

SUMMARY

Detailed PIA report on natural landscape and biodiversity conservation to be incorporated with the LEP revision dossier

With the aim of protecting important natural landscape and providing solutions to compensate and regenerate biodiversity associated with the landscape lost during economic and social development activities, some regulations on protection of natural landscape and biodiversity in the Law on Environmental Protection (amendment) have been considered as follows:

Option 0: Maintain the current legal framework (Law on Environmental Protection 2014), which stipulates the content of environmental protection in investigating, assessing, planning natural resource and biodiversity use (Article 35), and sustainable forest resource protection and development (Article 36) of Chapter III. Environmental Protection in Natural Resource Exploitation and Use.

Option 1: Add into the Chapter on Protection of Environmental Components the Section on Protection of Natural Landscape and Biodiversity, including provisions on the protection of natural landscape (concepts, criteria, contents...); the assessment of impacts on important natural landscape; the issues related to biodiversity investigation, inventory, monitoring, database and reporting information.

Regulations on biodiversity offset of important natural landscape are included in the Section of Economic Tools for Environmental Protection under the Chapter of Policy Tools and Resources for Environmental Protection.

Option 2: Add into the Chapter on Protection of Environmental Components the Section on Protection of Natural Landscape and Biodiversity, excepting the contents regulating in the Law on Biodiversity such as biodiversity inventory, monitoring, database and reporting information. Supplement to this Section the provision on biodiversity compensation, which stipulates that all projects causing biodiversity degradation of important natural landscape should have responsibility to propose plans biodiversity offset if biodiversity degradation rest cannot be minimized.

Option 2A: Add the Section on Environmental Protection of Natural Heritage into the Chapter on Protection of Environmental Components and Natural Heritage

The biodiversity compensation plan applicable to projects affecting ranked natural heritage is specified in the Section of Environmental Impact Assessment.

The policy impact assessment (PIA) for the above 4 options has been performed according to the following contents: impact on the legal system; impact on economic issues; and impacts on social and gender issues. The following conclusion was reached:

The approach to the supplementation of the Section on Protection of Natural Landscape and Biodiversity under the Chapter on Protection of Environmental Components (Option 2) is intended to meet the target of promulgating policies on management and protection of natural landscape; attaching importance to the totality of morphology, structure, functions and close relationship between components of important natural landscape; proposing solutions to compensate and regenerate biodiversity in the landscape lost when performing socio-economic development activities.

Natural heritage is a part of the natural landscape. Previously, natural heritage management was not regulated in the system of legal documents in Vietnam and a list of natural heritages of Vietnam has not been formed. The approach to the supplementation of the Section on Natural Heritage Environmental Protection under the Chapter on Protection of Environmental Components and Natural Heritage (Alternative 2A) is intended to ensure inclusiveness and totality in the regulation. management of objects related to natural landscape and biodiversity.

The addition of contents to protect natural landscape or to protect natural heritage environment is to meet the goal of protecting a component of the natural environment and compensating and regenerating biodiversity attached with the landscape that was lost in the implementation of socio-economic development activities. Both the option 2 and the option 2A bring many positive legal, economic and social impacts, especially positive impacts on the community. However, on the State side, both options require the development of detailed regulations and implementation guidances because the regulations of the Law on Environmental Protection are only general principles and directions.

The choice to include in the Law on Environmental Protection (amendment) the option 2 - full and complete protection of natural landscape, or the option 2A – protection of important natural landscape as natural heritage, will be based on the actual requirements and capacity of State management in the context to 2025, with a vision to 2030.

Note that when implementing these options, in order to ensure the expected goal the regulations on protection of natural landscape, protection of natural heritage, landscape impact assessment and biodiversity impact assessment, biodiversity offset, ecosystem services ... should be accompanied by clear criteria to avoid multifaceted understanding and different implementation methods between management agencies, leading to difficulties for businesses. Management and protection solutions should be agreed between relevant agencies to avoid overlaps and conflicts with the provisions of relevant current laws as well as overcome legal gaps.