

# APOCALYPSE SOON?

**A lack of progress and participation in  
Vietnam's G7-funded energy transition**

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# KEY POINTS

## **Vietnam's energy transition is failing on its own terms.**

- The rich countries financing Vietnam's Just Energy Transition Partnership (JETP) have only committed a fraction of the promised funding in the form of grants—the lion's share comes in the form of commercial loans that risk putting Vietnam into debt. Other JETP countries are facing similar financing problems.
  - Only 2% of the \$15.5 billion in funding initially promised has been committed as grants.<sup>1</sup>
  - \$12 billion of the \$15.5 billion will come in the form of loans at market rates, which Vietnam is reluctant to accept.<sup>2</sup>
  - In South Africa, only 4% of the committed JETP funds come in the form of grants and, in Indonesia, grants make up only 1.4% of the funding.<sup>3</sup>
- Hanoi has prioritized energy security over transitioning away from fossil fuels.
  - Vietnam plans to increase the number of coal-fired power plants it operates in the next few years.<sup>4</sup>
  - In June 2023, Ministry of Industry and Trade (MOIT) Deputy Minister Do Thang Hai asked government agencies to increase coal and gas output.<sup>5</sup>
  - Over the first five months of 2024, Vietnam's coal imports were up 71% compared to the same period in 2023.<sup>6</sup>
  - Through the first two months of 2024, domestic coal mine output was 3.3% higher than output in the first two months of 2023.<sup>7</sup>
  - Vietnam's planned energy transition includes the use of liquified natural gas (LNG), biomass, and ammonia, all of which emit carbon.<sup>8</sup>
- There is little transparency regarding how decisions about the energy transition are being made.
  - The Vietnamese public has been shut out of the decision-making process.
  - Vietnam and its partners have acknowledged that there is no mechanism for the public to participate in the country's energy transition.<sup>9</sup>

- In July 2024, it was revealed that Japan is financing a \$10 billion gas field in Vietnam, even though Tokyo pledged to stop financing fossil fuels and is one of the funders of Vietnam's JETP.<sup>10</sup>

### **Vietnam does not want a *just* energy transition.**

- Prime Minister Pham Minh Chinh reportedly vetoed a proposal to establish a working group to discuss questions of justice relating to the transition.
- Hanoi has imprisoned six leaders of the climate movement and has effectively criminalized energy policy activism.<sup>11</sup>
- These arrests have created a climate of fear surrounding policy activism that has made members of Vietnamese civil society unwilling to take part in policy activism, particularly in relation to the country's energy transition.

### **The energy transition is being implemented during a crackdown on civil society, reformers, and foreign influence.**

- In July 2023, Vietnam's senior leaders issued Directive 24, which seeks to ensure there is no foreign influence in policymaking and lays bare a plan to control efforts by activists to shape state policy and promote legal reform.<sup>12</sup>
- Billions of dollars in foreign aid, including climate funding, have been held up in recent years.<sup>13</sup> And, as of May 2024, none of the JETP funds had been disbursed.<sup>14</sup>
- In 2024, Hanoi started arresting government officials who were leading reform efforts to bring Vietnam's laws and policies into line with international labor agreements.<sup>15</sup>

### **Following the arrests of climate activists, the goals of the JETP were weakened.**

- In November 2023, Vietnam and its partners announced the Resource Mobilisation Plan (RMP), which details the funding sources for the JETP and specifies which projects will be part of Vietnam's energy transition.<sup>16</sup> In the RMP, both the Vietnamese government and the funders of Vietnam's JETP backtracked on obligations agreed upon in the initial Political Declaration:
  - RMP targets for phasing out coal are less ambitious than targets found in the Political Declaration.<sup>17</sup>
  - The RMP lacks a fixed timeline for the early closure of coal plants.<sup>18</sup>

# EXECUTIVE SUMMARY

Climate change is the existential threat facing humanity. Though climate change is primarily caused by rich, industrialized countries, it is poor countries and former colonies that are disproportionately impacted.

Vietnam is particularly vulnerable to climate change. The weather in the country has become more unpredictable and extreme, with people facing higher temperatures, more irregular rainfall, stronger storms, and rising sea levels.<sup>19</sup> The World Bank has predicted that Vietnam will be one of the countries in the world most affected by climate change.<sup>20</sup>

At the same time, Vietnam is one of the world's fastest growing economies.<sup>21</sup> Rapid economic growth has driven a demand for electricity, which the government has met by relying heavily on coal, making it the world's tenth largest user of coal power.<sup>22</sup> Vietnam's dependency on coal is likely to be exacerbated by foreign investment in energy intensive industries as America seeks to move supply chains away from China.

This situation cannot continue. In an age of climate crisis, fossil fuel-driven industrialization is no longer a feasible pathway to development. For this reason, in 2009, wealthy countries pledged to provide \$100 billion a year over the next decade to help developing countries adapt to the impact of climate change.<sup>23</sup>

That promise was broken. Instead, rich countries have promoted a series of problematic energy transition packages as the solution to climate change. At the end of 2022, nine rich governments made a deal with Vietnam to decarbonize the country's energy sector.<sup>24</sup> Under the arrangement, named the Just Energy Transition Partnership, the members of the G7 along with the EU, Denmark, and Norway committed to mobilize \$15.5 billion in funding. In return, Vietnam promised it would phase out coal and consult NGOs and the media to ensure the transition is implemented in a just manner.

All parties have failed to live up to their sides of the deal. The rich governments have only mobilized a fraction of the pledged money, and, instead of providing grants to the Vietnamese government, have committed the bulk of the funding into the form of loans that risk putting Vietnam into debt.

Vietnam, for its part, has doubled down on coal. Hanoi has prioritized energy security over the transition, opening new coal mines and dramatically increasing imports of coal.<sup>25</sup> While under the JETP Vietnam is permitted to increase its use of coal until 2030, these recent government actions are deepening the country's reliance on coal, jeopardizing Vietnam's planned transition to renewable energy.

In addition, instead of ensuring the public has a voice in the transition, Hanoi 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 corruption and foreign influence has led to inertia within the government. As of May 2024, none of the JETP funds had been disbursed.<sup>26</sup>

Vietnam's JETP is failing on its own terms. Hanoi has not made a serious effort to transition away from fossil fuels, and the process has been anything but just. Many of the problems plaguing Vietnam's energy transition are reflected in other countries that have received JETP packages. In South Africa, Indonesia, and Senegal, these deals have not resulted in a transition away from fossil fuels. Rather, in country after country, civil society groups have reported that they have been excluded from participating in decisions about how the transition process should be designed and implemented.<sup>27</sup> Moreover, in each of these JETPs, the funding has been committed almost entirely in the form of loans that risk putting each of these countries into debt.

The alarming record of each of these countries raises questions about the JETP model being promoted by rich countries for addressing climate change in the developing world.

To ensure that Vietnam's energy transition moves forward in a way that benefits the people of Vietnam, Project88 recommends that the following actions be taken:

1. Rich countries must lead by example, and phase out, rather than scale up, the extraction and use of fossil fuels.
2. The rich countries funding Vietnam's JETP must provide grants that do not put Vietnam into debt.
3. Vietnam must ensure that the public is able to participate in the planning and implementation of the country's energy transition, free from fear of reprisal.
4. Vietnam must follow through on its obligations to transition away from coal.
5. Vietnam must stop arresting climate activists and must release those who are currently imprisoned.
6. Foreign corporations must not invest in energy-intensive industries in the country until clean sources of energy are available.

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# GLOSSARY

<b>ADB</b>	Asian Development Bank
<b>CCWG</b>	Climate Change Working Group
<b>COP26</b>	26th Conference of Parties
<b>COP28</b>	28th Conference of Parties
<b>CPV</b>	Communist Party of Vietnam
<b>ETP</b>	Southeast Asia Energy Transition Partnership
<b>EVFTA</b>	EU-Vietnam Free Trade Agreement
<b>GFANZ</b>	Glasgow Financial Alliance for Net Zero
<b>GST</b>	Global Stocktake
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ILO</b>	International Labour Organisation
<b>IPCC</b>	UN Intergovernmental Panel on Climate Change
<b>IPG</b>	International Partners Group
<b>JETP</b>	Just Energy Transition Partnership
<b>LNG</b>	Liquefied natural gas
<b>MOF</b>	Ministry of Finance
<b>MOIT</b>	Ministry of Industry and Trade
<b>MONRE</b>	Ministry of Natural Resources and Environment
<b>MPI</b>	Ministry of Planning and Investment
<b>PCC</b>	Presidential Climate Commission
<b>PDP8</b>	Eighth Power Development Plan
<b>RMP</b>	Resource Mobilisation Plan
<b>UDHR</b>	Universal Declaration of Human Rights
<b>VGCL</b>	Vietnam General Confederation of Labor
<b>VIETSE</b>	Vietnam Initiative for Energy Transition Social Enterprise
<b>Vinacomin</b>	Vietnam Coal and Mineral Industry Group
<b>VNGO-EVFTA</b>	Vietnamese NGOs on the EVFTA
<b>VSEA</b>	Vietnam Sustainable Energy Alliance



# BACKGROUND

On July 8, 2024, the EU's Copernicus Climate Change Service reported that June marked the 12<sup>th</sup> consecutive month of global warming at or above 1.5 degrees Celsius.<sup>28</sup> This alarming trend was recorded after the UN Intergovernmental Panel on Climate Change (IPCC) confirmed that human-caused production of excessive greenhouse gas emissions was the main driver of climate change.<sup>29</sup> The IPCC made clear that in order to mitigate the worst impacts of climate change, governments must work to ensure that the global average temperature increase does not exceed 1.5 degrees.<sup>30</sup> To have any hope of reaching this goal, the experts stressed that it is necessary for the world to achieve net-zero emissions by 2050.<sup>31</sup> More immediately, by 2030, global carbon emissions must be reduced by 45% relative to the level of emissions in 2010.<sup>32</sup>

On paper, Vietnam has committed to drastically cutting its carbon emissions by the middle of the century.<sup>33</sup> And yet, the country has continued to increase its use of coal. In 2010, Vietnam generated only 18% of its electricity from coal.<sup>34</sup> Since then, coal has become Vietnam's largest source of electricity, supplying nearly 40% of the country's needs.<sup>35</sup> While the government has slashed planned capacity of future coal-fired power plants, it has increased the actual output of existing plants.<sup>36</sup> In addition, though construction of new coal power plants has slowed, Vietnam currently has 75 plants and has plans to build at least eight more.<sup>37</sup>

Compounding the problem, Vietnam has the youngest fleet of coal-fired generators in Southeast Asia. Approximately 82% of its coal-fired power plants are less than 10 years old.<sup>38</sup> These coal plants have a lifespan of 40-50 years, and therefore can remain operational well beyond 2050, by which point Vietnam is supposed to have transitioned away from coal power entirely.<sup>39</sup> If the government is sincere about its climate commitments, these power plants will have to be retired early.<sup>40</sup>

Environmental activists have long been aware that any clean energy transition will create 'winners' and 'losers.'<sup>41</sup> Disadvantaged communities often bear the burden of energy transitions. Women, children, and members of ethnic minority groups are

disproportionately affected.<sup>42</sup> In addition, people who work in sectors such as the coal industry may experience a loss of livelihood and other hardships. Finally, renewable energy projects can result in the displacement of large numbers of people, limit access to water, and create food insecurity.<sup>43</sup> For these reasons, Vietnam's JETP was framed in terms of justice.

This report explores Vietnam's energy transition from the perspective of human rights and justice. It starts by discussing the structure and funding system for the partnership, highlighting the limitations with the financing model and failures on the part of the financiers. Next, the report shows how Hanoi is reneging on the terms of the deal and argues that Vietnam's JETP is failing on its own terms.

Focus then shifts to public participation in the energy transition. The report argues that the participation of civil society is essential to ensure that nobody is left behind and that Vietnam delivers on its climate promises. Then, the report explores how Hanoi has done everything it can to shut down opportunities for public participation. The report presents evidence that the imprisonment of six leaders of the climate change movement represents an attempt to criminalize policy activism and civil society movements. These developments are then placed in the context of Directive 24, a policy issued by Vietnam's top leaders that places suffocating restrictions on human rights, civil society, reformers, and foreign influence. We argue that this crackdown is, in part, responsible for the failure of Vietnam's JETP.

The report concludes by considering how Vietnam's energy transition can be salvaged. We look to the experiences of other JETP countries including South Africa and Indonesia, to explore how justice has been defined in these settings. In doing so, we attempt to sketch a path forward for Vietnam and identify actions that the Vietnamese government, its donors, and multinational corporations can take to prioritize justice in Vietnam's transition to renewable energy.

# VIETNAM'S JETP

On December 14, 2022, the International Partners Group (IPG)—consisting of the European Union, the United Kingdom, the United States, Japan, Germany, France, Italy, Canada, Denmark, and Norway—committed \$15.5 billion in funding for Vietnam's energy transition. Under the terms of the JETP, Vietnam agreed to reach peak carbon emissions by 2030, with a goal of net-zero emissions by 2050. Vietnam also pledged to ensure that the transition away from fossil fuels will be just and equitable.<sup>44</sup> The JETP emphasizes inclusive decision-making and, as part of the agreement, Vietnam guaranteed that it would implement protections for workers and members of marginalized communities.<sup>45</sup>

Vietnam's JETP has four main objectives:<sup>46</sup>

1. Facilitate the early decommissioning of power plants that run on fossil fuels.
2. Develop more renewable energy infrastructure and increase energy efficiency.
3. Ensure energy sovereignty, security, and affordability.
4. Ensure that the transition away from fossil fuels is just for all affected.

The following strategies were proposed to achieve these objectives:

- Improve the legal and regulatory framework in Vietnam to facilitate investment in renewable energy and facilitate the green transition of Vietnam's economy.<sup>47</sup>
- Reduce peak annual power sector emissions by up to 30%.<sup>48</sup>
- Reach peak coal use by 2030 and phase out coal-fired power generation after that date.<sup>49</sup> Work to achieve zero-coal by 2050.<sup>50</sup>
- Increase the share of renewable energy sources to at least 47% of Vietnam's total energy generation by 2030.<sup>51</sup>
- Support the development of expertise, skills, and technology to firmly establish the renewable energy industry in Vietnam.<sup>52</sup>
- Identify and implement risk mitigation measures to protect businesses, investors, workers, and poor and vulnerable households during the transition.<sup>53</sup>

## FUNDING

Under the terms of the JETP, Vietnam will receive \$15.5 billion over three to five years.<sup>54</sup> The IPG, the Asian Development Bank (ADB), and the International Finance Corporation (IFC) promised \$7.75 billion.<sup>55</sup> In addition to this public funding, a further \$7.75 billion in private loans was pledged by the Glasgow Financial Alliance for Net Zero (GFANZ), a group of private financial institutions including the Bank of America, Citi Bank, Deutsche Bank, HSBC, Macquarie Group, Mizuho Financial Group, MUFG, Prudential PLC, Shinhan Financial Group, SMBC Group, and Standard Chartered.<sup>56</sup> GFANZ was launched in April 2021 as a coalition of institutions seeking to invest in (and profit from) energy transitions around the world.

Vietnam's energy transition is being funded through a blended finance mechanism.<sup>57</sup> Blended finance is a market-based approach to addressing climate change that involves public investment in costly initiatives to 'unlock' future private investment. The underlying logic is that, because the private sector is not going to invest in unprofitable energy transition initiatives that require large capital outlays, governments should make the initial investment and create new markets for renewables that will attract private investors who stand to profit.<sup>58</sup>

This model, which socializes the cost of investment while keeping profits privatized, is supposed to encourage corporate investment to help reduce emissions across carbon-intensive sectors. Private financiers have argued that under a blended finance mechanism, public investment will inspire private investment in renewable energy infrastructure, leading to reduced carbon emissions.<sup>59</sup>

Critics, however, argue that there are problems with blended finance.<sup>60</sup> A recent report published by ActionAid and the European Network on Debt and Development, for instance, found that a blended finance approach to climate action poses numerous risks.<sup>61</sup> First, blended finance often imposes debts, which must be paid back.<sup>62</sup> Second, blended finance projects may lead to a 'neocolonial' extraction of natural resources.<sup>63</sup> Third, blended finance projects overwhelmingly rely on external private capital, which harms local financial sectors.<sup>64</sup> And finally, a reliance on private funding often raises serious issues around transparency and accountability.<sup>65</sup>

## VIETNAM'S ENERGY POLICY: PDP8

While the JETP provides a roadmap for Vietnam's energy transition, the most important government energy policy is the Eighth Power Development Plan (PDP8).<sup>66</sup> The PDP8, which was delayed for two years, outlines a roadmap for how the country will meet its energy needs over the next decade.<sup>67</sup> While the PDP8 has a larger scope than the JETP, it recognizes the JETP as a crucial mechanism for successfully implementing the country's energy transition.<sup>68</sup> Like the JETP, the PDP8 mandates that Vietnam's use of coal will peak in 2030 and decline thereafter.<sup>69</sup>

Specific objectives of the plan include:

- Ensure energy security and meet the country's expanding electricity needs.
- Double the country's power generation capacity by 2030 to ensure that Vietnam can meet the emerging energy needs in the country.<sup>70</sup>
- Stop constructing new coal-fired power plants after 2030 and gas-fired power plants after 2035.<sup>71</sup>
- Decommission power plants that do not meet environmental standards. By 2050, all coal plants will be converted to alternative fuels or cease operations.<sup>72</sup>
- Greatly expand Vietnam's renewable energy production, particularly with regards to onshore and offshore wind power.<sup>73</sup>

While the PDP8 includes a plan for an energy transition, the main priority of the plan is to ensure energy security, irrespective of whether energy sources are renewable. The plan also stipulates that funding must come from foreign and private investment: Hanoi will not contribute public funds for the country's energy transition.<sup>74</sup>

In this section, we provided a summary of the structure and funding of Vietnam's JETP, as well as an overview of the broader energy policy context in the country. In the following section, we will turn to the lack of transparency and public participation in the implementation of Vietnam's JETP and provide an analysis of these failures from the perspective of international human rights law.

# A 'JUST' ENERGY TRANSITION

Vietnam's energy transition raises important issues of justice and human rights. To start, all people have the right to a clean and healthy environment. A transition away from fossil fuels is essential to ensure people can enjoy this right. Not everyone, however, stands to benefit equally from this transition.

For this reason, the Vietnamese government must ensure that everybody in the country can share in the benefits of the transition, and that those who are most affected by the transition are not unduly burdened by the costs.<sup>75</sup> To achieve this goal, the JETP emphasizes inclusive decision-making, requiring Vietnam to consult with members of civil society. Moreover, as part of the agreement, Vietnam has committed to implementing protections for workers and marginalized groups based on a framework set forth by the International Labour Organisation (ILO).<sup>76</sup>

And yet, in their own planning documents, Vietnam and its partners have acknowledged that there are no mechanisms for public participation in the implementation of the JETP.<sup>77</sup> According to the Resource Mobilisation Plan, which details the funding sources for the JETP and specifies which projects will be part of the energy transition:

There are currently no existing mechanisms through which the representatives of youth, women, the elderly, migrants, formal and informal sector workers, and ethnic minority groups, and social political and professional organizations (such as the Youth League, Trade Union, Farmers Union, or the Women's Union) can participate actively in dialogues on aspects of the energy transition....<sup>78</sup>

As such, by their own admission, Vietnam and its JETP partners have stated that there is currently no way for the public to participate in the implementation of the country's energy transition.

At the same time, Hanoi has refused to define what constitutes a ‘just’ transition in the context of Vietnam. According to multiple diplomatic sources that spoke with Project88, a proposal to establish a working group to discuss this was rejected by Prime Minister Pham Minh Chinh. In sum, though the JETP is framed in terms of social justice, the Vietnam’s JETP has not met the most basic requirements of a just transition.

## THE IMPORTANCE OF CIVIL SOCIETY

Throughout history, it is civil society that has been the driving force of progressive social change. Civil society groups help shape policy, advocate for the needs of the people, provide essential services, and protect human rights. A necessary precondition for civil society to fulfill these functions, however, is that people must be free to express themselves, form associations, and engage in public affairs.

Freedom of expression helps to ensure that civil society groups can promote human rights, while freedom of association enables equal participation in political and public affairs.<sup>79</sup> These rights promote transparency and help ensure that governments are held accountable for misconduct.<sup>80</sup>

Freedom of association and expression are particularly important with regards to climate policy. As stated by the United Nations human rights office, governments must ‘take measures to ensure that people are able to effectively participate in shaping climate policies on the local, national, and international levels’.<sup>81</sup> Nevertheless, Vietnam routinely violates these rights, especially with regard to climate activists.

Since 2021, the government has jailed six key leaders of the country’s climate change movement. Nguy Thi Khanh, Dang Dinh Bach, Mai Phan Loi, Bach Hung Duong, and Hoang Thi Minh Hong were all imprisoned on false tax evasion charges.<sup>82</sup> In addition, Ngo Thi To Nhien, the head of an energy policy think tank, was imprisoned for allegedly misappropriating government documents.<sup>83</sup>

Vietnam imprisoned these activists after they successfully campaigned for the government to commit to decarbonize the economy, culminating in the announcement of Net Zero by 2050 by Prime Minister Pham Minh Chinh at COP26 in

November 2021.<sup>84</sup> Several of the activists had worked directly with the UN and Vietnamese government on the implementation of the JETP.<sup>85</sup>

As documented in Project88's report, *Weaponizing the Law to Prosecute the Vietnam Four*, Hanoi had a political motive for imprisoning these activists.<sup>86</sup> Their efforts to shape energy policy brought them into conflict with the communist party elite who wanted to wrest back control of policymaking. The common thread in these cases is that all the individuals involved ran organizations that conducted policy advocacy, and all received foreign funding to carry out their work. The imprisonment of these activists is a clear message from the government that any civil society involvement in the country's energy transition is off the table.<sup>87</sup>

## LACK OF TRANSPARENCY AND PARTICIPATION

Public participation is necessary to ensure that workers and members of marginalized communities are not left behind during the energy transition. For this reason, as part of the JETP, Vietnam is required to consult with NGOs, the media, and other affected stakeholders.<sup>88</sup> The Vietnamese government, however, has made clear that it will not tolerate public participation in any aspect of the transition.<sup>89</sup>

The drafting of the Resource Mobilisation Plan is an example of how the public has been excluded from Vietnam's energy transition. Throughout the drafting process, several workshops were held so stakeholders could provide input.<sup>90</sup> These workshops were not open to the public, and there is no evidence that members of Vietnamese civil society were able to meaningfully participate. In addition, the government did not provide any information about what recommendations arose out of the workshops and if any of these recommendations influenced the RMP.

According to diplomats familiar with the situation, the day before the RMP was finalized, the Climate Change Working Group (CCWG) was invited to provide comments.<sup>91</sup> The CCWG was established in 2008 to bring together NGOs, and its core members consist of eight international NGOs and three Vietnamese NGOs.<sup>92</sup> A fourth Vietnamese NGO, GreenID, which was founded by Nguy Thi Khanh, was formerly a member of the CCWG. After Khanh's arrest, however, GreenID was shut down.<sup>93</sup>



Diplomatic sources told Project88 that the CCWG was only given 24 hours to review the draft RMP even though the document contains over 200 pages of highly technical details. This was not a serious effort by the government to involve civil society. Rather, this example highlights that Vietnamese civil society has not had an opportunity to play a meaningful role in the implementation of the JETP.

## RESTRICTIONS ON FOREIGN FUNDING

In recent years, Vietnam has also restricted the ability of local organizations—including those working on the country's energy transition—to receive foreign funding. Decrees 56 and 80, both enacted in 2020, regulate the activities and funding of NGOs operating in Vietnam.<sup>94</sup> These decrees impose onerous requirements on the registration of NGOs and the funding of projects, while increasing the power of the Ministry of Public Security in overseeing development projects. NGOs operating in Vietnam have told Project88 that these restrictions have made it extremely difficult to get approval for foreign funded projects, especially if the projects have an advocacy or civil society component.<sup>95</sup>

Beyond civil society organizations, it seems equally unlikely that workers will be able to participate in the implementation of the JETP. Vietnam has a single, state-led union federation: the Vietnam General Confederation of Labor (VGCL).<sup>96</sup> All unions must affiliate to this Confederation—independent trade unions are banned.<sup>97</sup> Because the VGCL is subordinate to the ruling Communist Party of Vietnam (CPV), and because independent worker organizations cannot yet exist in practice, there is no guarantee that workers will be able to participate free from government interference.<sup>98</sup>

Further, in recent months, Hanoi has tightened restrictions on labor rights. In April 2024, Vietnamese police arrested Nguyen Van Binh and Vu Minh Tien, ostensibly for disclosing classified information.<sup>99</sup> These government officials were leading reform efforts that sought to bring Vietnam's laws and policies into line with international agreements.<sup>100</sup> With the arrests of Vietnam's leading labor reformers, the country's unelected leaders have made clear that, moving forward, there will be no way for

workers to voice their needs and concerns, including in relation to the energy transition.

The forced closure of environmental organizations, the enactment of regulations that restrict the ability of organizations to receive foreign funding, and the lack of independent trade unions in Vietnam has made it extremely difficult for civil society organizations to participate in Vietnam's energy transition.

In this section, we argued that the lack of transparency and public participation in the implementation of Vietnam's JETP violates international law and has made it impossible for the JETP to be just. We presented evidence that the Vietnamese government has effectively criminalized policy advocacy, particularly in relation to energy and the environment. We concluded that in the current political climate, it is almost impossible for civil society to participate in the country's energy transition.

In the following section, we will turn to Directive 24, a secret national security directive that helps explain why Hanoi has cracked down on climate activists and civil society groups that have advocated to accelerate Vietnam's energy transition.

# POLITICAL CONTEXT: DIRECTIVE

## 24

To understand why Hanoi is arresting the country's leading climate activists while simultaneously pursuing an energy transition, it is necessary to explore the broader political context. Since 2016, when General Secretary Nguyen Phu Trong took power, Vietnam has endured a brutal crackdown on activism, dissent, and civil society. Scores of human rights activists and dissenters have been imprisoned, independent civil society and media organizations have been shuttered, and extreme restrictions on foreign aid have been enacted that have reportedly held up billions of dollars in grants and loans.<sup>101</sup> This crackdown intensified in 2020. Since then, Vietnam has shut down the country's only independent journalist association, independent publishing house, and anti-corruption organization.

In the midst of this new wave of repression, on July 13, 2023, the CPV issued Directive 24, which frames all forms of international cooperation as threats to national security and articulates a disturbing plan to deal with these perceived threats by systematically violating the constitutional and human rights of the country's 100 million citizens.<sup>102</sup>

In the directive, Vietnam's leaders order the government to control the formation of civil society coalitions and efforts by activists to shape state policy and promote legal reform.<sup>103</sup> The directive also seeks to ensure that foreign governments cannot use international agreements to challenge the CPV's monopoly on policymaking.<sup>104</sup>

Directive 24 helps explain why Vietnam's leaders have taken such repressive actions against climate activists. The directive states that Vietnamese authorities should 'proactively resolve complex issues that arise during the implementation of international commitments, while minimizing damage to the national interest'.<sup>105</sup> The proactive action taken by Vietnam during the implementation of the JETP has been to arrest climate activists who attempted to influence policymaking.

The directive also orders the Vietnamese government to not ‘accept foreign funding for legislative development projects that have complex and sensitive content’.<sup>106</sup> Energy policy is among the content considered sensitive. In addition, the directive orders the government to ‘[i]ncrease the management of foreign aid, especially for projects related to policymaking and legislative development’.<sup>107</sup> It seems likely that the failure of Vietnam to disburse JETP funds is a result of Directive 24’s restrictions on foreign funding.

Directive 24 reveals that Vietnam has no intention to allow civil society to participate in its energy transition. Rather, there is a concerted effort to limit the ability of Vietnamese organizations to engage in policy advocacy or oversight of Vietnam’s international obligations. There is a clear intent to stop what Vietnamese authorities view as efforts by foreign actors to interfere with Vietnam’s internal decision-making.

From a human rights perspective, however, there is no legitimate basis for imposing restrictions on civil society because it is funded by foreign sources. As stated by Clément Nyaletsossi Voule, the Special Rapporteur on freedom of association:

A critical element within an enabling environment for the work of civil society towards low-emissions and climate-resilient societies is the ability to access funding from national, foreign, and international sources. Limitations on associations’ access to funding ... are highly suspect and should be subject to strict rights-based scrutiny.<sup>108</sup>

Governments must enable, not restrict, the work of civil society organizations in their fight against climate change. And Vietnam must not restrict organizations merely because they are funded by foreign sources.

In this section, we presented an analysis of Directive 24. We argued that the directive helps explain why Vietnam has been so repressive of civil society in the context of the JETP. In the following section, we will explore what happened after the public was prevented from participating in decisions about how Vietnam’s JETP will be implemented.

# THE JETP IMPLEMENTATION PLAN: A LACK OF AMBITION

After agreeing to move forward on the JETP, Vietnam and its partners spent a year negotiating behind closed doors about where the money would come from and how it would be spent. At COP28 in November 2023, Vietnam and the IPG announced the Resource Mobilisation Plan, which details the funding sources for the JETP and specifies which projects will be part of Vietnam's energy transition.<sup>109</sup>

The drafting of the RMP was characterized by infighting among Vietnamese government ministries. Implementation of the JETP had been assigned to the Ministry of Natural Resources and Environment (MONRE), but MONRE has failed to get buy in from other government ministries. According to diplomats who have spoken with Project88, negotiations on the RMP broke down due to opposition from the Ministry of Industry and Trade (MOIT), the Ministry of Planning and Investment (MPI), and the Ministry of Finance (MOF). Briefing notes by U.K. officials who were involved in the negotiations state that 'persistent obstructionism' and 'foot-dragging,' by the MOIT, MPI, and MOF threatened the RMP until the last minute.<sup>110</sup> The final plan was pushed through by the prime minister when a consensus could not be reached.<sup>111</sup>

Vietnam did not allow civil society to meaningfully participate in the drafting of the RMP, and both the Vietnamese government and the members of the IPG have backtracked on a number of the obligations agreed upon in the initial Political Declaration between Vietnam and the funders of the JETP. As shown in the table below, much of the language contained in the RMP is weaker than the corresponding language in the Political Declaration.

## DIFFERENCES BETWEEN THE POLITICAL DECLARATION AND RMP

Political Declaration	Resource Mobilisation Plan
<p>'Working closely with the Viet Nam Government, IPG members will mobilise \$7.75bn of public sector finance which should be on more attractive terms than Viet Nam could secure in the capital markets'.<sup>112</sup></p>	<p>'... a total offer of public finance of USD 8,077.2 million, of which USD 321.5 million in grants; USD 2,185 million in sovereign concessional loans ... USD 4,229 million in commercial DFI loans, and USD 264 million to be defined.'<sup>113</sup></p>
<p>'Work with Viet Nam and investors to reduce Viet Nam's project pipeline for coal-fired generation, currently standing at a planned capacity peak of 37GW, towards a peak of 30.2 GW, as well as providing a credible and ambitious emission reduction pathway to phasing out unabated coal-fired power generation after those dates'.<sup>114</sup></p>	<p>Coal-fired power plant 'phase-out at large scale in Viet Nam is not feasible in the near-term'.<sup>115</sup> Instead of committing to the phaseout of coal, the RMP aims to 'phase down' the use of coal and promote 'coal power-plant flexibility'.<sup>116</sup></p>
<p>'Negotiate the closure of old, inefficient unabated coal-fired power plants to facilitate access to clean energy'.<sup>117</sup></p>	<p>Rather than closing old coal-fired power plants, some plants 'will start to convert to biomass and ammonia provided the price is right'.<sup>118</sup></p>
<p>'Lead a just transition, in line with, inter alia, the ILO Declaration on Fundamental Principles and Rights at Work, to ensure all of society can benefit from a green transition to increase access to affordable energy and engage with relevant organisations and stakeholders to help meet the needs of those most affected by the green transition, such as workers and communities in sectors and areas affected by the transition'.<sup>119</sup></p>	<p>'There are currently no existing mechanisms through which the representatives of youth, women, the elderly, migrants, formal and informal sector workers, and ethnic minority groups, and social political and professional organizations (such as the Youth League, Trade Union, Farmers Union or the Women's Union) can participate actively in dialogues on aspects of the energy transition...'<sup>120</sup></p>

Our analysis of these changes has led us to conclude that the RMP is substantially weaker than the initial JETP Political Declaration.

The RMP is a case study of what happens when the public is excluded from participating in important decisions about an energy transition. For instance, the RMP reveals significant problems regarding the funding of Vietnam's JETP. The bulk of the money for the country's energy transition comes in the form of loans rather than grants. The lion's share of public funding pledges detailed in the plan (\$4.23 billion), as well as the entirety of the private financing from GFANZ, will come in the form of loans at market rates, which Vietnam is reluctant to accept.<sup>121</sup> Only \$321.5 million—2% of the \$15.5 billion in funding initially promised—comes in the form of grants.<sup>122</sup> Nearly all the grants were committed by the European Union and EU member states.<sup>123</sup> The funding pledged by the U.S. and Japan, by contrast, comes almost entirely as market rate commercial loans.<sup>124</sup>

In addition, the RMP announced targets for phasing out coal plants that are less ambitious than targets found in the Political Declaration or the PDP8. The RMP fails to provide a fixed timeline for the early closure of coal-fired power plants. The plan states that the coal-fired power plant 'phase-out at large scale in Viet Nam is not feasible in the near-term', indicating a weak commitment to the phase-out of coal and the curbing of carbon emissions.<sup>125</sup> Instead of committing to early closures, the plan aims to promote 'coal power-plant flexibility'.<sup>126</sup> This means that Vietnam will only use coal when needed to make up for an energy shortfall, but it also means that the government can return to the status quo of coal-power dependency at any point.

Finally, the RMP calls for converting existing coal-fired power plants into facilities that run on fuels such as biomass and ammonia.<sup>127</sup> The RMP notes that some plants 'will start to convert to biomass and ammonia provided the price is right'.<sup>128</sup> The use of biomass, ammonia, and liquified natural gas, however, is not carbon-free and therefore at odds with Vietnam's obligations to significantly reduce its carbon emissions.<sup>129</sup> An important biomass resource in Vietnam is wood waste collected from factories.<sup>130</sup> According to the Natural Resources Defense Council, power plants that burn wood waste emit 150% more carbon than those burning coal.<sup>131</sup>

The RMP is an example of what happens without independent oversight from civil society. The RMP's unambitious goals of reducing coal-fired power and ensuring 'cleaner' coal-fired plants are a far cry from the language used in the Political Declaration of the JETP.<sup>132</sup>

## A PHASE DOWN OF COAL, NOT A PHASE OUT

The weakness of the RMP highlights Vietnam's lack of commitment to phase out coal. After an energy crisis in northern Vietnam last year, the key priority of the government has been to ensure energy security, and not to transition away from fossil fuels. As such, Vietnam has indicated it might pull back on its promise to begin to phase out coal in 2030.

In May and June 2023, Vietnam experienced a record-breaking heat wave and drought, which plunged the north of the country into an energy crisis.<sup>133</sup> Northern Vietnam experienced electricity shortages caused by severe heat, as well as insufficient water flow to hydroelectric reservoirs.<sup>134</sup> To make up for the shortages, Vietnam was forced to import electricity from China.<sup>135</sup>

The energy crisis greatly affected manufacturing plants, which were forced to halt operations due to power outages.<sup>136</sup> The crisis has also affected foreign investment in Vietnam. Intel chose to shelve a planned \$1 billion investment in Vietnam due to concerns about the unstable power supply.<sup>137</sup>

Due to this crisis, it appears that some officials in the Vietnamese government are skeptical that renewable energy will solve the country's power issues. Hydropower and solar power were insufficient to meet energy needs during the crisis, and, as a result, it appears that the government has doubled down on coal.

According to diplomats who spoke to Project88, the Vietnamese government has begun to rethink its phaseout of coal. In June 2023, MOIT Deputy Minister Do Thang Hai asked government agencies to increase coal and gas outputs to effectively deal with potential future power shortages.<sup>138</sup>



Over the first five months of 2024, Vietnam's coal imports were up 71% as compared to the same period in 2023.<sup>139</sup> And, due to the resumption of full production at coal-fired power plants, imports in 2023 were 61% higher than 2022.<sup>140</sup>

Domestic mining has also increased. As of March 2024, domestic mine production was 3.3% higher than in 2023.<sup>141</sup> In addition, on August 5, 2023, the Vietnam Coal and Mineral Industry Group (Vinacomin) held a groundbreaking ceremony for the expansion of mining capacity at the Cao Son Coal Mine.<sup>142</sup> On November 4, 2023, just before the release of the RMP, Vinacomin began deep coal mining at the Binh Minh Mine.<sup>143</sup> According to Vinacomin, at least five additional mine development projects at Ha Rang Mine, Suoi Lai Mine, Dong Trang Bach Mine, Tan Yen Mine, and the Coc Sau-Deo Nai Mine Cluster will be implemented in the near future to increase coal output in the country.<sup>144</sup>

In addition to this increase in coal imports and mining, Vietnamese authorities appear to also be reneging, at least in part, on their phaseout of coal plants. The RMP states that Vietnam will '[n]egotiate the suspension of investment in coal-fired power plants that are behind schedule and facing difficulties in changing shareholders and arranging capital'.<sup>145</sup> However, despite this claim, Vietnamese authorities appear to have continued to secure funding for these plants.<sup>146</sup> After the RMP was made public, provincial development plans have been approved that have continued to list several of these coal-fired power plants as priority projects.<sup>147</sup>

According to Lucy Hummer, Climate & Energy researcher at Global Energy Monitor, the implementation of any of these projects would put Vietnam over the carbon emission ceiling identified in both the PDP8 and the JETP. For that reason, to align with the country's promises, 'all remaining coal-fired power stations not yet in construction must be cancelled'.<sup>148</sup> However, without a robust civil society, there is no oversight to ensure that Vietnam will follow through on its pledges to suspend these projects. The promotion of 'coal power-plant flexibility' in the RMP means that Vietnam can return to the status quo of coal-power dependency at any point.<sup>149</sup> That is, the new

construction of coal-fired power stations, even those that will ostensibly be converted to other fuel sources, makes a return to coal possible.

The forced closure of the only independent energy think tank in the country, the Vietnam Initiative for Energy Transition Social Enterprise (VIETSE), has made it difficult to keep track of these developments. Before the shutdown of the organization and the imprisonment of its director, Ngo Thi To Nhien, VIETSE was monitoring these developments closely and publishing regular reports.<sup>150</sup> Now, there are no organizations in the country that are monitoring Vietnam's compliance with the provisions within the JETP to ensure that the country truly suspends the investment in and construction of these projects.

## **HYDROPOWER AND THE RMP: THE NEED FOR OVERSIGHT**

The RMP also outlines a plan for the construction of new hydropower projects, which will have profound implications for human rights. In countries across Southeast Asia, including in Vietnam, efforts by civil society have successfully stopped hydropower projects that would harm the environment and the lives of people living near the projects. Due to the crackdown on civil society, however, Vietnamese climate activists can no longer do so.

According to the RMP, hydropower will constitute 19.5% of Vietnam's power generation by 2030.<sup>151</sup> To reach this level, the RMP lists 31 planned hydropower projects.<sup>152</sup> However, the RMP does not indicate that there has been any analysis to understand the potential environmental, social, and human rights impacts of these projects.

According to Tanya Lee Roberts-Davis, senior campaign manager for International Rivers, hydropower projects can limit access to land and water, harm biodiversity, lead to food insecurity, to the erosion of soil, and the depletion of fish stocks, and may necessitate a massive displacement of communities.<sup>153</sup> The RMP does not account for these risks. Moreover, it does not provide a timeline for the projects, where people will be moved if displaced, or how land will be acquired for the projects.

In the past, Vietnamese activists successfully prevented the construction of hydropower projects. Starting in 2013, GreenID, founded by Nguy Thi Khanh, who was subsequently imprisoned, worked with communities affected by hydropower dam development to ensure that the public was consulted in the construction and development of these projects.<sup>154</sup> Khanh explained, 'We helped the public and the local people in the Mekong Delta in understanding the impacts of the dams on their future livelihoods and helped raise their voice to create a channel for their voice to the decision makers'.<sup>155</sup> Similarly, Dang Dinh Bach, who is currently imprisoned, advocated against the Son La Hydroelectric Plant, a project which displaced more than 91,000 people.<sup>156</sup>

Vietnamese climate activists mobilized for years to stop the expansion of hydropower projects and were successful. In 2013, the Vietnamese government announced that the 338 remaining hydropower projects were not environmentally or economically feasible.<sup>157</sup> Now, Vietnamese authorities have imprisoned the key activists who led the charge against hydropower projects in the past. As a result, there is nobody in Vietnam who can challenge the new hydropower projects included in the RMP.

In sum, Vietnam has taken steps to criminalize policy activism and prevent civil society from serving as a watchdog to monitor Vietnam's compliance with its JETP obligations. The government has not allowed any public participation in the implementation of its energy transition and has arrested and imprisoned members of civil society who have engaged in policy advocacy or government oversight. Because of this, there has been no way to ensure the government keeps its promises and does not violate the rights of its citizens.

To be fair, Vietnam has made progress on some goals contained within the RMP. For instance, on July 3, 2024, Deputy Prime Minister Tran Hong Ha signed Decree No. 80/2024/ND-CP, which established a direct power purchase agreement (DPPA) mechanism that will allow renewable energy developers to sell electricity directly to customers.<sup>158</sup> This market driven approach will potentially aid the country's energy transition.<sup>159</sup>

Despite this achievement, however, the overall weakness of the RMP is a result of the lack of public participation in the drafting of the plan. And worryingly, the IPG countries have given Vietnam a free pass. Officials from the EU, Canada, the U.K., and Norway, as well as U.S. Special Presidential Envoy for Climate John Kerry, have all publicly praised the RMP as a success.<sup>160</sup>

In this section, we argued that the lack of public participation in Vietnam's JETP has had a profound consequence on the implementation of the country's energy transition. We presented evidence that the RMP contains less ambitious targets than the initial Political Declaration. We conclude that the failure to center questions of justice and ensure public participation has resulted in a less ambitious agenda of climate action.

In the following section, we will look to the implementation of the JETPs in South Africa and Indonesia, as well as the definitions of a just transition from various international organizations. In doing so, we will attempt to determine a path forward for Vietnam.

# WHAT MAKES A TRANSITION 'JUST'

Vietnam's energy transition has been anything but just. At a minimum, for the transition to be just, the government must respect human rights, ensure the participation of the public, guarantee that the benefits of the energy transition are divided equitably among the people, and work to ensure that the harms of the energy transition are mitigated. However, in Vietnam, 'just' is understood only in the socio-economic sense.<sup>161</sup> While the government has expressed plans to provide employment opportunities for coal workers and to keep electricity prices low nationwide, there has been no effort to ensure that affected stakeholders have a say in deliberations about the energy transition.<sup>162</sup>

To explore how this situation could be different, Project88 looked at the experiences of South Africa and Indonesia, two of the countries where JETPs are also being implemented, to understand how a just transition has been defined in these settings. We also took into consideration definitions from international agreements and experts in the field.

## SOUTH AFRICA

At COP26 in November 2021, South Africa signed a JETP to support the decarbonization of the country's energy sector.<sup>163</sup> South Africa is the largest carbon emitter in Africa, and, like Vietnam, relies heavily on coal.<sup>164</sup> Unlike Vietnam, however, the South African government has done more to embrace the concept of a just energy transition and has prioritized working to reduce inequality and address historic injustices.<sup>165</sup> Though not perfect, South Africa's model provides guidance into how Vietnam could promote public participation in the country's energy transition.

As part of the South Africa's JETP, President Cyril Ramaphosa established the Presidential Climate Commission (PCC) to help ensure that the transition is inclusive

and transparent. The PCC includes environmental activists, community leaders, and trade union representatives.<sup>166</sup>

One year after the JETP was established, the PCC and African Climate Foundation hosted dialogues and provided opportunities for members of civil society to provide input for the creation of South Africa's Just Transition Framework.<sup>167</sup> As a result, South African civil society was able to weigh in on topics such as policy dynamics, the coal value chain, employment and livelihoods, finance, and water security.<sup>168</sup>

Once a draft of the framework was written, the PCC held public workshops in eight locations to understand the people's concerns and needs before publishing a final version of the framework.<sup>169</sup> According to the PCC, the workshops helped the government incorporate the views of civil society, business, labor, traditional leadership, youth, and the research community.<sup>170</sup> Stakeholder groups were also able to submit written comments on the draft framework.<sup>171</sup>

The resulting framework defined a just transition in terms of three visions of justice: distributive justice, restorative justice, and procedural justice. Distributive justice means that the burdens and opportunities from the transition must be distributed fairly, cognizant of gender, race, and class inequalities. Restorative justice means that the historical damages, particularly those impacting disenfranchised communities, must be redressed through the implementation of the energy transition. Finally, procedural justice aims to ensure workers and communities understand the definition of a just transition and can participate in decisions about the policies to ensure that decisions are made in their best interest.<sup>172</sup>

Despite these efforts to include civil society, South Africa has still fallen short. According to civil society organizations, the PCC has no clear procedure laid out for how to enable the ongoing participation of members of civil society.<sup>173</sup>

Possibly due to this lack of ongoing participation, South Africa's JETP has not been successful in transitioning the country away from coal. In May 2023, President Cyril Ramaphosa stated that the shift away from coal must be delayed due to energy

shortages.<sup>174</sup> The government has decided to defer the decommissioning of its coal-fired power plants indefinitely, contradicting its obligations.<sup>175</sup>

## INDONESIA

Indonesia is also highly dependent on coal for power generation.<sup>176</sup> In 2021, it was the ninth largest carbon emitter in the world, and, with a rapidly growing economy, its emissions are projected to grow until 2037.<sup>177</sup> In Indonesia, coal-fired power plants account for nearly two-thirds of electricity used.<sup>178</sup>

In November 2022, it became the second country to agree to a JETP deal.<sup>179</sup> Unlike Vietnam, the Indonesian government defined what it considers a 'just' transition. This includes:<sup>180</sup>

- Addressing the challenges faced in labor sectors and geographic regions in transitioning away from fossil fuels and ensuring a decent future for workers affected by the transition.
- Promoting policies that will create quality jobs in areas most affected.
- Enhancing the capacity of the renewable energy sector to facilitate access to decent work, with a focus on gender, historical inequities, and the needs of members of marginalized communities.
- Fostering participatory public dialogue to work towards high employment, protect people harmed by the transition, improve labor standards and the overall well-being of workers.

As of now, there is very little publicly available information on Indonesia's JETP. On June 12, 2023, after pressure from Indonesian civil society, the government hosted 'inclusive policy dialogues' to engage with civil society organizations. More than 40 civil society organizations provided comments and suggestions for how Indonesia could better undertake the energy transition.<sup>181</sup> These organizations called for greater accountability and transparency in the implementation of the energy transition, the inclusion of affected groups in the decision-making process, the creation of key indicators to determine the success of the implementation, and a guarantee that the human rights of all those affected by the transition will be respected.<sup>182</sup>

To date, however, it does not appear that the government has adopted any of these recommendations.<sup>183</sup> And, as of February 2024, the government had not set up a platform to provide transparent information regarding the funding and progress of the JETP.<sup>184</sup>

## ‘JUST TRANSITION’ IN INTERNATIONAL AGREEMENTS

The ILO, the Paris Agreement, the United Nations Framework Convention on Climate Change, and the UN human rights office all provide principles that lay out what governments must do to ensure that energy transitions are just.

First, the ILO laid out the following principles as a guide for a just transition:<sup>185</sup>

- Adequate, informed, and ongoing consultation with all relevant stakeholders.
- Policies must respect and promote fundamental principles and rights at work.
- Specific gender policies should be considered to promote equitable outcomes.
- The government must provide an enabling environment.
- Policies must promote the creation of more decent jobs.
- Policies must be designed in line with the specific conditions of countries, rather than a ‘one size fits all’ approach.

The ILO’s guidelines advise that in implementing a ‘just’ transition, governments should introduce policies designed to create jobs, facilitate social inclusion, and eradicate poverty.<sup>186</sup> Moreover, governments must ‘provide opportunities for the participation of social partners at all possible levels and stages of the policy process through social dialogue and foster consultations with relevant stakeholders’.<sup>187</sup>

Second, the Paris Agreement, which Vietnam has signed, also defines a just transition under international law.<sup>188</sup> Under this definition, governments must take into account ‘their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity’.<sup>189</sup> The transition must



be participatory and fully transparent.<sup>190</sup> In addition, governments must strengthen ‘public participation and public access to information’ and ensure that energy transitions should include a ‘participatory and fully transparent approach’.<sup>191</sup>

Third, the United Nations Framework Convention on Climate Change calls for governments to ‘promote and facilitate ... public participation in addressing climate change and its effects and developing adequate responses’.<sup>192</sup>

Fourth, and finally, the United Nations human rights office has emphasized that ‘to achieve the goal of a just and sustainable transition to green energy, human rights defenders and environmental organizations must be able to participate freely and actively in shaping climate and environmental policies and decision-making’.<sup>193</sup> A robust civil society is essential to addressing climate change. As explained by the IPCC, ‘civil society is to a great extent the only reliable motor for driving institutions to change at the pace required’.<sup>194</sup>

Thus, under international law, Vietnam has an obligation to promote and protect the rights of all people affected by the energy transition. To do so, the Vietnamese government must allow all relevant stakeholders to participate in the decision-making process.

## LESSONS FOR VIETNAM

Taken together, the experiences in South Africa and Indonesia, as well as the definitions of a just transition from international organizations help provide some general principles for what a just transition might look like in the context of Vietnam. These principles of justice have distributive, restorative, and procedural dimensions.

### DISTRIBUTIVE JUSTICE

The costs and benefits resulting from Vietnam’s energy transition must be equitably distributed. In general, disadvantaged communities often bear the brunt of energy transitions. Thus, the Vietnamese government must consider gender, ethnicity, socioeconomic status, and geographic location to ensure that no one group bears a

disproportionate burden.<sup>195</sup> That is, the JETP ‘must be planned and implemented in a way that minimizes harm to livelihoods (especially of poor or marginalized people), that does not increase inequality, and which provides all stakeholders who may be affected with the opportunity to participate in the planning process’.<sup>196</sup>

In addition, Vietnam must provide social support, dialogues, and retraining to ensure that those impacted—particularly current employees in the coal industry and members of marginalized communities—are not excluded from new working opportunities that arise as part of the energy transition.<sup>197</sup>

The Vietnamese government has in principle professed a commitment to distributive justice. In Decision No. 1009/QĐ-TTg, which was approved by the prime minister on August 31, 2023, the Vietnamese government highlighted that the energy transition would work to ensure equal access to resources, support vulnerable labor groups and households disproportionately affected by the energy transition, and the retraining of affected workers.<sup>198</sup> Moreover, Dr. Tang The Cuong, director of the Department of Climate Change in MONRE, has clarified that JETP policies should aim at ensuring social security, eradicating hunger, and reducing poverty.<sup>199</sup> It nevertheless remains to be seen to what extent the transition will adhere to this principle.

## RESTORATIVE JUSTICE

Restorative justice refers to the notion that historical damages against individuals or marginalized communities must be addressed to rectify those damages. In Vietnam, certain groups, such as ethnic minority groups in the Central Highlands, have often been excluded by government policies. Vietnam must use its energy transition to address any inequalities and alleviate the difficulties faced by members of marginalized groups in the country. Moreover, the energy transition should work to increase energy security, rehabilitate environmental degradation, and ensure that all people are able to participate in the transition.<sup>200</sup>

## PROCEDURAL JUSTICE

It is not possible for the government to fully understand the needs of those affected by the energy transition if people are unable to advocate on their own behalf. Therefore, all Vietnamese people must have the opportunity to meaningfully participate in the energy transition. Procedural justice is essential in achieving distributive and restorative justice.

Vietnam's energy transition must allow workers, communities, and members of the public to participate policymaking, and, in that way, define their own future. Vietnamese authorities must support the country's civil society to participate in policymaking and must conduct the transition in a transparent and open manner. This is essential to ensure that the energy transition will reflect the best interests of all members of Vietnamese society.

In this section we defined what a just transition would include in the Vietnamese context. To do this, we looked to the JETPs in South Africa and Indonesia, as well as definitions of a just transition from various international organizations.

# CONCLUSION

The rich countries funding Vietnam's JETP are disproportionately responsible for creating the problem of climate change and therefore have a duty to shoulder the cost of addressing it. Instead, these countries are profiting off the crisis by issuing costly loans that will put countries like Vietnam into debt. The failure of rich countries to adequately resource Vietnam's energy transition jeopardizes efforts to wean the country off coal—a plan that the Vietnamese government has made clear is contingent upon international support alone.

Vietnam, for its part, has failed to allow civil society to participate in the energy transition. Instead, the country's police have targeted activists who have attempted to shape the country's response to climate change. Moreover, Vietnam has seemingly pulled back on its phaseout of coal and, to this point, has failed to disburse JETP funds.

There can be no justice until affected stakeholders are able to shape their own future. But public participation is not possible until Vietnam respects the right of its citizens to express themselves, form associations and participate in public affairs. A strong civil society is the only way to ensure that the energy transition centers the environment, the rights of workers, and the rights of members of marginalized communities. However, the government's criminalization of policy activism has made it impossible for civil society to participate in key decisions about the country's energy transition. For Vietnam's JETP to be successful, the government must adopt a more comprehensive understanding of social justice that includes the participation of all stakeholders.<sup>201</sup>

Vietnam's failing energy transition raises broader questions about the model of climate action promoted by wealthy countries. Even though they are funding the JETPs, the rich countries have not fully accepted their responsibility for addressing climate change. Instead, they have primarily offered commercial loans that recipient countries are reluctant to accept. Without adequate funding, Vietnam, South Africa, Indonesia, Senegal, and other countries are unlikely to commit to a full phaseout of fossil fuels. In addition, the countries involved in the JETPs have to various degrees deprioritized

public participation and government transparency. As such, it is no surprise that the recipient countries have begun to renege on some of their JETP obligations. The alarming record of each of these JETPs raises questions about the political will to address climate change.

And the failure of the JETPs in Vietnam, South Africa, Indonesia, and Senegal is emblematic of the broader failure to achieve progress on climate action. The COP28 Global Stocktake (GST)—the process for countries and stakeholders to assess progress toward meeting the goals of the Paris Agreement—allowed for the continued use of fossil fuels and reached no firm commitment for a universal phaseout of coal, oil, and gas.<sup>202</sup> Further, the deal reached at COP28 does not acknowledge the responsibility of rich countries for climate change nor the responsibility of the rich countries to shoulder the burden of implementing energy transitions in poorer countries.<sup>203</sup>

We are currently standing on the precipice. It is essential that drastic action be taken to mitigate the effects of climate change. At the same time, these energy transitions provide an opportunity for expanded equity and rights. As Asad Rehman, lead spokesperson for the Climate Justice Coalition, has said, ‘The one window of hope that there is, is, of course, that we know that if we are able to transition away from fossil fuels ... we actually will make people’s lives better, fairer, more just, not just in the Global South, but also in the Global North ....’<sup>204</sup>

To combat climate change while simultaneously making the world a more just and equitable place, it is essential that the countries funding Vietnam’s energy transition provide the funding in the form of grants or, at the very least, concessional loans. At the same time, Vietnam must allow the public to participate in policymaking and to monitor the government’s compliance with its obligations. Without open and robust participation, there is no way that the JETP can truly be just.

# RECOMMENDATIONS

## To the **IPG**:

- Lead by example and phase out the extraction and use of fossil fuels.
- Fulfill your obligation to pay for Vietnam's energy transition through grants, rather than through costly loans.
- Take steps to ensure that civil society has a voice in the implementation of Vietnam's JETP.

## To the **Vietnamese government**:

- Ensure that Vietnamese civil society has a formal platform to engage with, and consult on, Vietnam's energy transition.
- Host public dialogues to make sure the transition is inclusive and considers the economic, social, and environmental objectives of a wide range of stakeholders.
- Take all necessary steps to ensure that members of civil society can fully participate in the planning and implementation of the country's energy transition, free from prosecution, threats, and reprisals.
- Stop arresting climate activists and release all currently imprisoned activists.

## To **corporations** investing in Vietnam:

- Semiconductor companies—Nvidia, Synopsys, Amkor, Marvell, Samsung, CoAsia SEMI, and Hana Micron Vina—that are planning to invest in Vietnam should refuse to move forward with these investments until clean sources of energy are available and Vietnamese people are able to exercise their basic rights.<sup>205</sup>
- European companies should ensure that Vietnam comply with its renewable energy obligations under the EVFTA before making any additional investments in the country.

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