

SECOND VIETNAM HUMAN RIGHTS ADVOCACY DAY

Notes for Hon. David Kilgour

ADDENDA

Addendum 1: Maltreatment of pro-environment supporters and proposed actions

Addendum 2: Update on the TPP

Addendum 3: 2017 Environmental Challenges in Việt Nam

Addendum 4: Resource Information for Can Le

• 1. Maltreatment of pro-environment supporters

Pro-environment supporters are targeted, particularly the social and environmental activists campaigning in the aftermath of the massive 2016 Formosa Plastics toxic spill. Hanoi views activists as stooges of foreign powers.

Criminal trials for **Hoàng Đức Bình and Nguyễn Nam Phong** were in late January, before the People's Court in Diên Châu district, Nghệ An province. Both men were charged for taking part in protests and advocacy in relation to the Formosa spill. [See Addendum: Background: The Formosa Plastics toxic spill]

Hoàng Đức Bình

Hoàng Đức Bình is vice president of Viet Labor Movement (Phong Trào Lao Động Việt), an independent organization founded in 2008 to promote workers' rights. In 2015, police detained him for distributing leaflets that advocated allowing the formation of independent labor unions. The leaflets cited then-Prime Minister Nguyễn Tấn Dũng's promise that Vietnamese workers would be able to form and join independent unions under the proposed Trans-Pacific Partnership (TPP) economic agreement. [See Addendum: Update on the TPP]

Hoàng Đức Bình has repeatedly and publicly voiced support for political prisoners and detainees. He has also participated in the Formosa protests and helped organize groups advocating compensation for fishermen who lost their livelihood.

On 6 February 2018, Hoàng Đức Bình was sentenced to 14 years in prison for blogging about protests regarding the Formosa marine life disaster.

Additional Notes: Under article 258 of the penal code, Hoàng Đức Bình is charged with "abusing freedom and democracy to infringe upon the interests of the State, the legitimate interest and rights of organization and citizen." The sad irony is that Việt Nam is charging a human rights defender with abusing freedom, democracy, and rights, when the truth is that the people of Việt Nam have no freedom, democracy, or rights.

Hoàng Đức Bình is also criticized for posting and sharing on his personal Facebook account information and materials that propagandize against the regime and advocate for pluralism and multi-parties. As the vice president of 'Viet Labor Movement,' he pushed for and formed a 'Union for Fishermen in the Central Region' [Hiệp Hội Ngư Dân Miền Trung], with the intention "building a peripheral organization, to gather forces and incite Catholic people and

fishermen from the Central region to participate in his organization; searching for a ‘nuclear factor’ to incite protests and disrupt security and order.”

Nguyễn Nam Phong

Nguyễn Nam Phong, 37, worked as a driver for **Father Nguyễn Đình Thục**. He was arrested by Nghệ An province police in November 2017 based on an incident in February 2017 when hundreds of Catholics from Song Ngọc parish traveled to the People’s Court of Kỳ Anh district Hà Tĩnh province to file petitions against Formosa Plastics. Police and plain-clothes men attacked around 700 mainly Catholic peaceful protesters.

While the event was being dispersed, Nguyễn Nam Phong was driving several other Catholics, including **Hoàng Đức Bình**, when men in civilian clothes and uniformed police surrounded the car and demanded that he unlock the doors. The car was towed away with the passengers inside.

On 6 February 2018, Nguyễn Nam Phong was sentenced to two years in prison for refusing to obey orders of public officials while driving to a protest.

UN Response

In late February 2018, UN human rights experts called for the release of individuals jailed for writing about/reacting to the Formosa spill.

“Imprisoning bloggers and activists for their legitimate work raising public awareness on environmental and public health concerns is unacceptable,” said Baskut Tuncak, Special Rapporteur for Human Rights and Hazardous Substances and Wastes.

“We call on the authorities to release Hoàng Đức Bình and Nguyễn Nam PhongAuthorities must ensure that Việt Nam’s rapid economic expansion does not come at the expense of human rights, in particular those of local communities and workers.”

David Kaye, UN Special Rapporteur on freedom of expression, said he was deeply concerned by the increasing number of arrests and the detention of rights activists and journalists covering issues of public relevance in Việt Nam.

Other Persons

Nguyễn Ngọc Như Quỳnh [known as "Mẹ Nấm" (Mother Mushroom)]

Three months after being granted the “International Women of Courage” award by the U.S. Department of State, blogger Nguyễn Ngọc Như Quỳnh was sentenced in June 2017 to 10 years in prison for her activities online including her reporting on a protest following the Formosa spill. Ms. Quỳnh is a founding member of the Vietnamese Blogger Network. Since 2006, she has written about topics such as human rights violations, land confiscation, police brutality, corruption, and raising awareness about environmental protection. She has participated in peaceful protests against Chinese encroachment in the South China Sea. In 2015, she was named the Civil Rights Defender of the Year. Following the motto, “Who will speak if you don’t?” Nguyễn Ngọc Như Quỳnh advocates for an environment free from fear.

“... Nguyễn Ngọc Như Quỳnh has worked tirelessly to advance human rights and promote freedom and democracy in Việt Nam,” says Phil Robertson of Amnesty International. “International donors and trade partners should publicly condemn her arrest and urge the Vietnamese government to immediately and unconditionally release her.”

Nguyễn Văn Hoá

Blogger **Nguyễn Văn Hoá** received a seven-year sentence in November 2017 for environmental protests. “These convictions not only violate the rights to freedom of expression of these individuals but also undermine the rights of everyone ... to receive vital information on toxic pollution and to debate the best remedy for it and ultimately to hold those responsible for the disaster accountable,” says David Kaye, UN Special Rapporteur.

Trần Thị Nga

Trần Thị Nga was subjected to harassment and brutalization for years by the Vietnamese authorities before her arrest in January 2017 for “using the Internet to post a number of video clips and articles to propagandize against the Socialist Republic of Việt Nam.” Her “crime” was participating in environmental protests and meeting with fellow activists and attending their trials.

The Brotherhood for Democracy (Hội Anh Em Dân Chủ)

On April 5, 2018, the people’s court of Hà Nội heard the case of six affiliates of the Brotherhood for Democracy: Lê Thu Hà (Nguyễn Văn Đài’s assistant), Nguyễn Bắc Truyển, Nguyễn Trung Tôn (a pastor), Nguyễn Văn Đài (a prominent lawyer), Phạm Văn Trội, and Trương Minh Đức. They had joined other civil social groups to campaign against the Formosa environmental disaster.

"It is no coincidence that the trial of these six activists is planned on the two-year anniversary of the Formosa environmental disaster," says Brad Adams, Asia director for Human Rights Watch. "Instead of silencing critics, the Vietnamese government should order an impartial outside assessment of its clean-up effort and deal directly with citizens in the affected areas to provide fair and transparent compensation for their losses."

In a one-day trial, the six activists were sentenced for ‘subversion’ to a combined 66 years in prison and 17 years of house arrest.

“These sentences are ... grotesque,” says Daniel Bastard, the head of Reporters without Borders (RSF) Asia-Pacific desk. “The only crime (they) committed ... was posting articles calling for respect for human rights in Việt Nam. The severity of the sentences has only one explanation – it was meant to intimidate those who dare to raise issues in the public interest.”

Bastard added: “As a result of this unprecedented crackdown, General Secretary Nguyễn Phú Trọng’s Việt Nam has lost all credibility on the international stage and its partners must draw the unavoidable conclusions.”

Proposed Actions

- Reporters without Borders (RSF) urges European Union member countries to *veto* the free trade agreement with Việt Nam that is supposed to be approved in 2018. After the European Parliament's emergency resolution on Việt Nam last December, it would be disgraceful if European countries were to go ahead with such an accord with a country that in recent months has become one of the world's worse enemies of the freedom to inform.
- Similarly, the U.S. must condition its trade talks in the coming weeks on concrete measures by the Vietnamese authorities to ensure respect for press freedom. Việt Nam is ranked 175th out of 180 countries in RSF's 2017 World Press Freedom Index.
- Export credit agencies must not fund Việt Nam's Long Phú 1 coal plant in Sóc Trăng province. Through the U.S. Export-Import Bank (Ex-Im), President Trump is pushing developing countries toward dependence on coal for decades to come

• 2. Update on the Trans Pacific Partnership (TPP)

The TPP could be used by Canada and other partners as a valuable tool to curtail Hà Nội's irresponsible environment strategies. As well, the European Community and the U.S. can set conditions for environment protection in their trade talks with Hà Nội.

U.S. President Trump's decision on his first day in office to withdraw from the Trans-Pacific Partnership (TPP) multilateral trade deal hit Việt Nam especially hard. The export-driven economy sells almost 40% of its shipments to the U.S. Those receipts were set to grow substantially under the US-led deal.

Since Trump decided to withdraw from TPP, Hà Nội has intensified its crackdown on political and environmental dissidents.

On a positive note, Trump has ordered top economic advisers to re-examine the case for rejoining the TPP with Japan and 10 other Pacific Rim economies. The TPP was designed as an economic bulwark against a rising China and a way to get ahead of Beijing in writing the 21st century rules of the road for global trade. In January, Trump raised the possibility of rejoining the TPP if more favourable terms could be reached for the U.S. The geostrategic case for it is even stronger than it was, given everything that is happening in the world. As a strategic response to China, the TPP remains the best option by far.

• 3. 2017 Environmental Challenges in Việt Nam

In March 2012 the Human Rights Council decided to establish a mandate on human rights and the environment, which will (among other tasks) study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and promote best practices relating to the use of human rights in environmental policymaking.

Leading Sub-Sectors

Water Supply

A lack of clean water is one of Việt Nam's most pressing environmental concerns. Presently, it is estimated that only about 70 percent of the population has access to potable water. A high rate of water loss, averaging 27 percent (equivalent to 1.8 million cubic meters per day), further exacerbates the problem.

Waste Water

Another pressing environmental concern, and a top government priority, is drainage and sewage. Due to rapid and ongoing urbanization and industrialization, improved municipal and industrial wastewater treatment is a critical need. The total investment required to meet sewage and drainage system needs throughout the country is estimated to be two to three times that of the total investment for water supply projects.

Municipal Waste Water

It is estimated that over 90 percent of households utilize on-site treatment, generally in the form of septic tanks, but only 4 percent of sewage is treated. Approximately, 60 percent of households dispose of wastewater to a public sewage system, primarily through combined systems where sewage and rainwater runoff are collected but less than 10 percent of the wastewater in the country is being treated today.

Currently, there are 17 centralized urban wastewater treatment plants in six cities in Việt Nam. Both storm water and household wastewater are commonly discharged through combined and outdated drainage systems into canals, rivers and lakes without treatment. The government encourages cost-effective and environmental friendly wastewater treatment technologies and products into Việt Nam.

Industrial Waste Water

The country's industrial production has grown around 15 percent per year during for the last decade. As of June 2012, there were 334 industrial parks and export processing zones in the country. Industrial wastewater treatment is a critical need as 75 percent of wastewater is being discharged into lakes and rivers without treatment. 240,000 cubic meter of wastewater is being discharged directly to the environment every day.

Pollution violations by industrial manufacturers have drawn much attention recently. Public interest groups have begun to focus on the impact of industrial waste has on the environment and economy. Violating manufacturers are beginning to feel the impacts of boycotts by their associates and customers. These companies have also had some difficulty accessing bank funding, as more banks are adjusting their policies to avoid clients on the environment black list. Recent developments have triggered an intensification of monitoring and inspection of industrial pollution. Industrial parks represent an attractive market for wastewater treatment plants since the government is pushing industry harder on environmental compliance.

Solid Waste

The Việt Nam Environment Administration (VEA) states that solid waste continues to increase throughout the country, and is expected to reach a rate of 44 million tons annually. Accelerating industrialization and urbanization, along with a population increase, are the major causes for this surge.

It is estimated that 46 percent of this solid waste is being discharged from the urban areas, 17 percent from industrial production zones, and the remaining from rural areas, trade villages and the medical sector. About 80 percent of the waste is being buried; the rest is treated by burning or composting. Currently, the country has more than 450 landfills but only around 120 follow proper sanitary regulations.

Another concern is waste collection and separation. Most of the solid waste produced in urban areas is not classified at its source. Organic and inorganic wastes are often mixed together. Waste collection in urban areas is only at 80-82 percent and 40-55 percent in rural areas. Additionally, there is very little recyclable material left once the waste reaches the treatment plants, as scavengers and garbage collectors have already collected the recyclable material including cans, PET bottles, scrap metal, wiring, plastic bags, and paper to sell.

The government strongly encourages private sector participation in solid waste collection, separation, transportation, and treatment. There are regulations in effect, but again, the enforcement level is very low. Entities generating solid waste are responsible for their waste collection, transportation and treatment fees. It is also required that waste be separated at the sources of generation. To minimize burying waste, the government encourages new technologies to treat less degradable waste. Over the past decade, efforts have been made to develop a policy and legal framework for environmental protection, particularly for the management and disposal of waste streams.

Air Pollution

Việt Nam's Ministry of Natural Resources and the Environment (MONRE) found that the deterioration in air quality in recent years is severe in many urban areas, especially in Hà Nội and Hồ Chí Minh City. A 2013 National Environment Report showed that air pollution in Hà Nội was graded from unhealthy to hazardous for over 265 days of the year. The primary sources of urban air pollution are traffic and industrial activities, per the Việt Nam Environment Administration.

The Vietnamese government has plans to address industrial air pollution. MONRE has drafted a National Action Plan on Air Quality Management (2020 to 2025). The plan includes a 20 percent reduction target for NO_x, SO_x and particulate matter emitted by cement, chemicals, fertilizer and petroleum production facilities. Separately, a draft National Technical Regulation on Emissions for the Steel Industry is also in progress. Việt Nam's draft Environmental Law (55/2014/QH13) also contains air quality management requirements, including point source registration, emissions inventory and installation of continuous emission monitoring systems for the biggest stationary source emitters. Improving air pollution control also will require industrial parks to install emissions treatment systems. This increasing regulatory stringency is likely to drive growth in the air quality management market and provide opportunities for solution providers.

- **4. Resource Information:** These international non-governmental organizations are involved in environmental management, lobbying, advocacy, and/or conservation efforts:
 - [350.org](#)
 - [Biofuelwatch](#)
 - [American Forests](#)
 - [Bioversity International](#)
 - [BirdLife International](#)
 - [Center for Development and Strategy](#)
 - [Citizens Climate Lobby](#)
 - [Climate Action Network](#)
 - [Conservation International](#)
 - [Dancing Star Foundation](#)
 - [Earth Charter Initiative](#)
 - [Earth Day Network](#)
 - [Earthwatch](#)
 - [Environmental Defense Fund](#)
 - [Fauna and Flora International](#)
 - [Foundation for Environmental Education](#)
 - [Friends of Nature](#)
 - [Friends of the Earth](#)
 - [Global Footprint Network](#)
 - [Global Witness](#)
 - [GoodPlanet Foundation](#)
 - [Great Transition Initiative](#)
 - [Green Cross International](#)
 - [Greenpeace](#)
 - [IDEAS For Us](#)
 - [International Analog Forestry Network](#)
 - [International Network for Sustainable Energy \(INFORSE\)](#)
 - [International Rivers](#)
 - [International Tree Foundation](#)
 - [International Union for Conservation of Nature \(IUCN\)](#)
 - [Let's Do It! World](#)
 - [Mountain Wilderness](#)
 - [NatureServe](#)
 - [Oceana \(non-profit group\)](#)
 - [Partners in Population and Development](#)
 - [Plant A Tree Today Foundation \(PATT\)](#)
 - [Programme for the Endorsement of Forest Certification](#)
 - [Project AWARE](#)
 - [Project GreenWorld International](#)
 - [Rainforest Alliance](#)
 - [Rainforest Foundation Fund](#)
 - [Rainforest Foundation UK](#)
 - [Rainforest Trust](#)

- [Seeds of Survival](#) of USC Canada
- [Society for the Environment](#) (SocEnv)
- [Surfrider Foundation](#)
- [The Climate Reality Project](#)
- [The Mountain Institute](#)
- [The Nature Conservancy](#)
- [The Resource Foundation](#)
- The United Nations Environment Programme (**UNEP**) is an agency of United Nations and coordinates its environmental activities, assisting developing countries in implementing environmentally sound policies and practices.
- [Wetlands International](#)
- [WILD Foundation](#)
- [Wildlife Conservation Society](#)
- [World Business Council for Sustainable Development](#)
- [World Land Trust](#) (WLT)
- [World Resources Institute](#) (WRI)
- [World Union for Protection of Life](#) (WUPL)
- [World Wide Fund for Nature](#) (WWF)
- [Worldwatch Institute](#)
- [Young Friends of the Earth](#)