



# VIETNAM'S LEADERS DECLARE WAR ON HUMAN RIGHTS AS A MATTER OF OFFICIAL POLICY

An analysis of secret Directive 24

Ben Swanton  
Michael Altman-Lupu  
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# DIRECTIVE 24

For years, the United States and the European Union have argued that deepening ties with Vietnam will help promote human rights in the country. A recently obtained national security policy puts to rest this magical thinking. Just two months before President Biden upgraded diplomatic relations with Vietnam in September 2023, the country's leaders issued a secret directive that aims to violate human rights and subvert democracy.

In July 2023, the Political Bureau of the Communist Party of Vietnam issued Directive 24 'on ensuring national security in the context of comprehensive and deep international integration'.<sup>1</sup> The directive frames all forms of international commerce and cooperation as threats to national security and articulates a disturbing plan to deal with these perceived threats by systematically violating the human rights of the country's 100 million citizens, who, by virtue of the classified nature of the directive, are completely unaware of its contents. Directive 24 reveals that Vietnam's leaders are profoundly ambivalent about the country's integration with the world and offers a rare look into their paranoid minds.

In Directive 24, Vietnam's leaders lay bare their plan to control foreign travel by Vietnamese citizens, correct a lack of ideological fidelity among communist party members, and stop civil society from shaping state policy and establishing political opposition groups. Ironically for a self-declared socialist state, the formation of independent trade unions is also identified as a national security problem that must be addressed. In short, Directive 24 aims to subvert democratic control over public policy and the economy.

Directive 24 was issued by the Political Bureau of the Central Party Committee on July 13, 2023, and promulgated five months later in an internal party workshop.<sup>2</sup>



Secretary of the Central Party Committee Le Minh Khai, Minister of Public Security To Lam, Political Bureau member Truong Thi Mai, and then-Political Bureau member Tran Tuan Anh chairing a conference on the implementation of Directive 24 in Hanoi on December 21, 2023.<sup>3</sup>

The Political Bureau is made up of fifteen senior members of the party-state apparatus who, in recent years, western leaders have embraced. The bureau includes General Secretary Nguyen Phu Trong, President Vo Van Thuong, Prime Minister Pham Minh Chinh, and Chairman of the National Assembly Vuong Dinh Hue, as well as Minister of Public Security To Lam, Minister of National Defense Phan Van Giang, and Chief Justice of the Supreme People's Court Nguyen Hoa Binh.



Members of the Political Bureau of the communist party's Central Party Committee

Directive 24 comes amid a brutal crackdown on activism, dissent, and civil society that began when General Secretary Nguyen Phu Trong took power in 2016. Since that year, 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>4</sup> Until now, however, it has been unclear which faction of the party-state has been driving this repression. Directive 24 dispels any ambiguity on the matter, implicating Trong and his inner circle at the Political Bureau.

Thus far, Project88 has not been able to independently verify the authenticity of the text of Directive 24. There are, however, numerous reasons to believe that the copy we received is authentic.

First, the directive exists. At least 45 state media sources reference the directive by name and date—this information matches the name and date in the copy obtained by Project88.<sup>5</sup> Of these, 23 quote the directive.<sup>6</sup> In addition to the state media sources, at least 18 official government documents mention Directive 24 by name and date.<sup>7</sup>

Second, on December 21, 2023, Truong Thi Mai promulgated the directive in a speech at a party conference, a video of which can be viewed [here](#).<sup>8</sup> A banner can be seen behind her that has the name and date of the directive. A summary of the contents of the directive provided by journalists who attended the conference corresponds with the text that Project88 obtained.<sup>9</sup> Project88 obtained the directive shortly after it was promulgated.

Third, every aspect of the document obtained by Project88 appears beyond reproach. The formatting is precisely in line with other party directives that have been released. Truong Thi Mai's signature matches her signature on other documents. And the language used in Directive 24 mirrors the language the party has used in the past to describe its fear of foreign influence on policymaking.<sup>10</sup>

## UNDERSTANDING VIETNAM'S ONE-PARTY STATE

Vietnam is a one-party state. Article 4 of the country's constitution establishes the Communist Party of Vietnam as the only legitimate political party in the country and stipulates that its role is to lead the state and society.<sup>11</sup> The party exercises hegemonic control over state institutions.<sup>12</sup> Senior party members form the leadership of the state apparatus, parliament, the armed forces, and the police—institutions that are kept in check by embedded party cells.<sup>13</sup> While the party is supposedly accountable to the people, it cannot be voted out of power. Citizens cannot peacefully change the ruling party through elections, which the communist party itself controls.

The most powerful party institution is the Central Party Committee and its Political Bureau. The committee has a party and a government wing. The party wing is made up of officials who rose up through the party apparatus, while the government wing is comprised of officials in the state bureaucracy.<sup>14</sup> Members of the party wing emphasize the importance of ideology in shoring up one-party rule and constantly warn of the threat posed by corruption and reform. By contrast, the government wing has promoted integration with the world as a means of legitimizing Vietnam's one-party state. Over the years, the party and government wings have vied to control the state, with the party wing winning out during the most recent leadership contest in 2016.

# AIMS

The stated aim of Directive 24 is to ensure national security amid Vietnam's deepening international integration. The directive also seeks to end foreign interference in policymaking; prevent the degradation of morality, lifestyle, and culture; and stop foreign powers, as well as groups within Vietnam, from using increased international cooperation as a means to promote an independent civil society and domestic political opposition groups. In essence, the policy aims to shore up one-party rule.

The rationale for pursuing these policy goals is that 'hostile and reactionary forces' have taken advantage of international cooperation efforts by 'impacting policymaking and legislative development . . . [and] forming civil society alliances and networks, independent trade unions, and . . . domestic political opposition groups' (p.1). This foreign interference is possible, so says the directive, because foreign aid and funding is not strictly regulated. Foreign powers, often in collaboration with local organizations, have 'taken advantage of international institutions and commitments that Vietnam has signed to mobilize and form opposition political organizations' (p.1).

# ORDERS

Directive 24 issues nine orders for party and state organizations to implement. The directive commands party cells in the Office of the Government, the National Assembly, and the Ministry of Public Security—mechanisms by which the communist party maintains control over the government, parliament, and security services—to pursue a number of strategies to realize its aims. In relation to the issues listed below, the directive makes the following orders:

## INTERNATIONAL TRAVEL:

- ‘Closely manage officials, party members, and Vietnamese citizens that go abroad to do business, cooperate, engage in exchanges, visit, and travel’ (p.4).

## DEMOCRACY:

- ‘Do not allow the formation of independent political organizations in the country’ (p.2).

## COMPLIANCE WITH INTERNATIONAL LABOR AGREEMENTS:

- ‘Prevent the establishment of labor organizations on the basis of ethnicity or religion’ (p.4).
- ‘Take proactive initiative when participating in the International Labor Organization’s Convention that protects freedom of association and the right to organize, ensuring the ongoing leadership of the Party, leadership of party cells, and government management at all levels’ (pp.3-4).
- ‘Monitor and deal with, in a timely and strict manner, labor organizations that establish or operate in violation of the law’ (p.4).
- ‘Build a robust and comprehensive Vietnam General Confederation of Labor, which represents the *permitted and legitimate rights and interests of workers*



[emphasis added] nationwide, and serves as a solid bridge between the Party and workers' (p.5).

- 'Resolve labor disputes, especially collective labor disputes, early' (p.5).

### INTERNATIONAL COOPERATION:

- 'Focus on developing and organizing the strict implementation of policies and laws on national security, especially in relation to international development cooperation projects, foreign investment, the activities of multinational corporations, foreign non-governmental organizations in Vietnam; associations, social funds, charities, religious organizations, social enterprises and alliances, as well as the links between these groups; organizations and activities that receive foreign support and aid; cultural activities; the establishment and operation of trade unions; dialogue, negotiation, and signing of collective labor agreements; connections, especially connections formed in the organization of strikes' (p.3).
- 'Heighten vigilance and prevent severe threats to national security such as "self-evolution" and "self-transformation,"<sup>15</sup> especially in policy-making and legislative development, that weaken our regime from within and threaten the interests of the nation, people, and the survival of the regime; weaken cultural identity resulting in a decline in national strength; decreases vigilance, being caught off guard when participating in initiatives and strategies of great powers; allow foreign investors to "hide in the shadows," take over domestic markets and businesses and occupy vital economic sectors, while holding influential positions in defense and security that adversely affects our independence, economic autonomy and political stability; and people taking advantage of international institutions and commitments that Vietnam has signed to mobilize and form opposition political organizations, promoting "color revolutions" and "street revolutions"' (pp.2-3).

### INTERNATIONAL AID TO VIETNAM:

- 'Increase the management of foreign aid, especially for projects related to policymaking and legislative development' (p.4).
- 'Do not accept foreign funding for legislative development projects that have complex and sensitive content' (p.4).
- 'Closely manage international cooperation activities; regularly inspect, examine, monitor, promptly detect and take measures to prevent attempts to exert influence through economic, cultural, and social activities that affect national security' (p.3).

- ‘Strictly implement the process of proposing, approving, and soliciting opinions on international economic cooperation programs, initiatives, and projects, as well as foreign investment in strategic and core areas of national defense and security’ (p.4).
- ‘Focus on developing and organizing the strict implementation of mechanisms, policies and laws on ensuring security, especially in relation to international cooperation programs and projects, foreign investment, activities of multinational corporations and foreign non-governmental organizations in Vietnam’ (p.3).

## CULTURE:

- ‘Urgently research and build a national value system, cultural value system, and moral standards that preserve and promote the Vietnamese family value system in the new era, focused on educating people about historical, cultural, and revolutionary traditions’ (p.5).

## FREEDOM OF EXPRESSION:

- ‘Promote the role of the press and media in fighting populist trends, civil disobedience, wrongful views and sabotage by hostile forces, and efforts to promote a hybrid foreign culture that does not conform to the customs and traditions of the nation’ (p.5).
- ‘Strictly handle the act of taking advantage of information communication infrastructure and social networks to spread false propaganda that sabotages the Party, State, People, and our country’s socialist regime’ (p.5).
- ‘Fight fake news, especially in cyberspace’ (p.5).
- ‘Develop *rules of civilized behavior* [emphasis added] in state agencies, businesses, society, and cyberspace’ (p.5).

## RIGHT TO PEACEFUL ASSEMBLY:

- ‘Firmly grasp the situation, proactively prevent, promptly detect, and effectively fight all plots and activities of enemy forces, reactionaries, political opponents, and all types of criminals, especially activities to install spies, incite protests and riots, violate the legitimate interests of the State, organizations, and people’ (p.6).

## CIVIL SOCIETY OVERSIGHT OF INTERNATIONAL AGREEMENTS:

- 'Proactively develop plans to prevent and control *complicated situations relating to security and social order* [emphasis added] as Vietnam implements international commitments, ensure national security in all scenarios' (p.2).
- 'Proactively resolve complex issues that arise during the implementation of [international] commitments, while minimizing damage to the national interest' (p.5).

## SECURITIZING ECONOMIC, CULTURAL, SOCIAL, AND FOREIGN AFFAIRS:

- 'Closely integrate economic, cultural, social, and foreign affairs with defense and security, while integrating defense and security with economic, cultural, social, and foreign affairs' (p.2).

## SURVEILLANCE:

- 'Pay attention to building and strengthening people's security conditions, people's security posture, and the All People Protect National Security movement, especially in residential communities, industrial parks, economic zones, export processing zones, and areas with a large concentration of workers' (p.5).

# CONSEQUENCES

Directive 24 frames Vietnamese people exercising their basic rights as a threat to national security. If implemented as intended, the directive will lead to systematic and widespread human rights violations, including impermissible restrictions on assembly, association, speech, the media, and movement. It will also result in violations of the right to participate in public affairs, the right to development, the right to privacy, and the right of workers to form independent trade unions and syndicates. In prohibiting the establishment of trade unions on the basis of ethnicity or religion, the directive also contravenes the right to freedom from discrimination.

There will be no democratic control over public policy or the economy under Directive 24. Independent political organizations and independent trade unions will not be permitted in any form.

Not only does the directive place arbitrary restrictions on human rights protected by UN human rights treaties that Vietnam has signed and ratified, it also articulates a plan to not comply with these treaties. In an astonishing admission, the directive orders the party-state apparatus to pilot seemingly independent trade unions so that Vietnam can posture as though it is compliant with ILO Convention 87, which protects the right of workers to form and join independent unions of their own choosing without prior authorization. That is, in spite of the Vietnamese government officially expressing its intention to comply with Convention 87, the communist party is ordering the government to instead deceive the international community into believing that it is complying with the convention while, in fact, not allowing independent trade unions to form.

Once Directive 24 is implemented, surveillance of ordinary citizens and government officials travelling abroad for tourism or business will become commonplace. This enhanced scrutiny builds on an existing system of restrictions under which Vietnamese citizens are banned from leaving or entering to the country, and at times

are even locked inside their homes during important events. A 2022 study by Human Rights Watch found that since 2004, more than 170 activists and dissidents have been banned from leaving or entering the country due to their political activities.<sup>16</sup>

Vietnam's embattled civil society is one of the biggest losers under Directive 24. 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' (p.5). The proactive action taken by Vietnam in the implementation of the country's G7-funded energy transition, as well as its trade agreement with the EU, has been the arrest and imprisonment of members of civil society who attempted to oversee the government's implementation of these agreements.

Under Directive 24, civil society groups and non-profit organizations will continue to be prevented from monitoring agreements that the government—which is not democratically elected—makes with the international community. The overall purpose of the directive is to stop 'hostile and reactionary forces' from taking advantage of international cooperation efforts by 'impacting policymaking and legislation [...] and forming civil society alliances, independent trade unions, and domestic political opposition groups' (p.1). In Directive 24, Vietnam's leaders have made clear that efforts by civil society to participate in public affairs are off limits.

## ATTACKS ON CIVIL SOCIETY PRIOR TO DIRECTIVE 24

In the years leading up to the enactment of Directive 24, the Vietnamese government has made it nearly impossible for civil society to monitor its compliance with its international obligations.

Starting in 2021, Vietnamese authorities have arrested or imprisoned six leaders of the country's climate change movement—five on false charges of tax evasion and one for allegedly misappropriating government documents.<sup>17</sup> The activists' efforts to influence Vietnam's energy policies and participate in the country's energy transition brought them into conflict with the communist party. The common thread in these cases is that each of the climate activists ran organizations that conducted advocacy on energy policy, each received foreign funding to carry out this work, and each participated in civil society coalitions. Directive 24 explicitly frames these activities as national security threats. Project88 has documented clear evidence that these prosecutions were politically driven and designed to criminalize policy activism and ensure that civil society cannot serve as a watchdog to monitor Vietnam's compliance with its international obligations.<sup>18</sup>

The energy transition was not the only time in recent years that Vietnam has attempted to prevent civil society from overseeing its implementation of an international agreement. In 2021, a group of NGOs attempted to form a network to monitor Vietnam's compliance with its trade and sustainability commitments under the EU-Vietnam Free Trade Agreement (EVFTA). Soon after, two of the executive board members of the VNGO-EVFTA Network were arrested on false charges of tax evasion.<sup>19</sup> Vietnam then proceeded to stack the network with government-friendly organizations that it could rely on to not provide independent scrutiny.

These arrests have created an environment in which Vietnamese organizations are reluctant to receive foreign funding and engage with international institutions. Due to concerns about reprisals, in 2023 few local organizations made formal submissions to the United Nations Human Rights Council. This trend will intensify under Directive 24.

Directive 24 will also result in a proliferation of restrictions on Vietnamese organizations that rely on foreign funding to conduct their work. Any organization that receives foreign funding and attempts to influence public policy will be stamped out.

In the last few years, Vietnam has taken measures to restrict and securitize foreign funding. Decree 80 and Decree 56, both enacted in 2020, regulate the activities and funding of NGOs operating in Vietnam. The 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 approving development projects.<sup>20</sup> In addition, Decision 06, which was also announced in 2020, requires that organizations receive approval from a number of government agencies, as well as the Prime Minister, to host any conference or seminar that relates to national sovereignty, security, human rights, ethnicity, or religion.<sup>21</sup> These decrees and decisions have significantly weakened the ability of Vietnamese organizations to operate.<sup>22</sup> Directive 24 makes clear that the country's leaders believe these regulations are not nearly restrictive enough, and a host of new restrictions on foreign funding will likely be enacted as the directive is implemented.

Finally, under Directive 24, discrimination against ethnic and religious minority groups will continue, if not increase. The directive makes a number of statements about ethnicity. In one section of the directive, Vietnamese authorities are ordered to take action 'to prevent the establishment of labor organizations on the basis of ethnicity and religion' (p.4). In addition, the directive calls for the creation of a national cultural value system, which would assuredly elevate Kinh cultural values at the expense of the cultures of ethnic minority groups in the country. This is particularly troubling given the history of efforts by the Vietnamese government to erase minority cultures and assimilate members of ethnic minority groups into the majority Kinh culture.<sup>23</sup>

# IN VIOLATION OF INTERNATIONAL LAW

In Directive 24, the Political Bureau justifies its restrictions on human rights as necessary to protect the national security of the country.

International law allows states to restrict human rights in only very limited situations. Under the International Covenant on Civil and Political Rights (ICCPR), which Vietnam ratified in 1982, the government may restrict expression, association, and peaceful assembly in order to protect the country's national security.<sup>24</sup> Vietnam cannot, however, invoke national security to justify any restriction on human rights. There are strict limits on what constitutes a threat to national security under international law.

National security restrictions on expression, association, and peaceful assembly are permissible only 'to protect the existence of the nation or its territorial integrity or political independence against force or threat of force'.<sup>25</sup> Under international law, the entrenchment of a particular ideology, or of a particular political party, is not a threat to national security.<sup>26</sup> States may not invoke national security concerns to suppress political debate or criticism of the current government.<sup>27</sup> Advocating for a change in government policy, or even of the government itself, does not constitute a threat to national security.<sup>28</sup> Finally, speech criticizing, or even insulting, the state or its government is not considered a threat to national security under international law.<sup>29</sup>

Directive 24 does not provide a compelling national security argument for restricting rights. Nowhere in the text of the policy do its authors identify an objective threat to the territorial integrity and political independence of Vietnam. Rather, the directive states that foreign interference is threatening the 'survival of the regime' (p.3). Non-violent threats to the survival of a regime, however, do not constitute a threat to Vietnam's national security under international law and, as such, restrictions on human rights cannot be justified on this basis.



Conversely, international law is highly protective of open political debate and the right to criticize public officials. Because of the importance of political speech, the Human Rights Committee, the UN body charged with overseeing implementation of the ICCPR, has emphasized that restrictions on free expression can never be imposed ‘as a justification for the muzzling of any advocacy of multiparty democracy, democratic tenets, and human rights’.<sup>30</sup> States cannot chill public debate by suppressing expression critical of those in power.<sup>31</sup> In *Aduayom et al. v. Togo*, for instance, the committee held that citizens must be free to ‘criticize or openly and publicly evaluate their Governments without fear of interference or punishment’.<sup>32</sup>

Finally, restrictions on the foreign funding of civil society are concerning under international law. In Vietnam, foreign funding is essential for civil society to effectively carry out its activities, monitor government activities, and conduct advocacy. Article 13 of the Declaration on Human Rights Defenders states, ‘Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means’.<sup>33</sup> This includes funding from foreign sources. To effectively contribute to Vietnam’s development, and to effectively hold the government to account, the Vietnamese people must be free to participate in the conduct of public affairs without fear of reprisal.

# IN CONTRAVENTION OF VIETNAM'S CONSTITUTION

Directive 24 contradicts Vietnam's constitution. The 2013 Constitution of the Socialist Republic of Vietnam makes clear that '[a]ll organizations and members of the Communist Party of Vietnam operate within the framework of the Constitution'.<sup>34</sup> In issuing Directive 24, the Political Bureau has flagrantly undermined the letter and spirit of the constitution.

Directive 24 is classified as Secret, and therefore it is impossible for anybody outside of the top brass of the communist party to supervise or hold the party accountable for the contents of the directive, even though under Article 4 of the constitution, the people are guaranteed the ability to have oversight over the party's decisions. Similarly, Article 28 of the constitution gives citizens the right to participate in policymaking, including by engaging in discussions and providing recommendations on issues affecting the country.<sup>35</sup> By issuing a secret directive that has far-reaching implications for the entire population, the communist party is impeding citizens from having a say in policy decisions that affect their lives.

Article 5 of the constitution guarantees the right of every ethnic group to 'preserve its national identity [and] to promote its fine customs, habits, traditions, and culture'.<sup>36</sup> Directive 24, however, orders the state to '[u]rgently research and build a national value system, cultural value system, and moral standards that preserve and promote the Vietnamese family value system in the new era, focused on educating about historical, cultural, and revolutionary traditions' (p.5). While the details of this plan are not specified, the order indicates a scheme to homogenize culture at the expense of the country's 53 ethnic minority groups.

Finally, Article 25 of the constitution guarantees citizens the right to speak freely, access information, assemble, form associations, and hold demonstrations.<sup>37</sup> Directive

24 intends to violate these rights: it restricts online speech and the ability of civil society groups to operate, prevents Vietnamese people from forming independent political organizations, and orders street protests and strikes to be suppressed.

As with international law, Vietnam's constitution permits restrictions on citizens' rights to protect national security. However, no legitimate, objective, or specific national security concerns are demonstrated by Directive 24, and therefore its restrictions are unconstitutional.

# CONCLUSION

Directive 24 is an all-out assault on the rights of Vietnam's 100 million citizens. In issuing the directive, the country's unelected leaders have made clear that Vietnam will not respect human rights, even as it deepens its integration with the world.

The communist party fear of foreign interference has been known for some time. Past statements and actions by the party indicate that much of the government's suppression of civil society stems from this concern.<sup>38</sup> In 2016, for instance, the party leadership passed Resolution 04-NQ/TW, which expresses hostility to the very concept of civil society.<sup>39</sup> A guidance note on the implementation of the resolution warned that the 'enemy and reactionary forces have stepped up activities against us', singling out 'the US and other western countries [that] are using aid to shape [Vietnam's] law and policy', while 'providing aid to domestic "non-governmental" organizations to promote a western model of "civil society"'.<sup>40</sup>

What is new about Directive 24, however, is that, rather than merely expressing these fears, Vietnam's leaders have laid out a comprehensive plan of action to deal with them by violating the rights of the country's citizens. In this sense, Directive 24 provides the missing link between past party policy statements and the government's crackdown on activism, dissent, and civil society. Though this crackdown has unfolded in broad daylight, up until now it has not been clear who or what is driving it. Directive 24 dispels any ambiguity on the matter, implicating the most senior members of the party and the state, including those that western governments have embraced.

# SETTING THE RECORD STRAIGHT



*President Biden and Secretary of State Blinken meeting with senior members of the Political Bureau in September 2023, including General Secretary Nguyen Phu Trong and Truong Thi Mai.<sup>41</sup>*

In light of Directive 24, the international community must rethink the prevailing assumptions about Vietnam's integration with the world, including the ideas that:

1. 'Biden can deepen ties with Vietnam and promote human rights at the same time'.<sup>42</sup>
2. 'The rise to power of Xi Jinping in 2013 has triggered a push for greater controls over all aspects of society [...] heading China in the opposite direction of Vietnam's gradual diffusion of political authority and liberalization'.<sup>43</sup>
3. 'Vietnam, like so many other countries, has what is known as an implementation gap [...] [T]he implementation gap in human rights refers to how states ratify human rights treaties and implement compliant laws but fail to realize the respective rights in practice'.<sup>44</sup>

4. 'Obama administration officials have argued that Vietnam's desire for expanded trade, interest in closer relations with Washington and internal pressures at home may lead to an improved human rights record'.<sup>45</sup>
5. 'Vietnam has taken significant steps toward ensuring its labor laws comply with international labor standards'.<sup>46</sup>
6. 'The [EVFTA] trade deal with Vietnam will improve the situation of millions of workers in Vietnam'.<sup>47</sup>
7. 'Despite the vagueness of the labor commitments [...] Vietnam is still taking reforms seriously'.<sup>48</sup>
8. 'The UK - Viet Nam relationship is founded firmly on common values: [...] respect and promotion of the rule of law and human rights'.<sup>49</sup>
9. 'For both countries and for the wider region and world, the deepening of U.S.-Vietnam ties will add heft to multilateral efforts to promote a rules-based Indo-Pacific order'.<sup>50</sup>
10. 'Directive 24 does not signal a new wave of internal repression against civil society and pro-democracy activists so much as business as usual'.<sup>51</sup>

Foreign governments and observers must understand that Vietnam's international integration will, as Directive 24 is implemented, coincide with increased violations of, not greater respect for, human rights.

Vietnam recently told the United Nations that its 'consistent policy is to protect and promote human rights' and that 'this policy has laid the foundation for Viet Nam to seriously undertake its international obligations and commitments on human rights' (p.1).<sup>52</sup> What Directive 24 reveals, however, is that Vietnam has no genuine intention to fulfill its commitments under human rights treaties that it has ratified. Rather, Vietnam is engaging in a bad faith effort to project the appearance of being a rights-respecting nation in order to advance other interests.

Given this, foreign governments must stop treating Vietnam's ratification of international treaties as an indicator of progress on human rights. Project88's analysis of Directive 24 demonstrates that Vietnam is willing to ratify human rights conventions—while simultaneously developing plans to violate these rights—in order to secure aid, trade, and investment. And western governments appear happy to go along with Vietnam's deceit so they can point to a human rights justification for expanding their power in the region.

# RECOMMENDATIONS

In light of the analysis presented above, Project88 offers the following recommendations to the Communist Party of Vietnam, to Vietnam's international partners, the United Nations, and to corporations that conduct business in Vietnam.

## TO THE COMMUNIST PARTY OF VIETNAM:

- Immediately repeal Directive 24.
- Immediately and unconditionally release all political prisoners.
- Institute reforms that guarantee all human rights covered by international treaties that Vietnam has signed.
- Stop issuing policies that lead to the violations of human rights in Vietnam.

## TO THE UNITED STATES:

Successive US presidential administrations have perpetuated the belief that pursuing closer ties with Vietnam through increased trade, investment, and military cooperation will lead to progress on human rights.<sup>53</sup> At the same time, the Biden administration has centered global labor rights as essential to the country's national security and foreign policy objectives.<sup>54</sup> In numerous statements regarding the human rights situation in Vietnam, US authorities have pointed to 'notable improvements to align domestic labor laws with international standards'.<sup>55</sup> Directive 24 puts to rest this false notion of human rights progress in Vietnam.

- Issue immediate public statements condemning the Communist Party of Vietnam and call for Directive 24 to be repealed.
- Issue travel bans on members of Vietnam's Political Bureau until Directive 24 is repealed.
- Do not provide military aid or commercial arms sales to Vietnam.



- Condition recognition of Vietnam as a market economy on human rights reforms.
- Stop violating human rights. It would be hypocritical to criticize Vietnam for its human rights record while your government violates human rights at home and abroad.

## TO THE EUROPEAN UNION:

Like the US, the European Union credits its increased cooperation with Vietnam for improvements in the human rights situation in the country. According to the EU Progressive Alliance of Socialists and Democrats, whose members helped to negotiate the EVFTA agreement on behalf of the EU, Vietnam has improved labor rights and the right to association in the country. In addition, the group claims that ‘the space for civil society has been widened [...] Without the free trade agreement, none of these achievements would have been within reach’.<sup>56</sup> Likewise, the EU Committee on International Trade has stated that the EVFTA will raise labor and human rights standards in Vietnam.<sup>57</sup>

In 2020, the European Commission partially withdrew preferential access to the European market for Cambodia due to systematic violations of human rights and labor rights, specifically violations of the right to collective bargaining.<sup>58</sup> Vietnam still benefits from this preferential access, despite its own poor human rights record.<sup>59</sup>

- Withdraw preferential access to the European market for Vietnam due to its systematic violations of human rights and labor rights.
- Ensure that Vietnam fully live up to its obligations under the EVFTA, including:
  - To implement freedom of association and recognize the right to collective bargaining (Article 13.4).
  - To ratify ILO conventions, including ILO Convention 87 (Article 13.4).
  - Ensure that civil society organizations can oversee Vietnam’s implementation of the EVFTA (Article 13.15).

- President of the European Commission Ursula von der Leyen should issue an immediate public statement condemning the Communist Party of Vietnam and call for Directive 24 to be repealed.
- Issue travel bans on members of Vietnam's Political Bureau until Directive 24 is repealed.
- Stop violating human rights. It would be hypocritical to criticize Vietnam for its human rights record while EU member states violate human rights at home and abroad.

### **TO CANADA, AUSTRALIA, AND ALL OTHER COUNTRIES PURSUING CLOSER TIES WITH VIETNAM:**

- Do not elevate diplomatic relations with Vietnam until Decree 24 is repealed and the Communist Party of Vietnam has committed to human rights reforms.
- Before elevating diplomatic relations with Vietnam, ensure that Vietnamese citizens enjoy the rights afforded to them under all international human rights treaties that Vietnam has entered into.

### **TO THE UNITED NATIONS:**

Vietnam is a current member of the Human Rights Council. At the same time, the highest levels of Vietnam's government have expressed an intention to systematically violate the human rights of Vietnam's citizens. In spite of these violations, the UN in Vietnam has whitewashed the government's atrocious human rights record. Since the crackdown started in 2016, the UN Country Team has not made public statements about human rights abuses. It has failed to fulfill its mandate, instead hiding behind the UN Human Rights Office, which has no presence in the country and little leverage over the government.

The UN Resident Coordinator and UN Country Team in Vietnam must be willing to take a stand against the repeated violations of human rights by the state. At this point, the UN's failure to speak out can almost be viewed as a tacit endorsement of the communist party's actions and statements.

The UN's strategic framework for Vietnam relies on information we now know is false.<sup>60</sup> According to the UN, the success of its work in Vietnam is premised on 'knowledge of and respect for international law [and] norms and standards regarding human rights'.<sup>61</sup> In Directive 24, however, the communist party explicitly orders the party-state apparatus to violate the human rights of the Vietnamese people, while expressing contempt for the country's obligations under international law. Without fundamental reform of the communist party, the UN's strategic framework is doomed to fail.

At the same time, the UNDP's approach for working in Vietnam focuses on the implementation of international agreements that Vietnam has joined. The organization's country program plan (2022-2026) states that 'UNDP will support better implementation of Viet Nam's international human rights commitments by improving domestic laws and monitoring the implementation process more effectively'.<sup>62</sup> Accordingly, the UNDP claims that if implemented as planned, 'by 2026, people in Viet Nam [...] will benefit from and contribute to a more just, safe and inclusive society based on improved governance, more responsive institutions, strengthened rule of law and the protection of and respect for human rights [...] in line with Viet Nam's international commitments'.<sup>63</sup> Given what we know now, this view is misguided.

- Secretary General of the United Nations António Guterres should issue an immediate public statement criticizing the Communist Party of Vietnam and demanding the repeal of Directive 24.
- The Human Rights Council should adopt a resolution condemning Vietnam and demanding the repeal of Directive 24.
- United Nations Resident Coordinator in Vietnam Pauline Tamesis should issue a public statement calling for the repeal of Directive 24 and revise the United Nations' strategic framework for Vietnam, accounting for the Communist Party of Vietnam's contempt and disdain for human rights.
- UNDP Vietnam should revise its analysis and approach to working in Vietnam.

## TO THE ILO:

The ILO appears to have an optimistic view about Vietnam's compliance with international standards—a view that does not comport with reality. On February 27, 2024, just three days before this report was published, Ingrid Christensen, the head in Vietnam of the ILO, stated, 'We are confident Vietnam is committed to ratifying Convention 87 as early as possible'.<sup>64</sup> Moreover, according to former ILO Vietnam Director, Chang-Hee Lee, 'If all goes as planned, Viet Nam will become a leading country among the ASEAN member states in promoting international labour standards'.<sup>65</sup> If all goes as planned under Directive 24, however, Vietnam will have merely deluded the ILO into believing it has complied with international labor standards. In addition, Lee has stated, 'I am convinced that Viet Nam will successfully complete this mission for its own future—a future built on higher productivity, better working conditions, the fair sharing of economic gains, equality, the recognition of the voices of workers and employers, and political and social stability'.<sup>66</sup> Given Directive 24, Project88 does not share this conviction.

- The ILO should require Vietnam to provide evidence that any newly formed trade unions are truly independent and represent the needs of workers in Vietnam.

## TO FOREIGN BUSINESSES THAT OPERATE IN VIETNAM OR ARE PLANNING TO INVEST IN VIETNAM:

- Amkor Technology, Nvidia, and any other companies planning on investing in Vietnam should refuse to move forward with these investments until Vietnam stops violating human rights.
- Demand that Vietnam comply with ILO obligations before making any additional investments in the country's economy.

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