island from the townlet of Can Thanh, which is the administrative centre of Can Gio District. It then takes a further 45 minutes by boat from Phu Hoi Island to Thieng Lieng Island.

The total population of Thanh An Commune is 5,517 people with 1,035 households. Most of them are Kinh ethnic group. 183 households with 653 people live on Thieng Lieng Island and 852 households with 4,862 people live on Phu Hoi Island. (Interview with Thanh An Commune' People' Committee, 25 June, 2011).

Up until 1993, 90% of people in Thanh An Commune earned their living on aquaculture such as harvesting shells and catching fish. For example, 30% of households in the commune raised shrimps and oysters. Besides earning their living on aquatic products, 10% of households in Thanh An Commune earned their living by protecting mangrove forests for the government and 15% of households earned their living by salt production (interview with Can Gio Economic Department, 29 June, 2011). However, since 1994 the percentage of people raising shrimps and oysters has gradually decreased and the percentage of people involved in salt production has gradually increased. By 2010, there were only 5% of household raising shrimps and oysters, while the percentage of household involved in salt production was 65%.

Thanh An is the poorest commune in Ho Chi Minh City (Thanhnien, 2010). As of March 2010, 49% of household in this commune was classified as poor accordingly to Vietnam's poor household standards [households with an income of less than 200,000 VND, equivalent to US\$10 (2010 exchange rate), per head per month] (interview with Thanh An Commune People' Committee. 26 June, 2011). According to Thanh An Commune People' Committee, the changing pattern in livelihood of the population in this commune is mainly a result of the river pollution. In 2011, still 90% of local residents were involved in catching fishes and harvesting shells, but the output of these activities was about one tenth of those in 1993 and just enough for their daily consumption. They did not sell these products to increase their income because of the decrease catches of fishes and oysters (Interview with Thanh An Commune Farmers' Association, 29 June, 2011).

There is no industrial development or other service industries in this commune. Agriculture is also not developed in the commune because it is surrounded by brackish water. Hence the Thi Vai River is the main source of income for residents of Thanh An Commune.

The water resource of the Thi Vai River has been very important for Thanh An Commune' residents for other reasons. Given that there is no fresh water source on both Phu Hoi and Thieng Lieng islands, the drinking and cooking water that residents in these 2 islands consume is transported from the townlet of Can Thanh and they rely on water from the river for bathing and washing activities. Therefore, when the water is polluted, it directly impacts the health of local residents

3.3.2 Profile of Long Tho Commune

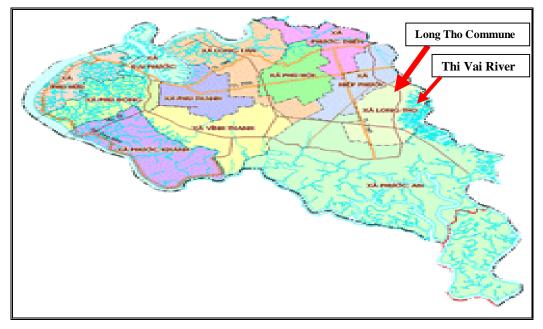


Figure 3.5: Map of Long Tho commune, Nhon Trach district, Dong Nai province.

Source:www.muabannhadat.com.vn, accessed 26 June, 2011

Long Tho is one of the one 12 communes of Nhon Trach District, Dong Nai Province. It is located about 2 kilometers away from the Vedan Vietnam Company. Its total population is 10,284 people with 2,056 households. 96% of residents in this commune are Kinh ethnic group, and the remaining 4% are Cham ethnic group. Since the 1990s, Nhon Trach District has been planned to transform into an industrial district.

At present, a partial area of Long Tho Commune belongs to Long Tho Industrial Park. Before the 1990s, the percentage of people working in industrial, service, and agriculture and aquaculture sectors was 25%, 30% and 45% respectively. As of 2011, these figures are now 40%, 45% and 15% respectively (Interview with Nhon Trach People' Committee, 07 July, 2011).

By January 2010, there were only 20 households in this commune raising shrimps. Many shrimp ponds of local resident are left deserted because after the series of river pollution problems in 1994 and 1995 local people did not dare to invest in shrimp raising because they were afraid of more losses as they experienced before (Interview with Chief of Long Tho Commune Farmers' Association, 7 July, 2011).

Long Tho Commune is the most affected commune of Nhon Trach District by the Thi Vai River pollution by Vedan Vietnam because it is located immediately downstream of the Vedan Vietnam's factories. A representative of the Long Tho Commune Farmers' Association in June 2011 shared that:

During the period 2005 to 2008, the percentage of people working in agriculture and aquaculture dramatically decreased. Farm land was contaminated and water was polluted. Many left aquatic and agriculture activities to find jobs in the industrial zone. There were also a large number of youth who could not find a job and became unemployed.

Compared to Thanh An Commune, the livelihoods of residents in Long Tho Commune are less impacted by the Thi Vai River pollution caused by Vedan Vietnam because residents here not only rely on aquatic production as the main source of income but they have more chance to earn their income from the services and industrial sectors. As of March, 2010, 7% of households were poor in the commune (interview with Long Tho commune' People' Committee, 7 July, 2011).

3.4 Impact of Pollution

The report of the Institute of Natural Resource and Environment (2010) only identified polluted areas, pollution levels and impacts to the environment and economic loss of communities at the time of the study. There has been no official research from the government to predict the potential impact to health and livelihoods of local people in the future. Hence, this section presents the impacts to local communities' livelihood obtained by interviewing local people and from secondary data.

3.4.1 Impact to Thanh An Commune Residents' Livelihoods and Health

3.4.1.1 Impact to Livelihoods

Most of residents at Thanh An Commune have relied on resources from the Thi Vai River as their main source of income as well as as a water source for their hygiene. Therefore, when the river was polluted the residents in this commune were seriously impacted.

Mr. Ty, a fisherman in Thanh An Commune, regarding the impact from the pollution they faced, said that "*I don't know how serious the pollution is*. *I just know it had completely annihilated my shrimp in 2003*". He lost around VND1.3 billion he had invested in 2003 alone and has been in heavy debt since. His only income now is from a small sweet soup eatery in the commune.

Mr Phuc, Chairman of Thanh An Commune Farmers' Association said "From 1994, many local residents in the commune whose meal ticket used to be fishing and breeding seafood have switched to other jobs to eke out a living." He explained that after the river was polluted by Vedan Vietnam in 1994, ninety percent of local residents who used to catch fishes and oysters in the river to earn their living had been suffered a lot. Catching fishes and oyster was main source of income generation of most households in the commune because these activities were suitable for poor people. To catch fishes or oyster, they just need a small boat and a couple of nets. Before 1994, one household earned on average 60,000 to 70,000 VND per day from selling fishes and oysters, but after the pollution they could catch just enough for the family to consume.

Mr. Sau, a resident of Thanh An Commune, said in an interview (June 2011) that:

"Before 2009, people here still used polluted water for washing and bathing even knowing it would harm their health because there is no fresh water in our commune. We just have fresh water for drinking and cooking, which is taken from another place. For those who did not want to use the polluted water for bathing and washing they had to bear another cost for fresh water."

Regarding the economic impact to residents of Thanh An Commune, Mr Phung, Chairman of Ho Chi Minh City Farmers' Association said that "Thanh An was the most affected commune amongst other communes in the case of Vedan Vietnam" (Interview July 2011). He explained that residents in this commune mainly rely on aquatic as their income activities and they didn't have a chance to find jobs in the industrial or services sectors to increase their income when their aquatic production was impacted.

3.4.1.2 Impact to Heath

Despite the Thi Vai River having been polluted for 14 years, there has been no official Health Impact Assessment conducted by governmental health departments yet. The impact from pollution to local residents' health has, however, been recognized by health staff at the commune level and by local residents themselves. Ms. Yen, Chief of Thanh An Commune Health Center said that (interview, June, 2011):

"We have been recording information related to gynecological and diarrhea diseases, and the number of people who suffered these diseases increased dramatically from 1995 to 2008. We considered this was the consequence of polluted water and we informed the district health department, but no health impact study had been conducted and the river was still being polluted until 2008."

The impact to local residents' health has more well recognized by women than men. In the four focus groups discussion with villagers and village leaders in both Thieng Lieng and Thanh Binh villages, the increase of gynecological disease was mentioned by women in these groups. For example, a woman from Thieng Lieng commune said that:

"Before 1994, I and my daughter-in-law did not know where the district heath station was, but from 1994 we both suffered gynecological disease very often and we went to the district health station about 4 to 5 time a year."

A research on the impact to the ecological system of the Thi Vai River pollution caused by Vedan Vietnam was carried out by Lam and Le in 2008. The report also mentioned about the impact to health of Thanh An Commune residents that was linked to ecological system: "the pollution was the main reason of causing loss fish in species and number, this resulted in increasing of mosquito and then impact to local resident health" (Lam and Le, 2008). The increasing number of mosquitos was really a big challenge to residents of Thanh An Commune. Given that the residents of this commune don't have access to the national power grid, they use electricity generated from a generator. The generator only runs from 6 am to 12 pm every day. Therefore from 1 am to 5 am residents don't have electricity for an electric fan. An elderly woman in the commune shared the hardship of her sleep associated with mosquito and no electricity:

"All the year round, from 1am to 5 am, it is very hot because we don't have electricity for fan. Before 1994, we did not use the mosquito net to sleep because there were no mosquitoes then. But after 1994 the mosquitoes increased a lot so we had to use mosquito net from then on. However when we use the mosquito net, it makes us feel hotter so it is hard to sleep."

Besides causing impacts to livelihoods and the health of residents of Thanh An Commune, the pollution also impacted the life of children and youth in the commune. The chief of the Youth Union of Thanh An Commune said in an interview: "The water front used to be the place for children and youth to play water sport games, but when the water was polluted they have stopped playing in the water. Since there was no place for children and youth to play, they gathered to gamble and drink wine, and many of them have become spoilt."

The waterfront is an important place for residents of Thanh An Commune because it is hard to find empty land in the island for volley ball games. According to local residents, the water of Thi Vai River has been gradually improved since Vedan Vietnam stopped polluting the river in 2008. A local resident observed that the water color is now greener and there is not the same bad smell as before.

3.4.2 Impact to Long Tho Commune Residents' Livelihoods and Health

3.4.2.1 Impact to Livelihoods

The impact of the pollution to residents of Long Tho Commune was quite similar to what the residents of Thanh An Commune experienced. According to Long Tho Commune People's Committee, there were 357 households in the commune affected by the pollution, of which 108 households raised shrimp in ponds and 249 households raised oysters. Amongst them, 32 households were seriously affected because they had received a loan from the bank and invested this money in their shrimp ponds in 2005, but at the end of that year 90% of these shrimp died because of the pollution. Until June 2011, 9 households had paid off their debt to the bank by selling their land and the other 23 households were still in debt (Interview with Chair of Long Tho Commune Farmers' Association, 28 June, 2011). Mr Hung, a shrimp farmer in Long Tho Commune, said that (Interview, June 2011):

"Between 1993 and 2008, Vedan Vietnam totally destroyed fish life in the river by polluting the river. Before 1993, our family earned an income from raising shrimps and fishes of around 100 million VND a year, but in 2005 my shrimp died and I became in debt to the bank. I gave up raising shrimps and worked in the industrial zone for a low salary ... In 2005, when we contacted with the river water we got skin rashes."

In 2010, nine households in the commune started to invest in their shrimp ponds again but they invested at a small-scale because they were still afraid of losses. At the end of shrimp season of 2010, these 9 households found that their shrimps did not growth as the shrimp raised in the same ponds in 1993, and the output that they got in the 2010 shrimp season was just enough to compensate for their investment capital, but there was no profit. Overall, around 100 households in the commune have left their shrimp ponds deserted (Interview with president of Long Tho Commune, 27 June, 2011).

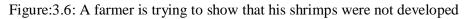




Figure 3.7: A deserted shrimp pond of a resident at Long Tho commune in June, 2011



The impact of Thi Vai River pollution caused by Vedan Vietnam has driven hundreds of youths in Long Tho Commune to the industrial zone. A leader of Youth Union of Long Tho Commune shared in an interview on 26 June, 2011 that:

"From 1995 to 2009, about 400 youth of the commune left aquatic production to work in the industrial zones in the areas. The salary they received was quite low compared to what they earned from aquatic production before. But there was no way out for them because the farming land was revoked by government to serve for industrial zones".

3.4.2.2 Impact to Health

A woman in Long Tho Commune said in an interview in July, 2011 that: "I used to get fresh water from my well, but the water has been undrinkable since 1995. The water had a bad odor and color. I could not use it to wash clothes, and now [June 2011] people in my commune use the water from wells for washing only. They don't use it for drinking because they are afraid of diseases."

Gynecological disease is not spread as widely at Long Tho Commune compared to residents at Thanh An Commune because people in Long Tho Commune did not use water from the Thi Vai River for bathing. However, diarrhea and respiratory diseases had increased from 1995 to 2008 and local people considered it the result of Thi Vai River pollution. A chief of Long Tho Commune Health Center said that:

"From 1995 to 2008, we recorded that the number of patients with diarrhea and respiratory disease dramatically increased compared to the previous period, especially in the flood season when the water from the Thi Vai River came to the wells of villagers." In sum, the Thi Vai River pollution caused by Vedan Vietnam had a huge impact on local resident livelihoods and health. Residents in Thanh An Commune were most impacted as they did not have alternative income activities. The pollution also caused impact to their health up until the present and most likely continuing into the future. The economic loss that Vedan Vietnam compensated for affected farmers was small compared to the loss of food security that residents of this commune faced and the impact to health of local people was not taken into account by Vedan Vietnam or authorities.

CHAPTER IV

COMMUNITIES' RESPONSES

Vedan Vietnam started operation in 1993 and was polluting the Thi Vai River from 1994 to 2007. Between 1994 and 2006, it was charged with environmental vioaltions 3 times, resulting in financial penalties for all 3 environmental violations. The company was also required to provide compensation to affected farmers in Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh City for their economic losses. Compensations were paid twice, in 1995 and 2005, for a total of US\$2,950,000. In September 2008, Vedan Vietnam was caught illegally discharging untreated waste water into Thi Vai River by a hidden underground waste discharge system. After detecting this illegal action, the government forced Vedan Vietnam to comply with environment protection standards. This resulted in an order to shut-down 4 factories that failed to meet environment protection standards and the investiment of environmental technologies prior to re-opening the factories. At the same time, a movement to ask Vedan Vietnam to compensate economic losses for effected farmers formed in September 2008 and lasted until mid-August 2010. On 13 August, 2010, Vedan Vietnam accepted to pay full compensation claim of \$US11 million for more than 7,000 farmers in three localities when it faced a strong movement to boycott its products in Vietnam. However, after 13 August, 2010, there were about 35 affected farmers who did not agree with the compensation still sued Vedan Vietnam to ask this company to compensate their economic losses, but the government intefered this movement so their economic losses has not been compensated till July, 2011.

The movement of affected farmers to ask for their economic losses compensated from 1994 to 2011 achieved different outcomes at different periods. The strategies that communities used and actors involved in this movement were also different from period to period. The purpose of this chapter is to analyze community, state and non-state actors that were involved in the case of pollution of the Thi Vai River by Vedan Vietnam from 1994 to 2011. The analysis of these actors answer question 1 of the research namely: *Who are the main actors (communities, state and non-state at local and national level) involved in the case of the Thi Vai River polluted by Vedan Vietnam?* Second, analysis of communities demonstrates how they interacted with state and non-state actors throughout the case time line and understand their role in strengthening of environmental governance. This provides insight to question 2 of the research namely: *How have the communities interacted with and built coalitions with state and non-state actors to strengthen environmental governance that stopped Vedan Vietnam Company from polluting the Thi Vai River?*

The main actors from communities, state and non-state actors involved in the case as well as how communities built coalition and interacted with other actors existed together in each period of the case throughout its time line. So to answer question 1 of who are the main actors, this chapter analyses question 2 of how communities built coalition and interacted with other actors in each period first and then the actors involved in each period are clearly identified afterwards.

This chapter includes 6 sections that analyze main actors, community building coalitions and interaction with other actors in 5 different periods throughout the case. Section 4.1 provides a brief summary of who discovered environmental violation of Vedan Vietnam, the solution to the incident, and an analysis of how communities initated interaction and built a coalition with other actors to strengthen environmental governance and protect their interests. Further analysis to this includes 3 factors that contribute the success of a social movement namely: the community's ability to organize themselves and mobilize outside resources, availability of outside resources and political opportunities. The section ends summary of main actors involved in that period. The following sections, including, 4.2 through 4.5, follow the same structure but refer to different time periods. Section 4.6 closes with an overall analysis realating to research questions 1 and question 2.

Vedan Vietnam polluted Thi Vai River for 14 years from 1994 to 2008. Associated with this, a movement of asking economic losses compensation for affected farmers had been lasting from 1994 to 2011. So the development of the case is divided into 5 different time periods:

Period 1, from 1994 to 2007: Initial discorvery of Vedan Vietnam's violation of environment standards was in 1994. Subsequently, Vedan Vietnam was also charged for violations in 2004 and 2006. With each, they were fined US\$3,700 by the Vietnam government for the violation of environment protection standards. In addition Vedan Vietnam was also required to pay a total of US\$2,950,000 for economic compensation for affected farmers in 1995 and 2005.

The period from 1994 to 2007 was a long period but I decided to consider this long period as a unit of analysis because there had not much been changes taken place during this period. Things happened in the same pattern. First, the government discovered Vedan Vietnam violated environment protection standards three times. The government applied the same solution to the case each time: A financial punishment, and asking Dong Nai Province's environmental bodies to monitor Vedan Vietnam's environment protection compliance. Second, economic compensation for affected farmers was dicided by Farmers' Association and Vedan Vietnam via negotiation. Farmers' Association did not use law or mobilize outside resources to ask for economic loss compensation. And third, the participation of non-state actors in this period was weak.

Period 2 started from September 2008 to September 2009. During this time the Farmers' Association negotiated with Vedan Vietnam for economic loss compensation but failed after 4 rounds of negotiations. During this period, provincial authorities of Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh City supported the Farmers' Association in three localities and aided negotiations with Vedan Vietnam to provide compensation. The Central government did not assist in compensation negotiations but MONRE stopped Vedan Vietnam from polluting the Thi Vai River and ordered temporary closure of 4 factories that did not meet national environment protection standards.

Period 3 was from October 2009 to July 2010. During this period, the Farmers' Association and lawyers helped farmers to prepared the lawsuits against Vedan Vietnam but they realized that farmers would faced loss in the court case because of inefficiency in legal framework and incapacity of the court.

Period 4 was from the beginning to middle of August 2010. During this time, the boycotting of Vedan Vietnam's products formed and Vedan Vietnam agreed to pay full claimed compensation amount of US\$11 million for more than 7,000 farmers on 13 August 2010. Most of them satisfied with the compensation amount.

Period 5 started from 14 August 2010 to present. Within this period, a group of 35 affected farmers that did not agree with the compensation amount offered by Vedan Vietnam and Farmers' Association on 13 August 2010, have continued to persue economic compensation. To date their request has not been resolved.

Dividing the development of the movement of affected farmers asking for compensation for their economic losses and the process of improvement in environmental governance in this case into different periods was based on the emergence of new actors, strategies or opportunities that occurred during the time line of the case. This division aims to highlight changes that occurred during the development of the case. It does not mean to imply that the case developed in completely discrete periods. In fact, there is a continuity between period. For example, communities' ability to organize amongst themselves and mobilize resources to react to the pollution had developed gradually over the time line of the case. In the first period (1994-2007), they just relied on themselves and their ability to react to the situation, but in the later period, 2008-2010, they knew how to utilise resources available outside of the community for their movement. This reflects the learning process of community.

4.1 Period 1: 1994 to 2007

From 1994 to 2007, Vedan Vietnam was found to be in violation of environmental protection on three accounts.. Specifically, MOSTE detected the company of discharging untreated waster water into Thi Vai River in 1994 and 2004. Later, in 2006, MONRE accused this company with the same environment violation. For each environmental violation, MOSTE and MONRE applied the same solution: Punishing Vedan Vietnam US\$3,700; the maximum financial fine for environment violation stipulated by the law before 2008. Additionally, Vedan Vientam was requested to invest in technology that meets environment protection standards and assigned Dong Nai DOSTE or DONRE to monitor Vedan Vietnam' compliance with environment protection. However, Vedan Vietnam did not invest in environmental technology as requested and Dong Nai environmental bodies did not minitor Vedan Vietnam's environment compliance.

During this period, Vedan Vietnam provided compensation two times, once in 1995 and again in 2005, for affected farmers in three localities including, Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh City for the total amount of US\$2,950,000. Compensation was to cover economic losses caused by water pollution. The compensation in 1995 and 2005 was agreed upon by Farmers' Association and Vedan Vietnam via negotiation.

4.1.1 Communities Ability to Organize

In early 1993, Vedan Vietnam constructed a flour and seasoning powder factory at the Go Dau Industrial Zone in Phuoc Thai Commune, Long Thanh district, Dong Nai province. Since the factory became operational in 1994, the surrounding environment became highly polluted.¹ In that year, residents in the areas started to realize their aquatic products were affected and formal complaints were sent to local

¹ Interview with Mr Hung, Director, DONRE, Dong Nai Province, 5 July, 2011

authorities. A former chair of Farmers Associations of Long Tho Commune, Nhon Trach district shared his view of this situation in an interview on July 2011:

"I still remember the pollution of Thi Vai River in 1994 and 1995, it seems that the river got polluted very soon after Vedan Vietnam operated in early 1994, the colors of the river started changed into black and brown, in late of 1994, Long Tho commune people got verbal complaints from local residents that their shrimps and fishes died because of the pollution. We know that Vedan Vietnam was the polluter because back to that time, Vedan Vietnam was the only enterprise operating in this area."

When asking what he and Long Tho commune' People' Committee did to respond to local communities' complaints about pollution and economic losses, he continued:

"we reported the situation to district's People' Committee of Nhon Trach district many times but back to year of 1994, there was no official environment management office at district level, Nhon Trach's People' Committee reported to the provincial environment management then was Department of Science-Technology and Environment (DOSTE) but DOSTE did not respond to us until June 1995."

In December 1994, the Prime Minister instructed MOSTE in cooperation with Dong Nai's DOSTE to investigate Vedan Vietnam's polluting activities. The investigation was led by National Environment Agency (NEA), an implementation division of environment management under MOSTE. In June 1995, NEA reported Vedan Vietnam had discharged untreated waste water into Thi Vai River and that was the primary pollutant that killed shrimp and fish farms. Upon receiving the NEA result, Vedan's officials admitted the firm's violations.

In terms of economic losses compensation for affected farmers caused by the river pollution caused by Vedan Vietnam in 1994, the Prime Minister instructed a check on the cause of pollution to Thi Vai River. NEA and Dong Nai DOSTE conducted the investigation to check Vedan Vietnam's compliance with environment protection standards and found that discharging waste water did not meet requirement. but they did not make the Environmental and Economic Impacts Assessment even then Dong Nai DOSTE received request for economic losses compensation from Farmers' Associations. In May 1995 a meeting with Vedan Vietnam with participation of NEA, representatives of Farmers' Associations, DOSTEs of Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh city took place. At the meeting, Vedan Vietnam admitted its environmental violation but refused to compensate US\$2,000,000, the requested amount by Farmers' Associations of three localities. Finally, Vedan Vietnam agreed to offer US\$950,000 for affected farmers in Nhon Trach District, Dong Nai Province, Long Thanh District, Ba Ria-Vung Tau Province and Can Gio District, Chi Minh City for "support for farmers' aquatic activities" (Interview with Dong Nai's DONRE staff in July 2011).

In an interview with a member of Farmers' Association of Nhon Trach District, Dong Nai Province in July 2011, questions surrounding why the Farmers' Association agreed to accept a lower compensation amount from Vedan Vietnam in 1995, he recalled:

"We all knew that the economic losses of farmers were much higher than the amount that Vedan Vietnam compensated in term of "support" but we still accepted that because we faced many difficulties such as, we did not have evidence to accuse Vedan Vietnam"

It was clear that during this period, affected farmers as well as the Farmers' Association did not have enough evidence to demonstrate to Vedan Vietnam the extent of economic losses caused by Vedan Vietnam because the NEA did not conduct the economic impact assessment. On the other hand, affected farmers and the Farmers' Association faced interference from local People' Committee. This interference was to encourage Farmers' Association to keep a good relationship with Vedan Vietnam rather than cause problem for this company when negotiate. A representative from the Dong Nai Farmers' Association shared:

"At that time, People' Committee of Dong Nai province instructed Dong Nai DOSTE and Farmers' Association to work with Vedan Vietnam to ask for economic compensation for affected farmers via negotiation and most importantly, keep the good relation with Vedan Vietnam"

Non-state actors such as the media and lawyers during this period were unavailable at this time hence farmers and Farmers Association did not have any support. This was the main reason why affected farmers and Farmers' Association easily agreed with a financial compensation amount that farmers did not concede to. The representative of Dong Nai's Farmers' Association described, "*at that time, there was not newspapers involved, every issues relating to the case was decided by People' Committee*".

In 1995, the affected farmers, the Farmers' Association and People' Committee at the commune level did not have a chance to participate the negotiation of economic compensation for affected farmers. The Chief of Long Tho commune's Farmers' Association shared in the interview in July 2011:

"When farmers complained to us about the pollution and losses of their economic, on the one hand, we reported the issues to commune and district People' Committee, on the other hand, we suggested affected farmers to report us the amount of their economic losses. This data was sent to district Farmers' Association to ask for Vedan Vietnam to compensate, then all the decisions relating to compensation were made and provincial and district level, they did not invite us to participate."

To affected farmers, the received compensation from Vedan Vietnam in 1995 for "support" was insufficient compared to actual economic loss. One farmer at Thanh An commune shared in an interview in June 2011: "In 1994, I invested 200,000,000 Vietnam Dong (VND) for raising shrimp. I got a loan of 150,000,000VND from the bank but when the shrimp was about to harvest, about 70% of shrimp died in a week. In the end of this season, the total amount that I got from selling shrimp was 120,000,000VND" He continued "I am not the only victims of the pollution. There were more than 300 other farmers in my commune face the same situation, many of them went bankrupt or sold their houses to pay for the bank. In July, 1995, Thanh An commune' People' Committee informed farmers who had economic losses caused by the pollution to come and received compensation. Receiving the news, we all were very happy but we become disappointed when we knew that each affected household would be supported 7,000,000 VND."

In response to the unsatisfactory compensation amount decided by Vedan Vietnam and Farmers' Association in 1995 and 2005, affected farmers at both Thanh An and Long Tho communes had organized to protest Vedan, but protests were impeded by local government. The reason for the obstruction of the protest was because protests or demonstrations are not considered a legitimate action, therefore the government will send police to dissolve any protest or demonstration. The protest of affected farmers at Thanh An Commune in 1995 and Long Tho Commune in 2005 were not publicized but they were well known by residents in these communes. As one farmer at Thanh An commune shared in an interview in June 2011 indicated:

"After Vedan Vietnam agreed to compensate a little amount of money in 1995 via negotiation with Farmers' Association, at the beginning, we did not agree with the amount, 30 of us went to Vedan Vietnam Company to protest but the government dissolved us within an hour."

Affected farmers from Long Tho Commune, also disagreed with the compensation amount in 1995, but when they organized a protest, local government was quick to remind them not to. Later, however, in 2005, there were approximately 60 residents from Long Tho commune went to Vedan Vietnam to protest but they,

too, were dissolved by government very soon after (Interview with villager group at Long Tho commune, July, 2011).

As a result, affected farmers agreed to receive the amount provided by Vedan Vietnam at that time due to the local government interference in the negotiation between the Farmers Associations and Vedan Vietnam and a protest from affected farmers.

4.1.2 Availability of Outside Resources

During the period of 1994 to 2007, most outside resources that provided support to affected farmers in their struggle for economic compensation was limited. There are several reasons for this.

First, the media was heavily controlled by the Vietnamese government. In addition, environmental issues were not a concern of media then. In Vietnam, all media units are closely controlled by government, so the media has no power. In this case, the government decided what topics the media can and cannot reflect. In this regard, between 1994 and 2007, attracting FDI from industrialization was the priority from Central and local governments; hence as a government tool, the media should reflect advantages of FDI, rather than the weaknesses associated with it. Or during that period, the media highlighted achievements of economic growth by FDI, industrialization rather than criticized the environment depletion associated with FDI or industrial activities. As Steve et al (2009) show that:

"Previously [before 2008], environmental issues were reflected only as very brief columns in a sea of more 'significant' economic, social and legal information and / or news, and were overlooked even in local newspapers. According to the 2007 survey of mass media reporting of environmental issues carried out by the Health and Environment Institute, only two in every ten local journalists, reporters preferred writing environmental stories, mostly attributed to the difficulty of getting them published. At that time [2007], Vietnam Forum of Environmental Journalists had a membership of 50 journalists / reporters, only one third of them with a formal role in environmental reporting."

In terms of legal consultancy services, after transforming economic model in Vietnam from planning and control to the mixed market system in 1986, Vietnam initiated the set-up a private legal practice association. From 1987 to 2001, there were 1,200 lawyers for the entire country, of which 100 practiced in Hanoi and 200 in Ho Chi Minh City, but all lawyers had to work under the provincial law firm. The establishment of private law firms was not allowed (Lindsay, 2011).

The limited number of lawyers and absence of private legal consultancies was a limitation for effected farmers to mobilize support for their struggle for economic compensation in the case of Thi Vai River.

Limited opportunity for local communities to understand legal documents was another constraint for their protection. The first Vietnam Law on Environment Protection was passed in 1993, but to bring law to lives of people at the grass-roots level requires efficient mechanisms. When asking affected farmers in Thanh An commune in Can Gio district and Long Tho commune in Nhon Hoi district why they did not take legal action and sue Vedan Vietnam to protect their interests in 1995 and 2005, all of them told that they had not known about the Law on Environment Protection, until lawyers came to help them in 2009. A member of Thanh An Commune Womens Union told in an interview in July 2011 that:

"At commune level, we rarely access to a hard copy of new law. We used to educate local people that protection environment is the obligation of each individual as required by law but we have never seen that law."

When asking Can Gio DONRE staff about communities' understanding of law on environment protection and the role of district DONRE to propagandize law on environment protection to local communities, this staff shared that: "Every year, we cooperate with commune Women Union and Youth Union to propagandize environment protection law for communities, educate them how to protect environment but we rarely tell people how to use law to protect themselves in an environmental conflict."

Local communities were educated on how to protect the environment but they did not receive efficient information about how to use law to protect themselves.

Lack of access to internet was also an obstacle for communities to connect to the outside world, understand law and use law to protect themselves. For a long time, the Vietnamese government had for a long time been cautious about allow public access to online information. According to the government, it was considered a potential source of harm to the political, social and cultural integrity of the country. As a result, public internet access came late to Vietnam, and the first public service was offered in 1997. The number of Internet users in 1998 was about 10,000 (Budde Comm, 2009)

4.1.3 Political Opportunities

Affected farmers in the case formed a social movement to ask for economic compensation in 1995 or 2005 but the social movement was obstructed by local government directly the purpose of affected farmers' movement would conflict with the perspective of government at that time The governemnt tried to attract more FDI investment by applying different policies and ignored its negatives impacts or took a strong action against an FDI enterprise.

First, at national level, after the reform of the economic policy in 1986, the government identified industrialization is the strategy for economic development. In the context of lacking of capital, market and technology, the government relied on FDI to overcome weaknesses and promote the industrialization process. Together with applying numbers of favorable taxes policies for FDI enterprises to attract more

FDI, for example, FDI enterprises were exempt from enterprise income tax for the first four years of operation, 50% of enterprise income tax exemption in the following 9 years, to name a couple. According to research conducted by the Vietnam Central Institute of Economic Management (ICEM) in 2011, from 1986 to 2011, Vietnam lost 0.7% of GDP annually because of favorable tax policies applied for FDI enterprises (ICEM, 2011) while the government just rise the budget for environment protection to 1% of GDP in 2007.

Lowering legal environment protection standards or ignoring enforcement of law on environment protection has been another way that local authorities attracted more FDI. The undermining of environmental protection in the economic development of Dong Nai province was clearly reflected in interview between vice president of Dong Nai province People' Committee, Mr Thinh and a journalist on 18 September 2008, some days after Vedan Vietnam was detected of illegally discharging untreated waste water into the river by an underground discharging system:

Journalist asked: More than ten years ago [before 1998], local residents complained about the pollution caused by Vedan Vietnam, why did not Dong Nai People' Committee strictly handle the case?

Mr. Thinh answered: At that period [before 1998], Vedan Vietnam was the first enterprise building the factory here, and at that period of time, the market cassava was very difficult [cassava is the main source material to product MSG], Dong Nai People' Committee considered consumption of cassava as the most prioritized purpose (Quang, 2008).

The trend for local authorities to ignore environmental protection in exchange for economic development has added pressure to MONRE. The Minister of MONRE shared with newspapers in 2008:

"There is a trend that local authorities only focus in economic development and ignore the environment. I'm under a lot of pressure. Many local officials have called me to say that we have to lower standards on the environment; otherwise they can't attract foreign investors." (Loan, 2008)

Another factor that prevented authorities to have taken a strong action against Vedan Vietnam in 1995 was that Vedan Vietnam was the first FDI enterprise to invest in Thi Vai River basin. During that period the objective of the central and local governments was to attract more FDI. Therefore, authorities tried to demonstrate that foreign investers would receive preferential treatment in Vietnam, rather than promote environmental protection policies, which may have been received as restrictive. In addition, from 1988 to 1998, Taiwan had been the second biggest FDI investor in Vietnam (Pham, 2002), so the government tended to think of the big goal of attracting more Taiwanese enterprises, economic and foreign affairs relations with Taiwan instead of strictly punishing one of the first Taiwanese enterprises that invested in Vietnam, like Vedan Vietnam.

Political Opportunities are not only the opportunities that the government create that the people utilize to seek for improvement of their position. Political opportunities are also changes in the political system that the communities create themselves through the interaction with the government and other actors thus changing the political system. During this long period from 1994 to 2007, communities took strong actions to create changes in the political system but their power was not strong enough to make a change. Specifically, affected farmers in Thanh An and Long Tho communes organized protests against Vedan Vietnam's environment violation, but during this period the government dissolved the protests because protest is not permitted by the law even though, from the perspective of the public protest is considered as a legitimate action. On the other hand, other actors such as lawyers and the media were not fully developed to provide support to farmers' actions or their movement. In addition, the government also blocked the media from becoming involved in the case with the affected farmers during this period.

In sum, during this period affected farmers faced a disadvantagious political climate such as unresponsive authorities and a less democratic society. Moreover, communities tried to make changes in the political system to be more responsive to their concern but the government interfered and stopped their actions or blocked them from seeking support from other actors, such as the media.

4.1.4 Actors Involved

During this long period, only communities and state actors were involved in the case. Non-state actors were not involved because they were not developed during this period or the local government blocked connections from communities to the outside world by not publicizing affected farmers' protests. Communities were actor to discover the river was polluted by Vedan Vietnam and informed local authorities. For state actors, the central government was actively involved in the case, as the Prime Mister instructed central environmental bodies to investigate the claims of pollution. That resulted in DOSTE and MONRE conducting an investigation, while government at local level such as Dong Nai People Committee and its environmental bodies, did not get involved or just involved under instruction of higher authorities.

4.2 Period 2: From September 2008 to September 2009

On 8 September 2008, the Environmental Police Agency and inspectors of the Ministry of Natural Resources and Environment caught Vedan discharging untreated waste water into the Thi Vai River. "*After receiving complaints from local presidents, police laid in ambush for around 3 months to collect evidence*" Colonel Luong Minh Thao, Vice Head of the Environmental Police Agency told VietnamNet Bridge on 9 September 2008.

On 6 October 2008, MONRE made two decisions. The first was Decision 1999/QĐ-BTNMT which suspended Vedan Vietnam's license to discharge sewage into water sources and stopped the operation of 4 Vedan Vietnam factories that did not meet environment protection standards. The second was Decision 131/QĐ-XPHC

which imposed an administrative penalty against Vedan Vietnam's law infringement for the sum of US\$7,376,000.

On the same date, Prime Minister (PM) Dung, required Đồng Nai's People's Committee to closely supervise Vedan Vietnam's compliance with the two decisions of MONRE. Non-compliance of the two Decisions would have resulted in local governments haulting its operation, or movement of the company to another location. He ordered the Ministry of Natural Resources and Environment and the Đồng Nai People's Committee to settle the situation and consider the lack of coordination and unanimity in managing Vedan Vietnam's operations, as well as in deal with the company's violations. They were forced to make report to the PM in November 2008 (Trinh et al, 2010).

In the PM's instruction to deal with the case, he ordered MONRE and Dong Nai People's Committee to "handle the case of Vedan Vietnam strictly accordingly to Law on Environmental Protection" and meet the following objectives: first, to stop discharge untreated waste water into the river; second, to restore environment standards; and third, maintain manufacturing to create job for employees. He also required MONRE and Dong Nai People's Committee to draw on lessons learnt and required MONRE and related Ministries to review the Law on Environment Protection and other laws to efficiently deal with environmental violations. However, the solution from MONRE and instruction from the PM, did not mention economic losses compensation for local residents affected by the pollution, even when losses caused by the violation were huge (detail of economic losses will be mentioned in the next period).

MONRE's solution was to stop Vedan Vietnam from the action of polluting the river. However, this solution did not help to restore the environment or consider economic loss among farmers.

From affected communities, as two previous times of economic losses compensation in 1995 and 2005, they relied on Farmers' Association to negotiate with

Vedan Vietnam to ask for economic losses compensation for them while they knew that they could not protest to protect their interests as the government had interfered before. The Farmers' Associations of Dong Nai, Ba Ria-Vung Tau provinces and Ho Chi Minh City had negotiated with Vedan Vietnam 4 times from September 2008 to September 2009. But after 4 rounds of negotiations, Vedan Vietnam rejected the proposed compensation amount of US\$11 million claimed by Farmers' Associations.

As the previous period, the actors that participated in the case remained the same. Farmers played an active role in the discovery of the pollution and informed authorities. The national environment police detected the illegal action from Vedan Vietnam, the PM and MONRE were involved in making the solution to stop polluting and farmers and Farmers' Association were involved in the negotiation for economic losses compensation. Dong Nai's People's Committee and its environment protection bodies did not actively involved during that time.

From September 2008 to September 2009, as in 1995 and 2005, affected farmers in the three localities agreed that the Farmers' Associations in the three localities would provide representatation in negotiations with Vedan Vietnam to pay compensation for their economic loss caused by Vedan Vietnam's environmental pollution. However, the Farmers' Association and Vedan Vietnam failed to reach an agreement of compensation after four rounds of negotiation. Vedan Vietnam fought agreement, claiming the total compensation amount proposed by the Farmers' Association was too high compared to damages caused.

4.2.1 Community Ability to Organize and Mobilize Outside Resources

During the second period, affected farmers relied on the Farmers' Associations to negotiate for their economic losses compensation. The Farmers' Associations used the same strategy to deal with Vedan Vietnam; this was negotiation. The difference in this period was that Farmers' Associations did not meet interference from People' Committee of Dong Nai as they did the period before, so they could conduct negotiation 4 times and did not accept the amount of Vedan Vietnam suggested to pay which was less than the amount that farmers asked. Though enjoying more political opportunities in this period, the Farmers' Association still failed in a successful negotiation. This failure was the result of lack of negotiation skills and the ability to mobilize outside resources. Nor could they take legal measures to deal with Vedan Vietnam, because they did not have enough evidence to sue Vedan Vietnam. In fact, the Farmers' Association did not have enough power to make a decision on the case or influence Vedan Vietnam. Therefore, the result of the negotiation largely depended on the good will of Vedan Vietnam; but at that time, Vedan Vietnam did not display enough good will to compensate the amount of US\$11 million.

Mr. Hau, a member of Ho Chi Minh City's Farmers' Association and also a Director of Nguyen Van Hau and Association Law Firm in Ho Chi Minh City represented affected farmers in Can Gio district, Ho Chi Minh City from 2008 to September 2009 to negotiate with Vedan Vietnam. After failure in negotiation period, he worked as volunteer lawyer to help farmers prepare a lawsuit against Vedan Vietnam. In an interview on July 2011 he shared how he negotiated with Vedan Vietnam and the attitude of the company toward Farmers' Association during the negotiation period from October 2008 to September 2009:

"From the beginning, the amount that affected farmers in the three localities requested to be compensated was US\$11 million, but Vedan Vietnam just agreed to pay US\$1, US\$2.5, US\$5 and US\$7 million for the first, second, third and fourth round of negotiation respectively. Vedan Vietnam said there was not enough evidence to prove that it had caused that much economic loss." He went on "When I came to Vedan Vietnam Company to negotiate as a member of Ho Chi Minh City' Farmers' Association, Vedan Vietnam leaders showed that they did not respect me."

4.2.2 Availability of Outside Resources

In this period, outside resources that affected farmers and the Farmers' Associations could mobilize for a struggle against Vedan Vietnam had been increased compared to the previous period. Media technologies, including internet and mobile phone services, played an important role in this development.

From 2008, the media became increasingly more involved in environment protection. The media acted as a stakeholder in environment management, a bridge between other stakeholders, not just merely did propagation. For example, in 2008, Vietnam Forum of Environmental Journalists had more than 100 journalists. Most of them specialized in writing environment issues (Steve et al, 2009). The increasing involvement of the media in environment but the number of people that had access to information from the media had also increased. Prior to 1997, there were no electronic newspapers in Vietnam. In 2008, 34 electronic newspapers existed, the number of mobile phone subscribers was 66,000,000 and the number of people using internet was 20,000,000 (Nam, 2008). Below is an successful example of the media's engagement in environment management.

The increased invovement of the media's interest in environmental issues was clearly reflected in the case of Vedan Vietnam polluting the Thi Vai River. As talking with a journalist of Sai Gon Giai Phong Newspaper in June 2011, a journalist claimed to have followed the case of Vedan Vietnam from 2003, but said prior to 2008 the government had strict control over the media and the case went unpublicized. However, after Vedan Vietnam detected of its illegal action in 2008, the media had more freedom to express their view and publicize the case. For example, Vedan Vietnam was detected of illegal actions on 08 September 2008, the news was publicized by the most popular newspapers in Vietnam with strongly worded criticisms directed at Vedan Vietnam. Specifically, Tuoitre News publicized an article titled "A Dirty Face of Vedan" (Tuoitre, 09 September, 2008), Thanhnien News had the same voice "Vedan Vietnam has been successfully polluting the river for 14 years" Thanhniennews (09, September, 2008) Saigongiaphong news added "When the river knows to speak" (Saigongiaiphong, Semtember, 2008). From then on, Vedan Vietnam had been become a hot topic among the media, until they agreed to provide compensation to affected farmers. This agreeement took place on 13 August 2010.

4.2.3 Political Opportunities

At this period, we have seen that affected farmers and Farmers' Associations did not meet interference or pressure from the People' Committee as they had in the previous period, yet they did not mobilize the availability of outside resources to increase pressure on Vedan Vietnam. The factor that stopped local authorities from interfering in the result of negotiations between Farmers' Association and Vedan Vietnam was the media. At this time, the news of Vedan Vietnam's pollution of the river caused negative impact on local communities had been widely publicized. News spread beyond the borders of affected areas and was publicized nationwide, therefore local authorities could not decide the solution by themselves as before.

During this period, affected farmers and the Farmers' Association took the advantage of a more democratic society to minimize the influence of the authorities on their movement asking for economic losses compensation. Specifically, the affected farmers and Farmers' Association created a strong relationship with the media right after Vedan Vietnam was detected of its illegal action in 2008, which then become a bridge to connect communities with outside actors. When communities became connected with the outside world, the government could then not act without first considering the legitimacy of their actions in the eyes of the public.

4.2.4: Actors involved

The role of the media was significant during this period. The media had publicized the news from the beginning and had attracted interest of other actors. It played the role of connecting affected farmers with outside actors and helped the farmers gain significant support, which led to the victory of the movement. During this time period, a new actor became involved. The state created a new agency called the environment police, which was created to strengthen environmental governance. Other actors were also available such as lawyers and the Consumer Protection Association, but the Farmers Association did not mobilize them within the period.

4.3 Period 3: From October 2009 to July 2010

After failure in negotiations between Vedan Vietnam and the Farmers' Associations, the Farmers' Associations moved to file a lawsuit against Vedan Vietnam. Following this, hundreds of volunteer lawyers came forward to assist the affected farmers to collect evidence to prove that the pollution had caused their economic loss. At the same time, the Farmers' Association requested INRE to conduct the economic and environment impact study to identify polluted areas, the level of pollution and the percentage of pollution that Vedan Vietnam caused (INRE, 2010).

However, even though the farmers had collected evidence and were ready to file the lawsuit, failure would ensue if they took Vedan Vietnam to court because Vietnam law does not accept class actions. In other words, more than seven thousand affected farmers would have to submit their lawsuits separately to legally persue this case. However, if seven thousand farmers filed lawsuits separately, the court would have not been capable to hear all of the cases within a 6-month timeframe from accepting the lawsuits. If the court could not have heard all cases within 6 months, it would result in violation of the Vietnam Civil Code. In this code, Article 179 of, stipulates that the court must solve a lawsuit within 6-months. In short, the affected farmers were unable to use the law to persue the case.

4.3.1 Community Ability to Organize and Mobilize Outside Resources

After negotiations failed, the Farmers' Association was disappointed and they felt unable to ask economic compensation for affected farmers. At the same time, affected farmers lost their patience while waiting for Farmers' Association to bring positive results. This pressured affected farmers to start to use law in order to protect their own interests. As a farmer in Thanh An commune, Can Gio district shared in an interview in June 2011:

"When knowing that Vedan Vietnam rejected to compensate the claimed compensation amount in the fourth round of negotiation, we realized that Farmers' Association was not helpful any more. We discussed amongst of us to fill the lawsuit against Vedan Vietnam."

In September 2009, Mr Hau received a lawsuit against Vedan Vietnam from a farmer in Can Gio District to pressure the company to provide economic compensation for losses caused by the pollution. After discussing with the people in Ho Chi Minh City Farmers' Association where he is also a member, Mr Hau determined that farmers can file a lawsuit against Vedan Vietnam. Knowing that affected farmers would meet difficulties in collecting evidence without legal consultancy from lawyers, he informed the media of the situation, which brought forward hundreds of volunteer lawyers that came forward to help the affected an article on 28 July 2008, titled "Southern farmers will meet Taiwanese polluter in *court*" (VietnamNetBridge, 28 July, 2008). On the same day, the Thanhnien Daily News cited determination of Farmers' Association to take the case to the court. According to Mr. Phung, the Chairman of Ho Chi Minh City' Farmers' Association,

"There is no time for bargaining. In the past, farmers could catch several kilos of shrimp a day to sell for several hundreds of thousands of dong, but now they are poor. If they agree with Vedan, how much money each family will receive and can that money change their lives?" (Thanhnien Daily News, 28 July, 2008).

After decided to sue Vedan Vietnam, Farmers' Association of Ho Chi Minh City requested the Central Farmers' Association in Ha Noi to ask MONRE to conduct the Environment and Economic Impact Assessment. MONRE instructed INRE to do this assessment with capital support from MORNE. INRE concluded that Vedan Vietnam was the polluter and ordered the company to pay the cost of conducting this assessment with total of US\$25,000.

4.3.2 Availability of Outside Resources

To move forward on the lawsuit to sue Vedan Vietnam, affected farmers had to complete a number of tasks to ensure they could win the court case. First, affected farmers needed to approve economic losses that were caused by the pollution. Second, all affected farmers had to submit their lawsuit before 8 September 2010. As stipulated in point 1a, Article 162 of the Vietnam Civil Procedure Code, affected farmers had to file the lawsuit against Vedan Vietnam within two years counted from the date that Vedan Vietnam was detected of illegal action [8 September 2008].

To overcome the challenges that affected farmers would face hundreds of volunteer lawyers came to assist the affected communities and helped farmers collect evidence that proved pollution had caused their economic losses. At the same time, the Farmers' Association requested INRE to conduct the economic and environment impact study to identify polluted areas, pollution levels and the percentage of pollution that Vedan Vietnam caused.

For instance, Dong Nai Bar Association Chair Nguyen Duc reported that the association had mobilized around 300 lawyers to provide free legal advice to the farmers (Vietnamnet, 28 July, 2008). In Ho Chi Minh City, Truong Trong Nghia, Vice-Chair of the Vietnam Bar Association and Vice-Chair of the HCM City Bar Association, volunteered to defend HCM City farmers. He noted that the lawsuit against Vedan was an unprecedented case and would not be easy. Vedan is a big company and they can hire a good legal defense team that could prolong the case long enough to avoid paying compensation (Vietnamnet, 28 July, 2008).

At the national level, affected farmers also received support in the legal case from the Minister of MONRE. Mr Nguyen, the Minister of MONRE told Vietnamnet on 28 July 2008 that "*If negotiations fail, the case must be brought to court. That's* *my point of view.*" He affirmed that his ministry was always on the side of farmers: *"If Vedan can't negotiate with farmers and farmers take legal proceedings, we support the lawsuit.*" So when receiving request from Farmers' Association to conduct the environmental and economic impact assessment, MONRE instructed INRE to conduct this assessment from August 2008 and by 13 May 2010 the final report was submitted. The report had identified the polluted areas, pollution level and the percentage of pollution that caused by Vedan Vietnam and this documentation was of significant legal importance to help affected farmers to accuse Vedan Vietnam causing the pollution. However, when the process of gathering necessary evidence to sue Vedan Vietnam had completed, affected farmers realize that they would face loss in the court case because the inconsistency of legal framework and enforcement as mentioned above. This led the situation that law is available but become unusable effected farmers.

4.3.3 Political Opportunities

At this period, affected farmers became the leader of a farmer led-movement to use law to protect their own interests. This movement received strong support from outside state actors such as Farmers' Association, MONRE and INRE and non-state actors such as the media and lawyers. Within this period, strong support was provided by MONRE to the affected farmers in the struggle for economic loss compensation. This was the result of increasing pressure on MONRE from National Assembly Members when the case was publicized. Another factor that made MONRE become more responsible was their responsibility was questioned by the media and National Assembly Members. But the movement of affected farmers within this period still faces loss because of the unusable of law.

During this period the capacity of communities to utilize changes in the political system strengthened, which also strengthened their movement. First, the communities utilized the availability of legal consultancy services from lawyers and mobilized them for support. Second, at the national level, democracy continued to improve as the Minister of MONRE and the Prime Minister had both been asked by National Assembly members regarding the Vedan Vietnam case who took these concerns seriously, and communities took advantage of this condition to ask the executive to be more responsively to their concerns.

4.3.4 Actors Involved

During this period, the involvement of state actors included The Central Farmers' Association, which had been involved in the request of MORNE to conduct the Environment and Economic Assessment. In addition to conducting the EIA, MONRE was also involved in the case in another capacity, to provide financial support and order INRE to conduct this assessment. And the involvement of National Assembly Member was also involved in this period. Their role was the main factor to improve responsibility of MONRE.

4.4 Period 4: From the Beginning of August to 13 August 2010

Once it became apparent that the affected farmers would lose the case due to limitations in the court processes, the Farmers' Associations, lawyers, the media and Consumers Protection Associations then came together to build a movement to boycott Vedan Vietnam's products in Vietnam. This movement put pressure on the company to accept the claimed compensation amount. On 9 August 2010, Saigongiaiphong News published an article titled "*The consumers have their own weapon*," which promoted the movement of boycotting Vedan Vietnam' products nationwide.

On 9 August 2010, Saigon Co-op supermarket system and Big C declared they would discontinue distribution of Vedan Vietnam's products until Vedan Vietnam accepted their responsibilities and paid compensation to the farmers. At that time they removed all products from their shelves. Other distributors, including Citimart and Metro Cash & Carry, also claimed they would discontinue the sale Vedan Vietnam's products because consumers were boycotting Vedan Vietnam's products (Hung and Tam, 2010).

On 13 August 2010, Vedan Vietnam agreed to compensate farmers the full amount requested, a sum of US\$11 million. Vedan Vietnam's requirement, however, was that after the compensation agreement was signed, affected farmers would withdraw their lawsuits against Vedan Vietnam.

Despite the failure of the legal system and law enforcement, the main factors that contributed to the successful outcome was the mutual support of the coalition of Farmers' Association, lawyers, media, Consumers Protection Association, consumers and distributors. As Mr. Hau, a member of the Ho Chi Minh City Farmers' Association shared in an interview in June 2011:

"Vedan Vietnam agreed to pay compensation not because it would lost in the court case but because from 5th to 13th August 2010, Vedan Vietnam faced a strong movement boycotting its productions nationwide. This was the factor why Vedan Vietnam decided to compensate full requested amount."

As a result, the struggle to request economic compensation for affected farmers turned to a new period with a different strategy and the involvement of more non-state actors. From the beginning of August 2010, the media, Farmers' Associations, Consumers Protection Associations called for a movement to boycott Vedan Vietnam' products, Mid-month, a strong movement of boycotting Vedan Vietnam's production was underway and spread nationwide with the participation of consumers and distributors. The strong movement of boycotting Vedan Vietnam's production pressured Vedan Vietnam to agree to pay the full claims of compensation on 13 August 2010. The movement to ask for Vedan Vietnam to pay economic losses for affected farmers with involvement of farmers, lawyers, Farmers' Associations, the media, Consumers Protection Association, consumers and distributors succeeded in asking polluter to compensate for more than 7,000 affected farmers.

4.4.1 Community Ability to Organize and Mobilize Outside Resources

In this period, affected farmers and Farmers' Association mobilized support from more actors, such as the Consumers Protection Association, distributors and consumers. Their involvement resulted in a success. The movement of boycotting Vedan Vietnam's Product first came from consumers when they read the news from the media that Vedan Vietnam had polluted the river yet refused to pay full financial compensation for affected farmers. As Mr Nhan, the Director of Saigon Co-op Mark system recalled in an interview in July 2011,"We have noticed that the sale of Vedan Vietnam' products had dropped before we officially declared not selling Vedan Vietnam's product in out market system" he explained that his staff had noticed that the sale output of Ajinomoto, another producer of seasoning product, had increased in sales while the Vedan Vietnam' product dropped in sales. His staff told him that consumers clearly stated that they rejected products from Vedan Vietnam and consciously purchased products from the Ajinomoto brand because of the environment violation action of Vedan Vietnam. In July 2010, Consumer Protection Association also official called for boycotting Vedan Vietnam. The vice Director of Vietnam Consumers Protection Association in Ho Chi Minh City shared her thoughts in an interview in July 2011, "That was the first time we officially called for boycotting a company's product because of its bad reputation in environment protection. We wanted to bring the Law on Consumer Protection to life" she further explained, Vietnam Law on Consumer Protection was passed in 2008, but it was still abstract to consumers. The eighth right of consumer is the right to reject a product from a company that causes negative impacts to communities or environment.

4.4.2 Availability of Outside Resources

In addition to farmers mobilizing legal consultancy, and gaining support from media, a new factor was introcuded in this period. This period also represented the onset of Corporate Social Responsibility (CSR) into the social movement.

In the interview with Ms.Van, a journalist of Saigon Giai Phong Newspaper in July 2011, she shared The Green Consumption Campaign which was organized in August 2010. The Campaign was one activity to boycott Vedan Vietnam's product as below:

"In Ho Chi Minh City, The Green Consumption Campaign was organized in 2010. Green Consumption Campaign is a project organized by the Sai Gon Giai Phong Newspaper and the supermarket chain Saigon Co-op, and supported by the Department of Industry and Trade, the Department of Natural Resources and Environment of Ho Chi Minh City. The project aims to promote the consumption products of green enterprises/businesses among the Vietnamese consumers, and especially among customers of the supermarket outlets throughout the country of Vietnam. The project was first started in mid 2010 in Ho Chi Minh City only, but later in the year it was spread out to Hanoi and other large cities in Vietnam. This year [2011], the project has an ambitious to get the message to the much wider audiences, through an intensive volunteers-and-celebrities-led awareness raising activities and media campaigns."

In 2010, from 4 to 18 September, a two-week campaign was organized for Green Consumption in Ho Chi Minh City. Under this campaign, supermarkets voluntarily joined the campaign and just sold products from enterprises that had received certification of Green Enterprise which was granted by Ho Chi Minh People' Committee, Vietnam Association of Science and Technology. During the campaign, the Co-op Mark system nationwide had many promotional activities among supermarkets to attract consumers to buy Green Enterprise products and offered promotional prices and information about green products. Two weeks of the campaign, sales outputs from Green Products increased from 30% to 40%. Campaign organizers also distributed booklets that listed Green Enterprise members and those that did not have a good environmental protection record (Linh, 2011). The campaign also attracted thousands of students from universities in Ho Chi Minh City to

participate. In an interview with Ms. Dung, Vice Director of Ho Chi Minh Industry and Commercial Department in July 2011, she shared the following information,

"The campaign also aims to help consumer realize their right of consume environmental friendly product and reject products of enterprises that cause harmful to environment."

Figure 3.8: Activities in the 2010 Green Consumption Campaign: Source Tuoitre Newspaper.



4.4.3 Political Opportunities

During this period, affected farmers and Farmers' Associations, lawyers, the Consumer Protection Association and distributors did not meet interference from authorities in their movement to request economic compensation for affected farmers. It was during this period that affected farmers and Farmers' Association mobilized an increased number of actors and received strong support to succeed. During this time, affected farmers and Farmers' Association were not alone and they received support from different actors from state and non-state actors. As a result, the government could act against the will of a forceful movement like that. During this period, the communities' ability to utilize the factors emerging in the society and transformed them into an opportunity for their movement was clear. There was an increasing awareness of environment protection in society and an increasing power of Consumers Protection Associations, distributors and consumers. The communities were aware of these new factors in society and transformed them into an opportunity to strengthen their movement.

4.4.4 Actors Involved

During this fourth period, there was increased involvement from state and non state actors. The Green Product Consumption Campaign organized by Ho Chi Minh City's People's Committee, with participation from a number of governmental departments, such DONRE and the Industrial and Commercial Department. The Consumers Protection Association also participated, and non-state actors such distributors influenced the rejection of products from company that caused negative impacts to the community and environment. More importantly, at grass roots level, consumers were made aware of environmental issues and stood up for their rights to force producers to consider good environmental practices in their business.

4.5 Period 5: After 13 August 2010 until Present

During this period, from 13 August 2010 to present, the compensation amount that had been subsequently settled via negotiation between the Farmers' Associations and Vedan Vietnam did not satisfy all affected farmers. There were 22 farmers in Thanh An commune and 13 farmers in Dong Nai Province who did not accept the compensation amount (MONRE, 2010). So 22 farmers in Thanh An commune did not receive the compensation amount by approximately US\$1000 because they claimed to have lost more than US\$5000.Thirteen people in Dong Nai province rejected the compensation amount for the same season. Hence, they continued to sue Vedan Vietnam. However, the binding in the negotiation agreement signed on 13 August 2010 because an obstacle for the continuance of a legal case against Vedan Vietnam.

A representative of the 22 farmers who did not accept the compensation from Thanh An commune explained in an interview in June 2011 that:

"We did not agree with the compensation amount and we are still communicating with lawyers to provide us legal consultancy and make the lawsuit against Vedan Vietnam. However, when we submitted the lawsuits to the local court they rejected our lawsuits, saying that the compensation was already settled and Vedan Vietnam will not be responsible for our economic losses as it was stated in compensation agreement."

These 22 farmers in Thanh An commune still contacted with journalists to write articles about their situation, but no article have been published. As a journalist shared in an interview in July 2011,

"After the compensation settlement in 13 August 2010, newspapers were not allowed to publish any articles that harm the image of Vedan Vietnam. Everyday, our chief receives message from the authorities instructing us that this issue or that issue is not allowed to be published."

As a result, until July 2011, the small group of affected farmers was still continuing their struggle to ask for economic compensation to cover losses. But again, this movement and the mobilization of outside resources has been blocked by the government

4.5.1 Community Ability to Organize and Mobilize Outside Resources

At this fifth period, affected farmers have drawn from lessons learnt from the previous periods to mobilize support from outside actors for their movement. A

farmer in Thanh An commune shared the following information in an interview in July 2011,

"Before the case was settled by negotiation, many journalist came to our commune to collect information and one day later, we saw their articles on newspaper but after the case was settled, many come to us but we have not seen any articles."

Within their communities, this small group of farmers still received sympathy from the majority group who had received the compensation amount but the majority did not join the movement of this small group of farmers because they were sastified with the outcome.

The small group of 22 farmers had been organized well and had assigned a leader with an explained role and duties. The leader went to Central government in Ha Noi 3 times to file a complaint, while group members contributed financially to cover expenses during the trips. But the central government did not act responsibly. The central government requested local governments to check the complaint of of this small group of farmers and report to both residents and central government. But after three times, the local government claimed that the deal was done and the central government had not sent an official to the field to check the reality.

This period reflects that affected farmers had met considerable interference from government. The group demonstrated skills to mobilize and incorporate outside resources in their fight, but the interference from government did not allow them to move forward and create a forceful movement and network with other actors.

4.5.2 Availability of Outside Resources

During this period, affected farmers could have mobilized outside resources including the media, lawters, Farmers' Association, Consumers Protection

Association, distributors and consumers to support them. But networking with them was impeded by government. As noted in the analysis of Section 4.4, awareness of environment protection among state and non-state actors had significantly increased. At that time, they already used legitimate ways to gain support for effected farmers and apply pressure to the polluter.

4.5.3 Political Opportunities

As demonstrated, affected farmers met interference from the government during this time. First, the local court rejected receipt of lawsuits from farmers, which was a key action of violating legitimacy of the people. Second, government controlled of the media to publicize information relating to the case and situation of the farmers violating the right and freedom of the media. This action blocked connection from farmers to other actors. Communities had demonstrated their capacity to utilize outside support and transform it into an opportunity for their movement, but the government had explicitly interfered.

The reason that the court used to reject the lawsuits of affected farmers after 13 August, 2010 reflected an inconsistence in logic. In the third period of the case, from September 2009 to July 2010, affected farmers would have faced a loss in the court case because the law does not allow the court to accept class actions, and hence affected farmers were required to submit their lawsuits separately. Under these conditions, the court was incapable of hearing more than 7,000 lawsuits from affected farmers within the required time frame stipulated by law. However, in the fifth period of the case, the court rejected the lawsuits of 35 affected farmers because they considered as binding the compensation agreement made on 13 August 2010 between the Farmer Association (acting on behalf of all farmers) and Vedan Vietnam as legal. In other words, the court accepted the compensation agreement between the Farmers' Association and Vedan Vietnam as legal even though it is a form of class actions, which reflects an inconsistency in the logic of the court.

This inconsistence was widely realized by lawyers. As Professor Nguyen Van Nam said on the case to the Tuoitre Newspapers on 30, August, 2010:

"The compensation agreement was made out of the court so it is not consider as the legal document, if the court accepts this as a legal document, it again conflicts with the law of not accepting class actions." (TuoitreNews, 30 August, 2010)

Behind the inconsistent action of the court and the action of government of controlling the media to publicize the case of these 35 farmers was the political pressure. In the perspective of the government, the compensation payment of US\$11 million made by Vedan Vietnam was acceptable. And again, they turned out to support this company as the first period because of economic growth. As it was clearly reflected in the report from the Minister of MONRE to the PM regarding the solution of the Vedan Vietnam case dated on 1 September, 2010. In this report, the Minister of MONRE suggested the following to the PM, "...to instruct ministries, localities, social organizations, the media to support Vedan Vietnam to build its good image to do effectively business in Vietnam" (MONRE, 2010).

The influence of the government to the court was the reason the inconsistency of legal framework. The government also explicitly interfered the freedom of the media and led to the situation that the media did not act the same way in all periods of the case. For instance, in the periods from 2008 to 13 August, 2010, the media was free to publicize the case but it was not the case in the last period.

4.5.4 Actors Involved

Within this period, strong interference from government in the coalition of affected farmers and outside actors was considerable. Government had control the media which prevented the calling of other actors to help provide support for this group of farmers. Legal support was also prevented and affected farmers did not obtain legal support. The legitimacy of communities to use law to protect themselves was not protected by government and the government's interference became an obstacle to the success of the movement of this small group.

4.6 Conclusion

4.6.1 Actors involved in the case of Vedan Vietnam.

The development of the case of Vedan Vietnam polluting Thi Vai River for 14 years has demonstrated that the government failed to provide environmental protection as well as protecting the health and livelihoods of local farmers. It appears that event when the government failed in environment protection, Vedan Vietnam's violation of environment protection could have been stopped earlier in 1994 if affected farmers had organized amongst themselves to form a movement and mobilized outside resources from state actors such as, Farmers' Associations, Consumers Protection Association, MOSTE, Environment Protection Agency (EPA), and non-state actors such as, lawyers, the media, distributors and consumers, to ask for their economic losses compensated. However, this would require the condition that non-state actors had already developed and the government had not interfered the interaction between farmers, non-states and state actors. If Vedan Vietnam had been asked to compensate for damages including economic loss, health impacts and ecological impacts, it would not have been polluting the river for so such a long time even when government failed because the accumulative compensation amount would have been more expensive than the amount that it should have invested in environment protection technology.

The Resource Mobilize Theory is quite relevant to explain the development of the case of Vedan Vietnam that polluted Thi Vai River and caused negative impacts to local communities. During the period from 1994 to 2007, the request for economic loss compensation for affected farmers was handled by powerless representatives of Farmers' Association, which was controlled by local People's Committee. As a result,, affected farmers could not form a forceful movement to request economic compensation because of government control; for example, farmers were not allow to demonstrate. Furthermore, they could not mobilize outside resource to strengthen their movement because the outside resources were not available during that period in Vietnam

Another characteristic of this long period was that the affected farmers met a significant political challenge that resulted in negative livelihood and health impacts. That was the conflict between economic development and environment protection from within government, especially at the local level. On a national scale, this conflict was reflected in environment protection of MOSTE [before, 2002] and MONRE [after 2002] with the central governemnt to support fot economic growth with forcusing on propmoting industrialization, atracting FDI without regarding to environment protection. At the local level, this conflict was reflected in economic growth goal of local authorities and its environmental bodies.

Accordingly to the Resource Mobilization Theory, conflict among politicians became a political opportunity for a social movement. However, from 1994 to 2007, the conflict had not been solved because outside actors were not enabled to challenge those who created the conflict. Specifically, the social movement of affected farmers was dissolved by government, non-state actors such as the media, lawyers, Consumers Protection Association were not strong, and National Assembly Members did not have chance to question the responsibility of government environmental bodies. Within state actors, they could not solve the conflict either because MOSTE or MONRE did not have strong power enough to influence Dong Nai People's Committee to enforce the environment protection law. The lack of participation from other state and non-state actors was the primary factor that Dong Nai's People Committee could ignore enforcement on the Law on Environment Protection without meeting challenges from other actors.

In the later period, from 2008 to 2010, more actors from both state and nonstate actors were involved in the case. State actors included Members of National Assembly, Environment Protection Polices, Consumers Protection Association, Central Farmers' Association. And non-state actors included the media, lawyers, consumers and distributors. The involvement of more actors from state and non-state in this period was an important factor to the improvement of environmental governance. In this period, new actors in environment government introduced new factors which served to bring awareness and help solve the conflict, these included calling for enforcement of law, CSR was applied and responsibility was in question. Their involvement expanded beyond the request for financial compensation for effected farmers' and sought to influence change in national environmental governance.

In sum, during the first period of the case, there was a lack of participation from state and non-state actor in environment governance. This led to a longer period that environment protection legal framework was not enforced. This resulted in environment degradation, negative impacts to local communities' livelihoods and health. During the later period, with involvement of more actors from state and nonstate sectors, environment governance had improved. An environment legal framework was enforced, accountability was improved and CSR also became a significant factor to challenge those who did not regard environment protection.

4.6.2 Communities' Interaction and Coalition with Other Actors in Environmental Governance

In all the periods of the case, the communities played an important role in environment management at local level. They became an active actor in monitoring compliance with environment protection standards of enterprises when governmental monitoring agencies were weak. However, in the first period of the case, the mechanism to facilitate participation of communities was inefficient or unresponsive. Local communities had discovered pollution, informed local authorities but complaints went ignored until the central government came into the situation. In this first period, outside actors were not available for communities to interact with or available to form a coalition to solve environmental issues. In the later period from 2008 to 2011, communities become an active actor to connect with outside actors and got them involved in environmental governance. Within communities, they organized themselves and connected with Farmers' Association to mediate with the polluter, Vedan Vietnam. Later, they called for support from additional actors such as lawyers, the media, Consumers Protection Association for support. At this later period, a clear strategy of farmers and Farmers' Association was developed. First they negotiated but failed, then later they used law to protect themselves but when law became unusable they called for support from other actor to create a pressure on the polluter.

This was the first case that affected communities of an environmental violation created such a strong movement to challenge the polluter and local authorities who, prior to this case, did not regard environment protection. The outcome of the movement did not satisfy all, but the most important element was that the community gained experience to mobilize support from outside resources to deal with similar situations in the future.

CHAPTER V

DISCUSSION ON ENVIRONMENTAL GOVERNANCE

This chapter provides a discussion on the factors that effectively facilitate the interaction of actors in environmental governance and the increasing participation of communities and non-state actors in environmental protection. Young (1999a) defines governance as a social function centered on efforts to steer societies or human groups away from collectively undesirable outcomes and towards socially desirable outcomes (cited in Delmas and Young, 2009) Turton et al (2007) considered governance as the relationship between people, the ways that they interact with each other in the context of environment, and the system of principles, rules and norms that are set up to guide these interactions. The goal of good environmental governance is to bring agreement and equity and sharing of natural resources, as more actors become involved in exploiting natural resources.

To ensure that natural resources are equally shared requires certain principles for actors to base actions to interact legitimately. To this end, Young (1999a) recommends key principles for actors in environmental governance to effectively interact. They are actors' participation, accountability, democracy and legitimacy. This chapter focuses on analyzing these principles in the narrow landscape of environmental governance rather than focus on these principles in wider aspects of society. Evidence collected through the field research and reactions of actors that relate to the case of Thi Vai River polluted by Vedan Vietnam is the main information to be used to support for arguments relating to these principles.

Section 5.1 begins with an analysis of participation of actors throughout the case duration timeline, from 1994 to 2010. Sections 5.2, 5.3 and 5.4 provide analysis on accountability, democracy and legitimacy.

5.1 Actor' Participation

First, participation of communities and non-state actors improved throughout the timeline of the case. Communities and non-state actors such as lawyers, NGOs, Farmers' Associations, media, consumers, Consumer's Association and distributors had increased opportunities to participate in environmental governance. For instance, communities played an important role in monitoring the environment at the local level and to inform authorities. In addition, NGOs, media, lawyers and academics have contributed knowledge and research to strengthen the environmental legal framework to stop environment pollution. Other actors, such as consumers, Consumers Protection Association and distributors participated by demonstrating their right to boycott the products of enterprises that had bad CSR practices. In turn, enterprises were pressured to raise environment protection practices and standards and obey laws on environment protection.

Actors in environmental governance for this case are analyzed in two different periods: Period 1 from 1994 to 2007 and period 2 from 2008 to present.

5.1.1 Actors in Environmental Governance from 1994 to 2007

During this period in the case of Vedan Veitnam, there was a lack non-state actors that participated in environmental governance. There were only 3 main groups of actors that participated in environment governance at this period: (1) Politicians, DOSTE [before 2002] and MONRE [after 2002] at national level, (2) at local level, Provincial and district People' Committee, their environment protection bodies such as DOSTE [before 2002] or MONRE [after 2002] and Farmers' Association, and (3) communities and academia.

• Politicians, through 1994- 2007: Two Prime Ministers instructed MOSTE and MONRE to investigate environment protection compliance of Vedan Vietnam. In 1994, then PM Vo Van Kiet instructed MOSTE to investigate Vedan Vietnam and again in 2004, then PM Phan Van Khai instructed MONRE to investigate Vedan Vietnam (Bui, 2008). Their involvement was to instruct an requiry from MOSTE /

MONRE to function their duties of protection environment. However, the Ministry involvement was not strong enough to make ensure environment protection bodies at national and local level functioned well in environment protection. This resulted in the river had been polluted for an extended period of time.

• State actors through 1994- 2007: at the local level, actors such as People's Committee, environment protection bodies and Farmer's Associatio were responsible for the failure of environment protection at local level. To serve the goal of economic development, local People's Committee had controlled the role of its environment protection bodies in environment protection, as well as Farmers' Association in protection farmers' interest.

• For communities and academia through 1994-2007: communities participated in the monitoring of environment protection by discovering pollution and informing local environment protection bodies at local level; but their participation was ignored. As one of the farmer in Thanh An commune shared in an interview in July 2011,

"After many time of complaining to Thanh An People Committee about the pollution to Thi Vai River but the People' Committee had not respond to us, I went to meet district DONRE to complain, one month after, I went to district DONRE to ask the solution, they said provincial DORNE had not investigated, it kept going like that, we finally did not complain with them any more"

The story of local communities complaining was cyclical, from commune to district, to province but with no response until the PM instructed an investigation. This was a common issue that affected communities faced in Thanh An and Long Tho commune. During this period, when the government shaked hands with enterprises for economic development without regard for the environment, communities organized protest to challenge the agreements, but were stopped by the government.

Academia's participation was also ignored by local authorities. For example, Doctor Doan Canh, a former director of Tropical Biology Institution in Ho Chi Minh City shared with Thanh Nien news on 20 October 2010 that in 1997, he conducted research on the pollution of the Thi Vai River and found that the river was heavily polluted by Vedan Vietnam. He reported the finding to Dong Nai' Department of Science, Technology and Environment (DOSTE) and MOSTE but leaders of Dong Nai' DOSTE and MOSTE did not agree with the pollution level of Thi Vai River that Doctor Canh found. Therefore, no action was taken to stop the pollution (Thanh Nien, 2010).

5.1.2 Actors in Environmental Governance in the Period from 2008 to 2010

During this period, there was an increase in number of actors from state and non-state actors in the case as well as the level of their involvement. There were main groups of actors involved in the case as below, including (1) Communities, (2) Political groups: including the PM, National Assembly Member and Central Farmers' Association, (3) National environment protection bodies: including MONRE, Environment Police Agency, (4) Local authorities: including People's Committee, its environment protection bodies, Farmers' Association and Consumers Protection Association (5) Non-state actors including media, lawyers, distributors and consumers.

From 2008-2010 the involvement of communities developed to new level. During this time they played an important role in monitoring environment protection compliance of enterprise at local level, but in addition, when the local authorities ignored their concerns, they connected with outside actors such as the media to publish the news to a wider range of outsiders and to higher authority levels. The reaction from outside actors and higher authorities pressureed local authorities to respond to local communities' complaints. As a journalist from Tuoitre News shared in an interview in June 2011.

In the case of Vedan Vietnam, communities played very important role, they inform us [TuoitreNews] the river was so polluted, TuoitreNews then publicized the news and instructed community to call the hotline of Environment Police Agency Moreover, when authorities ignored using the Law on Environment Protection to deal with Vedan Vietnam to ask for economic compensation, comminities enforced the law when they knew how to use the law to protect themselves. Eventually, the law was discovered unusable but they helped government to revise law.

• Polititians during 2008-2010: the involvement of the PM had increased to a higher level. He no longer simply instructed MONRE to investigate environment protection compliance of Vedan Vietnam but also requested MONRE to report on how to deal with Vedan Vietnam after detecting its environment violation. In addition he ordered Dong Nai People Committee to report the responsibility of this People's Committee and its environment protection bodies (MORNE, 2010).

• Other political actor involved in the case was National Assembly Members. They were the key actors to question responsibility of MONRE and became the factor to for the Minister of MONRE to provide support to affected communities by assigning INRE to conduct the economic and environment impact assessment.

• Environment protection bodies between 2008 and 2010: at national level the involvement of the Environment Police Agency was an important factor to strengthen monitoring and enforcement of the environment protection legal framework. The Environment Police Agency works dependency from MONRE but under management of the Ministry of Public Security. Previously, this responsibility was assigned to Environment Protection Agency under MONRE but they did not have power to influence environment protection bodies at the local level.

• For local authorities such as People's Committee, its environment protection bodies, Farmers' Association and Consumers Protection Association, we have seen that the role of local environment protection bodies were still unaccountable. They just joint the team leaded by central environment protection bodies to investigate environment protection compliance of Vedan Vietnam. They did not initiated the investigation by themselves. The Provincial People's Committee at Dong Nai did not interfere negotiation between Farmers' Association with Vedan Vietnam because they received pressure from the media and other actors. The role of the Farmers' Association was significant when they play the role of connecting affected farmers with lawyers, the media, Consumers Protection Association, Central Farmers' Association. Consumers Protection Association also used their right to call for boycotting Vedan Vietnam's product movement and become an important actor of this social movement.

• Non-state actors between 2008 and 2010: this included media, lawyers, distributors and consumers. During this time they became involved in the case at the highest level (excluding the last period after 13 August 2010). The media published the news throughout the period, but also called for enforcement of law and questioned responsibility of related governmental agencies. As one journalist from Thanhnien News shared in an interview in June 2011, "*If the newspaper had not published the news and how local communities affected, the compensation for affected farmers would had been forgotten*". The involvement of distributors and consumers had brought CSR into concern of enterprises as well. They helped to enforce the Law on Consumer Protection, and their involvement became a key factor to influence Vedan Vientnam pay compensation.

5.2 Accountability

Accountability in environmental governance was assessed on these following aspects: First, how authorities responded to people; second, how information was released; third, how the role and responsibility of authorities were defined; and forth, how authorities drew lesson learnt from failure.

5.2.1 Accountability in Environmental Governance from 1994 to 2007.

First, regarding authorities' response to communities, in this period, we have seen the authorities were not responsive to local communities. This was reflected by ways that local environment protection bodies form district to provincial level responded to communities complaints. For example, communities had complained to local authorities for years but received no response until they were instructed from authorities at higher level. Second, regarding information disclosure, the government maintained control over information about the case during this period. It was clearly reflected in the cases of affected farmers in Thanh An commune protested in 1995 and in Long Tho commune in 2005, the government controlled the media to publish the news.

Third, regarding defining the roles and responsibilities of authorities in environment management, the role of each agency was not clearly defined, consequently nobody was held responsible for environment depletion over this long period. For example, when interviewing a staff of DONRE of Nhon Hoi district about his role in managing environment at local level, he said that monitoring environment protection compliance of Foreign Investment Enterprise was the duty of MONRE because as conducted the EIA, and granted water discharge for these enterprises. Local environment protection bodies were not involved. He said,

"MONRE keeps all the designs of the enterprise, we don't have any information about the enterprise, how could we check if the enterprise compliance to environment standard".

Or when the Newpaper reported that in 2006, MONRE granted waste water discharge to Vedan Vietnam when this company was known to not meet environment protection standards, the media questioned an official at MONRE about this and he said responsibility fell to Dong Nai DONRE because Dong Nai DONRE checked to ensure reporting from Vedan Vietnam was correct, and responsible for document submission for approval. He maintained that MONRE could not check that and therefore it was not their responsibility. When one reporter from the media asked Dong Nai DONRE the situation, they said that they had reported to MONRE that Vedan Vietnam still did not meet some environment protection standards but MONRE still granted waster water discharge license to Vedan Vietnam. Finally, nobody took responsibility in this case (TuoitreNews, 20 December, 2008)

Fourth, during this period, there was no lesson learnt from local or the central government had been drawn to better manage the environment. Vedan Vietnam had been found of violation of environmental protection standards 3 times but the government applied the same solution to this company. If MOSTE or MONRE had

requested Dong Nai environment protection to report or they paid closer monitoring, the Thi Vai River would have not been polluted for 14 years.

5.2.2 Accountability in Environmental Governance from 2008 to 2010.

During this timeframe, accountability increased significantly at the national level.

First, in response to complaint from communities, the Environment Police agency had investigated the case. When affected farmers requested for conducting the environmental and economic assessment, MONRE instructed INRE to initiate the assessment.

Second, regarding the release of public information, the government had released all information related to the case to the public. As a journalist from SaigongiaiphongNews shared on an interview in June 2011 "this time, the government cooperated very well with the media, they provided all information we requested"

Regarding to responsibilities of authorities, the relatied authorities were forced to accept to take responsible. Firstly, at national level, on 11 November 2008, at the National Assembly meeting, there were 30 questions from National Assembly members to the Minister of MONRE. Twenty-four of 30 questions were the responsibilities of the Minister of MONRE in the case of Vedan Vietnam (Khanh, 2008).

Second, at local level, under instruction from the PM, on 16 December 2009, Dong Nai People's Committee disciplined 7 officials of Dong Nai DONRE, Dong Nai Environment Protection Agency for irresponsible environmental management. Specifically, the Chief of the Environment Protection Division, the Director of the Dong Nai Environmental Technology Observation Centre, and Vice Chief on Environment Inspector had to serve warning for their responsibility in this case. Four officials of the Department of Natural Resources and Environment including the Director, two deputy directors and Chief inspector were blamed by the local government (Vietnamnet, 18 January, 2009). Third, on 27 October 2009, the Ministry of Science and Technology (MOST) withdrew its certification of "*Production for public health*" for 3 of Vedan Vietnam's productions. MOST also disciplined the Vice-chief of Food Hygiene and Safety Administration who had granted the certification for Vedan Vietnam in March 2009 (Hai, 2009)

At this period, authorities also drew some lesson learnt to improve the situation. First, on 1 December 2008, the Prime Minister issued Decision 157 to establish the Dong Nai River System Management Committee to strengthen coordination of environment management between the 12 provinces that share Dong Nai River System. Thi Vai River is one of the 5 main rivers of Dong Nai River system (MONRE, 2011).

Second, on 31 September 2009, the Government issued decree No. 117 which increased the maximum administrative punishment for environmental violations to US\$25,000. This decree replaced the previous Decree No. 81/2006/NĐ-CP, issued on 09/8/2006, which stipulates the maximum administrative punishment for environmental violations fee was US\$3,700 (Vietnam Government, 2009).

After the case of Vedan Vietnam, two forums took place to draw on lesson learnt from this case. The Forum on Vietnam Law and Legal Reform was held on 18 August 2010. In this forum, participants suggested that the Vietnam law should allow class action lawsuits, which would help large numbers of affected farmers to access the courts, and to allow polluters to save resources if the case is brought to the court. The second forum on "The Role of Actors in Vedan Vietnam Case" was held by Vietnam Lawyers Association and United Nation Development Program (UNDP) on 7 July 2011 in Ba Ria-Vung Tau province. In this forum, the participants suggested that the Vietnam authorities should allow demonstrations, because this is a useful tool for affected farmers to protest environmental violations. The suggestions from these two forums were acknowledged by National Assembly and they are in the process of consideration to be transformed into law.

5.3 Democracy

To reflect on democracy in environmental governance, first, interest groups or individuals have opportunities to participate in environmental matters of concern. Second, peoples' voices are heard and put into consideration of decision making. And third, people have opportunities to monitor implementation of these decisions.

Throughout the time line of the case of Thi Vai River polluted by Vedan Vietnam, democracy gradually improved from local to national level (with the exception of the small group of affected farmers). At the first period of the case from 1994 to 2007, there was less democracy in environmental governance, as the case was decided by authorities. Then, voices of local communities and academia were not heard by government and there was an absence of non-state actors' involvement. However, democracy did reached a peak in the movement of communities, state and non-state actors in 2010. However, democracy was not protected in the last period of the case when government interfered the movement of small group of farmers.

5.3.1 Democracy in the Period from 1994 to 2007

Between 1994 and 2007, environmental governance did not work in the principle of democracy. First, it was reflected in the way that local government ignored complains of local communities and the warning of academia of the negative impact to Thi Vai River from its production. Second, local government also interfered in the negotiation of Farmers' Association with Vedan Vietnam to ask economic compensation for affected farmers. Third, after the discovery of Vedan Vietnam's violations, the central government and the local governments did not inform a solution that they offered to Vedan Vietnam. This led to a situation where local communities did not have chance to monitor how the company complied with environment standards or with the requirement from central government authorities.

At this period, even though the government promoted democracy to develop by issuing the Decree on Grass Root Democracy in 1998 and revised in 2003 (UNDP, 2006), this Decree set the basic principles for people to legitimately implement democracy known as "People got informed, People discuss, plan, People implement and People Monitor". However, the birth of this Decree did not bring a chance for local communities, academia to get their voice heard by local authorities because there was no mechanism to facilitate or monitor this Decree at the local level.

But at the national level, in 2007, the National Assembly gained more power to monitor performance of the government. This marks a turning point to increase power and dependence of the National Assembly Member and this became an important factor to improve democracy and accountability in the next period.

5.3.2 Democracy in the Period from 2008 to 2010

In this period most of concerned actors in the case had opportunities to participate without meeting interference from the government. At national level, the National Assembly Member questioned the responsibility of Minster of MONRE as well as the PM. This was the factor that forced the Minister of MONRE and the PM to make a stronger commitment to environment protection. The National Assembly Members are representative of people at the grass roots level to monitor performance of the government at national level. It holds an increasing role and power of National Assembly to encourage the PM or Minister to improve their performance. The democracy at national level made people at grass roots level feel their voice was heard. An affected farmer in Long Tho shared,

It was the first time in our life on 11 November 2008, we saw National Assembly Member criticized the Minister of MONRE so strongly because of Vedan Vietnam case. We felt happy because our voices are heard

During this period, affected farmers and Farmers' Association also had the right to reject the compensation amount that Vedan Vietnam offered. Farmers decided to sue Vedan Vietnam without interference from government as they had done in the first period of the case.

5.4 Legitimacy

Legitimacy is the popular acceptance of an action by the government or other actors by the public. In environmental governance, legitimacy is reflected in two dimensions. First, whilst the government develops the legal system, it requires sufficient legitimacy in order to enforce them. Second, legitimacy is required to justify how authorities responded to people' actions . Regarding these perspectives on legitimacy, legitimacy is found to be weak in environmental governance during the entire timeline of the case.

5.4.1 Legitimacy in the Period from 1994 to 2007

During this period, legitimacy was very poor. First, whilst the government is expected to provide a mechanism to protect the security of its people, it did not provide an efficient legal framework that ensured that the environment was protected. Specifically, the maximum financial punishment applied for an environment violation was too small (US\$3,700) to make the polluter commit to environment protection compliance. Also, Dong Nai Province' People' Committee undermined the security of peoples' livelihoods and health when they didn't enforce the environment protection legal framework because the prioritized economic growth. In this regard, the government was not perceived to have legitimacy to make the decision of promoting economic growth as it also endangered peoples' security.

Second, when the government failed to protect the environment it led to negative impacts to local communities' health and livelihoods. Affected people knew how to organize amongst themselves to protest the polluters. Whilst protest was not accepted as a legal action by the government (Vietnam law does not allow demonstration or protest), the protest of affected communities was accepted by the public as legitimate because it was necessary to protect their lives. Because the government interferred and dissolved the protest, the public saw this action of the government as illegitimate.

5.4.2 Legitimacy in the Period from 2008 to 2010

In the second period from 2008 to 2011, the lack of legitimacy was reflected in another form. Whilst affected people in an environmental violation hold the right to ask the polluter to compensate for their losses, in this case the courts were not capable of handling the lawsuits for the affected farmers to sue the polluter. Second, when 35 affected farmers continued to sue Vedan Vietnam after the compensation was settled on 13 August, 2011, the court rejected the lawsuits of these farmers. Third, when these 35 affected farmers contacted journalists to publicize their situation to the public and call for support, the government prevented the media from publishing articles relating to the case. Each of these actions were widely perceived as lacking legitimacy given the impact on local peoples livelihoods.

5.5 Conclusion

During the time line of the case, environmental governance has been gradually improved. The improvement of environmental governance in Vietnam during the last decade was the result of increasing democracy. The democracy led to improvement in accountability. Democracy also gave a space for more communities, state and nonstate actors to participate in environmental governance. After the case, we have seen that environmental issues have become an interest to more actors in society and CSR became an important factor to adjust environment protection of enterprises. The legal framework was also upgraded to adequately protect environment.

However, to maximize effectiveness of legal framework, participation of actors needs to be improved within environmental governance. As well, legitimacy should be protected by revising the current legal framework, and the development of efficient legal enforcement mechanisms and efficient mechanisms to facilitate participation of all actors within environmental governance.

CHAPTER VI

CONCLUSION AND RECOMMENDATION

The case of the Thi Vai River pollution demonstrates an explicit example of failure in environment protection in Vietnam in the period of transition from a largely agricultural-based economic structure to industrial-led development. This failure was the consequence of three main reasons: First, there is a strong conflict between policies prioritizing economic growth versus environment protection; second, weaknesses in the institutional arrangements of Vietnam during the transition period; and third, the lack of an established civil society. By the end of the case in 2011, there were some significant improvements that helped to address the issue of environment protection, although some weaknesses also still remain and need further improvement to more effectively protect the environment in the future. This chapter aim to highlights some improvements in environmental governance after the case and address some weaknesses and give suggestions to improve them.

The chapter starts with section 6.1.1 highlighting significant improvement in environmental governance the improvement in communities' ability to learn and empower themselves. Following this, section 6.1.2 addresses weaknesses in environmental governance that need to be improved. Section 6.2 suggests recommendations to improve invironmental governance and section 6.3 ends the thesis by giving recommendation for future research.

6.1 Conclusion

6.1.1 Significant Improvements in Environmental Governance

6.1.1.1 Improvement in Communities' Ability to Learn and Empower Themselves

As demonstrated within the previous chapters, during the early period of the Vedan Vietnam case, from 1994 to 2007, local communities were victims of local authorities' goals towards promoting economic development without regard for environmental protection. During this period, environment protection as well as the livelihoods and health of local communities were decided by local authorities and Vedan Vietnam, whose decision-making process was guided by economic development. During this period local communities organized themselves to protest against and to challenge the polluter, but they faced strong interference from the government in their movement. At the same time, local communities also could not mobilize support from other state and non-state actors for their movement because some of these actors did not exist during this period, and others had not acknowledged the importance of environmental issues.

In the later period, however, from 2008 to 2010, the communities' ability to respond to the situation developed into a new stage, which also emerged from a process of learning of the communities to empower themselves. First, in the period from 2008 to 2010, communities had clearly defined goals for their movement in terms of asking for economic compensation. After 4 rounds of negotiation failed, the communities knew to utilize the law and called for the support of other actors for their movement to achieve their goal of fair compensatin, rather than accept the unfair compensation that they had been offered. The improvement of communities' ability to learn and empower themselves also resulted from the emergence of new actors that became involved in environmental governance as a result of the improving democracy in society as a whole. In the other words, communities to empower themselves and to make improvements in environmental governance.

For affected communities, the amount of money they received from Vedan Vietnam was helpful to them but not the most important gain. What they wanted to change or obtain was the improvement environmental governance. As most of affected farmers in Long Tho and Thanh An communes shared in the interview on their perspective on the case that,

"Two things were important to us after the case. First we feel are not lonely and abandoned, and second we feel more confident in ourselves because we have learnt how to use the law and call for support from society to protect us" The perspective of affected communities was not different or did not conflict with other actors involved in the case. For example, the media and lawyers involved in the case did not support the case because of material benefit but became involved to bring justice for people by calling for enforcement of law. As a journalist shared: *"We involved in the case with the purpose to bring justice to people and create a belief in the legal system"* (Interview, July 2011).

6.1.1.2 Improvement in Environmental Governance as More Actors Become Involved

The improvement of environmental governance in Vietnam via the case of Vedan Vietnam was explained well using the concept of environmental governance of Delmas and Young (2009). This perspective of environmental governance views that environmental governance became more effective when communities and non-state actors become more involved in environmental governance. Some of the main factors that support this concept are discussed below.

First, the involvement of communities was an important factor to strengthen environmental monitoring at the local level when the performance of environmental bodies were weak because of their incapability to ensure environment protection due to the pressure of local authorities.

Second, the involvement of the media was a very important factor to improve environmental governance. The media became the bridge to connect all actors who shared the same interest of environment protection and ensured information was shared amongst all actors. Another important role of the media in environment governance was that they became an effective actor in monitoring the environment protection compliance of other actors and the performance of the government environmental bodies.

Third, the involvement of lawyers helped to demonstrate that the existing law was unusable in the case of environmental protection for river pollution. Specifically, as the law did not allow class actions, the court system could not hear all of the affected communities' lawsuits within a time frame stipulated by another law. This shortcoming in the legal framework is now under the process of revision. If the lawyers had not supported the affected communities to use the law to sue Vedan Vietnam, this shortcoming in Vietnam's legal system would have not been realized even until now.

Fourth, the involvement of the Consumers Protection Association, distributors and consumers brought a new tool for environment management, namely the voluntary tool of Corporate Social Responsibility (CSR). This tool became meaningful given that economic tools and regulatory tools were not adequate to deal with the new form of environmental threat from Vedan Vietnam. For example, in the first period, from 1993 to 2007, the government applied inefficient economic tools, such that the maximum environment violation fine was US\$3,700, which was not punishment enough for a large enterprise like Vedan Vietnam. In the later period, from 2008 to 2010, the tool of the regulator also failed to ask the polluter to pay because no class actions were possible, demonstrating inadequacy of the court system.

Fifth, the involvement of National Assembly Members became a bridge to connect the concern of local people at the grass-roots level to politicians at the national level. In addition, they were powerful actors who called for improvement in accountability of the government at the highest level. Specifically, in the Vedan Vietnam case, the National Assembly Members questioned the responsibility of the Minister of MONRE and the Prime Minister, who then had strong involvement in the case. There is a clear difference between how the former PM and MONRE Minister acted during the period of 1994 to 2007, and subsequently in the later periods.

Sixth, the creation of an Environment Police Agency became an important factor in monitoring environment protection compliance of enterprises and enforcement of environment protection law by the assigned environment protection bodies. The independence of the Environment Police Agency helped to overcome the weakness in the environment protection investigation function of Vietnam's Environment Administration, which operates under MONRE.

There were also some significant improvements in environmental governance for several reasons. First, communities' ability improved to respond to environmental threats and to protect themselves. Second, democracy in Vietnam also improved which created more space for non-state actor to become involve in environmental governance. Their involvement also resulted in significant improvements in accountability during the period from 2008 to 2010. These factors were key elements that improved environmental protection in the Vedan Vietnam case, and this confirms the stated hypothesis of the thesis namely: "*Environmental governance strengthened sufficiently to stop the Vedan Vietnam company from polluting the Thi Vai River when: communities gained more knowledge of the Law and how to use it; communities gained the ability to organize amongst themselves and with state and non-state actors who shared the objectives of the community to address the river pollution; and space for participation and accountability, which are key components of Environmental Governance, in Vietnam grew".*

However, there are still major weaknesses that need to be addressed and improve in Environmental Governance in Vietnam.

6.1.2 Weaknesses

6.1.2.1 Contested Legitimacy

During the timeline of the case, legitimacy was contested, for example in the way that the government dissolved the protests of affected communities in 1995 and 2005. The government also did not provide an efficient legal framework and legal enforcement mechanism to protect the environment throughout the case. In addition, the action of the government to influence the court resulted in the court not accepting the lawsuits of the 35 affected farmers after 13 August, 2008. This action of the government caused inconsistencies in the logic of actions that the media and the courts took during different periods of the case. From the perspective of public, these actions of the government were not legitimate. As a journalist shared in the interview on July, 2011: "The interference of the government in the movement of affected farmers who were asking for compensation for their economic losses during the case was unacceptable."

6.1.2.2 Weakness in Capacity of Local Environment Protection Bodies

Throughout the timeline of the case, the role of local environment protection bodies was very limited. Specifically, Dong Nai Province' district and provincial DONREs performed their task of environment protection poorly and their role was very limited in monitoring environment protection at their locality. The underlying cause of these weaknesses of DONRE arises for 2 reasons. First, DONRE's task and role was not adequately assigned by MONRE, the central-level environment body, to make sure environment at the local level was effectively protected. In other words, MONRE still held power to make decisions relating to environment management at the local level. For example, during the case, MONRE made decision on how to handle the environment violations of Vedan Vietnam and approved the wastewater discharge for this company while these tasks should have been delegated to the provincial DONRE. Second, even within the scope of power delegated by MONRE to DONRE, DONRE still did not hold de facto power to make decisions on environment management at the local level because in practice the decision depends of the perspective of the local People' Committee on how to deal with environmental problems rather than on the law or the assigned authority of DONRE.

6.1.2.3 Capacity of Community to Realize the Pollution

The case of the Thi Vai River pollution reveals a situation where communities, state and non-state actors who share a common concern of protecting the environment took a strong action when environment had been seriously polluted. In this case, communities were able to show clear evidence of pollution by showing the death of aquatic creatures and the changing color of the water. In general, however, the negative impact of environmental pollution cannot be revealed so easily and it is hard to get evidence without applying expert knowledge to identify it. Therefore the capacity of communities to address environment pollution at an early stage of pollution is still a challenge in Vietnam. To overcome these weaknesses, the research recommends the following solutions.

6.2.1 Strengthening Legitimacy

First, during the case, the media played a very important role to strengthen environmental governance. Therefore, to maximize the role of the media in improving environmental governance, the government should further minimize their control over the media by enforcing the current Law on The Media and allowing the establishment of private newspapers.

Second, the government should improve the capacity of the judiciary (courts) to enforce the current Law on Environment Protection. Specifically, the requirement for information disclosure in EIA reports should be fully enforced. Communities' and interest groups' voices on the EIA report should be fully accounted for by policy makers. Information about environmental threats during the operation of projects identified in the EIA report should be publicized, allowing full disclosure to communities and interest groups monitoring compliance of environment protection by the project owners.

Going along with improving the capacity of the judiciary, the judiciary bodies should also be independent from politicians. This would minimize inconsistency in the action of the courts and other actors.

Third, the government should accept protest demonstrations as a legitimate action of the public and incorporate this into law. In the Vedan Vietnam case, if the government had not dissolved the protest of affected farmers in 1995 and 2005, Vedan Vietnam would have not polluted the Thi Vai River until 2008. Protest is a powerful and legitimate action that communities use to challenge polluters when the government fails to provide efficient mechanisms to protect the environment.

6.2.2 Empower Local Environment Protection Bodies

To empower local environment protection bodies, the following actions should be taken into account:

First, provide local environment protection bodies opportunities to attend training to improve their knowledge and increase budgets to equip them with advanced technology to meet their duties. Second, when the capacity of local environmental protection bodies is strengthened, decentralization should be further promoted by delegating more responsibility to them, and their role and responsibilities should be clearly defined. For example, local environmental protection bodies should be in charge of granting waste water discharge licenses and approving EIAs.. Third, MONRE and the Environmental Police need to increase their monitoring of the performance of local environmental protection bodies. And fourth, to minimize the influence of local authorities on the performance of local environment protection bodies, the responsibilities of the People's Committee with regard to environmental protection at the provincial and district level should be clearly defined.

6.2.3 Improve Capacity of Communities to Respond Early to Pollution

One limitation of communities is their capacity to identify pollution in the early stages of a pollution incident, such as the case of underground water pollution or chemical pollution. To overcome this weakness, environmental NGOs and academia should create networks withcommunities. Through these networks, communities can learn how to identify risk and evidence of pollution or in difficult cases, they can ask for help from experts in the network. Through these networks, successful lesson from communities who have effectively managed their environment should be documented and shared with others.

6.3 Recommended Future Research Areas

Vedan Vietnam is an FDI enterprise and its products are consumed in Vietnam. Communities, state and non-state actors had successfully stopped its environment violation by organizing a boycott of its products without interference from the authorities. An area of future research could focus on how communities, state and non-state actors can successfully stop FDI enterprises when their products are not consumed in the local market in Vietnam, and with state owned enterprises.

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APPENDIX

APPENDIX A

Sample of Questionnaire to Interview Journalist and Farmers

Questionnaire to Interview Journalists

Q1: When did you first hear about the case of Vedan Vietnam?Q2: Do you know which actors from community, state, non-state and private actors through the timeline at community, local and national levels participated in the case of Vedan Vietnam?

.....

Q 3: Have you seen the change in actors participating in the case of Vedan Vietnam through the timeline? (e.g. in 1990s and 2008) Why did it happen?

.....

Q4: What action did you, your newspaper in particular and media in general take in response to the case of Thi Vai River pollution caused by Vedan Vietnam in early 1990s and 2008? Why did you take different action at different point of time (if any)?

.....

Q5: Which actors at different levels did you, your newspaper in particular and media in general cooperate with to stop Vedan Vietnam from polluting the environment at different points of time?

.....

Q6: Why did you, your newspaper in particular and media in general work with

different actors at different level at different points of time?

.....

Q7: Which stages did your newspaper participate in to deal with the case of Vedan Vietnam? e.g; discovering the polluters, recommending solution, helping local community mobile resource, bring the case to the court?

.....

121

Q8: How did you, your newspaper work with relating actors to deal with the case of Vedan Vietnam? e.g; writing paper to catch public attention, working with authorities, communities or polluter to find the solution

.....

Q9: Have you seen the methods that media used to deal with the case of Vedan Vietnam changed through timeline?

.....

Q9: Why did this happen?

.....

Q10: How did your newspaper, media influence the solution for the case of Vedan Vietnam?

Q11: What do you think about the responsiveness of local authorities when they worked with interest actors in the case of Vedan Vietnam e.g; information disclosure, respond to public concern in a timely manner?

.....

Q12: What kind of information about the case of Vedan Vietnam did authorities disclose to public as well as media?

.....

Q13: Do you think authorities disclose information about the case properly to other interest actors?

.....

Q14: Do you think that the current Vietnam environment protection law clearly defines the roles and responsibilities of relevant governmental agencies in environment management?

.....

Q15: After the case of Vedan Vietnam, have you seen the government drew any lesson to improve environmental governance in the future?

.....

Q16: What do you think about the space for media and other actors participating in all processes of the case of Vedan Vietnam at different time?

.....

Q17: What do you think the role of media and other non-state actors in influencing decision about solution for Thi Vai River pollution caused by Vedan Vietnam?

.....

Q18: Is there any channel, space for media, local communities and non-state actor participation in monitoring environmental matters?

.....

Q19: What do you think about non-state actors' participation in environmental governance defining in law?

.....

Q20: Is participation of non-state actors in environmental governance defined by law efficiently implemented?

.....

Q21: Do you think that mechanism to facilitate participation of non-state actors and community participation efficiently?

.....

Q22: Via the case of Vedan Vietnam, do you think that the judiciary is independent enough to enforce environment protection law?

.....

Q23: What do you think about the current Vietnam environment protection law in term of its coverage of environmental issues?

.....

Q24: What do you think about enforcement of Vietnam's environment law?

.....

Q25: What do you think about the usability of Vietnam's environment law?

.....

Q26: What do you think that local communities' knowledge of environment

protection law and is it applicable to local community?

.....

Q27: What do you think about the law consultancy services in Vietnam that vulnerable groups can access for help to deal with environmental threats like Vedan Vietnam case?

.....

Q 28: Did affected communities by Vedan Vietnam actively network with your newspaper, the media to help them dealing with Vedan Vietnam?

.....

Q 29: What do you think about the organizational capacity of local communities (Both amongst themselves and with other actors to deal with issue like Vedan Vietnam?

.....

Q30: What do you think about the outside resource that local community can mobilize to empower themselves to deal with issue like Vedan Vietnam case? Such as: NGOs, other Social Association?

.....

Q31: What is your opinion about local environmental governance?

.....

Q32: What are your recommendations to improve environmental governance in the future?

.....

Questionnaire to Interview Farmers

1. Who in your communities participated in discovering, working with local government, social associations, NGOs to deal with river pollution caused by Vedan Vietnam in the 1990s and in 2008?

.....

2. Besides your community, who else from outside of your community participated in the case of Vedan Vietnam through the timeline (1990s and in 2008) to help your communities to deal with it? e.g Government, NGOs, Social associations?

.....

3. What action did your community take (in 1990s and 2008) to respond to the case of river pollution caused by Vedan Vietnam?

.....

4. How did your community co-operate with other actors (state, non-state actors) to deal with the case through the timeline (in 1990s and 2008)? 5. What did other actors outside your community do to help your community deal with the case of Vedan Vietnam? 6. In which stages of the case of Vedan Vietnam did your community participate in? e.g, discovering pollution, suggestion solution, impact assessment, moniroting? 7. How did your community participate through the timeline? e.g. participating in the meeting with local authorities or raising issues to the representative? 8. How were your community's ideas, requests, recommendation put into consideration by local authorities? 9. How did local authorities respond to communities' complaints about the case in 1990s and in 2008? 10. What kind of information did your receive from local authority about the case? (Polluters, impacts to health, livelihood and the solution) 11. Do you think local authorities provide efficient information in the timely manner? 12 Do you/ your community know clearly which local authorities are in charge of environment management, their roles and responsibilities? 13. How did local authorities take responsibilities in failing in environmental management?

14. Were there any commitments from local communities to improve environment management in the future?
15. Did local authorities provide any chance for local communities to make complaint, discuss on how to solve the pollution?
16. How did your communities feel about the compensation amount that Vedan Vietnam pay in 1995, 2005 and 2010?
17. Is your community allowed to or do they have opportunities to monitor environment local level?
18. According to law, what and how can community participate in environment management?
19. Through which channels, governmental agencies that local communities can work with or complain about environment issues?
20. Do you know, understand the environment protection law?
21. Do local communities have chance to read, learn about environment protection law?
22. Do you think environment law was implemented effectively in practice?
23. Are there any law consultancy services that your communities can access when needed?
24. Are there any social associations, law consultancy services or NGOs that community asking for help to deal with the case of environmental issues like Vedan Vietnam?

25. Are local community allowed to network with non-state actors to ask for help to deal with environmental issues like Vedan Vietnam?
26. What are the most significant changes to your communities after the Vedan Vietnam paid compensation?
27. What do you think that needs to be improved to strengthen environment protection?

BIOGRAPHY

Xuan Sang Vo is the author of this thesis. He is Vietnamese and currently studying in the graduate program of International Developmental Studies in Chulalongkorn University's Political Science Department. He has a bachelor degree in Education in Vietnam. He had worked as a teacher and worked for World Vision International Vietnam as a Program Manager before coming to Thailand for this program.