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POLICY BRIEF

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ENERGY POLICY ACTIVIST NGO THI TO NHIEN SENTENCED TO PRISON

**Vietnam imprisons sixth environmental
activist as EU foreign policy chief set to
arrive in Hanoi for climate talks**

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Exactly one month before European Union foreign policy chief Josep Borrell is due to touch down in Hanoi for climate talks, the Hanoi People's Court sentenced energy policy think tank director Ngo Thi To Nhien to prison, three sources told Project88. Two of these sources said that Nhien was sentenced to 42 months prison time. The trial, which was closed to outside observers, took place on June 27, 2024. Nhien's conviction has not been made public.

Nhien was the Executive Director of the Vietnam Initiative for Energy Transition Social Enterprise (VIETSE), the only independent energy think tank operating in the country. According to Nhien, VIETSE's mission was 'to accelerate the energy transition of Vietnam towards a carbon-neutral society'. The organization served as a bridge between the Vietnamese government and foreign governments and corporations that are keen to support, and profit from, reform of the country's energy sector. VIETSE closed shortly after Nhien was arrested.

Nhien is the sixth climate activist imprisoned by the Vietnamese government since 2021. Her conviction follows Project88's revelation of Directive 24, a secret order issued in July, 2023 by Vietnam's leaders that frames policy activism, foreign funding, and reformers as threats to national security.

'Hanoi recently adopted a policy (Directive 24) of violating human rights. It has also systematically violated the terms of the EU-Vietnam Free Trade Agreement and the EU-led Just Energy Transition Partnership by imprisoning civil society leaders and government reformers involved in monitoring these agreements. Borrell should prioritize securing the release of these political prisoners and demanding the immediate repeal of Directive 24, not wooing Vietnam to join an anti-China alliance, during his trip to Vietnam, said Ben Swanton, Co-director of Project88.'

Nhien's imprisonment also comes as Hanoi is reneging on key commitments it made under an EU-led energy transition package. At the time of her arrest, Nhien was working with the UN and reformist elements of Vietnam's government to advocate for policies that would accelerate the country's energy transition. Under the Just Energy

Transition Partnership (JETP), the EU, the G7 countries, Denmark, and Norway committed to mobilize \$15.5 billion in funding for Vietnam's transition to renewable energy. In return, Vietnam promised to phase out coal and consult with NGOs and the media when making decisions about how the transition would be implemented.

Vietnam's JETP has been plagued with problems. As documented in a Project88 report due to be released next week, the country's energy transition is failing on its own terms. The rich governments financing the transition have only mobilized a fraction of the pledged money, and, instead of providing grants, have instead committed the bulk of the funding in the form of loans that risk putting Vietnam further into debt.

Vietnam, for its part, has not phased out coal. Rather, Hanoi has decided to prioritize energy security over the transition, opening new coal mines and dramatically increasing imports of coal. In June 2023, just before Nhien was arrested, MOIT Deputy Minister [Do Thang Hai](#) asked government agencies to increase coal and gas output to effectively deal with potential future power shortages. Over the first five months of 2024, Vietnam's coal imports were up [71%](#) as compared to the same period in 2023. And, due to the resumption of full production at coal-fired power plants, imports in 2023 were [61%](#) higher than 2022. Further, in the first two months of 2024, domestic coal mine output has been [3.3%](#) higher than in 2023.

Hanoi has also made it clear that it has no interest in a just transition. Instead of ensuring the public has a voice in key decisions about the transition, the government has effectively criminalized activism on energy policy by imprisoning six leaders of the country's climate change movement. At the same time, an intensifying crackdown on foreign influence has led to paralysis within the government. As of May 2024, none of the JETP [funds](#) had been disbursed.

Background

On September 15, 2023, Hanoi police detained Nhien and five days later, on September 20, police formally charged her with 'stealing, buying, selling, or destroying the seal or

documents of a state agency or organization' under Article 342 of the country's criminal code.

Two government officials who were hired as consultants by VIETSE—Le Quoc Anh and Duong Viet Duc—were also [arrested](#) and charged under Article 342. The two men, who worked for the state electricity utility EVN, were convicted and sentenced to prison, sources told Project88. At the time of their arrests, Nhien, Anh, and Duc were using planning documents from EVN to explore the potential to integrate renewable energy sources into Vietnam's electricity grid.

While Nhien was officially convicted for misappropriating these documents, Project88's [investigation](#) found extensive evidence that her conviction was politically motivated. Since 2022, five other environmental policy activists have been imprisoned on [trumped up](#) tax evasion charges. Nhien was charged with a different crime although there were also irregularities in her case that suggest the charges brought against her were politically motivated. For instance, the police chose not to publicly announce Nhien's arrest and they held her in pre-trial detention, keeping her isolated even though she posed no danger to society.

POLITICAL CONTEXT: DIRECTIVE 24

Two months before Nhien's arrest, Vietnam's top leaders [issued](#) Directive 24, a secret national security policy that orders the government to further restrict civil society, reformers, and foreign influence. Nhien's imprisonment aligns with several orders contained in Directive 24.

First, though Vietnam has long imprisoned anti-state activists and dissidents, Directive 24 orders the government to impose restrictions on NGOs. In recent years, Vietnamese authorities have [imprisoned](#) the leaders of the country's climate change movement. Like Nhien, each of these leaders ran organizations that conducted policy advocacy and received foreign funding to carry out their work. Directive 24 explicitly names these activities as threats to national security.

Second, Directive 24 [calls](#) for Vietnamese authorities to prevent reformist tendencies among officials ‘that weaken our regime from within and threaten the interests of the nation, people, and the survival of the regime’. Since the directive was issued, Hanoi has started jailing government reformers. In the past two months, [Nguyen Van Binh](#) and [Vu Minh Tien](#), government officials who were leading reform efforts that sought to bring Vietnam's laws and policies into line with international agreements, were both arrested.

The arrests of Nhien, Binh, and Tien—the first arrests of high-profile reformers in recent years—are evidence that Directive 24's orders are being implemented by the state. Binh and Tien were arrested as they worked to fulfill Vietnam's obligations under the EU-Vietnam Free Trade Agreement, specifically ensuring that Vietnam ratify ILO Convention 87 which, if passed, would guarantee workers the right to form independent trade unions without prior authorization. Likewise, Nhien was arrested as she helped Vietnam fulfill its obligations under the JETP.

Finally, Directive 24 [prohibits](#) the government from approving foreign aid for legislative reform and policymaking projects. The directive also orders the government to reject funding for ‘projects that have complex and sensitive content’, which includes energy projects. The fact that a major part of VIETSE's work was policy research that aimed to accelerate Vietnam's energy transition, likely put a target on Nhien's back. Before her arrest, VIETSE was monitoring the implementation of Vietnam's energy transition. Now, there are no organizations performing this oversight role.

‘The imprisonment of Ngo Thi To Nhien, along with the arrests of other climate activists, has decimated the ability of Vietnam's civil society to monitor the country's energy transition. Now, Vietnam has begun to ignore its climate obligations with impunity, and there is nobody left to speak out,’ said Michael Altman-Lupu, Human Rights Researcher at Project88.

The arrest of Ngo Thi To Nhien is part of a new wave of repression sweeping through Vietnam that threatens progress on human rights, climate change, and development. In Directive 24, the country's unelected leaders made clear that government reformers and policy activism pose a threat to party hegemony. Nhien, a government insider who attempted to accelerate Vietnam's energy transition by advocating for more progressive energy policies, personifies this threat.

RECOMMENDATIONS TO THE EU:

- **Josep Borrell should** issue a public statement condemning the imprisonment of Ngo Thi To Nhien.
- **Josep Borrell should** call for Directive 24 to be repealed.
- **Josep Borrell should ensure that the EU** takes steps to ensure that Vietnam respect its obligations to phase out coal and promote public participation under the JETP.

RECOMMENDATIONS TO THE VIETNAMESE GOVERNMENT:

- Immediately and unconditionally release all environmental activists and political prisoners who are currently imprisoned.
- Immediately repeal Directive 24.
- Take all steps necessary to ensure that members of civil society can fully participate in the planning and implementation of the country's energy transition, free from persecution, threats, and reprisals.

RECOMMENDATIONS TO THE UN COUNTRY TEAM IN VIETNAM:

- Issue a statement in response to the imprisonment of Ngo Thi To Nhien.
- Demand that Vietnamese authorities refrain from arresting more environmental activists.

- Conduct rigorous due diligence in accordance with UN policies on the current threats to environmental and human rights defenders and the operation of civil society organizations with regards to Vietnam's energy transition.
- Ensure that the UN only enters into agreements that promote human rights, further the safety of human rights defenders, and, in general, comply with the United Nations values, principles, and goals.