Vietnam

SEA profile

Updated to: 09 October 2013

Establishing context

Screening process

There is no specific guidance detailing screening. However, a list of plans and strategies that should undergo SEA is provided in LEP, 2005.

source

Law No: 52-2005-QH11 on Protection of Environment, 2005 (Article 14)

Timeline Screening

Not specified.

Identification of stakeholders

A guideline for identification of stakeholders is provided. The proponent is required to set up working groups that consist of experts on environment with relevant qualifications. The working group is required to identify other relevant stakeholders including public representatives to obtain their comments.

Setting SEA objectives

There is no specific guidance for setting objectives.

Implementing SEA

Scoping process

The plan owner set up working groups which includes environmental specialists and relevant scientists.

Scoping methods:

There are no prescribed scoping methods. However, a general technical guidance for SEA suggest the use of trends analysis in addition to other participatory approaches like checklists, expert judgement, SWOT, matrices, networks and flow diagrams, spatial analyses: overall maps and GIS, Delphi technique, modelling and multi-criteria analysis.

Outcome of scoping:

There is no elaborate procedure for scoping, but it is stated that project scope should include spatial and temporal aspects such as geographical configurations, project length etc and operational aspects.

source

Dusik, J. and Le Hoai Nam (2009) Status of SEA in Vietnam (unpublished).

Participation in scoping

Experts with relevant qualifications for the particular SEA are involved mainly for advisory purposes. Authorized leaders are sometime invited in this step.

source

SEA Baseline Sida (2013)

Baseline data

Methods for data baselines collection:

- Take sampling if data is not available.
- Secondary data collection from related stakeholders (e.g Provincial DONRE)

source

SEA Baselines Sida (2013)

Alternatives

There are no specific requirements for alternatives to be considered.

Assessment/mitigation of effects

Prescribed methods for assessing impacts include assessment in terms of causes (e.g. those related to or not related to waste, possible risks) and the objects of the impact. Each impact is assessed at very detailed extend in terms of degree, scope and time.

source

Circular No. 08/2006/TT-BTMT On guidance for Strategic Environemntal Assessment Environmental Impact Assessment and Environmental Protection (Appendix 1 Chapter 3.2)

Content of SEA report

- General introduction (activity profile, legal and technical basis for the SEA, organization and implementation of SEA;
- overview of objectives, scope and nature of environmental related activities;
- general description of natural, economic, social and environmental conditions relating to projects

(natural and environmental condition, economic and social conditions;

- estimation of possible negative impacts to the environment during activity implementation (causes of impacts, objects and scope of impacts, changing trend of natural, environmental, economic and social condition, assessment on the consistency between the activity viewpoints and targets and those of the environmental protection;
- bibliography of data sources and assessment methods;
- general direction and measures to solve environmental problems during proposed activity implementation;
- conclusion and recommendation on impacts, the appropriation of viewpoints and targets and on activity approval.

The contents of SEA report are specified in Appendix 1.3, Circular 26.

Review process

Though the mechanisms are not specified, Strategic, Plans and Programs (SPPs) to be approved by National Assembly, Central Government and the Prime Minister are reviewed by MoNRE. SPPs to be approved by line Ministries are reviewed by Ministries. SPPs to be approved by provinces? government are reviewed by provinces? government.

source

SEA Baseline Sida (2013)

Timeline review

45 days.

source

Government?s Decree No. 80/2006/ND-CP of 9 August 2006 detailing and guiding the implementation of a number of articles of the Law on Environmental Protection

Informing decision making

SEA and planning decision-making

After review the SEA report, the SEA review agency (MONRE, for example) will send an official statement of results to agency who has authorize for approval of programs, plans and strategies (the Prime Minister, for example), including recommendations for consideration and decision on the approval of the program, plan or strategy.

source

SEA Baseline Sida (2013)

Justification of decision

The results of the SEA is considered as a ground for approval of a specific plan/program.

source

Law No: 52-2005-QH11 on Protection of Environment, 2005 (Article 17-6)

Follow-up

Monitoring and evaluation

Monitoring is a requirement. The proponent is required, as part of the SEA report to give an environmental monitoring and management program whose contents include:

- location, organizations, and methods of implementation;
- coordination modes among agencies during implementation;
- reporting regime to give direction for EIA during project preparation phase, give an indication of technical and organisational measures to solve environmental problems should they occur and to develop a program on environmental monitoring and implementation.

source

Government?s Decree No. 80/2006/ND-CP of 9 August 2006 detailing and guiding the implementation of a number of articles of the Law on Environmental Protection.

SEA practice

Annual no. of SEAs

Several dozen of SEAs are reviewed annually by MONRE, excluding sector or provincial SEA review cases.

source

SEA Baseline Sida (2013)

NCEA's capacity development activities

Programmes

- From September 2006 till December 2008 NCEA has been a member of the Technical Advisory Panel (TAP) of the Core Environmental Programme of the Greater Mekong sub-region. The objective of this programme is poverty reduction and protection of biodiversity in denominated economic corridors in the region. NCEA provided guidance on three SEAs, all since finalised. The TAP was dissolved in 31 December 2008.
- National SEA Trainig-of-Trainer Programme (SDC, GTZ, Sida) (2008-2009): Comprehensive General Training Material on SEA completed (English and Vietnamese version); Core competencies of 31 national SEA trainers developed and; Informal network of SEA trainers established; 2-day training workshop on SEA have been conducted by the trainers for about 30 people of each group from planning and investment, agriculture and rural development, transportation, construction sectors and selected lecturers from academic group.

- Denmark Vietnam Development Cooperation in Environment Programme (DCE): Specific Technical Guidelines on SEA for Urban Construction Planning drafted for wide use and pilot testing; National SEA training program for MOC sector to be developed in cooperation with National SEA Training Programme.

- SIDA assisted in the development of MoNRE General Technical Guidelines for SEA, provided resources for training on the guideline as well as SEA awareness raising and an extensive pilot testing of SEA in land-use planning and socio-economic planning and industrial planning

Pilot SEA

- GTZ RioPlus programme and Tam Dao Buffer-zone Management Project (2000-2005); SEA review workshop for key ministries and national SEA trainers; SEA of Vinh Phuc province SEDP for period of 2010-2015 (DONRE).

- ADB and Danida support SEA pilot testing and elaboration of specific guidelines in key ministries responsible for hydropower planning; construction and urban development; investment planning; rural development; and fisheries.

- World Bank supported MPI to carry out pilot strategic environmental assessment (SEA) of the Socio-Economic Development Master Plan for Red River Delta to 20202.

- World Bank supported VNForest (former Forestry Directorate) of Ministry of Agriculture and Rural Development in doing Prior SEA for Vietnam Forestry Master Plan 2010-20203.

- There are more pilot SEA under management of government, ministries, and sector, such as planning and investment with SEA of Quang Nam Province SEDP; construction and urban plan sector with seven pilots SEA of urban development related plans, such as city development plan, city waster management plan, etc.

source

SEA Baselines Sida (2013)

Background information

History of SEA

Vietnam has introduced and is practicing SEA.The Vietnamese system was established through a comprehensive SEA requirement in the 2005 Law on Environmental protection. This law requires SEA to be undertaken by planning authorities as an integral part of elaboration of a wide range of strategies and plans at national, inter-provincial and provincial levels. MoNRE has issued a decree and circulars that stipulate detailed procedural requirement and it has encouraged sector agencies to develop their own guidance for SEA application. In order to support uptake of SEA, MoNRE has also established a mechanism for donor coordination on SEA matters. Donors are therefore particularly active in this area.

source

Summary Report on workshops and meeting of OECD DAC Environet Task Team on SEA. Hanoi Vietnam, 3-6 December 2008

Legal framework

Enabling law

The Law on Environmental Protection is the enabling legislation that sets framework for SEA.

National detailed regulation

In several decrees and circulars the procedural and institutional arrangement for SEA have been elaborated:

- Decree No. 92/2006/ND-CP of September 7, 2006 on the elaboration, approval and management of master plans on socio-economic development.

- Decree No. 140/2006/ND-CP by the Government dated on 22 November 2006 on *?Regulations for establishment, appraisal, approval and organization of implementing of strategies, planning, plans, programmes and development projects?.*

- Circular No. 06/2007/TT-BKH, of Ministry of Planning and Investment, dated 27th August, 2007 ? *Instruction for implementing Decree No. 140/2006/ND-CP*?.

- Decision No. 13/2006/QD-BTNMT, of MONRE, dated 8 September 2006 on ?*Regulation on organization and operation of Appraisal Council of SEA and Appraisal Council of EIA reports*?.

- Decree No. 21/2008/ND-CP of the Government, dated 28 February, 2008 on ?*Amendment and Supplement of some Articles in No. 80/2006/NĐ-CP on ?Detailed Regulations and Guidelines for Implementing Some Articles of Environmental Protection Law*?.

- Decree No. 29/2011/ND-CP dated on 18/04/2011 replaces the provisions on strategic environmental assessment (SEA), environmental impact assessment (EIA), is committed to environmental protection (CKBVMT) Decree 80 /2006/ND-CP and Decree 21/2008/ND-CP.

- Circular No. 26/2011/TT-BTNMT regulates in details the implementation of the Decree 29/2011/ND-CP dated on 18/04/2011 on SEA, EIA and EPC (environmental protection commitment).

source

SEA Baseline Sida (2013)

Sector specific procedures/regulations

SEA procedures/Regulations in construction sector:

For Construction Planning:

- Law on Construction, No. 16/2003/QH11 of the Government and dated November 26, 2003.

- Decree No. 08/2005/ND-CP of the Government, dated on 24 January 2005 on ?Construction Planning?.

- Circular No.07/2008/TT-BXD of MOC, dated on 07 April 2008 on ?Guidelines for Formulation, Appraisal, Approval and Management of Construction Plan?.

- Decision No.03/2008/QD-BXD of Minister of Construction, dated on 31 March 2008 on ?Contents of Maps and Reports for Construction Planning?.

For Urban Planning:

- Urban Planning Law, No.30/2009/QH12 dated on 17 June 2009.

- Decree No.37/2010/ND-CP of the Government, dated on 7 April 2010 on ?Conducting, Appraisal, Approval and Management of Urban Planning?.

- Circular No.10/2010/TT-BXD of MOC, dated on 11 August 2010 on ?Stipulation of contents of urban planning types?.

- Circular No.01/2011/TT-BXD of MOC, dated on 27 January 2011 on ?Guidelines for SEA for construction/urban planning projects?

SEA procedures/Regulations in agriculture sector:

There is no specific SEA regulation issued by the Ministry of Agriculture and Rural Development (MARD)

Nature conservation / biodiversity conservation is one among working areas that MARD is responsible for. No specific EIA/SEA for this sub-sector as well.

source

SEA Baselines Sida (2013)

Guidelines

MONRE is leading agency in development of general SEA technical guidelines, and some specific SEA guideline in the working areas that are responsible by MONRE. Listed below are these guidelines:

- Vietnam-Sweden SEMLA General Technical Guidelines on SEA issued for wide use and pilot testing

- Vietnam-Sweden SEMLA Specific Technical Guidelines for SEA in Industrial Planning drafted

- Vietnam-Sweden SEMLA Specific Technical Guidelines for SEA in Land-use Planning drafted.

In adoption of MONRE SEA technical guidelines, there are some sectoral guidelines have been developed with external support from donors, such as:

- Technical guidelines for SEA of urban plans, developed under DANIDA supported project to Ministry of Construction in 2009. The 3rd edition of the guidelines published in 2011.

- Technical guideline for Integrated Climate Change consideration in SEA of urban plans is developing, under the project supported by NCF the Ministry of Construction.

There is not yet a specific SEA technical guideline on any MARD?s responsible working area.

source

SEA Baseline Sida (2013)

Scope of application

SEA under current law covers planning and programming and strategy. Policies are not covered.

Developed proposals for which SEA is always required include:

1. National socio-economic development strategies, planning and plans.

2. Strategies and plans for development of branches or sectors on a national scale.

3. Socio-economic development strategies, planning and plans of provincial level or regions.

4. Plans for land use, forest protection and development; exploitation and utilization of other natural resources in inter-provincial or inter-regional areas.

5. Plans for development of key economic regions.

6. Planning of inter-provincial river watersheds.

source

SEA Baseline Sida (2013)

Exemptions from application

No information

SEA approach

Vietnam is following the approach that has been applied in EU countries.

source

SEA Baseline Sida (2013)

SEA tiering with ESIA

The proponent is required, as part of the SEA report, to give direction for EIA during the project preparation phase, to give an indication of technical and organisational measures to solve environmental problems (should they occur) and to develop a program on environmental monitoring and implementation.

source

SEA Baseline Sida (2013)

Institutional setting

Central SEA authority

Department of Environment Impact Assessment and Appraisal (EIA&A) ? Vietnam Environment Administration (VEA) of Ministry of Natural Resources and Environment (MoNRE) is the central SEA authority.

source

SEA Baseline Sida (2013)

(De)centralisation of SEA mandates

There is vertical decentralisation with SEA responsibility on decisions to establish SEA appraisal councils delegated to MoNRE, other ministries, Government bodies and Provincial People's Committees.

source

SEA Baseline Sida (2013)

Initiator of the SEA

The plan owner (proponent) is responsible for the SEA and is supposed to initiate it at the same time as the formulation of the project.

source

SEA Baseline Sida (2013)

Contact

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