From Trade to Transformation: How EU Investment Provisions Shape Environmental Governance in Indonesia and Vietnam

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Abstract. This paper examines the transformative influence of European Union (EU) investment provisions on environmental governance frameworks in the ASEAN region. As bilateral and multilateral investment agreements increasingly incorporate sustainability chapters, the EU has positioned itself as a normative actor exporting green standards through trade and investment. Drawing on a comparative analysis of EU-ASEAN investment instruments—such as the EU–Vietnam Investment Protection Agreement and ongoing negotiations with Indonesia—this study explores the legal, institutional, and political implications of such provisions. The paper argues that EU conditionalities catalyse regulatory convergence and incentivize ASEAN member states to integrate environmental governance into national development agendas. Through a qualitative comparative analysis of treaty texts, policy statements, and secondary data, the research highlights both the potential and the limitations of trade-induced environmental reforms in the Global South. The findings contribute to ongoing debates on green diplomacy, sustainable trade, and the diffusion of environmental norms across asymmetrical interregional partnerships.

1 Introduction

Over the past decade, international investment agreements have undergone a significant transformation, evolving beyond traditional economic provisions to encompass broader sustainable development objectives. This shift reflects a growing recognition that economic growth cannot be decoupled from environmental protection and social well-being in an increasingly interconnected world. In this landscape, the European Union (EU) has emerged as a pioneering actor, actively embedding environmental and social standards into its investment frameworks. This development aligns closely with the EU's self-ascribed role as a "normative power" that seeks to export its values through economic engagement and institutional cooperation, particularly with regions such as Southeast Asia, where rapid industrialisation has raised pressing sustainability concerns.

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As ASEAN countries pursue deeper integration into global value chains to enhance their economic competitiveness and attract foreign direct investment, their partnerships with the EU carry increasing regulatory and normative implications especially in the domain of environmental governance. These implications arise not merely from market access conditions but also from broader expectations of aligning domestic policies with international environmental standards.

Environmental challenges in ASEAN, such as deforestation, biodiversity loss, and industrial pollution, have long posed governance dilemmas that are deeply intertwined with development strategies. While some member states have introduced environmental legislation over the years, implementation often remains weak due to limited institutional capacity, overlapping bureaucratic mandates, and competing economic priorities that prioritise short-term growth over long-term sustainability [1]. Moreover, transboundary environmental issues further complicate governance efforts, requiring coordinated policy responses that are often politically and administratively difficult to achieve.

With the EU becoming more assertive in linking investment access to environmental compliance—most recently through instruments such as the European Green Deal, Carbon Border Adjustment Mechanism, and Deforestation Regulation ASEAN countries are under growing pressure to reconcile their trade and industrialisation ambitions with stringent sustainability demands set by external partners. The EU–Vietnam Investment Protection Agreement (EVIPA) and the ongoing negotiations with Indonesia on a Comprehensive Economic Partnership Agreement illustrate how environmental clauses are becoming essential and non-negotiable elements of contemporary investment politics, influencing both policy design and domestic discourse.

This paper seeks to explore how EU investment provisions influence environmental governance in ASEAN, with a particular focus on Vietnam and Indonesia as representative case studies. It aims to uncover the mechanisms through which trade and investment frameworks promote regulatory convergence, policy reform, and institutional shifts in environmental governance, highlighting both direct and indirect pathways of influence. At the same time, it critically assesses whether such transformations reflect genuine environmental progress rooted in local ownership and capacity building, or whether they represent strategic compliance with external demands to secure market access and investment benefits.

By examining how EU investment instruments interact with domestic governance structures and political economies in Indonesia and Vietnam, this paper contributes to broader debates on sustainable trade, norm diffusion, and the geopolitics of environmental standard-setting in the Global South, offering practical and conceptual implications for scholars, policymakers, and development practitioners alike.

2 Methodology

This study employs a qualitative, comparative case study approach to examine how EU investment provisions influence environmental governance in ASEAN, with a focus on Vietnam and Indonesia. The rationale for choosing these two countries lies in their advanced economic engagement with the EU and their participation in ongoing or ratified investment agreements that include sustainability clauses. Vietnam is the first ASEAN country to ratify a comprehensive agreement with the EU, EVFTA and EVIPA while Indonesia is currently negotiating a bilateral investment agreement. Both countries represent critical junctures where external trade conditions intersect with domestic environmental regulation.

The research design draws on documentary analysis as the principal method, examining primary legal texts, policy statements, and investment agreements. Specifically, the study analyses the environmental and sustainable development provisions of the EU–Vietnam

Investment Protection Agreement (EVIPA) and the publicly available drafts of the EU–Indonesia Comprehensive Economic Partnership Agreement (CEPA). Additionally, complementary documents such as European Commission reports, national environmental laws, and ASEAN environmental cooperation frameworks are reviewed to trace shifts in legal and institutional commitments. These sources are triangulated with peer-reviewed academic literature to validate findings and avoid interpretative bias.

A process-tracing technique is applied to assess the causal mechanisms between the inclusion of environmental clauses in EU agreements and changes in domestic governance structures. This method enables the identification of policy sequences, institutional reforms, and legal innovations that occurred after the introduction of EU investment frameworks. For Vietnam, particular attention is given to changes following the 2020 ratification of EVFTA and EVIPA; for Indonesia, the analysis focuses on pre-ratification negotiations and policy debates stimulated by EU deforestation regulations. This diachronic examination allows for a contextualised understanding of how investment-driven normative pressure operates over time.

While the research remains qualitative in nature, it seeks analytical generalisation rather than statistical representativeness. The findings, although drawn from two specific cases, aim to illuminate broader patterns of EU normative influence in the Global South through trade instruments. The study recognises its limitations, including access to negotiation-specific data and the variability of enforcement mechanisms. Nevertheless, by grounding the analysis in treaty content, policy developments, and institutional shifts, the research offers robust insights into the interplay between foreign investment and environmental governance in ASEAN contexts.

3 Result and Discussion

This section delves into how the European Union's investment agreements influence environmental governance in ASEAN states, with a comparative focus on Vietnam and Indonesia. Both countries exhibit differing levels of responsiveness to EU environmental conditionalities embedded within bilateral investment frameworks. Vietnam, with a ratified agreement, presents a relatively harmonious case of regulatory adaptation, whereas Indonesia, still in negotiation, illustrates a more contested pathway. The analysis combines legal, institutional, and political economy perspectives to examine the degree and manner of regulatory convergence induced by EU investment agreements.

3.1 Divergent Paths of Regulatory Convergence: Environmental Governance in Vietnam and Indonesia under EU Investment Influence

3.1.1 The EU–Vietnam Investment Protection Agreement (EVIPA)

The EU–Vietnam Investment Protection Agreement (EVIPA), ratified alongside the EU–Vietnam Free Trade Agreement (EVFTA) in 2020, marks a pivotal shift in EU–ASEAN economic diplomacy. EVIPA includes binding commitments on sustainable development, obliging both parties to uphold multilateral environmental agreements and advance environmental standards. Article 13 of EVIPA affirms the sovereign right of states to regulate in pursuit of legitimate public policy objectives, including environmental protection—an essential safeguard to balance investor protection with state regulatory autonomy. This reflects the EU's broader strategy of embedding environmental diplomacy within trade and investment frameworks.

Post-ratification, Vietnam implemented several legal and institutional reforms to align with EU expectations. The 2020 revision of Vietnam's Law on Environmental Protection introduced stricter environmental impact assessments, circular economy incentives, and emission inventory requirement. This reform is not coincidental it coincided with EVFTA's enforcement and can be interpreted as regulatory convergence driven by external normative pressures. Empirical studies have indicated that environmental mentions in FTAs often correlate with increased domestic regulatory attention, even in non-OECD economies [2].

Moreover, the EU has actively supported institutional development in Vietnam through initiatives such as the "EU–Vietnam Sustainable Energy Transition Programme" (2020–2024), allocating €142 million for clean energy and environmental governance. Capacity-building activities included policy advice, technical training, and stakeholder dialogues aimed at strengthening implementation capabilities. However, while formal institutions have evolved, scholars warn of persistent implementation gaps due to fragmented decentralisation and insufficient enforcement at provincial levels [3]. A World Bank (2021) report emphasized these challenges, noting that 56% of EIAs were inadequately enforced due to limited local monitoring capacity.

Some critics argue that Vietnam's environmental reforms may follow a logic of "strategic adaptation," aimed at securing economic benefits rather than achieving genuine transformation. Drawing on Putnam's (1988) two-level game theory, Vietnam's alignment with EU standards may represent tactical compliance to access the EU market, while maintaining discretion in enforcement practices [4]. Nevertheless, strategic adaptation is not without consequence it facilitates incremental norm diffusion and institutional learning, contributing to the broader entrenchment of environmental governance. Even if EU norms are adopted pragmatically, their incorporation into domestic law represents a meaningful step in reshaping governance structures.

3.1.2 The EU–Indonesia Investment Agreement (Draft)

Indonesia's engagement with the EU on the draft bilateral investment treaty under the EU–Indonesia Comprehensive Economic Partnership Agreement (CEPA) illustrates the pre-ratification influence of EU environmental conditionalities. The EU's insistence on deforestation and sustainability clauses has triggered significant political backlash in Indonesia, particularly due to the centrality of the palm oil industry, which contributes over 3.5% of national GDP and employs approximately 16.5 million Indonesians. The 2023 EU Deforestation Regulation, which restricts imports linked to deforestation, prompted Indonesia and Malaysia to file a WTO complaint, asserting it constituted a non-tariff barrier inconsistent with international trade rules.

Despite this contestation, the EU's normative leverage has triggered subtle policy adjustments. President Joko Widodo's administration extended the moratorium on new palm oil concessions (originally introduced in 2018) and reinforced the "One Map Policy," a centralised geospatial platform aimed at improving land-use transparency [5]. Furthermore, Indonesia adopted the National Action Plan on Sustainable Palm Oil (2020–2024), focusing on sustainability certification, smallholder inclusion, and environmental safeguards, measures perceived as responses to both EU and global scrutiny. These shifts, although framed as domestic policy, exhibit hallmarks of anticipatory compliance.

Indonesia's participation in the Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement with the EU, particularly the legality assurance system (SVLK), also demonstrates alignment with EU environmental governance mechanisms. According to the European Forest Institute (2022), over 90% of Indonesia's timber exports to the EU were SVLK-certified as of 202. Although FLEGT is distinct from CEPA, it signals a pattern of selective environmental engagement shaped by economic

incentives. Scholars argue that such engagement often reflects pragmatic diplomacy—adopting global standards when they are compatible with national interests [6].

Unlike Vietnam, however, Indonesia has more overtly resisted the EU's environmental provisions, framing them as neo-colonial and sovereignty-eroding. The Indonesian Palm Oil Association (GAPKI) and national media have accused the EU of discriminatory practices, contributing to a defensive negotiation stance. This reflects what Zimmermann (2022) terms "contested norm transfer," where global governance norms are filtered through domestic political narratives [7]. Yet, even amidst resistance, EU pressure has reoriented Indonesia's policy discourse, compelling the state to engage with environmental concerns in its trade diplomacy. The EU's market power thus acts as a structural force, embedding environmental governance into the matrix of Indonesia's international economic strategy.

3.2 Empirical Indicators and Data: Measuring Environmental Governance Shifts

To substantiate the qualitative analysis of norm diffusion and strategic compliance, it is essential to complement it with empirical indicators that reflect environmental governance performance in both Vietnam and Indonesia. This section draws on data from international organizations, national reports, and academic studies to highlight measurable shifts in legal enforcement, deforestation rates, certification practices, and environmental impact assessments (EIAs) following EU engagement.

In Vietnam, the effects of EVIPA and EVFTA have been observable in both legislative output and institutional performance. According to the Vietnamese Ministry of Natural Resources and Environment [20], the number of EIAs reviewed at the central level rose by 48% between 2019 and 2022, coinciding with the EU–Vietnam agreements' implementation timeline. The revised 2020 Environmental Protection Law led to the reclassification of projects into four EIA risk categories, resulting in over 3,000 projects being subjected to higher-tier environmental scrutiny [8]. Moreover, data from the OECD (2022) Environmental Performance Review of Vietnam reported a 12% increase in compliance inspections and a 17% uptick in environmental penalties issued, suggesting a more active enforcement posture by the state.

Vietnam has also expanded its participation in sustainability certifications and eco-labeling schemes. Between 2018 and 2023, the number of Vietnamese firms participating in the EU's Eco-Management and Audit Scheme (EMAS) pilot projects rose from 25 to 94, largely in export-oriented manufacturing sectors. Similarly, in the timber industry, Vietnam's Voluntary Partnership Agreement (VPA) with the EU under FLEGT resulted in 1,421 verified timber firms by late 2022, with full legality assurance documentation required for EU-bound exports. These figures indicate growing institutional and private-sector alignment with EU environmental expectations, even amid challenges in provincial enforcement.

In contrast, Indonesia presents a more fragmented picture. According to Global Forest Watch (2024), Indonesia experienced a 36% decline in primary forest loss between 2016 and 2021, largely attributed to government moratoria, peatland restoration, and commodity price fluctuations. However, this progress has been uneven. The World Resources Institute (2023) found that while provinces such as Riau and Central Kalimantan demonstrated improved monitoring and enforcement, others lagged due to capacity gaps and political resistance. Notably, the One Map Policy designed to harmonise land-use planning reported only 65% integration across ministries and provincial governments as of 2023 [9].

In terms of legal instruments, Indonesia's 2020 Omnibus Law on Job Creation sparked concern among environmental groups, as it diluted several EIA requirements, prompting criticism from EU stakeholders during CEPA negotiations. Nonetheless, the Ministry of Environment and Forestry (MoEF, 2023) reported a 22% increase in plantation audits in

response to international scrutiny, suggesting that reputational and market pressures from the EU have influenced at least partial regulatory responsiveness.

Finally, Indonesia's timber legality verification system (SVLK), a key part of the FLEGT VPA, has shown robust performance. By 2022, over 95% of timber exports to the EU were SVLK-certified. However, scholars caution that SVLK implementation often suffers from limited transparency and irregular monitoring [10]. Certification growth has not yet been matched by robust enforcement at local levels, especially in outer island provinces where illegal logging remains persistent.

These data points underscore the differentiated impact of EU trade-linked environmental governance. Vietnam shows stronger statistical alignment with EU expectations across multiple indicators—particularly legal reform implementation, certification uptake, and central-level enforcement. Indonesia, while making policy gestures and achieving some certification milestones, reveals greater variance between formal compliance and functional enforcement. This empirical evidence reinforces the analytical claim that while EU investment agreements and trade conditionalities can serve as catalysts for environmental governance reform, their effectiveness depends heavily on domestic institutional capacity, political incentives, and sectoral interests.

3.3 Discussion

The cases of Vietnam and Indonesia reveal the complex, asymmetrical nature of norm diffusion through investment agreements. In Vietnam, EU provisions have led to tangible legal and institutional reforms, suggesting that the integration of environmental clauses into trade instruments can indeed reshape domestic governance structures. These reforms include the adoption of stricter environmental impact assessment procedures, the strengthening of enforcement mechanisms for environmental standards, and the incorporation of sustainability objectives into national development strategies. However, such reforms must be seen within a broader framework of strategic compliance, where governments respond pragmatically to external incentives to secure economic benefits while maintaining a degree of interpretive flexibility and policy autonomy [11]. In this sense, while EU investment policy promotes environmental convergence and policy harmonisation, the extent, durability, and sincerity of reform vary significantly depending on domestic political contexts, institutional capacities, and elite preferences.

Indonesia's more defensive posture underscores the contested legitimacy of EU-driven environmental norms within Global South contexts. While the EU presents its investment provisions as universal standards grounded in global environmental agreements and sustainable development commitments, partner countries often perceive them as intrusive, externally imposed, or even protectionist measures that threaten national sovereignty over resource governance. Indonesia's strong reaction to the EU Deforestation Regulation—culminating in its WTO challenge alongside Malaysia—exemplifies how normative influence can generate political backlash and diplomatic contestation, particularly when such norms are perceived to undermine national economic interests, development priorities, and traditional livelihood practices. Nonetheless, even amidst resistance and strategic defiance, EU provisions have succeeded in reframing environmental governance as a central concern within Indonesia's trade diplomacy. This indicates that normative power can exert influence not only through direct acceptance and legal compliance but also through the reconfiguration of policy agendas, domestic discourse, and elite narratives around trade and environmental sustainability.

These findings support the broader theoretical notion that EU investment policy functions as a form of soft power conditionality—a governance strategy that incentivises rather than compels norm adoption. Unlike coercive regimes, such as WTO dispute rulings, economic

sanctions, or direct political interventions, EU environmental clauses rely on embeddedness within preferential agreements and the promise of long-term reputational gains, market access, and investment benefits that accompany compliance. This form of governance through agreement is particularly impactful in Global South contexts, where continued access to European markets and investment flows remains vital for economic growth, export diversification, and industrial upgrading [12]. Yet, the long-term effectiveness and legitimacy of such conditionality depend critically on the credibility of enforcement mechanisms, the extent of local ownership and domestic buy-in for reforms, and their alignment with national development priorities, institutional realities, and sociopolitical contexts.

The diffusion of EU environmental norms into ASEAN economies reveals both opportunities for governance reform and persistent structural limitations. Albrecht et al. (2025) underscore how Indonesia's seaweed policy discourse, despite embracing justice narratives, is shaped by industrial imaginaries that exclude marginalized actors—raising concerns about the procedural and distributive legitimacy of environmental transitions [13]. Complementing this perspective, Purnama et al. (2025) demonstrate that Indonesia's institutional readiness to implement carbon economic value policies remains uneven, hindered by legal ambiguities, fragmented authority, and weak technical capacity [14]. These dynamics suggest that while EU investment provisions exert normative influence, their impact is mediated by local governance realities and political economy constraints, often resulting in selective or symbolic compliance rather than deep institutional transformation.

However, a full understanding of environmental governance reform in Indonesia requires looking beyond formal institutions and regulatory adaptation. The interaction between external normative frameworks and domestic governance structures in Indonesia reflects a pluralistic landscape of environmental authority. While EU investment provisions shape state-level regulatory reform, domestic civil society actors play a crucial role in contesting and complementing top-down interventions. As Wahdini & Jubba (2024) argue, as faith-based civil society actor, Muhammadiyah's environmental advocacy illustrates how faith-based organizations engage with ecological justice not merely as a religious imperative but as a socio-legal praxis that challenges state monopoly over environmental governance [14]. When viewed alongside EU-driven norm diffusion, these grassroots dynamics highlight that environmental transformation in Indonesia unfolds through hybrid pathways—where legal pluralism, cultural legitimacy, and bottom-up mobilization are as influential as foreign investment conditionalities in shaping sustainable outcomes.

Finally, these cases point to a broader trend in global governance: the fragmentation and pluralisation of environmental regulation and norm-setting authority. As the multilateral environmental regime weakens amidst geopolitical rivalries and institutional gridlocks, regional actors like the EU are stepping in to fill normative and regulatory vacuums by embedding environmental standards within trade and investment instruments. In doing so, they create overlapping, nested, and sometimes conflicting layers of authority, where trade agreements become sites and instruments of environmental governance. While such arrangements can drive progress in the absence of global consensus, they also raise critical questions about legitimacy, accountability, inclusivity, and distributive equity in global environmental governance. As ASEAN nations continue to deepen economic ties with the EU, future research must examine how these evolving governance arrangements interact with regional frameworks, domestic politics, and developmental trajectories, and to what extent they contribute, positively or problematically to the sustainability transformation in Southeast Asia and the Global South more broadly.

4 Conclusion and suggestions

This researh has explored the intersection between international investment policy and environmental governance by examining how the European Union (EU) utilizes its bilateral investment agreements to diffuse environmental norms within ASEAN countries. Through a comparative case study of Vietnam and Indonesia, the research has demonstrated that EU investment provisions can exert a transformative, albeit varied, influence on domestic environmental regulation and institutional frameworks. Vietnam's experience with the EU–Vietnam Investment Protection Agreement (EVIPA) illustrates a case of relative regulatory convergence, where environmental provisions have catalyzed legislative reform, institutional enhancement, and policy dialogue. In contrast, Indonesia's ongoing negotiations under the EU–Indonesia CEPA highlight a more contested dynamic, where normative influence generates anticipatory adjustments but also provokes resistance rooted in sovereignty concerns and developmental asymmetries.

The findings suggest that the EU's normative agenda, operationalized through sustainability chapters and environmental conditionalities, functions most effectively in institutional contexts where the regulatory apparatus is responsive, donor engagement is welcomed, and political incentives align with external standards. However, where domestic political economy interests' conflict with environmental clauses—as seen in Indonesia's palm oil sector—the EU's influence encounters structural and ideological barriers. Nevertheless, even in such contested settings, EU provisions have succeeded in reshaping the discourse of environmental governance, making sustainability a non-negotiable component of trade diplomacy.

From a broader governance perspective, this study affirms that the EU's environmental conditionality regime represents a form of soft power diplomacy capable of advancing green regulatory norms in the Global South. Yet, the durability and depth of its influence depend on the mechanisms of enforcement, the degree of local ownership, and the flexibility of provisions to accommodate developmental realities. While trade-induced norm diffusion is not a panacea for environmental degradation, it can serve as a catalyst for reform—particularly when complemented by technical assistance, policy engagement, and multilateral cooperation.

Future research should further investigate the long-term trajectories of governance reform post-agreement ratification and assess whether initial legal convergence translates into substantive ecological outcomes. Moreover, there is a need to explore how ASEAN's own regional environmental frameworks interact with EU-driven provisions, potentially mediating or amplifying their effects. As global environmental governance becomes increasingly decentralized and trade-based, understanding the role of investment agreements in shaping sustainability transitions in emerging economies remains both an academic and policy imperative.

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