



ASEAN'S PATH TO SUSTAINABLE DEVELOPMENT: NAVIGATING INTERNATIONAL RELATIONS, LEGAL FRAMEWORKS IN THE CONTEXT OF GLOBALIZATION AND MODERNIZATION

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FOREWORD

ASEAN's Path to Sustainable Development: Navigating International Relations, Legal Frameworks in the Context of Globalization and Modernization

Located in one of the world's most ecologically vulnerable regions, ASEAN possesses diverse geopolitics, fast-growing economies, and a rapidly expanding population. Sustainable development has become one of the most critical objectives and pressing challenges of our time. This path forward requires its member states' efforts to strengthen regional collaboration, international relations, harmonize national legal frameworks with international standards, leverage advanced technologies to meet sustainability goals, and balance global cooperation amongst the ASEAN countries.

The "**ASEAN's Path to Sustainable Development: Navigating International Relations, Legal Frameworks in the Context of Globalization and Modernization**" Conference is co-organized by Ho Chi Minh City University of Law, the National Foundation for Science and Technology Development (NAFOSTED), the Faculty of Law, Chiang Mai University, in response to that call. This year, we are very pleased to welcome contributions from legal scholars, policymakers, practitioners and young researchers representing 16 different countries around the world. Their participation highlights the shared commitments amongst generations to building a more just, green, and resilient future for our region and planet.

We would like to extend my appreciation to the International Law Faculty of Ho Chi Minh City University of Law, the Faculty of Law of Chiang Mai University, the Vietnamese Journal of Legal Sciences (VJLS) and the Indonesian Journal of International Law (IJIL) for the work and also for their support in convening and organizing this Conference.

On behalf of the Organizing Committee

Prof. Dr. Do Van Dai

Vice Rector of Ho Chi Minh City University of Law



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PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Beyond passive protection: Rebalancing FDI, sovereignty, and sustainable development in ASEAN's region

Assoc. Prof. Tran Thi Thuy Duong

Dean of the Faculty of International Law, Ho Chi Minh City University of Law, Deputy Editor-in-chief Vietnamese Journal of Legal Sciences

Abstract

In recent years, reconciling foreign direct investment (FDI) protection and host States' sovereign right to regulate for sustainable development (SD) objectives is a critical global challenge. A growing body of literature exists on this question, including studies that focus on the context of the ASEAN region. However, there is little analysis of how the region's unique ASEAN way influences the delicate rebalancing of FDI protection and host States' sovereign right to regulate for SD objectives. This study examines how ASEAN's international investment agreements (IIAs) uphold the sovereign right to regulate FDI for SD. It critically examines the ASEAN way's role, its rationale, and its weaknesses in this context. We hypothesize that the "passive protection" of sovereign rights to regulate, where States preserve their residual policy space but lack proactive mechanisms, is no longer sufficient. The regional legal framework must be developed for ASEAN States to effectively protect sovereignty rights and direct FDI towards sustainable outcomes.

In this study, we examine the key IIAs in which ASEAN countries are participants and compare their solutions related to FDI regulation for SD objectives with those of the CPTPP, of which several ASEAN States are members. The findings of this study contribute to the discussion on why and how ASEAN countries should enhance their regional FDI regulation to achieve the SD objectives. Moreover, they provide insights for other developing countries and regions, which are navigating the complex harmonization between host States' sovereign right to regulate for SD objectives and FDI protection.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Environmental Governance in Southeast Asia: Legal and Institutional Challenges in a Changing Global Context

Dr. Ly Van Anh

Deputy-Director, Research Chair on New Challenges of Economic Globalisation, Université Laval; Senior Lecturer, Diplomatic Academy of Vietnam

Abstract

The legal and institutional framework for environmental management in Southeast Asia has evolved within the ASEAN model, emphasizing consensus and non-intervention. However, its effectiveness is increasingly questioned in light of contemporary global transformations, including climate change, economic shifts, and geopolitical tensions. Since its inception, ASEAN has progressively established a legal and institutional framework for environmental governance. While these efforts have been recognized as a potential model by institutions like UNEP, the implementation of environmental commitments remains uncertain. Southeast Asian states face significant challenges at both national (economic, financial, technical, and political) and regional levels, particularly due to ASEAN's adherence to non-interference and consensus-based decision-making. Beyond financial and technological constraints, political and structural factors also hinder effective regional cooperation. Additionally, unresolved territorial disputes contribute to the dilution of collective environmental governance efforts.

As global environmental governance evolves, Southeast Asia must adapt its legal and institutional responses to enhance policy coherence, regulatory effectiveness, and regional cooperation. Strengthened legal and scientific capacities within ASEAN states may gradually improve the implementation of environmental commitments. However, the key question remains: can ASEAN transition toward a more robust and adaptive environmental governance model capable of balancing economic imperatives with environmental protection in a rapidly changing world?

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

RCEP Investment Chapter and Sustainable Investment in the Lancang Mekong Region

Assoc. Prof. Dr. Pornchai Wisuttisak - Visiting Researcher, University of Auckland, Faculty of Law, Chiang Mai University, Thailand

Prof. Dr. Sang Chul Park - Professor at Graduate School of Knowledge-based Technology and Energy, Tech University

Abstract

The RCEP was established in 2012 by the 16 Economic Ministers who endorsed the Guiding Principles and Objectives for Negotiating the RCEP. The negotiations were launched by the leaders from 10 ASEAN Member States (ASEAN, 2022). The members of the RCEP have been in various meetings and discussions based on the ASEAN meetings as well as the RCEP meetings among East Asia countries such as China, Japan, and the ROK. China ensured that it could increase its involvement in East Asia and became the eminent supporter of the RCEP because it fits well with Chinese aims to implement the BRI (Gao, 2020; Park, 2023; Ye, 2015). China can effectively rely on the RCEP to expand with BRI partners, for China's ongoing global economic and technological shifts (Luzyanin & Kanaev, 2021). When it can be expected that the RCEP can facilitate investment among member countries, the sub-region of the Lancang-Mekong region is an important region where there is an increase in investment from the BRI through GMS countries. The RCEP chapter on investments can serve as a regional legal framework that enables further investment in the Lancang-Mekong region. However, there is still concern whether investments will be adhered to a sustainable way of development or not. This paper aims to study how the RCEP investment chapter facilitates investment in the Lancang-Mekong region and to explore the challenges of the investment chapter in the Lancang-Mekong region.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

The reform of the European Union's approach to trade and sustainable development chapters of free trade agreements: the way forward for ASEAN's countries

Dr. Ngo Thi Trang - International Law Faculty, Diplomatic Academy of Viet Nam

Abstract

For decades, the European Union (EU) has consistently incorporated Trade and Sustainable Development (TSD) chapters into free trade agreements (FTAs) as part of its policy objective to take a leading role in promoting the sustainable development agenda at a global level. However, after years of implementation, TSD provisions have revealed limitations in both the design and operations. Therefore, since 2017, the EU has embarked on a reform process to enhance its approach to TSD chapters by stepping up the country-specific approach to enhance the sustainability credentials of future TSD chapters, strengthening the TSD enforcement mechanism, and reinforcing the role of the civil society. As ASEAN countries are both FTA partners and FTA negotiation partners of the EU, they will inevitably be affected by the EU's reform process and must implement appropriate policy measures to adapt accordingly. This article will analyze criticism of TSD provisions in EU's FTAs, review reform proposals of the European Commission and reflections of these proposals in practices as well as provide some observations. Based on these, the article will make some recommendations for ASEAN FTA partners of the EU to enhance the effective implementation of their committed TSD provisions as well as recommend ASEAN future FTA partners of the EU to improve the negotiation of TSD provisions with the EU.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Disguised Postcoloniality in Thailand's Foreign Worker Management Emergency Decree 2017

Assist. Prof. Dr. Kitpatchara Somanawat - Deputy Dean, Faculty of Law, Chiang Mai University, Thailand

Abstract

Foreigners' Working Management Emergency Decree (2017) has been enacted for half a decade. The decree vastly effects on economy and social relation of both Thai society and foreign workers. This study aims at using law and society approach with the post-colonial theory to make a socio-legal explanation on Thai foreigners' working management system respecting to information gathered from focus group seminar with the law's stakeholders, foreign workers, employer, officers and Thai state. Research shows Thai state has designed foreigners' working management system as internal post-colonial upon foreign workers. To create the post-colonial system and subaltern status of foreign workers, especially on foreign workers who are memorandum of understanding labors (the MOU foreign workers), Thai state enacted the emergency decree which weaken their legal environment, their economy, and their negotiating power. In addition to subordinate the workers, Thai state tend to manage the interest of foreign workers and other stakeholders by using strong enforcement of both criminal and administrative laws. Unfortunately, operating strong power is way of control, rather than collaboration and trust-making approach. As a result, the basic objectives of the decree; protecting human rights, developing socio-economy, and maintain security of the state, become unsuccessful. Thai state should reconsider the option of using authoritarian polices and should focus on empowering foreign workers which could be helpful to sustainable in both economy and security.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Legal Framework on Green Jobs for Sustainable Development Goals in ASEAN - Some Suggestions For Vietnam

LL.M Pham Thi Hien - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

LL.M Tran Thi Thuan Giang - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Abstract

In the context of the rapid development of the green economy, green job trends are becoming increasingly prominent and attracting great attention from the Government, businesses and workers. Green jobs not only play an important role in promoting sustainable development but also create new career opportunities for workers. However, this transition also poses significant challenges, especially in improving state policies and regulations on green jobs. This article aims to analyze the current legal framework of ASEAN in general and the regulations of some ASEAN countries in particular on green jobs. From there, it provides assessments of ASEAN's regulations on green jobs as well as assesses the compatibility of ASEAN countries' laws on green jobs with the organization's regulatory framework. At the same time, from these analyses, the article also clarifies Vietnam's current regulations on green jobs and the experiences that Vietnam can learn from the regulations on green jobs of ASEAN and other countries in the region.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

The Energy Poverty Puzzle in ASEAN: Legal Challenges, Solutions. Priceless Lessons From the EU's Achilles's Heel in Energy Transition

Assoc. Prof. Dr. Tran Viet Dung - Vice-Rector of Ho Chi Minh City University of Law

Dr. Nguyen Thi Kim Anh - Lecturer of Ho Chi Minh City University of Law

Abstract

Energy poverty represents a significant, multifaceted challenge that is difficult to quantify, monitor, and address effectively through unilateral national measures or policies. To mitigate this issue, the international community has reached a consensus under Sustainable Development Goal 7 (SDG 7), which stipulates the objective of “ensuring access to affordable, reliable, sustainable, and modern energy for all.” In the ASEAN region, despite considerable efforts, more than 45 million people remain without access to electricity, residing in remote areas of Cambodia and Myanmar, where other pressing issues of poverty persist. Meanwhile, the majority of other ASEAN countries continue to rely on traditional energy sources, such as coal and natural gas, to ensure national energy security. Against the backdrop of growing awareness of climate change and global warming, countries are collectively advocating for a just transition process aimed at addressing energy inequality and scarcity.

However, this transition is fraught with challenges, including inequality, climate change, rising living costs, conflict, and geopolitical tensions. Additionally, the shift toward cleaner energy sources can exacerbate socio-economic vulnerabilities, deepening the already critical issue of energy poverty. Even within the European Union—one of the most advanced energy markets—energy deprivation persists, affecting nearly 50 million people, or approximately 10% of the population, who struggle to afford basic energy needs. These realities underscore the urgent need for strategic policy adjustments to balance decarbonization efforts with energy security in ASEAN.

This paper explores three key aspects: (i) Energy transition policies and their impact on energy poverty in ASEAN countries; (ii) Lessons from the EU's experience in balancing economic growth with decarbonization; and (iii) Policy recommendations for ASEAN nations to achieve a sustainable and inclusive energy transition. By critically examining these dimensions, the study aims to provide insights into how ASEAN can navigate its energy transition while ensuring energy access, economic resilience, and social equity.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Management of Transboundary Haze Pollution: Thailand's Perspective

Assoc. Prof. Dr. Usanee Aimsiranun - Faculty of Law, Chiang Mai University, Thailand

Abstract

Haze pollution, particularly from fine particulate matter (PM2.5), has become a recurring and critical environmental and public health issue in Thailand. The seasonal agricultural burning, industrial gas emissions as well as transportation significantly exacerbate air quality. The sources of the haze pollution are not confined to the national borders and transboundary haze pollution represents a serious challenge for Thailand.

This study examines Thailand's efforts to addressing the problem of transboundary haze pollution from the perspective of national law as well as from the perspective of bilateral and ASEAN frameworks. It examines Thailand's approach to the problem, the progress and the multifaceted challenges of national and transnational approach as well as the further steps to be taken.

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PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Network Analysis of Legal Advocacy for Transboundary Haze Pollution Regulations in ASEAN

Assoc. Prof. Dr. Sameer Kumar - Programme Co-ordinator for International Masters in ASEAN Studies program, Asia-Europe Institute, Universiti Malaya

Abstract

Transboundary haze pollution, resulting from peatland fires mainly in Indonesia, affects health, economies, and environments across ASEAN, calling for effective legal advocacy on the enforcement of the ASEAN Agreement on Transboundary Haze Pollution (AATHP) and national laws such as Singapore's Transboundary Haze Pollution Act (THPA). This research uses Social Network Analysis (SNA) to illustrate the structure of the advocacy network among 45 actors, including NGOs, legal companies, ASEAN bodies, and governments, based on 120 ties from 2014 to 2023. It uncovers influential actors, structural features, and coordination gaps, suggesting ways to improve the network's advocacy capacity. The three network diagrams—the Overall Network Structure, Cluster-Based Network, and Brokerage and Fragmentation Network— reveal a moderately cohesive network (density = 0.35), with Greenpeace Southeast Asia (degree centrality = 0.62) and Singapore's National Environment Agency (NEA; degree centrality = 0.50) occupying the central hubs. The Singapore-Malaysia cluster (density = 0.55) is the epicentre of policy outcomes, including 2023 THPA amendments, whereas the Indonesia-Centric cluster is isolated from other network members (density = 0.25), owing to sovereignty and resource capacity. NEA and the ASEAN Coordinating Centre for Transboundary Haze Pollution Control (ACC THPC), among others, serve as brokers that create new ties, but Indonesia's Ministry-Wide Coalition, Malaysian Bar, and other actors remain disconnected due to the absence of ties. These results contribute to the knowledge of haze advocacy by visualising and quantifying the advocacy network, which has rarely been mapped; they are well-supported by theories of network governance and political ecology. The study recommends reinforcing the ACC THPC's brokerage role, synchronising national laws against haze pollution, and enhancing the capacity of Indonesian environmental NGOs in accordance with ASEAN's Second Haze-Free Roadmap (2023–2030) and SDGs 13 and 16, thereby enhancing the AATHP's legitimacy and regional cooperation for a haze-free ASEAN. In short, this research provides useful insights on AATHP enforcement and on regional advocacy network governance as a prototype of transboundary environmental issues.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Clean Air Act Campaign: Legal Mobilization to Systemic Address Air Pollution in Thailand

Dr. Songkrant Pongboonjun - Faculty of Law, Chiang Mai University, Thailand

Abstract

Thailand, a country in Southeast Asia that is developing quickly, has a difficult time solving environmental issues, particularly air pollution. In contrast to other forms of environmental pollution, which are typically confined to urban areas, air pollution in Thailand is pervasive in both rural and large cities, such as Bangkok and Chiang Mai.

A wave of grassroots activity and legal mobilization aimed at resolving the air pollution catastrophe is sparked by this urgent issue. Environmental movements in Thailand have used the legal system on multiple occasions to solve environmental issues. They have gained knowledge and adjusted their tactics to better fit their goals along the road.

Environmental activists frequently used the legal system to solve environmental issues after the Thai Parliament approved the People's Constitution in 1997, which protected environmental rights. Environmental movements aimed at promoting clean air have had some influence because they have attempted to use the legal system to bring about recognized rights. They have experienced considerable success lately.

Nevertheless, Thailand's air pollution has not decreased, and the general improvement in air quality has not been significantly impacted by legal achievements. Legal tactics with a narrow emphasis, such as those used by environmental movements, are not without their restrictions. This brings them to their most recent legal tactic: advocating for the Clean Air Act, a comprehensive piece of law created especially to deal with the problems associated with air pollution. In 2024, this bill together with other six drafts were approved by the Thai Parliament to be considered and expected to enact to be law soon.

This essay examines how Thai environmental movements are influencing legislation to reduce air pollution. I contend that through trial and error, environmental groups have improved their methods by realizing the power and complexity of legal mechanisms. A comprehensive cycle of legal mobilization was initiated in 2023 to try to address air pollution holistically with the goal of introducing a Clean Air Act.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Voluntary Carbon Markets: A Comparative Analysis for ASEAN Countries - Navigating Opportunities in the Region

Dr. Phan Ngoc Tam - Ho Chi Minh City University of Law, Tin & Tam Law Firm

Le Duy Khang - Tin & Tam Law Firm

Nguyen Thi Kieu Khanh - Ho Chi Minh City University of Law

Abstract

ASEAN has consistently prioritized environmental protection, demonstrated by the August 19, 2023 launch of the ASEAN Strategy for Carbon Neutrality, which includes enhancing interoperable carbon markets to promote voluntary carbon credit trading. Voluntary carbon markets, operating through agreements between entities, enable the purchase of carbon offset credits from emission reduction projects. Southeast Asia, with its abundant carbon reserves, holds significant potential for economic growth via carbon trading, with Indonesia and Cambodia among the largest suppliers of carbon credits, primarily from REDD+ projects. Several ASEAN members have taken steps to develop carbon markets, with Singapore and Indonesia launching voluntary markets and Thailand piloting an emissions trading scheme since 2015. However, due to the voluntary nature of these markets, many ASEAN nations lack clear regulations defining their role in achieving national climate targets. This is exemplified by Vietnam, where legal regulations do not explicitly delineate between mandatory and voluntary carbon markets. Discrepancies in national regulatory policies can lead to adverse effects, including conflicts of law in cross-border disputes and impediments to international carbon credit transactions, undermining regional carbon market connectivity. This necessitates urgent research to analyze and compare legal regulations, perspectives, and future orientations of ASEAN nations regarding voluntary carbon market development. Ultimately, achieving regulatory harmonization is crucial for the development of a unified carbon market across ASEAN. To this end, this paper will identify similarities and differences in national policies and propose solutions to facilitate the development of a carbon market throughout ASEAN.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Unlocking ASEAN's Green Bond Potential: Building a Robust Regulatory Framework for Sustainable Growth

Vu Quynh Anh - Paralegal at Littles Lawyers

Nguyen Thao Minh - Legal Assistant at VP Bank

Abstract

Amid ASEAN's collective commitment to reaching net-zero emissions by mid-century, the challenge of securing funding for sustainable projects is increasingly prominent (ASEAN Secretariat, 2021). Although ASEAN nations are considered attractive to global investors, green initiatives frequently suffer due to perceived risks, prolonged payback periods, and uncertain profitability (OECD, 2020).

To meet market demand, there must be specialized financial mechanisms capable of clearly identifying and certifying environmentally beneficial projects, thereby bolstering investor trust. Green bonds, explicitly designed for this function, offer investors guaranteed transparency, strict accountability, and detailed environmental evaluations (International Capital Market Association [ICMA], 2021).

Investors - especially those in developed markets - are, indeed, increasingly prioritizing financial products aligned with environmental, social, and governance (ESG) criteria and requiring strict accountability and transparency. (PwC, 2023). By the end of 2023, global sustainable bonds outstanding exceeded USD 4 trillion, of which almost 64% were green bonds (Institute for Energy Economics and Financial Analysis [IEEFA], 2024). The European Union (EU) now dominates the market, with around 50% of green bond issuance in 2023 (Climate Bonds Initiative, 2024), bolstered by strong legislation and a developed investment environment. China ranks second, issuing USD 131 billion in 2023, marking its second straight year as the leading yearly issuer (Climate Bonds Initiative, 2024). The ASEAN+3 area accounts for 20% of the global sustainable bonds market (IEEFA, 2024), whereas green bonds constitute a little portion of domestic bond markets (about 1% in China) (Green Finance Development Center, 2024).

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Unlocking ASEAN's Green Bond Potential: Building a Robust Regulatory Framework for Sustainable Growth

Vu Quynh Anh - Paralegal at Littles Lawyers

Nguyen Thao Minh - Legal Assistant at VP Bank

Abstract (cont.)

Green bonds, with their binding commitments on the use of proceeds, regular disclosure requirements, and environmental impact assessments, are regarded as a “safe and responsible” investment channel (UNDP, 2022). This mechanism can help ASEAN economies overcome funding barriers for green projects while elevating their financial credibility in international markets (World Bank, 2021).

Meanwhile, the EU and China have all taken early steps to establish legal frameworks for green bonds issuance (European Commission, 2021; and China Green Bond Catalogue, 2021), placing them at the forefront of the global green finance market (Climate Bonds Initiative [CBI], 2023). In order to remain competitive, ASEAN must swiftly expand its legal infrastructure to assure openness, uniformity, and conformity to global norms. Comparative examination of the legal frameworks in these leading jurisdictions is thus critical for creating effective policy foundations at the regional and national levels, particularly for countries like Vietnam (ERIA, 2023).

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Enabling Trade Sustainability in ASEAN's Economic Integration: A Critical Analysis of the ASEAN 2045 Agenda

Rizky Banyualam Permana - Doctoral Researcher & Junior Lecturer, Department of International Law, Faculty of Law Universitas Indonesia

Abstract

To address polycrises in the Anthropocene, states have begun incorporating non-economic objectives into trade agreements. This shift seeks to realign economic priorities with social and environmental protections, reflected in the emergence of Trade and Sustainable Development (TSD) provisions. However, balancing these concerns remains contentious due to divergent national interests and the absence of a unified approach. Multilateral negotiations at the WTO have largely failed to reconcile differing views on integrating sustainability into trade rules. Historically, environmental and social protections have been framed as issues of the Global North, often met with skepticism by the Global South, including ASEAN member states. Nonetheless, a shift is emerging. In May 2025, ASEAN released *Our Shared Future*, a document that will guide regional integration toward 2045. This marks a significant milestone, embedding sustainability as a core principle in ASEAN's regional economic framework, including trade. While no overarching global rules exist for implementing sustainability in trade, regional and bilateral approaches, particularly through RTAs, have become the dominant avenue for advancing TSD norms. Contemporary scholarship on TSD has been heavily centered on the EU and North America (e.g., NAFTA/USMCA), leaving a gap in regional perspectives from the Global South. This paper contributes to that literature by offering one of the first critical analyses of how trade and sustainability are embedded within the ASEAN 2045 agenda. It examines the evolving approach of ASEAN member states toward TSD provisions, highlighting the region's shifting posture and the potential for ASEAN to develop a distinct model for sustainable trade rulemaking.

PANEL 1 - Sustainable development in ASEAN: Legal and institutional pathways

Unlocking ASEAN's climate potential: strategies for enhancing NDC coherence and regional cooperation

Alexandre Germouty - Climate Change Associate Project Officer at UNESCO, Post-Master's Researcher at University Paris Sciences Lettres

Abstract

Southeast Asia is among the world's most climate-vulnerable regions. Between 1999 and 2018, Myanmar, the Philippines, Viet Nam, and Thailand ranked among the ten countries most affected by climate-related disasters, with Cambodia following closely at 12th. The economic toll has been severe: ASEAN countries suffered \$124 billion in direct weather-related damages between 1993 and 2018, averaging \$5.2 billion annually. The fiscal strain on governments is equally alarming. Disaster-related costs as a share of government expenditure stand at 2.5% for Myanmar, 1.5% for the Philippines, 1.0% for Cambodia, and 0.9% for the Lao PDR. Some disasters have devastated entire economies, such as Cyclone Nargis in 2008, which caused damages equivalent to 12.6% of Myanmar's GDP, and the 2011 floods in Thailand, which led to losses totalling 10.9% of GDP.

Projections indicate worsening conditions. Under a business-as-usual scenario, Southeast Asia's GDP could decline by 11% by 2100. Sea levels are expected to rise between 29 and 110 cm, depending on global mitigation efforts. A one meter rise alone could submerge up to 7% of Viet Nam's agricultural land, threatening food security and rural livelihoods. Given these escalating risks, urgent and coordinated climate action is imperative.

This precarious situation highlights the urgency for robust and cohesive climate action. Southeast Asia, home to over 700 million people or 8.52% of the global population, faces unique socio-economic and environmental challenges. The region's rapid economic development offers opportunities to adopt green growth models while addressing critical vulnerabilities.

Nationally Determined Contributions under the Paris Agreement (2015) have emerged as central to ASEAN Member States (AMS) climate policies. Yet, despite their critical role, many NDCs fall short of providing clear, actionable roadmaps. Characterized by

Abstract (cont.)

general aspirations rather than measurable commitments, these "shopping lists" often lack the necessary prioritization, transparency, and alignment with science-based strategies. For instance, while many NDCs include ambitious renewable energy targets, they lack detailed roadmaps for achieving these goals, such as timelines, financing plans, or monitoring frameworks.

This research seeks to bridge the gap between ambition and execution in ASEAN's climate strategies. By analysing the structure, sectoral priorities, and coherence of NDCs, it aims to identify key obstacles undermining their effectiveness as tools for green transitions. Particular attention will be given to the role of regional cooperation, innovative financing mechanisms, and inclusivity through a just transition framework. To enrich this analysis, country-specific interviews with policymakers and stakeholders will provide insight into the local contexts shaping climate policy implementation.

A just transition—one that balances green growth, climate resilience, and social equity—offers a pathway to addressing these gaps. Lessons from South Korea's industrialization underscore the importance of designing economic transitions that prevent social inequalities (The Paradox on the Han River), a critical consideration for ASEAN nations at varying stages of development. Regional coordination through ASEAN platforms can facilitate knowledge sharing and foster joint solutions to climate challenges. Given the region's socio-economic diversity—from advanced economies like Singapore to developing nations like Lao PDR and Myanmar—climate strategies must be adaptable, addressing disparities while promoting regional cooperation.

Southeast Asia stands at a turning point. Indonesia and Thailand's applications for OECD membership mark a shift toward greater integration into global economic frameworks. This transition presents an opportunity to align with international economic and governance standards, driving improvements in transparency, regulatory coherence, and social protections while reinforcing commitments to environmental sustainability. However, these transitions must ensure that marginalized groups—including women, youth, and indigenous communities—are not left behind.

This research will explore how ASEAN's NDCs can evolve from fragmented policy documents into cohesive, strategic frameworks that support both ambitious climate action and equitable socio-economic outcomes. It will identify actionable improvements to structure and strategy, ultimately advancing the region's green transition and resilience to climate change.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Sustainability Regulations in the Regional Comprehensive Economic Partnership (RCEP) : A Catalyst for Promoting United Nations Sustainable Development Goals and Implications for Vietnam

Le Xuan Tung - PhD student, Fellow of the Centre for Private International Law, University of Aberdeen, UK; Researcher, International Law Department, Institute for Legal Strategy and Science

Tran Thi Thu Ngan - Lecturer, Faculty of Economic Law, University of Economics and Law, Vietnam National University

Abstract

New Foreign Trade Agreements (FTAs) now include a wider range of topics than just typical economic ones. A revolutionary strategy for advancing peace in bilateral and multilateral relations is the incorporation of sustainability into contemporary multilateral trade agreements such as the Regional Comprehensive Economic Partnership (RCEP). The RCEP's sustainability requirements serve as a safeguard against potential conflicts resulting from competing economic and environmental concerns. On the one hand, they present member nations with a framework for working together on issues like corporate governance, labor standards, and climate change. Through the strong enforcement mechanisms and dispute resolution procedures, these treaties facilitate the peaceful resolution of conflicts and thereby enhance the overall stability of multilateral relations. On the other hand, RCEP acts as catalysts to advance United Nations Sustainable Development Goals (UNSDGs) by promoting collaborative initiatives and knowledge sharing among member countries. This agreement creates a foundation for cooperative action on sustainable development, poverty reduction and climate change mitigation. RCEP plays a crucial role in advancing UNSDG Goal 13, which focuses on taking urgent action to combat climate change and its impacts, including provisions aimed at promoting environmental sustainability and addressing climate-related challenges, aligning with international efforts to mitigate greenhouse gas emissions and adapt to the impacts of climate change. RCEP also contributes to advancing UNSDG Goal 16, which focuses on promoting peaceful and inclusive societies, ensuring access to justice, and building effective, accountable, and inclusive institutions.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Sustainability Regulations in the Regional Comprehensive Economic Partnership (RCEP) : A Catalyst for Promoting United Nations Sustainable Development Goals and Implications for Vietnam

Le Xuan Tung - PhD student, Fellow of the Centre for Private International Law, University of Aberdeen, UK; Researcher, International Law Department, Institute for Legal Strategy and Science

Tran Thi Thu Ngan - Lecturer, Faculty of Economic Law, University of Economics and Law, Vietnam National University

Abstract (cont.)

However, it is essential to acknowledge the limitations and challenges associated with the sustainability provisions in the RCEP. While it includes commitments to environmental protection, the enforceability and effectiveness of these provisions remain subject to implementation and compliance by member states. Without robust monitoring mechanisms and accountability measures, there is a risk that environmental provisions may be undermined or disregarded, limiting their impact on addressing climate change and promoting sustainability in the Asia-Pacific region.

This paper examines how sustainability-related provisions in RCEP contribute to promoting environmental protection, labor standards, and corporate social responsibility, acting as potential catalysts for achieving key SDG targets in ASEAN region.

Specifically, this paper examines the impact of RCEP's sustainability provisions on Vietnam, an ASEAN signatory party with substantial economic and environmental stakes in the agreement. By evaluating Vietnam's existing legal framework and obligations under RCEP, the study identifies both opportunities and challenges in harmonizing national policies with regional sustainability standards.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Strengthening the Implementation of Responsible Business Practices in Vietnam: Legal Challenges and Comparative Lessons from Thailand and Indonesia

LL.M Nguyen Dao Phuong Thuy - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Truong Da Minh Chau - Nishimura & Asahi

Abstract

In light of Vietnam's adoption of the 2023–2027 National Action Plan on Responsible Business Practices, this paper explores the extent to which legal and institutional reforms have advanced the country's alignment with international standards on corporate accountability, human rights, and sustainability. Despite policy progress, implementation remains constrained by weak enforcement, regulatory fragmentation, and lack of binding human rights due diligence obligations. Through a detailed examination of Vietnam's legal and policy foundations, the paper identifies core challenges that hinder the practical realization of RBP. It further draws on the experiences of Thailand and Indonesia, evaluating their respective NAP models and highlighting key lessons for Vietnam. Finally, the paper offers legal reform recommendations to support Vietnam's transition toward a more accountable and rights-respecting business environment, particularly in the context of constitutional reform and integration into new-generation free trade agreements.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Enhancing the Nexus between Free Trade Agreements and Food Security in the ASEAN: Bridging the Gap for A Resilient Future

Assoc. Prof. Dr. Nguyen Ngoc Ha - Director of FTU Institute for Creative Research, Foreign Trade University

Abstract

This report provides an in-depth examination of the intricate relationship between Free Trade Agreements and food security within the ASEAN region. While FTAs have undeniably fostered economic integration, increased market efficiency, and enhanced food availability, they have also unveiled significant vulnerabilities within domestic agricultural sectors and regional supply chains. ASEAN faces escalating food security threats stemming from geopolitical disruptions, the pervasive impacts of climate change, inherent trade-related susceptibility, and internal structural deficiencies such as suboptimal intra-regional trade and critical information gaps. The analysis synthesizes existing ASEAN frameworks and mechanisms designed to address food security, evaluating their effectiveness and identifying areas for enhancement. To bridge the existing gaps and cultivate a more resilient food future, this report proposes a comprehensive set of policy recommendations. These include strengthening ASEAN trade (intra-ASEAN and with its partners) and harmonizing standards, significantly enhancing agricultural productivity through sustainable practices and targeted research and development, strategically leveraging advanced technologies like Artificial Intelligence, diversifying food systems and emergency reserves, and fostering robust governance structures characterized by cross-sectoral policy coherence and dynamic public-private partnerships. Implementing these recommendations is critical for ASEAN to navigate future shocks and ensure long-term food security for its growing population.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

From Investment Protection to Investment Facilitation: A New Paradigm in The Pursuit of Sustainable Development

Dr. Randi Ayman - Senior Researcher, LCEL, University of Luxembourg

Abstract

International investment agreements (IIAs) have undergone a major overhaul in the last decade, addressing the investment treaty regime crisis and reflecting a transition from traditional investment protection frameworks to investment promotion. This shift also seeks to promote sustainable development, mitigate regulatory chill, and enable policies supporting the green transition. Nonetheless, while recent IIAs include sustainability-related language inspired by the United Nations Sustainable Development Goals (SDGs) and incorporate robust “right to regulate” provisions and general exceptions—particularly in ESG matters—as well as commitments to combat corruption and climate change, doubts still persist as to their effectiveness in achieving concrete sustainable development outcomes. Main critics in this regard point to the absence of binding investor obligations and a general disconnect between arbitral tribunals’ decisions and IIAs reform efforts to achieve sustainability objectives.

On the other hand, international investment law is witnessing an emerging trend of Sustainable Investment Facilitation Agreements (SIFAs), either bilateral or multilateral — such as the WTO’s Investment Facilitation for Development Agreement (IFD). SIFAs introduce a new legal framework that, unlike the investment treaty regime, puts sustainable development at the forefront through inter-States cooperation and transparency, while preserving States’ policy space and regulatory rights. Additionally, SIFAs prioritize dispute prevention over dispute resolution, and encourage dialogue and stakeholders’ involvement.

In force since September 2024, the European Union–Angola Sustainable Investment Facilitation Agreement (EU-Angola SIFA) marks a pioneering development in this paradigm shift and will likely serve as a model for future EU cooperation frameworks.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

From Investment Protection to Investment Facilitation: A New Paradigm in The Pursuit of Sustainable Development

Dr. Randi Ayman - Senior Researcher, LCEL, University of Luxembourg

Abstract (cont.)

This paper will first highlight the shortcomings of new IIAs integrating sustainable development provisions in effectively contributing to sustainable development. Second, it will critically assess the potential of SIFAs to advance sustainable development through their cooperative and flexible framework while addressing related enforcement concerns. Finally, it will examine the EU-Angola SIFA as a blueprint for a potential framework with ASEAN and/or its Member States. To conclude, the paper will examine how SIFAs could impact international investment law and policymaking more generally. By exploring this transition from investment protection to facilitation, the paper aims to contribute to discussions on reimagining international investment legal frameworks to better align with sustainable development objectives.

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PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Reconciling International Investment Law with Indigenous Land Rights: A Philippine Perspective on Sustainable Development in ASEAN

Assist. Prof. G. Mahith Vidyasagar - School of Law, SRMIST, Chennai

Abstract

The Philippines, as a member of the Association of Southeast Asian Nations (ASEAN), grapples with the intricate balance between attracting foreign investment and safeguarding indigenous land rights—a critical component of sustainable development. This paper examines the tensions between international investment law and the protection of indigenous ancestral domains in the Philippines, employing both doctrinal analysis and case study methodologies.

The Indigenous Peoples' Rights Act of 1997 (IPRA) legally recognizes the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral lands. However, the implementation of IPRA has encountered challenges, particularly when confronted with large-scale development projects backed by foreign investments. These projects often lead to the displacement of indigenous communities, undermining their cultural and economic practices.

A notable case is the struggle of the Higaonon tribe in Opol, Mindanao, who faced threats to their land tenure security due to agribusiness ventures. Despite legal frameworks intended to protect indigenous lands, external development pressures have led to encroachments, highlighting the limitations of existing legislation in practice.

This paper critically analyzes the interplay between the Philippines' international investment obligations and its domestic commitments to indigenous land rights. It explores how investor protection clauses in international agreements may conflict with the enforcement of IPRA, potentially leading to disputes that challenge the state's regulatory autonomy. The study also assesses the role of investor-State dispute settlement (ISDS) mechanisms in this context, considering their impact on the state's ability to uphold indigenous rights.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Reconciling International Investment Law with Indigenous Land Rights: A Philippine Perspective on Sustainable Development in ASEAN

Assist. Prof. G. Mahith Vidyasagar - School of Law, SRMIST, Chennai

Abstract (cont.)

By integrating doctrinal analysis with empirical insights from case studies, the paper identifies gaps in the current legal framework and proposes reforms to harmonize international investment law with indigenous land rights. Recommendations include incorporating explicit provisions in investment treaties that recognize and protect indigenous rights, enhancing community participation in investment negotiations, and strengthening domestic legal mechanisms to ensure that development projects align with the principles of sustainable development. The findings aim to contribute to ASEAN's broader discourse on sustainable development by highlighting the necessity of aligning international investment practices with the protection of indigenous communities, thereby promoting an inclusive and equitable path towards regional growth.

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PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

International Control of Dumping at Sea and Implications for Southeast Asia

Phan Thi Huong Giang - University of Economics and Law, Vietnam National University Ho Chi Minh City

Nguyen Phuong Quynh Chi - University of Economics and Law, Vietnam National University Ho Chi Minh City

Abstract

Dumping at sea poses a significant threat to the maritime environment, leading to pollution, habitat destruction, and biodiversity loss. Hazardous waste, chemicals, and untreated industrial discharge contaminate marine ecosystems, affecting both marine life and coastal communities. Given the interconnected nature of oceans, protecting the marine environment is not just a national responsibility but a regional and global priority. International regulations, such as the London Convention (1972) and its 1996 Protocol, have been established to control and limit waste disposal at sea, promoting sustainable waste management and international cooperation. While governments worldwide have taken steps to enforce these regulations, challenges persist, especially in regions like Southeast Asia, where rapid industrialization and varying enforcement capacities create gaps in marine environmental protection. Strengthening regional collaboration, harmonizing legal frameworks, and enhancing monitoring systems are essential for mitigating the impacts of dumping at sea. This paper examines the environmental consequences of marine dumping, explores key international regulations, and evaluates governmental responses, providing policy recommendations for Southeast Asian nations to collectively safeguard their shared marine environment.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Attracting Foreign Direct Investment (FDI) and Promoting Responsible Business Practices (RBP) in ASEAN: Striving for Equilibrium in Host States?

LL.M Nguyen Phuong An - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Nguyen Ha Khanh Van - Ho Chi Minh City University of Law

Abstract

Foreign direct investment (FDI) has long been a key driver of economic growth, significantly for developing economies. As one of the world's most attractive investment destinations, ASEAN has leveraged FDI to foster industrialization, infrastructure development, and technological innovation. However, cross-border investment flows not only generate economic benefits but also pose significant challenges to sustainable development, including environmental degradation, labor rights violations, and instability in investment governance. According to UNCTAD's report, the FDI flows to ASIA dropped 8% to \$991 billion in 2023. The challenge of ASEAN host states is how to balance investment attractiveness with promoting responsible business practices (RBP) for sustainable development goals. From the perspective of host states, this article will (i) analyze the provisions of the ASEAN Comprehensive Investment Agreement (ACIA) and ASEAN's investment agreements with external partners to clarify the legal basis and the scope of host state authority in promoting RBP, thereby (ii) proposing solutions to ensure a balance between attracting foreign investment and contributing to the realization of sustainable development goals in the region.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

ASEAN's Collaborative Mechanism for Combating Marine Pollution from Dark Ships

Ph.D candidate Chung Le Hong An - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

LL.M. Nguyen Anh Thuy Dung - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Abstract

This article examines the growing challenge posed by 'dark ships' to maritime security and environmental sustainability within the ASEAN region. These vessels undermine regional stability and pose significant threats to marine ecosystems. The study analyzes the multifaceted nature of dark ship operations. It further investigates the significant challenges these vessels present to Southeast Asian nations, encompassing environmental degradation, economic disruption, and security risks. By assessing the current state of regional cooperation, this research advocates for a comprehensive and coordinated approach to safeguard ASEAN's maritime interests and protect its marine environment from the adverse impacts of dark ship operations.

ASEAN
SUSTAINABLE DEVELOPMENT

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Copyright Exceptions for Library Activities in ASEAN-6: Towards a Balanced and Harmonized Legal Framework

LL.M. Ngo Kim Hoang Nguyen - Faculty of International Law, Ho Chi Minh City University of Law

Abstract

Copyright exceptions in the library sector are essential for facilitating equitable access to knowledge and information, particularly in ASEAN countries, which exhibit cultural variety and differing developmental stages. This paper examines the legal rules pertaining to copyright exceptions within the library sector across several ASEAN nations, including Singapore, Malaysia, Thailand, Indonesia, and Vietnam. The report evaluates both the legislative frameworks and the extent of harmonization between national systems and international norms, including the Berne Convention and the TRIPS Agreement.

Despite variations in each country's methodologies, the research indicates a shared tendency towards enhancing access to information for educational, scientific, and cultural preservation objectives. The modification of copyright exceptions must maintain equilibrium among the interests of stakeholders, including writers, users, and society at large. The report offers proposals for enhancing Vietnam's legal system through comparative analysis, targeting international integration while maintaining its distinct legal identity—"Integration without Assimilation".

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Some Legal Issues Related to Agri-Food Trade and Food Security in ASEAN and Lessons for Vietnam

LL.M Tran Duc Tuan - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Abstract

Agri-food trade plays not only an important role in each country's economy but also serves as a core factor in ensuring regional food security. In the context of globalization and climate change, ASEAN countries face numerous challenges in maintaining a stable food supply, improving product quality, and protecting the environment. With a vast market and a diverse agricultural sector, ASEAN has focused on developing legal frameworks and cooperative mechanisms to promote sustainable agri-food trade, thereby contributing to regional food security.

Developing sustainable agri-food trade not only helps stabilize the economy but also ensures a long-term food supply, minimizes negative environmental impacts, and improves quality of life. ASEAN has launched various initiatives to facilitate agri-food trade, including trade liberalization and the application of environmental protection measures. However, for agri-food trade to be truly sustainable, a coherent and effective legal system is required to balance economic, social, and environmental interests.

Paradoxically, while trade liberalization is intended to boost food availability and economic integration, it can simultaneously undermine sustainability by encouraging overexploitation of natural resources, marginalizing small-scale producers, and weakening regulatory safeguards. This tension reflects the critical need for ASEAN to refine its legal instruments to ensure that economic openness does not come at the expense of long-term food security and environmental integrity.

This article examines key legal issues arising from ASEAN's agri-food trade framework and its implications for regional food security. It analyzes the roles of existing ASEAN instruments, including trade agreements and sustainability-oriented legal mechanisms, in addressing food security challenges. The article also evaluates gaps and inconsistencies in the legal infrastructure that may hinder the realization of sustainable agri-food trade. Drawing from ASEAN's experience, the article offers legal and policy recommendations for Vietnam to enhance its domestic legal framework in alignment with regional sustainability goals, thereby contributing more effectively to both national and regional food security.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Greening ASEAN's Multimodal Transport: Legal Pathways for Enhancing AFAMT's Sustainability and Regional Economic Integration

Nuanchan Changchit - Lecturer in Law, Mae Fah Luang University

Abstract

Multimodal transport is pivotal to sustainable economic development. It embodies a forward-looking approach to sustainable transport, enabling the seamless movement of goods by integrating diverse transport modes while optimising efficiency and minimising environmental impact. Recognising its importance, ASEAN adopted the ASEAN Framework Agreement on Multimodal Transport (AFAMT) in 2005. This agreement was designed to enhance transport connectivity and facilitate trade integration across the region. However, its implementation remains incomplete, legally fragmented, and misaligned with ASEAN's broader trade and environmental commitments, thereby limiting its effectiveness as a regional transport governance instrument. In contrast, the European Union's Green Deal has established a comprehensive legal and regulatory framework for transport decarbonisation, embedding binding emissions reduction targets and green infrastructure mandates. All of which are absent in AFAMT. While the AFAMT provides a framework for legal harmonisation in multimodal transport, it lacks legally binding sustainability provisions, such as emissions reduction commitments and environmental standards.

This study undertakes a comparative legal analysis of AFAMT alongside the EU's Sustainable and Smart Mobility Strategy (SSMS) and Alternative Fuels Infrastructure Regulations (AFIR) to assess how ASEAN might integrate sustainability mandates into its multimodal transport governance while preserving national regulatory autonomy. The analysis reveals that ASEAN faces unique legal and institutional challenges in incorporating sustainability into its multimodal transport framework. Whereas the EU has successfully imposed binding sustainability commitments on its member states while allowing differentiated implementation mechanisms, ASEAN operates under a consensus-base legal framework that prioritises state sovereignty over regional regulatory convergence. This structural limitation has rendered AFAMT an ineffective agreement with minimal practical impact on transport sustainability.

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Greening ASEAN's Multimodal Transport: Legal Pathways for Enhancing AFAMT's Sustainability and Regional Economic Integration

Nuanchan Changchit - Lecturer in Law, Mae Fah Luang University

Abstract (cont.)

This article argues that ASEAN can, nonetheless, adopt a regulatory alignment model that strengthens AFAMT's sustainability objectives without requiring supranational authority. It proposes a series of legal and policy reforms, including the incorporation of binding environmental provisions into AFAMT, the use of trade agreements to incentivise compliance, and the establishment of an ASEAN-wide sustainable transport investment framework. Without such reforms, AFAMT risks remaining a legally redundant instrument, incapable of facilitating ASEAN's transition towards a seamless, integrated, and sustainable multimodal transport system. It also risks ASEAN falling behind in global transport sustainability governance, thereby weakening its regional economic resilience. By drawing on EU legal principles while respecting ASEAN's sovereignty constraints, this study proposes a pragmatic legal pathway for balancing sustainability imperatives with national regulatory autonomy, bridging multimodal transport law, environmental sustainability, and regional economic integration to reinforce ASEAN's path towards sustainable development.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

The Role of Patents in Advancing Environmental Protection in ASEAN: Challenges and the Way Forward

Dr. Archariya Wongburanavart - Lecturer of Faculty of Law, Chiang Mai University, Thailand

Abstract

As ASEAN has committed to fully achieving the Sustainable Development Goals (SDGs), environmental sustainability has emerged as one of its key priorities. In line with this commitment, the region has been actively transitioning towards a green economy, placing environmental considerations at the core of ASEAN's community-building efforts. This focus is reflected in the ASEAN Community Blueprints of 2015 and 2025, and is further reinforced by the ASEAN Vision 2040, which identifies sustainability as a fundamental element of long-term regional development. In support of these goals, the patent system can serve as a critical tool for driving sustainable innovation across ASEAN. Patents can incentivise the development of environmentally friendly technologies and facilitate their dissemination for the broader benefit of society. A well-designed patent regime not only encourages investment in green innovation but also enables member states to exclude from protection those inventions that could cause serious environmental harm. This dual function can contribute to advancing the SDGs, particularly SDG 9, by fostering sustainable industrialisation and innovation, and SDG 13, by mitigating environmental risks through legal safeguards that help address climate change and its impacts.

According to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), administered by the World Trade Organization (WTO), member countries are required to adhere to minimum standards of intellectual property protection. TRIPS clearly defines the subject matter eligible for protection, the scope of rights provided, permissible exceptions to these rights, and the minimum duration of protection. Concerning patents, the TRIPS Agreement obliges the member countries to grant patent protection to inventions, whether products or processes, in all fields of technology without discrimination, provided these inventions meet the essential criteria of novelty, inventiveness, and industrial applicability. However, certain inventions may be excluded from patent protection. One of these exclusions applies to inventions that are contrary to "ordre public" or morality. Under Article 27.2 of the TRIPS Agreement,

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The Role of Patents in Advancing Environmental Protection in ASEAN: Challenges and the Way Forward

Dr. Archariya Wongburanavart - Lecturer of Faculty of Law, Chiang Mai University, Thailand

Abstract (cont.)

member states are permitted to incorporate provisions into their domestic laws to exclude specific inventions from patent protection on the grounds of protecting “ordre public” and “morality”. This includes protecting the life or health of humans, animals, or plants, as well as preventing serious harm to the environment.

However, since the application of Article 27.2 is discretionary, ASEAN member states, all of which are WTO members, have implemented this exclusion to varying degrees, resulting in differences in national patent laws. Some member states have enacted clear legal provisions explicitly prohibiting patents for inventions that may cause serious environmental harm, while certain member states have patent laws that do not expressly exclude environmentally harmful inventions but instead contain broad public order and morality clauses, which may be interpreted to include environmental considerations. This divergence is also evident in the measures adopted to promote green technologies. While some ASEAN member states have implemented fast-track patent examination procedures to accelerate environmentally friendly innovations, others have not introduced any specific mechanisms to prioritize such technologies. Consequently, the divergence in how environmental concerns are addressed in patent exclusion provisions, along with varying levels of support for green innovation among the ASEAN Member States, reflects the absence of a unified regional strategy to promote sustainable development through the patent system.

Therefore, this article examines how ASEAN Member States utilize their patent systems to advance environmental protection by reviewing national patent laws, policy initiatives, and mechanisms of regional cooperation. It identifies both the achievements and the challenges arising from differing levels of environmental integration in national patent frameworks. Finally, the article proposes practical strategies and pathways to enhance regional harmonization and collaboration, aiming to strengthen ASEAN’s collective capacity to support environmentally friendly innovations through the strategic use of patents, and thereby contribute to the achievement of sustainable development.

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Beyond Individual Blame: Debt, Neoliberalism, and the Challenge to Sustainable Development

Passakorn Yeenang - Lecturer, Faculty of Law, Chiang Mai University, Thailand

Abstract

Maurizio Lazzarato, an Italian sociologist and philosopher, has argued that people today are increasingly living in a "debt economy," where borrowing is necessary for survival and for building one's identity. This situation can be seen worldwide, including in Thailand, and is mainly caused by the expansion of neoliberal economic policies in Southeast Asia. Neoliberalism promotes the privatization of public services, allowing market forces and the pursuit of profit to dominate areas that were once the responsibility of the state. This has weakened the welfare system and reduced the safety net for citizens. As a result, people must rely heavily on their own individual capacity to meet basic needs, such as housing, healthcare, transportation, and education. Debt, therefore, has become almost unavoidable.

This article aims to explore the reasons why individuals are driven into debt, challenging the common negative belief that debtors are simply irresponsible or deceitful. Instead, it seeks to show that debt often arises from broader social and economic structures rather than individual moral failure. The study focuses mainly on Thai society and draws comparisons with other Southeast Asian countries with similar economic systems and consumer cultures.

The research also supports the principles of sustainable development. It offers policy recommendations for improving legal systems and institutions to manage debt in ways that avoid stigmatizing debtors who are unable to repay. The goal is to help achieve Sustainable Development Goals (SDGs), especially Goal 1 (No Poverty), Goal 3 (Good Health and Well-being), and Goal 10 (Reduced Inequalities).

The findings suggest that debt and the inability to repay are not only personal problems but are linked to external forces, emotional pressures, rapid social changes, and an economic system that favors some groups while disadvantaging others. Debt remains a crucial part of the economy, closely tied to the interests of capital, and the law often works in ways that support this system. This creates an environment where certain groups can continue to benefit, while others are trapped in cycles of debt.

Being forced into debt by structural economic pressures is a major obstacle to sustainable development. Therefore, it is necessary for the state to reduce the financial burden on citizens by building a stronger welfare system, improving debt rehabilitation and bankruptcy processes, and ensuring fair dispute resolution between creditors and debtors. These steps can protect the rights of creditors while allowing debtors to live with dignity.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Responsible Contract in Business: European Experiences and Sustainable Development Directions for ASEAN

Dr. Ha Cong Anh Bao - Faculty of Law, Foreign Trade University

Phan Nguyen Quynh Nhi - International Law, Diplomatic Academy of Vietnam

Abstract

ASEAN, a dynamic region of emerging economies, plays a crucial role in global supply chains. However, ASEAN faces significant challenges in integrating sustainability into business contracts, which hinders sustainable development and expose businesses to legal uncertainties and reputational risks. This study examines the European Union's Corporate Sustainability Due Diligence Directive (CSDDD) as a potential model for ASEAN. Using a qualitative approach, this research conducts legal analysis and comparative studies to explore how CSDDD's principles can be adapted to ASEAN's diverse legal and economic landscape. By analyzing the EU approach, this paper identifies key lessons and legal gaps in ASEAN's current framework. Finally, it proposes recommendations for adapting responsible contracting practices in ASEAN to promote sustainable development while facilitating compliance with international standards. By bridging European experiences with ASEAN's context, this study aims to strengthen legal frameworks, enhance business security, and support regional sustainable development. Its findings contribute to the discourse on responsible contracting and offer policymakers practical strategies to align ASEAN's economic growth with global sustainability standards.

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Taxing the Informal Economy in ASEAN: Legal Challenges for Sustainable Development

Napattamon Kaikaew - Lecturer of Faculty of Law, Chiang Mai University, Thailand

Abstract

The informal economy plays a crucial role in ASEAN's economic landscape, employing millions, particularly in developing nations. However, its exclusion from formal tax systems presents significant challenges, including lost government revenue, economic instability, and barriers to sustainable development. While ASEAN member states recognize the need to integrate informal enterprises into the tax framework, legal and regulatory gaps, complex tax laws, weak enforcement mechanisms, and administrative burdens remain key obstacles. Without effective taxation policies, the informal sector perpetuates economic inequality and limits public service funding.

This paper examines the legal and regulatory challenges in taxing the informal economy across ASEAN and evaluates the effectiveness of existing legal frameworks in addressing these issues. Key barriers include the difficulty in defining and identifying informal businesses, limited tax literacy among informal workers, and high compliance costs. Enforcement challenges also arise due to insufficient government capacity, particularly in rural and marginalized communities. Furthermore, complex tax regulations often discourage informal businesses from transitioning into the formal economy due to bureaucratic and financial burdens.

Using a comparative approach, this study analyzes taxation policies and legal frameworks in various ASEAN countries, identifying best practices and common obstacles. Some nations, such as Indonesia, have implemented presumptive tax regimes for micro-enterprises, while Thailand has introduced simplified e-filing processes to ease compliance. Digital payment solutions and mobile tax collection systems have also been successfully adopted in some jurisdictions to reduce administrative costs. However, the effectiveness of these measures depends on enforcement capabilities, public trust in tax authorities, and overall ease of doing business.

A key focus of this study is the role of legal incentives in encouraging tax compliance. Many informal businesses remain outside the tax system due to a lack of tangible

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Abstract (cont.)

benefits from formalization. Without incentives such as access to financial services, legal protections, and business development programs, small-scale entrepreneurs and informal workers are unlikely to voluntarily register for taxation. Thus, tax policies must be accompanied by targeted incentives to encourage compliance while minimizing financial burdens.

Additionally, this paper explores the potential of digital technology and data-driven tax administration in enhancing tax compliance. The successful integration of mobile tax payment systems, e-filing platforms, and digital identification methods in countries such as Vietnam and Malaysia demonstrates how technology can streamline tax collection and reduce enforcement costs. Legal frameworks must adapt to these innovations while ensuring data security, taxpayer privacy, and equitable enforcement.

Finally, this paper discusses the broader implications of informal economy taxation for ASEAN's sustainable development goals. Increasing tax compliance in the informal sector not only enhances government revenue but also fosters economic resilience and reduces dependency on external financial aid. By formalizing informal businesses, governments can strengthen worker protections, expand social security coverage, and create a more inclusive economic environment. However, imposing taxation without addressing underlying structural challenges, such as limited financial access, regulatory barriers, and social protection gaps, may lead to resistance and further informality.

In conclusion, this study argues that a well-structured and adaptive legal framework for taxing the informal economy is crucial for ASEAN's long-term economic stability and sustainable development. Simplifying tax laws, enhancing enforcement capacity, leveraging digital solutions, and providing targeted legal incentives will enable ASEAN countries to build a more inclusive and efficient tax system. The findings of this study offer policy recommendations to strengthen tax governance while promoting economic integration and equitable growth across the region.

PANEL 2 - ASEAN in the move to Sustainable Development: Regional Legal Framework & Implementation Challenges

Civil Society Participation in ASEAN

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Abstract

Born from modern international law, international organisations serve as regulatory mechanisms established by the founding treaties with the aim to ensure order among the Member States. Tensions, however, arise between the organisations and Civil Society Organisations (CSOs), as external parties, which challenges traditional state-centric governance. This chapter examines the evolving role and regulation of CSOs in relation to their participation within the international organisations, focusing on ASEAN's approach. Although CSOs do not have formal status as subjects of international law, their influence in global governance has grown significantly owing to globalisation, which has blurred the lines between domestic and international issues. This allows CSOs to influence decision-making processes. Contemporary reforms have incorporated emancipatory notions that open up spaces for non-state actors such as CSOs. ASEAN, reflecting this trend, has developed regulations for CSO participation that enable inclusion while simultaneously imposing restrictions through accreditation and compliance requirements. Unfortunately, these regulations often function as tools of exclusion, limiting CSOs autonomy and engagement according to state interests. Despite these constraints, CSOs continue to use formal and informal means, challenging the status quo. ASEAN's commitment to a 'people-oriented' approach following the 1997 financial crisis, highlights the dynamic tensions between inclusion and control. While the language of participation is embedded in ASEAN values, the actual engagement of CSOs varies and is often constrained by sovereignty and the principle of non-interference. This chapter argues that CSOs participation mechanisms are not inherent, rather a product of modern framework which balances existing regulations with the aims of emancipation.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

ASEAN's Legal Path to Sustainability: Reconciling Investor Expectations with Sovereign Development Goals

Assoc. Prof. Dr. Tran Thang Long - Faculty of Legal Foreign Languages, Ho Chi Minh City University of Law

LL.M Pham Ba Phong - Ho Chi Minh City University of Law

Abstract

ASEAN faces the critical challenge of harmonizing sustainability with economic growth while attracting and retaining foreign direct investment essential for regional development. This balancing act has become increasingly urgent as ASEAN member states pursue ambitious national sustainability agendas that may sometimes diverge from foreign investor expectations. Consequently, shaping an effective Investor-State Dispute Settlement (ISDS) system has emerged as a cornerstone priority to foster an engaging, secure, and stable investment environment across the region. Within the ISDS landscape, the concept of legitimate expectations under the fair and equitable treatment standard (FET) has become the most frequently invoked basis for claims by foreign investors, creating tension between regulatory sovereignty and investment protection. Given the absence of a unified interpretation of this concept among ASEAN jurisdictions, comprehensive research on legitimate expectations is imperative to enhance the effectiveness of preventing and resolving ISDS disputes within the region. More critically, this analysis is essential for establishing an ASEAN-wide framework for cooperation that balances sovereign development imperatives with investor protections, particularly as member states implement increasingly robust environmental and social regulations in pursuit of sustainable development goals. This article examines the evolving concept of legitimate expectations, analyzes its protection within the FET standard stipulated in ASEAN investment treaties, and proposes legal recommendations for strengthening regional implementation mechanisms to reconcile investor confidence with ASEAN's collective and individual sustainability objectives.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

The Evolving Environmental, Social and Governance Considerations in Mergers & Acquisitions: Trends, Disputes and Implications for ASEAN

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Vo Duy Dang Vien - Allens Branch in Ho Chi Minh City

Abstract

In recent years, global demand for the integration of environmental, social, and governance (ESG) principles into corporate strategies has grown, driven by regulatory pressures and the recognized benefits to both business and society. ESG considerations have also become increasingly central to mergers and acquisitions (M&A), influencing investment decisions, due diligence processes, and deal valuations. This evolution inevitably heightens the potential for disputes concerning the interpretation and enforcement of ESG-related clauses in M&A transactions, which may result in financial loss and reputational damage for involved parties.

In the ASEAN region, there has been a notable increase in frameworks and policy initiatives aimed at guiding and enhancing the incorporation of ESG principles. Several regional jurisdictions, including Singapore, Malaysia, Vietnam, Thailand, and Indonesia, are also experiencing a rise in domestic regulations mandating the disclosure of sustainable information by companies. These efforts are accelerating the development and implementation of ESG regulations and attracting foreign investment from markets focused on ESG criteria.

This study examines the key drivers behind the growth of ESG factors, as well as the frameworks that support ESG issues at both global and ASEAN region levels and their influence on M&A practices. It also explores notable ESG-related contractual disputes to identify recurring legal and commercial challenges. Drawing from these insights, the paper proposes strategic approaches for investors and target companies to manage ESG-related risks and enhance transactional value within the ASEAN context.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Sustainable Development Provisions in FTAs among ASEAN Countries: Complementarity or Friction?

Dr. Vu Kim Ngan - Faculty of Law, Foreign Trade University

Abstract

ASEAN's engagement with sustainable development provisions (SDPs) in free trade agreements (FTAs) is gaining increasing relevance as sustainable development becomes a key feature of modern trade policy. While ASEAN as a bloc has begun incorporating sustainability elements in its upgraded ASEAN-Australia & New Zealand FTA and ongoing negotiations such as China-ASEAN FTA 3.0 and ASEAN-Canada FTA, the existing commitments remain largely cooperative and non-binding. In contrast, ASEAN member states, especially Viet Nam, followed by Indonesia, Malaysia, and Thailand, have demonstrated stronger commitments to enforceable SDPs in FTAs with the EU, EFTA, and under the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) framework. However, this divergence in legal architecture and enforceability has resulted in a fragmented regulatory landscape.

To provide a comparative perspective, this study evaluates ASEAN's legal and policy approach alongside those of the EU and the US, two major global actors with distinct regulatory strategies for sustainable development provisions in trade agreements. The EU generally prioritizes a cooperative and incentive-based approach, integrating sustainable development provisions through dialogue, technical assistance, and capacity-building measures. Agreements such as the EU-Viet Nam Free Trade Agreement (EVFTA) exemplify this model, in which sustainability commitments are encouraged through consultation mechanisms and independent review panels rather than strict legal enforcement. In contrast, the US adopts a more stringent legal

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Dr. Vu Kim Ngan - Faculty of Law, Foreign Trade University

Abstract (cont.)

framework, ensuring compliance through enforceable dispute settlement mechanisms and potential trade sanctions. The United States-Mexico-Canada Agreement (USMCA) demonstrates this approach by embedding labor and environmental obligations into its core trade provisions, with non-compliance subject to penalties, including tariffs and trade restrictions. While ASEAN's current approach leans more towards the EU's cooperative model, its reliance on non-binding commitments raises concerns about the effectiveness of sustainable development provisions in ensuring real policy change. Without more robust enforcement mechanisms, there is a risk that sustainability commitments in ASEAN's FTAs remain largely symbolic rather than operational.

This paper analyzes the evolving integration of SDPs in ASEAN's trade agreements—both at the regional level through ASEAN+ FTAs and at the national level via member state FTAs with external partners. It examines whether such dual-track engagement creates friction or complementarity, thereby calls for a coordinated ASEAN-level framework to harmonize standards, support implementation, and enhance the region's credibility as a sustainable trade actor. It concludes that a regional SDP framework is both timely and necessary to foster convergence and ensure sustainable, rules-based economic integration across ASEAN.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Dispute Resolution for Sustainable Development in ASEAN with Focus on Malaysian Frameworks, Challenges, and Possible Reforms

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Engku Muhammad Fakhruddin Bin Engku Ahmad Fadzil - International Islamic University Malaysia

Abstract

Sustainable development disputes in ASEAN often stem from tensions between economic growth, environmental protection, and social equity, particularly in the context of large-scale infrastructure, energy, and industrial projects. These conflicts typically involve multiple stakeholders, including government agencies, private corporations, Non-Government Organisations (NGOs), and affected local or indigenous communities.

Resolving sustainability-related conflicts is crucial to aligning economic development goals with environmental conservation and social justice. In Malaysia, although legal frameworks exist to manage land use, environmental compliance, and sustainability disputes, significant challenges remain in ensuring that dispute resolution mechanisms are accessible, enforceable, and equitable.

While courts play a significant role in resolving environmental disputes, land conflicts, and corporate responsibility issues, litigation is often associated with high costs, lengthy proceedings, and procedural complexities, limiting access to justice, particularly for marginalised communities that may lack the financial and other resources to engage in prolonged legal battles. Appropriate dispute resolution ("ADR"), used interchangeably with alternative dispute resolution) mechanisms are increasingly used to offer more efficient and cost-effective solutions to sustainability-related conflicts. Mediation, in particular, is promoted for disputes involving communities, corporations, and governments. However, ensuring these processes are truly accessible and effective remains a challenge due to existing power imbalances between corporations, government agencies, and affected communities.

This research aims to use Malaysia's frameworks and applications to contextualise the challenges to the effectiveness of sustainable development dispute resolution and

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Dispute Resolution for Sustainable Development in ASEAN with Focus on Malaysian Frameworks, Challenges, and Possible Reforms

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Abstract (cont.)

provide practical suggestions for improvements into the existing frameworks that can be adopted by other ASEAN member states and other relevant contexts.

This study employed qualitative desk research which looks into previous literatures as well as publicly available information and databases which provided foundational understanding of legal frameworks, key challenges, effectiveness, and regional practices. This method supported a comprehensive analysis of dispute resolution mechanisms in sustainability-related conflicts.

This research highlights that while Malaysia possesses a range of dispute resolution mechanisms including courts, tribunals, and ADR processes, each faces unique limitations in addressing sustainable development conflicts. Courts proceedings often struggle with backlog, limited specialisation, and high costs of litigation. Tribunals, though accessible, remain narrowly scoped. ADR mechanisms, though promising in theory, are underutilised due to lack of institutional support and public awareness. The study finds that despite existing legal frameworks, procedural delays, power asymmetries, and the absence of subject-matter expertise continue to constrain the effectiveness of dispute resolution efforts.

Accordingly, the study proposes targeted reforms including enhanced specialisation, better training and certification of experts, fast-track procedures, improved accessibility for marginalised groups, and the establishment of reporting mechanisms for ADR outcomes. By addressing these structural and procedural challenges, Malaysia and the broader ASEAN region can develop more equitable, efficient, and participatory systems for resolving sustainability-related disputes. The study contributes to the discourse by offering context-sensitive recommendations aimed at improving the practical functioning of dispute resolution mechanisms and supporting future research in this area.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Achieving Sustainable Development Goals in ASEAN through Effective and Harmonized Dispute Resolution Mechanism

Tran Ngoc Thanh Nguyen - Lee & Ko Vietnam LLC

Hoang Minh Duc - Zhongnan University of Economics and Law

Abstract

The Association of Southeast Asian Nations (ASEAN) has adhered to the unique principle of the ASEAN Way since its establishment for effective and stable growth within Southeast Asia. Thus, when ASEAN established its Dispute Settlement Mechanism (DSM), the regional association continued to uphold such fundamentals, prioritizing consensus and non-confrontational approaches. Over the years, however, DSM's full potential has yet to be realized due to several limitations. The consensus and non-confrontational approaches have proven ineffective and unfavorable in resolving regional disputes. By analyzing ASEAN DSM through the doctrinal legal method, this paper examines the formation of the dispute resolution mechanism in the region. The regional dispute resolution mechanism combines formal cooperation and the ASEAN Way informal principle. The paper then specifically focuses on their contribution to addressing sustainable development issues framed by the United Nations' Sustainable Development Goals (SDGs) 16. The paper argues that ASEAN DSM could realize ASEAN's aim to achieve SDG 16 by fulfilling some of its indicators. However, ASEAN DSM's shortcomings could hinder ASEAN's efforts by stalling or reversing the progress on all indicators. It calls for a solution that balances the effective and justified way of resolving disputes while maintaining the ASEAN way of harmonizing regional partnerships. Only a modified and better ASEAN DSM could help ASEAN achieve SDGs, specifically SDG 16.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Alternative Dispute Resolutions and Sustainable Development: Thailand Experiences as an ASEAN Member

Assist. Prof. Watis Sothibandhu - Faculty of Law, Chiang Mai University, Thailand

Abstract

This paper explores the promising role of Alternative Dispute Resolutions (ADRs) in promoting sustainable development in Thailand in comparison with selected experiences from ASEAN countries. It is in line with the promotion of peaceful and inclusive societies for sustainable development, access to justice for all, and establishment of effective, accountable and inclusive institutions at all levels, particularly underlined in the SDGs'16th goal. Modern societies gradually recognize the importance of ADR mechanisms in addressing complex and multi-faceted conflicts in juxtaposition with the traditional cumbersome litigation. ADRs have become pivotal tools for the promotion of sustainable development by solving disagreements in a manner that balances economic, environmental, and social priorities. They are key in tackling many areas of disputes including community rights, environmental protection, land uses, and natural resource management. Thailand's experience with ADRs is examined by focusing on their integration into the country's legal and cultural frameworks to foster sustainable development. The practices of Thai traditional conflict resolution rooted in its cultural values of harmony and consensus-building have commendably been combined with contemporary ADR methods, such as fact-finding committee, negotiation, mediation, and arbitration in the attempts to resolve intricate disputes involving multiple stakeholders in both public and private sectors. The combination model has been utilized to an extent to bridge cultural divides and facilitating dialogue among the participants with divergent interests, i.e., corporations, local communities, and government agencies.

The analysis of the successes and challenges of Thailand's ADR frameworks in attaining sustainable conclusions should prove useful for reducing litigation costs, promoting social cohesion, and empowering marginalized communities. Nevertheless, they identify certain aspects for improvement, taking into account enhancing public awareness, ensuring consistent implementation across different jurisdictions and subject matters, and strengthening institutional capacity. As an ASEAN member, are there any advantages and disadvantages we can explore? This essay posits ADRs have a great potential as governance mechanisms and offers insights for communities, policymakers, practitioners, and researchers to align conflict resolution strategies with sustainable goals for Thailand and our ASEAN brethren.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Legal Reconstruction in the Settlement of Trading in Influence Cases: Perspective of Criminal Procedure Law, Implementation of Restorative Justice, and Its Relevance to the SDGs

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Yunita Maya Putri - Universitas Lampung, Indonesia

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Abstract

Trading in influence is a form of corruption that has gained increasing attention in Indonesia's legal system. This practice involves leveraging social relationships and access to public officials to gain certain advantages, either directly or indirectly. However, Indonesian law has yet to explicitly criminalize trading in influence as a distinct corruption offense, leading many cases that should fall under this category to be prosecuted under bribery or gratification laws instead. Amid these legal limitations, the concept of restorative justice emerges as an alternative resolution mechanism that focuses more on restitution and reconciliation rather than mere punishment. This study employs a normative juridical approach by analyzing relevant legal regulations and case studies at both national and international levels. From a criminal procedure law perspective, implementing restorative justice in trading in influence cases faces significant challenges, particularly in terms of evidence and victim identification. Nevertheless, this mechanism has the potential to enhance law enforcement effectiveness by promoting transparency, accountability, and the restitution of unlawfully obtained benefits. In the context of implementing Target 16 of the SDGs, the application of restorative justice can strengthen the rule of law and foster more transparent and inclusive institutions. Therefore, clearer regulatory reforms are necessary to accommodate restorative justice as a viable approach to addressing trading in influence as part of Indonesia's broader anti-corruption efforts.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Enhancing the Effectiveness of Dispute Resolution Mechanisms for Civil Cases Involving Foreign Elements in ASEAN Member States through Electronic Evidence Collection

LL.M. Nguyen Thi Kim Duyen - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Dr. Rizwan Khan - Managing Partner, Acclime Vietnam

Abstract

The rapid development of civil and commercial relations within the ASEAN region has led to an increasing demand for the improvement of mechanisms for resolving civil cases involving foreign elements in a more efficient, flexible, and integration-oriented manner. In the context of rapid digital transformation, the collection of electronic evidence is not only a pressing practical requirement but also a pivotal factor in enhancing judicial cooperation among ASEAN member states.

This article analyzes the legal frameworks governing electronic evidence collection in civil cases involving foreign elements across ASEAN jurisdictions, particularly within the context of digital transformation and sustainable development. Taking the 1970 Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters as a reference framework, the paper identifies several legal challenges, including procedural discrepancies, the limited recognition of remote evidence-gathering methods, and the admissibility of electronic evidence in judicial proceedings.

Building upon international legal developments and practical trends, the article proposes potential approaches for establishing a unified legal mechanism for ASEAN. Such proposals not only aim to strengthen cross-border judicial cooperation but also contribute to the realization of Sustainable Development Goal 16, by promoting access to justice and supporting the development of effective, transparent, and accountable institutions within the region.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Artificial Intelligence in Dispute Resolution: Lessons from Singapore and Indonesia for Vietnam and ASEAN Member States

Vo Hung Dat - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law, Vietnam

Abstract

Artificial Intelligence (AI) is revolutionizing the legal sector through its capacity to automate procedures, analyze data, and support decision-making. This article explores both the benefits and risks associated with the use of AI in dispute resolution. The author also examines the current state of AI implementation in ASEAN countries, focusing on Singapore and Indonesia as pioneers in the judicial experimentation with AI. Despite this shared innovation, the two countries adopt notably different approaches: Singapore emphasizes the development of detailed legal frameworks, while Indonesia has thus far only issued ethical standards governing AI usage.

This article analyzes the regulatory framework governing the use of AI in litigation processes in both jurisdictions, with particular attention to the following legal issues. Permission and scope of AI use: AI is mainly utilized to support administrative procedures, document drafting, legal research, and outcome prediction, helping to reduce processing time and enhance adjudication efficiency; Obligations relating to the use of AI: users must ensure accuracy, transparency, and accountability when deploying such technology; Data security: AI use must comply with data protection regulations; Liability in case of violation: AI is considered a support tool, but ultimate responsibility for decisions and actions based on AI-generated results still rests with the user, particularly legal practitioners and judicial officers who must uphold ethical and legal obligations.

Finally, the article offers policy recommendations for developing a legal framework to govern the use of AI in litigation in Vietnam in particular, and ASEAN countries more broadly.

PANEL 3 - Regionalism and Dispute Settlement: ASEAN in Comparative Perspective

Thailand and Philippines Policies and Laws on Renewable Energy toward Sustainable Development - Implications for Vietnam

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Nguyen Phan Van Anh - Lecturer of the Faculty of International Law, Ho Chi Minh City University of Law, Vietnam

Abstract

Renewable energy plays an important roles in protecting the environment, reducing climate change and achieving the sustainable development. Thailand and the Philippines are two countries in ASEAN with high energy demand; however, they have adequate policies for using and developing renewable energy sources effectively. This article will analyze Thailand and the Philippines' effective policies and legal framework in using RE, thereby providing some experiences to promote the development of renewable energy in Vietnam - a potential country in developing sustainable energy in ASEAN.

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PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Data Localization in ASEAN: Resolving the Tension between Digital Integration and Data Sovereignty through Data De-identification and Suggestion for Vietnam

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LL.M Nguyen Dao Phuong Thuy - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

LL.M Huynh Thanh Lam - Ca Mau, Viet Nam

Abstract

This article analyzes the legal framework on data localization and data protection in ASEAN countries in the context of increasing tensions between national data sovereignty and the need for cross-border digital economic integration. The study highlights an inherent paradox: on one hand, ASEAN countries are striving to establish digital sovereignty through data localization measures; on the other hand, these policies create significant barriers to the development of the regional digital economy. Using the comparative legal research method, the article compares legal models of data localization in Singapore, Malaysia, Indonesia, Vietnam, and other ASEAN nations, particularly focusing on the legal boundaries between domestic data storage requirements and exemption mechanisms.

The research results show significant differences in approaches to data localization, reflecting disparities in the level of digital economic development and national policy priorities. A key finding of the study is the identification of data de-identification as a potential legal-technical solution to this paradox. Based on the experience of the EU, Japan, and South Korea, the article proposes a multi-layered data governance model for ASEAN countries, where various de-identification techniques—including anonymization, pseudonymization, and data aggregation—serve as intermediary mechanisms, allowing countries to maintain control over sensitive data while facilitating freer movement of de-identified data. The study provides specific recommendations for creating a harmonized regional legal framework on data de-identification, including the establishment of common technical standards, a risk assessment process for re-identification, and mechanisms for cross-border legal liability allocation.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

From Data Colonies to Digital Self-Determination: ASEAN's Legal Responses to Big Tech and the Quest for Regional Digital Sovereignty

LL.M. Nguyen Xuan My Hien - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Abstract

In the global digital economy, Big Tech often collects personal data from developing countries, such as those in Association of Southeast Asian Nations (ASEAN) countries, which typically possess inadequate data protection legal frameworks and face challenges related to technological development. This data is transferred to servers located in the US or Europe without explicit consent, with a lack of transparency about the purpose of use and no guarantees against commercial abuse. In this context, Big Tech has benefited from cheap data resources in developing countries and exploited cross-border legal loopholes to avoid liability for violations. Hence, data, an extension of individual rights, remained unprotected by the laws of the countries in which it is generated. This situation replicates the “data colonies” model, where data is exploited unilaterally, while the host country does not enjoy control or commensurate benefit. This issue extends beyond privacy concerns; it represents a fundamental erosion of state sovereignty in the digital space.

Therefore, at first, the article briefly analyzes the legal responses of certain ASEAN countries (Vietnam, Indonesia, and Singapore) in regulating Big Tech through data transfer abroad provisions. Secondly, the article highlights the Free Trade Agreements (FTAs) involving ASEAN. It discusses data transfer abroad provisions under the Regional Comprehensive Economic Partnership (RCEP), ASEAN Agreement on Electronic Commerce – ECA, and bilateral FTAs between ASEAN members and non-ASEAN partners, such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). However, it is noted that these FTAs include exceptional provisions that allow countries to regulate Big Tech according to their legitimate public policy goals. The author contends that the fragmentation in data policies is hindering efforts to build a sovereign digital space and also unintentionally strengthening the position of Big Tech platforms.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

From Data Colonies to Digital Self-Determination: ASEAN's Legal Responses to Big Tech and the Quest for Regional Digital Sovereignty

LL.M. Nguyen Xuan My Hien - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Abstract (cont.)

Lastly, the article focuses on analyzing ASEAN's legal efforts in negotiating to harmonize cross-border data transfer mechanisms among member states as a policy response to the increasingly evident legal fragmentation in the region, which is creating favorable gaps for Big Techs to exploit to circumvent the law, avoid legal responsibilities, and allocate data in a way that benefits their control. The author asserts that such efforts are emblematic of the "ASEAN Way": member states strive to develop legal solutions based on different institutional realities and governance capacities while respecting sovereignty and avoiding imposition. However, a significant drawback of these mechanisms lies in their inadequate enforcement and practical implementation, raising concerns that the established standards may remain limited to a policy-oriented framework without meaningful application. The article subsequently delves in to ASEAN Digital Economy Framework Agreement (DEFA), positioning it as the first regional effort to build a cohesive legal instrument supporting ASEAN in harmonizing digital trade rules.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Tackling Human Trafficking Practices in ASEAN Through Regional Cooperation: From The Digital Fraud and AI Abusive Behaviours

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Nguyen Minh Ngoc - Lecturer, University of Economics and Law, Vietnam National University, Ho Chi Minh City

Abstract

The 21st century has witnessed the enormous rise of high technology, including artificial intelligence (AI) and digital tools, especially in Southeast Asia. This has created convenience for technology users without a doubt. However, it has also increased the potential for digital fraud, abusive behaviors, and scams through the use of AI. There is a fact that trafficking activities have been altered due to the interference of online scams and AI abusive behaviors, which leads to serious outcomes, notably when human trafficking has already been a pressing issue in Southeast Asian (SEA) countries.

Thus, this issue became more serious when ASEAN recognized the weakness of law enforcement in identifying local trafficking offenses and the inadequacy of reporting standardizations. Even though ASEAN has made many efforts to cooperate both in the regional and international areas to tackle such issues, it is not enough without the regional capacity and enforcement to detect and prevent human trafficking due to digital fraud and abusive behavior.

Recognizing such issues, the purpose of this article is to address human trafficking practices in ASEAN and analyze the shortcomings in enacting legal measures through ASEAN collaboration, thereby proposing solutions to cooperate more effectively in preventing human trafficking issues caused by digital fraud and AI abusive behaviors.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Integrating Maritime Cybersecurity into ASEAN's Blue Economy: Legal Challenges and Governance Prospects

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Nguyen Hieu Linh - Vietnam National University, Hanoi - University of Law

Duong Thao Ngan - Vietnam National University, Hanoi - University of Law

Abstract

This article explores the legal and governance challenges of maritime cybersecurity in ASEAN and its crucial role in enabling the Blue Economy. As Southeast Asia's maritime systems undergo rapid digitalization, cyber threats pose growing risks to trade, environmental monitoring, and marine governance. However, ASEAN's legal frameworks remain fragmented and insufficiently tailored to maritime-specific vulnerabilities. Using a comparative analysis of Indonesia, Vietnam, Malaysia, and Singapore, and drawing from the EU's NIS2 Directive and Maritime Security Strategy, this study proposes a harmonized legal framework that integrates cybersecurity into environmental law and sustainable infrastructure. By positioning maritime cybersecurity as a foundation for ecological protection, innovation, and strategic autonomy, the article offers five legal recommendations, including model legislation, regional protocols, and compliance mechanisms. These aim to embed cybersecurity as a pillar of ASEAN's Blue Economy Framework and enhance digital resilience across the region.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

ASEAN's Fight Against Money Laundering: How Do Member Countries Strengthen Enforcement Mechanisms?

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Abstract

Sustainable development is an approach to growth and human development that aims to meet the needs of the present without compromising the ability of future generations to meet their own needs. This approach covers many fields, creating a balance between economic growth, resource efficiency, social equality, and financial stability. When it comes to financial stability, anti-money laundering (AML) compliance is essential since AML is necessary to maintain financial market transparency, which is paramount for sustainable economic growth. In recent years, Southeast Asia has been facing a rise in money laundering threats. According to the Financial Action Task Force's statistics, Myanmar (FATF, High-Risk Jurisdictions subject to a Call for Action - 21 February 2025, 2025) became the first country within Southeast Asia on the money-laundering blacklist while Vietnam and Laos (FATF, Jurisdictions under Increased Monitoring - 21 February 2025, 2025) are in the grey list (under increased monitoring). These listings have significant economic consequences, including increased scrutiny from international financial institutions and potential limitations on financial transactions. Therefore, this issue creates challenges for Southeast Asia countries and highlights the urgent need for improved AML compliance within this region. This paper examines ASEAN's approach to combating money laundering, a significant and growing transnational crime in Southeast Asia that threatens financial stability and sustainable development. By the analysis and synthesis method, it illustrates critical challenges including the disconnect between robust international standards and their practical, jurisdictional barriers, diverse ML methods facilitated by technology (like cryptocurrencies), prevalent trade-based money laundering (TBML), cash economies, corruption, and conflicts between economic goals and crime reduction. Furthermore, the study explores that effectively combating money laundering in ASEAN requires bridging the gap between theoretical compliance and practical enforcement across member states.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Repositioning ASEAN's Sustainable Development in the Global Semiconductor Supply Chain - Insights from the 2018 U.S-China Trade War for Contemporary Challenges

Ha Kieu Phuong Dung - Lecturer Faculty of International Law, Ho Chi Minh City University of Law, Ho Chi Minh City

Abstract

The semiconductor industry is one of the most critical sectors driving global technological advancements, underpinning key industries such as telecommunications, automotive, and artificial intelligence. However, the intricate semiconductor manufacturing process - comprising thousands of steps distributed across multiple countries - combined with vulnerabilities in raw material supply and escalating trade tensions, particularly in the wake of the 2018 U.S.-China trade war, has raised significant concerns about disruptions in the global semiconductor supply chain. As major economies reassess their supply chain dependencies, ASEAN has found itself at a pivotal crossroads, balancing economic opportunities with geopolitical challenges.

This research explores how ASEAN countries have responded to these shifting dynamics and assesses their potential to play a greater role in the global semiconductor ecosystem, forwarding a future of sustainable development. By analyzing trade policies, foreign direct investment (FDI) trends, and government initiatives in countries such as Vietnam, Malaysia, and Singapore, the study emphasizes key factors influencing ASEAN's semiconductor competitiveness. Part 2 of the article provides an overview of the 2018 trade war and highlights key lessons from ASEAN's response. Parts 3 and 4 then examine ASEAN's potential position in the evolving semiconductor landscape, focusing on two critical dimensions: geopolitical dynamics and domestic policy initiatives. The findings suggest that while ASEAN emerged as a viable destination due to its strategic location, young and skilled workforce, and growing technological capabilities, significant challenges remain, including supply chain bottlenecks, limited domestic innovation capacity and self-sufficient in semiconductor supply chain management.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Virtual Currency Regulation in ASEAN: To Be or Not To Be?

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Abstract

Virtual currencies have rapidly emerged, posing complex regulatory challenges globally, and the ASEAN region is no exception due to their significant implications for national economies. This paper explores the recognition and regulatory approaches toward virtual currencies across certain ASEAN countries, highlighting national variations and evaluating the necessity for a unified regional legal framework. Through comparative legal analysis, the paper assesses regulatory environments in Singapore, Thailand, the Philippines, and Vietnam, each demonstrating distinct approaches as well as degrees of acceptance and oversight. While Singapore and the Philippines have proactively integrated virtual currencies into their financial systems with clear regulatory frameworks, Thailand applies stringent compliance measures. In contrast, Vietnam maintains restrictive stances due to concerns about economic stability, illicit activities, and consumer protection. These discrepancies present substantial challenges for cross-border transactions, investor confidence, anti-money laundering enforcement, and regional fintech integration. To effectively address these issues, the authors advocate for establishing a comprehensive and unified regional regulatory framework for virtual currencies in ASEAN. By standardizing key legal definitions, setting unified compliance standards, and promoting cross-border regulatory cooperation, ASEAN can develop an integrated digital financial ecosystem, enhance consumer protection, and attract increased foreign investment.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Exploring Open Banking for Financial Inclusion and the Path to SDGs: A Comparative Study of Thailand and Singapore

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Abstract

Financial inclusion is fundamental for achieving several Sustainable Development Goals (SDGs) as it allows individuals and communities to better access essential financial resources and services. Open banking, which allows greater sharing of data and collaboration between financial institutions, has strong potential to support financial inclusion. Among ASEAN countries, Thailand and Singapore have been at the forefront of developing open banking initiatives. Thailand's efforts, particularly through the Bank of Thailand's "Your Data" initiative, illustrate how open banking frameworks can promote broader access to financial services. This study explores and compares the open banking initiatives of Thailand and Singapore, focusing on their objectives, development paths and processes, and challenges. The comparison is especially valuable as the two countries present different regulatory approaches and governance models. Lessons drawn from their experiences can offer important insights for the ASEAN community seeking to leverage open banking to promote financial inclusion and support the achievement of the SDGs.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Bridging Innovation and Sustainability: ASEAN's Technological Transformation in the Pursuit of Sustainable Development

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Assist. Prof. Pranjal Khare - O.P. Jindal Global University, India

Abstract

Technological advancements have been a double-edged sword in ASEAN's journey to sustainable development. Due to rapid digitalisation, artificial intelligence, unprecedented opportunities for economic growth, and environmental, and social inclusivity, there are challenges of governance, digital sovereignty, and equitable access. This paper critically analyses the host of transformations brought forth by technological advancements to ASEAN's sustainable development agenda, with a focus on the transformative potential as well as the possible risks towards the region's digitalization. Like a regional bloc, ASEAN has progressed greatly in advancing technology for sustainability through its ASEAN Smart Cities Network, ASEAN Digital Masterplan 2025, and other mechanisms. These policies indicate that these digital tools are key to achieving more energy efficient, smart infrastructure and better public service. Nevertheless, technological disparities are still an issue among member states. Singapore and Malaysia have advanced digital economies and are the leaders in integrating green technology into their industries, while Myanmar, Laos and Cambodia are still struggling to base themselves on poor digital infrastructure and a lack of a policy framework. ASEAN's vision of a harmonious and inclusive regional development strategy, however, is threatened by this technological divide and hence stronger regional cooperation is needed to bridge those gaps.

Artificial intelligence (AI) and big data in the environment management of ASEAN are becoming an important aspect of sustainability concerning ASEAN's technological evolution. With the use of Predictive Analytics and Machine Learning for the prediction of disasters, ASEAN has beefed up resilience to climate by letting data drive the making of data-inclined policy, primarily in areas of disaster risk reduction, pollution control, and resource optimization. Modern agriculture has also been a beneficiary of AI-driven solutions which have come with precision farming techniques that replace the widespread use of water and pesticides with the rise in efficiency in both yield and production. Blockchain technology has also been explored for developing supply chain transparency, particularly through sustainable palm oil production which is fundamental to the economies in ASEAN. However, data sovereignty and cybersecurity are still the major concerns. At the same time, the cloud computing and AI models developed by foreign giants and relying on those raise questions about digital dependence and their

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Abstract (cont.)

impact on national sovereignty. Due to the lack of a unified digital governance framework in ASEAN, the member states fall prey to such threats as cyber threats, data breaches and intellectual property conflicts. More importantly, the speed at which automation is ceding jobs during the Fourth Industrial Revolution is alarming. These risks pose a threat to ASEAN's capacity to guarantee that technological advances are, in turn, inclusive and do not deepen pre-existing socio-economic inequalities.

Another focus of this study is on ASEAN's digital transformation legal landscape. Even when national policies on digital governance have been determined by individual member states, it seems that regulation on the regional level is fragmented. Lack of an all-encompassing data protection law in the ASEAN-wide context, such as the European Union's General Data Protection Regulation (GDPR), compounded by legal ambiguity, put to a halt the digital trade and investment due to the movement of personal data across the borders. The paper argues that ASEAN should place on top priority the regulatory harmonization of digital tax, Intellectual Property Rights, and ethical deployment of AI for building a resilient and sustainable technological landscape. In addition, ASEAN's commitment to the United Nations' Sustainable Development Goals (SDGs) calls for instantaneous recalculation of its technological policies. For ASEAN's digital economy strategies, the principles of sustainability (or economic viability), social equity and environmental protection, must be embedded. Renewable energy technology investments and application of circular economy models as well as smart urban planning investments should be further scaled to digitise to face ecological preservation. Furthermore, engaging in regional cooperation with global stakeholders to develop ASEAN's technological governance can provide a valuable framework to embed sustainability into its frameworks.

In conclusion, this paper emphasizes the importance of technology for sustainable development within the ASEAN framework. Innovation in digital mechanisms brings in new transformative potential but it depends on the governance, accessibility and accommodating itself to regulatory adaptation. For ASEAN to have an effective strategy in the current era of information technology, a priority must be placed on digital inclusivity, viable legal frameworks, and sustainable innovation to tackle the challenges posed by the advancement of technology while maintaining economic stability, environmental security, and regional sovereignty. By striving to enhance the knowledge as well as the supply of new technological justice across their member states, ASEAN will be able to increase its chances of realizing its sustainable development aspirations by leveraging the power of digital transformation.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Artificial Intelligence and Children's Rights in the ASEAN region: Ethical Technologies for a Sustainable Future Generation

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Prof. Dr. Herke-fábos Barbara Katalin - University of Pécs, Hungary

PhD Candidate Nguyen Thi Kim Cuc - University of Pécs, Hungary, Lecturer of Ho Chi Minh City University of Law

Abstract

Sustainable development has gained increased attention recently as the 2030 Agenda for Sustainable Development nears its deadline. Along with the imperative "No one left behind," this agenda assumes that children and adolescents are a driving force for development, and thus, improving the situation of these individuals will act as an accelerator for achieving the goals of sustainable development. As artificial intelligence (AI) technologies continue to permeate all aspects of human life, their impact on children's lives, rights, and futures becomes increasingly significant. From algorithm-driven educational platforms and health monitoring apps to AI-powered surveillance systems and predictive analytics in social services, AI is shaping the environment in which children grow, learn, and interact. While these innovations offer immense potential to enhance child welfare, education, and protection, they also pose profound ethical challenges that require urgent and sustained attention. The article aims to examine the potential roles of deploying and governing AI systems in ensuring a just and inclusive future for all children, with a focus on Southeast Asia region, by exploring the intersection of AI, children's rights, and sustainable development. To achieve this objective, by applying the analytical-logical method and comparative method, this article consists of five main parts, including (i) normative and institutional background related to children's rights and ethical AI; (ii) AI applications affecting children in sectors; (iii) main ethical and legal challenges arising from AI use for children; (iv) child rights-based AI governance framework; and (v) the development of a fair and sustainable digital future in Southeast Asia. Notably, this article will propose practical recommendations for governments, developers, educators, and international organizations to reaffirm that ethical, rights-based approaches to AI not only protect children in the present but also prepare a generation of empowered, informed, and resilient digital citizens.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Leveraging Digital Transformation for Environmental Compliance in New-Generation Free Trade Agreements: The Case of Vietnam

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Ta Tran Thi Minh Ngoc - University of Economics and Law, Vietnam National University Ho Chi Minh City

Ta Tran Ngoc Nhu - Ho Chi Minh City University of Law

Abstract

New-generation free trade agreements (FTAs), characterized by their comprehensive scope and stringent environmental provisions, present both opportunities and challenges for emerging economies like Vietnam. As the world undergoes a twin transition toward environmental sustainability and digital transformation, leveraging digital technologies becomes critical for ensuring compliance with the environmental standards embedded in these FTAs. This paper explores how Vietnam can harness digital transformation—through tools such as blockchain for supply chain transparency, big data analytics for environmental monitoring, and artificial intelligence for regulatory enforcement—to meet the environmental obligations of agreements like the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the EU-Vietnam Free Trade Agreement (EVFTA). By examining Vietnam's legal framework, institutional capacities, and current digital adoption, this study identifies key opportunities, including enhanced traceability and accountability in environmental governance, as well as challenges, such as regulatory gaps and limited technological infrastructure. The analysis offers policy recommendations to align Vietnam's digital and environmental strategies with global trade commitments, contributing to sustainable development in the context of the twin transition.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Protection of Children in Cyberspace in the Context of Digital Globalization – Experiences for ASEAN

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Le Pham Hoang Tam - Legal Executive, NVCS Law Firm

Pham Truong Giang - Ho Chi Minh City University of Law

Abstract

Digital globalization has significantly reshaped multiple aspects of national development across the globe, including within ASEAN member states, bringing numerous opportunities and posing challenges in various fields, especially in the issue of ensuring the safety of children – a vulnerable and sensitive group. Digital technologies are being used to promote better protection of children's safety in cyberspace within ASEAN, but at the same time, they also present challenges in effectively implementing safeguards for this vulnerable group. "Protecting children in cyberspace" is one of the important legal issues that ASEAN countries are particularly concerned about. The legal framework in ASEAN countries related to protecting children in cyberspace has not kept pace with the rapid development of technology. There is a need to develop a common ASEAN legal framework aimed at safeguarding children in cyberspace.

In the scope of this article, the authors focus on analyzing the following issues: (i) Legal challenges related to the protection of children in cyberspace; (ii) ASEAN's legal framework related to the protection of children in cyberspace; (iii) Suggestions for ASEAN related to protecting children in cyberspace.

PANEL 4 - ASEAN's Digital Transformation and Sustainable Development: Navigating Legal Frameworks, Innovation, and Regional Cooperation

Promoting Technology Transfer for Innovation over Mere Market Engagement in ASIAN Countries

LL.M Bui Huy Thong - Lecturer of Faculty of International Law, Ho Chi Minh City University of Law

Abstract

For Asian nations to move beyond market involvement and promote sustainable development, technology transfer must encourage innovation. This paper will highlight the importance of institutional harmonization to concentrate on workforce development and infrastructure improvement to enable meaningful technology adoption with the transformative potential of clean energy, artificial intelligence (AI), and digital transformation in raising living standards and promoting economic growth, as mentioned at a recent ASEAN forum in Hà Nội. To guarantee the region's leadership in innovation, ASEAN was advised to concentrate on knowledge transfer from world technological leaders rather than just a marketplace. The significance of cooperation, flexible governance, and regulatory frameworks adapted to the reality of the digital economy was also highlighted by the other parties as well. With innovation-driven companies steering ASEAN toward a technologically advanced future, these policies seek to put people at the center of progress.

The current trajectory of many ASEAN economies positions them primarily as technology markets, adept at the consumption and adaptation of global innovations. This abstract posits that a fundamental paradigm shift is not merely advantageous but imperative: a deliberate transition from passive market engagement to active promotion of technology transfer as a catalyst for indigenous innovation. The critical distinction lies in moving beyond optimizing existing offerings to cultivating an ecosystem capable of originating, developing, and commercializing novel technologies, thereby bridging the inherent "Valley of Death" between nascent research and market viability. Achieving this transformation necessitates a multi-faceted strategic framework, encompassing the establishment of robust intellectual property regimes, the strategic redirection of capital towards R&D and deep tech, the cultivation of a future-ready talent pool, and the implementation of agile, innovation-centric regulatory policies. By embracing these foundational pillars, ASEAN nations can unlock their full potential, secure higher economic value, and establish themselves as globally competitive technology hubs, ensuring sustainable growth and a prominent role in the global innovation landscape.

PANEL 5 - Planting Ideas, Growing Futures: ASEAN Young Generation Driving Sustainable Development

The Green Era of Mergers and Acquisitions: How ESG is Shaping ASEAN's Investment Future and Vietnam's Path Forward

Tran Nguyen Thanh Thao

Abstract

Mergers and Acquisitions (M&A) in the Association of Southeast Asian Nations (ASEAN) have been reshaped by the increasing importance of Environmental, Social, and Governance (ESG) considerations in the global investment paradigm. ESG is no longer a peripheral concern; it has become a core component of the deal-making process, corporate strategies, and regulatory reform. This paper starts with a discussion on the changing ESG-oriented landscape for mergers and acquisitions in the ASEAN region, then proceeds to an analysis of the existing legal frameworks at the regional level and in selected national jurisdictions, particularly Singapore and Malaysia. Next, it enters into the arena of selected green M&A cases to shed light on practical challenges and triumphs. In this regard, the paper makes targeted recommendations for Vietnam to strengthen the legal basis, implement ESG practices and transparency mechanisms, and sustainably develop standards at both the national and ASEAN levels to nurture national competitiveness and regional cooperation.

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PANEL 5 - Planting Ideas, Growing Futures: ASEAN Young Generation Driving Sustainable Development

Strengthening the legal certainty in ASEAN Trade: Evaluating the effectiveness of ASEAN's state-to-state dispute settlement mechanism

Do Dang Hop - Ho Chi Minh City University of Law, Ho Chi Minh City, Vietnam

Abstract

As ASEAN advances toward the goals set out in the ASEAN Community Vision 2025 and the ASEAN Economic Community Blueprint 2025, strengthening the legal certainty in trade governance is crucial to fostering sustainable development. ASEAN has long positioned itself as a region committed to rules-based economic cooperation, and yet its formal dispute resolution system remains almost entirely unused. The paper examines the effectiveness of the ASEAN state-to-state Dispute Settlement Mechanism, with a focus on the Enhanced Dispute Settlement Mechanism introduced under the 2019 Protocol. Despite structural improvements and a model inspired by the WTO's Dispute Settlement Understanding, no ASEAN member state has brought a formal case through this mechanism to date. There are three main questions that guide this analysis: Why has the EDSM remained inactive despite its legal design improvements? What institutional, legal, or political factors, particularly the influence of the "ASEAN Way", discourage its use? And what practical reforms could help ASEAN make better use of this tool in support of regional integration, legal certainty, and sustainable development? Methodologically, to answer these questions, comparative legal and institutional approach are used to assess the EDSM alongside the WTO DSU. It draws on doctrinal analysis of ASEAN treaties and protocols, as well as examples of intra-ASEAN trade disputes, relevant official policy documents and SDG indicators. Altogether, these sources help to clarify the gap between ASEAN's commitments and operational practice. The findings indicate that, while the EDSM has formal components of an effective legal system such as timelines, arbitration, and appellate procedures, its practical limitations are still significant. These include a strong reliance on consensus, limited transparency, institutional resource gaps (particularly regarding SEOM impartiality), and the possibility of political override by the ASEAN Summit. Consequently, member states tend to resolve disputes through external mechanisms like the WTO or via informal negotiations, undermining confidence in ASEAN's internal legal framework. To address these concerns, the paper proposes three key reforms: (1) establishing a more independent and permanent dispute resolution body; (2) improving procedural transparency through publication of decisions; and (3) strengthening the legal and administrative capacity of the ASEAN Secretariat. These measures aim to close the gap between ASEAN's stated commitments and its operational reality, bolstering trust, investment, and sustainable trade governance across the region.

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Green Arbitration in Advancing Sustainable Development: A New Pathway for ASEAN Nations

Nguyen Tien Dat, Nguyen Truong Diem Ngoc - Saigon University, Ho Chi Minh City, Vietnam

Abstract

As the world confronts escalating consequences of climate change, sustainable development has become an urgent imperative, particularly for ASEAN nations identified as highly vulnerable. The IPCC Sixth Assessment Report (AR6, 2022), specifically Chapter 10, emphasizes the serious environmental challenges faced by Southeast Asia, which hinder the region from achieving the United Nations Sustainable Development Goals. Therefore, a transformation of institutional and procedural systems is essential, and green arbitration is an ideal solution. Therefore, a transformation of institutional and procedural systems is essential, and green arbitration is an ideal solution. It offers a sustainable alternative by integrating digital technologies, minimizing travel, and significantly reducing printed materials. This paper employs qualitative methods, including literature review, synthesis, comparative and policy analysis, to explore green arbitration's role in sustainable dispute resolution within ASEAN. It identifies benefits, acknowledges barriers, and proposes recommendations for adopting green arbitration across ASEAN nations.

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Enhance Dispute Settlement Mechanism for Sustainable Development in ASEAN

Nguyen Hue Chi, Truong Ho Hoang Yen, Nguyen Truong Quoc Hung - Ho Chi Minh City University of Law, Ho Chi Minh City, Vietnam

Abstract

As ASEAN seeks to deepen economic integration while advancing the United Nations Sustainable Development Goals (SDGs), the role of an effective, rules-based dispute settlement mechanism becomes increasingly critical. This paper analyzes the Enhanced Dispute Settlement Mechanism 2019 (EDSM 2019) within ASEAN, comparing it with the WTO's Dispute Settlement Understanding (DSU), especially in the context of disputes involving sustainability-related measures. Despite its structural sophistication and procedural alignment with the DSU, the EDSM remains unused since its adoption, raising questions about its institutional credibility and practical viability. By examining the jurisprudence of the WTO in cases touching on SDG-related issues, such as public health, environmental protection, and responsible production, the study highlights the adjudicative flexibility and interpretive balance needed to reconcile trade obligations with sustainable development priorities. The paper identifies key gaps in ASEAN's dispute settlement framework, including the absence of formal expert engagement, limited procedural flexibility, and a lack of structural support for developing member states. It argues that these shortcomings undermine the EDSM's capacity to resolve complex, multidimensional disputes central to the SDGs. The paper concludes with reform-oriented recommendations, such as institutionalizing expert advisory mechanisms, incorporating differential treatment for less developed members, and offering strategic incentives to activate the system. Ultimately, the study contends that for ASEAN's dispute settlement regime to support the SDGs meaningfully, it must transition from legal formalism to active implementation grounded in sustainability-responsive adjudication.

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Malaysia's experience in attracting FDI linked to sustainable development – Policy implications for Vietnam

Duong Thanh Ngan, Le Nhu Quynh, Nguyen Quynh Trang - Ho Chi Minh City University of Law

Abstract

In the context of globalization and the global shift toward green development models, attracting foreign direct investment (FDI) is not merely a driver of economic growth, but must also be aligned with sustainable development goals. This situation presents an urgent need for countries, including Vietnam, to adopt policies that promote FDI conducive to sustainable development. This study focuses on Malaysia, which is one of the leading ASEAN countries in formulating and implementing sustainable FDI policies, by examining how international standards such as ESG (Environmental, Social, and Governance) and SDGs (Sustainable development goals) are integrated into its investment policy framework. Using a combination of analytical, comparative, and reference-based approaches, the research explores Malaysia's policy tools for selecting, incentivizing, and monitoring FDI projects within the framework of free trade agreements (FTAs). Based on a comparison with Vietnam's current context, the study identifies key strengths and policy gaps. Drawing from Malaysia's experience, it offers policy recommendations for Vietnam to adjust its FDI attraction criteria and gradually move toward a model that encourages high-quality, environmentally friendly investments that balance economic, social, and environmental interests in the long term.

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Analyzing Vietnam's Implementation of the 4th Pillar of ASEAN's Framework on Sustainable Tourism Development in the Post-COVID-19 Era: Achievements, Challenges, and Lessons from ASEAN Counterparts

Chu Khanh Chi - Victoria University of Wellington (New Zealand)

Pham Xuan Phong - Foreign Trade University (Hanoi)

Abstract

This research aims to critically analyze Vietnam's implementation of the 4th pillar (Cultural Values, Diversity, and Heritage) of ASEAN's Sustainable Tourism Development Framework in the post-COVID-19 period. Focusing on Vietnam's regulatory and institutional frameworks, the study will examine Vietnam's compliance gaps, governance challenges, and opportunities for legal reform by drawing comparative lessons from other ASEAN member states that have developed more robust legal mechanisms for integrating cultural preservation into sustainable tourism. Through policy analysis and case studies of cultural tourism sites, this research seeks to develop actionable recommendations to strengthen Vietnam's cultural preservation and legal mechanisms within its tourism strategy. The findings aim to inform legislative reforms and ASEAN-level policy dialogues, emphasizing the need for culturally grounded legal instruments to balance economic revival with heritage sustainability. This research contributes to broader scholarly debates on the intersection of international soft law, domestic cultural governance, and economic law in developing economies.

The pandemic's disruption of Southeast Asia's tourism sector, which saw Vietnam's tourism-dependent GDP share decline sharply, presents a pivotal moment to reassess the legal safeguards for cultural heritage amid economic recovery efforts. As ASEAN countries rebuild their tourism sectors, the opportunity exists to embrace more sustainable practices aligned with the ASEAN Tourism Strategic Plan 2016-2025 and its Framework on Sustainable Tourism Development. The 4th pillar of this framework specifically presents three key strategic priorities: (i) promoting and enhancing diverse cultures through cultural tourism; (ii) safeguarding tangible and intangible cultural heritage; and (iii) promoting living culture and the creative industries. Despite being the country's largest services export, Vietnam's pre-pandemic tourism boom revealed systemic vulnerabilities, including inadequate protections against the commodification of intangible cultural heritage, weak enforcement of site conservation laws, and regulatory failures in managing over-tourism at UNESCO-designated sites.

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Chu Khanh Chi - Victoria University of Wellington (New Zealand)

Pham Xuan Phong - Foreign Trade University (Hanoi)

Abstract (cont.)

The first section will assess Vietnam's current cultural tourism policies and initiatives, identifying key achievements and gaps in response to the Strategic Priorities initiated in the ASEAN's Sustainable Tourism Development Framework in the Post-COVID-19 Period. The second section will compare these findings with case studies from other culturally rich ASEAN countries—specifically Indonesia, Thailand, and Malaysia—to explore how more structured frameworks have contributed to more cohesive outcomes. Drawing from this comparative analysis, the final section will outline practical recommendations and transferable policy options that Vietnam can adopt to enhance the cultural dimension of its tourism development strategy.

ASEAN
SUSTAINABLE DEVELOPMENT

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Completing a Legal Framework for Multilateral Electricity Transactions in the ASEAN Grid: Lessons from the LTMS-PIP Project and Recommendations for the Next Development Period

Do Thi Ngoc, Tran Do Hai Anh - Vietnam National University, Hanoi - University of Law

Abstract

In the modern world, electricity has become essential for the functioning of every economy and it is a crucial factor in maintaining a high quality of life. As the energy demand continues to rise and the issue of climate change becomes increasingly complex, there is a need to shift towards clean and sustainable energy sources. This requires the effective utilization of clean energy resources and the establishment of cross-border transmission mechanisms on a global scale. In response, ASEAN is actively developing the ASEAN Power Grid to integrate its extensive transmission infrastructure and enhance regional energy cooperation.

To fulfill the vision, the legal and regulatory barriers that are currently impeding our progress need to be addressed. Currently, most cross-border electricity transactions in ASEAN are conducted on a bilateral basis, which means that the potential of a unified regional electricity market is not fully utilized. The market is currently facing several legal and institutional challenges, including: (i) fragmentation of legal frameworks across member states, resulting in a lack of harmonization in developing common rules for multilateral cross-border electricity trading, (ii) potential disputes involving multiple parties, with existing dispute resolution mechanisms being fragmented and insufficiently coordinated, (iii) issues related to sovereignty and jurisdiction, such as the allocation of rights and obligations among participating countries along transmission lines, pose a significant challenge, (iv) difficulties in designing standardized contractual frameworks and payment mechanisms, due to foreign exchange restrictions, the absence of payment guarantee systems, and regulatory constraints on cross-border fund transfers. To unlock the full potential of an integrated, resilient, and sustainable ASEAN power market, these legal barriers must be addressed.

In 2022, the Lao-Thailand-Malaysia-Singapore Power Integration Project (LTMS-PIP) became operational, enabling multilateral cross-border electricity trade. Since then, the LTMS-PIP has expanded to become a crucial component of the ASEAN Power Grid (APG). This project has significantly enhanced electricity generation efficiency and

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Do Thi Ngoc, Tran Do Hai Anh - Vietnam National University, Hanoi - University of Law

Abstract (cont.)

distribution, promoting multilateral energy trade within the ASEAN community. According to statistics from 2024, the LTMS-PIP has successfully increased traded energy capacity from 100 MW to 200MW. This study proposes a set of recommendations for the next phase of development in ASEAN based on the Lao PDR–Thailand–Malaysia–Singapore Power Integration Project (LTMS-PIP). Firstly, it is recommended that harmonized and binding regional rules and legal frameworks be established. Additionally, it is crucial to enhance the regional dispute resolution mechanism within ASEAN. Furthermore, ASEAN should develop a robust regional governance and coordination mechanism to support dispute settlement and promote the harmonization of national energy policies. Lastly, it is suggested that standardized power purchase agreements and payment mechanisms be implemented at the ASEAN level. A robust legal framework is essential for the successful implementation of the ASEAN Power Grid vision, which aims to facilitate cross-border electricity trade. By using the experiences gained from the LTMS-PIP and actively addressing specific legal and regulatory barriers, ASEAN is well-equipped to establish a dynamic and sustainable regional electricity market. This effort demonstrates ASEAN's strong dedication to advancing deeper regional integration.

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Combating Deforestation through the Utilisation of General Allocation Funds as a Form of Ecological Fiscal Transfer in order to Conserve Forest Sustainability

PhD Candidate Ardianto Budi Rahmawan - University of Pécs (Hungary)

Andi Sitti Ainy Nur Alifah, Lusya Rina Wulandari, Maylani Sri Maharani - Universitas Gadjah Mada (Indonesia)

Abstract

Indonesia has experienced a massive reduction in forest cover or deforestation in the past five years. The aqua condition causes Indonesia to rank fourth with the most enormous deforestation in the world. The high level of deforestation experienced by Indonesia has resulted in the loss of natural habitat, threatening the survival and diversity of forest genetic resources contained therein. However, the status quo shows that various government efforts have yet to overcome the deforestation phenomenon in Indonesia. Therefore, this paper aims to answer questions related to the problems that cause the phenomenon of deforestation in Indonesia, compare the implementation of Ecological Fiscal Transfer (EFT) in other countries and the potential for its application in Indonesia, as well as the mechanism of the General Allocation Fund (GAF) as a form of EFT capable of preserving forest genetic resources in Indonesia. The research method in this paper is normative legal research using a statutory regulatory approach, a comparative approach, and a conceptual approach. The data used in this paper are secondary data obtained through interviews and literature studies. The results of this paper show; that (i) the problems causing the deforestation phenomenon in Indonesia are forest conversion problems, management problems, and political problems; (ii) other countries that have implemented EFT can overcome the deforestation phenomenon in their countries, especially China, India, and Brazil; (iii) the implementation of GAF as a form of EFT requires a supporting mechanism of Driver, Pressure, State, Impact, Response (DPSIR) at the conceptual level and institutional coordination at the implementation level to overcome the deforestation phenomenon to preserve forest genetic resources in Indonesia.

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Green Trade and Legal Sovereignty: ASEAN'S Response To The Eu Carbon Border Adjustment Mechanism (CBAM)

Nguyen Vu Ha Phuong, Manh Khoi Nguyen, Phung Tiem Linh - Vietnam National University, Hanoi - University of Law

Abstract

Amid globalization's pivot toward sustainability and greenhouse gas reduction, international trade regimes increasingly integrate commercial and climate law. A prominent manifestation is the European Union's Carbon Border Adjustment Mechanism (CBAM), enacted under Regulation (EU) 2023/956. This climate policy is reshaping international trade relations, posing multifaceted challenges for developing economies, particularly the Association of Southeast Asian Nations (ASEAN). CBAM, a unilateral environmental policy, mandates importers to purchase carbon emission certificates for goods from countries lacking equivalent carbon pricing, aiming to curb carbon leakage and support climate neutrality. However, CBAM has sparked debates over its legality, discriminatory nature, and impact on the legal sovereignty of developing nations. This study focuses on analyzing the multilayered impacts of CBAM, evaluating existing regulations, and proposing response strategies that balance national interests with the promotion of sustainable development, thereby contributing to global governance policies in the era of ecological transition. ASEAN's fragmented legal frameworks and absence of a unified carbon pricing mechanism result in disjointed responses, risking higher carbon tariffs, diminished competitiveness in EU supply chains, and weakened influence in global trade forums. Through case studies of Vietnam, Indonesia, and Singapore, the analysis reveals that, despite national efforts to establish carbon pricing and trading systems, the lack of regional coordination and a cohesive ASEAN climate legal framework renders these responses ineffective and legally vulnerable.

Theoretically, the study highlights a tension between global green legal integration and the sovereign right to self-determined development and climate policies, enshrined in national legal sovereignty. CBAM is critiqued as "carbon colonialism", where developed nations impose environmental standards on developing nations via trade mechanisms. The EU's unilateral imposition of emission standards may incite international trade disputes, leading to environmental regulations being wielded as protectionist tools in violation of the World Trade Organization's (WTO) non-discrimination principles.

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Nguyen Vu Ha Phuong, Manh Khoi Nguyen, Phung Tiem Linh - Vietnam National University, Hanoi - University of Law

Abstract (cont.)

For ASEAN, this poses economic, legal, and intellectual challenges, undermining intraregional legal capacity and national policy autonomy in the emerging green trade order. To counter passivity, the study advocates for ASEAN to transcend "nationalized responses" by developing a regional carbon pricing framework, starting with a unified measurement-reporting-verification system. ASEAN should also initiate legal dialogues with the EU to propose equivalency standards, preventing CBAM from functioning as a disguised trade barrier. Multilateral platforms like the WTO, the United Nations Framework Convention on Climate Change (UNFCCC), and new-generation trade agreements (e.g., EVFTA, CPTPP) should be leveraged to safeguard ASEAN's sovereign space for tailored green transitions. Ultimately, ASEAN must actively shape the global climate agenda by advocating for flexible carbon pricing mechanisms that account for the principle of "Common but Differentiated Responsibilities and Respective Capabilities" under the UNFCCC. Academically, this research enriches discussions on trade-climate intersections, sovereignty versus legal integration, and the necessity of collective regional responses to global climate policies with differential developmental impacts. As ASEAN shapes its strategic role in global green supply chains, a unified, harmonized, and internationally assertive legal framework is both an economic imperative and a cornerstone for preserving legal sovereignty and sustainable development.

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Agricultural By-product Management in the Circular Economy towards Sustainable Development in ASEAN Countries: the Case of Thailand, Malaysia and Proposals for Vietnam

Nguyen Binh Nguyen, Nguyen Le Dung Nhi, Le Thi Ha Phuong, Vu Cam Tien - Ho Chi Minh City University of Law, Ho Chi Minh City

Abstract

As the economy develops and society becomes increasingly modernized, this reality has also resulted in a series of adverse effects on human health, ecosystems, and the environment, posing a threat to the progress of sustainable development. Therefore, the United Nations' "2030 Agenda for Sustainable Development" was born, marking a landmark global commitment with a comprehensive action plan. ASEAN, as a community with many member states where agriculture still accounts for a significant proportion of GDP, the implementation of the Sustainable Development Goals (SDGs) of this Agenda, particularly those related to sustainable agriculture, is not only an urgent requirement but also an expression of commitment to fulfilling international obligations. In this context, the application of the circular economy model in agricultural by-product management is gradually becoming a strategic, multi-impact solution, as this is an economic model focused on maximizing resource utilization, minimizing waste and emissions. Specifically, the circular management of agricultural by-products will contribute to the achievement of SDGs concerning: "End hunger, achieve food security and improved nutrition and promote sustainable agriculture" (SDG 2) by maximizing the value of by-products, generating additional income for farmers, and reducing reliance on new input resources; "Ensure sustainable consumption and production patterns" (SDG 12) through limiting waste, reducing emissions, and resource regeneration; "Take urgent action to combat climate change and its impacts" (SDG 13) by reusing and processing by-products with a view to limiting greenhouse gas emissions; "Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss" (SDG 15) aimed at reducing soil and water pollution from uncontrolled disposal of by-products. To support these efforts, ASEAN has enacted and incorporated many issues related to agricultural by-products into broader strategies concerning agriculture, food security, and environmental management. Concurrently, ASEAN has also actively implemented numerous regional cooperation mechanisms to support the effective management and processing of agricultural by-products. This paper primarily focuses on researching the policies "Framework for Circular Economy for the ASEAN Economic Community", "ASEAN Regional Guidelines for Sustainable Agriculture in ASEAN" and the degree of compliance by two representative member states, Thailand and Malaysia, with these policies. From this, it proposes some recommendations to enhance effectiveness in promoting Vietnam's agricultural by-product management within the circular economy and fulfilling ASEAN's commitments.

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ASEAN'S Legal Response to the European Union's Deforestation Regulation: From Passive Observer to Regional Policy Coordination?

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Abstract

The EU Deforestation Regulation (EUDR) is released with the aim of reducing the EU's contribution to deforestation and forest degradation worldwide, and thereby contributing to a reduction in global issues, namely global deforestation, biodiversity loss, greenhouse gas emissions. Thus, the scope of EUDR is not only in the EU but also out of this customs union. Additionally, this regulation governs 7 commodity groups at risk of deforestation, namely cattle, cocoa, coffee, oil palm, rubber, soya, and wood. ASEAN countries will be affected significantly by this regulation due to its scope. Obviously, Malaysia and Indonesia take 85% of global exported palm oil products, including the EU. Vietnam is a large coffee-producing country. Due to criticism from many countries regarding this protectionist measure, the EU has extended the EUDR by 12 months, applying it from 30/12/2025 for large and medium-sized enterprises and 30/6/2026 for micro and small enterprises.

However, it is noticeable that New Generation Free Trade Agreements (NGFTAs), such as EVFTA, can make EUDR binding; as a result, trade preferences would be useless if Viet Nam cannot have market access, which must comply with "green" regulations—EUDR. In fact, Indonesia and Malaysia have brought cases against the EU at the WTO (DS593 and DS600) involving similarly targeted measures, showing the deep concerns of ASEAN countries about the potential impact of unilateral regulations on trade. These cases focus on assessing the legality of such measures within the TBT Agreement in the WTO framework.

Therefore, based on the study of the above two cases, this paper aims to evaluate whether the EUDR conforms with the TBT Agreement. It will also consider the WTO Dispute Settlement Body's conclusions to explore the legal response options available to the ASEAN if the EU continues to enforce this regulation. Accordingly, this article assesses ASEAN's ability to coordinate collectively in responding to unilateral extraterritorial measures by its partners, specifically the EUDR. In addition, ASEAN can propose to make the EUDR technical criteria transparent at the TBT Committee to enhance predictability and reduce unnecessary trade barriers. From the author's perspective, the EUDR could open up a strategic opportunity for ASEAN to move from a "regulated" position to proactively building a collective policy dialogue mechanism with the EU to ensure harmony between sustainable development goals and free trade.

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Proposing a Legal Framework for Vietnam's Carbon Credit Exchange and Offsetting Mechanism: Lessons from Australia, China, and Thailand for ASEAN's Sustainable Development

Truong Van Hoai Khanh, Nguyen Phuong Ngan, Doan Thanh Nha, Le Thi Tu Vy - University of Economics and Law (UEL), Vietnam National University, Ho Chi Minh City

Abstract

Climate change poses an urgent threat, demanding robust solutions across Southeast Asia. Vietnam, highly vulnerable to its impacts, is committed to reducing emissions and fostering a sustainable future. A key step is developing a carbon market, specifically a carbon credit exchange and offsetting mechanism. While current legal frameworks face challenges, Vietnam is actively updating them, leveraging the recent approval of a national carbon market plan.

This research proposes a legal framework for Vietnam's carbon credit exchange and offsetting mechanism, drawing crucial lessons from the established experiences of Australia, China, and Thailand. By learning from these regional examples, Vietnam can build a robust, efficient, and equitable market. This is vital not only for Vietnam to achieve its "Net-zero emissions" target by 2050 but also to significantly contribute to ASEAN's broader sustainable development goals. This study is directly related to the theme's conference: "Towards Sustainable Development in ASEAN Countries: International Relations, Legal frameworks in the Context of Globalization and Modernization" by addressing essential legal aspects of climate action within the ASEAN community.

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ASEAN Cybersecurity Cooperation Legal Framework: Towards a Sustainable and Resilient ASEAN Cyberspace

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Rustam Shukurzade, Taras Kirnoz - Tallinn University of Technology

Abstract

Cybersecurity is one of the key pillars of economic progress and betterment of living standards in the context of digitalization and international integration (ASEAN, 2022). The ongoing integration of computer and information technology in daily life, an increasing frequency of cyberattacks of growing sophistication, and the potentially mass harm effects have pushed Cybersecurity to one of the most concerning problems for nations worldwide (Gercke, 2014). The Association of South East Asia Nations ("ASEAN") is not an exception to the international community's considerable efforts to create legal norms, international standards, and cooperative mechanisms for international cybersecurity governance in recognition of the global nature of cyber threats. In its capacity as a regional organization, ASEAN offers a framework for Member States to exchange their best practices, regional perspectives, information-sharing on cyber incident response, and build capacity (ASEAN, 2022). However, while ASEAN has made progress in regional cooperation and capacity-building initiatives, its cybersecurity governance remains fragmented, requiring stronger regional coordination (Tay, 2023).

This paper evaluates the implementation of the current ASEAN Cybersecurity Cooperation Strategy (2021-2025), which outlines five strategic foundations: (i) advancing cyber readiness, (ii) strengthening regional cyber policy coordination, (iii) enhancing trust in cyberspace, (iv) regional capacity-building, and (v) enhancing international cooperation. The creation of cybersecurity authorities and programs such as the ASEAN-Singapore Cybersecurity Centre of Excellence and the ASEAN Regional CERT has resulted in tremendous progress. However, ongoing legal fragmentation and weak enforcement policies still make it difficult for Member States to coordinate together on cybersecurity. Furthermore, through a comparative perspective, this study also draws on best practices from the European Union's legal framework to demonstrate how regional law and institutional coordination can enable resilience within the Union's cyberspace.

Towards a sustainable and solidarity ASEAN cyberspace, the Region's cybersecurity framework needs to be developed based on resilience, the protection of human rights, and the harmonization of national and regional legal frameworks. The paper concludes by proposing a roadmap and recommendations that align cybersecurity cooperation with ASEAN's ambition - creating and maintaining a safe, healthy, and reliable online environment.

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Artificial Intelligence, Human Rights, and Access to Justice in ASEAN: Navigating the Path to Sustainable Legal Development

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Abstract

The integration of artificial intelligence (AI) into judicial systems across the Association of Southeast Asian Nations (ASEAN) presents both opportunities and challenges in advancing sustainable development and protecting human rights. While AI promises greater efficiency and consistency in legal processes, it also raises concerns about fairness, transparency, and potential systemic bias.

This paper examines AI implementation within ASEAN's legal frameworks, with a focus on its implications for human rights and access to justice. Drawing on recent studies, including the United Nations Development Program's report on judicial integrity in ASEAN, the analysis highlights varied national approaches. For example, Malaysia's use of AI-driven transcription services and Indonesia's online decision databases reflect significant digitalization efforts, but also underscore the urgent need for legal safeguards to protect individual rights.

The paper explores the legal and ethical ramifications of AI in courts, stressing the need to align these technologies with international human rights standards. It calls for regulatory frameworks that ensure accountability, address bias, and uphold the ASEAN Human Rights Declaration.

Using comparative legal analysis, the study evaluates how select ASEAN countries integrate AI while considering human rights obligations. It identifies best practices and areas for improvement, offering practical recommendations for policymakers, legal professionals, and technologists aiming to build just and inclusive legal systems in the region.

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From Crypto to National Policy: Vietnam's Approach to Digital Assets in the ASEAN Legal Landscape

Phan Thi Ngoc Han, Vuong Minh Tien, Nguyen Tran Gia Tue - Ho Chi Minh City University of Law

Abstract

The rapid development of crypto assets has raised urgent demands for legal policy frameworks in countries striving for sustainable development within the ASEAN region. This article presents a comparative analysis of the relatively well-established legal frameworks of Singapore and Thailand, which have demonstrated success in formulating and implementing regulatory measures concerning crypto assets. This is contrasted with the legal structure of Vietnam, a country whose regulatory framework for crypto assets remains in its nascent stage. By examining both systems in detail, this paper identifies the strengths and limitations of the crypto assets regulations in Singapore and Thailand, while also highlighting the legal gaps within Vietnam's evolving framework. Based on this analysis, we propose strategic directions to enhance the legal status of crypto assets in Vietnam through their recognition as legally protected assets under the national legal framework. This paper seeks to bridge the legal gap between existing regulations and the practical implementation of policies, through the provision of specific recommendations. It also synthesizes information from various legal sources and policy documents from all three countries. Furthermore, the article outlines both the challenges and opportunities associated with the development of the digital economy, thereby contributing to ASEAN's broader strategy for sustainable economic development and digital transformation.

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The Role of Blockchain Technology and Artificial Intelligence (AI) in Protecting Intellectual Property Rights and Countering Counterfeiting in ASEAN Countries: Assessing the Current Legal Framework and Policy Recommendations

Nguyen Vi Khang, Nguyen Thi Thao Ngan - Ho Chi Minh City University of Law

Abstract

In the context of profound globalization and modernization, ASEAN countries are confronting an escalating issue of counterfeiting and intellectual property rights (IPR) infringement, which inflicts severe economic damage and hinders sustainable regional development. With the global trade value of counterfeit goods reaching hundreds of billions of USD annually (OECD & EUIPO, 2025) and the complexities arising from e-commerce, traditional measures are proving to be ineffective. The Fourth Industrial Revolution has introduced advanced technologies such as Blockchain and Artificial Intelligence (AI) as promising solutions. This paper analyzes the role and potential applications of Blockchain and AI in enhancing the effectiveness of IPR protection, focusing on product traceability, authentication, and counterfeit detection. However, the implementation of these technologies in ASEAN faces significant legal challenges. This paper will assess the current legal frameworks of several representative ASEAN countries, identify existing gaps and inadequacies, and subsequently propose comprehensive policy recommendations to promote the effective integration of Blockchain and AI into the IPR protection and anti-counterfeiting systems in the region.