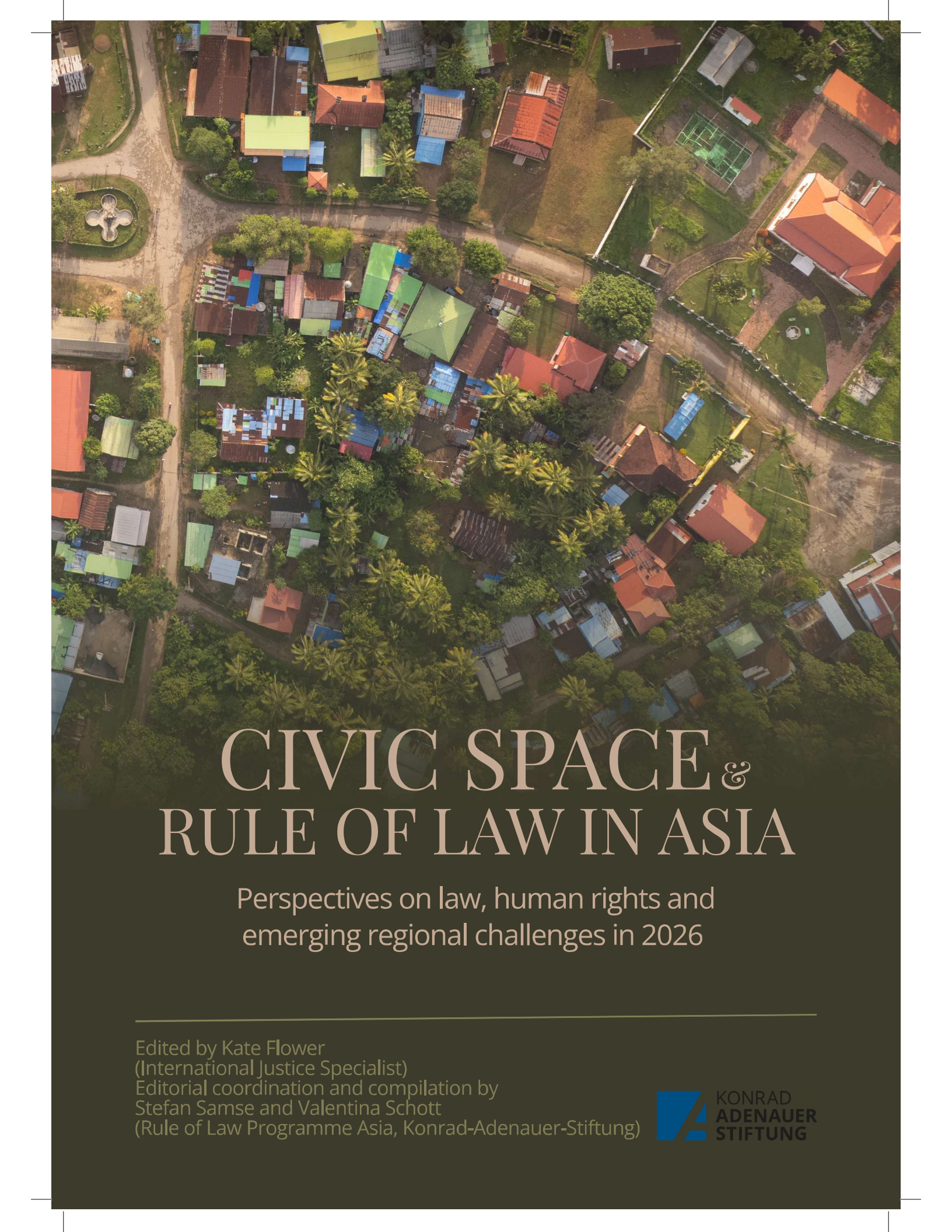


An aerial photograph of a tropical village. The houses have colorful roofs in shades of red, orange, yellow, green, and blue. The village is surrounded by lush greenery, including many palm trees. A dirt road winds through the village. In the top left corner, there is a small circular structure, possibly a well or a small shrine. The overall scene is peaceful and idyllic.

CIVIC SPACE & RULE OF LAW IN ASIA

Perspectives on law, human rights and
emerging regional challenges in 2026

Edited by Kate Flower
(International Justice Specialist)
Editorial coordination and compilation by
Stefan Samse and Valentina Schott
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In 2005, KAS initiated the Rule of Law Programme Asia in Singapore to collaborate with Asian countries on rule of law development. The program focuses on Constitutional Law, Democracy Promotion, Procedural Law, Human and Minority Rights, Good Governance, Corruption Prevention, Judicial Independence, Environmental Law, and Tech Law/AI Ethics. Its primary aim is to advance the rule of law through regional seminars, dialogue, political exchanges, research, and training activities.

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<https://www.kas.de/en/rule-of-law-programme>

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Foreword

This publication offers a timely reflection on the state of **Civic Space and The Rule of Law in Asia**. It begins with an overview of the plight confronting human rights defenders, especially in the environmental field, and their interface with the space for their work - which one international human rights expert has described as “**shrinking, shrunken, shrunk**”.

There then follow a number of contributions on Southeast Asian countries, delving into a range of concerns such as indigenous rights, freedom of expression, freedom of peaceful assembly, and dissent *vis a vis* State conduct. This is paralleled by issues linked with digitalisation, especially personal data protection as the new face of privacy and the exponential opportunities and risks posed by Artificial Intelligence (AI).

While legislation and regulations of the “hard law” kind are complemented by policies and practices of the “soft law” kind in abundance, frequently they obstruct the realisation of human rights, democracy, peace, sustainable development, environmental protection and risk-responsive technologies in their totality. The blockage is often due to the overbearing nature of the Powers-that-Be.

In that capricious crucible, can the Rule of Law be of help? A pause for analysis is thus salutary.

First, the context. Wisdom dictates that the political physiognomy of the region should not be overlooked. Over half of the countries in the region are non-democratic and whatever notion is invoked by the State is likely to be instrumentalised for self-justification embedding control over civic space. The general public should not be disingenuous when faced with the manipulation or superimposition from the top.

Second, the content. As invoked by those who enjoy the monopoly or oligopoly of Power, the Rule of Law might simply be a camouflage for their “**Rule by Law**”, *alias*: **Law of Rule(r)s**, irrespective of the ethical, human-centred underpinnings which must be at the heart of the (real!) Rule of Law.

Of course, there is the preferred content which must be conveyed progressively in that context. The older version of the Rule of Law was based on the Supremacy of Law, bolstered by justice-based guarantees, independence of the judiciary and elements of constitutionalism (such as judge made law even where there was no written Constitution). This is now energised by a contemporary list of an innovative kind. For example, the civil society-initiated Global Rule of Law Index posits the following indicators: constraints on government powers; absence of corruption; open government; fundamental rights; order and security; regulatory enforcement; civil justice (pertaining to civil litigation); and criminal justice.

Meanwhile, the UN’s Sustainable Development Goals (2015-30) test the Rule of Law from three angles, in their Goal Number 16 (out of 17 Goals). First, the proportion of victims of physical, psychological, and sexual violence who have reported to the authorities in the past 12 months. Second, the number of unsentenced detainees in comparison with overall detention figures. And third, the proportion of the population that has accessed dispute-settlement mechanisms, whether formal, such as courts, or informal, such as mediation.

In reality, despite copious citing of the Rule of Law by the international and national communities, there are at least four potholes which demand attention:

1. **Subjectivity.** Many Governments interpret the notion subjectively in conflict with International Law. It is thus important to project an objective notion of the Rule of Law, based on universal standards, especially international human rights law.
2. **Selectivity.** Some systems promote the Rule of Law in/for some sectors (for example, in trade and commerce) while being averse to it in other areas, especially the vista of rights and

freedoms. This duality (and paradox) needs to be exposed transparently with a view to constructive change.

3. **Insecurity.** Overuse of and too-broad a notion of national security results in human insecurity jeopardising the livelihood of the general public, while inhibiting the room for diversity among peoples. This is exacerbated by the ubiquitous presence of constraining laws, such as internal security law, emergency law, anti-terrorism law, cybercrimes law, cybersecurity law and other techno-linked laws, especially when they are applied beyond what is permissible internationally.
4. **Precarity.** A number of risks have impact on human rights and well-being. On the one hand, many individual and communities are threatened by a precarious environment due to excessive State powers lacking in checks-and-balances. On the other hand, in the emerging AI world, *laissez faire* policies motivated by profit, without adequate safeguards and guardrails, are a menace to the future of humanity; AI systems which might be beyond human control are high risk-prone and may need to be prohibited.

As an antidote to those negative elements, it is essential to highlight various yardsticks which also appear in this volume. **Objectivity** matters for the Rule of Law, and this must be anchored on international standards, especially international human rights law. **Non-Selectivity** should be promoted, implying a comprehensive approach that is transparent, non-discriminatory, accountable and holistic. Side by side with that, **Anthro-Security** or human security matters much as a counterweight to the arbitrary decision making which is often used by non-open systems to self-perpetuate and to repress in the name of nationalism and or national security. And importantly, **Shared-Safety** is crucial for addressing the advent of automation, algorithms and AI, especially to delineate their ever-closer relationship with humanity.

In sum, a tempting caption from this study might be: **Audit, Assess, Adjust** (the 3 A's). Indeed, in dealing with Power and Abuse of Power under the rubric of "The Rule of Law", the invitation is to be not only assertive but also astute, not only smart but also strategic, not only persistent but also perspicacious.

Vitit Muntarbhorn KBE

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Formerly UN Special Rapporteur, UN Independent Expert and Member of UN Commissions of Inquiry on Human Rights.

April 2026.

Note to the Reader

This Legal Brief is published by the Konrad-Adenauer-Stiftung (KAS) Rule of Law Programme Asia in furtherance of its mandate to promote dialogue, research, and regional exchange on rule of law issues. KAS has a long-standing commitment to engaging with legal institutions, policymakers, and civil society actors across Asia, particularly in periods where legal and governance frameworks face heightened pressure or transition.

The publication appears at a time of significant change in the international environment. Across Asia, resources available for civil society, independent research, and rule of law engagement are becoming more limited, even as legal systems are confronted with increasingly complex expectations.

Against this backdrop, the purpose of this Legal Brief is not only to present analysis, but to serve as a practical point of reference. It is intended to support informed decision-making, institutional learning, and sustained engagement on rule of law questions, particularly where long-term external support cannot be taken for granted. The publication is therefore addressed both to stakeholders within the region and to the international community, with the aim of fostering reflection on how international engagement can most effectively contribute to fair, accountable, and human-rights-respecting legal systems.

In doing so, the volume also aims to clarify how national and international legal frameworks, standards, and institutions can function as constructive sources of support for local actors. Rather than substituting local agency, the Legal Brief seeks to identify ways in which international norms, comparative experience, and institutional cooperation can strengthen the capacity of courts, legal professionals, civil society organisations, and human rights defenders to pursue and uphold rights within their own contexts.

KAS publishes this Legal Brief to provide a platform for independent expertise and to encourage constructive, forward-looking engagement among those working to reinforce legal accountability, protect fundamental freedoms, and enhance institutional resilience. The views expressed in the individual chapters are those of the respective authors and do not necessarily reflect the views of the Konrad-Adenauer-Stiftung.

The decision to launch this publication in conjunction with the 6th LAWASIA Human Rights Conference 2026 is intentional. The Conference offers a rare forum where legal practitioners, judges, academics, and human rights advocates are not only analysing challenges, but also exchanging practice-oriented responses. By situating the launch in this setting, KAS seeks to connect the analyses contained in this volume with professional dialogue, cross-jurisdictional learning, and follow-up engagement that can extend beyond the publication itself.

We hope this Legal Brief will be received not only as a contribution to ongoing discussions, but as an invitation to continued cooperation at a time when sustained engagement on rule of law and human rights is both more difficult to maintain and more essential to pursue.

Stefan Samse, Director, Rule of Law Programme Asia, Konrad-Adenauer-Stiftung e.V.
Valentina Schott, Programme Manager, Rule of Law Programme Asia, Konrad-Adenauer-Stiftung e.V.

Singapore/Bangkok, 11 May 2026

List of Abbreviations

AI	Artificial Intelligence
AIPP	Asia Indigenous Peoples Pact
APNED	Asia Pacific Network of Environmental Defenders
ASEAN	Association of Southeast Asian Nations
ATA	Anti-Terrorism Act of 2020
BAKC	Bar Association of the Kingdom of Cambodia
CENTRAL	Center for Alliance of Labor and Human Rights
CIPM	Coalition of Indigenous Peoples in Myanmar
CLV-DTA	Cambodia-Laos-Vietnam Development Triangle Area
CPF	Charoen Pokphand Foods
CPP	Communist Party of the Philippines
CSOs	Civil Society Organisations
DPR	Dewan Perwakilan Rakyat
EHRDs	Environmental human rights defenders
ERPL	Ethnic Rights Protection Law
FEAT Principles	Principles to Promote Fairness, Ethics, Accountability and Transparency in the Use of Artificial Intelligence and Data Analytics in Singapore's Financial Sector
FICA	Foreign Interference Countermeasures Act 2021
FORUM-ASIA	Asian Forum for Human Rights and Development
FPIC	Free, prior and informed consent
GDP	Gross Domestic Product
HRDs	Human rights defenders
ICCPR	International Covenant on Civil and Political Rights
IISD	International Institute for Sustainable Development
ISA	The Internal Security Act
KontraS	Commission for the Disappeared and Victims of Violence
KSILA	Khmer Student Intelligent League Association
LANGO	Law on Associations and Non-Governmental Organisations
LICADO	Cambodian League for the Promotion and Defense of Human Rights

LRSU	Labor Rights Supported Union of Khmer Employees of NagaWorld
LTU	Law on Trade Unions
MAS	Monetary Authority of Singapore
MGFs	Model AI Governance Frameworks
NPA	New People's Army
NTF ELCAC	National Task Force to End Local Communist Armed Conflict
OCHA	Online Criminal Harms Act
OECD	Organisation for Economic Co-operation and Development
OHCHR	United Nations Human Rights Office of the High Commissioner
OSRA	Online Safety (Relief and Accountability) Act 2025
PDPA	Personal Data Protection Act 2012
POFMA	Protection from Online Falsehoods and Manipulation Act
RFA	Radio Free Asia
RGC	Royal Government of Cambodia
RPJMD	Regional Medium-Term Development Plans
RPJMN	National Medium-Term Development Plan
RPJPD	Regional Long-Term Development Plans
RPJPN	Rencana Pembangunan Jangka Panjang Nasional
UAPA	Unlawful Activities (Prevention) Act
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNHCR	United Nations Human Rights Council
VOA	Voice of America
VOD	Voice of Democracy
WFA	Workplace Fairness Act 2025

Introduction: A Comparative Perspective

Kate Flower, International Justice Expert and Editor

This publication highlights shared regional challenges while bridging gaps in understanding across different national contexts. By bringing together country-specific expertise, it creates space for comparative reflection and cross-learning, enabling insights from one context to inform discussions in another. Drawing on the experience of country experts, the volume contributes to a broader regional dialogue on strengthening civic space, human rights, and the rule of law. It is intended as the first in a series examining these evolving dynamics across Asia.

Covering Cambodia, Myanmar, Singapore, and Indonesia, the volume adopts a comparative perspective to explore how legal frameworks, political dynamics, and emerging technologies shape the exercise of fundamental freedoms across the region. The selection of countries reflects a deliberate effort to capture both the diversity and contrast within Asia. It includes contexts where restrictions on civic space and the rule of law are widely documented, as well as those where such challenges may be less visible or are evolving in more complex ways. Taken together, these chapters reveal a spectrum of governance conditions - from contexts where law is openly instrumentalised or contested, to those where it operates through more technocratic or developmental frameworks - highlighting both shared regional patterns and distinct national trajectories.

The volume is organised around the intersection of law, rights, and governance, with a particular focus on the rule of law and the role of civil society, legal institutions, and legal professionals. It pays close attention to the experiences of environmental human rights defenders across Asia, as well as to how Myanmar's emerging Indigenous rights movement draws on international frameworks to contest a military-led state. It further examines how legal frameworks in Cambodia operate in practice to restrict civic space, and how the development of artificial intelligence highlights emerging tensions in the protection of rights under Singapore's dual approach to law. The final chapter turns to Indonesia's long-term development planning, questioning whether the institutional and civic conditions exist for such a framework to be held to account.

Across these cases, each chapter examines the legal and policy frameworks that structure civic engagement, drawing on concrete examples and case studies. These include the alleged misuse of laws to constrain civil society, the struggles of Indigenous and local communities in asserting land and environmental rights, and the implications of long-term development planning and technological governance for participation, oversight, and accountability. Taken together, these diverse contexts reveal a consistent theme: the gap between formal legal guarantees and their practical implementation, and the extent to which law functions variously as a mechanism of accountability, control, or negotiation, depending on institutional design and political conditions.

A defining feature of this publication is the diversity of its contributors—lawyers, academics, and practitioners—each offering distinct perspectives grounded in their professional experience and expertise. Each author also offers practical, context-specific recommendations grounded in their national and professional experience, reflecting the volume's emphasis on locally informed analysis and policy relevance. This multi-disciplinary approach enriches the analysis and reflects the reality that questions of civic space and human rights are not confined to a single field, but instead cut across law, policy, and practice.

Together, the chapters suggest that the central challenge facing the region is not the absence of legal frameworks, but the conditions under which they operate and the extent to which they enable individuals and communities to meaningfully exercise their rights.

Protecting Environmental Human Rights Defenders in Asia

Lia Mai Torres, Global Coordinator, Asia Pacific Network of Environmental Defenders, Philippines.

Abstract: *Environmental human rights defenders are essential to climate action but face escalating attacks driven by weak legal protections, natural resource conflicts, and shrinking civic space across Asia. Strengthening legal frameworks, ensuring accountability, and recognising EHRDs as rights-holders are critical to safeguarding both environmental protection and fundamental human rights.*

Introduction

Environmental human rights defenders (EHRDs) are “individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna” (UN General Assembly 2016, 4). EHRDs play a crucial role in climate action, yet face escalating security risks in the course of their work. They are increasingly vulnerable to attacks by both state and non-state actors, often due to weak or failing legal systems intended to protect them—and, in many cases, the same systems are also used to target them.

In this context, analysing the patterns and drivers of attacks against EHRDs is essential for developing informed responses to address the situation. This chapter highlights the importance of EHRDs in the context of the climate crisis, examines the patterns and drivers of attacks against them, and provides an overview of existing protections, policy gaps, and opportunities. It then presents recommendations that can serve as a guide for more targeted interventions.

Importance of EHRDs Amidst the Climate Crisis

Asia is one of the most climate-vulnerable regions in the world. Key vulnerabilities include extreme temperatures, sea level rise, and tropical cyclones (Shaw et al. 2022, 1498–1500). In 2023, it was also considered the most climate-disaster-impacted region (Reuters 2024). In addition, 11 out of 20 countries identified as the most at risk of climate-related disasters globally from 2000-2019 are found in the region (Eckstein et al. 2021, 42–47).

Land degradation and land use conversion due to extractive industries such as mining, logging, and agribusiness plantations increase climate vulnerabilities (Shukla et al. 2019). Mining is expected to intensify due to the growing demand for critical minerals like lithium, cobalt, and nickel which are needed for renewable energy and electric vehicles. Caution has been raised that if the extraction of these critical minerals is not managed responsibly and sustainably, negative impacts from mining activities will increase in already-vulnerable communities in resource-rich developing countries (World Bank 2019).

EHRDs contribute to climate mitigation through forest protection, sustainable land use, and emissions-reduction projects, to climate adaptation through community-based and ecosystem-based strategies, and to climate policy by promoting gender equality, international and intergenerational equity, and participation in decision-making (Martinez et al. 2025, 1). Martinez et al. (2025) further elaborates that EHRDs are central actors in climate action, yet they remain unrecognised and even face attacks due to their work.

Situation of Environmental Human Rights Defenders

A. Patterns of attacks on environmental human rights defenders

EHRDs in Asia face a continuum of repressive measures ranging from intimidation, defamation, judicial harassment, physical injury, enforced disappearance, and extrajudicial killings (APNED & CEC 2021). This section focuses on two of these namely judicial harassment and extrajudicial killings because while the attacks vary among countries, cases of judicial harassment are the most frequently reported and extrajudicial killings are the most visible due to the brazen and overt nature of the act. Most of these attacks were reportedly by state forces occurring after local communities and Indigenous Peoples raised concerns related to environmentally critical projects.

1. Extrajudicial killings

According to Global Witness, 1,733 land and environmental defenders have been killed between 2012 and 2021 (Global Witness 2022). Of this number, 435 were from Asia or 25% of the global total. In 2024, Global Witness recorded 146 killings, with 13% coming from Asia (Global Witness 2025). The Philippines consistently had the highest number of killings in Asia, totaling 306 from 2012 to 2024 (Global Witness 2022; Global Witness 2024). Most of the killings are related to mining, logging, and agribusiness, with mainly the state and corporations as the reported perpetrators.

The reported killings in the Philippines have escalated from targeted attacks on individuals to attacks involving multiple victims. On December 30, 2020, the police raided Indigenous communities in Panay Island and killed nine Tumandok Indigenous people. Authorities claimed that the victims were supporters of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP) and that they fired at the police. On the other hand, families of the victims claimed that they were unarmed and that they were targeted for opposing the Jalaur Dam project funded by the Economic Development Cooperation Fund of South Korea. Civil society organisations (CSOs) condemned the police's justification of counter-insurgency for the killings, stating that red-tagging has been widely reported in the attacks on human rights advocates (Aguirre 2021). Red-tagging or red-baiting is the Philippine government's version of McCarthyism wherein, according to Supreme Court Justice Marivic Leonen (2023, 1), "to make it easy for military and paramilitary units to silence or cause untold human rights abuses on vocal dissenters, government agents usually resort to stereotyping or caricaturing individuals." The Supreme Court (2024) further notes that "red-tagging, vilification, labeling, and guilt by association threaten a person's right to life, liberty, or security." Red-tagging is most reportedly done by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) which was established through Executive Order 70 during the administration of Rodrigo Duterte (NTF-ELCAC n.d.).

In Cambodia, prominent environmental activist Chut Wutty was killed on April 26, 2012. He spoke against deforestation and the politically connected companies behind related projects such as the Stung Russei Chrum and Stung Tatay, two China-backed hydropower dams in the Cardamom Mountains, Koh Kong. While a military police spokesperson claimed that Wutty may have been armed and clashed with military personnel, an investigation by the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) reported that he was shot from behind as he was driving away from the military police checkpoint (Hance 2012).

Peaceful protesters have also become targets of state violence. Residents from Bangkal Village, Seruyan Regency in Central Kalimantan, Indonesia blocked the road to prohibit the entry of palm oil company PT Hamparan Masawit Bangun Persada on October 7, 2023. They claimed that the oil palm plantation was operating beyond the company's permit and that the company did not deliver their promises to the community. The police deployed fully armed Brimob troops — an elite paramilitary and special operations unit of the Indonesian National Police — who opened fire on the protesters, killing a resident named Gijik (BBC News Indonesia 2023).

2. Criminalisation and judicial harassment

Criminalisation is defined by Global Witness (2025, 5) as “the use of threatened or actual legal action by government officials and private actors to stigmatise, discredit, and silence land and environmental defenders. According to Frontline Defenders as mentioned by Global Witness (2025, 3), criminalisation is “a method used by powerful state and corporate interests to shut down opposition to major agribusiness, mining, and commercial projects.” Criminalisation occurs through the use of laws against EHRDs and making new laws to stifle free speech and expression—including the right to protest—consuming significant resources, portraying them as criminals, and may have a deterrent effect on other EHRDs (Global Witness 2025, 5).

According to the data of Asian Forum for Human Rights and Development (FORUM-ASIA), there were 341 land and environmental defenders detained or arrested in 344 separate incidents between 2018 and 2024, with the Philippines having the most recorded cases (Global Witness 2025, 4). Similar to the data on killings, these incidents were related to issues on mining and extractives, agribusiness, and land rights (Global Witness 2025, 6).

3. The use of anti-terrorism laws against EHRDs

In the Philippines, red-tagging has evolved from being an informal practice of defamation to a formal process of terrorist designation through the Anti-Terrorism Act of 2020 (ATA). The law was widely opposed by civil society due to its vague and overbroad definition of terrorist acts and the potential abuse of power of the Anti-Terrorism Council (FORUM-ASIA 2020). The first victims of the ATA were two Aeta Indigenous People named Japer Gurung and Junior Ramos who were arrested on August 21, 2020, while evacuating their families from their ancestral land in Zambales province due to military operations (Torres-Tupas 2020). The province is rich in mining operations and infrastructure projects. Gurung and Ramos were accused of being NPA rebels. In recent years, the Terrorism Financing Prevention Suppression Act of 2012 has been increasingly used against CSOs. The first conviction under this law was that of Angeline Magdua from the Rural Missionaries of the Philippines, an organisation that has been known to actively support Lumad Indigenous Peoples in their environmental advocacies. According to the decision released on March 16, 2023, Magdua allegedly facilitated donations from foreign organisations to finance the operations of the CPP and NPA (Damicog 2023).

Similarly in India, the anti-terrorism law Unlawful Activities (Prevention) Act (UAPA) has been used against several EHRDs. Mahesh Raut was arrested in 2018 along with five others for allegedly being members of the Communist Party of India (Maoist), inciting violence against the state, and conspiring to kill then Prime Minister Narendra Modi—charges that were part of the India Penal Code and the UAPA (Hindustan Times 2018). Raut worked on the land and forest rights of the Adivasi (Stitching the London Story 2025).

4. Truth-telling targeted

In Thailand, Witoon Lianchamroon, secretary general of the BIOTHA Foundation was sued by agribusiness giant Charoen Pokphand Foods (CPF) for linking the company with the outbreak of invasive fish species in a public conference. Blackchin tilapia has reportedly spread in at least 19 provinces since the failed experiment of the company. CPF is seeking 200 million baht or around USD 6.17 million in compensation in its defamation claims. This has been classified by some observers as a Strategic Lawsuit Against Public Participation (SLAPP), a form of judicial harassment, for Witoon’s environmental advocacy (Cowan 2025).

In Bangladesh, Shahnewaz Chowdhury was arrested for charges under the Digital Security Act on May 29, 2021, for allegedly creating hate, instability, and chaos for a social media post about the construction of the coal power plant of S Alam Group at Banshkhali in Chattogram. The Facebook post stated that 12 people had been killed due to the coal power plant. There have been at least three incidents of clashes between protesters and police over land acquisition since 2016 (The Business Standard 2021).

In Malaysia, two companies under the Samling Group of Companies sued a local CSO called SAVE Rivers in 2021 for alleged defamatory statements made by the organisation in the form of seven articles published on its website. These articles contained Indigenous peoples' concerns in Sarawak such as inadequate consultations, lack of transparency, and illegal operations of the companies. The companies requested five million Malaysian Ringgit or around USD 1.2 million (United Nations Special Rapporteur on Human Rights Defenders 2022). The lawsuit was later withdrawn by the companies in 2023 (Keeton-Olsen 2023).

5. Politically Motivated Charges

In Vietnam, former journalist Hoang Thi Minh Hong was sentenced for three years' imprisonment for tax evasion charges on September 28, 2023. She founded the Center of Hands-on Action and Networking for Growth and Environment, a CSO that conducted awareness raising campaigns on the dangers of wildlife trafficking and air pollution along with other environmental issues. The organisation shut down in 2022 due to increasing pressure from the authorities on CSOs (Mongabay 2023). While she was released a year later, two of the five climate activists were arrested for tax evasion, including environmental lawyer Dang Dinh Bach (Head 2023).

In Azerbaijan, authorities extended the pretrial detention of at least 11 journalists from the country's remaining independent news outlets on charges of currency smuggling related to alleged funding from international donors. This occurred months before the United Nations Framework Convention on Climate Change (UNFCCC) Conference of Parties 29 (COP 29) which was hosted by Azerbaijan. Among them was Ulvi Hasanli and Sevinj Vagifgizi from the Abzas Media which investigated reports of protest and pollution at a gold mine in the western part of the country (Burrows 2024).

In Oman, Talib al Maamari, a parliamentarian and Shura council member, was sentenced to four years in prison in 2013 for participating in a protest against a petrochemical industrial complex in the city, which raised concerns about health risks and industrial pollution. He was previously arrested for undermining the state, banditry (blocking the roads) and illegal gathering and fined with 700 Omani Rials or around USD 1,800 (Alsaafin 2015).

B. Drivers of attacks

From the patterns of attacks on EHRDs presented above, common themes emerge that reflect the underlying conditions from which these attacks occur.

Asia Pacific Network of Environmental Defenders (APNED), along with the United Nations Environment Programme (UNEP) – Asia Pacific, United Nations Office of the High Commissioner on Human Rights – Southeast Asia Regional Office, and other CSOs have conducted three Asia Pacific EHRDs forums (2021, 2022 and 2023) and one Asia EHRD Forum in 2025. The forums compiled updates on the situation of EHRDs, provided regional trend analysis, and documented recommendations to enhance their safety and working conditions. Based on these reports, the primary drivers of attacks against EHRDs were identified.

The list of drivers is not exhaustive, and more trends may still need to be documented. However, it shows a disturbing glimpse of the causes of the vulnerabilities of EHRDs and the shrinking civic space in Asia.

1. Lack of transparency, consultations and public participation in environmental decision-making

The attacks on EHRDs are related to natural resource conflicts between them and corporations and/or governments that are the proponents of environmentally critical projects such as mining, mega-dams, agribusiness plantations, and logging, among others. In many cases, there is a lack of transparency from the project proponents leaving EHRDs, especially affected communities, surprised once they start experiencing the negative impacts of these projects.

Many EHRDs also report the lack of consultations, with cases of tokenistic meetings or similar activities that do not meaningfully convey project details and impacts. Similarly, many projects commence without free, prior and informed consent (FPIC) among Indigenous Peoples. When EHRDs try to talk to project proponents, they are often ignored or not welcomed. This lack of space for dialogue and participation in decision-making in environmental matters can lead EHRDs to resort to other measures to get their attention and to seek accountability and remedies. They could then conduct protests, such as rallies, and direct actions, such as barricades—acts that authorities characterise as disruptive, militant, or confrontational.

In addition, EHRDs are often called “terrorists”, “anti-government” and “anti-development”, especially when they question or give dissenting opinions about projects of corporations and/or governments. These labels reflect a perception of EHRDs as adversaries rather than rights-holders or legitimate stakeholders in development processes. This further alienates EHRDs from decision-making spaces and contributes to the shrinking of civic space.

2. Conflicting views of development

Natural resource conflicts often arise because environmental human rights defenders (EHRDs), governments, and corporations have fundamentally different ideas about what “development” should look like. Governments and corporations typically promote a model based on capitalist economic growth within a neoliberal framework. In contrast, local communities and Indigenous Peoples often favour more sustainable, socially just, and culturally aligned development approaches.

EHRDs report that national development plans frequently displace local communities, undermine their livelihoods, restrict access to natural resources, and disrupt their desired way of life. Even climate change mitigation and adaptation projects can face opposition when they are implemented without meaningful community participation. Examples include the extraction of critical minerals for renewable energy, large hydropower dams, and other projects carried out without proper human rights and environmental safeguards.

Many projects are designated as national priorities, requiring local communities to accommodate broader economic development objectives, sometimes involving significant impacts on their livelihoods and ways of life.

3. Weak rule of law, authoritarian rule and impunity

Based on the civic space rating of CIVICUS, in Asia, 32% of the countries are closed, 34% are repressed, 16% are obstructed, 12% are narrowed, and only 6% are open (CIVICUS 2025). This is reflected in the situation of EHRDs wherein natural resource conflicts are faced with violent responses from state security forces. While EHRDs are considered civilians, militaristic responses are done including openly firing at protesters and killing of community leaders. Many EHRDs have also reported increasing military presence, such as checkpoints or detachments, in areas with environmentally critical projects of corporations and/or governments.

Lethal and non-lethal attacks on EHRDs are often justified as counter-insurgency or peace and security measures. This is a dangerous trend since it heightens the level of violence enforced on EHRDs.

The lack of tolerance for freedom of expression, opinion, and association in many Asian countries reflects authoritarian rule though their governments may claim democracy prevails in their territories. Attacks on EHRDs are therefore not random but are systematic repressive measures meant to stop dissent against the government. Attacks are carried out in response to advocacy activities and serve as a clear warning to others that challenging government authority carries serious consequences.

Protections, Policy Gaps and Opportunities

Government policies play a crucial role in the situation of EHRDs, especially in the aspects that encompass the three drivers of attacks that were previously mentioned. Policies reflect state priorities, frameworks and strategies that affect EHRDs.

Environmental laws, when sufficient and properly implemented, can mitigate conflicts. In addition, the presence and proper implementation of protections for civil liberties can mitigate security risks.

However, cases previously stated have shown that policies have been weaponised against EHRDs. These include anti-terrorism laws and defamation laws among others. Some of these laws result in years of imprisonment, while others may be dismissed. Whatever the result, being charged drains the resources of EHRDs, takes away valuable time from their work, isolates them from the people they seek to help, and causes fear among their communities and the general public.

The lack of policies to protect specifically EHRDs leaves them vulnerable to attacks. In Asia, only Mongolia has a law specifically for human rights defenders called the Law on the Legal Status of Human Rights Defenders or the HRD Protection Law. Passed on April 1, 2021 and enforced on July 1, 2021 (FORUM-ASIA 2021), the law recognises HRDs, identifies their rights, identifies the duties of the state in recognising, protecting and supporting HRDs, and sets up an HRD Committee (UNEP 2021).

Indonesia is the only country that formally recognises the existence of EHRDs, though not using the exact term in the law. According to Article 66 of Law Number 32 of 2009 on Environmental Protection and Management (Indonesian Environmental Law), “Every person who fights for the right to a proper and healthy environment may not be charged with criminal or civil offence” (SSEK Law Firm 2025). However, the same law is limited stating that “This provision is intended to protect victims and/or reporting parties who pursue legal remedies for environmental pollution and/or damage. Such protection is intended to prevent acts of revenge from the reported parties through criminal prosecution and/or civil lawsuits, while still upholding judicial independence (SSEK Law Firm 2025).”

In the Philippines, the Human Rights Defenders Protection Act passed the third and final reading in Congress with a version in the Senate also passed in 2019 (Karapatan 2022). In addition, the Environmental Defense Bill filed in 2020 aimed to declare fundamental rights granted to EHRDs, identify obligations to government actors and set redress measures (CEC 2021). Unfortunately, both policy proposals were not legislated.

In Asia, there is no regional agreement that recognises and protects EHRDs. However, the Association of Southeast Asian Nations (ASEAN) recently adopted the ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment in October 2025 (ASEAN 2025). Despite not using the term EHRDs, it acknowledges “the need for sufficient and effective protection for all, including persons working to promote and protect the right to a safe, clean, healthy and sustainable environment where appropriate,” and includes a provision to improve efforts to “provide for a safe and enabling environment to ensure the exercise of the right to a safe, clean, healthy and sustainable environment” (ASEAN 2025). The two-year process of drafting the declaration was criticised by CSOs for lacking transparency and public participation (Wachpanich 2024) as well as the resulting non-legally binding document which did not include civil society inputs on EHRDs such as protection mechanisms and state responsibilities (APNED 2024). UN Special Rapporteurs, on the other hand, view the adoption as having the potential to become a transformative regional instrument, guiding environmental and human rights policy across Southeast Asia” (OHCHR 2025). This could be advanced through the development of an enforceable Regional Plan of Action and additional agreements on the recognition and protection of EHRDs leveraging on the adopted declaration.

Conclusion

Despite playing a key role in climate action and environmental protection, EHRDs are facing increasing and worsening attacks. This hinders their work and weakens public participation.

EHRDs face a continuum of attacks ranging from criminalisation, judicial harassment and extrajudicial killings. State policies are crucial in mitigating natural resource conflicts that are at the root of the attacks, having the potential to ensure environmental sustainability, democratic participation and protections of civil liberties. However, the laws have become a double-edged sword for EHRDs—while these are meant to protect their rights, these were also reportedly used as weapons against them. Like all weapons, the outcomes depend on who wields them. Unfortunately, the patterns of attacks based on the cases stated above show that EHRDs are often on the losing end, with more of them ending up in prison or with various charges, while perpetrators of environmental harms remain free.

This situation is a challenge not only for EHRDs but for everyone since the climate crisis affects all human beings. Therefore, concerted and urgent actions are needed to recognise and protect EHRDs as well as to stop the attacks and ensure accountability for the violations committed against them.

Recommendations

To mitigate the security risks faced by EHRDs, participants in the Asia Pacific EHRD Forums (2021–2023) and the Asia EHRD Forum (2025) issued a series of recommendations, primarily addressed to governments as the principal duty bearers for human rights protection.

1. Address the drivers of the attacks on EHRDs and the root of natural resource conflicts.
 - a. Follow the path to development that does not prioritise commercial interests and which causes poverty, inequality and environmental destruction.
 - b. Ensure that environmental rule of law is upheld.
 - c. Strengthen policies on protection, rehabilitation and conservation of the environment, as well as on access to information, public participation and justice.
2. Strengthen mechanisms for the reporting, monitoring and documentation of incidences of attacks on EHRDs.
3. Enact laws that recognise and protect EHRDs i.e. the Philippine HRD Bill and Environmental Defense Bill and an ASEAN EHRD legally-binding regional agreement.
 - a. With the support of independent national human rights institutions or other human rights organisations, ensure the inclusion of proper and timely reporting, monitoring and documentation of attacks on EHRDs, establishment of grievance mechanisms, and provision of emergency support.
 - b. Ensure these laws are in accordance with international standards and norms i.e. UN General Assembly Resolution 53/144 and UN Human Rights Council Resolution 40/11.
4. Repeal or amend laws that are prone to abuse and to being weaponised against EHRDs i.e. anti-terrorism and defamation laws.
5. Develop the capacity of courts in identifying and handling SLAPPs against EHRDs so that these cases will be immediately dismissed. Ensure the independence of judges and lawyers handling cases of EHRDs.

In addition, actionable recommendations for states are set out in the UNEP working paper “Environmental Rule of Law and Human Rights in Asia Pacific: Supporting the Protection of Environmental Human Rights Defenders” (2023) and in former UN Special Rapporteur John Knox’s policy brief “Environmental Human Rights Defenders: A Global Crisis” (2017), both of which warrant further attention.

Land, Environment, and Indigenous Rights in Myanmar

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Abstract: Myanmar's Indigenous rights movement, emerging in the 2010s, challenges the state's military-dominated identity policies and asserts minority self-determination through claims to traditional lands and natural resources. These struggles are intertwined with broader issues of rule of law and human rights, as minorities leverage international Indigenous rights frameworks to contest state repression, advocate for legal recognition, and protect cultural, political, and environmental rights.

Introduction

The present chapter surveys the status of Indigenous rights in Myanmar. The Indigenous rights movement in Myanmar is a relatively nascent phenomenon that emerged in the 2010s among minorities challenging centralised state authority. While young, claims for Indigenous identity in Myanmar share common agendas with Indigenous peoples in other Asian countries regarding concerns over self-determination and survival of group identities under state policies of assimilation and marginalisation. The following sections present a brief descriptive analysis of the background discourse on Indigenous identity in Myanmar politics; the intersection of Indigenous rights with contests over minority self-determination, control over the environment, and the pro-democracy struggle; and the shrinking civic space for legal action on behalf of Indigenous rights. The conclusion finishes with a prescriptive comment regarding recommendations for international actors seeking to promote Indigenous rights in Myanmar.

Indigenous Peoples in Myanmar

The concept of “Indigenous peoples” is a relatively recent development in Myanmar political and legal discourses. Myanmar's approach to group identities arose out of its time as the colony known as Burma within the British Empire. British colonial administration applied a system of classification that divided colonised populations into distinct groups that invariably reflected a hierarchy of status (Walton 2013; Myint-U 2001). In Burma, the British described groups in terms of “major races”, and then labelled eight major races with the appellation of “*taing-yin-thar*” (“တိုင်းရင်းသား”, or “sons of the soil”) to indicate that they had been within Burma at the time of its annexation into British India: Bamar, Chin, Kachin, Karen, Karenni (or Kayah), Mon, Rakhine, and Shan (Dunford 2019; Thawnghmung 2016).

After independence, the Burmese state continued to use the label *taing-yin-thar*, with successive military regimes relating it to a taxonomy of 135 “national races” defined by the state (Ferguson 2015). Such a state taxonomy did not correlate to the array of self-identified distinctive groups within Burma (later Myanmar) but rather instead exemplified the military's preferences for nation-building (Liljeblad & Htet 2026; Waller 2020; Cheesman 2017). The military is a Bamar-dominated entity, such that its composition aligns with the country's demographics wherein roughly 70% are Bamar and the remaining 30% are from the country's minorities (Liljeblad & Htet 2026). As a result, the military's vision of nation-building invariably reflected Bamar majority perspectives regarding Myanmar's minority peoples (Waller 2020; Cheesman 2017). In particular, throughout Myanmar's post-independence history, the military (or Tatmadaw) sustained campaigns of “Burmanisation” that

sought to assimilate minorities in accordance with Bamar interests, such that the taxonomy of national races reinforced a hierarchy of political control and suppressed the interests of minorities excluded from its list (Liljeblad & Htet 2026; Morton 2017; Einzenberger 2016; Taylor 2015). Such efforts were met with resistance, as various minorities formed armed organisations to defend their existence. The result has been a persistent cycle of conflict, with Myanmar's history hosting continual violent struggle between a military-controlled state seeking to suppress minority opposition and minority groups fighting to advance their respective claims for self-determination and distinctive group identities (Ganesan 2021; Lintner 2020; Callahan 2007).

The Myanmar state was aware of global movements for Indigenous peoples, going so far as to vote in support of the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN Digital Library 2007). Within the country, however, the Myanmar state refused to adopt UNDRIP or the concept of Indigenous peoples into domestic laws and instead, continued to exercise its identity system based on *taing-yin-thar* and 135 national races (Liljeblad & Htet 2026).

The growth of indigeneity discourse in Myanmar grew as a result of non-state activism. Specifically, the struggle over indigeneity originated in the collaboration of the Asia Indigenous Peoples Pact (AIPP), a transnational alliance of Indigenous civil society organisations across Asia, and activists representing various Myanmar minorities (Morton 2017). In preparation for the 2014 Association of Southeast Asian Nations Peoples' Forum in Yangon, Myanmar, and through a series of subsequent workshops, the AIPP and allied minority activists in Myanmar promoted the concepts of Indigenous peoples and their associated rights (Morton 2017). Drawing upon international discourses for indigeneity, particularly within international human rights law, they mobilised social movements for minorities to claim Indigenous status (Morton 2017). The movements went so far as to build coalitions across Myanmar minorities to contest their status within the country, with various groups adopting international Indigenous rights frameworks to articulate the distinctive political, legal, economic, and socio-cultural components comprising their respective group identities (CIPM 2021; CIPM 2015).

Prominent among such activities was the work of the Coalition of Indigenous Peoples in Myanmar (CIPM), an alliance of Indigenous rights organisations from diverse minority populations in Myanmar (CIPM 2021). In asserting the concept of Indigenous peoples for Myanmar minorities, CIPM made submissions to international fora such as the United Nations and domestic statements to Myanmar state and civil society which used the term "*htanay-taing-yin-thar*" ("ဤနေ့တိုင်းရင်းသား", or "original/long-settled" or "inhabiting since ancient times"). CIPM employed *htanay-taing-yin-thar* as its translation of "Indigenous peoples," and defined it to mean Myanmar minorities who self-identified as distinctive peoples with continuous ancestral identities, ties to ancestral territories, and marginal status within Myanmar (CIPM 2021). The CIPM operated at both global and domestic levels, asserting claims for Indigenous rights on behalf of Myanmar minorities within international mechanisms such as the United Nations Human Rights Council, United Nations Framework Convention on Climate Change, and Convention on Biological Diversity as well as within engagements with the Myanmar state (Liljeblad & Htet 2026).

CIPM did not encompass all Myanmar minorities, but its roster of member organisations indicated those minorities who had adopted identities as Indigenous peoples: Arakan (Rakhine), Chin, Kachin, Karenni (Kayah), Karen, Naga, Pa'Oh, and Shan (Liljeblad & Htet 2026; CIPM 2021). Such a roster was not static, but grew in association with CIPM's efforts to promote indigeneity among Myanmar minority populations. In adopting Indigenous identities, Myanmar minorities found global Indigenous rights discourses as providing concepts, principles, and arguments that aligned with minority aspirations for self-determination and survival of group identities. In addition, global Indigenous rights movements provided international legitimacy and transnational solidarity that supported the interests of minority groups in Myanmar (Liljeblad & Htet 2026).

CIPM's growth pointed to its relative youth, with its origins in the wake of AIPP outreach in Myanmar contrasting against a status quo identity politics tied to Myanmar's colonial and post-colonial history. Within its brief time, CIPM managed to achieve some progress in promoting concepts of Indigenous peoples and Indigenous rights in Myanmar's political system. Specifically, during the 2015-2020 government led by the National League for Democracy, CIPM managed to attract attendance by ministerial officials at Indigenous rights events, secured the presence of Indigenous representatives in state stakeholder events on legal reform, and advanced the use of the term "Indigenous" in initial drafts of proposed state regulations (Liljeblad & Htet 2026; Hunt & Leonard 2023; AfoCO 2021; POINT 2017), all of which indicated a tentative state acknowledgement of Indigenous rights movements.

Despite such progress, however, the nascent character of CIPM and indigeneity in Myanmar has not achieved formal outcomes in terms of Myanmar laws. In particular, the framework of 135 "national races" persists within the Myanmar state, to an extent that it continues as the framework for group identities within Myanmar laws (Liljeblad & Htet 2026). Of particular note is the 2008 Constitution, which provides rights to national races (Crouch 2015) that evoke rights claimed by Indigenous activists, including rights to language, art, and culture (Constitution 2008: Sects. 22 & 27); rights to socio-economic development (Constitution 2008: Sect. 22); rights regarding representation in sub-national levels of government (Constitution 2008: Sect. 161); and rights of self-governance within specified "self-administered zones (Constitution 2008: Sects. 199, 275-283, 293, & Schedule 3). Attendant with the 2008 Constitution is the 2015 Ethnic Rights Protection Law (ERPL), which asserts a goal of enabling minorities to realise the group rights accorded by the 2008 Constitution and articulates rights to art, language, ceremonies, innovation and research, education and business, and traditional medicine (ERPL 2015: Arts. 3 & 4). The ERPL presents a change in language, with its text using the term "ethnic groups" in lieu of the vernacular of "national races" (ERPL 2015: Art. 2), suggesting a potential evolution in the Myanmar's state's approach to identity politics.

However, while such expressions are superficially promising for minorities, they should be viewed with caution vis-à-vis aspirations for Indigenous rights. First, because they exist in conjunction with the ongoing system of 135 "national races," they parallel a status quo political system that has proven itself inimical to the aspirations of Myanmar minorities for self-determination and survival of group identities. Moreover, they maintain a Myanmar state aversion to concepts of indigeneity and disconnect the Myanmar state from global discourses on Indigenous rights. Second, the 2008 Constitution enshrines a hegemonic position for the Myanmar military, with allocated seats in the Parliament wielding effective veto powers over amendments, control over multiple ministries responsible for security and administration, and powers to suspend rights and impose martial law (Liljeblad 2025a). The military's existence as a Bamar-dominated entity committed to assimilation means that the 2008 Constitution functions to subordinate minorities under the military's Bamar-aligned agendas. Last, the ERPL constrains its content on rights with attendant requirements for national security, law and order, community tranquility, and public morality (ERPL 2015: Art. 4); places power for promotion of its provisions under a national Ministry for Ethnic Affairs (ERPL 2015: Arts. 5-11); and leaves protection of its rights to the authority of sub-national governments (ERPL 2015: Arts. 14-21). The consequence is a continuation of a historical political structure with authority centralised in a military-controlled, and hence Bamar-dominated, state. In practice, such a structure has served to suppress the interests of Myanmar minorities.

Indigenous Land and Environment Struggles in Myanmar

The tensions regarding group identities in Myanmar intersect with contestation over the country's environment. Myanmar's environment is an underlying issue permeating identity politics, in that the majority of the country's natural resource wealth lies within traditional territories of minority peoples (Liljeblad 2025b). Myanmar's minorities hold ancestral lands predominantly situated within the upland areas along the country's borders (South 2008; Smith 2001). Those areas host an

abundance of minerals, petroleum and natural gas deposits, and biodiversity of flora and fauna, to an extent that they contain roughly 60% of Myanmar's natural resources even though minority peoples comprise only around 40% of the total population (Liljeblad 2025b; Aung 2019; Einzenberger 2016; Buchanan, Kramer, & Woods 2013).

The alignment between the geographic distribution of natural resources and traditional minority territories renders it a physical space of struggle in the country's ongoing contestation between the state and minority peoples. As much as the history of Myanmar has featured perpetual conflicts between the military's ambitions for unity and diverse Myanmar minority aspirations for self-determination, such conflict has involved associated conflicts for control of the environment. Specifically, both the military and minority armed organisations treat the environment as a source of revenue, with natural resource extraction enabling weapons acquisitions and wealth generation (Marrero 2021; Miklian & Barkmeyer 2021; International Crisis Group 2019; UNODC 2019; Cornish & Vivoda 2016). In addition, with the expansion of transnational organised crime into Myanmar, the activities of natural resource extraction immerse both the military and minority communities within international criminal networks trafficking in weapons, narcotics, humans, endangered species, timber, and gemstones (Moreto & Van Ulm 2021; UNODC 2020; Felbab-Brown 2017; Felbab-Brown 2015).

The struggles over the environment are a zero-sum competition, with the military and opposition minorities seeing the control of natural resources by one as denying access to those natural resources by others (Borras et al 2020; Ko Ko 2014; Buchanan et al 2013). Within Myanmar's history, the military dominated that competition, since its control over the state allowed it to use not just violence but also laws and policies of dispossession against minority lands (Suhardiman et al 2019; Einzenberger 2016; Kramer 2015; Ko Ko 2014). The consequent harms to Indigenous minorities have not been purely financial, since their ties to ancestral territories means that dispossession entails an erosion of 1) livelihoods from the environment; 2) access to food, water, and housing arising from ecosystem services; and 3) distinctive identity tied to relations with traditional lands (Liljeblad 2025b).

The precarious status of the environment has grown since the February 2021 military coup, with the military being accused by international observers of escalating natural resource extraction through increased deforestation (Forest Trends 2022; EIA 2021; Heubl 2021), mining (Combs 2022; Fishbein et al 2022a), drug trafficking (Combs 2022; Butler 2021), and wildlife trade (Fishbein et al 2022b; WWF 2022). Human rights monitors assert that the military junta has undertaken such activities in conjunction with mass evictions of Indigenous communities from traditional territories (Global Witness 2024; Cowan 2022). Environmental monitors further argue that the military junta has abandoned state environmental conservation policies, such that local communities are left to deal with the impacts of pollution, ecosystem degradation, and biodiversity loss (Root 2023; IUCN 2023). Consistent with the history of zero-sum competition over the environment, the military's activities facilitate not just financial revenues for its campaigns against pro-democracy resistance, but also serves military interests of preventing pro-democracy forces from gaining shelter in the country's upland frontiers (Liljeblad 2025b; Forest Trends 2022; Wah 2022; EIA 2021; Global Conservation 2021).

The preceding struggles vis-à-vis the environment are enabled by Myanmar's laws. Most prominent is the 2008 Constitution's declaration of the state as the ultimate owner of all land and natural resources in Myanmar (Constitution 2008: Sect. 37). Such a provision renders control over the environment to the discretion of the state, which under Myanmar's succession of military regimes has skewed towards military interests.

Concurrent to the 2008 Constitution is Myanmar's land system, which uses neutral language that ignores the traditional forms of land ownership held by the country's minorities. In particular, the 2012 Farmland Law; the 2012 Vacant, Fallow, and Virgin Lands Management Law; and 2019 Land

Acquisition, Resettlement, and Rehabilitation Law, prescribe universal land management rules that allow for seizure of land deemed to be unused or abandoned (FAO-MRLG 2019). In doing so, they ignore the existence of customary land tenure systems within minority territories that frequently use rotating cultivation practices that allow land to rest from farming (FAO-MRLG 2019; Erni 2018). Such land laws exist alongside the 2016 National Land Use Policy, which places administrative power over the identification of community or customary lands within the state (Liljeblad & Htet 2026).

Similar features exist regarding state treatment of forests. Of particular note are the 2018 amendments to the Forest Law, 2019 amendments to the Forest Rules, and the 2019 Community Forest Instructions, which contain provisions allowing community management of forests, but which still accords primacy to state authority (World Rainforest Movement 2017; Erni 2018). In doing so, they subordinate community aspirations to the preferences of the state, and thereby ensure state control over Myanmar's forests, including those within Indigenous minority territories (Liljeblad & Htet 2026).

Thus, the relationship between Myanmar's Indigenous minorities and their traditional territories intersects with ongoing struggles for minority self-determination against the military-controlled state and the current conflict between pro-democracy forces against the military junta. The environment is a space of contestation involving claims for social and cultural survival of minority group identities; their political, legal, and economic self-determination; and their aspirations for a democratic future against a military regime with an assimilationist, centralised, and repressive agenda.

Civic Space in Myanmar's Conflict

Prospects at the present time for legal actions on behalf of Indigenous rights, including claims to traditional territories, face constraints posed by a shrinking civic space under Myanmar's current military junta. The 2008 Constitution allows constraints on the rights to free expression and assembly in the interests of national security (Constitution 2008: Sect. 354). Since the February 2021 military coup, national security has been used to implement increasingly repressive measures against the Myanmar population. Prominent examples include amendment of the 2017 Privacy and Security of Citizens Law to allow warrantless surveillance, searches, and seizures; modification of the 1861 Penal Code to include peaceful protests and advocacy for reform within the definition of "high treason" and to criminalise information critical of the military; and change of the 2004 Electronic Transactions Law and its 2014 amendment to empower state access to user data, state restriction of internet access, and state criminalisation of information sharing (HRW 2021). Such actions have occurred within a broader sweep of military conduct that international monitors view as a widespread campaign of systematic human rights violations, crimes against humanity, and war crimes (HRC 2022; UN News 2022; UN Special Rapporteur 2022a; UN Special Rapporteur 2022b). As a result, the conditions for advocates of Indigenous rights, and human rights in general, have become tenuous within Myanmar, with the state focused on suppression of movements that threaten the status quo political structure of military hegemony.

Conclusion

The nascent state of Indigenous rights in Myanmar should not be construed as making Myanmar's identity politics irrelevant. On the contrary, the unresolved discourse over group identities has been a major driver of Myanmar's perpetual internal conflicts, and it continues to be a major contributor to the country's current pro-democracy struggle. Indigeneity is a recent introduction to Myanmar's political space, and should be viewed as a new line of contestation launched by minority groups in Myanmar's identity politics. In essence, various minorities are making instrumental use of Indigenous rights as a vehicle to articulate and legitimise their historical claims to self-determination and survival of group identities. In particular, Myanmar's minorities are drawing upon global discourses on Indigenous peoples, particularly through institutions and instruments of international law, to counter the political and legal structure of a Myanmar state which has marginalised them. For Myanmar's

minorities, global discourses on Indigenous peoples provide tools of self-empowerment against a military-controlled state structure of repression. The environment is endemic to such issues, since traditional territories are 1) inherent to minority claims of self-determination and distinctive group identities, and 2) central to natural resource wealth fueling the military junta and its opponents.

Recommendations

Such conditions lead to the following recommendations for international actors seeking engagements in Myanmar's domestic space:

- Relations with state actors entail state preferences regarding relations with minority groups, posing a risk of perception bias and a misinterpretation of on-the-ground tensions between the state and minority communities. Goals to reduce bias require due diligence via engagement with minorities outside of state interference.
- Reliance on state approaches to the environment, particular for development projects tied to extraction of natural resources, risks ignorance of minority claims to traditional territories and attendant forms of customary land tenure and community ownership. Goals to avoid environment-related conflicts require due diligence via engagement with minorities outside the state.
- Exercise caution in any engagement with state actors, since it is dominated by the military. Engagement with state actors carries a high risk of association with the Myanmar military, incurring attendant reputational hazards for international actors.
- When possible, explore engagement with non-state actors, particularly with respect to Myanmar minority groups. Relations with non-state minority groups will help to mitigate reputational hazards for international actors by enabling activities that offset state associations with the Myanmar military.
- Just as much as global Indigenous discourses provide an avenue for contestation by minorities in Myanmar's identity politics, they can also serve the interests of international actors. Specifically, reference to Indigenous rights discourses in international law offer a way of guiding decision-making by international actors. In particular, the work on Indigenous rights within international human rights law and international environmental law function as guidelines and parameters for international actors considering engagement within Myanmar potentially related to Myanmar minority communities and their respective lands.

Deterioration of Civic Space and the Law in Cambodia

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Abstract: *The absence of independent institutions, alongside entrenched political repression and a legal framework designed to consolidate executive power, has resulted in a context where civil society operates only within boundaries defined and tolerated by the state. Human rights lawyers, often a last line of defence, also face reprisals, and their role in Cambodia's civic landscape remains precarious.*

Introduction

Cambodia's civic and digital space has rapidly deteriorated and continues to shrink, driven by repressive legislation that is prone to misuse and selectively enforced against those perceived as "inimical to the national authorities." (UNHRC 2024b, 4). Groups routinely targeted include human rights and environmental defenders, civil society organisations, journalists, trade union leaders, political opposition members, and ordinary people expressing views online (netizens) (UNHRC 2024b, 4).

While playing an important role in promoting and protecting human rights, natural resources and the environment, and the rule of law, these actors are perceived as a threat to public authority and national security. As such, they are met with judicial attacks, limited access to effective legal counsel, and inadequate protection and representation (EUSEE 2025).

With confirmed commune elections scheduled for June 2027 and general elections expected in 2028, the pattern of repression intensifying ahead of electoral cycles raises concerns about the impact on civil society to effectively and meaningfully participate in public life, as guaranteed by the Cambodian Constitution.

The Alleged Weaponisation of Laws to Curtail Civil Society, Including in the Digital Sphere

Fundamental freedoms and human rights are enshrined in international human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR) and the Cambodian Constitution. In light of these international and domestic protections, the regulatory framework governing civil society organisations, trade unions, and the digital space has been the subject of sustained criticism across successive Universal Periodic Review cycles (2019 and 2023), by the European Parliament in its 2024 resolution on Cambodia's civic space (European Parliament 2024), and by United Nations human rights expert mechanisms (UN Special Procedures 2025).

A. The Law on Associations and Non-Governmental Organisations (LANGO)

The draconian LANGO grants sweeping powers to authorities to dissolve existing NGOs as well as to prohibit the registration of new organisations (ICNL 2025). It is used alongside the Law on Auditing and Accounting, and the Law on Taxation as a tool to pressure and control the operations of civil society organisations, particularly those working on advocacy issues and human rights (EUSEE 2025). LANGO mandates political neutrality, which is problematic in a context where many activities deemed critical of the Royal Government of Cambodia (RGC) are considered "political" (UNHRC 2017, 2). Its broad and vague provisions enable selective and discretionary enforcement, imposing onerous administrative

obligations, draining resources, and making it difficult to operate day to day (Narim 2023; EUSEE 2025; Springman 2022).

Since its adoption in 2015, the LANGO has been used to: shutter the US-funded National Democratic Institute (Thul 2017); sanction the election-monitoring coalition “Situation Room” in an apparent attempt to prevent independent monitoring of the 2018 elections (HRW 2017); deregistered environmental group Mother Nature Cambodia after being labelled as an “illegal organisation”, require Khmer Thavrak and Prey Lang Community Network to register in order for activities conducted legitimate (FreshNews 2020; LICADHO 2020, 3); suspend Equitable Cambodia for a prolonged period of time, arguably stemming from their advocacy on behalf of displaced communities as a consequence of Thai company Mittr Phol’s sugar plantations (Cambodian Youth Network 2017); and impose auditing on Center for Alliance of Labor and Human Rights (CENTRAL) (Ly 2024). In its 2024 resolution, the European Parliament highlighted the issues, calling for the immediate cessation of all repression targeting civil society and condemning the actions of the authorities as “politically motivated” (European Parliament 2024; Sreypich 2024).

B. The Law on Trade Unions

The independent trade union movement in Cambodia is being specifically and systematically targeted through administrative requirements, judicial obstruction and harassment, and criminalisation (CSO Joint Submission 2023). The Law on Trade Unions (LTU), adopted in May 2016 and amended in late 2019, in principle guarantees constitutionally protected rights to join and form an independent union. However, in practice, the law restricts collective bargaining and the right to strike. It imposes burdensome registration and reporting requirements, and places excessive rules on unions before qualifying for Most Representative Status, undermining freedom of association and the right to remedy (HRW 2022).

Despite claims of over 6,000 unions and associations registered as evidence of the enjoyment of the right to freedom of association, independent democratic unions are still struggling with intense bureaucratic resistance. At least 3 federations and 34 grassroots unions are claimed to have their registration processes delayed for years due to reported uses of trivial clerical errors. The attempts are seen to pressure union workers to leave or dismiss them during the delay periods, effectively undermining unions and workers position before they are legally recognised (CENTRAL 2025).

The 2019 amendments, while leading to some improvements to freedom of association, provided mainly “tokenistic concessions” (CSO Joint Submission 2023).

C. Regulation and Control of the Digital Sphere

Cambodia’s media has increasingly moved online due to advances in technology, improving public access to information, especially during elections and conflict situations.

Nevertheless, independent media has been systematically dismantled since 2017 through licensing revocations, legal restrictions, and digital censorship surrounding elections, rendering the landscape “near totally diminished” (RSF 2025). During communal elections in June 2017, at least 19 radio stations’ licences were revoked by the Ministry of Information based on violating contractual obligations on not relaying critical Khmer media outlets, namely Radio Free Asia (RFA), Voice of America (VOA) and Voice of Democracy (VOD) (UNHRC 2018b, 2). At least 32 radio frequencies or broadcasts were shuttered across Cambodia before the general elections in 2018, including the main opposition party’s website, VOA, VOD, and RFA, alleging the outlets of “citing sources who disrupted the election and were abroad” in violation of election law (Sun & Aun 2018). Opposition political parties are traditionally dependent on critical media outlets and radio stations to convey their political messages and agendas to their electorates. Similar issues happened again in 2023 when websites of critical media outlets and their social media accounts were blocked before the 2023 elections (Davin & Liblib 2023). The measures to impose limitations and excessive restrictions on the independent

media are incompatible with its international human rights obligations. The United Nations High Commissioner on Human Rights has deemed the closure of VOD five months before the 2023 elections as ‘unlawful’ (UNHRC 2023).

Restrictions on the media have been reinforced in 2024 and 2025 through the introduction of strict regulatory controls. In August 2024, the Ministry of Information adopted the Charter for Professional Journalism. United Nations experts called for its suspension, highlighting that its powers “extend State scrutiny over social media” and restrict freedom of expression and press freedom (OHCHR 2024a; UNHRC 2025d, 5).

Criminalisation of Human Rights Defenders and Civil Society

Despite their crucial role in a democratic society, human rights defenders (HRDs), including trade unions and environmental human rights defenders in Cambodia, are reported to face escalating harassment, arbitrary arrest, and criminalisation, undermining the principles of democracy and the rule of law (Muntarbhorn 2025). The United Nations Special Rapporteur on the Situation of Human Rights in Cambodia 2025 report annexed a detailed table cataloguing 33 cases of HRDs, political opponents, and journalists detained or arrested on various criminal charges between January 2023 and May 2025 (UNHRC 2025d, Annex II).

A. Environmental and Youth Defenders

Harassment and criminalisation of youth groups under vague criminal provisions “cast a wide shadow” over civic space, particularly for youth engagement in public debate and advocacy. In July 2024, five activists from the Mother Nature environmental group were convicted for “plotting against the government” and “insulting the king” widely perceived to be “politically motivated” stemming from their advocacy on environmental protection (CIVICUS 2024b). Another youth group, advocating for democratic governance and sustainable management of environmental resources, Khmer Student Intelligent League Association (KSILA) have faced repeated judicial harassment. Koet Saray, president of the group, was convicted of repeated incitement under Articles 494 and 495 of the Criminal Code, resulting in a four-year imprisonment term stemming from a meeting with villagers affected by a long-running land dispute (Eung 2024). His sentencing, upheld by the Court of Appeal, has been condemned by United Nations experts as a weaponisation of the country’s “abusive incitement laws” (Human Rights Foundation 2026). Other KSILA members have also faced judicial harassment, as well as members from youth group Khmer Thavrak in 2020 and 2022. The cases reflect the broader risks faced by youth activists involved in democratic and environmental advocacy.

B. Journalists, Media Workers, and Netizens

Broad charges under the Criminal Code are routinely misused to jail journalists rather than applying civil liability provisions under the 1995 Press Law (OHCHR 2022; CamboJA 2025). As explicitly recognised by the Human Rights Council in its July 2025 resolution on the safety of journalists, the role of journalists and media workers in the context of elections and in times of crisis is critical to inform public debate, and to ensure that the public has access to adequate and independent information for informed decision-making (UNHRC 2025a, 2-3).

Since mid-2025, at least eight arrests have been made against journalists reporting on the border clashes and online scam reporting, including six arrests in February 2026 (Sreypich 2026). In addition, at least 30 netizens have been detained for expressing views online in relation to the border clashes, reflecting the increasing crackdown by authorities on netizens within the digital sphere (Narim 2026a). In the most extreme case, journalists Phorn Sopheap and Pheap Pheara both were charged with treason for allegedly providing “information prejudicial to national defence” to a foreign state, after publishing images of Cambodian soldiers with alleged landmines, and have been sentenced to 14 years in prison following a February 2026 court ruling (Narim 2026b). The cases are not an exhaustive list of

evidence but instead reflect a broader environment in which authorities misuse the Criminal Code to discourage further reporting, especially on sensitive topics.

C. Trade Union Leaders and Labour Rights Advocates

In a 2020 report, the American Bar Association describes the treatment of trade union leaders as “volatile” (ABA 2020). The political situation continues to deteriorate, resulting in ongoing persecution of union leaders, members and labour rights activists who continue to face judicial harassment, threats and criminal charges or imprisonment in reprisal for their trade union activities (ILO 2023).

In March 2026, Pich Piseth was sentenced to two years under incitement to discriminate stemming from critical Facebook comments he posted on a page of another union leader, while praising jailed union leader Morm Rithy, recently freed after serving his jail term (Narim 2026c). In December 2024, Chea Chantha was sentenced to eighteen months imprisonment for “disseminating information on the registration of National Social Security Fund cards to informal vendors” and he was charged with ‘fraud and impersonating a public official’ (LICADHO 2025). In some instances, grassroots trade union members have also been treated unfairly by their employers while exercising their rights to organising unions. Despite being reinstated and compensated, Chea Chan, a local union leader elected by workers at a factory supplying to Japanese brand ASICS, was sued by his employer after successful union elections (Business and Human Rights Centre 2024).

D. Broader Patterns: Protesters, Political Dissidents, and Diaspora

It appears that online and offline comments, as well as protests are not taken lightly by authorities, especially when such activities may trigger broader movements. The criminalisation of civic actors extends to peaceful protesters and social media users, seen in the context of the 2021 Nagaworld union protests and Cambodia-Laos-Vietnam Development Triangle Area (CLV-DTA). Since a labour dispute broke out in 2021 between the Labor Rights Supported Union of Khmer Employees of NagaWorld and NagaWorld casino, the dispute has not been resolved, and protests have been ongoing (OHCHR 2024b). Regarding expressing comments or concerns over CLV-DTA, in 2024 at least 94 individuals were arrested, raising broad concerns about State’s tolerant behaviour and obligations to human rights respect (Amnesty International 2024).

Concerningly, even when dissidents and political dissidents move abroad, they still face risk of transnational repression through violence, threats and intimidation (EUSEE 2025). Between 2021 and 2024, at least 11 activists associated with an opposition party, including a juvenile, who were hiding Thailand, were forcibly taken back to Cambodia to face criminal charges (OHCHR 2021; HRW 2024).

The Role of Lawyers in Defending Civic Space

Due to limitations and gaps in legal aid services offered by the RGC, pro-bono law groups, NGOs and CSOs are considered the primary providers of legal aid services in Cambodia, offering support for both criminal and civil matters. These organisations often focus their services to help vulnerable and marginalised groups, who might otherwise fall through the cracks, such as journalists, women, youth members, indigenous communities, and other civil society actors. One of the primary missions of lawyers is to strengthen the rule of law as stated under Article 4 of the 2012 Code of Conduct (BAKC 2012). The rule of law and the role of lawyers are central to guaranteeing fair trial rights, which form a cornerstone of a just legal society. Any constraints on lawyers severely weaken the fundamental principles of the rule of law by disrupting effective access to justice and fair trial rights mechanisms.

Human rights lawyers uphold the right to a fair trial by ensuring that defendants have representation and can challenge convictions before higher courts. Albeit, the capabilities of lawyers to be able to carry out this work is becoming more difficult. With widespread cuts to global funding which has impacted Cambodia significantly, the pressure on independent and non-government aligned legal services is unprecedentedly strained (Nimol 2025). This is a serious cause of concern in light of pre-

existing challenges by detainees in accessing legal aid, in some cases resulting in extended periods of pretrial detention without access to a lawyer (UNHRC 2025c, 13).

Beyond individual case representation, lawyers also play an indispensable role in supporting civil society organisations to navigate the increasingly complex web of legal and administrative requirements imposed upon them by draconian laws. This includes advising on compliance with the LANGO and LTU, responding to legal threats, managing the risk of registration, suspension or dissolution, and challenging unlawful administrative actions.

More broadly, the efforts of ‘for-cause’ lawyers to more generally promote and preserve the ideal of the rule of law, where it is consistently under siege, is especially critical (UNESCO 2024).

A. Challenges faced by human rights lawyers in a politically repressive environment

Lawyers who defend HRDs, activists or work in practice areas considered controversial by State actors or private sector actors frequently face direct reprisals ranging from intimidation, surveillance, harassment to prosecution, disbarment and imprisonment (Boyle 2025). Some prominent human rights lawyers and activists have been compelled to issue public apologies for their work and there are instances of lawyers switching political parties, presumably under coercion to avoid being disbarred (Morris 2009). As an example, a lawyer representing opposition politicians facing extreme pressure wrote an apology letter and decided to withdraw from representation of his client, who commenced a lawsuit against former Prime Minister alleging that he made insulting comments against her in a public speech (Morris 2009).

Lawyers in Cambodia have also reported receiving personal threats, even sometimes death threats and being placed under intrusive surveillance by authorities for having represented members of the political opposition (Boyle 2025). In 2023, the Bar Association of the Kingdom of Cambodia (BAKC) imposed disciplinary sanctions on two high profile lawyers generally representing HRDs and political activists, asserting that the interviews they gave to a critical overseas-based Khmer-speaking media outlet were in violations of the Code of Ethics for Lawyers (FreshNews 2023). These experiences of humiliation and coercion align with what commentators term the “everyday petty indignities” inflicted upon lawyers in authoritarian systems (Boyle 2025).

B. Unattractive career as human rights lawyers

There has been a scarcity of lawyers, most notably following the devastation of the Khmer Rouge. While numbers are increasing, the risks associated with human rights lawyering – harassment, discrimination, societal reputational harm or criminal prosecution – deter entry into the profession. Those who choose to work within the profession often do so not for monetary incentives, but because as individuals, they steward a high degree of personal principles to promote the rule of law, human rights and social justice as stated in the Code of Conduct for Lawyers (BAKC 2012). They are willing to do at high personal risk.

Furthermore, systemic structural inadequacies make human rights lawyering an unattractive and precarious career path in Cambodia. Despite progress in training and capacity building for lawyers and modernisation of the bar institution since its establishment in 1995, the BAKC remains under public scrutiny for its independent role in protecting lawyer members (IBA 2015).

Key Policy Takeaways

With acknowledgement of the RGC’s commitment to upholding human rights in line with international human rights laws and standards, concrete steps are required to ensure the commitment is realised in practice. Documentation of human rights violations by local and international human rights organisations and the United Nations agencies indicates that Cambodian authorities are applying domestic law inequitably and arbitrarily to the detriment of fundamental freedoms and human rights.

Implementation over the last several years demonstrates a growing hostility by authorities to HRDs, activists, journalists, political dissidents, and protesters.

Recommendations

A. To the RGC and lawmakers:

- Cooperate effectively in good faith with the United Nations Special Rapporteur on the situation of human rights in Cambodia and other United Nations mechanisms, especially UPR, on taking concrete steps to address human rights issues and set out realistic timeframe to implement recommendations made by the United Nations bodies.
- Create an official channel or platform with CSOs and relevant political parties to review, repeal or reform laws that interfere with fundamental freedoms and human rights to bring them in line with international human rights law and standards and, in particular, ensure the LANGO and LTU among others are meaningfully and publicly consulted with rights-holders and CSOs and amended to address those concerns.
- Put in place a genuine transparent and meaningful mechanism and check-and-balance system that ensure public participation from rights-holders and CSOs in a law drafting process before any law concerning rights and freedoms is enacted.
- Take steps to deescalate political tensions, restore political space and build mutual trust and confidence to cease unfair restrictions on civic space – online and offline – and decriminalise HRDs, journalists or activists who merely exercise their rights.

B. To the international community:

- Be proactive and stand ready in solidarity with civil society actors and human rights lawyers in defending fundamental freedoms and human rights, especially taking immediate intervention in a crisis situation of human rights.
- Expand a mandate to monitor and document human rights violations by State actors and business actors in Cambodia and conduct regular engagements with the RGC on the assessment and how to address human rights concerns.
- Increase financial and technical assistance to civil society and government's bodies in the promotion and protection of human rights and play a key role in bridging misunderstandings and distrust between civil society and RGC.
- Cooperate with the RGC in legislative reform and remind the RGC that individuals should be able to express their opinions, including dissenting or critical thoughts towards the government or government officials, without fear of retribution.

C. To civil society actors:

- Review internal operations and human rights programs amid funding shortage to streamline the organisation's approaches, addressing the needs of beneficiaries especially in a digital age.
- Build coalitions and work in collaboration among CSOs in human rights violation documentation, campaign, advocacy and information-sharing.
- Enhance internal transparency and accountability, internal expertise, evidence-based research and reputation to gain donor's and public trust.
- Adhere to a principle of public policy advocacy that matters public interests rather than a personality attack.

D. To other non-state actors:

- Ensure all collaboration with the RGC is strictly contingent to the protection of fundamental freedoms and human rights.
- Ensure all business and investment operations, including by tech companies, are compliant with human rights due diligence principles throughout the global supply chain with clear indicators of human rights expectations.
- Publicly express support for HRDs and civil society actors and the key role they play in monitoring the human rights situation and support them in exercising their fundamental freedoms.

Singapore: The Algorithm Knows No Lines

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Abstract: *This chapter examines Singapore's dual-vision approach to law — predictable and just in commerce, discretionary in civic life — and argues that the governance of artificial intelligence requires the same commitment to legal certainty, including the protection of fundamental rights.*

Introduction

Singapore has long been recognised for a governance model that defies easy categorisation. It combines authoritarian instincts in the civic sphere with rigorous, internationally respected rule of law in commerce. Law means different things depending on which side of this line one stands. For a business, it means certainty, predictability, and judicial enforcement. For an individual asserting rights against the state, it means executive discretion, ouster clauses, and legislative override.

This dual vision is not accidental. The People's Action Party has governed on this basis for six decades, bringing Singapore from a third world to a first. In the commercial domain, the rule of law has been an instrument of prosperity. In the civic domain, law has been an instrument of order. The two have coexisted because, for most of Singapore's development, they operated in separate spheres.

Artificial intelligence disrupts this arrangement. Unlike earlier technologies that could be regulated as single-domain phenomena, AI cannot be confined to either lane. Its implications straddle both spheres simultaneously, making separation through distinct legal frameworks increasingly untenable.

Singapore's AI achievements are genuinely impressive. Recognised internationally, including at Davos in January 2026 as one of three countries "making AI happen" (Georgieva 2026), Singapore has built a carefully sequenced ecosystem since 2017. Most of the initiatives fall within the purview of "Smart Nation and Digital Government Group" in the Prime Minister's Office. In February 2026, an inter-ministerial body chaired by the PM called, National AI Council, was formed (Channel NewsAsia 2026) (See also Table 2).

The consequence of this development, however, is a structural gap. Singapore's commercial law has no mechanism for allocating liability in civilian life when AI causes harm without direct human instruction. Existing laws offer no enforceable protection against government AI use. What is required is a convergence of three areas of law.

AI has created a challenge for traditional law. It requires the application of three distinct areas of law: corporate compliance, human rights and product liability. Product liability provides the closest analogue, but traditional scope has never operated on this scale.

This chapter argues that the same commitment to clear, enforceable law that made Singapore a trusted commercial jurisdiction must now be extended to AI governance, including the protection of fundamental rights. This extension is not a departure from Singapore's model, but a logical completion. It is divided into seven parts. First, it identifies the dual vision pattern embedded in Singapore's legal landscape. Second, it examines how AI collapses the separation on which that pattern depends. Third, it sets out the framework of AI risks that informs the analysis which follows. Fourth, it identifies Singapore's response and its structural defects. Fifth, it identifies three specific legal gaps that result. Sixth, it explains why existing laws cannot bridge those gaps. Seventh, it makes the case for binding holistic legislation. It concludes with domestic and international recommendations.

The Dual Vision: Pattern

The dual vision is embedded in specific legal choices that Singapore has made and, in several cases, actively defended. The principle that everyone is subject to the law, and that executive decisions are constrained by the judiciary, does not apply in the civic sphere.

This pattern is visible across security, freedom of assembly and expression, data privacy, and social cohesion – areas in which the executive prioritises discretion, with law operating to entrench rather than constrained that power.

A. Security: The ISA and the Response to *Chng Suan Tze*

The most candid illustration comes from Singapore's Internal Security Act (ISA). In *Chng Suan Tze v Minister for Home Affairs* ([1988] 2 SLR(R) 525), the Court of Appeal commented that the Minister's power to order preventive detention without trial should be subject to an objective test. The decision was based on a narrower ground.

Parliament responded within two months by amending both the ISA and the Constitution to reverse the decision: reinstating a subjective test and introducing a constitutional ouster clause (see Constitution of the Republic of Singapore (Amendment) Act 1989 (No. 1 of 1989); Internal Security (Amendment) Act 1989 (No. 2 of 1989); Singapore Parliament 1989).

The episode illustrates the boundary of judicial oversight, particularly in matters of security.

B. Freedom of Assembly

Under the Public Order Act 2009, a public assembly or procession requires a police permit and the Act applies to a gathering of a single person.

A limited exception exists at Hong Lim Park, though restrictions remain (National Parks Board).

C. Expression: OB Markers

Singapore's press was shaped not by direct prohibition but by ownership structures, licensing (Newspaper and Printing Presses Act 1974; Broadcasting Act 1994), and the latent threat of defamation litigation. Journalists and editors internalise what the industry terms "OB markers" -the informal, unwritten limits on political commentary (George 2012, 64-68). This is the "chilling effect" of the law.

D. Personal Data: The Government Exemption

The Personal Data Protection Act 2012 (PDPA) is Singapore's primary data protection statute. Section 4(1)(c) of the Act expressly excludes all public agencies from its obligations.

While the Public Sector (Governance) Act 2018 regulates internal use and misuse, it provides no equivalent protection on individuals against government data handling.

In the AI context, this creates a significant gap: there is no general law constraining the state use of data in ways that may affect privacy and freedom of expression, including through mass surveillance, predictive social profiling, or social scoring.

The gap reflects a broader structural preference for executive discretion without corresponding rights of enforcement.

E. Controlled Change

The history of section 377A of the Penal Code adds a further dimension to Singapore's legal model. This is a provision which criminalised sex between men. Initially, in reaction to activists' protests, the government's response was not to enforce it (Singapore Parliament 2007). To retain a law with a public undertaking not to enforce is to make a mockery of it.

When section 377A was repealed in November 2022, the Constitution was simultaneously amended to introduce Article 156, entrenching the definition of marriage as a union between a man and a woman, with a de facto ouster clause insulating the provision from constitutional challenge (Constitution of the Republic of Singapore (Amendment No. 3) Act 2022; Singapore Parliament 2022a; Penal Code (Amendment) Act 2022; Singapore Parliament 2022b).

This reflects a model of controlled legal change, calibrated and secured against judicial reversal.

F. Commerce: The Contrast

In commercial law, Singapore's framework is consistently rational, internationally legible, and subject to principled judicial development.

This stark contrast between commercial certainty and civic constraint has been widely observed, including by The International Bar Association Human Rights Institute (IBAHRI 2008) and remains a defining feature of Singapore's legal landscape. (see Table 1)

AI and the Collapse of the Dual Vision

The dual vision rested on a premise: commercial law and civic discretion operated in separate domains. The dual nature of AI removes this premise.

Unlike earlier technologies that could be regulated narrowly within the domain of Technology, Media and Telecommunications (TMT), AI cannot be confined to either lane:

- The same facial-recognition systems that banks and office towers use for customer and visitor authentication can be redeployed for mass surveillance.
- The same predictive models that banks use to score loan applications can be used by tax or welfare authorities to rank households for fraud risk, importing commercial logics into civic decision-making.
- The same AI techniques that personalise training content and productivity nudges for employees can be tuned to manipulate children and other vulnerable persons.
- The same large language models that help researchers in pharmaceutical companies synthesise biomedical literature to design vaccines can, in principle, be repurposed to search for ways of enhancing virulence or improving delivery of dangerous pathogens.

These systems move seamlessly across the commercial and civic domains, collapsing the distinction on which the dual vision depends. Research highlights that AI-enabled biological design tools lower barriers to pathogen engineering (Trajano and Jeselyn 2025; World Health Organization 2021), while broader analyses warn of catastrophic dual-use risks (Hendrycks, Mazeika, and Woodside 2024). Experimental findings further show that leading foundation models can meaningfully assist in biological weaponisation workflows (Brent and McKelvey 2025).

The Risk Categories

For the purposes of AI regulation, the author is categorising AI's risks into three categories. Human rights risks, such as algorithmic discrimination, state surveillance, harm to vulnerable persons, and limited accountability are the most immediate and form the core of this chapter (HRW 2025). Existential and safety risks, such as AI-enabled bioweapons, autonomous lethal systems (Amodei 2026; O'Brien 2026; Trumbull 2025; Simmons-Edler et. al. 2024), rogue AI can be read as falling within existing frameworks but lack comprehensive regulation. Economic risks, especially, job displacement and structural unemployment are significant but less directly amendable to legal intervention than labour and social policies. This chapter therefore concentrates on human rights and safety risks.

To prevent the first two risks from happening, new obligations have to be created. Further, they need to be ex-ante. This ex-ante approach is usually within the domain of the corporate compliance world. We are now superimposing corporate regulation techniques onto human rights.

Singapore's Response: Ambition Without Obligation

Singapore's response to the challenges posed by AI has been, by any standard, substantive and sustained. As Table 2 shows, the government has built a carefully sequenced AI ecosystem since 2017. This is an architecture of ambition. The challenge is to meet the ambition with full protection.

Across this entire architecture, there is no binding law that imposes enforceable obligations on AI developers or deployers, and no law that creates enforceable rights for individuals affected by AI decisions. The section that follows examines what the architecture contains, where it structurally fails, and what the evidence of that failure looks like.

A. The Legal Landscape

Whilst the government takes a holistic view on AI's effect on the economy, its legal response remains sectoral. Individual government agencies issue their own guidelines or codes of conduct. The only cross-sector guides are those issued by the Infocomm Media Development Authority (IMDA) (see also Table 2) and the Personal Data Protection Commission.

Singapore has no comprehensive AI legislation. Governance rests on two layers: existing statutes enacted for other purposes, and voluntary Model AI Governance Frameworks (MGF). Neither are designed to address AI specific-harms or protect fundamental rights.

In commerce, the PDPA imposes notification obligations on organisations using personal data for profiling but excludes all public agencies. The Monetary Authority of Singapore's (MAS) Principles to Promote Fairness, Ethics, Accountability and Transparency in the Use of Artificial Intelligence and Data Analytics in Singapore's Financial Sector (FEAT Principles) govern AI in financial services but are voluntary guidelines. No Singapore law requires disclosure to individuals that AI has been used in decisions affecting them.

In national security, the Foreign Interference (Countermeasures) Act 2021 (FICA), the Cybersecurity Act 2018, and the Computer Misuse Act 1993 give the government broad discretionary powers against AI-enabled threats, with powers largely vested in the executive and subjected to limited judicial oversight.

In media and online safety three Acts - Protection from Online Falsehoods and Manipulation Act 2019 (POFMA), Online Criminal Harms Act 2023 (OCHA) and Online Safety (Relief and Accountability) Act 2025 (OSRA), address harmful AI-generated content. These instruments operate ex post, targeting content rather than the system that generates it.

No law imposes enforceable pre-deployment obligation to prevent harm caused by AI itself. This absence, across all domains, is a central structural gap.

B. The MGFs: Structural Defect

The MGFs share common characteristics - ethics-based, voluntary, lack of sanctions, lack of independent audit requirements, and create no enforceable rights (IMDA 2020; IMDA 2024; IMDA 2026). As Table 3 shows, even where the MGF for Generative AI overlaps with the EU AI Act, it mirrors only the obligations for general-purpose AI models in Chapter V, not the Act's broader rights-based protections.

The MGFs have been exported by Singapore into ASEAN instruments (ASEAN 2024; ASEAN 2025), which similarly rely on voluntary compliance. The practical consequence is visible in Singapore's own cross-sector landscape: across healthcare, policing, education, and the legal sector, AI deployment remains subject to voluntary guidelines with no AI-specific enforcement agency and no mechanism

for affected individuals to seek redress. Such frameworks were defensible in 2019, when AI systems were less advanced and regulatory approaches were still emerging. By 2026, except for Agentic AI the technology has matured, risks are well documented, and regulatory approaches are increasingly rights-based.

Soft law may serve well as an interim measure but is not sufficient in the long-term.

Where the Dual Vision Fails: Three Legal Gaps

The MGFs acknowledge issues such as data bias (IMDA 2020; IMDA 2024; IMDA 2026) but do not recognise them as enforceable rights. Their provisions are non-binding and carry no penalty. The following three gaps illustrate the legal vacuum.

A. Right to Freedom of Expression, Assembly and Privacy: Government Surveillance and the Absence of Civic AI Rights

The mischief: Under current law, the government may use AI for real-time biometric surveillance in public spaces, social scoring, predictive criminal profiling. These uses are legally permissible because the PDPA does not apply to public agencies and no equivalent constraints exist. Individuals have no right to know if AI was used in a government decision affecting them, no right to an explanation, and no right of challenge.

Why existing law fails: The Public Sector (Governance) Act 2018 (PSGA) penalises civil servants for data misuse but confers no corresponding right on individuals.

What legislation must do: Apply the same obligations to public agencies as to private actors; require disclosure of AI use in decisions affecting individuals; provide a right to explanation and challenge for automated decisions in housing, education, healthcare, and law enforcement.

B. Right to Non-discrimination: Algorithmic Discrimination & No Pre-Deployment Obligation

The mischief: AI used in employment, housing, education, and healthcare can discriminate before the harm is visible. Algorithmic discrimination is often invisible, scalable, and self-reinforcing.

Why existing law fails: The Workplace Fairness Act 2025 (WFA) protects against discrimination on listed characteristics but contains no provision governing algorithmic discrimination and does not fully address discrimination by association or emerging forms of bias. Further, it grants the Minister discretion to exclude certain employers from its scope. This leaves room for the government to gazette public agencies as a prescribed employer, taking them out of its scope.

Should the PDPA be applicable, it is mainly ex-post - redress is available only after a breach.

The WFA and PDPA are applicable only to employment and privacy issues. No law requires AI systems in credit analysis and the processing application for education, housing and welfare to be audited for bias before deployment. Illustrative cases in other jurisdictions include:

- **Criminal justice system:** COMPAS recidivism algorithm which discriminates against individuals of African descent in USA (Angwin, Larson & Mattu 2016).
- **Employment:** Amazon AI recruitment tool which systematically discriminated against women in USA (Dastin 2018).
- **Welfare:** Robodebt scheme which automatically raised unlawful debt notices over half a million welfare recipients in Australia; and the Allegheny Family Screening Tool used by Pennsylvania welfare authorities which systematically flagged families of colour as higher risk because of algorithm trained on historically bias data in USA (Mao 2023; Burke and Mendoza 2022; Alston 2019).

What legislation must do: Prohibit AI practices that enable predictive policing, mass surveillance, or social scoring; and AI systems that exploit the vulnerabilities of natural persons. For high-risk activities in areas such as administration of justice, immigration, public housing, healthcare, education, employment and credit scoring — mandate pre-deployment bias audits for compliance with non-discrimination obligations and human oversight for all automated decisions affecting individuals. The examples given are not exhaustive.

C. The Right to Life: Accountability, Safety, and the Black Box

The mischief: When an AI diagnostic system gives a wrong diagnosis, an autonomous vehicle causes a fatal accident, or an AI chatbot exploits a vulnerable teenager's mental health and encourages self-harm. Under Singapore's current law, responsibility may be unclear or difficult to establish.

Why existing law fails: Singapore has no product liability statute. Victims pursuing negligence face three obstacles:

- **the black box:** the opacity of AI systems makes it difficult to establish how harm occurred;
- **diffuse causation:** harm may arise from multiple stages across the AI lifecycle, complicating attribution; and
- **contractual exclusion:** liability is often limited through contractual terms (Amirthalingam, Yew and Lim 2025; Seah 2023; HRW 2025).

In US and Belgium, AI-powered chatbots have been alleged to encourage suicides (Yang 2024; Walker 2023). Their deployer and underlying foundation model developer have been sued. Within the EU's Artificial Intelligence Act (Regulation (EU) 2024/1689) (EU AI Act), the EU has moved to prohibit systems that exploit vulnerabilities of persons such as age or disabilities. Singapore has no equivalent law.

What legislation must do: Classify AI by risk level with pre-deployment conformity assessments for high-risk systems; reverse the burden of proof for black box cases; allocate liability across the value chain by statute; absolutely prohibit AI systems designed to exploit mental health vulnerabilities.

Why Existing Law Cannot Bridge These Gaps

The three legal gaps identified above share a common root. Effective AI governance requires three legal traditions to work in combination:

- compliance law which imposes positive obligations to audit, disclose and test;
- human rights law which frames negative obligations on the state not to infringe liberty (especially freedom of expression and right to information), privacy and equality; and
- product liability, which assigns responsibility for harm across the value chain.

Singapore's MGFs provide compliance guidance without a rights foundation and without liability. Each on its own is insufficient to prevent or remedy harm.

This inadequacy is illustrated when we compare MGF for Generative AI with the EU AI Act. Only Chapter V on general-purpose AI models is reflected. The narrowest slice of the Act's regulatory architecture. The Act's prohibitions on unacceptable AI practices (Article 5), its risk-based obligations for high-risk AI systems (Chapters III–IV), and its fundamental rights impact assessment requirements (Articles 9 and 27) have no counterpart in Singapore's frameworks at all. (see Table 3)

The structural answer is an ex-ante, rights-grounded regulatory framework, one that imposes obligations proportionate to risk before deployment, and enforceable rights on individuals when those obligations are breached. This is not a foreign concept. Singapore's own MGFs are already structured around ex-ante risk management. What is absent in their translation into binding law and their grounding enforceable rights.

In terms of human rights and AI, government immunity remains the most acute gap. The most powerful AI deployer in Singapore is legally exempt from the very frameworks it imposes on private actors. In the civic domain where AI's impact is most consequential, the state operates without legal constraint.

The Case for Legislation

Singapore has laws that touch aspects of AI or could be used to address AI in sectors of the economy, for example, the Financial Services and Markets Act 2022. However, using these laws (passing subsidiary legislation or binding codes of conduct) is not the solution. They are designed to correct different mischiefs and not built to address a technology which covers different domains at the same time. A purpose built AI law may be the only answer. Like environmental law, it took decades to be recognised as a regime which requires its own legal architecture, so does AI. Unlike environmental law, it is moving even faster.

A. Speed is No Deterrent

The argument that AI moves too fast to legislate is directly contradicted by the EU's own timeline. The European Commission published its AI Act proposal in April 2021, and the Act entered into force on 1 August 2024 - three years and four months later, covering an entirely novel technology across 27 member states.

Key provisions addressing general-purpose AI (GPAI) were developed during 2022 and 2023, alongside rapid advances in generative-AI such as ChatGPT (European Commission 2021; Council of the European Union 2023).

Singapore, unlike the EU, is a single jurisdiction. Compared to some EU member states, it has a world-class legal infrastructure and concentrated AI expertise. It is well positioned to legislate. Singapore has legislated for new phenomena before: the Computer Misuse Act 1993, POFMA 2019, FICA 2021, OCHA 2023. AI is not different in kind, but it is distinct in urgency.

Closer to home, Vietnam enacted its standalone Law on Artificial Intelligence (No. 134/2025/QH15) on 10 December 2025. It came into force on 1 March 2026. This is an ASEAN member with a developing economy and a lower per capita GDP than Singapore (IMF 2024). This is further proof that the speed of development in AI is no hindrance.

Finally, the first MGF is now 7 years old. The interim period has passed.

B. Singapore's Policy Work Is Already Done

Singapore's policy groundwork, which started in 2017, is already substantial. AI risks are commonly understood across three categories:

- human rights
- existential and safety
- economic disruption

While human rights protections remain underdeveloped in domestic legislations, Singapore has engaged with these issues internationally. Singapore is a member of the United Nations and United Nations Educational, Scientific and Cultural Organisation (UNESCO), and has formally adhered to the OECD AI Principles. It has adopted the UNESCO Recommendation on Ethics of Artificial Intelligence (UNESCO 2021) and UNGA on "Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development" (UNGA 2024), all of which emphasise the protection of human rights.

As for OECD AI Principles, Article 1.2 states that

“AI actors should respect the rule of law, human rights, democratic and human-centred values throughout the AI system lifecycle.”

and states should promote and implement them.

These commitments signal policy alignment, even when they are non-binding.

On safety risks, Singapore has published three MGFs, each developed through structured consultation (see Table 2):

- The first, for traditional AI, went through five months of public consultation before publication in June 2019.
- The second, for generative AI, drew input from approximately 70 organisations over a two-month consultation period before publication in May 2024.
- The third, for agentic AI, was launched at Davos in January 2026 as a live framework as its urgency was such that consultation runs concurrently with deployment.

Three frameworks in seven years, each keeping pace with a new generation of AI technology. They are accompanied by toolkits and self-assessments guides for organisations (IMDA 2020; IMDA 2024; IMDA 2026).

On the existential dimension, Singapore participated in and endorsed every declaration in the international AI summit series, from Bletchley (2023) to Seoul (2024), Paris (2025), and New Delhi (2026) (UK Government 2023; Singapore Ministry of Foreign Affairs 2024; UK Government 2024; Presidency of the French Republic 2025; Ministry of External Affairs, India 2026) (see Table 5).

Economic risks have been addressed through the National AI Strategy and sustained public investment in infrastructure and talent (Cazzaniga et al. 2024; Guang-Xi 2024; Ministry of Education, Singapore 2025; National Research Foundation, Singapore n.d.; Ministry of Digital Development and Information, Singapore 2026; Tham 2023).

It is clear that the policy infrastructure exists

C. The Trust Deficit

Despite this policy architecture, public trust in AI remains limited.

The government's stated objective since the first National AI Strategy in 2019 has been to build an ecosystem of trust in AI. More than six years later, the data shows the objective is not being met:

- Salesforce survey found that 74 per cent of Singapore consumers trust companies less than they did a year ago (Salesforce 2024).
- KPMG's Global AI Trust Study found that only 50% of Singaporeans are willing to trust AI, 58% used AI at work in inappropriate ways and that 55% admitted to using AI in breach of their organisation's policies (Gillespie et al. 2024).
- EY survey found that 71 per cent of government respondents cite public wariness as a significant hurdle to government AI adoption (EY 2025).

The irony is pointed. The government wants individuals to trust AI, but declines to give them the legal protections that would make trust rational. Individuals often lack enforceable rights to understand, challenge or seek remedies for AI-driven decisions. The resulting trust deficit reflects, in part, the absence of legal protection.

D. The Prisoner's Dilemma and the Duty of State

The challenge is also structural.

In March 2023, Future of Life Institute called for a six-month pause on advanced AI development (Future of Life Institute 2023). In May 2023, leading AI researchers and the chief executives of AI model companies such as OpenAI, Google DeepMind, and Anthropic declared that preventing AI-

caused extinction should be treated as a global priority comparable to nuclear war and pandemic (Center for AI Safety 2023) This was initiated by another AI NGO, the Centre for AI Safety.

No coordinated pause followed. On the contrary, development continued to accelerate (Johnson 2023; Anthropic 2024; Meta 2023; Mistral AI 2023; Knight 2023; Li 2023).

Two years later, in Oct 2025, the Future of Life organised another statement calling for a ban on the development of superintelligence until there is scientific consensus on its safety and public buy-in. As of 8 April 2026, it has garnered more than 136,425 signatures, including two of three “AI godfathers”, researchers, eminent businessmen and statespersons (Future of Life Institute 2025).

At Davos in January 2026, Demis Hassabis and Dario Amodei each said they would support a pause if all competitors agreed (World Economic Forum 2026a; World Economic Forum 2026b; Mialhe 2026). No actor was willing to act unilaterally.

This dynamic reflects a classic prisoner's dilemma. It also proves that competitive pressures incentivise rapid deployment over precaution, without external constraint, the pace of development accelerates.

Singapore is not a passive observer of this dynamic. Singapore is an “open” economy. With more than 50 leading AI companies operating within its jurisdiction (Smart Nation and Digital Governance Group 2023), many deploying foundation models globally, Singapore is directly exposed to the competitive pressures that have made voluntary restraint internationally ineffective. In this context, reliance on voluntary measures alone is insufficient. The duty to protect individuals belongs to the state.

E. The International Consensus

Singapore's position of not integrating human rights into its AI governance regime is conspicuous. The international community has moved toward binding, rights-based AI governance with increasing convergence. The Council of Europe's Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, the first binding AI treaty is expressly open to states that are not members. Non-European states that have already signed include the United States, the United Kingdom, Canada, Japan, Israel. (Council of Europe. April 2026). The only other major AI country which has not signed is China.

Vietnam, an ASEAN member state with a socialist regime, like Singapore has not adhered to the Council of Europe's AI Convention. However, Vietnam's Law on Artificial Intelligence is modeled on the EU's AI Act. It expressly states the protection of human rights as one of its principles. With Article 9(2) making human rights one of the criteria for its classification of risks.

By not doing so, Singapore places itself outside the emerging international consensus on binding, rights-based AI governance. For a state that has built its reputation on legal certainty, alignment with these developments may carry both reputational and strategic significance.

Conclusion

Singapore does not face a choice between innovation and rights. The false dilemma assumes that legal obligation inhibits development, a proposition Singapore's own record refutes. The public health laws governing hawkers (Environmental Public Health Act 1969) did not stop its hawker centres from becoming a UNESCO Intangible Cultural Heritage (UNESCO 2020), the Vehicle Quota System (Certificate of Entitlement) and Electronic Road Pricing (Road Traffic Act 1961) did not deter car ownership, the PDPA did not slow the digital economy, and rigorous company law did not deter investment.

In each case, clear rules created the conditions of trust in which markets could function.

The dual vision served Singapore well when commerce and civic life operated in separate legal spheres. AI has ended that separation. The algorithm does not respect the line between a credit decision and a housing allocation, between a diagnostic tool and a surveillance system, between a content moderation engine and a censorship apparatus. The legal framework must reflect this reality.

The case for AI legislation is not a Western import. It is the logical completion of Singapore's own model: the same rule of law that made Singapore a global commercial centre should be extended at last, to individuals in the civic sphere. This extension - from dual vision to unified vision - is the next chapter in Singapore's development.

Recommendations

Domestically, Singapore should pass an AI law aimed at protecting the constitutional rights of individuals against the state and other individuals to plug the lacunae. Internationally, it should sign the Council of Europe Framework Convention on AI and Human Rights.

A. Domestic Legislation

The legislation should address both normative and operational dimensions.

The normative aspect should align with the fundamental rights in Singapore's Constitution. The operational features would be akin to Singapore's own MGFs.

The rights-protective framework should include:

Protection of Fundamental Rights: The legislation should clearly establish that AI must be developed and deployed in a manner consistent with fundamental rights, recognising its dual-use and "black-box" nature. When a layperson commissions software to be developed, what he understands is not the code but the specifications: what the system must and must not do. Fundamental rights in the legislation serve the same function. It is the specification that individuals understand and hold the state to, regardless of the technology.

Risk classification & ex-ante approach: A preventive, risk-based framework must be adopted. It should include these two tiers - prohibited risk and high risks AI or activities. The former should be banned. The regulatory obligations and penalties should be proportionate to the level of risks created.

Principles of Transparency and Natural Justice: The use of AI systems must be disclosed, with individuals afforded rights to be heard and, to challenge automated decisions.

Accountability chain: Statutory allocation of liability across the AI value chain — developer, foundation model provider, deployer, operator, closing the "AI did it" gap; should be clear. Further, a statutory tort giving individuals the right to enforce AI-related rights breaches should be created and exemption clauses in contract made invalid.

Bind the government: No exemption equivalent to section 4(1)(c) PDPA should exist. Government agencies must publish Algorithmic Impact Assessments, designate accountable officers, and afford individuals the right to explanation and challenge for automated decisions affecting public services

Independent regulator: An independent statutory AI Commission with authority to audit, prosecute, issue binding codes of practice and enforcement powers must be created. The council overseeing it must include independent international representatives with authority to order audits of government agencies.

B. International Politics

AI is an industry which is highly politicised (Kyriasoglou 2026; Sun & Chang 2026). The US has embargoed exports of chips which power AI to certain countries because of defence issues (Shivakumar et. AI 2025; Perlo 2026). By signing the Council of Europe Framework Convention on AI

and Human Rights, Singapore will differentiate itself from jurisdictions that have declined to make a commitment to human rights, rule of law and democratic principles (Daud 2024; US Senate Committee on the Judiciary 2023).

TABLE 1

Singapore International Rankings: IBAHRI 2008 Report vs. Most Recent (2024/2025)

#	Organisation	Index	Year (IBAHRI)	Ranking Then	Most Recent Year	Ranking Now
1	Heritage Foundation	Index of Economic Freedom	2007	2nd / 157	2025	1st / 176
2	World Bank	Ease of Doing Business	2008	1st / 178	2021 (discontinued)	<i>Replaced by B-READY</i>
3	World Bank (WGI)	Voice & Accountability	2007	~60th percentile	2023	~44th percentile
4	IMD	World Competitiveness Yearbook	2006	3rd / 61	2025	2nd / 69
5	Transparency International	Corruption Perceptions Index	2006	5th / 163	2024	3rd / 180
6	Reporters Without Borders	World Press Freedom Index	2007	141st / 169	2025	123rd / 180
7	Freedom House	Freedom in the World	2007	Partly Free (Political Rights (PR) - 5/7; Civil Liberties (CL) - 4/7)	2025	Partly Free (PR - 19/40; CL - 29/60)
8	ARDA (defunct)	Asia Democracy Index	2005	2nd to last. Score 30.42 on a scale of 0-100.	2024	<i>EIU Democracy Index 2024(global): score 6.18/10 (flawed democracy)*</i>

* The ARDA Asia Democracy Index is defunct. The 2005 figure reflects ARDA's regional ranking. For current purposes, the Economist Intelligence Unit Democracy Index 2024 (score 6.18/10; "flawed democracy") is used as a global proxy and is not directly comparable in methodology or geographic coverage.

Sources: International Bar Association's Human Rights Institute (IBAHRI), *Prosperity versus Individual Rights? Human Rights, Democracy and the Rule of Law in Singapore* (London: IBAHRI, July 2008) at page 21 (for all "Year (IBAHRI)" column data); Heritage Foundation, *2025 Index of Economic Freedom*, available at <https://www.heritage.org/index/country/singapore>; World Bank, *Business Ready (B-READY)*, available at <https://www.worldbank.org/en/programs/business-enabling-environment>; World Bank, *Worldwide Governance Indicators — Voice and Accountability, Singapore*, available at <https://data.worldbank.org/indicator/VA.EST?locations=SG> and <https://data.worldbank.org/indicator/VA.PER.RNK?locations=SG>; IMD World Competitiveness Center, *IMD World Competitiveness Yearbook 2025*, available at <https://www.imd.org/centers/wcc/world-competitiveness-center/rankings/world-competitiveness-ranking/>; Transparency International, *Corruption Perceptions Index 2024*, available at <https://www.transparency.org/en/cpi/2024>; Reporters Without Borders, *World Press Freedom Index 2025 — Singapore*, available at <https://rsf.org/en/country/singapore>; Freedom House, *Freedom in the World 2025 — Singapore*, available at <https://freedomhouse.org/country/singapore/freedom-world/2025>; Economist Intelligence Unit — Democracy Index - <https://www.eiu.com/n/global-themes/democracy-index/>

Notes:

- The World Bank *Doing Business* index was discontinued in 2021 following an independent data-integrity review. It has been replaced by *Business Ready (B-READY)*; no directly comparable rank is available for the current period.
- The WGI Voice and Accountability percentile rank indicates the share of countries scoring lower than Singapore, with 0 representing the lowest and 100 the highest possible position. The 2007 figure (~60th percentile) is drawn from IBAHRI (2008), at page 21, citing *Singapore: Governance Matters 2007* (World Bank, 2007). The 2023 figure (~44th percentile) is drawn from current World Bank WGI data. The decline reflects a relative deterioration in Singapore's position on citizen participation, free expression, and accountability over the period.
- The Freedom House ratings in the "Year (IBAHRI)" column (PR 5/7; CL 4/7) use the pre-2003 rating scale, where 1 denotes most free and 7 least free. The "Ranking Now" column (PR 19/40; CL 29/60) reflects the current aggregate scoring methodology introduced progressively from 2003, under which a maximum score of 100 represents full political and civil freedom. The two sets of figures use different scales and are not directly numerically comparable; both nonetheless produce the same country status designation of *Partly Free*.
- The Alliance for Reform and Democracy in Asia (ARDA) *Asia Democracy Index* has been discontinued. The Economist Intelligence Unit (EIU) *Democracy Index* is the nearest available current substitute for comparative purposes.

TABLE 2

Chronology of Singapore's AI Initiatives

Year	Month	Milestone
2017	May	Launch of AI Singapore (AISG)
2017	May	Smart Nation and Digital Government Group (SNDGG) established
2018	June	PDPC Discussion Paper on AI and Personal Data
2018	August	Advisory Council on the Ethical Use of AI and Data constituted
2018	November	Advisory Council — Inaugural Meeting
2019	January	Model AI Governance Framework (MAIG) — 1st Edition
2019	October	National AI Office (NAIO) established
2019	November	National AI Strategy 1.0 (NAIS 1.0)
2020	January	Model AI Governance Framework (MAIG) — 2nd Edition
2022	May	AI Verify launched
2023	June	AI Verify Foundation launched
2023	December	National AI Strategy 2.0 (NAIS 2.0)
2024	May	Model AI Governance Framework for Generative AI (Gen AI MGF)
2024	May	Project Moonshot
2026	January	Model AI Governance Framework for Agentic AI (MGF for Agentic AI)
2026	January	National AI Research and Development Plan (NAIRD)
2026	February	National AI Council announced (Budget 2026)

Sources: Ministry of Digital Development and Information (MDDI), "AI.SG: New National Programme to Catalyse, Synergise and Boost Singapore's AI Capabilities" (press release, 3 May 2017), available at <https://www.mddi.gov.sg/newsroom/aisg-new-national-programme-to-catalyse-synergise-and-boost-singapore-s-artificial-intelligence/>; Prime Minister's Office, "Formation of the Smart Nation and Digital Government Group in the Prime Minister's Office" (press statement, 1 May 2017), available at <https://www.pmo.gov.sg/newsroom/formation-smart-nation-and-digital-government-group-prime-ministers-office/>; Personal Data Protection Commission (PDPC), *Discussion Paper on Artificial Intelligence (AI) and Personal Data — Fostering Responsible Development and Adoption of AI* (5 June 2018), available at <https://www.pdpc.gov.sg/-/media/files/pdpc/pdf-files/resource-for-organisation/ai/discussion-paper-on-ai-and-pd---050618.pdf>; Infocomm Media Development Authority (IMDA), "Composition of the Advisory Council on the Ethical Use of Artificial Intelligence and Data" (30 August 2018), available at <https://www.imda.gov.sg/-/media/imda/files/industry-development/innovation/composition-of-the-advisory-council-on-the-ethical-use-of-ai.pdf>; PDPC, *Model AI Governance Framework* (2nd ed., January 2020), available at <https://www.pdpc.gov.sg/help-and-resources/2020/01/model-ai-governance-framework>; Ministry of Communications and Information, "National Artificial Intelligence Strategy Unveiled" (press release, 13 November 2019), available at <https://www.mddi.gov.sg/newsroom/national-artificial-intelligence-strategy-unveiled/>; IMDA, "IMDA Invites Companies to Pilot AI Verify" (fact sheet, 1 June 2022), available at <https://www.imda.gov.sg/-/media/imda/files/about/media-releases/2022/06/ai-verify---atxsg-1-jun-2022.pdf>; PDPC, "Launch of AI Verify Foundation" (announcement, 7 June 2023), available at <https://www.pdpc.gov.sg/news-and-events/announcements/2023/06/launch-of-ai-verify-foundation-to-shape-the-future-of-ai-standards>; MDDI, "National Artificial Intelligence Strategy 2.0" (press release, 4 December 2023), available at <https://www.mddi.gov.sg/newsroom/04122023/>; IMDA and AI Verify Foundation, *Model AI Governance Framework for Generative AI* (30 May 2024), available at <https://aiverifyfoundation.sg/resources/mgf-gen-ai/>; IMDA, "Singapore Launches Project Moonshot" (press release, 31 May 2024), available at <https://www.imda.gov.sg/resources/press-releases-factsheets-and-speeches/press-releases/2024/sg-launches-project-moonshot>; IMDA, "New Model AI Governance Framework for Agentic AI" (press release, 22 January 2026), available at <https://www.imda.gov.sg/resources/press-releases-factsheets-and-speeches/press-releases/2026/new-model-ai-governance-framework-for-agentic-ai>; MDDI, "Singapore Invests Over S\$1 billion in National AI Research and Development Plan" (press release, 24 January 2026), available at <https://www.mddi.gov.sg/newsroom/singapore-invests-over-s-1-billion-in-national-ai-research-and-development-plan-to-strengthen-ai-research-capabilities-and-our-position-as-global-ai-hub/>; Prime Minister's Office/Ministry of Finance, *Budget 2026 Statement* (12 February 2026), available at <https://www.gov.sg/budget2026/>.

Notes: a. The full list of premier members of the AI Verify Foundation (as at its June 2023 launch) is: Aicadium (Temasek's AI Centre of Excellence), Google, IBM, IMDA, Microsoft, Red Hat, and Salesforce — seven members in total. The foundation also launched with over 60 general members including Adobe, DBS, Meta, SenseTime, and Singapore Airlines.

b. The National AI Council announced in Budget 2026 comprises Prime Minister Lawrence Wong (chair) and six Cabinet ministers: Deputy Prime Minister and Minister for Trade and Industry Gan Kim Yong; Coordinating Minister for Social Policies and Minister for Health Ong Ye Kung; Minister for Digital Development and Information Josephine Teo; Minister for Manpower Tan See Leng; Minister for National Development Chee Hong Tat; and Acting Minister for Transport Jeffrey Siow.

TABLE 3

Singapore MGF for Generative AI (May 2024) vs EU AI Act Chapter V — General Purpose AI Models

Governance Area	Singapore MGF for Generative AI (May 2024)	EU AI Act Chapter V — General Purpose AI Models (Arts 51–56)	Nature of Gap
Foundation Model Obligations	Accountability (Dim. 1)	Art. 53(1)(a)–(b): Technical documentation	SGP: Voluntary EU: Binding
Transparency & Disclosure	Trusted Dev. & Deployment (Dim. 3)	Art. 53(1)(d): Public training summary Art. 53(1)(b): Downstream info	SGP: Voluntary EU: Binding
Copyright & Data Governance	Data (Dim. 2) <i>Voluntary; no obligation to verify or licence training data.</i>	Art. 53(1)(c): Copyright compliance policy	SGP: Voluntary EU: Binding
Incident Reporting	Incident Reporting (Dim. 4)	Art. 55(1)(c): Mandatory incident reporting	SGP: Voluntary EU: Binding (systemic risk)
Testing, Evaluation & Assurance	Testing and Assurance (Dim. 5)	Art. 55(1)(a): Model evaluation	SGP: Voluntary EU: Binding (systemic risk)
Systemic Risk Assessment	Safety & Alignment R&D (Dim. 8)	Arts. 51–52: Systemic risk classification Art. 55(1)(b): Ongoing assessment	SGP: No threshold EU: Binding threshold + duty
Cybersecurity	Security (Dim. 6)	Art. 55(1)(d): Cybersecurity obligation	SGP: Voluntary EU: Binding (systemic risk)
Content Provenance	Content Provenance (Dim. 7)	Art. 50(2): AI-generated content labelling	SGP: Voluntary EU: Binding (Art. 50)
Compliance Mechanism & Codes of Practice		Art. 56: Codes of practice	SGP: None EU: Binding (fallback rules)
Enforcement & Sanctions	No sanctions for non-compliance. No regulator with enforcement authority over the MGF. No right of enforcement for individuals or downstream users. <i>Voluntary throughout.</i>	Non-compliance with Arts. 53–55 carries fines of up to €15 million or 3% of global annual turnover (whichever is higher) for GPAI model providers. For unacceptable risk obligations, fines may reach €35 million or 7% of global annual turnover.	SGP: None EU: Binding (€35m / 7%)

Governance Area	Singapore MGF for Generative AI (May 2024)	EU AI Act Chapter V — General Purpose AI Models (Arts 51–56)	Nature of Gap
Human Rights Protection	No Equivalent. Governance is framed entirely as risk management and best practice for commercial actors.	Art. 1 (purpose: protection of fundamental rights); Art. 5 (prohibited practices: manipulation, social scoring, biometric categorisation, real-time mass surveillance, predictive criminal profiling); Art. 9(9) (fundamental rights impact assessment mandatory for certain high-risk deployers); Art. 27 (fundamental rights impact assessment for public-body deployers). The Act is expressly grounded in the EU Charter of Fundamental Rights.	SGP: None. EU: Binding rights-based architecture.

Sources

Infocomm Media Development Authority (IMDA) and AI Verify Foundation, *Model AI Governance Framework for Generative AI* (30 May 2024; updated 19 June 2024), available at <https://aiverifyfoundation.sg/resources/mgf-gen-ai>.
Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) (*EU AI Act*), OJ L, 12.7.2024, pp 1–89, available at <https://data.europa.eu/eli/reg/2024/1689/oj>.
To easy access and navigation of the EU AI Act, see the official EU AI Act Explorer, maintained by the European Commission AI Act Service Desk, available at <https://ai-act-service-desk.ec.europa.eu/en/ai-act/article-55>.

Notes

a. "Dim." references. "Dim." is an abbreviation for "Dimension." The Gen AI MGF is structured around nine governance dimensions: (1) Accountability; (2) Data; (3) Trusted Development and Deployment; (4) Incident Reporting; (5) Testing and Assurance; (6) Security; (7) Content Provenance; (8) Safety and Alignment R&D; and (9) AI for the Public Good. References in the Singapore column to "Dim. N" identify the relevant MGF dimension from which the recommended practice is drawn.

b. Systemic risk. Under the EU AI Act, additional obligations apply to GPAI models posing "systemic risk" (Article 51).

c. Human rights protection. The EU AI Act is expressly grounded in the protection of fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union (Article 1). It prohibits outright a category of AI practices deemed incompatible with human dignity and fundamental freedoms, including AI-enabled manipulation, social scoring, mass biometric surveillance, and predictive criminal profiling (Article 5). High-risk deployers in the public sector must conduct a fundamental rights impact assessment before deployment (Articles 9(9) and 27).

No equivalent rights-based foundation exists in Singapore's Gen AI MGF. The framework does not reference fundamental rights as an operative standard, imposes no prohibition on any AI practice, and confers no right on individuals to challenge AI-driven decisions. This is the deepest structural gap between the two instruments: the EU AI Act is, at its core, a rights instrument that also governs technology; the Gen AI MGF is a technology governance instrument that does not engage with rights.

What Counts and for Whom? Indonesia's RPJPN 2025–2045 and the Governance of Long-Term Development

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Abstract: *Indonesia's Law No. 59/2024 establishes a twenty-year development vision that aspires to sustainability, human capital development, and inclusive governance, but its operational instruments are predominantly economic, creating a structural gap between the framework's promise and its potential. This chapter examines how growth-oriented indicators might deliver the wellbeing outcomes the law envisions, how civic and institutional conditions will shape whether its accountability mechanisms perform as intended, and how a unified planning framework will navigate the plural governance realities of one of the world's most diverse societies.*

Introduction

In 2024, a study by the International Institute for Sustainable Development (IISD) and Universitas Indonesia found that despite twenty-five years of sustained infrastructure investment and economic growth, Indonesia generated less wellbeing per unit of national wealth in 2020 than it did in 1995 (Bizikova et al. 2024). Natural capital was stagnating, and the country's overall asset portfolio was not translating into the development outcomes that its growth figures would suggest. It was against this backdrop that Indonesia enacted one of the most ambitious development legislations across Southeast Asia. This chapter examines how the legal and institutional architecture surrounding this framework might deliver on those aspirations, and explores the dynamics that will shape whether and how its development planning moves beyond growth-centric measurement toward wellbeing outcomes.

A New Legal Foundation for National Development

Law No. 59/2024 on the National Long-Term Development Plan (Rencana Pembangunan Jangka Panjang Nasional, or RPJPN) for 2025 to 2045 replaces the previous RPJPN established under Law No. 17/2007, which concluded in December 2024 (Republic of Indonesia 2024a). It sets out the legal framework for Indonesia Emas 2045 (Golden Indonesia 2045), a vision articulated as the aspiration to become a nation that is "united, sovereign, advanced, and sustainable (Republic of Indonesia 2024a). The Dewan Perwakilan Rakyat (DPR, People's Representative Council) ratified the law in August 2024 following a consultation process coordinated by the Ministry of National Development Planning (Bappenas 2024).

The RPJPN is a substantial legal framework structured around development missions encompassing social, economic, and governance transformations, operationalised through multiple development directions and measured against key development indicators (Bappenas 2024). The law binds four successive presidential administrations. It divides the twenty-year period into four five-year stages, each elaborated through a National Medium-Term Development Plan (RPJMN) issued by Presidential Regulation. The first, the RPJMN 2025 to 2029, was issued in February 2025 under Presidential Regulation No. 12/2025.

Several features mark the evolution from previous planning cycles. The law incorporates the Sustainable Development Goals as integral to the planning framework. It commits to reducing greenhouse gas emissions by 93.5 per cent by 2045 relative to 2010 baselines and achieving a

renewable energy mix of 70 per cent (Republic of Indonesia 2025a). Social transformation features prominently, with provisions for adaptive social protection, gender mainstreaming, and disability inclusion. The law mandates a midpoint review by the government and DPR in 2035.

The adoption of the law followed a consultation process that began in early 2023, including multi-party dialogues coordinated by Bappenas, public consultation forums, and input from the Dewan Perwakilan Daerah, Indonesia's Regional Representative Council. Bappenas completed an initial expert draft whose academic text was finalised in early 2023, followed by public consultations and a national development planning deliberation (Musyawarah Perencanaan Pembangunan Nasional, or Musrenbangnas). President Jokowi launched the final draft in June 2023. The bill was submitted to the DPR via Presidential Letter in November 2023, passed through two levels of deliberation, and was ratified in August 2024 (Bappenas 2024). The law was drafted under one president and ratified as the next took office, underscoring its intent to outlast any single administration.

The provisions on adaptive social protection, gender mainstreaming, and disability inclusion in the law suggest some responsiveness to broader wellbeing concerns, but the forty-five key indicators remain oriented toward economic and infrastructure targets.

For policymakers and legal practitioners across Southeast Asia, the RPJPN matters not merely as a domestic planning instrument but as an example of how a country can attempt to legislate development commitments that survive changes in political leadership. Few development frameworks in the region have attempted to include this breadth of wellbeing, sustainability, and governance commitments in a single law.¹ Whether the framework's indicators and institutional conditions can match that ambition has implications beyond Indonesia.

Defining Development

The RPJPN's vision encompasses sustainability, social wellbeing, and human development. Its main targets, however, remain predominantly economic. Indonesia Emas 2045 targets a per capita income of USD 30,000 by 2045, entry into the world's five largest economies, zero poverty, and a manufacturing sector contributing roughly 28 to 30 per cent of Gross Domestic Product (GDP) (Bappenas 2024). These are ambitious benchmarks. The question is whether growth-oriented indicators alone can adequately reflect the broader development outcomes the RPJPN envisions.

Indonesia's GDP per capita currently sits at approximately USD 14,470 in purchasing power parity terms, the middle class contracted from around 21 per cent of the population in 2019 to approximately 17 per cent by 2023, and a fifth of children under five remain stunted (World Bank 2024; BPS 2024; Republic of Indonesia, Ministry of Health 2023). The annual work plan for 2025, issued under Presidential Regulation 109/2024, carries the theme of inclusive and sustainable economic transformation, but its eight national priorities, that span defence and self-sufficiency, infrastructure development, downstream industrialisation, and political and bureaucratic reform, remain weighted toward structural and economic transformation rather than the social and wellbeing outcomes the RPJPN envisions (Republic of Indonesia 2024b).

Indonesia is not alone in navigating this tension between growth targets and wellbeing aspirations. It is a structural feature of development planning across the region, and increasingly the subject of global attention. The United Nations Secretary-General established a High-Level Expert Group on Beyond GDP in May 2025, mandated to develop indicators reflecting the multidimensional nature of sustainable development (UN HLEG 2025). Former Trade Minister Mari Pangestu serves on the Expert Group. Indonesia is one of the countries where the International Institute for Sustainable

¹ Comparable planning efforts in the region, including Malaysia's Five-Year Plans and Thailand's National Economic and Social Development Plans, operate as executive policy instruments rather than legislation, and can be revised or abandoned with changes in government without parliamentary process.

Development has piloted inclusive wealth measurement with local policymakers and statisticians (Bizikova et al. 2024). The ASEAN Taxonomy for Sustainable Finance is reshaping how the region's financial and regulatory bodies classify what counts as legitimate development activity, with material consequences for what gets funded, measured, and valued. The indicators Indonesia has built into the RPJPN are inseparable from these regional and global classification efforts.

The IISD pilot, conducted with the Institute for Economic and Social Research at Universitas Indonesia, measured comprehensive wealth across five capitals (natural, human, social, produced, and financial) from 1995 to 2020 using primarily national data sources (Bizikova et al. 2024). Natural capital was stagnating or declining, and despite sustained increases in produced capital, the overall asset portfolio was not translating efficiently into wellbeing outcomes. The 2035 midpoint review provided under the law is the opportunity through which beyond-GDP measurement could be integrated into the framework's indicators. Countries including Bhutan (whose 2008 Constitution enshrines Gross National Happiness as a state obligation and integrates it directly into five-year planning cycles (Royal Government of Bhutan, 2008)), New Zealand, and Wales have already legislated wellbeing frameworks that sit alongside or reshape conventional economic indicators, suggesting that the integration Indonesia's 2035 review could pursue is not without precedent.

The review mechanisms create the conditions for this kind of integration, but they do not guarantee it. The forty-five indicators that currently drive resource allocation, ministerial plans, and regional planning remain predominantly economic and infrastructural. If the metrics that carry the most political weight and drive budgetary priorities remain predominantly economic, the framework's social and environmental indicators risk becoming secondary measures rather than shaping how resources are allocated. The challenge is in creating institutional structures and mechanisms through which Indonesia's beyond-GDP engagement can progressively reshape the framework's indicators.

The Conditions Surrounding Implementation

Development planning frameworks rely on the broader institutional environment in which they are embedded: legislative oversight, judicial independence, civil society monitoring, and the willingness of government to engage with feedback. The RPJPN's ambitious commitments are being implemented during a period when both Indonesian and international observers have recognised significant pressure on civic space.

In July 2025, the CIVICUS Monitor placed Indonesia on its global Watchlist, citing a rapid decline in conditions for freedom of expression, assembly, and association (CIVICUS 2025b). Amnesty International Indonesia documented over 100 attacks on human rights defenders in the first half of 2025 (ICNL 2025). There have been at least five major waves of mass protest since the inauguration of President Prabowo Subianto in October 2024, driven by grievances, including austerity measures and the expansion of the military's civilian mandate under the revised Indonesian Armed Forces Law (TNI Law) (Carnegie Endowment 2025; Melbourne Asia Review 2025). The protests of August and September 2025 resulted in at least ten deaths, hundreds of injuries, and over 3,000 arrests, with Commission for the Disappeared and Victims of Violence (KontraS) reporting that dozens of those detained were held without access to families or legal counsel (CIVICUS 2025a). The Electronic Information and Transactions Law continues to be used by authorities and corporations against journalists and activists, although a Constitutional Court ruling in April 2025 narrowed its reach by excluding government agencies and corporations as complainants (ICNL 2025).

These dynamics are part of a longer trajectory. Political scientists studying Indonesian governance have traced patterns of democratic decline from the late 2000s onward, noting that while backsliding has been significant, Indonesia's democratic institutions have also shown resilience, with elite competition and civil society contestation placing limits on the scope of executive power even as democratic quality has eroded (Mietzner 2025; Setiawan and Tomsa 2023). Democratic space is being constrained, but not without resistance.

The accountability mechanisms in the law, including annual reports to the DPR, the 2035 midpoint review, and public access to implementation data, are designed to enable scrutiny and feedback. If the channels through which that scrutiny operates are constrained, those mechanisms may not perform as intended regardless of how well they are designed in law. The preceding chapters in this volume trace how rule of law, indigenous rights, civic space, and technology governance are being reshaped in Myanmar, Cambodia, Singapore, and Vietnam. These dynamics bear directly on the conditions under which Indonesia's planning commitments can be held to account. Indonesia's situation is distinct in that the legal framework itself is ambitious. The question that Indonesian scholars, civil society, and policymakers are actively debating is whether the institutional environment will allow those commitments to be meaningfully scrutinised over the next two decades.

Navigating Competing Objectives

The RPJPN is implemented through Indonesia's decentralised governance system, from the national plan to the RPJMN, to Regional Long-Term Development Plans (RPJPD), to Regional Medium-Term Development Plans (RPJMD), to annual work plans at the district and village level (Republic of Indonesia 2025b). Indonesia's post-1998 decentralisation was one of the most extensive in the developing world, and the planning architecture formally provides for subnational adaptation at each layer. Bappenas and the Ministry of Home Affairs have issued a joint circular requiring alignment between regional development plans and the RPJPN, while providing space for regions to optimise local potential and regional characteristics (Bappenas 2024). The question is whether the nationally defined indicators through which all layers report can capture the diverse realities they serve.

Indonesia's foundational commitment to *Bhinneka Tunggal Ika* (unity in diversity) finds expression in the RPJPN as a single vision and a common planning framework applied across more than 17,000 islands, hundreds of ethnic groups, multiple legal traditions, and vastly different development conditions. The Village Law (Law No. 6/2014), which delegated planning authority and budgetary resources to more than 74,000 villages, was widely seen as a step toward participatory development. Research has found that outcomes depend on local capacity, facilitation quality, and whether villages exercise genuine decision-making or absorb centrally designed templates (Antlöv 2025). Where *adat* governance is strong, as in provinces like East Nusa Tenggara, where customary authority continues to govern land tenure and dispute resolution across more than 500 islands with high rates of stunting and limited infrastructure, the encounter between standardised planning formats and local realities produces both negotiation and friction (Wetterberg, Dharmawan, and Jellema 2013).

The coexistence of state law, *adat*, and Islamic law produces ongoing negotiation at the local level. The RPJPN's wellbeing language is potentially broad enough to accommodate diverse understandings of what progress means. But the indicators through which that language is operationalised are quantitative by design. Legislating development commitments into a binding twenty-year framework gains continuity, but it also fixes meanings. Governance practices that sit outside legal structures, for example those that are oral, relational, or resist quantification, may not register in the system, whether or not the communities concerned experience this as a loss.

Thailand's Sufficiency Economy Philosophy, whose principles informed the sustainability agenda ASEAN adopted under Thailand's 2019 Chairmanship, illustrates how alternative development frameworks can gain regional traction while foregrounding what GDP-based indicators struggle to capture, including ecological limits, relational wellbeing, and notions of sustainability beyond material terms. Indonesia's decentralised governance arrangement permits subnational adaptation but requires local governments to produce regional plans that align with the RPJPN and report against its nationally defined indicators. In principle, districts or villages could pursue development approaches that draw on alternative frameworks, provided they can reconcile them with the

reporting requirements the planning cascade demands. Even then, standardised indicators may not capture dimensions of wellbeing shaped by *adat* governance, spiritual practice, or collective stewardship of land and resources.

At the same time, formalisation raises the stakes of inclusion and exclusion. Each planning cycle can become a site of contestation over what is included, whose knowledge is recognised, and how resources are allocated. This is a recurring dynamic wherever centralised planning frameworks meet diverse governance traditions across the region. Navigating this tension requires ongoing conversation between actors at each governance layer about what counts, for whom, and on what terms.

Key Policy Implications

As one of the region's most ambitious attempts to legislate long-term development commitments, Indonesia's experience with the RPJPN will shape the broader regional conversation about how development is governed.

The indicators are predominantly growth-oriented even as the law aspires to realise sustainability and wellbeing. Indonesia's engagement with beyond-GDP measurement, including the IISD pilots and representation on the United Nations High-Level Expert Group, suggests institutional interest in moving beyond growth-oriented indicators. The 2035 midpoint review provides an opportunity not only to do so domestically, but to contribute to how alternative approaches to development are understood and incorporated in policies and actions across the region. By then, frameworks like the ASEAN Taxonomy for Sustainable Finance will already be well into implementation, and the question of how sustainability is defined will have become increasingly consequential. The five-year RPJMN cycles and annual work plans provide regular opportunities for adjustment, although these operate within the framework's existing indicators.

The relationship between formal accountability mechanisms and the civic space conditions under which they operate is actively debated within Indonesia. The RPJPN's review and reporting requirements are embedded in the law. The way this relationship evolves in the early implementation years will shape how much space exists for alternative approaches to take root.

The RPJPN is still in its first implementation phase, and the patterns being established now will influence how development governance is practised across the next two decades. As the region's most populous and diverse member state, Indonesia's experience with the RPJPN will be shaped less by the contents of the law than by whether the institutional and civic conditions under which it is implemented allow the ambitions of the framework to be meaningfully contested, revised, and owned by the communities it is designed to serve.

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Center for Business and Law Organization (“BHRE Center”) is an independent nonprofit organisation registered in Cambodia, working to advance environmental and human rights in business, promote and protect freedom of expression, press freedom, and safety of journalists and pursue corporate accountability and environmental justice in Cambodia and Southeast Asia, where the contexts are relevant. We pursue our mission by holding state and corporate actors accountable for their actions, providing holistic support — including pro bono legal assistance — to human and environmental defenders and journalists and advocating for legal and policy reforms that advance corporate accountability, strengthen the rule of law and safeguard the rights of marginalised communities.



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Lia Mai Torres has been engaged in human rights advocacy with marginalised communities since 2005. For the past ten years, she has focused on environmental rights, climate justice, and the protection of environmental defenders. She currently serves as the Global Coordinator of the Asia Pacific Network of Environmental Defenders where she works with fellow defenders from the region on solidarity campaigns, facilitation of support services and participatory action research.

