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## From “Weak” to “Strong” Sustainability: Protesting for Environmental Justice in Vietnam

Rapid industrialization has come at a high cost to the natural environment in Vietnam. Air and water pollution from industrial development have increased steadily, and Vietnam now ranks among the twenty countries with the worst air quality worldwide.<sup>1</sup> According to recent surveys, environmental disputes are second only to land disputes as the most common source of social conflict.<sup>2</sup> Frustrated with regulatory inaction, Vietnamese citizens from diverse social backgrounds have taken direct action to protect their country’s natural environment. This article explores why public protest sometimes succeeds in mitigating environmental harm when complaints through administrative and judicial avenues fail.

Following decades of scarcity under the command economy, many Vietnamese during the 1980s and 1990s supported trade-offs between environmental pollution and economic development.<sup>3</sup> More recently, public awareness around environmental issues has increased as industrialization has raised standards of living and pollution levels simultaneously. Indicating a shift from a “grow now, clean later” approach, a nationwide survey conducted in 2016 found that 77 percent of respondents believed the

Vietnamese state should prioritize environmental protection over economic growth and other social issues such as employment and education.<sup>4</sup> Raised levels of environmental consciousness coincide with an increasing number of environmental disputes in Vietnam.<sup>5</sup>

Most studies about environmental disputes in Vietnam have focused on large-scale conflicts, such as the Hà Nội tree-felling dispute in 2015 and the Formosa Steel dispute in 2016.<sup>6</sup> Protest organizers in these disputes were connected directly or indirectly with urban-based social organizations [*tổ chức xã hội*] and could access global knowledge about environmental activism—especially knowledge about environmental justice.<sup>7</sup> Environmental activism promotes the view that environmental disputes concern more than conflicts over natural resources. In placing people from different social and economic backgrounds into direct competition for the same resources, environmental disputes involve conceptual disagreements about who should determine the appropriate balance between industrial development and environmental protection.<sup>8</sup> Environmental activism focuses attention on the systemic regulatory causes of environmental pollution.<sup>9</sup> It advocates fundamental regulatory reforms that give citizens rights to determine what constitutes an appropriate balance between economic development and environmental protection. This body of knowledge proposes a radical, bottom-up regulatory alternative to the state-directed, top-down environmental management practices in Vietnam.

Few studies in Vietnam have investigated the numerous small-scale disputes that develop without access to global knowledge about environmental activism.<sup>10</sup> Our article examines three disputes that occurred in rural farming areas located outside the direct influence of urban-based social organizations. We draw on in-depth interviews to understand who makes claims on the environment and whether knowledge about environmental activism changed how those claims were framed and asserted.

Our study concentrates on the understudied interaction between environmental protests and state responses rather than focusing exclusively on the mobilization of environmental protests—a topic already thoroughly investigated in Vietnam.<sup>11</sup> This interaction is difficult to research, because state officials are often reluctant to discuss how public protests shape official decision making. Despite this empirical limitation, officials in our

interviews expressed concern about environmental protests, especially claims for environmental justice that challenged top-down environmental management practices. Our findings are consistent with other studies in Vietnam that have identified government responses to public protests.<sup>12</sup>

We begin with an overview of environmental disputes in Vietnam and then develop a theoretical framework that enables us to classify and compare different types of environmental disputes. We distinguish between protests that make “weak” environmental sustainability claims that seek justice through compensation and those we call “strong” environmental sustainability claims, which attribute environmental injustice to shortcomings in the political structures underlying the environmental management system.<sup>13</sup> Our case studies found that access to knowledge about environmental activism proved decisive in changing such weak claims into strong claims that demanded public rights to participate in environmental decision making. Strong claims transgressed deeply entrenched political and regulatory principles concerning who should manage the environment. The analysis section examines why officials responded differently to weak and strong environmental sustainability protests. Following Jacques Rancière,<sup>14</sup> we argue that public acts of defiance that disrupt state expectations about who should manage the environment can sometimes compel reluctant state authorities to act against polluters.

## Background to Environmental Disputes in Vietnam

Interest in environmental protection in Vietnam initially focused on the physical harm caused by Agent Orange, the herbicide used by the US Army in Vietnam from the early 1960s until 1971.<sup>15</sup> As the pace of industrial development and urbanization increased during the 1990s, attention moved to air and water pollution, as well as forest conservation.<sup>16</sup> During the last twenty years, environmental disputes have erupted over air and water pollution caused by industrial processes and power generation, as well as land degradation from mining and hydroelectricity projects.<sup>17</sup> Industrial waste discharges into the Thị Vải River by Vedan in 2008,<sup>18</sup> followed by proposals to mine bauxite in the Central Highlands in 2009,<sup>19</sup> triggered the first broadly based environmental protection campaigns in Vietnam.

Most large-scale protests have been directed at foreign-owned firms, such as the Hong Kong-based Vedan and Taiwanese-owned Formosa Steel, even though studies show that state-owned or -controlled enterprises are the most egregious polluters.<sup>20</sup> Mass protests have mobilized around specific incidents of environmental harm, such as waste discharges into rivers, bauxite mining, and air pollution from factories and power generators.<sup>21</sup> In contrast, there is little organized opposition to widespread environment degradation, such as air pollution from motorcycles. As Ortmann explains, “there exists neither a broad-based environmental movement nor any large environmental organizations”<sup>22</sup> to sustain opposition to systemic pollution.

Although there are no publicly available statistics disclosing the precise number of environmental protests in Vietnam, a combination of sources suggests a growing number of conflicts. The United Nations Development Programme’s (UNDP) *Justice Index 2015* found that environmental disputes are increasingly among the most common types of administrative complaints in Vietnam.<sup>23</sup> In addition, a report prepared by Vietnam’s Ministry of Natural Resources and Environment (MONRE) identified seventeen large-scale, public environmental protests that occurred between 2013 and 2017.<sup>24</sup> Suggesting a much higher level of disputation, the report also identified over one thousand five hundred prosecutions for serious violations of environmental standards between 2006 and 2014. After reviewing newspaper reports and other sources, Ortmann found an additional fifteen environmental disputes that occurred between 2010 and 2016, which had attracted hundreds and in some cases thousands of protesters.<sup>25</sup> This data supports estimates by MONRE officials that more than one hundred environmental disputes occur across Vietnam each year.<sup>26</sup>

Most Vietnamese studies attribute environmental disputes to disagreements arising from the unequal distribution of the benefits and harm produced by economic development.<sup>27</sup> Assuming that environmental conflict is socially damaging, these studies recommend improved systems for environmental management and mediation. Reflecting this view, a report prepared by the Institute of Strategy and Policy on Natural Resources and Environment in 2013 concluded that improved dispute resolution

mechanisms could resolve most environmental conflicts.<sup>28</sup> It proposed a model mediation process designed to more fairly distribute environmental benefits and harm.

What is missing from these studies is any interest in how protesters conceptualize environmental disputes. Environmental disputes are portrayed as social pathologies that require mediation and management—claims by protesters for more say in environmental planning are ignored. These studies also disregard the informal processes, such as public protests and social media campaigns, that sometimes convince reluctant state officials to act against polluting industries. In focusing on this understudied informal interaction, this article aims to generate fresh insights into the processes shaping official responses to environmental disputes in Vietnam.

## Theory and Methodology

Recent scholarship has challenged the assumption that environmental conflicts are an entirely negative phenomenon that should be managed or resolved through negotiation and consensus seeking.<sup>29</sup> Political, economic, and cultural factors complicate dispute resolution in both advanced industrial countries and rapidly developing countries such as Vietnam.<sup>30</sup> This scholarship posits that environmental conflicts are intrinsic to economic development. Rather than a phenomenon to be avoided, they have the potential to transform organizational systems that enable harmful environmental pollution to occur.<sup>31</sup> While conflict resolution concentrates on reaching settlements and resolving environmental crises, conflict transformation explores the broader question of how citizens can pursue environmental justice. This approach invites inquiry into who should participate in environmental decision making and whether the state should recognize alternative worldviews about environmental management.

Conflict theorists distinguish between transformative and transitional change.<sup>32</sup> According to Mark Pelling, Karen O'Brien, and David Matyas, transformations include "radical shifts, directional turns or step changes in normative and technical aspects of culture, development or risk management."<sup>33</sup> Ben Kerkvliet has linked this type of transformative change in Vietnam to regime critics, who "disagree 'with the basic principles of the political system' and 'express such disagreement in public.'"<sup>34</sup> Some

protesters in our study qualify as regime critics, because they challenged the basic principles of the political system. We have classified this type of protest as “strong” environmental sustainability claims<sup>35</sup>—protesters questioned the regulatory processes that enabled environmental harm in the first place. Strong claims are inherently political and dissenting in nature, because they aim to replace top-down state management with bottom-up public participation in environmental management.

Research suggests that strong sustainability protests are more likely in urban than rural settings.<sup>36</sup> Urban-based environmental campaigns are often linked to global networks that provide access to knowledge concerning environmental activism. This body of knowledge encourages protesters to transcend localized concerns about the equitable distribution of resources, and challenge the political and regulatory structures that enable environmental harm. The Hà Nội tree-felling dispute in 2015 exemplified this type of environmental activism, as it promoted the right of citizens to participate in environmental decision making.<sup>37</sup>

Research shows that rural environmental protests generally aim to correct inequalities by transferring resources to aggrieved groups—for example, by increasing compensation for harm caused by pollution.<sup>38</sup> We have classified this type of dispute as “weak” sustainability claims, because they seek transitional change that leaves intact the system responsible for generating the environmental injustice. Protesters in weak sustainability claims are not regime critics, nor do they challenge the underlying political and regulatory system. Although rural disputes sometimes escalate into violence, they generally remain weak protests. Without access to knowledge regarding environmental activism, anger against polluters and state officials rarely transforms into radical claims for regulatory reform.

Our article makes two interrelated arguments. It claims that knowledge about environmental activism transformed weak sustainability claims into strong claims. In addition, it argues that state officials responded differently to weak and strong sustainability protests. Rancière offers a promising theoretical framework for understanding why state officials might feel compelled to respond to strong sustainability claims that challenge the basic principles of the political system that underlie state environmental management.<sup>39</sup>

Rancière developed an analytical framework to explore why governments often respond to transgressive political protests while ignoring protests that comply with state-sponsored political and regulatory norms. He used the term "partition of the sensible" to depict the taken-for-granted configuration of perceptions and meanings that allows communities to define the conditions in which protests can be formulated and recognized as community views.<sup>40</sup> The partition of the sensible comprises the epistemological assumptions that shape community worldviews. Following neo-Gramscian theory,<sup>41</sup> Rancière argued that states use police action (laws, policies, and administrative action) to shape and maintain hegemony over community worldviews. This type of hegemonic process has been observed in environmental management in Vietnam, where the state uses legal and extralegal mechanisms to promote the worldview that only the state possesses the moral authority and expertise to regulate the environment.<sup>42</sup>

Rancière's work supports our study by showing why public dissent that challenges state-sponsored worldviews can sometimes transform regulatory thinking.<sup>43</sup> He argues that dissent disrupts the state's expectations about which physical and dialogical spaces the public can occupy. For example, by demanding public participation in environmental management, protesters can signal defiance that disrupts assumptions about which actors are entitled to take political acts and what constitutes appropriate political behavior. Dissent creates a break within state order that allows space to reshape the epistemological frame within which community worldviews are determined. Regulatory changes can arise when protests make injustices visible, and states feel compelled to correct the wrong to regain public legitimacy.<sup>44</sup>

Three core research questions derive from this theoretical framework:

- What role does knowledge about environmental activism play in transforming weak sustainability protests into strong sustainability protests?
- Do state officials respond differently to weak and strong sustainability protests?
- What is the potential for environmental protests to transform the environmental regulatory system?

TABLE 1: Interview list

Protests	Local officials	Environmental police	Firm managers	Protesters	Researchers	Dates
Sonadezi	7 (11)	4 (5)	4 (6)	10 (14)	2 (2)	Oct. 2–7, 2017
Đồng Nai	interviews	interviews	interviews	interviews	interviews	
Sông Lam	8 (10)	2 (2)	5 (7)	14 (15)		Sept. 20–30, 2017
Nghệ An	interviews	interviews	interviews	interviews		
Cầu Lường	7 (10)	1 (1)	5 (6)	12 (13)		Sept. 12–16, 2017
Hưng Yên	interviews	interview	interviews	interviews		

Note: Numbers in parentheses refer to the total number of interviews conducted.

## Data Collection

The case studies in this article were selected from a list of twenty-one environmental disputes suggested by MONRE. We investigated five disputes in farming regions located outside urban and peri-urban centers. For this article we focused on three disputes that demonstrate how access to knowledge about environmental activism can change weak sustainability claims into strong ones. These disputes took place along the Cầu Lường River in northern Vietnam, near the Sông Lam Sugar Factory in central Vietnam, and at the Sonadezi Industrial Park in southern Vietnam. We omit two disputes that occurred in Bình Dương and Thái Bình Provinces, because they were similar to the Cầu Lường River case and did not add much to the discussion. Our findings show that only the protesters in the Sonadezi dispute accessed knowledge about environmental activism that changed a weak sustainability claim into a strong one.

In-depth interviews were conducted in 2017 with the key actors involved in the environmental disputes, including provincial, district, and commune officials; managers of industrial firms; and protesters (see Table 1). We used letters of introduction from MONRE to gain permission from local authorities to conduct the interviews. Interviewees were identified through a combination of purposive-, niche-, and snowball-sampling methods.<sup>45</sup> Discussions with the leaders of people's committees at the provincial, district, and commune levels led to introductions with officials who had been involved in the disputes. Protesters were selected from households affected to varying degrees by environmental pollution. We also used personal introductions to identify additional interviewees. The interview data was



cross-checked against written sources, such as research reports, newspaper articles, and social media commentaries. Supplementary interviews were conducted with government officials, lawyers, and members of social organizations involved in environmental disputes. Most interviews were conducted on the condition of confidentiality.

## Regulatory Background to Environmental Disputes

Environmental regulation in Vietnam remains faithful to the Marxist-Leninist belief in a powerful and centralized regulatory system.<sup>46</sup> This has resulted in a top-down regulatory system that gives officials broad discretionary powers over environmental management. Despite reforms that introduced clearer environmental protection laws and constitutional recognition of the right to live in a “clean environment,” officials continue to flexibly interpret and apply environmental rules.<sup>47</sup> As Dara O’Rourke observes, rather than following the letter of the law, in Vietnam “[v]irtually every aspect of environmental policy and regulation is open to negotiation.”<sup>48</sup>

The Law on Environmental Protection No. 55/2014/QH13 (LEP), introduced in 2014, strengthened Vietnam’s environmental protection framework.<sup>49</sup> Much of the regulatory burden for approving and monitoring Environmental Impact Assessments (EIAs) falls on the Department of Environmental Appraisal and Impact Assessment. To date, this agency lacks the power to influence the state agencies that oversee the implementation of industry policy in Vietnam, and it also lacks the resources to effectively monitor and enforce EIAs.<sup>50</sup> These political and resource problems are replicated at the local level. Local authorities, including environmental police [*cảnh sát môi trường*], maintain close ties to the state-owned or controlled enterprises that are responsible for much of the industrial pollution.<sup>51</sup> Despite the increasing professionalization of environment officials, regulatory authorities often lack the political will and technical resources to effectively establish and monitor emissions standards.<sup>52</sup>

Space has emerged for public participation in environmental decision making through local elections, public hearings, social media, and even social protest, all of which provide feedback to the government.<sup>53</sup> However, further progress in this direction is limited by the party-state, which

steadfastly refuses to give social organizations and citizens a meaningful role in environmental planning and management.<sup>54</sup> Reforms to LEP that promised social organizations rights to access information, investigate environmental problems, and petition the government remain unfulfilled. Social organizations are required to act nonpolitically and often work unofficially to avoid the appearance of openly supporting environmental protests.<sup>55</sup> The “community-driven regulation” of the environment foreshadowed by O’Rourke in 2004 has not materialized, because local communities are actively excluded from the decision making that balances economic development and environmental protection.<sup>56</sup> State officials resist attempts to make members of the public active participants in managing the environment.

Citizens turn to local government authorities for solutions to environmental pollution.<sup>57</sup> District-level people’s committees are required to settle petitions, while communes are responsible for mediating environmental disputes. Studies show that Vietnamese citizens struggle to advance their claims in local government forums. Decisions made at this level are often open-ended, as officials apply the law flexibly, with little regard for legal consistency or process.<sup>58</sup> Decision making is further compromised by the dual role played by local officials. The same officials who approve development projects present themselves as impartial mediators. A national survey found that less than one-third of environmental claims lodged with local government authorities were successful, leaving more than two-thirds of cases unresolved.<sup>59</sup>

Taking polluters to court is even more difficult.<sup>60</sup> Surveys show that less than 10 percent of the public believe that court actions can resolve environmental conflicts.<sup>61</sup> Technically complex, environmental litigation is beyond the resources of many individual citizens, while class actions that might allow citizens to combine legal actions are forbidden in Vietnam. In the few environmental disputes that have progressed through Vietnamese courts, litigants have struggled to prove a causal link between industrial processes and environmental harm.<sup>62</sup>

Frustrated by state processes, increasing numbers of Vietnamese citizens are turning to confrontational strategies, such as public protests, to improve their bargaining position. Surprisingly, in an authoritarian polity where the

public has little input or formal means of recourse in environmental management, the case studies considered in this article show that citizens in some circumstances can change environmental decision making.

## Case Study: Cầu Lường River Dispute

### *Dispute Background*

The Cầu Lường River flows through the industrial heartland of Vietnam’s Hưng Yên Province—one of the most rapidly industrializing areas in Vietnam. In 2015, the province recorded the second-worst air quality and the worst water quality in Vietnam.<sup>63</sup> Residential sewage and wastewater discharges from more than twenty industrial enterprises drain into the river.<sup>64</sup> For over a decade, residents in Ngọc Lâm Commune, who live close to the most polluted sections of the river, complained about toxic smells, crop damage, and serious health problems. According to Vũ Thị Mừng, a local resident: “Our people now live in a dark haze, with blackened water. The government has not resolved the problem for many years.”<sup>65</sup> Numerous petitions sent to the Mỹ Hào District People’s Committee and the Hưng Yên People’s Council went unanswered.

Frustrated and angry about the lack of action, in December 2013, more than two hundred people from Vô Ngại demonstrated outside the Ngọc Lâm Commune People’s Committee.<sup>66</sup> Lê Thị Diên, a resident of Ngọc Lâm Commune, recalled: “We asked them to shut down the plant, relocating it as soon as possible. We cannot live if they let the pollution last forever like this.”<sup>67</sup> Villagers demanded the removal of firms causing water pollution, reduced sewage discharges, and the restoration of the river to its natural condition. Later that day, protesters blocked the gates of the companies considered responsible for the most toxic waste discharges. The companies did not respond to the protesters.

Some commune officials sympathized with the protesters. As one official put it: “From 2010 up to now, villagers and village authorities have regularly consulted with commune authorities at all levels and the industry...to find solutions to reduce the pollution of the Cầu Lường River, but somehow the pollution is more serious.”<sup>68</sup> Journalists investigating the dispute were less cautious about attributing blame and questioned

“whether or not the authorities of Mỹ Hào District deliberately ‘silenced’ the petitions from people.”<sup>69</sup>

Without expert technical assistance, residents struggled to demonstrate a causal connection between wastewater discharges and pollution in the Cầu Lường River. District officials claimed that industrial wastewater discharges were not the only source of pollution, as residential sewage also polluted the river. Although concluding that it would be “uncivilized” [*không văn minh*] for residents to live in fear of contracting diseases from the river, district officials were unwilling to attribute sole responsibility to local firms. They argued that most firms were complying with their license conditions, while in other cases the excess discharges were insufficiently serious to warrant cancelling business licenses. Officials refused to negotiate with residents and instructed them to compromise and accept nominal payments as compensation for the pollution.

Following the protest, the Provincial Department of Natural Resources and Environment instructed the Department of Natural Resources and Environment in Mỹ Hào District to investigate the waste discharges. In 2014, offending firms were fined and ordered to upgrade water management systems to comply with the prescribed standards.<sup>70</sup> In return for donating funds to community welfare projects, firms were permitted to continue polluting the waterways.

### *Claiming Environmental Justice*

Although residents reluctantly accepted compensation payments, they continued to believe that the balance between economic development and environmental harm was inequitable. In a representative account, a resident claimed: “We have not received any benefits from those enterprises but polluted air and water, as well as cancer victims. Why are we expected to suffer?” Residents thought that the firms reduced costs by discharging untreated waste into the river systems—a process that transferred the environmental costs onto the local community. Residents could discern few tangible improvements flowing from local government interventions into the dispute. They believed that waste discharges continued to cause health problems. As one resident lamented: “What’s good? Only cancer! We are so worried.”

Although portraying the protesters sympathetically, state media analyzed the dispute from a state-centered perspective. For example, a report from the Vietnam Association of Conservation and Nature and Environment Protection attributed the dispute to shortcomings in state environmental management, such as unclear legal guidelines and a lack of coordination between relevant government agencies.<sup>71</sup> Online newspaper commentaries also ascribed blame to regulatory failure. For example, an article in the *Công Lý* [Justice] newspaper examined how the state licensed and monitored the firms that discharged waste into the Cầu Lường River.<sup>72</sup> It concluded that district officials had not enforced license conditions rigorously and that staff required more effective training.

State media focused on regulatory failures, without questioning the regulatory system that authorized high levels of waste discharge. It reinforced the worldview that only the state is capable of resolving environmental problems. Residents did not receive external assistance in conceptualizing the protest and lacked access to knowledge about environmental activism. Without this knowledge, it did not occur to them that distrust of state officials could transform into demands for public participation in planning and monitoring polluting industries. Rather than challenging the state regulatory system, the residents made weak sustainability demands for more compensation and the relocation of polluting industries. They did not conceptualize the dispute in political terms as a symptom of a larger regulatory problem.

## Case Study: Sông Lam Sugar Company

### *Conflict Background*

The Sông Lam Sugar Company was founded in 1958 with a gift from the Chinese government. As one of the largest sugar manufacturers in Vietnam, it became a source of national pride. In 1998, the company moved to Anh Sơn District, a mountainous region in Nghệ An Province.<sup>73</sup>

Soon after the factory doubled production in 2010, residents in Đình Sơn Commune, which adjoins the factory, began protesting against air and water pollution. They complained that smoke and soot from sugarcane processing changed “a wet white shirt into a dry grey one” at a distance of up to 1.5 km

from the factory, and adversely affected their health. Frustrated by official inaction, in May 2014 hundreds of residents protested outside the Đình Sơn Commune People's Committee and then blocked the main entrance gate to the Sông Lam Sugar Company. Local government officials calmed the angry protesters by promising an investigation into the factory's environmental impact.

Environmental police discovered violations of emission standards and imposed a token fine of 155 million đồng (VNĐ). Although district officials ordered the firm to install new wastewater processing and smoke-mitigation systems, they refused to change the license conditions to substantially reduce air and water discharges. As a senior district official noted: "If the company stops operating due to environmental pollution, it would be hard for both the local government and the citizens." Officials throughout the protest consistently refused to negotiate with the residents and change the basis for calculating compensation so that it reflected the actual harm suffered. They rejected attempts by citizens to participate in environmental management.

#### *Claiming Environmental Justice*

Opposing the Sông Lam Sugar Company presented a dilemma for some residents. Although pollution harmed their health and livelihoods, the company provided employment for 180 workers and purchased sugarcane from more than 4,250 farming households. Reflecting this ambivalence, a local fisherman noted: "This river is the economic source for hundreds of households in our district. Many households got rich because of this model [the sugar industry], but after the factory polluted the water and fish died, people have quit the search for work."<sup>74</sup>

Other residents pushed for substantial reductions in air and water pollution. A local schoolteacher formed a village protest committee to write complaint petitions [*đơn kiến nghị*] and mobilize opposition. Protesters initially framed the dispute as a contest over natural resources. They argued for an equitable balance between industrial production and environmental protection—posing the question: "Why should some people suffer pollution for the benefit of others?"

The residents' position hardened when the company and district officials refused to acknowledge their suffering. For example, an assistant

director of the company denied responsibility for the polluted river: “Our company only grows sugar cane and sells sugar and the problem of pollution is not our concern.”<sup>75</sup> Evincing a similar lack of empathy for local residents, a district official dismissed the complaints by saying: “We cannot expect industrial production to smell like perfume.”

Eventually the protesters began to question whether the regulatory system was capable of reducing pollution to acceptable levels. This shift in thinking reflected criticisms made in blogs that high pollution levels were not caused by regulatory failures, as claimed by the state media, but were legalized by the regulatory system. Bloggers claimed that district officials licensed violations of EIAs by imposing token fines or overlooking unlawful waste discharges.<sup>76</sup> As one blogger put it:

Due to the unbearable conditions, the people have many times organized demonstrations, throwing bricks into the factory. Responding to the protests, state authorities have conducted inspections and imposed sanctions. The sanctions were suspended after only a few days. But Song Lam Sugar Company continues to pollute the environment with toxic chemicals.<sup>77</sup>

Protesters also began to suspect collusion between district authorities and the company. Blog posts by a journalist from *Tài Nguyên & Môi Trường* [Environment and Resources] corroborated these misgivings by reporting discrepancies in explanations given by commune and district level officials.<sup>78</sup> When interviewed by reporters, Nguyễn Hữu Sáng, Chairman of Anh Sơn District People’s Committee, expressed surprise at learning about the pollution: “I have never heard reports about this story. I will give you the inspection immediately and will take measures.”<sup>79</sup> Contradicting this position, Nguyễn Văn Hiệu, Chairman of the Đình Sơn Commune, said that the “commune has received many complaints from people about the pollution situation here...and had worked with the company and district to find solutions.”<sup>80</sup>

In contrast to the Cầu Lường River dispute, protesters in the Anh Sơn dispute were exposed not only to state-media commentary that portrayed the dispute as a regulatory failure but also to blog posts that criticized the regulatory system for using negative licensing (small fines) to legalize waste discharges that violated environmental standards. Bloggers hardened the

protest. Initially, protesters had framed the dispute as a contest over access to natural resources, but as the dispute progressed, they began to question whether environmental justice was possible under the existing regulatory system. Without access to knowledge about environmental activism, the protesters did not take the next step toward regime criticism and challenge the state's monopoly over environmental management. In the next case study, protesters used knowledge about environmental justice to challenge state power.

## Case Study: Sonadezi Long Thành Industrial Park

### *Conflict Background*

In this case, an industrial park polluted waterways in Đồng Nai Province—one of the most industrialized regions in Vietnam. It is instructive in showing how access to knowledge about environmental activism transformed a weak sustainability claim into a strong claim for public participation in environmental management. After years of weak protest, aggrieved farmers eventually used strong protests to compel state authorities to negotiate with them directly and take action against Sonadezi Long Thành Industrial Park, the government-controlled enterprise held responsible for polluting the Đồng Nai River.

Although Sonadezi commenced operations in 2003, it was not until 2006 that local farmers began complaining about wastewater polluting the Đồng Nai River. After years of petitioning, provincial authorities in 2009 discovered wastewater discharges that violated licensed levels, and fined Sonadezi 17 million VNĐ. Undeterred by this nominal fine, the company continued discharging unlicensed quantities of wastewater, and local officials ignored numerous complaint petitions. In early 2011, the Department of Propaganda and Education of Đồng Nai Provincial Party Committee issued a press release declaring: “Sonadezi has overcome the pollution problem.”<sup>81</sup>

Several months later, in August 2011, acting on information received from farmers, environmental police detected the illegal discharge of nine thousand three hundred cubic meters of untreated wastewater through a secret pipeline feeding into the Bà Chèo Canal. As an environmental



police officer explained: "This incident cannot be excused. Misconduct is clear and cannot be justified. We are investigating carefully, in a prescribed way, ensuring proper handling according to the law."<sup>82</sup> The discharge affected approximately six hundred hectares of agricultural land bordering the canal. More than two hundred farming households lodged petitions claiming compensation from the company.

At a press conference following the discovery of the illegal discharges, Đỗ Thị Thu Hằng, the Chief Executive of Sonadezi, claimed "the policy of Sonadezi is always to comply with the rules."<sup>83</sup> She categorically denied the company's involvement in the discharges. In frustration, hundreds of angry farmers protested outside local government offices and the Sonadezi Industrial Park. Responding to the protests, the Đồng Nai Provincial People's Committee commissioned the Institute for Environment and Resources at the Vietnam National University in Hồ Chí Minh City [Viện Tài nguyên và Môi trường, Đại học Quốc gia Thành phố Hồ Chí Minh] to evaluate the damage. The institute concluded that the pollution affected one hundred of the six hundred hectares of agricultural land bordering the canal. In 2015, four years after the illegal discharge, the provincial government fined Sonadezi more than 400 million đồng and notified the farmers, who were to share 15.5 billion đồng in compensation payments.

This offer did not resolve the dispute, and aggrieved farmers continued to lodge petitions and stage public protests demanding compensation based on the actual harm sustained. With the assistance of a retired environmental scientist living in the area, protesters began to demand fundamental changes to the regulatory system. In addition to claiming more compensation, the farmers demanded the right to negotiate directly with officials and participate in environmental decision making. This politically transgressive claim provoked a response from the officials that we did not observe in the Cầu Lường and Sông Lam cases. As the farmers began challenging the state's monopoly over environmental regulation, officials who had previously refused to negotiate with the farmers opened direct discussions to change the way compensation was calculated and to develop a more transparent environmental monitoring regime. This engagement with the protesters occurred despite strong opposition from Sonadezi, a politically powerful state-owned enterprise.

### *Claiming Environmental Justice*

Following the discovery of illegal discharges in 2011, the Hội Nông dân Việt Nam [Vietnam Farmers' Association] lodged a complaint petition on behalf of the aggrieved farmers.<sup>84</sup> When Sonadezi refused to acknowledge liability, Lê Văn Mai, vice chairman of Tam An Commune Farmers' Association, opined: "Some still believe that the damage is due to many other reasons. That's not right. Long ago, fish and shrimp swam and developed, they were not dead like now."<sup>85</sup> After the province made the compensation offer in 2015, the Farmers' Association changed sides and began urging farmers to stop protesting and to accept the payment. Reflecting this about-face, Nguyễn Thị Thu Hà, chair of the Long Thành District Farmers' Association, declared the negotiation of compensation agreement with Sonadezi a "considered success."<sup>86</sup>

Many farmers continued petitioning after 2015, because they believed the compensation process was unjust. They were angry that Long Thành District officials and Sonadezi refused to negotiate with them about compensation payments. Officials convened meetings to instruct rather than listen.<sup>87</sup> Adding to the farmers' sense of injustice, Sonadezi consistently denied liability and insisted on calling the payments "loss support" [*hỗ trợ thiệt hại*] rather than "compensation" [*đền bù*], which would have acknowledged their culpability.

In addition, farmers questioned the impartiality of the Institute for Environment and Resources, the body commissioned by the provincial government to evaluate the compensation. They equated the evaluation processes to "sitting in an office and using a compass to circle the impacted area on a paper map." For example, they argued that the institute underestimated the area affected by the discharge and should have included properties on both sides of the Bà Chèo canal. Furthermore, they claimed that some households located a long distance from the discharge point received more compensation for crop damage than farmers located closer to the industrial park.<sup>88</sup>

Adding to the sense of injustice, farmers thought the offer unfair when compared to compensation paid in the Vedan water pollution case.<sup>89</sup> As one farmer explained:

If you compare Vedan, you can see that Sonadezi's discharge is more than nine thousand cubic meters and they paid 12 billion đồng in compensation. Vedan paid 140 billion đồng in compensation while discharging less....

Moreover, this must be more toxic than Vedan, as Vedan is a food-processing firm, so it cannot use more chemicals than the enterprises here in Long Thành Park that manufacture things with dyes, batteries, and paints.

Farmers also suspected local authorities colluded to protect the industrial park and could not be trusted to monitor the waste discharges.<sup>90</sup> They pointed to a discrepancy between the park's wastewater treatment capacity and wastewater discharges reported by industries operating in the park. This led them to conclude: "This is not a one-time accident, surely. You can just compare the waste-processing capacity of the park and the total sewage of all the firms in the park." Farmers argued that the discharges were not carefully monitored, as claimed by government officials, because the illegal discharge of wastewater was continuing.

Further suggesting collusion, farmers thought that the local government attempted to cover up the unlawful waste discharges. They referred to instructions by the Đồng Nai Party Committee's Propaganda and Training Committee forbidding the media from mentioning Đỗ Thị Thu Hằng (chief executive of Sonadezi) by name, or from releasing "false information that leads to abuses and distortions that incite the masses."<sup>91</sup> At this time Đỗ Thị Thu Hằng was the deputy secretary of the Đồng Nai Party Committee and later became a member of the National Assembly.

Ultimately many farmers lost faith in the impartiality of the regulatory system. As one elderly farmer exclaimed bitterly: "I got fed up with the term '*còn nhiều bất cập*' [many inadequacies]. They should specify the actual problems rather than just saying '*còn nhiều bất cập*.'" Other farmers believed that local officials were unresponsive to public claims. According to one farmer: "If you ever need to claim anything, you would be in trouble right from the foot of the office stairs."

When the Farmers' Association withdrew support, aggrieved farmers turned to a retired environmental scientist for advice.<sup>92</sup> He used knowledge about environmental activism to reconceptualize the dispute. Unlike the protest leaders in the Cầu Lường River and Sông Lam disputes, he urged the farmers to look beyond the state for solutions. He argued that the existing regulatory system limited the range of possible remedies to outcomes that favored economic development over environmental protection.

For example, he explained how the environmental regulatory system facilitated collusion between politically connected polluters and state officials. The problem with the system was not just a lack of rigorous monitoring and enforcement, as state officials and the media claimed, but rather a systemic bias that favored economic development over the environment. Protests framed within this regulatory system could only deliver nominal compensation and ongoing environmental harm. He argued that environmental justice was not possible under the existing regulatory settings and urged farmers to challenge state power by demanding rights to negotiate compensation based on the actual harm sustained, rights to monitor waste discharges, and rights to plan environmental development. These demands challenged basic political principles, because they disrupted the hegemonic worldview that only the state is capable of managing the environment. The retired scientist opened the protest to a broader ecology of causations and possible sites of intervention that reset the balance between economic development and environmental protection, and between state management and public participation.

Farmers were influenced by this transgressive agenda and began to demand regulatory reforms that enlarged the policy-making circle. They depicted the dispute as a symptom of regulatory exclusion, advocating legislative and policy reforms that would give them concrete legal rights to prevent industries from harming the environment. Reflecting this view, farmers argued: “After ‘triumphing’ in the Vedan pollution incident, which forced the company to compensate the people, it seems that society has begun to hope for a shift in how people use the law to protect their legitimate rights and interests.”<sup>93</sup> In particular, farmers wanted legal rights to challenge planning decisions that located polluting industries in sensitive rural areas. They also wanted clearer legal mechanisms to seek fair and effective punitive damages. These changes involved public rights to participate in planning industrial development, as well as improved access to the courts to enforce legal rights to a clean environment.<sup>94</sup>

Some outside commenters supported the farmers’ claim for environmental rights. For example, Nguyễn Văn Hậu, a lawyer specializing in environmental disputes, noted: “From my experience, without the cooperation of the parties, such as lawyers, and the Farmers’ Association, etc., the

people are very vulnerable. The legal system for litigating and enforcing environmental protection, conflict resolution mechanisms, and disputes is not yet appropriate."<sup>95</sup> He went on to say that environmental litigation would remain ineffective until litigants were permitted to pool resources in class actions.

Trần Tử Văn Anh, an environmental researcher at the Đại học Mở Thành phố Hồ Chí Minh [Hồ Chí Minh City Open University], also argued that farmers needed institutional support to challenge politically connected polluters such as Sonadezi.<sup>96</sup> She attributed the favorable outcome in the Vedan dispute to external support. "If there was no drastic action initiated by the Farmers' Association, Hồ Chí Minh City lawyers, and consensus from other social groups, it would have been difficult to change the direction of the Ministry of Natural Resources and Environment, gain support from the local government, and achieve success in Vedan."<sup>97</sup>

The retired scientist translated global knowledge about environmental activism into terms and idioms that the farmers understood. Using this knowledge, the farmers transformed a claim for compensation into a radical political demand for public participation in environmental planning. This shift entailed a more serious engagement with the broader politics and legality of environmental regulation and placed less emphasis on personal claims for compensation. With guidance from the scientist, the farmers advocated transformative change that would fundamentally alter how Vietnamese citizens and government officials managed the natural environment.

Local officials responded to the radical demands for public participation by entering into direct negotiations with the farmers, something they had consistently refused to do before the change in tactics. Our findings suggest that the officials were primarily responding to the transgressive claims—there was no evidence of other intervening factors that might explain their reaction, such as threats of mass protest or intervention by higher authorities. Following discussions with the farmers, officials agreed to base the calculation of compensation on the actual harm suffered and to develop a more transparent mechanism for monitoring waste discharges from the industrial park. This case shows how a shift from weak to strong sustainability claims can compel officials to more equitably balance economic development and environmental protection.

## Analysis

### *Linking Environmental Activist Knowledge to Strong Sustainability Claims*

The three environmental protests examined in our study exist along a continuum, with weak sustainability claims at one end and strong sustainability claims at the other. Our findings show that access to knowledge about environmental activism, especially public participation in environmental planning, played a pivotal role in shaping strong sustainability claims. We acknowledge the influence of other variables, such as community organization, access to resources, tight controls over political space, and the degree of environmental harm. Finding few substantive differences in these variables across the case studies, we concluded that access to knowledge about environmental activism played a key role in transforming weak sustainability claims into strong ones.

More specifically, we found comparable levels of community mobilization in each case study. Protest committees organized petitions and staged public demonstrations outside the polluting factories. The retired scientist in the Sonadezi case provided information that transformed how the farmers conceptualized the dispute, but he did not participate in protest organization.

Protesters in the three case studies also encountered similar resource constraints, especially access to the technical advice required to demonstrate causal links between polluting industries and environmental harm. In addition, we found comparable political constraints across the case studies. Polluters in each study colluded with local governments to license environmental harm and worked closely with officials to exclude citizens from participating in environmental management. We also found no evidence of high-level political interference in the cases that might have accounted for the different outcomes. Finally, the level of environmental harm did not influence how protesters conceptualized the disputes. Residents in the Cầu Lường River dispute arguably suffered the most severe physical harm but articulated the weakest sustainability claims.

Our findings reveal a direct correspondence between access to knowledge about environmental activism and the claims articulated by protesters.

In the Cầu Lường River case, protesters conceptualized the dispute as a localized contest for compensation. Although distrustful of state environmental management, they lacked access to knowledge that connected top-down state regulation with poor environmental outcomes. Their main source of information was local officials and the state-owned media, both of which vigorously promoted the worldview that only the state is capable of managing the environment. Protesters tacitly accepted this state-centered message and framed the dispute as a failure of regulatory enforcement. This resulted in demands for more rigorous enforcement of environmental standards and requests to relocate polluting industries. These demands conformed to the asking-favor [*cơ chế xin cho*] relationship that underpins state environmental management. It did not occur to protesters that citizens might possess agency to manage the environment. As Rancière has shown,<sup>98</sup> taken-for-granted configurations of perceptions and meanings block inquiry into alternate solutions to social problems. Protesters in this case focused on transitional change that increased compensation, but they did not contemplate fundamental transformative reforms to the regulatory system that had enabled the damaging emissions.

The Sông Lam dispute occupies an intermediate position on the sustainability claim continuum. Protesters in this case accessed a broader range of knowledge than the protesters in the Cầu Lường River case. They moved beyond claiming more compensation and rigorous regulatory enforcement, attributing environmental harm to the unwillingness of local officials to act against politically connected industries. Bloggers reinforced this view, confirming suspicions that local government officials colluded with the polluter to allow unlawful discharges. Protesters lost faith in the impartiality of state officials and accordingly rejected the official position that more rigorous enforcement would reduce environmental harm. Yet without access to knowledge about environmental activism, they failed to transform their misgivings about state environmental management into radical calls for regulatory change. They claimed more compensation and reductions in pollution levels, but they did not challenge political principles by demanding public participation in environmental management.

Occupying the strong end of the sustainability continuum, protesters in the Sonadezi case demanded transformative changes to the regulatory

system. What distinguished this dispute from the other case studies was access to knowledge about environmental activism through a trusted intermediary. A core difference between transitional conflicts, such as the Cầu Lường River dispute, and transformative disputes is the way in which environmental justice is conceptualized. In transitional conflicts, justice is served by an equitable distribution of resources, such as an increase in compensation payments.<sup>99</sup> In contrast, transformative change involves “radical shifts, directional turns or step changes.”<sup>100</sup> Demanding a radical shift, protesters in the Sonadezi case looked beyond the state for solutions and argued for public participation in environmental regulation. Their demands were transgressive, because they challenged basic political-regulatory principles. As Simon Benedikter and Loan T. P. Nguyen recently observed, governance in Vietnam is “legitimized by the state’s ultimate epistemic power and wisdom, which makes redundant any form of extra-bureaucratic forces and democratic institutions.”<sup>101</sup> In this authoritarian space, claims for public participation in environmental management disrupt state order, because they raise the specter of civil society exercising political accountability over party-state officials.<sup>102</sup>

### *Provoking Regulatory Responses*

A growing literature shows that even in Vietnam’s tightly controlled political space, state officials respond to public pressure.<sup>103</sup> In diverse fields, such as land regulation, commune politics, and market regulation, a quiet, sometimes covert, process of negotiation and compromise adjusts party and state policy with viewpoints proposed by groups operating outside the party-state apparatus. State legitimacy is tied up in this process, as numerous studies have observed a public expectation that local governmental officials should flexibly adjust regulatory policies to avoid causing hardship to the people.<sup>104</sup> This literature is instructive in showing that in some circumstances local government officials feel compelled to creatively interpret and flexibly apply regulatory policies in order to maintain order and retain public legitimacy.

Building on this literature about responsive regulation, we argue that local government officials responded differently to weak and strong environmental sustainability claims. One explanation for the different responses



is found in Rancière's proposition that governments tend to ignore protests that comply with regulatory expectations and respond to those that transgress political boundaries.<sup>105</sup> Rancière showed that dissent creates a break within state order and allows space to reshape the epistemological framework within which community worldviews are determined. Although authoritarian states reflexively respond to dissent with suppression, the responsive regulation literature shows that local governments in Vietnam sometimes dialogically engage with protesters and change regulatory policies to regain public legitimacy.

Our findings show that weak sustainability claims were framed within political and regulatory boundaries and did not challenge the state's monopoly over environmental management. Claims for compensation and regulatory enforcement conformed to state expectations about how protesters should behave, and consequently they did not create a break within the state order.<sup>106</sup> Local authorities ignored complainants until citizens used disruptive protests to prod them into action. Eventually, the protesters became disillusioned and stopped protesting when they realized the authorities were unsympathetic and collaborated with the polluters.

Local authorities responded to the weak sustainability claims by marginally increasing compensation and tinkering with pollution levels. In the Cầu Lường River case, they did little more than declare the river polluted. We found similar government responses to weak sustainability claims in the Bình Dương Province and Thái Bình Province disputes. Although authorities in the Sông Lam Sugar case acted against the polluter, citizens were expected to endure high levels of pollution in return for economic development. Officials offered token compensation and rejected claims based on the actual harm suffered by the protesters. In refusing to negotiate directly with the protesters, local authorities treated the environment as an arena controlled by state authorities over which the public had little or no say. Official responded to weak claims by following the procedures stipulated in state environmental laws.

Protesters in the Sonadezi case disrupted the political order by challenging the government's monopoly over environmental management. They refused to accept nominal compensation payments, and they ignored instructions from local government officials and the Farmers' Association to

stop protesting. More provocatively, bloggers satirized and ridiculed state officials, exposing the absurdities and hypocrisy of the government's position. For example, Phạm Chí Dũng thundered: "Despite waves of intense public condemnation, the owner of this company was an untouchable congress delegate who made the complaints evaporate into thin air."<sup>107</sup>

By demanding public participation in environmental management, protesters signaled an awareness that farmers have political agency outside the party-state's sphere of influence. Challenges to public order and demands for equal recognition are acts of defiance that disrupt political norms governing who is entitled to take political acts and what constitutes appropriate political behavior. As Rancière observed, when the public performance of disorder becomes visible to the state, public "noise" becomes recognized as the voice of the people, opening a space in which to challenge governance.<sup>108</sup>

In a clear difference from the Cầu Lường River and Sông Lam Sugar cases, officials in the Sonadezi dispute responded to politically transgressive claims by flexibly applying environmental policy. Officials opened direct negotiations with the protesters, ignoring procedures that excluded citizens from the decision-making process. This is a significant policy concession that did not occur in the other cases studied. It is also an unexpected response, as Sonadezi used its considerable political influence to pressure officials not to negotiate with the protesters, believing this would embolden citizen activism. In another break with established practice, officials in the Sonadezi case agreed to base the calculation of damages on the actual harm suffered by farmers and to develop a more transparent mechanism that allowed farmers to monitor data regarding waste discharges from the industrial park. Both concessions flexibly applied environmental regulations, which ordinarily do not give citizens rights to negotiate compensation or monitor environmental discharges.

A correlation between strong sustainability claims and responsive regulation is found in other environmental disputes in Vietnam. Protesters in the Hà Nội tree-felling protest used the Facebook page "6.700 người cho 6.700 cây" [6,700 people for 6,700 trees] to galvanize opposition.<sup>109</sup> Rather than seeking transformative change and attempting to hold the government accountable for the tree-felling project, they demonstrated love for street trees and a green urban environment. When this weak sustainability claim

failed to stop the tree-felling program, bloggers on the Facebook pages “6.700 Cây Xanh” [6,700 Green Trees] and especially “Vì Một Hà Nội Xanh” [For a Green Hà Nội] promoted strong sustainability claims that would give citizens rights to participate in government decision making. As one blogger put it: “People were unhappy in part because of the loss of trees, but much more because they were marginalized from the decision making that closely related to their own lives.”<sup>110</sup> Bloggers also mocked and questioned the moral capacity of city leaders to govern. City officials responded to these transgressive demands by banning street demonstrations but also meeting with protesters and agreeing to abandon the tree-felling program.

A similar pattern of responsive regulation occurred in the Formosa Steel case, where industrial waste destroyed marine life on a massive scale. Government officials responded to initial weak sustainability claims by downplaying the environmental harm.<sup>111</sup> Protesters responded with strong sustainability claims for more transparency and public oversight in environmental management. In particular, they queried the compensation process, criticizing the absence of an independent environmental impact assessment.<sup>112</sup> They used the slogan “*Nước cần minh bạch*” [A country needs transparency] to galvanize demands for increased public oversight and participation in environmental management. Well-known blogger Mẹ Nấm [Mother Mushroom] posted commentaries on Facebook demanding to know “why did the fish die?” She blamed the state regulatory system for the environmental catastrophe and claimed that officials authorized or turned a blind eye to waste discharges. Other bloggers challenged the government. For example, one blogger claimed: “At the beginning, the government neglected the disaster despite the evidence. Now, it uses all possible means to stop affected villagers from complaining....They are stopping citizens from seeking justice.”<sup>113</sup> Public protests followed outside the Formosa Steel factory in Hà Tĩnh and in cities across Vietnam.<sup>114</sup> After initially protecting Formosa Steel, the government responded to public dissent by suppressing public protests but also negotiating with protesters to increase compensation to reflect the actual harm sustained, and agreeing to halt production until the company resolved the discharge problems.

A core question underlying these case studies is, why did an authoritarian state respond to dissent by recognizing public demands to participate in environmental management? Rancière offers an explanation: The public performance of disorder disrupted state expectations about how citizens should protest, giving them a “voice” that the government could not ignore.<sup>115</sup> He argues that liberal democracies are compelled to respond when public demonstrations make a social wrong visible and show that the state has failed to uphold constitutional rights of equality. Governments attempt to regain public legitimacy by demonstrating that they uphold the constitutional values of equality that they proclaim.

Although Rancière formulated his theory with liberal democracies in mind, with some adjustments this approach applies to illiberal polities. Although officials in illiberal states such as Vietnam are unlikely to respond to disruptive provocation by upholding liberal democratic values, they are sensitive to other forms of public legitimacy.<sup>116</sup> The literature identifies two types of public legitimacy—performance legitimacy and *uy tín* [prestige, involving trust, morality, and honor]—that are relevant to Vietnam.<sup>117</sup>

Commentators agree that rational-legal legitimacy based on constitutional and legal compliance remains embryonic in Vietnam.<sup>118</sup> Instead, the state claims performance legitimacy based on the proper use of power. Performance legitimacy requires effective governance that advances the public interest through economic and social development.<sup>119</sup> Although socialist governments in Asia have historically been reluctant to recognize a public interest outside the party-state, reforms aiming to professionalize the bureaucracy have encouraged state officials to act like public servants and craft policies that aggregate and reflect citizens’ interests and preferences.<sup>120</sup>

Strong sustainability protests as defined here challenge performance legitimacy by questioning the capacity of officials to equitably balance economic development and environmental protection.<sup>121</sup> For decades the government based its performance legitimacy on economic development. This changed following the promulgation of Politburo Resolution 41-NQ/TW on Environmental Protection in 2004, and now the party-state increasingly portrays itself as the defender of the environment. To attract performance legitimacy the government must somehow balance public demand

for material advancement with increasing support for environmental protection. Finding a socially acceptable balance for these competing agendas is proving difficult.<sup>122</sup>

Our findings show that local authorities initially responded to the environmental protests by attempting to balance development and environmental protection. For example, local authorities weighed contributions to employment, tax revenue, and social welfare funds in determining permissible levels of environmental harm. Enterprises that reduced harmful discharges by adopting mitigation technology were treated with greater leniency than those that resisted change. When protesters disrupted the state order by demanding more say over environmental management, officials attempted to restore performance legitimacy by shifting their support away from economic development toward environmental protection. For example, officials in the Sonadezi case strengthened environmental controls over the industrial park. Similarly, senior officials in the Hà Nội tree-felling case preserved the street trees, and in the Formosa Steel case senior officials suspended production until environmental discharges were controlled. Officials in these cases supported public participation as the payoff for enhanced public legitimacy.

Studies show a strong correlation in Vietnam between *uy tín* and a publicly acknowledged right to rule.<sup>123</sup> Especially at the local level, officials emphasize their moral capacity to govern.<sup>124</sup> As Kirsten Endres noted, “according to popular conceptions of virtuous leadership, a state official should be good hearted with the people and act in their interests.”<sup>125</sup> As a corollary, the public holds officials accountable to public standards of virtue [*đức*] and extends public legitimacy to governments that possess prestige—particularly moral prestige [*đạo đức*].<sup>126</sup> Prestige legitimacy sensitizes government officials to public moral censure.<sup>127</sup>

Protesters and bloggers in the strong sustainability protests publicly challenged the moral capacity and right of officials to monopolize environmental management. Their claims undermined the officials’ moral legitimacy. By publicly performing dissent, the protesters created a break within state order that opened space to reset the epistemological assumptions underlying environmental management.<sup>128</sup> To restore their legitimacy as virtuous rulers, officials responded by demonstrating empathy [*tình cảm*]

with protesters.<sup>129</sup> Officials showed concern by acting in the protesters' interests, signaling their good intentions by aligning their views with public sentiment. For example, officials in the Sonadezi, Hà Nội tree-felling and Formosa Steel cases opened direct negotiations with protesters to indicate sympathy with claims for public participation in environmental management. They also demonstrated empathy by siding with the protesters. Officials publicly blamed Sonadezi for polluting the river, and in the Hà Nội tree-felling and Formosa Steel cases senior officials apologized for administrative errors and disciplined mid-level officials, who were blamed for the environmental harm. These responses are consistent with government agencies attempting to regain public legitimacy by promoting ethical positions that accord with public sentiment. They show officials in an authoritarian polity responding to transgressive environmental protests by flexibly applying government policies.

What remains unclear is whether officials would respond in similar ways to mass protests that did not make transgressive claims for public participation. Mass protests unquestionably disrupt state expectations about how citizens are expected to behave in public and attract swift responses.<sup>130</sup> In the Hà Nội tree-felling and Formosa steels cases, mass protests were accompanied by dialogical claims for strong sustainability—making it difficult to disaggregate which protests produced which state responses. What is clear is that the government suppressed the mass protests while showing flexibility in negotiating with the protesters who were demanding strong sustainability reforms. The Sonadezi case is instructive in showing that officials flexibly applied government policies in response to strong sustainability demands that were not backed by mass demonstrations.

## Conclusions

We found that access to knowledge about environmental activism plays a central role in changing weak sustainability protests into strong protests. This finding is significant, because weak protests rarely seem to produce satisfactory outcomes for aggrieved citizens. Protesters in our weak sustainability case studies attempted to persuade unresponsive local authorities to act but eventually became disillusioned and resigned to coping with harmful pollution. Weak sustainability protests looked to state policies and processes

for solutions. Protesters distrusted local authorities but were unable to formulate claims outside the hegemonic worldview that only the state is capable of managing the environment. They operated in a political space that constrained access to knowledge about environmental activism, and accordingly were unable to move beyond "not in my backyard" responses that left intact the conditions giving rise to pollution in the first place.

We have argued that transformative change emerges from conflicts rooted in situations that are perceived as unjust. By unearthing and making injustices visible, the strong sustainability protests became catalysts for social change. They challenged deeply entrenched political principles by attributing environmental harm to the state's monopolization of environment management. In addition, they promoted public participation to counter the influence of politically connected industries and to rebalance environmental management in favor of environmental protection. Strong sustainability protests looked beyond the symptoms of the problem, seeking to change the underlying political and regulatory reasons for environmental injustice.

The spectrum of weak and strong sustainability claims provides a useful analytical framework in which to categorize and contrast environmental disputes. However, we recognize the difficulties protesters face in converting claims for public participation into concrete legal rights. Although strong sustainability protests have populated the regulatory landscape with non-state actors, our case studies suggest that they are unlikely to result in formal recognition of rights to public participation. Protests have not eroded faith in the epistemic power of the regulatory elite to balance industrial development and environmental protection. Regulators remain wary of reforms that might open environmental management to a plurality of views, and they oppose global experience showing that complexity requires decentralized approaches to environmental management.<sup>131</sup> Powerful economic interests can also deploy extensive political resources to undermine formal recognition of public participation. Never far below the surface is the political concern that environmental activism could spiral into broader political demands for democratic reforms.<sup>132</sup>

Finally, it is worth reflecting on the limitations of this study and considering areas deserving further research. Our study reveals a link between access to knowledge about environmental activism and strong sustainability

claims. More work is needed to understand how rural protesters might acquire this knowledge. Does it require transmission through trusted intermediaries, such as in the Sonadezi case, or can farmers assimilate the tacit epistemological assumptions underlying this body of knowledge through arm's-length modes of communication, such as social media and blogs? This inquiry might shed light on the potential for small-scale rural protests to evolve into strong protests that challenge the state. In addition, our study investigated the disruptive power of environmental protests by examining how state officials responded to weak and strong sustainability claims. Further in-depth interviews are needed to more fully understand under what conditions local officials might attempt to restore public legitimacy by flexibly applying environmental policy.

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#### ABSTRACT

*Rapid industrialization has come at a high cost to the natural environment in Vietnam. Frustrated with regulatory inaction, Vietnamese citizens from many social backgrounds have taken direct action to protect their country's*



*natural environment. Most studies about environmental disputes in Vietnam have focused on large-scale conflicts, leaving smaller-scale rural disputes comparatively under researched. Drawing on in-depth interviews, this article explores how knowledge about environmental activism can transform the claims made in small-scale disputes. It examines why these disputes can sometimes succeed in mitigating environmental harm when complaints through administrative and judicial avenues fail.*

KEYWORDS: *Environment, dispute resolution, regulation, protest, Vietnam*

### Notes

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2. Ministry of Natural Resources and Environment (MONRE), *Báo cáo hiện trạng môi trường quốc gia giai đoạn 2011–2015* [National State of Environment in the Period of 2011–2015] (Hà Nội: Ministry of Natural Resources and Environment, 2016). Also see Vietnam Lawyers Association and United Nations Development Programme (UNDP), *2015 Justice Index: Towards a Justice System for the People* (Hà Nội: UNDP, 2016).
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