POLICY DIFFUSION FROM THE EU DSA IN CONTEXTS OF POLITICAL REPRESSION

Lessons from Thailand and Vietnam

by Samaya Anjum

POLICY DIFFUSION FROM THE EU DSA IN CONTEXTS OF POLITICAL REPRESSION: LESSONS FROM THAILAND AND VIETNAM

By

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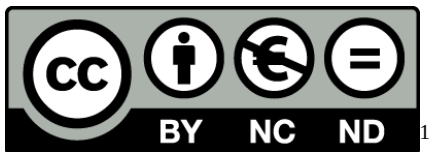

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Vienna, 1 May 2025

Samaya Anjum

"The only dream worth having is to dream that you will live while you are alive, and die only when you are dead. To love, to be loved. To never forget your own insignificance. To never get used to the unspeakable violence and vulgar disparity of the life around you. To seek joy in the saddest places. To pursue beauty to its lair. To never simplify what is complicated or complicate what is simple. To respect strength, never power. Above all to watch. To try and understand. To never look away. And never, never to forget."

— *Arundhati Roy, The Cost of Living*

Abstract

What are the impacts of the EU's Digital Services Act (DSA) being promoted as a global standard for content regulation and digital transparency? This paper argues that while the DSA may positively shape certain international norms and best practices, it also risks being selectively appropriated by authoritarian regimes to reinforce political repression - an outcome which is not sufficiently counterbalanced by either the Brussels Effect or the EU's normative diplomacy. Through an analysis of policy diffusion via market influence and corporate spillover effects, voluntary policy borrowing by third countries, and processes of Europeanization in Thailand and Vietnam, the paper highlights the limits of current theoretical frameworks in capturing the region's complexity. In Southeast Asia, the Brussels Effect is insufficient to explain the DSA's influence, given the distinctiveness of local regulatory systems, political contexts, and relationships with the EU. It is therefore necessary to examine how the EU more actively promotes its digital norms through bilateral trade agreements, Partnership and Cooperation Agreements, and soft power instruments such as development aid and strategic dialogues. These forms of norm entrepreneurship, however, are not politically neutral and often clash with Southeast Asia's regional cognitive priors, particularly the principles of sovereignty and non-intervention, which are used to resist external human rights scrutiny. Ultimately, the DSA's global significance - whether it fosters genuine transparency or legitimizes authoritarian digital governance - will depend on the EU's willingness to uphold its human rights commitments over geopolitical and economic interests in foreign policy in the region.

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First and foremost, I dedicate this research to the journalists, activists, and human rights defenders in Thailand and Vietnam, whose lives and work stand as a testament to their unwavering determination and strength in the face of dehumanizing government repression. The struggle for human dignity, political justice, and freedom of expression around the world endures through their spirit and sacrifices. This work would be incomplete without the thoughtful contributions of Mong Palatino, Michel Tran Duc, Chiranuch Premchaiporn, Dr Joan Barata, Jason Pielemeier, and Hilary Ross, who generously devoted their time to help me understand the deeply complex political realities of Southeast Asia and the nuances of how legislative developments in the European Union affect the region. Their openness and willingness to discuss sensitive issues for the benefit of my research deserve special mention.

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Introduction

In November 2022, the European Union (EU) adopted the landmark Digital Services Act (DSA) in an effort to modernize its approach to content regulation and digital transparency. The DSA replaced a previously fragmented regulatory framework across EU Member States to establish a harmonized and uniform multi-level governance structure as part of the European Commission's (hereinafter, the "EC" or the "Commission") plans to create a "Europe fit for the Digital Age" (European Commission 2024a). It operates alongside the Digital Markets Act (DMA) to form a single set of rules that promote a level playing field for businesses in the EU, and fits within the Commission's broader plans to ensure the Union's global competitiveness in technology and innovation (European Commission 2024b). The DSA is one of the first and most comprehensive laws of its kind. It categorizes online intermediaries and platforms based on the specific roles and technical functions that they play in the transmission, storage, and dissemination of online information. Each category further reflects how services interact with user-generated content and data. There are specific rules outlining how intermediaries must identify content deemed harmful or illegal within the Union, the types of mechanisms intermediaries should implement to empower users to report and challenge such content, as well as the mitigation and transparency measures required to address these risks. These are enforced through a robust liability regime under which the DSA sets out significant penalties for companies in instances of failure to comply.

The DSA updates the EU's e-Commerce Directive 2000 and serves as a key instrument for ensuring a "safe, predictable and trusted" online environment for individuals in the Union by

distributing equal responsibility between EU-based and foreign companies (Pingen and Wahl 2023). During the legislative process, the Commission and Members of the European Parliament (MEPs) advocated for the law's broad application to protect European democracies from digital threats, such as foreign interference and biased algorithms (IEU Monitoring 2024). This policy objective reflects an underlying intent for the DSA to exert a wide-ranging impact, including geographically, wherever EU interests are involved. Recital 7 of the Preamble and Article 2 of the DSA clarify that the regulation applies to intermediaries with "recipients of the service that have their place of establishment or are located in the Union, irrespective of where the providers of those intermediary services have their place of establishment." In addition, Recitals 31 and 36 of the Preamble address the cross-border nature of Member State orders against illegal content, highlighting the need for harmonized procedures and effective compliance by intermediaries in transnational situations. This includes instances where a Member State "considers that the rights at stake require a wider territorial scope, in accordance with Union and international law, while taking into account the interests of international comity."

While there is a fair argument to be made that the territorial scope underlined in these provisions will ultimately rely on the interpretation of the law, there is substantial evidence of how EU laws and standards in the area of technology and the data economy - despite being some of the most stringent in the world - have diffused far and wide in other countries. The most prominent example of this phenomenon is the Brussels Effect, which refers to the EU's unilateral ability to influence global standards by leveraging the scale of its internal market to shape international business practices, norms, and policies (Bradford 2020, 142). The significance and scope of the DSA are comparable to EU laws that have undergone a Brussels Effect in the past, such as the EU General Data Protection Regulation (GDPR) 2016. In some cases, other countries have

voluntarily adopted elements of European regulatory models, as seen with Germany's Network Enforcement Act (NetzDG) 2017 which inspired anti-fake news legislation worldwide (Mchangama and Fiss 2019). Beyond these examples, EU laws also help shape regulatory frameworks in third countries through a process known as Europeanization (European Commission 2018), which, in this paper, refers to the exercise of normative power by the EU in its external relations (Manners 2002, 239). The EU's normative identity exerts a notable influence on international standards and best practices in alignment with its strict norms and policies. A common mechanism for this influence is through bilateral treaties and trade agreements, which are often conditioned upon the alignment of third countries with the EU's digital priorities and standards (Hai Ha 2018).

Within this broader context of EU regulatory influence, the DSA was introduced to safeguard online freedom of expression while ensuring it is balanced with the protection of other fundamental rights within the EU. In particular, it addresses growing concerns around the role of major digital platforms in shaping public discourse. Online disinformation is widely regarded as one of the most serious digital threats to European democracy (European Commission 2022), and the DSA has bolstered the EU's ability to confront the outsized influence of big tech companies in this domain. Its impact on freedom of expression will be profound, not only within the EU but also globally, and as the regulation sets a new standard for platform governance, it has the potential to redefine what constitutes a free and open digital space. If implemented carefully, the DSA could strengthen the resilience of democratic discourse by curbing harmful content without unduly suppressing legitimate expression. However, as the DSA's principles and mechanisms diffuse internationally - whether through market influence, voluntary policy borrowing, or bilateral agreements - their interpretation and enforcement by third countries, particularly those

with weak democratic institutions and rule of law protections, will play a decisive role. As a result, the diffusion of the DSA is highly significant for the development of political freedom in the countries it impacts and could have far-reaching implications for the health of public debate beyond the EU.

Southeast Asia is one of the most understudied yet important regions in this regard. The region, which is undergoing rapid technological progress and digital innovation, is characterized by a highly diverse regulatory landscape shaped by varying political systems and state capacities. Major multinational tech companies such as Meta, Google, Wikimedia Foundation, TikTok, X, and Cloudflare all operate extensively in both the EU and Southeast Asia. As a result, there is considerable potential for a Brussels Effect in the region, with the DSA influencing platform practices and regulatory expectations through corporate compliance spillovers. Additionally, Southeast Asia holds strategic importance for the EU's geopolitical security and defense interests. The EU has been steadily deepening its cooperation with the Association of Southeast Asian Nations (ASEAN), its third-largest trading partner (European Parliament 2024; EEAS 2024), underscoring growing economic ties and shared priorities in digital governance and regional stability. This broader partnership creates incentives for Southeast Asian governments to align with EU digital norms and regulatory frameworks, often through bilateral trade agreements and Partnership and Cooperation Agreements (PCAs) that facilitate the diffusion of the DSA via mechanisms of Europeanization. These agreements often include "essential elements" clauses that make the respect for human rights, democratic principles, and the rule of law a foundational condition for cooperation (European Parliamentary Research Service 2019).

At the same time, governments across Southeast Asia are increasingly shifting toward digital authoritarianism and often selectively adopt and reinterpret global norms and standards in order to legitimize or expand state control over online spaces (Mchangama and Fiss 2019; Schuldt 2021). This practice is particularly visible in how some regimes co-opt the rhetoric of transparency and platform accountability, citing concerns over misinformation, user safety, and national security, to justify censorship, surveillance, and political repression. In Singapore, for example, the notorious Protection from Online Falsehoods and Manipulation Act (POFMA) was introduced in 2019 as a measure to "protect [the] public and Singapore's interests against misinformation" (Government of Singapore 2024). In reality, however, it has primarily served as a tool for the Singaporean government to harass and prosecute activists and suppress political dissent (Ratcliffe 2024; Human Rights Watch 2021). Article 66(d) of Myanmar's Telecommunications Law 2013 has been similarly used for targeting activists and journalists under the guise of maintaining accountability and public order (ARTICLE 19 2017), and so is the case for the Philippines' Cybercrime Prevention Act 2012 (Amnesty International 2012), Indonesia's Electronic Information and Transactions Law 2016 (International Federation of Journalists 2024), and Malaysia's Anti-Fake News Act 2018 and its COVID-19 era reincarnation (International Press Institute 2024).

As a result, Southeast Asia has emerged as one of the most aggressive regions in the world for repressive and draconian online speech regulations. These laws impose sweeping prohibitions on speech, consolidate state control over digital infrastructure, and mandate digital economy restrictions in a way that facilitates and institutionalizes the state's capacity for digital repression. Some of these laws bear resemblance to provisions in the EU DSA, such as notice-and-action mechanisms in Indonesia's Ministerial Regulation No. 5 and the Philippines' Memorandum

Circular 2023-025; personnel localization and requirements for digital platforms to establish local offices under Thailand's Digital Platform Services Law 2023, and Vietnam's Cybersecurity Law 2018 and its implementing Decree 53; and government access to computer systems and networks through Myanmar's Cybersecurity Law 01/2025, and Malaysia's Computer Crimes Act 1997 and the Communications and Multimedia Act 1998, which also require digital platforms to cooperate with their respective law enforcement agencies. This is not to suggest that these laws directly emulate the EU DSA, which would be implausible given the starkly different legal traditions and political contexts in which Southeast Asian governments operate. Rather, governments in Southeast Asia selectively borrow, adapt, and recontextualize regulatory mechanisms from the European Union, such as the German NetzDG 2019, to justify and legitimize their own models of digital governance.

The adoption of the Digital Services Act in the EU also coincides with a growing trend in Southeast Asia toward the indirect regulation of speech (DigitalReach 2022). Indirect regulation, as explained further in this paper, refers to the use of intermediary liability rules to shift or expand responsibility for specific pieces of prohibited content from users to online service providers and digital platforms. While the DSA employs a tiered approach to regulating online intermediaries - focusing on removing illegal content while carefully balancing fundamental rights - Southeast Asian regulatory models tend to enable government overreach by imposing broad and undifferentiated obligations on platforms, often with minimal safeguards for users' rights. Nevertheless, both approaches are developing in parallel, and as the DSA gradually establishes itself as a global standard for content regulation, transparency, and intermediary liability, it risks becoming a regulatory blueprint that authoritarian regimes may appropriate to justify political repression under the guise of lawful control. Given these contrasting regulatory

environments, it is crucial to study how the DSA's diffusion to Southeast Asia unfolds. Understanding the mechanisms and dynamics of this policy transfer will shed light on how different models of digital governance influence freedom of expression in a region widely known for human rights violations and the systematic targeting of pro-democracy activists and journalists.

Case studies and methodology

To explore how the EU DSA model of regulation may influence laws in Southeast Asia in ways that risk facilitating further political repression, this paper will focus on Thailand and Vietnam as primary case studies. These two countries are particularly instructive because they represent broader regional trends toward digital authoritarianism despite certain key differences in their political contexts and institutional approaches to governance. Both Thailand and Vietnam have adopted increasingly stringent digital regulations in recent years, and their complex regulatory frameworks provide a critical lens through which to examine how elements of the DSA may be appropriated. Moreover, Thailand and Vietnam are dominant players within ASEAN, with significant influence on regional policy making and digital infrastructure development. Their legal and political trajectories often reflect and reinforce regulatory patterns seen across neighboring states. By analyzing the various modalities through which EU digital policies diffuse globally, this paper examines how the Brussels Effect shapes the extraterritorial influence of the DSA and its potential reach beyond Europe. It then explores the risks of selective policy borrowing in Southeast Asia, particularly how authoritarian governments might appropriate elements of the DSA to justify increased political repression. Finally, the paper critically assesses the EU's efforts - and notable limitations - in promoting and enforcing its digital norms within the region's complex and often resistant political landscape.

This study adopts a qualitative research approach to understand the unique digital regulatory frameworks operating within the political environments of Thailand and Vietnam. The analysis draws upon a comprehensive review of relevant laws and regulations, including those related to intermediary liability, cybersecurity, digital governance, online transparency, data protection,

sedition, and pertinent provisions in criminal and constitutional law. To provide regional context, the study also considers regulatory patterns in other Southeast Asian countries. These legal analyses are supplemented by three in-depth interviews conducted with journalists, researchers, and pro-democracy activists who specialize in digital rights and political expression in Thailand and Vietnam. Their perspectives provide valuable insights into how the regulatory landscape affects civic freedoms on the ground.

Given that the DSA is a relatively recent legislative development, academic literature on its extraterritorial impact remains limited. To address this gap, the study relies extensively on non-traditional sources such as academic blog posts, online policy discussions, and detailed analyses of publicly available documents from the European Commission and European Parliament to better understand the legislative intent and framework of the DSA. A particularly important set of materials includes the systemic risk assessments and risk mitigation reports that the DSA requires major online platforms to publish. Under Articles 34 and 35, Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) with over 45 million active users in the EU must annually conduct and disclose these assessments, providing a valuable window into how companies like Google, Meta, and the Wikimedia Foundation are operationalizing the DSA's requirements. Examining these reports offers crucial insights into how these platforms align their existing transparency and risk management strategies with the DSA, shedding light on the potential global influence of the regulation.

Finally, to validate and enrich the analysis, three additional interviews with scholars and industry experts specializing in digital policy and platform governance were conducted. Their expert

insights help contextualize the findings within broader debates on digital regulation and the diffusion of the DSA model beyond Europe.

Modalities of Global Diffusion of EU Policy

Public policy diffusion across jurisdictional borders can take varied forms. For the present case study, three modalities of diffusion are relevant. One, the borrowing by a policymaker - on their own initiative and pursuing their own interests - of discretionarily selected elements from the regulatory framework of another jurisdiction ("voluntary policy borrowing"). This is a relatively straightforward concept. The two others are more specific, complex and based on concrete theories in the literature.

As introduced earlier in this paper, the Brussels Effect - a term coined by Finnish-American legal scholar Anu Bradford - describes the EU's unilateral ability to set global standards through its regulations. This concept is widely recognized within the technology sector and provides a useful lens for analyzing how the EU's newest landmark legislation, the DSA, might influence global digital governance. The Brussels Effect refers to the EU's capacity to leverage its large and lucrative market, combined with robust regulatory frameworks, to shape international business practices and standards (Bradford 2020, 142-143). As previously discussed, the GDPR is a notable example and its impact is particularly significant because it established concrete, enforceable requirements - such as mandatory data breach notifications, strong user rights, and strict consent standards - that companies worldwide must comply with if they wish to operate within the EU. For most companies, exiting the EU market would be commercially unviable; thus, instead of maintaining separate compliance regimes, many opt to apply GDPR standards universally, effectively raising the global bar for data protection and prompting similar regulatory frameworks internationally. Given the DSA's similarly rigorous and comprehensive framework,

experts widely anticipate it will generate a comparable Brussels Effect, as companies seeking access to the EU's vast market may find it economically and operationally preferable to adopt these new standards globally (Husovec 2024).

Generally, companies tend to favor operational standardization because it enhances efficiency. Standardized regulations simplify staff training, ensure product and service consistency across markets, and streamline oversight and enforcement when expectations are aligned worldwide (Bossert et al. 2024). Consequently, when regulatory requirements apply to major markets or multiple jurisdictions encompassing significant portions of a company's user base, firms often implement these standards universally (Levitt 1983; Bartlett and Ghoshal 1989).

The second modality, Europeanization, involves the EU playing a deliberate and strategic role in exporting its regulatory standards. Europeanization refers to the EU's capacity to shape notions of what is considered 'normal' governance and normative behavior (Manners 2002, 239), embodying its normative power in external relations. Since the end of the Cold War, there was a marked shift in the EU's development cooperation policies from equitable partnerships toward conditional approaches emphasizing democracy, rule of law, and human rights in third countries (Yeo 2010). This constitutional basis is enshrined in Article 21 of the Treaty on the Functioning of the European Union (TFEU), which guides the EU's external actions. Part of these commitments includes fostering strategic and developmental partnerships in areas of common interest, aligning with international norms and EU standards.

Since the early 1990s, EU agreements with third countries have routinely incorporated an "essential elements" clause mandating respect for human rights and democratic principles

(European Parliament 2023). These clauses serve both as symbolic commitments and as the legal foundation for conditionality - that is, they enable the EU to suspend or reconsider agreements if serious violations occur. The use of conditionality reflects the EU's broader normative identity in external relations, often characterized as a foreign policy wielding influence through ideas and values rather than military or purely economic power (Diez 2005, 615). This normative dimension is crucial to understanding the extraterritorial impact of the DSA, which extends beyond the market-driven mechanisms typical of the Brussels Effect and highlights the role of political and legal influence in shaping digital governance abroad.

The Brussels Effect of the DSA

Policymakers in Brussels count on the profitability of the EU's internal market to incentivize companies to extend the DSA's reach, making its extraterritorial application a conscious and integral part of the EU's overall regulatory approach (Lemoine and Vermeulen 2023). Understanding this legislative intent behind the DSA is crucial to grasping not only why the EU seeks to extend its regulatory influence beyond its borders, but also how and why companies are increasingly expected to align their global operations with DSA norms as a means of standardizing compliance practices. According to Dr Joan Barata, Senior Legal Fellow at the Future of Free Speech at Vanderbilt University, the EU's interest in the so-called "Brussels Effect" is both political and strategic, aiming to encourage other countries to adopt similar regulatory models, thereby facilitating trade and simplifying legal alignment. This also bolsters the legitimacy of the EU's approach, especially in the face of resistance from U.S.-based platforms that favor American regulatory norms. As more countries adopt the EU model, platforms face greater pressure to apply it globally, potentially leading to its emergence as the *de facto* international standard.[2]

In a similar way that the GDPR was introduced to level the playing field for EU-based companies who had long faced more stringent obligations than foreign competitors under the Data Protection Directive 95/46/EC, the DSA seeks to achieve a similar goal by replacing the outdated E-Commerce Directive 2000/31/EC. Both regulations reflect the EU's intent to ensure that

[2] From Dr Joan Barata's interview with the author on 27 May 2025.

companies operating in its internal market are subject to comparable standards, regardless of where they are based. This is particularly crucial given the inherently borderless nature of digital services, where content and products can easily reach EU users from outside the Union. The extraterritorial scope of the DSA helps close regulatory gaps and prevents platforms from circumventing EU rules simply by operating from abroad. At a deeper level, as Dr Barata points out, the DSA also reflects the EU's distinct vision of freedom of expression, treating it as a fundamental right while recognizing the legitimacy of narrowly defined restrictions, particularly in the context of hate speech and disinformation.[3]

The vision of EU policymakers for the DSA to have a global reach is visible in the law's first real-world stress test in the context of a major international crisis, which occurred following the 2023 outbreak of the Israel-Hamas war. As the war unfolded, disinformation, violent imagery, and terrorist content spread rapidly across major global online platforms. In reaction to this, the European Commission launched investigations into Meta (European Commission 2023a) and TikTok (Goujard 2023) to evaluate their compliance with the DSA's content moderation obligations, in particular their efforts against "the dissemination and amplification of illegal content and disinformation" (France 24 2023). It also opened formal proceedings against X (formerly Twitter), with preliminary findings pointing to breaches of the DSA in areas linked to risk management, content moderation, dark patterns, advertising transparency, and researcher access to data (European Commission 2023b). This marked an early and high-profile example of how the Commission envisions the DSA as a regulatory instrument for responding to global events that pose threats to EU citizens and democratic processes (European Commission 2025a).

[3] Ibid.

This position was strongly endorsed by the European Parliament as well. Speaking at a parliamentary hearing on behalf of the Working Group on the Implementation of the DSA, Christel Schaldermose MEP (S&D) sided with this invocation of platform responsibility by the Commission against large-scale disinformation campaigns in the context of the Israel-Hamas war. Schaldermose further commented on the DSA's international relevance and applicability, signalling the rise of the "Brussels Effect" as a strategic advantage for the EU (European Parliament 2025).

The extraterritorial intent of the DSA is evident from the outset of the law. Its scope under Article 2 extends to local and foreign intermediary services operating in the Union, regardless of their original place of establishment (EU Digital Services Act, Art. 2). The DSA mandates the appointment of company points of contact for Member States and the Commission (Article 11), as well as legal representatives who are responsible "in addition to or instead of [foreign intermediary providers]" on issues related to compliance (Article 13). These mechanisms not only facilitate the EU's ability to enforce compliance among foreign companies operating within its territory, but also underscore how the DSA imposes a broader responsibility on multinational companies with a large EU presence to align their core operations with the Act's transparency, due diligence, and content moderation obligations. The text of the law, however, contains areas of ambiguity, particularly regarding the definition of systemic risks (Article 34) and the territorial scope of specific obligations such as notice and action mechanisms (Article 16), which leaves important aspects of DSA enforcement at the discretion of the Commission and EU Member States. For instance, Article 9, which governs orders to act against illegal content, allows national judicial or administrative authorities to issue takedown orders to intermediary service providers. The territorial reach of such orders must be based on the applicable Union or national law and

should be “limited to what is strictly necessary to achieve its objectives” (Article 9, section 2(b)). But this provision must also be read alongside Recital 36 of the preamble, which clarifies that “in a cross-border context, the effect of [an] order should in principle be limited to the territory of the issuing Member State, *unless* the illegality of the content derives directly from Union law *or the issuing authority considers that the rights at stake require a wider territorial scope.*” Authorities must also consider principles of international comity in such cases.

While these provisions promote a measured approach to cross-border enforcement, the lack of clearly defined territorial limits - exemplified by the final clause of Recital 36 - introduces a degree of strategic ambiguity which could support the DSA’s extraterritorial application, particularly in response to threats that transcend national borders. One such example is the Guidelines on the Mitigation of Systemic Risks for Electoral Processes, published in March 2024, which suggests measures for companies to tackle Foreign Information Manipulation and Interference (FIMI). As part of these guidelines, the Commission recommends a tiered response in cooperation with national authorities, ranging from less intrusive actions such as informational prompts and labels (Section 3.2.1(27)(c)) to more robust measures such as circuit breakers or demonetization for high risk FIMI (Section 3.2.1(27)(g)). However, the lack of clear definitions of key terms such as “electoral processes,” “systemic risks,” and “foreign information manipulation and interference (FIMI)” undermines legal clarity (Barata and Lazăr 2024) and makes it difficult for companies to tailor mitigation measures as required by the DSA (Peukert 2024). Nevertheless, these guidelines were determinative of company responses to electoral manipulation during the European Parliament elections in June 2024 and the Romanian elections in December 2024. Although, in the case of the latter, institutional fragmentation and weak coordination amongst Romanian authorities, in terms of practical enforcement of the DSA,

resulted in foreign influence operations playing a visible role during the electoral process, thereby reinforcing the importance of the DSA amongst EU officials (Civitates 2025).

It remains to be seen to what extent companies will adapt DSA norms outside the EU, particularly in jurisdictions where EU institutions and Member States can influence regulatory norms, but not fully control corporate operational decisions. The DSA has been in effect for slightly under three years, too short a time for the relevant practices to be fully consolidated, and it is difficult to obtain concrete evidence of DSA spillover effects given the complexity and confidentiality of internal processes within tech companies. However, significant patterns of action are beginning to emerge, and can be described on the basis of insights offered by public corporate disclosures such as audits, risk assessments, and the DSA-mandated mitigation reports published by VLOPs and VLOSEs. The picture that emerges features variation from company to company, but it is clear that the DSA is having extraterritorial effects.

An area in which the potential for spillover effects is considerable is that of risk assessment and mitigation (Articles 34 and 35). As expressed by Jason Pielemeier, Executive Director of the Global Network Initiative (GNI), “The online risks and harms addressed by the DSA are often global in nature. Many of the risks in Europe, such as those related to addictive behaviors or harm to minors, are also present in other regions. If companies are conducting risk assessments for the DSA, they may find that addressing these issues globally is more efficient and beneficial.

They might choose to implement mitigation measures globally, not just in Europe, based on the insights gained through the DSA process."[45]

Google is a complex intermediary providing services ranging from search engines and online marketplaces to maps and app stores. Its content policies and enforcement actions take place at varying levels of granularity, as a result of which its services are more tailored to responding to region-specific laws in localized manners. Even then, Google's public statements and blog posts emphasize that while some features and reporting tools will be introduced specifically for EU compliance, "there will also be new insights for those in all regions," particularly in areas like transparency reporting, moderation decision disclosures, and ad targeting information. Their approaches to trust and safety, transparency, and content moderation are largely shaped by global standards and best practices, and with the DSA now formalizing many of these approaches, its standards are likely to influence the company's operations globally.

In a blog post from 2023, Google acknowledged that while certain DSA-specific requirements are tailored to EU users, its broader approach to trust and safety, transparency, and content moderation - now formalized by the DSA - has been shaped by global standards and is often applied at scale (Richardson and O'Connor 2024). For instance, Google's systemic risk assessment reports, mandated by the DSA, highlight mitigation efforts likely to be implemented across its global services. The company has stated that "mitigation enhancements [represent]

[4] From Jason Pielemeier's interview with the author on 20 March 2025.

[5] GNI is a leading multistakeholder organization in tech and human rights, promoting responsible business conduct through stakeholder engagement and independent assessments of member companies for over sixteen years. Its extensive expertise and multistakeholder approach uniquely positions GNI to analyze and clarify the extraterritorial implications of the DSA. The author is affiliated with GNI. However, the views expressed in this paper are the author's own and do not necessarily reflect those of GNI or its members.

additional commitments by Google to further address systemic risk in the EU and, in many cases, globally. Taken in combination with our existing measures, these enhancements help ensure that our mitigations are reasonable, proportionate, and effective, and address the evolving nature of systemic risk" (Richardson and O'Connor 2024). The tables below, drawn from Google's 2023 and 2024 systemic risk assessment reports, illustrate the types of mitigation measures being introduced or enhanced in response to DSA requirements. Most of these are applicable on a global scale unless otherwise noted.

Mitigations Applicable to Multiple Services

DSA Article 35 Mitigation Type	Mitigation	Description
Testing and adapting algorithmic systems	Incorporating signals out of recent phishing incidents	We incorporate signals from incidents to continuously improve machine learning models, internal human review guidelines, and investigation methods. This includes suspending bad actors from Google services.
	Updating manual reviews and machine learning models to stay ahead of new abuse behaviours and patterns	We regularly update machine learning models to flag phishing ads and accounts at their source, learning from the latest methods adversarial actors use to circumvent systems. While systems are constantly improving, attackers swiftly shift tactics in an attempt to game the systems. This is an adversarial space, so as the systems learn about new fraud patterns, they can better detect and action ads and accounts. Additionally, we continuously update internal human review guidelines based on new abuse behaviours and patterns.
Adapting advertising systems and adopting targeted measures	Expanded scope of business verification	We require advertiser verification in multiple key verticals (e.g. elections, financial services) and look to maximise verification generally. Currently, the vast majority of ad impressions in the EU (and globally) are from verified advertisers. We are further investing in scaling advertiser verification.
Reinforcing internal processes, resources, testing, documentation and supervision	Algorithms and language action function	By improving the translation capabilities that support content moderation, we are able to improve the accuracy of our moderation systems. Google Translate will be investing in improving general translation quality between English and German, French, Italian, Portuguese, Dutch, Polish, Turkish, Arabic, Russian, and Spanish. As we improve our translation technology with these languages, we will be bringing these improvements to more European languages.
	Increasing due diligence around personal information	We are continuing to improve access restrictions regarding personal and serving data to improve data security.

Figure 1: Summary of cross-service mitigation strategies from Google's 2023 Systemic Risk Assessment with global applicability.

Mitigations Applicable to Multiple Services

DSA Article 35 Mitigation Type	Mitigation	Description
Reinforcing internal processes, resources, testing, documentation, or supervision.	Improving cross-Google signal sharing to improve scam detection	We will incorporate additional signals regarding incidents and bad actors across services to improve detection of bad actors.
Adapting terms and conditions and its enforcement	Improve safeguards to curb misuse by malicious advertisers	We are investing in updates to refine the process for provisioning tools available to advertisers to encourage responsible use of our platforms and mitigate speed and scale of abuse.
Reinforcing internal processes, resources, testing, documentation, or supervision.	Hardening upstream protections and leveraging responsible feature access to mitigate bad actors	We are further bolstering Google account security and anti-fraud/scams protections upstream to minimise the risk of threat actor access to Google accounts.

Figure 2: Summary of cross-service mitigation strategies from Google's 2024 Systemic Risk Assessment with global applicability.

Similarly, the Wikimedia Foundation underwent its first annual independent audit under the DSA in 2024, as part of which some recommendations were issued for the organization, including the development of an EU-specific Terms of Use and an Incident Reporting System (IRS). The Wikimedia Foundation's response to the audit recommendations confirmed their plans to make their Terms of Use, which applies globally to all users of its projects, "less US-centric" (Wikimedia Foundation 2024). This suggests that any changes introduced therein as part of their DSA obligations are likely to shape its use policy globally. The Foundation has also confirmed that its Trust and Safety team is developing a new IRS that would allow its users to report cases of harassment and abuse on its services. While the development of the IRS is partly driven by compliance needs under the DSA, it is being designed as a global tool to standardize and simplify the process of incident reporting for all its users, and is expected to be rolled out globally (Wikimedia Foundation 2024).

However, the more complex and detailed regulatory requirements get, the more difficult it becomes to standardize them. The DSA obliges companies to publish transparency reports, several of which have been produced in the years since the law's entry into force. Transparency reporting has been an established practice for over a decade, particularly around government requests and company responses. However, the DSA introduces more specific and detailed requirements, especially regarding formatting and content, compared to other regulatory frameworks, with the result that they are difficult to replicate in frameworks outside Europe. One reason may be that laws in other jurisdictions, such as the UK's Online Safety Act, have their own distinct transparency reporting rules. In addition, EU transparency requirements, if applied globally, may result in tension with local laws such as Article 112 of Thailand's Criminal Code on lèse-majesté, which conflicts with principles of freedom of expression upheld in the EU. Consequently, companies may eventually resort to producing jurisdiction-specific reports while maintaining broader, more generic global reports.

Over the course of the next few years, it will be useful to look out for mechanisms that could impose more concrete obligations on companies to replicate DSA standards globally. Under the DSA's predecessor law, the 2000/31 E-Commerce Directive, a precedent allowing for such measures exists following the October 2019 case of *Glawischnig-Piesczek v Facebook*, where the Court of Justice of the European Union (CJEU) decided against imposing territorial limitations on the removal or blocking of illegal online content. This expansive interpretation may influence how Member States implement the DSA, as well. In the case of the EU GDPR, adequacy decisions played a major role in the diffusion of EU data privacy standards, by determining whether non-EU countries provide a level of data protection essentially equivalent to that in the EU. Another influential mechanism was the adoption of Standard Contractual Clauses (SCCs),

which allowed companies to voluntarily embed EU data protection standards into their cross-border data transfer agreements, effectively exporting GDPR norms beyond Europe. It will be useful to watch for early signs of discussions in Brussels about similar mechanisms to encourage the uptake of DSA-aligned practices abroad, particularly in the form of voluntary industry commitments or regulatory cooperation frameworks.

Overall, however, both the changes of practice which are identifiable at present and these possible additional developments are essentially ancillary and secondary in nature with regard to the protection of freedom of expression and the openness of public debate. And while the full operationalization of the DSA is still underway, significant uncertainties remain regarding how the regulation will be interpreted and localized in Southeast Asia, especially in countries where digital governance is closely intertwined with authoritarian political agendas.

The Prospect of Selective Policy Borrowing for Political Repression

While the de facto Brussels Effect is a valuable framework for examining the transferability of the DSA to jurisdictions beyond Europe, it has clear limitations. The theory is insufficient on its own to effectively analyze the impact of the DSA model in Southeast Asian countries, given the distinctiveness and complexity of the region's regulatory frameworks, political contexts, and relationship with the EU. This is especially true for Thailand and Vietnam, where national political systems largely determine how governments adopt and implement digital regulations - and for what purposes. In these contexts, the interoperability and global nature of the Internet as a medium for open exchange and freely available information becomes largely redundant, as authoritarian governments deploy intricately designed legal and extralegal tactics to fragment and control the online public sphere. To understand the dynamics of future DSA regulatory diffusion, it is important to first look at how the existing legal frameworks in Thailand and Vietnam have emerged.

Political institutions and decision-making in postcolonial Southeast Asia have been largely shaped by the prevalence of authoritarian political control and the significance of national sovereignty. The latter emerged as a norm of great salience in the 1955 Bandung Conference, a landmark event that helped articulate a shared identity and common struggles for postcolonial states in the region. Two important normative traditions which developed on the basis of this, the principles of "non-intervention" and "sovereign equality", play a key role in structuring state behaviour and international relations in the region (Acharya 2008). The principles are enshrined

in foundational ASEAN documents, including the 1967 Bangkok Declaration, the 1976 Treaty of Amity and Cooperation, and the 2007 ASEAN Charter, and are critical to understanding the deeper dynamics that shape Southeast Asia's selective adoption of EU regulatory standards.

The Communist Party of Vietnam and Thailand's military-dominated hybrid regime deploy a complex set of laws enacted between 2007 and the early 2010s, comprising sedition, defamation, cybersecurity, and (in Thailand) lèse-majesté charges, to widely and systematically suppress freedom of expression in the digital sphere. Regional authoritarians' general attitude to the digital public sphere is well represented by the case of Vietnam, where government concerns grew over the novelty of the Internet and its promise of affordable, unrestricted expression at the level of individual users as early as the 1990s. As the Internet began to change the nature of traditional media, it increasingly threatened the capacity of the Communist Party's control over the public sphere. This *fear of uncontrollable content* (Ramasoota 2015) - particularly those that conflict with officially sanctioned communist ideology - became definitive of the Vietnamese government's model of heavy Internet control through maximum regulatory sovereignty.

Both countries transitioned from methods of direct to indirect regulation of speech through intermediary liability comparably sooner than the rest of the world. The CPV turned its censorship focus towards online intermediaries in the early 2010s, notably with the passage of Decree No. 72 in 2013, which forces companies to store data on local servers for government monitoring and submit periodic reports with the identification information of Internet users to authorities, under harsh penalties. Similarly, in Thailand, the military-dominated regime, particularly after the 2014 coup, also restructured its approach to controlling online speech. The 2007 Computer Crime Act (CCA) had already laid the foundation for internet censorship by

imposing severe penalties for illegal content. Under Sections 14 and 15 of the CCA, individuals and online service providers who "intentionally" allowed or supported the input of 'forged data" into a computer - such as pornographic material, content related to terrorism under the Penal Code, or information deemed a threat to national security or the security of the Kingdom - could face up to five years in prison, a fine of up to THB 100,000, or both.

A pivotal shift in enforcement strategy followed the 2010 prosecution of Chiranuch Premchaiporn, the co-founder and former webmaster of the independent news site Prachatai. In *Prosecutor v. Chiranuch Premchaiporn*, she was charged under the CCA for allegedly failing to promptly remove user-posted comments deemed in violation of lèse-majesté laws (Article 112 of the Thai Criminal Code, which imposes up to 15 years in prison for defaming, insulting, or threatening the monarchy). At the time, the government lacked direct evidence of Premchaiporn's personal involvement with the offending content, and ambiguities around intermediary liability made the case particularly contentious.[6] Her prosecution highlighted significant legal gaps regarding the responsibilities of intermediaries like web administrators and service providers. Propelled, in part, by this, the Thai government amended the CCA in 2017, introducing explicit liability for internet service providers (ISPs), expanding government powers, and establishing a formal notice-and-takedown system that empowered the Ministry of Digital Economy and Society to issue direct removal orders to intermediaries.

Both Vietnam and Thailand have further tightened their control over online intermediaries through licensing, personnel and data localization, and mandatory data access in subsequent

[6] From Chiranuch Premchaiporn's interview with the author on 23 May 2025.

years. For example, the 2018 Cybersecurity Law under Article 26 in Vietnam requires intermediaries to authenticate user information during registration and share user data with the Ministry of Public Security upon written request for investigations. Article 56 of Decree 147/2024/ND-CP also requires internet service providers to obtain operating licenses and store user data on servers located in Vietnam. While there is no legal requirement for proactive reporting in Thailand, broad obligations under Section 15 of the CCA mandates online intermediaries to disclose user information to authorities upon request. Thailand's Personal Data Protection Act (PDPA) additionally requires foreign data controllers and processors to appoint a local representative as point of contact for regulatory compliance and user interactions.

These laws bear some resemblance to provisions under the EU DSA, such as the designation of a point of contact for Member States under Article 11, the establishment of a notice-and-action mechanism for reporting illegal content under Article 16, and providing the European Commission with access to data for monitoring compliance under Article 40. While the objectives of the DSA differ almost entirely from the laws in Thailand and Vietnam, the general approach to regulation creates a rhetorical cover for the Southeast Asian countries to co-opt the language of the DSA for legitimizing their own approaches to governance.

This is not a new phenomenon. In 2019, the Singaporean government explicitly referenced Germany's Network Enforcement Act (NetzDG) during parliamentary debates leading up to the adoption of the notorious Protection from Online Falsehoods and Manipulation Act (POFMA) (Schuldt 2021). Similarly, Indonesia cited the NetzDG during the drafting of its Cybersecurity Bill in 2020 (Schuldt 2021), though that legislation ultimately did not come into force. The NetzDG was among the first European laws to introduce a notice-and-action mechanism, aiming

to empower users to report hate speech directly to online intermediaries. However, Southeast Asian governments adapted this framework to establish more centralized mechanisms of government control over online platforms, extending state influence into intermediary regulation. As explained by Jason Pielemeier, "Some countries have become adept at copying text from EU laws, which makes it harder for democracies to object - even if the same clause, implemented in a country with weaker rule of law and less regulatory capacity, is more likely to harm human rights. This isn't a reason for the EU or other democracies to avoid content regulation, but it does mean they need to clearly articulate what makes their approach different from those they criticize."[7]

Borrowing of this type from the DSA has not yet occurred in an identifiable manner as of the writing of this thesis. Both the regimes' track record and the nature of certain aspects of the law make it clear, however, that there exists a significant risk of it. This makes it all the more crucial for assessing the influence of the DSA on Thailand and Vietnam to study the dynamics in the cases of the third, more proactive form of diffusion, which occurs through Europeanization.

[7] From Jason Pielemeier's interview with the author on 20 March 2025.

The EU's (Non-)Efforts to Spread DSA Norms

ASEAN is the third largest trading partner and longtime dialogue partner for the EU, with formal ties first established in 1977 (Asian Human Rights Commission 2012). The EU Strategy for Cooperation in the Indo-Pacific, published in 2021, identifies ASEAN as a linchpin in the broader Indo-Pacific architecture and signals a desire to increase its engagement with Southeast Asian countries under certain core guiding principles including the promotion of economic resilience through open and fair trade, and enhancing digital connectivity against global challenges (European External Action Service 2021a; EU-ASEAN Business Council 2025).

These principles are reiterated in the 2021-2027 EU Multiannual Indicative Programme (MIP) for Vietnam, which is a notable milestone in their bilateral relationship. The MIP outlines the EU's plans to "advance engagement in specific areas where the EU has strong interest and added-value, especially given the EU's status as an economic power, normative global standard setter and upholder of the multilateral rules-based global order" (European Commission 2021). The EU's digital policy priorities in Vietnam outlined in the MIP include leveraging the EU-Vietnam Free Trade Agreement (EVFTA) to promote digital tools, and EU standards under the Digital for Development (D4D) initiative (European Commission 2025c).

In 2023, the EU also adopted a Partnership and Cooperation Agreement (PCA) with Thailand. Article 19 of the PCA states, "recognising the global nature of digital trade, the Parties affirm the importance of actively participating in multilateral fora to promote the development of digital trade." Although formal EU-Thailand ties were only recently formalized, the adoption of the

PCA has led to an agreement to relaunch negotiations on a free trade agreement that could strengthen the EU's positionality in the country (European External Action Service 2025).

These agreements, while soft power instruments, play a crucial role in EU norm diffusion abroad, given the economic and geopolitical incentives they offer to partners like Thailand and Vietnam. As described under section 1.1 of the EU-Vietnam 2021-2027 MIP, the latter seeks "international partners to counterbalance the overwhelming economic influence of China," and thus welcomes deeper engagement with the EU. A tangible example of EU digital norm diffusion is Vietnam's 2023 adoption of Decree No. 13/2023/ND on the Protection of Personal Data (PDPD), which closely mirrors the EU's GDPR (European Commission 2021–2027b, 3–4).

However, it is necessary to realize that the EU's norm entrepreneurship in Southeast Asia is not a politically neutral endeavor (Beckman and Trong Tan 2023). While conditionality - linking compliance with rewards - has proven effective in EU accession countries, its application is much more limited in regions like Southeast Asia where membership is not on the table. Here, the EU instead leans on strategies such as "socialization," "persuasion," and "capacity-building" to encourage reforms (Reichert 2022), such as through its backing of UNESCO's Internet for Trust (I4T) Guidelines for the Governance of Digital Platforms. By supporting multilateral initiatives like I4T, the EU seeks to shape global platform governance norms by promoting its standards in the soft law frameworks that guide digital policy development worldwide (UNESCO 2025). Yet in its active pursuit of regulatory diffusion, the EU often overlooks, or strategically ignores, the consequences of its digital standards in environments with weak human rights protections, where such norms can be co-opted to entrench censorship and state control.

There is no straightforward institutional alignment between Southeast Asian governance systems and EU-oriented legal norms. To understand how the impact of the EU's norm-promotion plays out, it is essential to first identify the region's cognitive priors in this context. Cognitive priors refer to deeply ingrained ideational frameworks that shape how states interpret and respond to external norms. In Southeast Asia, the principles of sovereignty and non-intervention have formed the bedrock of states' (and later ASEAN's) regional identity and diplomatic posture since the Bandung Conference. These cognitive priors, in particular the principle of non-intervention, continue to be invoked to resist external scrutiny on human rights issues. Instead, Southeast Asian governments tend to *selectively* adopt aspects of EU frameworks, often just enough to fulfill bilateral obligations, which serves a dual purpose. It helps countries meet external expectations while legitimizing domestic policies that suppress online dissent and political opposition.

Criticism is deflected in particular by leveraging geopolitical dynamics and the threat of deepening ties with China. "Vietnam is practicing what it calls 'bamboo diplomacy.' Many top Vietnamese officials have close personal and ideological ties with China, given their shared communist backgrounds. But Vietnam also wants to benefit from economic partnerships with Western countries," shares Michel Tran Duc, Advocacy Director of Viet Tan.[8] "They're trying to walk a tightrope. If they lean too far toward the West, it risks exposing their political system to demands for democratization. If they lean too far toward China, it could provoke strong domestic

[8] Viet Tan is a pro-democracy organization advocating for democratic reform in Vietnam through grassroots mobilization and international lobbying. In 2016, it was labeled a terrorist organization by Vietnam's Ministry of Public Security in a step widely viewed by human rights groups as an effort to suppress dissent (Börzel, Risse, and Dandashly 2009). Since 2019, Michel Tran Duc has led the organization's advocacy efforts, with a particular focus on the EU's failure to uphold its human rights commitments in its dealings with Vietnam, especially under EVFTA.

backlash, because anti-China sentiment among the Vietnamese public is very strong. So they play both sides." Tran Duc adds that the Vietnamese government uses the West's fear of pushing Vietnam closer to China as a way to shield itself from criticism, which, in reality, is misplaced. "The Vietnamese public, if given a choice, would never choose China over Western countries."[9]

Initially welcomed by civil society as a potential accountability mechanism, the EVFTA was seen as an opportunity to tie economic cooperation to improvements in human rights in the country. However, the EU has failed to act upon, or leverage in a serious manner, the agreement's essential elements clause, despite serious and well-documented rights violations in Vietnam. Calls by civil society to suspend or review the EVFTA have been largely neglected (Lawyers for Lawyers et al. 2018; ASEAN Parliamentarians for Human Rights et al. 2019; ARTICLE 19 et al. 2024). More generally, despite several attempts, the European Parliament has struggled to hold the Commission accountable for its inaction (International Federation for Human Rights 2024). The Commission, in turn, has strategically avoided direct engagement with civil society on this issue, prioritizing geopolitical and economic interests over its normative commitments under the EU's founding treaties.

Tran Duc describes Viet Tan's efforts to hold the EU accountable through the Single Entry Point (SEP) mechanism, which allows civil society to file complaints against trade partners for non-compliance with trade agreements. "We submitted a complaint last year, arguing that Vietnam has failed to allow independent trade unions and has not reformed its labor laws," he explains. "It's still under review, and there has been no official response. The process is clearly political. In

[9] From Michel Tran Duc's interview with the author on 15 May 2025.

meetings, Commission officials have admitted Vietnam hasn't fulfilled its promises, yet they've taken no action. Economic incentives outweighed human rights concerns, and that's why the agreement was ratified without meaningful accountability."[10]

While EU ties with Thailand are not as deep-rooted or institutionalized as those with Vietnam, the EU has been steadily moving toward greater engagement with both the country (as reflected in the signing of the PCA) and the region as a whole. This is especially relevant as the EU plans to resume negotiations on a free trade agreement with Thailand, and it remains to be seen whether the EU will uphold its normative commitments in this renewed relationship, or if it will once again subordinate human rights concerns to economic and geopolitical interests.

[10] Ibid.

Conclusion and Way Forward

Ultimately, while several years of work still lie ahead, the transferability of the EU DSA and its potential adoption as a model by Southeast Asian countries is to be expected. In practical terms, whether the DSA enhances global transparency practices among multinational companies or instead becomes a legitimizing tool for authoritarian models of digital governance will greatly depend on the extent to which the EU prioritises a commitment to human rights in its handling of the issue in foreign policy. While company behavior may vary based on the divisibility of their services and the adaptability of policies across jurisdictions, the EU's normative identity in external relations remains influential as to the extent to and the manner in which the DSA's principles become standardized in third countries. The case of Vietnam, in particular, highlights how the EU's norm-setting power can have significant consequences for human rights abroad when fundamental rights obligations are not adequately monitored or enforced. As the EU's most significant partner in Southeast Asia, both in terms of trade and strategic cooperation, Vietnam offers a critical example of the wide set of legal and diplomatic instruments that the EU may use to diffuse its digital standards. For countries like Thailand that are newly establishing or formalizing ties with the EU, Vietnam presents useful lessons in the gaps in rights protection and accountability mechanisms that can emerge when digital regulatory frameworks are transferred without parallel investment in institutional safeguards.

The EU has already been subject to significant scrutiny for its bilateral relationship with Vietnam. In 2016, the European Ombudsperson Emily O'Reilly found the European Commission guilty of maladministration in its handling of the EVFTA. The decision underscored the necessity of

conducting a human rights impact assessment (HRIA) prior to concluding the agreement and dismissed the Commission's assertion that existing dialogue, development cooperation, and human rights clauses in the EU-Vietnam PCA were sufficient to fulfill its human rights obligations (European Ombudsman 2016). This finding was acknowledged and echoed by Members of the European Parliament, who stressed that "trade agreements are not a formality and can be instrumental in shoring up regimes violating human rights" (International Federation for Human Rights 2022). Despite these concerns, the European Parliament ratified the EVFTA in 2020, prompting widespread criticism from European and Vietnamese civil society organizations (European Ombudsman 2017).

The episode continues to fuel debate over the credibility of the EU's commitment to human rights in its external trade policy and underscores the structural limitations of its current enforcement mechanisms. Additionally, while Article 263 TFEU allows for the judicial review of EU acts, including international agreements, such a challenge must be brought by a qualified institution such as the European Parliament or a member state - and even then, only on limited legal grounds. In reality, these legal pathways have rarely, if ever, been used to challenge trade agreements on the basis of human rights. There has been no precedent for invoking the "essential elements" clause as a legal basis to suspend or annul an agreement (Greens/EFA 2023). This reflects not only institutional constraints but also the broader political reluctance to confront trade partners over rights violations when economic or strategic interests are at stake. As such, the effective protection and promotion of human rights in EU external relations remains a fundamentally political question. It depends less on legal enforceability and more on the political priorities, cohesion, and resolve of EU institutions and member states to act consistently with their declared values.

Geopolitically, while the growing influence of China in Southeast Asia presents a challenge (Reuters 2025), it should not compel the European Union to compromise its core principles in pursuit of economic gain. As Michel Tran Duc argues, the EU must overcome its "absolute fear" of Chinese influence to maintain clarity and rationality in its external decision-making.[11] This perspective is echoed by Mong Palatino, Southeast Asia Editor of Global Voices, who notes that the EU retains considerable leverage in its bilateral relationships with countries like Thailand and Vietnam due to its economic strength and global standing. The principle of non-intervention - frequently invoked by ASEAN member states to dismiss international discussions on human rights and democratization - is not a fixed doctrine.[12] In recent years, it has been increasingly questioned by regional politicians, particularly in light of crises such as the Rohingya refugee situation (Reuters 2021).

"If reform doesn't come from ASEAN or governments, it can certainly come from the ground up through solidarity networks and citizen alliances," Palatino notes. "That means not just civil society efforts, but people-to-people engagement to share knowledge, best practices, and values across borders. The EU can support that by funding exchanges, protecting digital spaces for dialogue, and standing with local actors." He concludes, "We in the region need more allies, and the EU can be one if it holds firm to its principles."[13]

[11] Ibid.
[12] From Mong Palatino's interview with the author on 14 May 2025.
[13] Ibid.

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