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The Special Economic Zones of the Greater Mekong Subregion: Land Ownership and Social Transformation

John Walsh May 2015















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Abstract

Special economic zones (SEZs) are geographical areas bounded in space and time that are aimed at encouraging inward investment by privileging capital above labour and above the general legal system. In the Greater Mekong Subregion (GMSR), which consists of Cambodia, Laos, Myanmar, Thailand and Yunnan Province and Guangxi Zhuang Autonomous Zone of China, SEZs have been used extensively and with considerable success according to quantitative measures. In general, these measures have promoted the Factory Asia paradigm of low labour cost competitiveness in importsubstituting, export-oriented manufacturing. This is a paradigm that is limited in time and ends with the effect known as the Middle Income Trap, which now affects Thailand and can only really be exited by qualitative change in economy and society to promote innovation and creativity. In other parts of the GMSR, states have not progressed so far along this trajectory and, in Laos and Myanmar, are at the very early stages of their journeys. In the majority of cases, SEZs are built with public sector support and, in particular, with assistance in obtaining land. Often, as in the case of Dawei SEZ in Myanmar, this has involved the forcible relocation of the villagers from an area the size of Singapore. At least some of the dispossessed villagers have mounted armed resistance to this relocation and halted construction. This may be seen as a form of creative destruction during the process of what Polanyi called the great transformation. Social relations and social capital are among the assets that are transformed into market relations as land itself is redefined and reconfigured as commercially important space. This paper explores the variety of SEZs in the GMSR and the way they interact with the people who once lived on or near the land they now occupy. Remedial social policy options are explored.

Keywords: Greater Mekong Subregion, land, special economic zone, transformation

1 Introduction

The special economic zone (SEZ) has become emblematic of the struggle for rapid economic development across East Asia. Although the first example of its use in Asia was recorded in India, it has been the extensive use of the approach in China in the wake of the Open Door policy in the late 1970s that has signaled its dominance in regional thinking An SEZ removes a specific area of land from the normal legal regime and offers various benefits to investors in the area to the detriment of tax collection and labour. The SEZ is supposed to offer certainty and confidence to investors because of the separate legislative regime but, contradictorily, it did not prevent them from the removal of rights during the imposition of martial law under the Prayuth regime.

The system works best when there is a high level of connectivity between the SEZ and stakeholders, particularly with the places of consumption Since this can be difficult for resource-limited governments to be able to affect, assistance has been provided in recent years by the Asian Development Bank (ADB)-led effort to construct the Asian Highway Network (AHN), which consists of both road and rail tracks linking all the major population centres in the Greater Mekong Sub-Region (i.e. Cambodia, Laos, Myanmar, Thailand, Vietnam and Yunnan province and Guanxi Zhuang autonomous zone in China) (GMSR) with other centres further afield. The North-South Economic Corridor (NSEC) has already been opened and has greatly facilitated trade from Singapore in the south to Kunming in the north and thenceforth to all the large Chinese cities. Bilateral and multilateral trade agreements have further helped to improve trading conditions and the two large seaports of Singapore and Laem Chabang near Bangkok further connect with producers in the region with the rest of the world.

Given how powerfully the SEZs in the region have acted as magnets drawing in workers from the agricultural sector and their role in raising production and exports, it is apparent that the approach must be considered at least a qualified success. However, there have been prices to pay for adopting this approach. Firms at the Map Ta Phut Industrial Estate in the Eastern Seaboard of Thailand have contributed significantly to environmental pollution in the vicinity and there have been a number of industrial accidents that have led to fatalities. Second, in post-Lewisian point economies, where demand for workers starts to exceed supply, state-mandated force is used to suppress the interests of workers and prevent collective bargaining and freedom of association to enable salaries to increase. Third, there is the issue of land ownership and justice/ The SEZs occupy space that was not previously unoccupied and few if any government agencies in the region are noted for their sensitivity in taking account of the interests of local people in determining how land should be designated and used.

This paper explores the nature of SEZs in the GMSR and their role in changing the type and scope of land ownership in the region. Informed by several previous instances of primary data collection, it offers a critical analysis of the impact of SEZ management while acknowledging the improvements to family level income and aspirations that it has provided.

The paper continues with a brief description of the nature of SEZs and then continues with an account of their presence in the GMSR. This leads on to a discussion of the benefits of proximity and, then, of the intersection between land justice and the need for public space for achieving desired developmental goals. A discussion and conclusion follow this.

2 Special Economic Zones

Special economic zones (SEZs) are areas which are used to attract foreign and domestic investment into a specific part of a country with a view to concentrating economic activities in that area. Farole defines SEZs as follows:

"Special economic zones (SEZs) are spatially delimited areas within an economy that function with administrative, regulatory, and often fiscal regimes that are different (typically more liberal) than those of the domestic economy. Operating through a variety of different forms – such as export processing zones, economic processing zones, free zones, and foreign trade zones – SEZs aim to overcome barriers that hinder investment in the wider economy, including restrictive policies, poor governance, inadequate infrastructure, and problematic access to land (Farole, 2011:17)."

SEZs are different from the other parts of a country and this is reflected most strikingly in the impact on individuals who move across their borders. Outside the SEZ, the individual occupies a situation relative to the law that is the same as any other person; inside the SEZ, the individual suddenly becomes subject to a different legal regime, one in which capital is privileged above labour. This situation has been described by Ong (2000) as graduated sovereignty, which is described as first, the different modes of governing segments of the population who relate or do not relate to global markets and, second, the different mixes of legal compromises and controls tailored to the requirements of special production zones.

In East Asia, as well as in some other parts of the world, an additional level is added to this situation through the spread of advanced capitalism to areas which had been organized according to pre-market modes of living. This great transformation is uneven in nature because of the original unequal distribution of resources according to first nature and then the recreation of nature under human development known as second nature. The term 'exceptional space' has also been used to describe a category of areas of physical space in which the legal regime is different from other domestic areas and may be different from international norms and SEZs are part of a subset of this. Governments resort to special pleading when it comes to justifying the existence of places which would not otherwise be considered lawful, e.g. Guantánamo Bay (Reid-Henry, 2007). In other words, it is the relative distribution of power among the different states involved that determines whether an instance of an exceptional space will be considered legitimate elsewhere. In cases where the law of the land is not enforced, for example in para-statal areas under the control of militia or of cowboy capitalists, then the exceptional space concept again becomes relevant.

Table 1 IEs and SEZs come in a number of different standard form

| Type of zone | Development objective | Typical size | Typical location | Activities | Markets | Examples |
|---|--------------------------|-------------------------------|---------------------|---|------------------------|--------------------------------|
| Free trade zone (commercial free zone) | Support trade | <50 hectares | Port of entry | Entrepôt and trade-related activity | Domestic, re-export | Colon Free Zone (Panama) |
| Traditional EPZ | Export manufacturing | <100 hectares | None | Manufacturing or other processing | Mostly export | Bangladesh, Vietnam |
| Free enterprises (single unit EPZ) | Export manufacturing | No minimum | Countrywide | Manufacturing or other processing | Mostly export | Mauritius, Mexico |
| Hybrid EPZ | Export manufacturing | <100 hectares only part | None | Manufacturing or other | Export and | Lat Krabang, Thailand |

| | | of the area is EPZ | | processing | domestic | |
|---|---|--------------------|------|------------|-------------------------------------|--------------------|
| _ | C | >1,000 hectares | None | Multiuse | Internal, domestic and export | Aqaba, Shenzhen |

Source: Farole & Akinci (2011:2).

The purposes of building IEs are numerous and may be grouped into three areas:

- Economic and regional development: diversification of the economy, reducing regional imbalances, creating jobs and spinoffs;
- Orderly development and environmental reasons: clustering and concentrating economic activities for complementarity generation and ease of administration and management;
- Other objectives: reduce or control rural-urban migration, promoting synergistic effects and generating revenue and foreign currency (Chun, 2004).

Developing IEs for these purposes takes place during a period of intensive urbanization around the world and, in particular, in the Mekong Region. Cities such as Phnom Penh, Vientiane and Yangon may be small according to global comparisons, they nevertheless dominate the economic environment they inhabit, drawing to themselves labour, capital and technology while, at the same time, endangering the environment and the quality of life of residents. The over-development of many cities in the rest of the world indicate the importance of maintaining various balances in urban contexts: restoring the city's ecological integrity; redesigning systems of production and consumption and recasting urban citizenship to promote social and ecological justice (Wolch, 2007). This mode of thinking has led to the concept of industrial ecology, which suggests that industrial systems can develop in the same way that natural ecological systems do, although few actually reach that state Gibbs, Deutz & Proctor, 2005). In some cases, when environmentally-aware developments do take place, they have tended to be responses to previous complaints about pollution emissions or other problems. The proposed Rayong Eco-Industrial Estate on the Southeastern Seaboard region of Thailand, for example, must be understood in the context of the problems previously caused by the Map Ta Phut IE. The Rayong project will divide its 2,098 rai in two halves, one of which will encourage investment in green industries and the other half will be devoted to green areas and utilities (Wongsamuth & Praiwan, 2012). Other IEs have adopted niche strategies or else positioned themselves, physically or conceptually, in the interstices between emergent activities requiring additional support (Praiwan, 2012). This approach can help to support local industries and help them become part of international supply chains, to the long-term benefit of the economy.

2.1 SEZs in the GMSR

Although all the governments of the Mekong Region are now openly committed to trying to achieve rapid economic development by embracing market-friendly policies including openness to foreign investment, export-oriented manufacturing and the creation of the infrastructure necessary to facilitate production. That infrastructure may be divided into hard and soft areas: hard infrastructure refers to physical items such as road and rail links, electricity and water supply pipelines and logistics hubs; soft infrastructure refers to the legal and commercial codes necessary for business organizations to manager their operations effectively in the territory concerned. In general, the former, hard infrastructure, is easier to install and implement because it can be easily measured and identified,

provides a simple means by which progress can be monitored and can be used to attract grants and soft loans from international donors and investors. For example, the Asian Development Bank (ADB) has for a number of years been coordinating and funding the Asian Highway Network (AHN). The AHN is a complex and interlocking network of rail and road links with the ambitious intention of joining together all the major places of production and consumption across the continent. In terms of the GMSR, this has made it possible to transport goods by road, in particular, from Bangkok or Ho Chi Minh City to Singapore in the south and Kunming and beyond in the north. In combination with the creation and ratification of a variety of multilateral Free Trade Agreements, this had made possible and profitable a range of economic activities that previously would have been impractical or ruinously expensive. For example, the cut flower industry in Yunnan province first received a significant boost with the opening of a direct air route to the European cut flower centre of Amsterdam (Clements-Hunt, 2004) and more recently with the opening of the road link to Bangkok and intermediate steps which has made the export of flowers, as well as fruit and vegetables, a viable enterprise.

By contrast, soft infrastructure provision has tended to lag behind because of the complexity of the issues involved and the difficulty of marrying international norms with locally-specific additions and competencies, lack of technical capacity and the problem of trenched vested interests which inhabit the political systems of all the countries involved and, through the working of interlocking patronage networks are very difficult to extricate, even if a high level of political will is present. Soft infrastructure of course includes the specification of governance measures for the SEZs that are being built. In general, this involves both the creation of a unitary authority to provide governance and the writing and passing of one or more laws aimed at becoming the means by which governance takes place. In Thailand, for example, the Industrial Estates Authority of Thailand (IEAT) was formed to administer SEZs in the Kingdom. The IEAT lists a series of responsibilities and roles placed upon it as the administrator of SEZs and notes its role as manager of 11 industrial estate projects in Thailand and joint management of 35 others with private sector operator partners.

Table 2: The Number of SEZs/Industrial Estates in the Greater Mekong Subregion; source: compiled by author from various sources

| by author from various sources | | | |
|---------------------------------|--------------------------------|--|--|
| Country | No. of SEZs/Industrial Estates | | |
| Burma [Myanmar] | 18 existing + 7 to come | | |
| Laos | 10 in operation | | |
| Cambodia | 8 in operation | | |
| Vietnam | 298 in operation | | |
| Thailand | 46 in operation | | |
| Yunnan Province of China | 30 'key' estates in operation | | |

The roles of the IEAT include the need to be a provider of complete production factors that enable manufactured products to achieve high quality and become globally competitive and to be a governmental mechanism in decentralizing industries and enhancing development in provincial areas, maintaining and promoting environmental quality in the industrial sector, preventing and reliving industrial accidents, managing and organizing the use of land in specific areas, thereby taking part in city planning and land-use management and, finally, in promoting and supporting general, export as well as primary industries (IEAT, n.d.). The IEAT also has a Corporate Governance Committee with a

defined mandate and a set of six fundamental principles to follow: accountability, responsibility, equitable treatment of all stakeholders, transparency, vision to create long-term value and ethics.

3. Proximity and Its Benefits

The concept that economic proximity of businesses can generate positive externalities was theorized as early as Marshall and evident in practical business operations throughout recorded history, if not before. Marshall (1920) observed that clustering of related industries can provide benefits in the forms of information spillovers, skill formation in the labour force and enhanced division of labour among involved enterprises. The proximity provides incentives for other stakeholders to locate within the same area, for firms to be able to exchange important resources and inputs and for intensified local knowledge of supply and demand conditions to reduce the risk of market failures. The vocabulary of the concept of proximity has changed such that discussion now concerns 'clusters' of firms or organizations, which have been discussed so widely and regularly that the core meaning of non-random distribution of firms with similar or closely complementary capabilities has been overlaid with a heavy freight of different meanings and connotations (Maskell and Kebir, 2006).

The idea was given expression in the world's first industrial estate, at Dublin's Shannon Airport, after which it has spread to nearly every country in the world in a variety of different types of Special Economic Zone (SEZ). SEZs have been used perhaps most frequently and with most visible success in China, although even with the level of governmental support received in that country it is far from certain that success will be delivered (Rosen, 1999:37). SEZs act as centres for industrial activity that then draw towards them labour and supply chain agencies, while they are linked to population centres and important markets by physical and virtual infrastructure.

The concept has become very popular within the CLMV region and moves have been made to try to amalgamate different SMEs on a geographic basis so as to enhance their market power and their ability to export competitive products. Cluster development has largely taken place to date within the agricultural sector (see Table 4) and related activities since these already exist within the country to some extent and there is hope that competitive advantages may be derived from these products. However, the record with regard to cluster formation has been mixed. For example, SMEPDO in Laos organized a workshop on cluster development and then tried to encourage the creation of a furniture manufacturing cluster. The results have been poor as very few entrepreneurs have shown any interest in joining. In Vietnam, on the other hand, a combination of the United Nations Industrial Development Organization (UNIDO), the Ministry of Planning and Investment and the Italian government has created a more successful three-year plan to strengthen existing and emergent clusters in garment, textiles, footwear and leather industries in Ho Chi Minh City and furniture and wood industries in Bing province. Technical assistance is provided to firms and to industry associations and this has received more support from the business community, presumably at least to some extent because the clusters represent already existing and viable firms. It is a great deal more difficult to create clusters from scratch or when promising initial conditions are not met.

As Ingley and Selvarajah point out (2000), cluster formation may benefit from the presence of artisanal skills (which might otherwise be considered backwards-looking in terms of development), may benefit from income policy aimed at a lower scale than at multinational level enterprises and may obtain positive externalities from local communities and their abilities: this latter, in particular, has been considered to be very important in Thai society in recent years. Sensitive and evidence-driven decision-making at government level might, therefore, be used to help foster the creation of clusters at variable scales depending on what appears to be the natural scale for that industry. One of the main problems that has been associated with industry policy in the past has been the attempt to force a cluster into a larger-scale than is justified by the competitive forces in the cluster. This is examined in

the context of China by Brown *et al.* (2005) and there is other evidence suggesting that sensitivity to scale is an important aspect of policy in this respect and one which it is difficult to adjudge accurately. It is also difficult to provide a situation in which changes in scale may be encouraged in response to market dynamics. In Thailand, the Office of Small and Medium Enterprises Promotion (OSMEP) has taken steps to encourage software industry players to collaborate with each other (Boonruang, 2009), although this seems to be based on the concept of bringing together as many different players as possible, rather than enabling natural or organic links to emerge from genuine cooperation.

4 Discussion

Polanyi's (2002) concept of the Great Transformation illustrates the changes that take place when a person moves from a situation in which many institutions are relevant to daily life to one in which a single institution, which is the market. The individual becomes defined as a producer within market conditions and as a consumer. Capitalist development means that all social, political, cultural and religious ties are dissolved and reinvented as market relations. Space, too, is reinvented or recreated as a commodity to be traded, owned and reconfigured for greater profitability. In the GMSR, space had throughout most of history been largely irrelevant because of the sparseness of the human population (e.g. Zimmerman, 1999) and because the mosquito and wild animal-infested lands were of little value to any putative owner before the arrival of the rice frontier (Baker & Pongpaichit, 2009), which is the vanguard of agricultural and hence economic development and manifested in that land which had been brought under irrigation and thus becomes productive. As the rice frontier advanced, more land became available and the people who settled on that land developed close relationships with it expressed both in terms of animist interpretations of local landmarks and close knowledge of how to farm and husband the land. If required to move from the known land, therefore, people might suffer not just from mental and spiritual dislocation but from loss of understanding of how a different piece of land can be efficiently managed. In the case of relocation resulting from dam construction, different ethnic or social groups may find themselves treated differentially with, therefore, varied results (Dalasavong, Southiseng & Walsh, forthcoming). In the case of the Dawei SEZ, which is projected to occupy land greater in size than Singapore at 250 km², the amount of land affected meant that a large number of farmers have been involved. Their livelihoods depend largely on fishing and growing cashew nuts as cash crops and the knowledge and skills entailed have comparatively little application in the distant land provided for them by the state. It is not surprising, therefore, that at least some of the people affected resisted this relocation and preparation of the land by Ital—Thai Development was halted on several occasions by gunfire (Walsh, 2012).

Dawei is an area of relatively limited urban or industrial development and, therefore, the number of people affected has been restricted. This is not quite the same for the Thilawa development to the west of the country, where it will act to link the principal city of Yangon with the world through building a deep-sea port in addition to SEZ facilities (Walsh, forthcoming). In this case, the development of Thilawa has the effect of providing alternative forms of employment at least to some of those affected. Moving people from the agricultural to the manufacturing sector is, in part, the process of creating a semi-skilled labour class (Bell, 1976). The production of goods can be more profitable if it is at least partly possible for goods to be consumed locally. This is a result of the Fordist paradigm of production that is now becoming evident in China, where the post-Lewisian point of labour supply has occurred at the same time that a global economic recession has dampened demand for goods around the world (Zhang, Yang & Wang, 2011)). Within the GMSR, the development of SEZs can act as a magnet for labour migration as jobs are generated and, irrespective of the indignities involved and the possibility for alienation, the creation of factories has resulted in full labour rosters thereafter In Cambodia, the Okhna Mong SEZ at Sihanoukville has created a new magnet for job

growth and, hence, internal labour migration (Walsh, 2012). The same situation may be seen in the SEZs around Vientiane, the capital of Lao PDR. Just as, previously, Thailand enacted provisions in its various five year National Economic and Social Development Plans to decentralize what had previously been gravity-enhancing developmental policies, so too has the Lao PDR government sought to balance development regionally (Walsh, 2015). Its approach has resulted in the creation of a number of employment magnet areas around the capital and in border regions such as Savannakhet, where the Friendship Bridge to Mukdahan has also acted as a place of increasingly uneven development (Gomez *et al.*, 2011).

Between SEZs or, more broadly, places of production and consumption, efforts have been made to promote connectivity through such measures as the ADB's AHN, which effectively aims to annihilate the space and time between these nodes. The space which has been selected for SEZ status, together with the high quality spaces accorded higher status by virtue of being associated with an urban agglomeration and, in particular, with a primate city (McGee, 1967), are becoming important spaces where development takes place and from which the common individual is excluded apart from her or his status as factory hand taking some small role in production of goods. Currently, in April 2015, the Amata corporation is advertising its new estates in Vietnam in particular as being guarded by numerous police and guard stations which exclude anyone without authority to be present. This attitude towards exclusivity is made quite explicit in the policies towards SEZs announced by the Prayuth regime, which have nominated border region SEZs which will accept day migrants from neighbouring countries who, despite their status as verging on *homo sacer* (Agamben, 1998) will, nevertheless, contribute to the value adding activities which will assist Thailand in the upward exit from the Middle Income Trap.

The secondary effects of the designation of an area having a special status, whether this is of being an SEZ or not, can also have a significant impact on the role and value of surrounding spaces. The building of the cross-Mekong Friendship Bridge at Nakhon Phanom, for example, led to large increases in land prices in the vicinity which convinced a number of farmers to sell their land, often to corporate interests who have been able to benefit from economies of scope and scale. Those farmers who sold their land mostly moved to urban areas to seek alternative employment but, in at least some cases, were unable to adapt themselves to the change in circumstances and have ended up as labourers on the land they once owned (Na Srito & Walsh, 2012). This same process has seen the elimination of small-scale trading by female Lao petty entrepreneurs who used to cross the Mekong by ferry and carry back Thai goods to mark them up for sale on the Lao side of the river in evening markets. Instead, the market has been taken over by pickup truck drivers (almost entirely men rather than women) whose greater transportation capacity has converted the women own account traders into employees to sell commodity goods supplied by the larger-scale operation (Gomez *et al.*, 2011). This kind of creative destruction is entirely Schumpeterian in nature; space or land has become one of the more important commodities to be considered when this destruction does take place.

5 Conclusion

The SEZ has become a significant part of the rapid economic development of the GMSR. It has a notable place in the creation and enactment of the trajectory that states follow when they embrace the Factory Asia paradigm of import-substituting, export-oriented, low labour cost competitiveness in manufacturing which is, of course, often located in designated areas. By operating according to specific laws, SEZs not only affect the nature of the land within their confines but also have effects on the other land around them. This is true whether their action might be considered in terms of a magnet which draws resources such as people and capital towards them or as black holes which destroy everything they consume. Perhaps even more significant is the role of the SEZ in reducing the value of

intervening land between the places of consumption and of production. This becomes land in which no production takes place and, therefore, of only limited consumption. In an intensive capitalist system, in other words, such land is of little value apart from what it can offer in terms of future investment potential. Subsistence activities are, perhaps, tolerated in the meantime.

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Land grabbing, conflict and agrarian-environmental transformations: perspectives from East and Southeast

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