

Promoting Sustainable Development through Public Participation in Vietnam's EIA Process

Nguyen Thi Anh

1. Introduction

Both the United Nations Conference on the Human Environment at Stockholm from 5 to 16 June 1972¹⁾ and the Stockholm Conference in 1972, the United Nations Conference on Environment and Development at Rio de Janeiro from 3 to 14 June 1992²⁾ proclaim that people play a key role for sustainable development. In addition, the 10th principle of this Rio Declaration 1992 is the cornerstone of public participation for sustainable development as: “*Environmental issues are best handled with the participation of all concerned citizens, at the relevant level...*” Theoretically, public participation in decision-making process has been aroused for a long time in line with democratic theory (Creighton, 2005; Ebbesson, 2012; Gilpin, 1995; Pateman, 1976). Thus, recent literature on EIA and related decision-making process often focus on analyzing the issue of public participation and explaining the concept of public participation in the context of EIA (Creighton, 2005; Doelle & Sinclair, 2006; Ebbesson, 2009; Glucker, 2013; Hughes, 1998; Kurukulasuriya & Robinson, 2006; O’Faircheallaigh, 2010; Stern & Dietz, 2008). As being a central tool of sustainable development, some authors do focus on EIA processes in which the public engaged early (Bruhn-Tysk & Eklund, 2002; Doelle & Sinclair, 2006; Popovic, 1992; Wilkins, 2003).

However, depending on the country-specific context, the implementation of legal documents providing on public participation in EIA process will be diverse remarkably. In Vietnam, the Economic Renovation Policy (the *Doi Moi* policy) established in December 1986 marked the transition from a centrally planned economy to a socialist-oriented market economy with varied forms of ownership and economic sectors. These reforms contributed to an impressive performance in the last two decades-since 1990 the annual GDP growth has exceed 7 percent and per capita income has dramatically increased more than three-fold (World Bank, 2014). Although the evolution of industrialization and modernization of the economy has achieved significant development, the drawbacks of this progress remaining are the environmental pollution and degradation

1) See Principle 21 of United Nations Conference on the Human Environment. Retrieved on December 26, 2016 from: <http://www.encyclopedia.com/environment/energy-government-and-defense-magazines/united-nations-conference-human-environment-1972>.

2) See Principle 10 of “*Rio Declaration on Environment and Development*” of 1992 of UN. Retrieved on December 12, 2016 from: <http://www.unep.org/documents.multilingual/default.asp?documentid=78&articleid=1163>

seriously³⁾. Hence, to assure economic growth and environmental protection with the emphasis of public participation in the decision-making process for sustainable development is an emergency action. Sustainable development refers to the formal process in which the development can help keep pace with rigorous needs that emerge at the present time without causing any harm to the likelihood of future generations' satisfaction such needs on the basis of sustaining a close and harmonious cooperation amongst the economic growth, social progress and environmental protection⁴⁾. One of the main tools for sustainable development is EIA firstly provided in Law on Environment Protection (hereinafter referred to as LEP) in 1993 and continuously in LEP 2005 and LEP 2014.

To develop sustainably, the consensus among the developers, the responsible authorities and the public is the most importance. If the project design stage is only discussed between project developers, the goals for sustainable development shall be not met (Bruhn-Tysk & Eklund, 2002). Hence, the aim of this paper is to discuss how public participation in EIA can be a new approach for sustainable development in Vietnam. This paper analyses the flow of information to see whether the information can smoothly flow among the developer, the responsible authorities and the public to ensure the sustainable development goals.

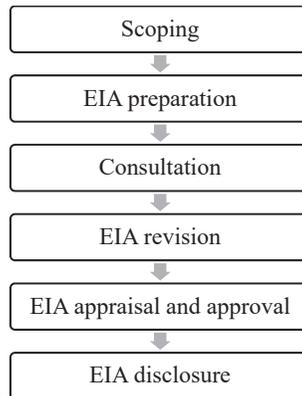
In Vietnam, the specific requirements for EIA were formally established in the first LEP 1993 but there were some significant drawbacks, notably lack of transparency and public participation (Clausen, Vu, & Pedrono, 2011). However, the major adjustments of the LEP 2005 and 2014 were set to mitigate the shortcomings of LEP 1993, such as providing the public participation in EIA process. The consultation to be required in the EIA process would help to minimize the adverse impacts on the environment and human beings, socio-economic growth, culture and ensure the sustainable development. To further emphasize the importance of public participation, the LEP 2014 provided the consultation to be required in the process of the EIA as follows: "*Project owners are obliged to consult with regulatory agencies, organizations and communities that are directly affected by the project*".

However, LEP 2014 gave the only one general article providing public participation in EIA process. Consequently, Decree No.18/2015/ND-CP adopted on February 14, 2015 by Vietnamese Government presented the environmental protection planning, strategic environmental assessment, environmental impact assessment and environmental protection plan and came into effect on April 1, 2015⁵⁾. This Decree provided more details of how to consult with the stakeholders and who will participate in EIA process. The EIA process with the public participation is illustrated in the Figure 1.

3) Nguyen Minh Trang, *The relationship between economic development and environmental degradation in Vietnam*, retrieved at: <http://www.cese-m.eu/cesem/2015/04/the-relationship-between-economic-development-and-environmental-degradation-in-vietnam/>.

4) See "Law on Environmental Protection of 2014 of Vietnam". Retrieved on December 21, 2016 from: http://www.itpc.gov.vn/investors/how_to_invest/law/Law_on_environmental_protection_2014_1/mldocument_view/?set_language=en.

5) See Decree No.18/2015/ND-CP dated on 14 February 2015 of Vietnamese Government presented the environmental protection planning, strategic environmental assessment, environmental impact assessment and environmental protection plan. Retrieved August 25, 2016 from: <http://hethongphapluatvietnam.com/decreed-no-18-2015-nd-cp-dated-february-14-2015-on-environmental-protection-planning-strategic-environmental-assessment-environmental-impact-assessment-and-environmental-protection-plans.html>.



Source: Law on environmental protection 2014

Figure 1 EIA process in Vietnam

2. Research Methodology

To evaluate the current situation of implementation of public participation in Vietnam's EIA process, it is necessary to base on (i) review of relevant literature, (ii) legal provisions, (iii) case study. The literature review often focused on EIA articles and academic books to analyze the public participation in EIA process. Legal provisions are the requirements regarding procedures of EIA and public participation. Case study will show the implementation of legal provisions in practice.

3. What is Public Participation in the Context of EIA Process?

At a glance, recent literature on EIA and related decision-making process often focus on analyzing the issue of public participation and explaining the concept of public participation in the context of EIA (Creighton, 2005; Doelle & Sinclair, 2006; Ebbesson, 2009; Glucker, 2013; Hughes, 1998; Kurukulasuriya & Robinson, 2006; O'Faircheallaigh, 2010; Stern & Dietz, 2008). Pateman cited some definitions of participation in some sectors, such as enterprise, industry and politics (Pateman, 1976). According to Pateman, in many cases, participation is left undefined or if a definition is offered, it is somewhat vague (Pateman, 1976). Each scholar gives the notion of public participation, depending on the research objectives of ones or even, in some cases, authors talk about public participation without defining it (Glucker, 2013).

In my research, the definition of public participation is very important for my in-depth study and so, I will analyze to get this definition. First of all, what is participation? In some EIA literature, the terms "*stakeholder involvement*", "*consultation*" and "*participation*" have been used interchangeably.

Firstly, "*consultation*" can be differently defined in each field. For example, in *The Stakeholder Consultation Toolkit* developed by members of the Adult Social Care Consultation & Information Group⁶⁾, consultation is

6) See Stakeholder Consultation Toolkit. Retrieved on March 16, 2016 from "consult.brighton-hove.gov.uk/file/2181395".

“a process of dialogue or the gathering of information that contributes to a decision or change”. Therefore, the purpose of the consultation is to give people an opportunity to express their opinion, and to weigh up and balance these views before final decisions are made. In this toolkit, the authors emphasize that stakeholders should involve from the beginning of the process. However, in public sector, Ministry of the Information, Communications and the Arts (MICA) Singapore in 2010 issued the *Public Consultation Toolkit*⁷⁾ that identified that “public consultation is a process by which government interacts with the public or stakeholders to seek input and discuss issues regarding a specific deliverable, which is often either a policy or initiative”. This toolkit also distinguishes the definition of public consultation from public engagement. The later refers to the government’s ongoing involvement with stakeholders or partners, and is not necessarily focused on a particular policy, initiative or issue. The key difference between public consultation and public engagement is the driving impetus behind the activity. While the objective of public consultation is to gather feedback on a specific issue, the ultimate goal of public engagement is to develop a longer term relationship with stakeholders. According to Glasson, Therivel, and Chadwick (2013, p. 190), consultation is in essence an exercise concerning a passive audience: views are solicited, but respondents have little active influence over any resulting decisions. Hence, Hughes (1998) conclude that “consultation implies a process with little share or control over the process for consultees”. Like this thinking, Sadler and McCabe (2002, p. 163) insist that consultation implies an exchange of information designed to examine the public views on an proposal and its impacts. Generally, consultation is a process of dialogue leading to a decision. According to Arnstein (1969), consultation is a form of participation and can be a legitimate step to toward their full participation, through which the proponent and the government invite the public to express their opinions, comments on a specific document, particularly the draft. Consultation can be organized with a wider group of participants from the public, proactively and reactively.

Secondly, dictionaries state that “involvement” is the act of taking part in an activity, event, or situation⁸⁾. Public involvement is used in research when research is carried out “with” or “by” members of the public rather than “to”, “about” or “for” them. Hence, involvement is the act of participating in something, as result that the use of term “involvement” is not specific. If someone attends the public meeting in EIA process for listening without giving any opinions, he/she might refer to his/her involvement in EIA process. Thus, through involvement procedure, it is difficult for the public to share a seat at the table with the representatives of the government and the proponent, unless the public involve actively, i.e. collaborating and taking responsibilities at all stages of the decision-making process (OECD, 2001).

Thirdly, according to Pateman (1976, p. 1), ““participation” is used to refer to a wide variety of different situations by different people”. Based on this understanding, Sadler and McCabe (2002, p. 163) think that “participation is a more interactive process of engaging the public in addressing the issues, establishing areas of agreement and disagreement and trying to reach common positions”. Like this thinking, World Bank asserts explicitly that “participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them” (WB, 1996, p. 3). Consequently, when using term of “participation”, it means that through which participants can control and able to influence

7) See Public Consultation Toolkit. Retrieved on March 16, 2016 from: https://www.cscollge.gov.sg/data/CSC/9_Public_Consultation_Toolkit.pdf.

8) See MacMillan Dictionary, available at: <http://www.macmillandictionary.com/dictionary/british/involvement>.

the decision-making process. Basing on this, I take “*participation*” for my research. According to Glasson et al. (2013, p. 190), public participation involves an active role for the public, with some influence over any modifications to the project and over the ultimate decision.

In recent EIA literature review, the term “*participation*” has commonly been used to focus on the role of public in EIA process. Thus, the question of what is public participation in the context of EIA has been continuing a strong argument among scholars in EIA literature. Indeed, some authors who do give a definition of public participation have different opinions about its explanation (Glucker, 2013, p. 105). For example, to focus on the redistribution of power as an key element, Arnstein (1969, p. 216) perceives that “*citizen participation is a categorical term for citizen power*” and “*the have-nots can be shared on the benefits of the affluent society*”. Following this line of thinking, Bishop and Davis (2002, p. 18) also emphasize that “*participation is only meaningful when it involves a real transfer of power from government to citizens*”. If the absolute power belongs to the king or one person, namely in the monarchical countries, the public shall need to receive the transfer of this power from the king. However, in democratic countries, the state power belonging to the public is the fundamental principle in the constitution. Correspondingly, in those countries, participation is the basic right of the public in democracy. The government shall need to facilitate better public participation in the decision-making process.

By contrast, according to Stern and Dietz (2008, p. 12), “*public participation includes any of a variety of mechanisms and processes used to involve and draw on members of the public or their representatives in the activities of public or private-sector organizations that are engaged in informing or making environmental assessments or decisions*”. This understanding just examines the public engagement without the public influence on the decision-making process. Dislike the definition of Stern and Dietz (2008, p. 12), notion of public participation in 40 CFR 25.3 (b) of United States Environmental Protection Agency focuses on public communication as: “*public participation is that part of the decision-making process through which responsible officials become aware of public attitudes by providing ample opportunity for interested and affected parties to communicate their views*”⁹⁾. This view implies that public participation means to provide input in the making of decisions and the public can express their opinion in the decision-making process. Concerning the emphasis on deliberation, Fischer (2000, p. 32) thinks that “*public participation is about deliberation on the pressing issues of concern to those affected by the decisions at issue*”. Here, the extent of deliberation as well as objectives of public participation process remains unclear. Therefore, to focus on the purposes of public participation, Rowe and Frewer (2004, p. 512) define the concept of public participation as “*the practice of consulting and involving members of the public in the agenda-setting, decision-making, and policy-forming activities of organizations and institutions responsible for policy development*”. Furthermore, in making the identification and exploration of all ways in which the public relate to EIA process, O’Faircheallaigh (2010, p. 20) insists that a restrictive notion of public participation is unsuitable. Consequently, O’Faircheallaigh thinks that “*public participation is any form of interaction between government, corporate actors and the public that occurs as part of EIA process*”.

These examples depict that the definition of public participation in the context of EIA is directly

9) See Protection of Environment - 40 CFR of United States Environmental Protection Agency, 2002. Retrieved on December 26, 2016 from: <https://www.law.cornell.edu/cfr/text/40>.

connected with the purposes of participatory process. These purposes may be the demand for empowerment; or the influence on decision-making process; or the control of decision-making process. Hence, Aregbeshola (2009, pp. 17–18) cited some definitions of public participation to group into three categories: (1) in terms of collaboration and improved decision making; (2) degrees of participation; and (3) information exchange. Noticeably, Stern and Dietz (2008, p. 48) believe that the different purposes of public participation may lead to difference in the process of participation and conflicts about the way to conduct the process. Thus, Stern and Dietz (2008, p. 49) follow the idea of Renn (2008) to summarize six theoretical approaches regarding public participation, namely functionalist, neoliberal, deliberative, anthropological, emancipatory and postmodern (reflexive). Renn's idea demonstrates the diverse approaches to and the complexity of public participation. Each concept is followed by its main objective and rationale.

The above illustration of notion of public participation clearly displays that public participation is an important process in decision-making. In a simple conclusion, in the context of EIA process, public participation explains about the democracy, empower and flow of information as some cores of the definition to get the consensus on the final decisions. Thus, public participation is a part of the EIA process through which the environmental information exchange interaction among stakeholders shall be conducted during all stages of EIA process, and all people has the right access to all information of projects to give the valuable opinions for a consensus in EIA report.

4. Analysis of Public Participation in Vietnam's EIA Process for Sustainable Development

Pursuant to what follows is the list of the current key EIA regulations in Vietnam:

- Law on Environmental Protection in 2014.
- Decree No.18/2015/ND-CP adopted on February 14, 2015 by Vietnamese Government presented the environmental protection planning, strategic environmental assessment, EIA and environmental protection plan.
- Circular No. 27/2015/TT-BTNMT adopted on May 29, 2015 by Ministry of Natural Resources and Environment presented the strategic environmental assessment, EIA and environmental protection plan¹⁰.

Implementation of EIA provisions depends on socio-economic development, political system and the public awareness across countries. Public participation in Vietnam's EIA process was also conducted with the assistance and under the compulsory requirements of Asian Development Bank (ADB), World Bank (WB), Japan International Cooperation Agency (JICA). EIA for all funded projects must comply with not only the Vietnamese legislations but also with the requirements of those international organizations (ADB, 2003). This experience with public participation in the EIA of projects funded by international bodies displayed the value of public input in making decisions that have to balance the needs of the environment and development (Zhang et al., 2012). To recognize the essential role of public participation in sustainable development, Vietnamese government supported the establishment of public participation mechanisms, encouraged the public to participate in EIA process, and provided "public participation" being a mandatory component of the

10) See Circular No. 27/2015/TT-BTNMT. Retrieved July 29, 2016 from: http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&mode=detail&document_id=180408 (Vietnamese version) .

EIA report¹¹⁾. In practice, analyzing the effectiveness of public participation plays a key role in EIA literature (Del Furia & Wallace-Jones, 2000). However, when examining the effectiveness of public participation in Vietnamese EIA process, there are some matters emerged requiring more analysis as follows:

Firstly, the role of public opinion in Vietnam's EIA process is not valued appropriately. Understanding of how important public participation in EIA process is will change the awareness of policy-makers significantly. Theoretically, public participation reflects an expansive notion of democracy where the involvement of citizens is considered not only as furthering selfish interests, but also as contributing to promoting public environmental interests (Ebbesson, 2012). Democracy is increasingly seen as a continuous and dynamic process in which governments carry ultimate responsibility but only with the most careful public scrutiny (Gilpin, 1995). Some scholars argue that public participation will take public time-consuming and costs to participate in the decision-making process (Del Furia & Wallace-Jones, 2000; Gilpin, 1995). However, public participation can enhance legitimacy, the quality of decisions and even the democratic quality of society (Ebbesson, 2012) {Ebbesson, 2012 #12; Stern, 2008 #3}.

In addition, public participation in EIA shall help participants develop their citizenship skills and also make participants with an opportunity exercise citizenship actively (Glucker, 2013). Hence, participation is "*of value in its own right*" (O'Faircheallaigh, 2010) and people can develop their full potential as citizens when they participate in the work of governance (O'Faircheallaigh, 2010). Thus, public participation is both rights and duties inseparably.

In Vietnam, to give an impulse to economic development, the program of the industrialization and modernization of the economy has been carried out from the late of 1980s. As the results, Vietnamese government and public authorities occasionally fail to consider essential environmental concerns, increasing the conflicts between the economic benefits and the demand for a good living environment. To harmonize this conflict, government should greatly facilitate citizens to give opinions in the decision-making process. However, the right of access to information is not carried out fully, accurately and promptly in EIA process. People receive information passively (one-way flow of information) leading to the impacts on the quality of the public opinions. Proponent should recognize that both the quality of EIA report and the success of the project will increase through public participation as well as the proponent shall get a higher level of consensus to the project, avoiding environmental dispute in the future (Del Furia & Wallace-Jones, 2000). Because of "*their in-depth knowledge of the nature resources, climate, biodiversity, indigenous, people have a particularly important role to play in environmental monitoring and distinguishing project-related changes from natural changes in the environment*" (Stevenson, 1996).

In Vietnam's EIA process, public participation is the process of informing and consultation. It means that negotiation among the authorities, proponents and stakeholders is rarely occurred in reality. In spite of having the consultation, public concerns and feedbacks remain vague extremely that whether these opinions will be taken into account in EIA report or not. As Arnstein mentioned that it looks like a "*window-dressing ritual*" (Arnstein, 1969). In theory, proponents just disclose the mandatory information. Both authorities and proponents would like to give less information as they can because they want to have the smooth EIA

11) See more details on LEP 1993, 2005 and 2014.

process. The more information is disclosed the more complex proponents can get. Thus, it is inevitable to provide the more detailed provisions relating to the proponent's responsibilities to disclose information in the legal documents. According to current legal documents in Vietnam, the completely dominant way used for consulting citizens is public meeting, resulting in some significant drawbacks analyzed in the next paragraphs.

Secondly, who should participate in EIA process in Vietnam? *"The public"* *"stakeholders"* and *"citizens"* are not the new terms in EIA literature, but there is still no strong consensus about *"who are participants?"* (Glucker, 2013). A clear understanding of who *"the public"* is and what their interests are is essential not only to the recognition of the benefits of participation in general but to the design of specific activities (Petts, 2009). Some scholars still argue that who should participate (Doelle & Sinclair, 2006; Popovic, 1992; Stern & Dietz, 2008). In addition, the Aarhus convention gives the definitions of *"the public"* and *"the public concerned"*. *"The public"* means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups. *"The public concerned"* means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest (UNECE, 2014). Any member of the public and/or their representations must be granted the right of access to environmental information and the right to submit comments. This is mainly due to the fact that people need to know about the actual *"how"* of using common pool resources and public goods. The mutual agreement between the public and the developers is needed when using public goods (such as stable climate, fresh air, or the ozone layer) and common pool resources (soil, water, oil). Public goods are traditionally defined as being both non-rival and non-excludable in consumption. Common pool resources are rivalrous but non-excludable in consumption (Petersen, 2015). Thus, if the investors carry out the specific projects which have adverse impacts on the environmental components, such as public goods and common pool resources, the public will obviously have the rights to know about these projects and to voice opinions for the sustainable development goals. However, in the context of environmental decision making, the public participating in EIA process depends on more content-specific characterizations of the public than the segments of the public, such as: stakeholders, directly affected public, observing public and general public (Stern & Dietz, 2008, p. 15) in order to reduce a waste of time and money.

By contrast with the above analysis, in Vietnam, according to Decree 18/2015/ND-CP, the proponent has to consult the opinion of (i) People's Committee of communes, and (ii) organizations or communities under the direct impact of the project. Community meeting co-chaired by project owner and People's Committee of communes where the project is carried out together with the participation of representatives of Vietnamese Fatherland Front of communes, socio-political organizations, socio-professional organizations, neighborhoods, villages convened by People's Committee of communes shall be held to collect the opinions for completing the EIA report. There are some shortcomings existing in the Decree No.18/2015/ND-CP as follows:

- The participants are limited in the EIA process. This will exclude the groups having an interest in the project and/or the groups will be likely affected by the project. Additionally, environmentalists and experts will not have a chance to voice an opinion if they live outside of direct affected areas of the project. As a result, participants in Vietnam's EIA process will not encompass all members of the public.
- Next, the representatives of mentioned entities that will be directly affected by the project's activities

shall attend the public meeting. There is no provision of how to choose the representatives for the communities and what their responsibilities are. For example, when river reclamation by pouring tons of rocks and soil into the river to make land for building a residential area, the large-scale projects will affect thousands of people and families living in both riversides, how many the representatives for the communities are there in this case? The case of the Dong Nai riverside residential project will be analyzed later to illustrate this drawback.

- When the public disagrees with the contents of EIA report after consultation meeting, there is no provision of whether proponent will answer to the public opinion or not. We expect greater transparency and accountability from the developers. If lacking this provision, the dispute between the proponent and citizens will emerge quickly. Sometimes, it makes the project slack or suspended and inactive. Even, proponent will squander the money and time to carry out the previous stages of the EIA process.

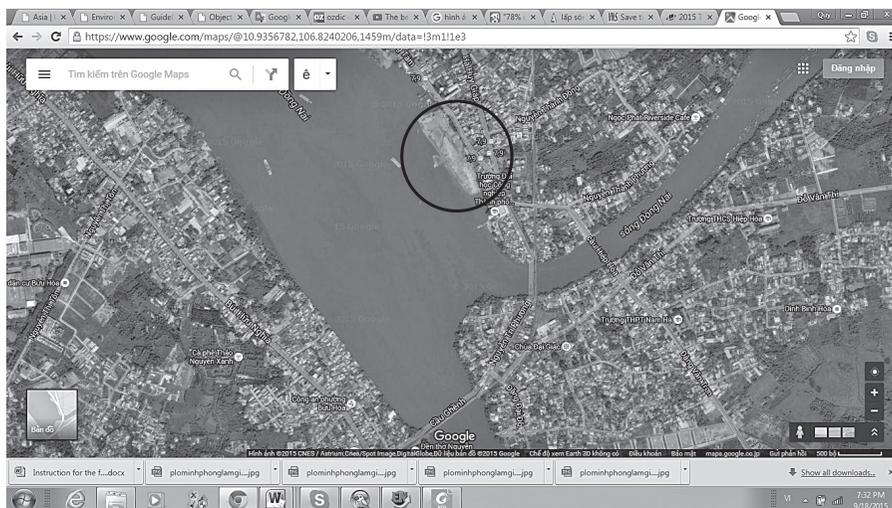
Thirdly, the public awareness of environmental right is still an unsolvable problem, resulting in poor decisions. The public shall not be well-equipped to participate (Alan Gilpin, 1995) the EIA process. In Vietnam, people constantly ignore the participation in EIA process—because the public has not seen the existence of any real enterprise when conducting EIA—and they merely concern the adverse impacts when the specific project is carried out in reality. Many companies have to confront with the rejection from local people although the responsible authority already approved the EIA report. When the project owner makes a public consultation for EIA report, people tend to neglect the right to access to environmental information and the right to participate in the environmental decision-making because of lack of understanding and knowledge of EIA report and others relevant environmental matters. Hence, environmental education and training is necessary for promoting public participation (Popovic, 1992).

To have an effective public participation in Vietnamese EIA process, government should consider some above shortcomings and research some proper criteria. According to Del Furia and Wallace-Jones (2000), the effectiveness of public participation in relation to the four factors as those which contribute to effective public participation in EIA, as follows:

- (i) The nature of the public involved (the wider the better);
- (ii) The amount of power the public is attributed in the EIA procedure and related decision-making process by the inherent nature of the techniques and methods used (the higher the better, but the public must be equipped for the power);
- (iii) When the public are involved in the procedure (the earlier the better, as well as throughout the process);
- (iv) The ability to “manage” conflict.

5. The Case of the Dong Nai Riverside Residential Project: Inadequate Public Participation and Lack of Principles of Sustainable Development

The Toan Think Phat Investment Architecture and Construction Joint Stock Company is the owner of the Dong Nai riverside residential project begun in September 2014 with total investment of more than US\$148.8 million. The project would have involved pouring tons of rocks and sand into the Dong Nai river to make land for a residential area. Because of the large scale (8.4ha), the owner had to elaborate EIA report. The authorities



Source: Retrieved from <https://www.google.com/maps/>

Figure 2 Location of the Dong Nai riverside residential project

already approved the project's EIA report. However, after only 6 months, on March 28, 2015 the project's investor decided to suspend construction following waves of criticism from scientists, experts and residents because of the poor quality of the EIA report. In my study, I just focus on analyzing the implementation of public participation in this project's EIA process.

According to Viet Nam River Network, the EIA report also had not considered the other 11 provinces located on the Dong Nai river basin, which would also be affected by significant changes in the river. River reclamation project, especially such a large area, would critically interfere with the river's hydrology and ecology as well as the local economy and society. The project will definitely cause a big change to the river's water flow, leading to regional land erosion, block floodwater, and increase of pollution. Millions of Ho Chi Minh City residents are expected to face a shortage of clean water, as their supply is pumped from the river near where the project is based¹²⁾. Figure 2 is the picture of the project area via satellite.

Dong Nai river runs through six provinces, including Ho Chi Minh City, and supplies water to nearly 20 million people. However, the project's EIA report contained a meager and inadequate opinion of 20 households in the work area (located in Quyet Thang ward)¹³⁾. It is not worthy to say that twenty households might represent thousands of people to give valuable opinions. This means that the developer has not carefully considered other impacted areas and public opinions as well as indigenous knowledge being a key role in

12) Vietnamnews, May 14, 2015, "Save the Dong Nai River: Experts". Retrieved from: <http://vietnamnews.vn/environment/270259/save-the-dong-nai-river-experts.html>.

Vietnamnews, May 27, 2015, "Dong Nai project report is 'scientifically baseless'". Retrieved from: <http://vietnamnews.vn/environment/270887/dong-nai-project-report-is-%E2%80%98scientifically-baseless.html>.

13) Chi Ngan, Ng. Nga (2015, March 27): "Dong Nai: Violating laws", *thanhnien*. Retrieved from: <http://www.thanhnien.com.vn/kinh-te/dong-nai-vi-pham-hang-loat-cac-quy-dinh-phap-luat-545387.html>.

Table 1 Public participation in project's EIA process: the Dong Nai riverside residential project case

<i>Stage in EIA process</i>	<i>Public participation</i>	<i>Form of public participation</i>	<i>The way of information</i>	<i>Initiator</i>
Screening	Yes	Public meeting	One-way flow of information	Quyết Thang People's Committee
Scoping	No	No	No	
EIA report preparation	Limited*	No	One-way flow of information	The owner of project
Post-EIA and EIA implementation	Yes	Public meeting	One-way flow of information	The owner of project

Source: Files of the Dong Nai riverside residential project

* Retrieved from: <http://www.vncold.vn/Modules/CMS/Upload/10/PhatTrienNuoc/150516/4VuNgocLong2.pdf>.

input information process. "Indigenous knowledge" consists of traditional and nontraditional, ecological and nonecological knowledge (Stevenson, 1996, p. 278). Indigenous people possessing in-depth knowledge of their land play a key role in environmental monitoring and distinguishing project-related changes from natural changes in the environment (Stevenson, 1996, p. 278). Obtaining indigenous knowledge helps decision-makers scrutinize all information properly because proponents tend to be far from disinterested in their information and magnify the project benefits (O'Faircheallaigh, 2010, p. 21).

Based on review of project files, considering the environmental information exchange process among investor and local people should be important to evaluate public participation in project's EIA process¹⁴⁾ (Table 1).

The main problem of this project's EIA process was that public participation was ineffective and the responsible authorities did approve the final EIA report without the public scrutiny. In the EIA process, the proponent ignored the reality that public knowledge and public opinion are the important elements for sustainable development. The proponent just interpreted the project's information to serve their purposes rather than to focus on efforts to understand and address the public concerns. The lack of the proponent's responsibilities and the lack of environmental awareness of public are the obstacles for environmental protection and sustainability as well as the project's implementation. Thus, the Dong Nai riverside residential project was already suspended in reality after 6 months of implementation.

Public participation did not achieve the goals because of a lack of laws and policies on public participation in Vietnam's EIA process. The problems are with implementation of existing laws and the vague provisions mentioned above. Because of lack of consensus among investor and stakeholders, not only the owner of the Dong Nai riverside residential project should lose money and time but the stakeholders would also worry about the environmental and social impacts of the tons of rock and sand poured into the Dong Nai river. If this project's investor has fulfilled their responsibilities on the implementation of public participation, the new alternatives or/and possible locations would be identified.

14) "Dong Nai housing project should be cancelled: VRN". Retrieved from: <http://vietnamnews.vn/environment/268054/dong-nai-housing-project-should-be-cancelled-vrn.html>.

6. Conclusions

Public participation plays a key role not only in the policy-making process but also the EIA process in each country. The evaluation of public participation in Vietnam's EIA process shows the current positive and negative provisions existing in Vietnamese legal system. Although LEP 2014 was adopted with some advances, a gap between theory and practice of public participation in EIA has significantly remained. Overcoming the limitations of public participation regarding the democracy, empower and information flow on relating challenges the stakeholders involved in EIA process. Apart from improved legal framework, public participation still needs some factors to make it successful, including the public awareness, the responsibilities of stakeholders and the stable political system. If the public is effectively engaged in the EIA within a good legal framework, the decisions made will reflect public concerns and consensus can be completely achieved in practice for sustainable development.

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