

Law on environmental protection in tourist villages in the context of sustainable development of the tourism industry: A qualitative case study in Vietnam

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Abstract: After the Covid-19 pandemic, Vietnam's tourism industry welcomed 1.37 million international visitors. For the whole year 2023, the total number of international visitors will reach 12.6 million, nearly 3.5 times higher than in 2022, exceeding 57% of the original target (8 million) and reaching the adjusted target (12 -13 million views). In Vietnam, which a country which is undergoing economic development, this is a good sign for many workers and businesses, but it can create great pressure on environmental protection in many localities with tourist destinations. For example, as a destination attracting foreign tourists in Hoi A City, Quang Nam Province, Vietnam, the average amount of waste per day is nearly 100 tons; of which single-use plastic waste accounts for 15 - 23% (Thu Huong 2022). In order to prevent and minimize environmental pollution in tourist villages, the Government of Vietnam has issued many different documents such as: Decree No. 08/2022/ND-CP orienting no circulation after 2025 and using single-use plastic products and non-biodegradable plastic packaging in tourist areas and destinations; Decision No. 1316/QD-TTg Project to strengthen plastic waste management in Vietnam also points out that by 2025, 100% of tourist resorts and accommodation establishments will not use single-use plastic products and plastic bags which are so hard to decompose. In addition, the Government has also issued a set of criteria guiding environmental protection for tourism establishments and services in tourist areas and destinations, with instructions on minimizing plastic waste...However, around the issue of environmental protection in tourist villages in Vietnam, there are still problems that need to be solved. Through qualitative analysis method, the authors will analyze and propose solutions to remove regulations related to environmental protection mechanisms in tourist villages, aiming at sustainable development of the tourism industry towards a circular economy in the current period.

Keywords: *Environmental protection, Tourist villages, Law on protection of environment 2020.*

1. Introduction

From a sociological perspective, a tourist village can be understood as a separate tourist center, consisting of many shacks and houses for individuals, groups or families to stay; gathered around public facilities served in a package price including food, drinks, and entertainment (Dieu Nhi, 2020). Accordingly, a tourist village is a separate tourism model, a place to preserve and promote the value of natural resources and traditional cultural beauty. Tourist village activities help maintain and restore traditional customs, festivals and arts of the local community. From a legal perspective, in Article 48 of the 2017 Law on Tourism, a tourist village is a tourist accommodation establishment consisting of a collection of villas or some other types of accommodation establishments such as apartments, ice stations, bungalows and camping areas built in places with tourism resources, beautiful natural landscapes, and a service system including restaurants, bars, shopping stores, and entertainment sports

areas, and other amenities serving tourists. From this perspective, a tourist village is a specific tourist accommodation facility, planned and managed based on legal regulations, ensuring a number of important characteristics such as: Regulations on development and planning; Safety and environmental protection; Comply with tax regulations,... (Nguyen Tan Hoang Hai-Nguyen Le Thi Ngoc Anh-Nguyen Thi Thao My, 2021).

According to statistics, in 2023, Vietnam's tourism industry will welcome 1.37 million international visitors. For the whole year 2023, the total number of international visitors will reach 12.6 million, nearly 3.5 times higher than in 2022, exceeding 57% of the original target (8 million) and reaching the adjusted target (12 -13 million visits) (Tourism Information Center, 2023).

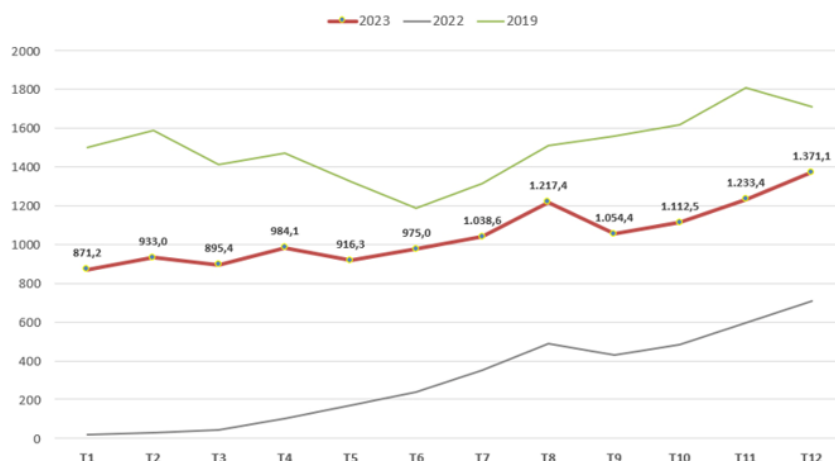


Figure 1.
Source: Compiled from data from the Vietnam general statistics office.

In addition, according to the General Statistics Office's Report about Socio-Economic Situation in the Fourth Quarter and 2023, in 2023 the service sector will grow by 6.82%, contributing to 62.29% of overall growth. Trade and tourism activities maintain high growth momentum, positively contributing to the growth of the service industry.

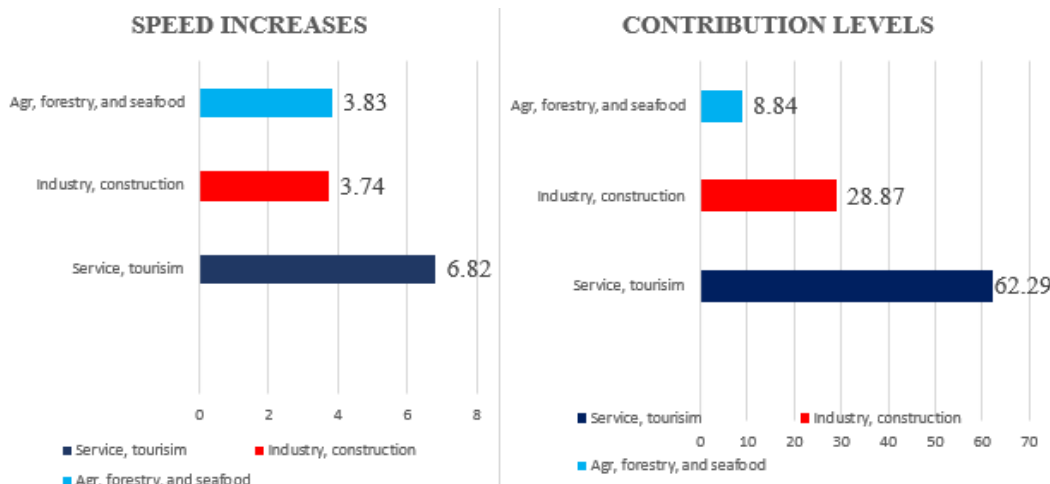


Figure 2.

From the above issue, Vietnam needs to set appropriate policies to develop sustainable tourism. Accordingly, forms of tourism need to meet the current needs of tourists, the tourism industry and local communities without affecting the ability to meet the needs of future generations. Tourism is economically viable without destroying the resources on which the future of tourism depends, especially the natural environment and social fabric of local communities (Machado A., 2003). In order to implement this issue requires managing all types of resources in a way that meets economic, social and aesthetic needs while maintaining cultural identity and processes basic ecology, biodiversity and systems that ensure life (Hens L., 1998).

After more than 30 years of economic reform, Vietnam's economy has changed dramatically, becoming a middle-income country with a GDP per capita in 2020 predicted by the International Monetary Fund (IMF) nearly 3500 USD. However, along with growth achievements, the traditional linear economic model following the cycle of exploitation, production and emissions has caused significant environmental problems (Bui Van Huyen & Nguyen Ngoc Toan, 2021). Accordingly, the traditional linear economy in Vietnam has caused an increase in waste. According to the Ministry of Natural Resources and Environment (2018), the volume of solid waste in Vietnam in 2018 was about 25.5 million tons, of which urban household waste was about 38 thousand tons per day and household waste was about 38 thousand tons per day. In rural areas it is 32 thousand tons/day. More seriously, plastic waste, electronic waste, construction waste and hazardous waste are also increasing very rapidly. According to statistics from the Vietnam Plastic Association (2019), the average plastic consumption per capita in 2019 in Vietnam was 41kg, 10 times higher than the consumption of 3.8kg in 1990. Although, it is a small economy but Vietnam ranks fourth in the world in plastic waste, with 1.83 million tons per year, only behind China, Indonesia and the Philippines (Jambeck and partners, 2015).

Through results of tourism surveys conducted from local people and tourists on environmental quality (including: clean water, air, waste, noise...) at tourist areas and destinations In Vietnam, it shows that: 79.07% of local people rate the environmental quality in tourist areas and destinations as average or higher (<80%) and 20.93% rate it as poor; 79.26% of tourists rated the environmental quality of tourist areas and destinations at an average level or higher (< 80%) and 20.74% rated it as poor, so this criterion is still not sustainable. (Ngo Tuyet Trinh, 2022). In order to develop sustainable tourism towards a circular economy, many localities in Vietnam such as Hoi An City, Quang Nam province (Vietnam) call on the business community and tourists to limit and minimize single-use plastic items, while Launching the "Hotel without plastic waste" model, building the "Filling station" model at the market - a shopping solution that does not generate packaging, increasing the life cycle of waste, especially plastic waste. Accordingly, Hoi An City strives for stores, markets, and supermarkets not to use disposable plastic items; reduce by 13 - 15% each year, so that by 2025 there will no longer be single-use plastic waste here; In September 2023, Co To island district (Quang Ninh) began piloting the regulation that tourists do not bring plastic bottles, nylon bags, or materials at risk of environmental pollution when traveling. Co To's government calls on every person on the island to uphold a sense of responsibility, change habits, say no to single-use plastic products and nylon bags and replace them with environmentally friendly products (Germany Hoang, 2024).

In Con Dao district (Ba Ria - Vung Tau), accommodation establishments also actively use wooden, porcelain, and glass dining utensils to replace plastic ones, invest in in-room water purifiers, and classify waste. and limit the use of single-use plastic items... Since on March 2022, Con Dao District People's Committee has joined WWF's plastic reduction urban network globally with the support of the International Organization for Conservation of Nature. (WWF Vietnam) within the framework of the project "Reducing Ocean plastic waste in Vietnam" period 2020 - 2024. Con Dao aims to reduce 30% of plastic waste lost to the environment by 2025 and no more plastic waste in nature by 2030. From there, Con Dao will be the 9th urban area in Vietnam to participate in the program. Urban plastic reduction program globally. Here, many communication activities have been organized to raise awareness of tourists, residents and the community about reducing the use of disposable plastic bags...

In terms of management, Vietnam's government has also developed and promulgated a number of legal documents regulating issues related to the environment in tourist villages such as: Law on Environmental Protection 2020, Law on Tourism 2017, Decree No. 08/2022/ND-CP, Decree No. 168/2017/ND-CP, Joint Circular No. 19/2013/TTLT-BVHTTDL-BTNMT, ... These documents basically meet the requirements for environmental protection in tourist villages in recent times. However, when evaluated objectively, it shows that the legal regulations on environmental protection in tourist villages are still inconsistent, incomplete and unified, which has led to ineffectiveness. effective when applied in practice. Therefore, the problem is to learn, analyze, comment and evaluate legal regulations related to environmental protection in tourist villages, which is an urgent issue in the current period. From there, the article will propose recommendations that contribute to improve the law on environmental protection in tourism activities of tourist villages, which is very important and urgent (Tran Linh Huan & Nguyen Phuoc Thanh, 2023).

2. Current Status of Environmental Protection Laws in Tourist Villages in Vietnam Today

Tourism activities in tourist villages have been having a huge impact on the natural environment. Recognizing the importance of environmental protection management, the Law on Environmental Protection 2020 has launch new approaches to thoroughly solve the problem of environmental pollution in the direction of promoting the application of circular economy models in Vietnam; The implementation of Law on Environmental Protection 2020 initially recorded positive changes in environmental protection. In general, up to now the environmental legal system in Vietnam has had many positive changes, initially creating a legal basis for state management activities on environmental protection, raising awareness of environmental protection of state agencies, organizations and citizens regarding environmental issues. However, there are still some limitations in adjusting environmental protection issues in activities in tourist villages. Specifically, as follows:

Firstly, the Article 73 of the Law on Environmental Protection 2020 regulates the reduction, reuse, recycling and treatment of plastic waste, prevention and control of ocean plastic waste pollution. However, during the application process, it was found that many localities in Vietnam still cannot reduce emissions into the environment. The authors can evidence the case in Hoi A City, Quang Nam Province, in the period of 2013 the amount of waste was about 65.5 tons per day, which increased to 100 tons per day in 2019 (Cong Binh 2023). Thus, the application of law in Vietnam is not truly synchronized. From the above issue, there should be regulations to encourage the implementation of waste treatment mechanisms; Vietnamese law has specified the process and method of handling household solid waste in Articles 75 to 80 of the Law on Environmental Protection 2020, this is the legal foundation on the issue of classification and recycling household solid waste generated from households and individuals. Statistics show that the majority of waste which is difficult to handle comes from plastic waste. To solve this problem, it is necessary to have plastic waste recycling models invested in tourist villages in Vietnam. Tourist destinations in Vietnam such as Hoi An city also launched the program "Community to reduce single-use plastic products, aiming to build Hoi An into a Green Destination". Accordingly, the City People's Committee. Hoi An (Quang Nam) and Quang Nam Tourism Association signed and announced "Enterprise planning framework for waste reduction towards Hoi An - a green destination for the period 2021-2023". The action framework of tourism businesses includes "8T" which are organizations that implement and refuse single-use plastics, reduce products that are difficult to destroy, reuse, replace materials, and recycle on the basis of classification, communication to raise awareness and create products and services towards green tourism. In the period 2021 - 2022, 36 businesses have committed to this action framework; According to the 2022 - 2023 roadmap, there will be 100 committed enterprises, of which 50% are large enterprises. Commitment content includes reducing 30% of waste that is difficult to recyle, disposable plastic waste before 2023; Reduce this amount by 100% before 2030 and recycle at least 50% of organic waste before

2030. However, in essence, Vietnam is a country with a long coastline of 3,260 km and over 3,000 large islands, small, including the two archipelagos Hoang Sa and Truong Sa (Vietnam News Agency, 2018).

Therefore, it is necessary to solve the issue of waste treatment on beaches and tourist destinations on islands in Vietnam. From Maldives experience, it shows that this country has implemented the construction of projects called "Sustainable Laboratories" in tourist areas, with the function of turning plastic waste into souvenirs and furniture and supplies for local schools. The lab also recycles "ghost nets" discarded during fishing by braiding them into bracelets and luggage tags. The process of treating plastic waste in this country is carried out step by step. Firstly, the machined plastic is washed to remove any dirt or residue. After that, it is chopped into pellets and used with an extruder to melt and transform the plastic liquid into 3D molds to create souvenir turtles, carabiner keychains and rulers. There is also a press that will flatten the plastic into sheets that can be used "exactly like wood". The resort's team of carpenters uses furniture that guests can order and have shipped home (Hong Nhung, 2023). From the above issue is a valuable experience for tourist areas on Vietnamese coasts to learn and raise awareness of environmental protection among tourists in Vietnam.

Secondly, to meet demand for tourism, Vietnam is increasingly expanding new tourist areas. Initially building more projects on restaurants, hotels..., these projects are forced to level rivers, streams, cut down trees..., causing greenhouse emissions to increase and negatively affecting the environment. According to statistics from the General Department of Tourism, in 1990, the whole country had 350 tourist accommodation establishments with 16,700 rooms (rooms). By 2019, the country had 30,000 tourist accommodation establishments with 650,000 rooms (Ha Anh, 2019).

This has led to the destruction of the natural environment and the shrinking of natural land areas. Some typical cases include the construction and development of tourist accommodation facilities in tourist villages with an area of several hectares (Kon Ko Tu Tourist Village in Dak Ro Wa Commune, Kon Tum City), Kon Brap Du community tourism (Tan Lap commune, Kon Ray district) ..., significantly changes the land use structure. Most recently, the landslide in Da Lat City, Lam Dong province caused the number of tourists to Da Lat to decrease compared to before. The main cause of this unfortunate incident comes from the problem of excessive tourism exploitation, causing "concrete".

According to Vietnam's Ministry of Construction, energy consumption in the construction industry accounts for about 40% of total national energy consumption. Recently, the Ministry of Construction has conducted a greenhouse gas inventory for the priority construction materials industry group, in which greenhouse gas emissions from construction materials production in 2015 were 63 million tons of CO₂ equivalent and in 2020 increased to 87 million tons of CO₂ equivalent.

Based on data from the national inventory system in 2016, experts forecast greenhouse gas emissions from the construction materials manufacturing industry by 2030 to be 125 million tons of CO₂ equivalent and up to 148 million tons of CO₂ equivalent to 2050, 2.3 times higher than in 2015. Thus, this number is still increasing significantly. Therefore, with the expansion of tourism, the increasing number of constructions of accommodation facilities leads to the situation of "concrete" becoming one of the leading causes of increased greenhouse emissions. To solve this problem, Article 91 of Vietnam's 2020 Environmental Protection Law has set regulation related to reducing greenhouse gas emissions. However, this still cannot completely solve the problem. According to many arguments, Vietnam needs to have additional laws in the direction that tourist villages must pay for natural ecosystem services to overcome the consequences of tourism development activities on the environment. This model known as Payments for Ecosystem Services (PES) has been widely recognized as a successful policy tool for natural resource management in more than 60 countries. The total annual payout of PES programs worldwide is over 36 billion USD.

Some practical applications of PES include: Collecting tour service fees for protected marine areas and wetlands, co-management models of aquatic resources, or developing aquaculture methods, environmentally friendly products in some coastal areas with the support of international organizations and related industries. In Vietnam, the law has successfully adjusted to payments for forest environmental services, contributing to increasing financial resources for forest protection and

development. However, it is still not specific with other fields, including tourism. Although Article 138 of The Law on Environmental Protection 2020 has generally mentions the concept, classification of services and principles for paying this type of service fee, there is still no specific document guiding how to implement. This requires Vietnam to perfect the mechanism on this issue as well as more comprehensive control and management in implementing policies on payment for natural ecosystem services. Thereby, many people believe that The Law on Environmental Protection 2022 needs to have additional provisions regulating responsibilities between relevant parties and a mechanism to control and monitor implementation practices for environmental protection agencies. Project model of payment for natural ecosystem services. To minimize this emissions situation, Vietnam also needs to have mechanisms to promote the development of tourism models such as agricultural tourism villages, which are: Combining tourism and agriculture; attract tourists to visit agriculture-related activities; increase income for farmers; providing visitors with entertainment opportunities, physical and mental training activities, close to nature and experience farming life. In the world, this type developed strongly in the 80s and 90s of the last centuries. In each country, "agricultural tourism" has different names. Specifically: in the United Kingdom, it calls "Rural-tourism" - rural tourism, in the United State it calls "Homestead" - farm tourism, in Japan it is "Green-tourism" - green tourism, and in France it is "Tourism de verdure". - tourism with plants and trees... Besides the name, the formation and development of agricultural tourism in each country also has significant diversity and implementation methods. Accordingly, in Israel, agricultural tourism is a form of compulsory early education for children. In the US, every year many major events on agricultural tourism are held. Currently, according to statistics each year, Americans spend more than 800 million USD on farm tourism activities. This number is expected to continue to increase as the area devoted to agriculture becomes less and less. Farm models in the US have truly affirmed their effectiveness in developing agricultural tourism, and farmers can fully proactively find outlets for their products by bringing tourism to their homeland. (Thu Hoa, 2019). With this model, it can help reduce emissions and make the living environment cleaner.

Thirdly, according to the results of an investigation by the Tourism Development Research Institute in 2017 when consulting tourists and communities in major tourist areas in Vietnam on current tourism environmental issues, 63.33% of people think it is trash; 43.33% is wastewater; 10% is the problem of social evils and 3.33% is the problem of air pollution. The corresponding rate when consulting 30 experts and managers on environment and tourism in localities is 83.33%; 33.33%, 13.33% and 16.67%. Beside the causes due to the awareness of tourists and organizations and individuals doing tourism business, there are also reasons related to state management issues, For example: The volume of domestic waste increases with the number of tourists, while environmental infrastructure has not been invested; Lack of control over the development of the industry's technical facilities system; Overexploitation of resources to serve tourist needs; Interdisciplinary relationships in environmental management are still lacking.

The above environmental issues are the cause of reducing the attractiveness, quality of services and competitiveness of Vietnam's tourism industry (according to the 2017 Global Tourism Competitiveness Report, many Vietnams' environmental-related indexes reached low levels such as environmental sustainability ranked 129/136, waste level ranked 128/136, deforestation ranked 103/136, and limited treatment. wastewater class 107/136...). If the above environmental issues are not resolved promptly, there will be increasingly greater negative impacts, affecting tourism development in particular and socio-economic development in general (Truong Sy Vinh, 2018).

To solve the problem of environmental pollution in Vietnam, the State has issued the Law on Handling of Administrative Violations in 2012, the Law on Environmental Protection in 2020, and Decree No. 45/2022/ND-CP regulating the handling of administrative violations in 2012 in the field of environmental protection. Specified in Article 161 of the Law on Environmental Protection 2020; Article 4, Article 6 of Decree No. 45/2022/ND-CP stipulating sanctions for administrative violations in the field of environmental protection and criminal handling are specified in Article 235 of the Penal

Code 2015. Pursuant to Clause 3, Article 24 of Decree 45/2022/ND-CP regulating penalties for acts of polluting land, water and air; cause long-term environmental pollution. Accordingly, the fine ranges from 50,000,000 VND to 100,000,000 VND and additional penalties and remedial measures must be implemented as prescribed above. The organization's fine is 2 times higher. However, the level of fines in Vietnam is not enough to deter entities involved in the tourism service business, as well as tourists. At that time, we realized that in the field of environmental protection, Vietnamese law has not yet specified remedial measures and is still regulated in a general way. This leads to an uniformity in the understanding and application of the law in each tourist village. In addition, Vietnamese law still does not regulate the responsibilities of detecting and handling administrative violations of organizations and individuals managing and exploiting tourism. Because these subjects can easily access and handle violations in the field of environment in a timely manner. However, in Clause 1, Article 66 of Vietnam's 2020 Law on Environmental Protection; Article 25, Article 29 Tourism Law 2017; Article 5 of Joint Circular No. 19/2013/TTLT-BVHTTDL-BTNMT does not stipulate that detecting and recommending handling of violations of the law on environmental protection in tourism activities is the responsibility of organizations and individuals. People who manage and exploit tourist attractions and tourist areas.

In addition, we think that Vietnamese law can require tourist attractions to temporarily stop operating tourist villages, to initially solve the pollution problem before continuing to exploit tourist attractions. This has been implemented in Thailand. In March 2018, the Thai government decided to temporarily close Maya Bay and Phi Phi Island, in order to prevent damage to the natural environment, especially to save severely affected coral reefs from tourism activities. Previously, in May 2016, the government also closed Koh Tachai Island and has not announced a reopening date. At the same time, the three islands Koh Khai Nok, Koh Khai Nui and Koh Khai Nai (located in Phuket), are forced to limit the number of tourists. The closure of tourist attractions is an inevitable consequence of the rapid growth of tourism, with an overload of tourists putting heavy pressure on the environment. However, closure is also an urgent solution to save the environment and restore the marine ecosystem, to meet the requirements of sustainable development for tourism. For Vietnam, the closure of tourist areas and destinations that are heavily affected by environmental pollution has not been applied so far. However, many experts believe that if localities keep focusing on the number of tourists and how to make this number higher next year than last year, they should think again. This is an outdated, even wrong perception (Le Dung, 2019).

Thereby Vietnam can rely on international treaties to which Vietnam is a member and foreign legal sources such as Canada, Japan, China... which are countries with policies on environmental protection effectively to refer international experiences to adjust the legal framework on this issue to suit the actual situation of Vietnam.

Fourthly, Vietnamese law regulating environmental protection responsibilities in tourist villages is not specific and difficult to apply. Specifically: Clause 1, Article 66 of Vietnam's 2020 Law on Environmental Protection and Clause 7, Article 5 of Joint Circular No. 19/2013/TTLT-BVHTTDL-BTNMT regulates organizations and individuals managing and exploiting tourist attractions. Tourist sites and tourist areas are responsible for posting information so that tourism business entities and tourists can clearly understand the regulations on environmental protection. However, this regulation is limited in posting prohibited acts, with sanctions and penalties related to violations that do not need to be clearly stated or disseminated to the people. From the above issue, the authors believe that Point a, Clause 7, Article 5 of Joint Circular No. 19/2013/TTLT-BVHTTDL-BTNMT needs to be amended in the direction that competent agencies need to universalize sanctions, level of punishment for each violation. At the same time, clarify the functions and tasks of the entities with the authority to apply handling measures of organizations and individuals managing and exploiting violations. violate the rules of other entities within their scope of management.

In addition, there are currently no specific regulations related to the national tourist area management model in Vietnam. In the spirit of Clause 2, Article 29 of the 2017 Law on Tourism, there

is an open direction in allowing the Government to regulate the national tourist area management model; The Provincial People's Committee (People's Committee) regulates the management model of provincial-level tourist areas. However, currently Vietnamese law still does not have specific guiding documents, so the national tourist area management model is still lacking in consistency. This means that, it is necessary to specifically regulate the tourist area management model. The most important thing is to speed up the issuance of the Decree, because the Law on Tourism took effect from January 1, 2018 but up to now, the Government has not issued a Decree on the tourist area management model nation. The above activities partly reflect that the Government is promoting research and trying to complete the Decree. Accordingly, the Government needs to consider and select the most appropriate national tourist area management model, with specific regulations on legal status and organizational structure to achieve consistency and achieve high efficiency in tourism management.

3. Conclusion

In recent years, tourism in domestic localities has developed, the number of tourists is increasing, tourist areas, attractions, and tourist service facilities are expanding in both quantity and scale. However, the rapid development of tourism activities has affected the natural environment and social environment, therefore, tourism development associated with environmental protection is a necessary solution sustainable tourism development. This requires that the legal corridor on environmental protection in general and in tourist villages in particular need to be developed and continuously improved. This requires that the legal corridor on environmental protection in general and in tourist villages in particular need to be developed and continuously improved. Accordingly, in the content of the research work, the authors have pointed out important legal bases directly regulating the issue of environmental protection in tourist villages, pointing out difficulties in handling plastic waste in tourist villages; Management sanctions and penalties in the tourism sector are not uniform, the level of penalties is not strict enough... From the above issue, the authors believe that continuing to research and improve legal regulations on environmental protection in tourism activities according to a number of recommendations is very important and urgent because of the solutions will help to contribute in perfecting the law, improving efficiency in applying and enforcing legal regulations in practical environmental protection activities in tourism in the context of Vietnam's integration into the world economy.

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