

# The Necessary of Improving Vietnam Law on Sanitary and Phytosanitary for Agricultural Products for Export

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## **Abstract:**

Vietnam has many advantages in the agricultural industry, and agricultural export output and value have increased significantly over the years. However, due to a lack of sanitary and epidemiological conditions, a number of export agricultural products from Vietnam have recently been returned or destroyed by the importing country. To reform agriculture in general and improve the quality of agricultural products in general, the first step is to perfect Vietnam's current legal system on hygiene and epidemiology in order to create a reasonable and open legal framework for agricultural investment and development in the direction of green, clean, and sustainable agriculture. As a result, this article examines the critical role of completing the legal regulation on sanitary and phytosanitary products for agricultural products to lay the theoretical groundwork for the reform of Vietnam's relevant current legal system in the near future.

**Keywords:** agricultural products, export, law, hygiene, and epidemiology

## **1. Introduction**

With a history of development dating back to the wet rice civilization, thousands of years of agricultural production have resulted in Vietnamese people who are easy to integrate with nature and understand how to adapt and respond to the natural environment for living and production. Furthermore, with favorable climate conditions for agricultural production and a large area of agricultural land (more than 27 million hectares [1]), and approximately 17.5 million workers aged 15 and over, jobs in agriculture-forestry-fishery [2], Vietnam has strengths and potentials to develop the agricultural sector. During the previous economic downturn, the agricultural sector clearly demonstrated its critical role and position in the national economy by maintaining domestic production and increasing exports to support other economic sectors [3]. However, with importing countries' current trend of lowering tariff barriers while increasing non-tariff barriers (sanitary and epidemiological barriers, trade-related technical barriers, and so on), Vietnam's agricultural products face numerous significant challenges. For example, many shipments of agricultural and aquatic products from Vietnam were returned by Japan [4] and the European Union (EU) [5] in the first half of 2019 because they did not meet the maximum level of pesticides, food safety... As a result, it is critical to perfect the legal system governing sanitary and phytosanitary measures in order to improve the quality of agricultural products, thereby increasing agricultural product quality, value, and competitiveness in the international market.

## **2. The significance of agricultural export activities**

Adam Smith's classical liberal economic theory demonstrated that free trade and foreign trade can help a country become prosperous and accumulate a large amount of capital [6]. Currently, the New Economic Theory of Economic Freedom, specifically Michael Porter's Theory of Competition, has demonstrated that through export activities, the quality of domestic goods will be improved, as will the competitiveness and development of the domestic manufacturing industry. Not only has the export industry developed, but other ancillary manufacturing industries have also developed in tandem with the policy change to invest in promoting domestic production. The practice of international trade has also demonstrated that many countries around the world have

escaped poverty and backwardness by promoting foreign trade activities [8]. Because of differences in natural conditions, capital, technology, labor, and development policies, the role of the agricultural sector in a country's total export turnover varies [9].

Increasing agricultural product exports in Vietnam is one of the key policies in the agricultural restructuring process aimed at increasing added value and ensuring long-term development. Here are some examples:

To begin with, agricultural product export and export contribute to economic restructuring and promote production development toward the most efficient use of resources and national advantages [10].

M. Porter has demonstrated that by exporting agricultural products, one can increase the scale of production, causing a chain reaction that encourages the development of other economic sectors, resulting in an increase in gross social product and a fast-growing economy. Rice exports, for example, will spur the growth of other manufacturing and service industries such as packaging, animal husbandry, agriculture, transportation, and so on. Furthermore, through export activities, businesses will gain access to advanced scientific and technological achievements from around the world, allowing them to improve domestic production processes, increase productivity, and improve product quality [11].

Second, agricultural exports have a high economic value, which helps to increase incomes for workers and businesses in both the production and export chains [12].

In general, the total number of employees aged 15 and older working in 2020 is 53.4 million, with 17.5 million working in agriculture, forestry, and fishery sectors, and the rural underemployment rate is currently around 25% [13]. Agriculture production and processing are labor-intensive, which is a significant advantage today because Vietnam must create more jobs for more than 1.4 million people entering the labor force each year. Workers are forced to improve both theory and practice in order to master and master technology in the manufacturing process. Thus, increasing exports will have an impact on labor structure transformation, both in terms of industry nature and labor quality. Simultaneously, by promoting agricultural product exports, it will contribute to increasing worker income and creating conditions for them to improve their material, cultural, and spiritual lives [14]. When combined with the findings of the National Program on New Rural Construction, workers who have jobs and stable incomes are more likely to work in their home country, thereby alleviating the labor shortage. Agricultural activity is currently increasing, while migration of rural laborers to big cities to find work is decreasing.

Third, agricultural product exports help to stabilize the country's economy.

Agriculture has been critical to the economy at various stages of the country's development. For example, in 1989, industrial growth was negative, but agricultural production and exports grew strongly, saving the crisis; in 1999 and again from 2008 to 2011, industry - services slowed, but agriculture grew strongly, supporting the economy in the most difficult times [15]. Other manufacturing and export industries have experienced negative growth in recent times due to the outbreak of the Covid-19 epidemic, but agricultural production activities have been maintained and maintained well.

Fourth, agricultural product exports contribute to the expansion and promotion of foreign economic relations, thereby strengthening the country's economic position in the global market.

Exports and external economic relations are inextricably linked, and export is an external economic activity. Export activities in general, and agricultural exports in particular, play an important role in promoting other external economic activities. Because increased exports of goods will result in the expansion of international service activities in other fields such as financial investment - credit, insurance, international payment, and transportation development. international... The development of external economic activities, on the other hand, will create favorable conditions for export expansion. International investment activities, for example, will bring capital and advanced technology to expand agricultural product production for export, such as the construction of agro-processing factories and the transfer of seeds and farming techniques. Cultivating high-yielding, high-quality crops in order to generate production input materials. The signing of bilateral and multilateral trade treaties, as well as membership in international economic organizations, will create favorable conditions for agricultural exports to enter and expand the market [17]. When Vietnam can export high-quality agricultural products, it will not only bring great economic value to businesses, but it will also boost the country's prestige and position when participating in trade negotiations. International trade laws and regulations Furthermore, import and export activities are used to assess the outcomes of a country's international integration process. To maintain its position in the international arena, each country must select a number of goods that have a competitive advantage over other countries in order to invest in production and supply to the market. and, at the same time, re-import the products that they produce less efficiently than other countries, thereby forming the international division of labor and global cohesion.

Fifth, commodity exports help to improve the state's economic policy and management system in accordance with international laws and practices.

Globalization and trade liberalization have been a worldwide development trend, having profound and far-reaching effects on all aspects of a country's socioeconomic life, causing each country's economy to become increasingly intertwined with the global economy. Integration becomes a driving force for development, offering both opportunities and challenges to every country on the planet. When participating in the international trade market, each country, industry, and business is on a level playing field and must accept a common set of rules. Currently, Vietnam's legal regulations are numerous in number, but the quality and techniques for developing regulations and legislation are low, the enforcement efficiency is low, and there are many flaws in domestic laws and regulations. Vietnam's international obligations. As a result, through export activities, Vietnam can recognize the appropriate points and limitations in the current legal system in comparison with the common development of countries around the world and international commitments that Vietnam must comply with, must internalize the law, thereby building an open legal corridor and creating a safe and appealing investment environment for both domestic and foreign investors [18].

### **3. The requirement to improve the legal regulations governing hygiene and epidemiology for agricultural products destined for export**

Since 1991, Vietnam has been developing a number of major agricultural export products. The above-mentioned products are still available today, most notably rice, vegetables, coffee, tea, rubber, and cashew nuts. These are items that not only have a high export turnover to Vietnam, but also have a large market share in the global market. Agriculture production and export have contributed to Vietnam's economic growth and social stability. However, in terms of long-term development, the development of

agricultural production and export in Vietnam is still insufficient, and it has been and continues to threaten the economy's, society's, and environment's stability. As a result, improving legal regulations in general, and legal regulations on sanitary and epidemiological measures in particular, is critical both in theory and in practice, both for current development and for future development strategy.

First, perfecting legal regulations on hygiene and epidemiology in order to institutionalize the Communist Party of Vietnam's agricultural development strategy.

The Communist Party of Vietnam's 12th Congress defined the direction and task of agricultural and rural economic development as "Building an agriculture in the direction of large commodity production, high technology application, and product quality improvement, ensuring food safety and hygiene; increase added value, boost exports" and "accelerate agricultural sector restructuring, build an ecological agriculture with comprehensive development in both agriculture, forestry, and fishery in the direction of modernity and sustainability, on the basis of promoting comparative advantage." Concentrate your efforts on key areas of agricultural production. Adopting appropriate policies to accumulate and concentrate land, attracting significant investment resources for agricultural development, and gradually forming high-tech agriculture-industry-service complexes" [19].

Following the 12th Party Congress's development strategy, the 13th Party Congress clearly defined Vietnam's future development direction as "developing products with competitive advantages, products with competitive advantages, high-tech, high-value-added, environmentally friendly, effectively participate in the global production network and value chain" [20] and "promote agricultural restructuring, exploitation, and development." Using tropical agriculture to develop large-scale concentrated commodity agriculture in the direction of modernity, specializing in high-quality commodity farming. Develop high-tech applied agriculture, organic agriculture, and ecological agriculture while meeting popular food safety standards [21]. According to the Vietnam Ministry of Agriculture and Rural Development's Strategy for Agriculture and Rural Development for the period 2011-2020, "Agricultural production and business develop effectively and sustainably in the direction of promoting comparative advantages, increasing productivity, increasing quality, increasing added value, ensuring food hygiene and safety, protecting the environment, ensuring food security, and meeting the increasing needs of the population." As a result, in order to create a favorable legal corridor for agricultural economic activities in Vietnam, the above agricultural development policy must be institutionalized.

Second, the law must be perfected in order to promote Vietnam's potentials and strengths. With its origins as an agricultural country, Vietnam has enormous potential for agricultural production and export, as evidenced by:

One is about land: as of December 31, 2019, Vietnam had nearly 28 million hectares of agricultural land group, but only used about 65 percent of the agricultural land fund, the rest being natural grasslands and water surface [23]. The soil quality in Vietnam has a thick layer, a porous texture, and a lot of nutrients to provide plants, particularly alluvium and gray soil. The soil types are also very rich, with 64 types divided into 14 groups. These conditions, combined with an abundant source of moist heat, will be favorable for agricultural development.

The second point is about climate: Vietnam has a tropical monsoon climate due to the Asian monsoon regime's profound influence. This is a favorable situation for Vietnam's agricultural crop diversification. Furthermore, with a year-round humidity of

more than 80% and heavy rainfall (an average of 1800-2000mm/year), these are favorable conditions for the growth and development of plants and animals, particularly for some crops such as rice, fruit trees, coffee, cashew, rubber...

The third point is about human resources: with a population of more than 90 million people, a young population structure, and in general, by 2020, the total number of employees aged 15 and above working is 53.4 million people, of which laborers are currently employed. Agriculture, forestry, and fishing employ 17.5 million people [24]. At the same time, workers in Vietnam accumulate a lot of experience and farming techniques, which are favorable conditions for Vietnam to develop an advanced manufacturing industry, modern agriculture... provides a large output of agricultural products for consumption and export.

Because of the agricultural industry's above-mentioned potentials and strengths, the completion of legal regulations on agricultural product quality assurance in general, as well as regulations on hygiene and epidemiology, so that Vietnamese agricultural products can meet developed country importing standards is an urgent requirement today. Furthermore, promoting agricultural product exports in terms of both output and export value will assist farmers and small and medium-sized production enterprises in developing products that meet international health and safety standards [25]. This creates more opportunities to enter new markets, resulting in higher incomes, more jobs, and economic opportunities, particularly for women [26].

Third, to achieve the goals of sustainable development and environmental protection, improve the law on hygiene and epidemiology.

Many of Vietnam's agricultural, forestry, and fishery exports rely on natural resources (land, water, sea, forest...), so agricultural production development risks depleting resources. Furthermore, agricultural product production and export in our country have a high potential for environmental pollution. The expansion of cultivated land, as well as intensive crop cultivation, are the causes of agricultural land degradation. Furthermore, the improper and excessive use of fertilizers and pesticides to increase crop productivity pollutes the soil, water, and air environment; increases drug familiarity, increases drug resistance in pests and diseases, is toxic to livestock and poultry, and is directly toxic to farmers; and leaves toxic residues in agricultural products, causing food poisoning in consumers [27]. Many agricultural export shipments from Vietnam have recently been destroyed or returned by importing countries, many of which are due to the fact that Vietnamese agricultural products contain MRLs of pesticides and antibiotics that exceed the permissible limit (beyond the safe threshold for consumer health) [28].

From this situation, an urgent issue is to improve the legal regulations to control the quality of seedlings, seeds, pesticides, antibiotics, production and processing processes, and so on, to ensure that agricultural product production does not only aim at short-term profits, but also at long-term sustainable development. Economic development must go hand in hand with environmental protection, health, and most importantly, health for the people in the country [29]. This work is also significant in the development of Vietnam's stature and intelligence.

Fourth, the law must be perfected to ensure social stability.

Agriculture is one of the most labor-intensive industries, but it also contains many of the root causes of social inequity. Because agricultural product exports are still primarily in breadth, labor quality is low, and worker income is unstable, the volatility of the global market makes farmers vulnerable, increasing the gap between rich and poor, income inequality between regions, and population classes. Agricultural workers face

numerous disadvantages in the distribution of added value gained through the integration and trade liberalization processes. The income disparity between the population classes is widening, and signs of inequality have emerged in Vietnam. The disparity between rural and urban areas is also reflected in educational inequality, which is on the rise. As a result, improving the legal system in general, and the law on hygiene and epidemiology in particular, will contribute to ensuring the quality of agricultural products, thereby expanding the consumption market. Farmers can break the vicious circle of "winning and depreciating" by not being passive in the consumption market. On the other hand, because the quality and value of goods are frequently proportional, once the quality of agricultural products is guaranteed, they can be sold at high prices, resulting in income for the entire production chain. Production in general, and farming in particular, is improving. Other rural investment policies, in addition to income improvement, will help improve rural life, create jobs, and stable incomes, and narrow regional development and income gaps. Urban and rural areas toward long-term socioeconomic development.

#### 4. Conclusion

In recent years, Vietnam's agriculture has contributed to economic growth, improved people's living standards, eradicated hunger, and reduced poverty... However, there are many potential risks that can lead to income inequality, environmental pollution, and the depletion of natural resources, resulting in a slew of complex social problems. As a result, perfecting the law in general, and the law on sanitary and epidemiological measures for agricultural products for export in particular, will significantly contribute to improving state management efficiency and harmonizing state management. economic, social, and environmental goals.

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