



STUDY ON THE SOCIO-ECOLOGICAL CRISES IN THAILAND'S EASTERN ECONOMIC CORRIDOR (EEC)

2019



MANUSHYA
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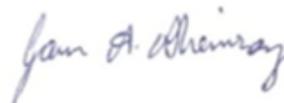
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This desk study has been undertaken mainly through review and analysis of official reports and other documents from the government, Asian Development Bank (ADB) and other institutions as well as monitoring and examination of news reports on the EEC (until June 2019), particularly in relation to concerns from the affected communities of the corridor. This preliminary desk study forms the basis of Manushya Foundation's work on the EEC and would further inform the conduct of a stronger community-led research, centring communities' voices, concerns and solutions for an EEC respectful of communities' fundamental human rights and the environment.

In coming days, we will endeavour to collaborate with the communities in Eastern Thailand concerned with the ongoing and potential negative impacts of the EEC and the organizations or groups working with them towards getting those concerned addressed from the government authorities, relevant business actors and other stakeholders. We dedicate this study to those communities and hope it would contribute in enabling promotion and protection of their human rights in the context of the EEC. Now more than ever, it is time for the Thai government to put Peoples and Nature over profits if we want to live in a peaceful society where communities' human rights and the environment are at the center of sustainable economy.



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ABBREVIATIONS

ADB	Asian Development Bank
ASEAN	Association of Southeast Asian Nations
BOI	Board of Investment
CBTA	Cross-Border Transport Facilitation Agreement
EEC	Eastern Economic Corridor
EECd	Digital Park Thailand
EECI	Eastern Economic Corridor of Innovation
EHIA	Environmental and Health Impact Assessments
EIA	Environmental Impact Assessments
ESB	Eastern Seaboard
EU	European Union
EV	Electric Vehicle
EWEC	East-West Economic Corridor
GDP	Gross Domestic Product
GMS	Greater Mekong Subregion
HRD	Human Resource Development
IEE	Initial Environmental Examination
ITC	Industry Transformation Centre
MCA	Multicriteria Assessment
NCPO	National Council for Peace and Order
NESDP	National Economic and Social Development Plan
NSEC	North-South Economic Corridor
PPP	Public-Private Partnership
SCEC	Southern Coastal Economic Corridor
SDGs	Sustainable Development Goals
SEC	Southern Economic Corridor
SEPZ	Special Economic Promotion Zone
SEZ	Special Economic Zone
UN	United Nations

1. OVERALL CONTEXT OF GREATER MEKONG SUBREGION (GMS) ECONOMIC CORRIDORS

The GMS countries of Cambodia, People's Republic of China, Lao PDR, Myanmar, Thailand and Vietnam¹ adopted the economic corridor approach to accelerate sub-regional development at the 1998 Eighth GMS Ministerial Conference in Manila.² Subsequently, the East-West Economic Corridor (EWEC),³ the North-South Economic Corridor (NSEC) and the Southern Economic Corridor (SEC)⁴ were designated as priority corridors for transformation into economic corridors with corresponding strategies and action plans formulated and implemented since 2008. Thus, complementary efforts such as trade and transport facilitation, border and corridor town developments, investment promotion and enterprise development have been focused on EWEC, NSEC and SEC.⁵ Further, a new GMS Transport Sector Strategy covering 2006-2015 has been endorsed, which identified and prioritized investment and technical assistance projects, formulated actions plans for implementations, and designed a GMS corridor network consisting of nine corridors with Northern Corridor, North-Eastern Corridor, North-Western Corridor, Eastern Corridor, Central Corridor, and Southern Coastal Corridor added.⁶ Although the alignment of the routes in EWEC, NSEC and SEC coincides with those in the GMS corridor network, not all nine corridors are part of EWEC, NSEC and SEC.⁷ The configuration of the three GMS economic corridors have been continuously reviewed with the most recent extension and realignment endorsed by the 21st GMS Ministerial Conference in 2016.⁸

Connected not only through geography but also by common policy framework and governance by the GMS Economic Corridors Forum⁹, an understanding of the GMS economic corridors is necessary to understand the economic corridors in Thailand. With largely the same underlying factors and drivers, economic corridors in Thailand and other GMS countries are connected not just theoretically, but also in their implementation and the impacts that result from them.



Source: GMS Secretariat, ADB, available at: <https://greatermekong.org/content/economic-corridors-in-the-greater-mekong-subregion> (accessed on 30 May 2019)



GMS Corridor Network in Transport Sector Strategy 2006-2015, Source: ADB

1.a. Related strategies and programs

The GMS Economic Cooperation Program (the GMS program) and its economic corridors are procedurally implemented through sectoral working groups with decisions made at Senior Official Meetings and Ministerial Conference in the form of agreements, strategic frameworks, plans and programs.¹⁰ Key agreements, strategies, plans and programs implemented in this regard are as follows:

- The Greater Mekong Subregion Cross-Border Transport Facilitation Agreement (CBTA), 1999¹¹ covers all aspects of cross-border transport facilitation along certain agreed routes, such as economic corridors by providing their list and designation and including a development plan through public private partnerships.
- To promote regional cooperation and integration both within and extending beyond the GMS, the Greater Mekong Subregion Economic Cooperation Program Strategic Framework (2012-2022) includes as one of its goals focusses on transport, trade and investment including its linkages by transforming roads to economic corridors in accordance with the GMS Transport Strategy of 2006-2015, proposed thereunder.¹²
- Recognising the multisector approach necessary for the development of economic corridors, the Regional Investment Framework (2013-2022) operationalizes the Strategic Framework by coordinating transportation development with other sector initiatives, through the determination of priority investments and technical assistance projects and activities.¹³
- Strategic Framework and Action Plan for Human Resources Development in the Greater Mekong Subregion (2013-2017) reflects the development of economic corridors as an important priority, including through the development of capacity of human resource in the economic corridors and by mitigating social costs therein.¹⁴
- Identifying the unfinished plans of the GMS Program and expansions made to it, the Ha Noi Action Plan sets out an agenda for 2018-2022 including the enhancement of the three GMS economic corridors to establish connectivity between GMS member countries, and their rural and urban areas.¹⁵
- The Greater Mekong Subregion Core Agriculture Support Program (Phase II 2011-2020)¹⁶ addresses regional challenges to the agricultural trade through trade and investment in agribusinesses in the economic corridors promoted through the harmonization of food safety standards, traceability systems and e-commerce, along with the adoption of community-based participatory approaches in the process.¹⁷

1.b. Underlying factors and drivers

Leveraging the advantages of geographic proximity, the GMS economic corridors were developed to link production, trade and infrastructure within the GMS countries in order to eliminate infrastructure bottlenecks, develop competitive infrastructure, link major markets, address the high demand for goods across the GMS, leverage the scope for intraregional supply, and promote investment.¹⁸ This it intended to enhance by using the corridors as a means to first develop hard infrastructure followed by logistical infrastructure.¹⁹ This is also based on the idea that the GMS countries have an inherent and largely underutilized economic development potential.²⁰

With the Asian Development Bank (ADB) acting as the secretariat and coordinator, the GMS program and associated projects over the last 25 years have received 21 billion USD, with 40% of financing being obtained from the ADB, 34% from development partners such as international and country based financial institutions and 26% from GMS governments.²¹ However, to address the financing gap of 27 billion USD to meet the 66 billion USD target of the GMS Regional Investment Framework 2018-2022 developed with the help of the ADB to complement the Ha Noi Action Plan, efforts are being made to have this deficit funded by the private sector²² through private-public partnerships (PPPs). Financial and non-financial support has been provided by GMS member countries and other countries such as Japan, Australia, Germany, France and the United States.²³

1.c. Overview of impacts

According to the ADB, in the GMS countries, economic corridors and the improved transportation infrastructure they support has boosted economic activity in all connected countries leading to reduced poverty²⁴ through increased job opportunities, access to higher quality goods and services, acquisition of better farming techniques²⁵, and reduction in import prices²⁶, as well as increased foreign direct investment. In some countries along the GMS such as Lao PDR, there have been vast improvements in social indicators including in living conditions, access to economic and social services in remote areas, reduced morbidity and mortality rates, increased access to education and enrolment, better control of communicable diseases.²⁷ Whether these will be replicated in other GMS countries has to be seen.

These corridors and the improvement in the reach of their transportation has led to infrastructure benefits throughout the region and in each individual country,²⁸ including a reduction in time and cost involved²⁹ - ranging from about a 25% to 30% reduction in the case of the EWEC³⁰ and up to a 50% reduction in several GMS countries³¹. Reduced time for delivery and receipt of products also leads to increased financial benefits, which in turn has contributed to increased competitiveness in the country and in the region.³² However, each new development in the scale of transportation infrastructure and decrease in the cost of product transported has resulted in an increase in their demand.³³ This requires more innovation to reduce costs, that could leave behind any individual or whole communities that fail to keep up. Moreover, land transport links in the economic corridors prove to be viable only if they are widened³⁴ or expanded into infrastructural bases accompanied by substantial economic hubs around it³⁵ - both of which require a considerably greater utilization of land resources. Also, while conceived as a method of promoting cross-border trade and transportation among cities, the economic corridors could cause further polarity in the region if they instead result in agglomeration of populations, trade and incomes in the major cities³⁶ that could lead to rural communities along the economic corridor facing all the damages of development without any of the benefits.

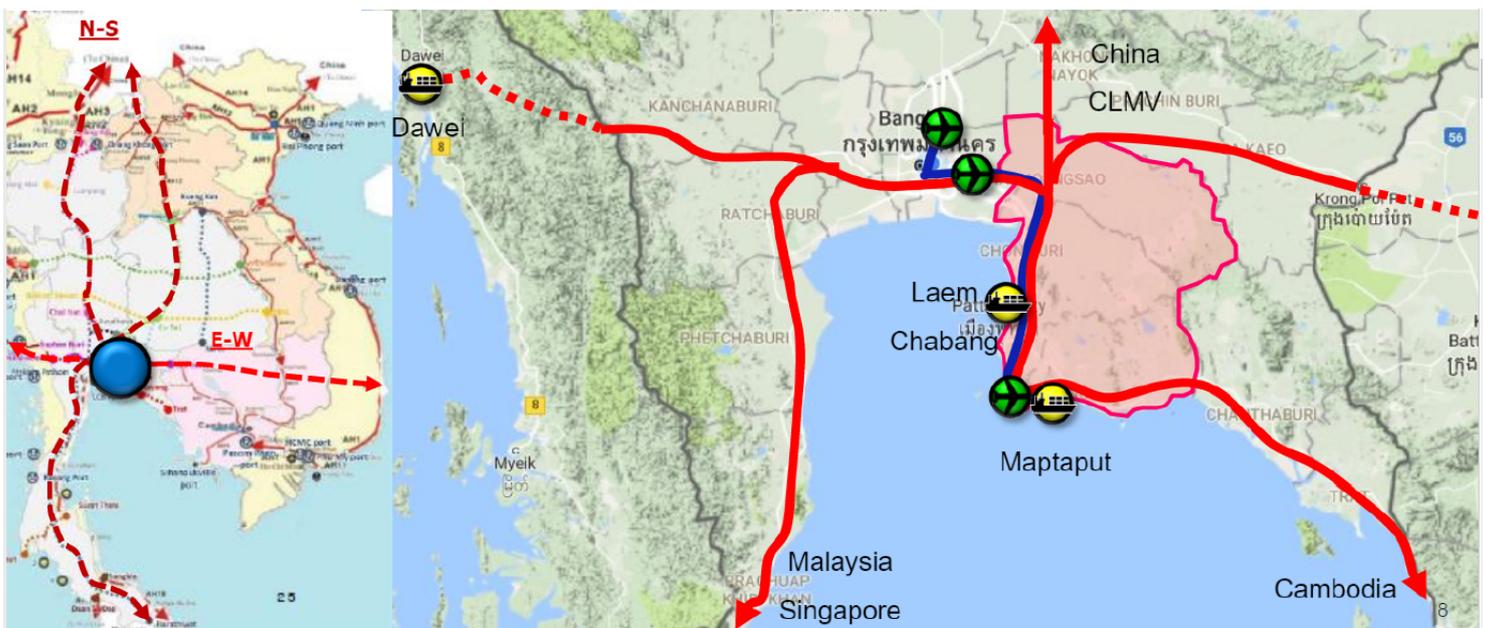
The development of economic corridors in the GMS contributes towards growth of local as well as regional urban development,³⁷ but the sustainability of this process and the pace could detract from the benefits that urbanisation contributes towards. For instance, the development of GMS corridors and consequent urbanisation is expected to increase energy demand by 7% over the next two decades, just in the lower Mekong Basin - leading to an increased number of hydropower projects to meet the demands and resulting negative effects such as displacement, flooding, water shortage, biodiversity loss, bank erosion and irrigation challenges.³⁸ In addition, with documented accounts of continuing human rights abuses and labour violations in countries and regions along the economic corridors in GMS countries³⁹ and failure to address these practices makes the likelihood of the occurrence of these practices completely unavoidable under the GMS Economic Cooperation Program,⁴⁰ with the economic gains from these projects even supporting rights violations by the government and other actors in certain cases.⁴¹

Prioritising infrastructure and development related sectors over sustainable development and forest conservation, the GMS countries have seen a change in land-use planning with the focus being placed on economic concessions that result in the loss of forest cover and subsequent degradation of land.⁴² In addition to its effect on forests that are already under threat with a projection of a loss of one-third of the forest cover by 2030,⁴³ development projects such as the economic corridors and associated infrastructure expansion affects the unique biodiversity of the GMS countries and rural communities depending on them by contributing to forest degradation, habitat loss and fragmentation, increased poaching, migration of people,⁴⁴ watershed damage and soil erosion⁴⁵. Environmental concerns as a result of the corridors do not just include the negative effect of infrastructure projects but are also connected to the overall sustainability of the subregion due to the added pressure placed by climate change manifestations.⁴⁶ Physical and market access granted to previously remote areas and their natural resources through the economic corridors have resulted in a re-evaluation of their economic value and causing these lands to become a potential for profit⁴⁷ and consequently exploitation/abuse.

Lastly, with commercial viability and profitability of these PPP projects as the main priority, private sector involvement in these although resulting in improved service delivery neglects public services, as well as the social and environmental impacts of these projects, including in the implementation of policies of the concerned International Financial Institutions.⁴⁸ Thus, there is substantial supplementation of costs for public services through government expenditure, or with the cost being borne by the general population which results in the most poor and marginalized being unable to access these basic necessities that now come with a price.⁴⁹

2. GMS ECONOMIC CORRIDORS AND EASTERN ECONOMIC CORRIDOR (EEC) IN THAILAND

The GMS economic corridors - EWEC, NSEC and SEC - through their infrastructure linkages cover the length and breadth of Thailand from the East to the West and from the North to the South, with intersections amongst the economic corridors at various points including in the capital Bangkok.^{50 51} The EEC is the first (sub-)national economic corridor project to be developed and implemented by the Thai government. As an evolution of the Eastern Seaboard (ESB) Development Program and drawing on its success to upgrade the ESB as leading special economic zone of Asia⁵², the EEC was developed to augment investment in Thailand through the use of infrastructure, logistic systems and industrial estates.⁵³ It is driven by its distance from Bangkok, its proximity to other transportation corridors such as the China-Indochina corridor, its ability to link multiple GMS economic corridors of NSEC, SEC and the lower EWEC,⁵⁴ the existence of two major ports in Laem Chabang and Map Ta Phut, the already existent clustering of industries and the development in the area⁵⁵. The project encompassing 13,000 sq. km. area spanning three provinces - Chachoengsao, Chonburi and Rayong - east of Bangkok, has been initiated as the centrepiece of the government's blueprint to achieving increased development in the country. While investments are already taking shape in the EEC that is the focus of this study, works are also underway to devise appropriate investment projects for the planned SEC as well as to design a Northeast Economic Corridor focused on bio-economy in Thailand.⁵⁶



Source: Ministry of Industry, "Eastern Economic Corridor Development Project" Driving Forward..., 15 February 2017, https://www.boi.go.th/upload/EEC%20pack%20for%20BOI%20fair_Rev4%203%201.pdf

2.a. National Strategy and Policy Framework

To instil stable development path of Thailand over the next two decades in the context of a history of policy discontinuity and fierce disagreement between opposing political forces, the military government in 2017 announced the National Strategy framework (2017-2036) amidst concerns that the binding conditions of the strategy might undermine the autonomy of future elected governments.⁵⁷ It was synthesised with the National Strategies Preparation Act B.E. 2560⁵⁸ with the aim of turning Thailand into a developed country by 2037.⁵⁹ As per Thailand's 2017 Constitution, any policy proposal, policy statement and budget allocation made by any present or future governments must comply with the provisions of the National Strategy.⁶⁰

The National Strategy framework includes six priority areas of work including security, competitiveness enhancement, human resource development, social equality, green growth, and rebalancing and public development.⁶¹ Primary strategies of the policy endeavour to result in 'enhancement and development of the potential of human capital; strengthening of the economy and enhancing competitiveness on a sustainable basis; ensuring justice and reducing social disparities; promoting green growth for sustainable development; contributing to national stability for prosperity and sustainability; and augmenting the efficiency of the management of public sector and promotion of good governance.'⁶² To support an efficient national development process in Thailand, the National Strategy also specifically provides four development strategies that include 'development of infrastructure and logistics; research and innovation on science and technology; urban, regional and economic zone development; and international cooperation for development.'⁶³

Unveiled by the military government in 2016 and designed to fit within the tenets of the 20-year National Strategy, Thailand 4.0 is a sector-specific industrial policy designed to increase investment in Thailand and to transform the economy into one that is innovation driven and digitally oriented, with a focus on value added manufacture.⁶⁴ It proposes the enhancement of first existing S-curve industries including automotive, agriculture and bio-technology, food, high-income wellness and medical tourism, and smart electronics, along with the addition and development of five new S-curve industries including robotics and automation, aviation and logistics, bioenergy and biochemicals, medical hubs, and the digital industry.⁶⁵ Those are the industries that will be operationalised in the EEC, which is also referred to as putting Thailand 4.0 in action.⁶⁶

Prepared in adherence to the 20-year National Strategy framework 2017- 2036, the Sustainable Development Goals (SDGs), the Thailand 4.0 Policy as well as other reform agendas, the Twelfth National Economic and Social Development Plan (NESDP) of 2017-2021⁶⁷ is the policy document that provides the current direction of development in Thailand. It includes full utilization of the country's location as a key connecting point between several economic corridors to promote economic and social development as one of the objectives under one of the ten development strategies - Strategy for International Cooperation for Development. Accordingly, inclusive linkage networks along economic corridors generating full benefits and expansion of sub-regional economic corridors to cover ASEAN, East Asia and South Asia for Thailand to become a major economic, trade and investment base are among the targets under the Strategy. The Strategy requires establishing a clear timeframe equipped with enabling regulations to become a regional connectivity hub and expand economic and social opportunities to provinces and local areas by connecting these external corridors with domestic spatial development.⁶⁸ Under the Strategy, complementary plans and flagship projects include implementation of the GMS Program Strategic Framework (2012-2022) covering transport and infrastructure development, economic competitiveness enhancement, human resources and environmental development and the GMS economic corridors development.⁶⁹

In relation to the EEC, the 12th NESDP (2017-2021) proposes addressing development issues including the development and reviving of the Eastern Seaboard (ESB) Areas in the next five years⁷⁰. Within the GMS program, it also refers to promotion of outward investment expansion, joint production chains and future possibility to connect with South Asia through the Dawei Seaport and Dawei SEZ in Myanmar and with the ESB in the Southern Economic Corridor.⁷¹ Further, the Plan, under the Strategy for Regional, Urban and Economic Development, lists the ESB Areas as one of the key economic areas to enable accommodation of future industrial expansion, including to upgrade economic, social, and environmental infrastructure in order

to improve the standard of living and be set for the development of the Eastern Economic Corridor.⁷²

2.b. Relevant legal framework for the EEC

On 17 January 2017, Thailand's military junta – the National Council for Peace and Order (NCPO) drafted Order No. 2/2560 on the EEC project development,⁷³ which promoted plans for improvement of land use and activities to be undertaken in the EEC.⁷⁴ It also established the EEC Development Policy Committee chaired by the Prime Minister; the EEC Administrative Committee chaired by the Ministry of Industry; and the EEC Development Office under the Ministry of Industry for the development of policy and the administration of the EEC.⁷⁵ The EEC Development Policy Committee has been responsible for 24 notifications on the determination of Promotional Zones only between the period of 23rd February 2018 and 7th May 2018.⁷⁶

The same month, the Thai government also amended the Investment Promotion Act B.E. 2520, which empowers Thailand's Board of Investment (BOI) to provide Thai and foreign investors with tax and non-tax benefits on activities that are being promoted by the BOI,⁷⁷ by the Investment Promotion Act (No. 4) B.E. 2560⁷⁸ to keep up with emerging economic, technological and investment trends. This Act extends tax and non-tax incentives in comparison to those provided in the previous Act through a corporate tax exemption for up to 13 years from the previous 8 years; a 50% reduction in the rate for corporate income tax up to 10 years which did not exist in the previous law; exemption from paying an import duty on raw materials, essential materials, machinery, and products used for research and development adding to the previous acts exemption only for materials used for re-exportation manufacture; and easier provisions to bring skilled workers and experts to work in activities promoted for investment by the BOI;⁷⁹ and extension of the duration of payments for dividends as another addition to the amended law.⁸⁰

Further, to expand investment incentives and draw foreign direct investments that make Thailand more competitive⁸¹, a new legislation titled the National Competitive Enhancement Act for Targeted Industries B.E. 2560 that expands incentives for foreign companies engaged in advanced production through digital technology was adopted in February 2017.⁸² Incentives under this policy include exemption from corporate income tax for up to 15 years (from 13 years under the Investment Promotion Act)⁸³; deduction of annual losses from net profits during tax determination; and subsidies from the National Competitiveness Enhancement for Targeted Industries Fund to support research and development and promotion of innovation.⁸⁴ The Act provides for the establishment of the Committee on Policy for National Competitive Enhancement for Targeted Industries with the Board of Investment of Thailand as the Secretariat for the implementation of the act and to strategize plans on the enhancement of competitiveness; and the Sub-Committee on Nomination and Negotiation to locate and negotiate with potential investors.⁸⁵

The Eastern Special Development Zone Act B.E. 2561 for the EEC came into effect on 15 May 2018⁸⁶, which provides both tax and non-tax benefits to those benefitting from the provisions of this Act. The Act provides for both tax and non-tax incentives building on those provided by the Investment Promotion Act, by including

- exemption or reduction of corporate tax and custom duties based on the limit set by the Investment Promotion Act and the National Competitive Enhancement Act for Targeted Industries;
- reduction of personal income tax otherwise set at a progressive rate to a high 35%⁸⁷;
- provision allowing foreigners to own land in the Special Economic Promotion Zone (SEPZs) for their business operations;
- possibility to lease land for a period of 50 years with a renewal period of up to 49 years;
- provision of visas to work in SEPZs for foreign professionals, skilled labourers, executives, specialists and their family members under special schemes;
- exemption from import and export customs – partially or wholly;
- support for research and development investments through financial means;
- exemption of Thai exchange laws with permission to use foreign currencies for payment between business operators within the EEC;⁸⁸ and

- fast-tracking of approval of environmental impact assessment and environmental health impact assessment reports submitted by these enterprises⁸⁹.

The EEC is also provided with a One-Stop Service Centre to facilitate investment, by providing comprehensive information and assistance in accessing services such as license applications.⁹⁰ Unfortunately, the Act in a fairly direct manner also provides for the restriction of rights and liberties of persons under Section 26 in conjunction with Sections 34 and 37 of the Constitution of Thailand⁹¹, justifying the same by claiming its necessity to ensure systematic development of the Eastern Region of Thailand and that it is line with the Constitution.⁹²

2.c. Drivers of economic corridors in Thailand

There exists both internal and external drivers for the development of economic corridors in Thailand planned by the government. With the increasing development in Thailand, ASEAN and the GMS, certain challenges arise due to the increased industrialisation and competitiveness posed by these rapidly developing countries owing to the lower cost systems they possess for industrial structures, higher economic interaction with China and the rapid trade as well as infrastructural growth associated with it, and the fluctuating price of fuel that underscores the arrival of the post-petroleum age, the end of more traditional industrial activity,⁹³ and political and policy instability in the region and the world⁹⁴.

Internal drivers include both positive and negative motivations. These include the need to retain power for political forces as seen in the context of binding conditions and institutional mechanisms of the 20-year National Strategy as well as economic reasons such as the underperformance of the economy of Thailand⁹⁵, changing economic needs, increased energy dependence, reduced or changing availability of natural resources such as land and water, congestion on roads or other transportation systems used for product or service delivery, and the absence of skilled labour.⁹⁶

The economic corridors in Thailand have been set as public-private partnerships,⁹⁷ with heavy reliance placed on foreign direct investments.⁹⁸ While the financial and non-financial support for the economic corridors and their associated development projects from GMS member countries and other countries such as Japan, Australia, Germany, France and the United States⁹⁹, they are being developed through the contributions of the Ministry of Finance, the Ministry of Transport, the Ministry of Digital Economy and Society, the Ministry of Energy, the Ministry of Foreign Affairs, the Ministry of Labour, the Ministry of Social Development and Human Security, the Customs Department, Thailand International Cooperation Agency, and the Economic Development Cooperation Agency of neighbouring countries.¹⁰⁰

2.d. Specific actors and their roles in the EEC

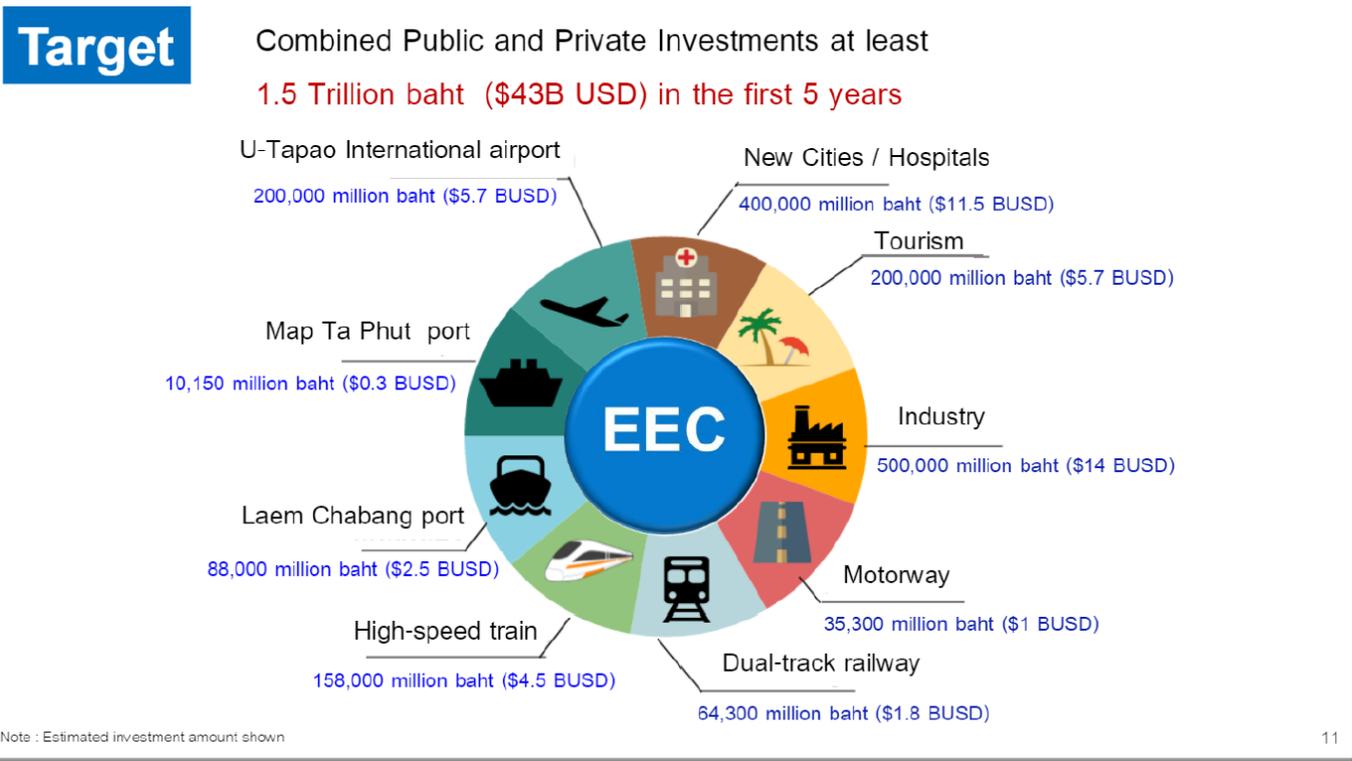
For the EEC, the Eastern Special Development Zone Act set up a committee chaired by the Prime Minister, and includes the Deputy Prime Minister as Vice-Chairman, to develop the EEC, along with approval of a plan for the utilisation of land as well as infrastructure and public utility systems, developing investment conditions for the private sector, and defining the EEC Special Economic Zones.¹⁰¹ It also includes the Ministers of Defence, Finance, Agriculture and Cooperatives, Transport, Digital Economy and Society, Natural Resources and Environment, Energy, Commerce, Interior, Labour, Science and Technology, Education, Public Health and Industry as well as the Director of the Budget Bureau, the Secretary General of the National Economic and Social Development Board, and the Secretary General of the BOI as members.¹⁰²

The official stance for development of the project is that in addition to serving as a flagship project that will see other such development projects following, the motivation for the project remains that the EEC will serve as an innovation and technology hub that will re-shape the economic future at the local, regional and domestic level. That is also through the benefits it will bring to other eastern provinces of Prachin Buri, Srakaew, Chantaburi and Trad, in addition to linking the economies of the upper and north-western region to the Gulf of Thailand.¹⁰³ Through this, the intention is also to increase bilateral and regional trade by

connecting the EEC to global markets¹⁰⁴, as well as other transportation networks and development projects in other Asian countries such as through the Belt and Road Initiative of China¹⁰⁵ drawing from the similarly drafted 'Made in China 2025' strategy¹⁰⁶.

However, the true motivation has been reported as being directed towards addressing the questioning of the political legitimacy of the military junta and to cement their place in the election by turning the economy around, marking the development of the EEC as its economic legacy achieved through the use of the controversial Article 44 of the Constitution to force this agenda.¹⁰⁷ In addition, external motivations such as international political and economic developments such as a possible economic slowdown in the EU and tenuous US-China trade relations also prove to provide an impetus,¹⁰⁸ and to leverage its geostrategic position¹⁰⁹ at this time by connecting Southeast Asian countries with a high development potential.

The EEC will be funded by a mixture of state funding, foreign direct investments and public-private partnerships,¹¹⁰ divided amongst the three eastern provinces. According to the statistics of 2017, of the 625 billion THB investment received from FDIs for the 10 targeted industries under Thailand 4.0 policy, an amount of 310.3 billion THB has been directly invested towards 259 projects in the EEC region – with 173.3 billion THB in 133 projects of Chonburi; 162.7 billion THB in 93 projects of Rayong; and 30.2 billion THB in 33 projects of Chachoengsao.¹¹¹ This saw an increase of 43% to a total of 902 billion THB in 2018¹¹², with a goal of 750 billion THB set for the year 2019.¹¹³



Source: Ministry of Industry, "Eastern Economic Corridor Development Project" Driving Forward..., 15 February 2017, https://www.boei.go.th/upload/EEC%20pack%20for%20BOI%20fair_Rev4%203%201.pdf

Most of the foreign direct investments and PPPs have been obtained from investors in Japan and China with investments of 34 billion and 22 billion THB in projects that were made in the first nine months of 2018.¹¹⁴ State funding is being received from other countries with memorandums of understanding signed, which also include bringing investments and S-curve targeted industries from private enterprises and financial institutions in their countries, including from China¹¹⁵, Japan¹¹⁶, South Korea¹¹⁷, and Czech Republic¹¹⁸, to name a few. Investments from private companies and setting up of targeted industries is being undertaken by those in China, Hong Kong¹¹⁹, Singapore, India, the United States¹²⁰, the United Kingdom¹²¹, Germany, Netherland, Finland and other European countries.¹²²

Some companies are also investing in the infrastructure projects of the EEC to leverage the incentives at present and subsequently attract targeted industries in future, such as the case of Thai-Chinese joint venture CG Corporation which hopes to attract targeted industries from Taiwan, Hong Kong and the mainland in the future.¹²³ A large incentive for some of the private sector remains the ease with Thai culture, such that foreign executive and their families historically have found Thailand to be more welcoming and easy to adapt to compared to its neighbouring countries.¹²⁴ Large Thai multinational corporations and financial institutions have invested in the EEC individually or in partnership with private companies from other countries.

However, other local Thai businesses and investors are finding it difficult to invest or benefit from the EEC as they are also short on clarity on necessary information of the location and processes of the EEC on the ground, and thus cannot see how they can engage with it.¹²⁵ This project would also require Thai companies to upgrade their systems and their supply chains by investing in innovation, automation and the development of logistics in the digital sphere to ensure advancement.¹²⁶ Whether smaller companies in Thailand can provide the large investment of time and money, to address and keep up with logistical development and innovation remains to be seen.

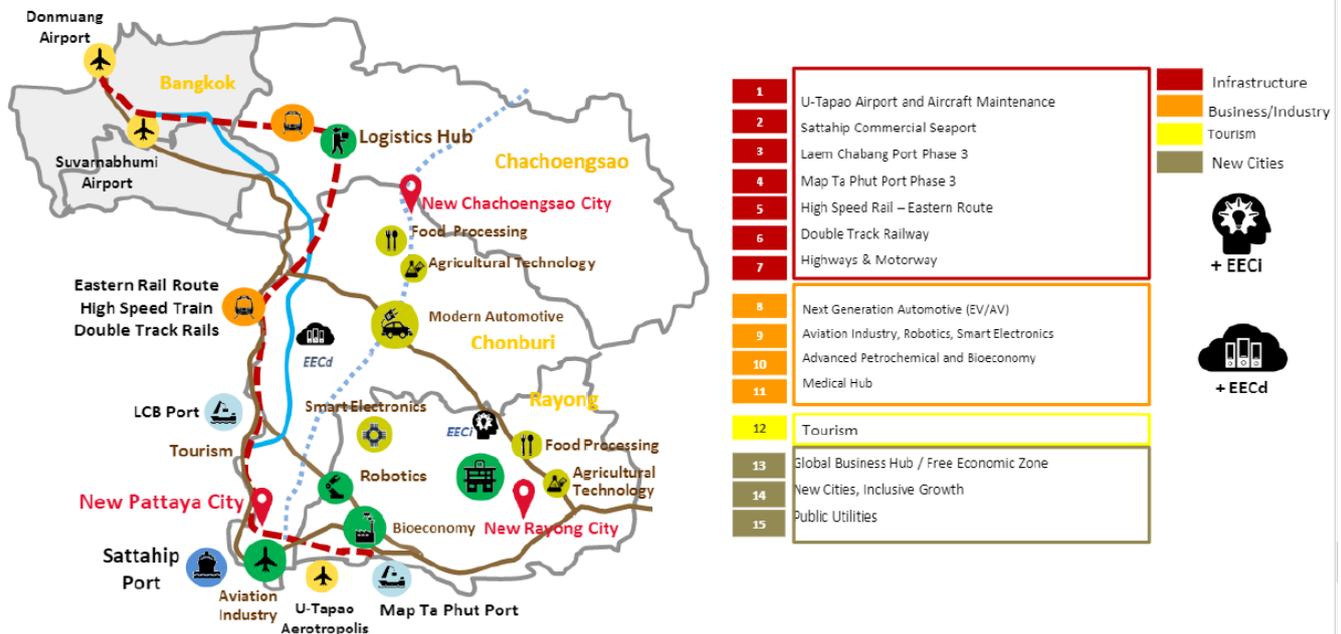
At present, it has been seen that the primary beneficiaries of the EEC are of two types: the first includes those businesses that will gain from the development of infrastructure¹²⁷ such as property developers, civil-construction contractors, industrial estate developers, and telecommunication providers; the second includes those who belong to any of the specific targeted industries that the government initiative is focussing on which in the case of the EEC will be those that focus on robotics and aviation¹²⁸. According to the BOI, most of the newly established 6,095 companies in the EEC area in the first ten months of 2018 are in the property, construction and restaurant service industries to facilitate the growing demand for accommodation, food and other services in this area.¹²⁹

2.e. EEC Associated projects and their relations

The EEC has been envisioned as a flagship project with transportation infrastructure and an ASEAN manufacturing hub and zones for promotion of special services.¹³⁰ The EEC Development Project will be divided into three different areas including the industrial zone, the infrastructure development zone and the urban development zone. It will also create a link between the eastern region of Thailand and Dawei port in Myanmar through a range of transportation networks.¹³² Industrial zones are being developed to include nine industrial estates that will consist of the infrastructure for the 10 targeted S-curve industries, along with their fully integrated logistic necessities and other industrial facility solutions.¹³³

Endorsed by the EEC Development Committee in February 2018, the EEC will include projects to develop or improve physical and digital infrastructure including improvement of air transportation through an international airport at U-Tapao¹³⁴ in Rayong and an aviation maintenance centre; increased land transportation infrastructure through a high speed rail link from Bangkok to Rayong connecting the three international airports of Don Muang, Suvarnabhumi and U-Tapao;¹³⁵ a double track railway for low cost freight transport; and three motorways connecting Bangkok to Ban Chang, Laem Chabang to Nakhon Ratchasima, and Chonburi to Trad; and the development of water transportation through three deep sea ports in Laem Chabang, Map Ta Phut and Sattahip;¹³⁶ and the development of a digital park in Chonburi.^{137, 138}

ระเบียงเศรษฐกิจพิเศษภาคตะวันออก
EASTERN ECONOMIC CORRIDOR (EEC)
Core Areas and High Priority Projects



20

Source: Eastern Economic Corridor (EEC) Office, available at: <https://www.eeco.or.th/en> (accessed on 30 May 2019)

Under the Eastern Economic Corridor of Innovation (EECi) and to support research and development on technology and innovation, the EEC will include Aripolis, a centre for innovation on automation, robotics and intelligent systems; Biopolis, a centre for innovation on life sciences and technology – both in the Wang Chan valley of Rayong; and Krenovapolis, a centre for innovations in space technology and geo-informatics in Sri Racha of Chonburi. Further, Digital Park Thailand (EECd), also located in Sri Racha of Chonburi, will be another economic cluster strategically included in the EEC with the aim to be the destination for digital global players and digital biz innovators.¹³⁹

In addition, Chachoengsao province will see the development of a smart city to serve as a twin city to Bangkok in order to create a wholesome eastern link and to also logistically ensure reduced overcrowding in Bangkok.¹⁴⁰ In fact, seven smart cities are being planned throughout the EEC area, with aspects such as economy, safety, environment, healthcare and education being developed.¹⁴¹ The first phase of the project will focus on the development of the deep-sea ports in Map Ta Phut in Rayong and Laem Chabang in Chonburi, as well as focussing on the infrastructure at U-Tapao in Rayong.¹⁴²

In addition to infrastructure, 42 billion THB will be invested in the development of Special Economic Zones, which will include the expansion and investment of facilities of the Thammasat campus in Chonburi with a new medical centre; the development of an e-commerce zone for robotics, automation, logistics and a digital centre in Chachoengsao province; and the development of two zones with manufacturing facilities for hybrid electric vehicles in Chachoengsao.¹⁴³

Marked as a third sector in development, the Tourism Authority of Thailand will also be developing clean and green transport systems, improving city connections and developing public utilities, along with systematic urban development through city planning.¹⁴⁴ In addition, various traditional and modern tourist destinations will be developed in the three provinces of Rayong, Chonburi and Chachoengsao to promote tourism to 1.5 times of its present number by 2021.¹⁴⁵

2.f. Overview of impacts of economic corridors, particularly the EEC

Amongst its GMS neighbours, Thailand has always led in Gross Domestic Product (GDP) and international trade. With improvements in cross-border transport and progress in economic corridors, Thailand's intra-GMS trade has been on the rise, which greatly benefits the country's economy. In fact, the largest increases in bilateral exports for all GMS countries, except for Cambodia, are to Thailand while increases in exports for Thailand are spread between all GMS countries with the largest increases to Vietnam and China.¹⁴⁶ However, Thailand's overall GDP growth has been slower compared to other GMS economies and still not been able to achieve its previous growth of 5-6% annually¹⁴⁷, for which improved transportation for trade facilitation and cost reductions is considered as an important driver.¹⁴⁸ The improved infrastructure from the economic corridors has also reportedly contributed to around 17% increase in economic welfare (as measured using equivalent variation in income) in Thailand.¹⁴⁹ In addition, there has been an overall reduction of the number of people below the poverty line with increases in earnings for non-agricultural (manufacturing and others) jobs – particularly skilled labour.¹⁵⁰

However, concerns remain that despite the benefits highlighted above and although touted as the means to enhance the economy of Thailand, the economic corridor projects such as the EEC cannot be the panacea for entrenched structural problems such as poor infrastructure, underperforming education system and presence of redundant laws and regulations.¹⁵¹ Moreover, there are challenges of unequal development benefits as well as social and environmental costs of economic corridors, which are aspects often ignored but need to be addressed effectively for long-term and overall value of those projects.

To elucidate, there has been a growth and opportunity imbalance along the economic corridors with benefits being distributed unequally between rural and urban areas and between rich and poor. As seen in the context of the EWEC for impacts on Thai-Lao PDR trade in a border province, farmers living in remote areas get lesser benefits from the economic corridors compared to industries and trading businesses, and small and medium sized business owners are unable to access the systems these corridors build and promote because of the lack of training and education provided on entry-points and methods to overcome structural barriers.¹⁵² Another study in relation to the NSEC has shown that the largest increases in earnings due to economic corridors are accrued to non-agricultural workers, particularly those that are skilled, than for agricultural jobs.¹⁵³ Further, specifically relevant to the EEC are the current experiences of innovation driven development in existing industries, whereby there is a dominance of foreign multinational corporations to an extent that results in domestic enterprises and suppliers failing to feature and benefit from these activities.¹⁵⁴ Lack of skilled labour force for 475,000 plus jobs that will be demanded in the next five years, of which 40% require highly skilled labourers, has already been explicitly acknowledged as threatening the EEC project.¹⁵⁵ All those factors can result in economic corridors such as the EEC perpetuating the extreme wealth gap that exists between the poor and rich in Thailand¹⁵⁶.

At the same time, to advance the EEC, the government has facilitated investments by suspending several laws and the rights of Thai citizens, including to their land and resources, associated with them, which raises concerns of the existence of any regulatory framework or rights that could apply once these investments fructify into projects.¹⁵⁷ There are documented concerns that government measures and laws to push forward the project have often disregarded accountability, prevention of negative environmental impacts, and benefits to the local communities.¹⁵⁸ Such situation has also been reported in the context of the EWEC for which the Department of Highways of Thailand serves as the main implementing partner, whereby it has been found that despite the conduct of initial studies and the development of draft plans, there has been no consultation with local communities and no publicly available social and environmental impact assessment and no assurance that they have been or will be carried out.¹⁵⁹

A 2013 assessment by GMS Operations Center has analysed key environmental sensitivities associated with various GMS economic corridor segments in Thailand to determine their suitability. While the assessment found only a couple of sections of the EWEC segment in Thailand to have low suitability, other economic corridor segments, including the SCEC with which the EEC overlaps, were rated for medium to high suitability. The assessment provided guidelines for protection or management of key environmental

sensitivities in various economic segments, including

- critical northern watersheds, many natural and religious tourist sites and intensive agriculture land in the NSEC;
- sensitive terrain bounded by high value biodiversity value protected areas in the NEEC;
- important protected area complex, which is bisected by the CEC and require high protection in Wang Nam Khieo and Na Di districts;
- sensitive terrain of the critical watershed areas of the Chao Phraya and Mekong basins, existing hydropower projects and protected areas in the EWEC;
- eastern and western forest complexes and critical flood-prone Special Economic Zones around Bangkok in the SEC; and
- sensitive mangrove areas and protected areas along the coastline, potential for marine pollution and important coastal tourism route in the SCEC.¹⁶⁰

The assessment showed low or moderate environmental, climate and social risks for investments in transport, tourism, agriculture and HRD sectors under the economic corridors in Thailand. However, it also found that biofuel and energy sector investments pose higher environmental and social risks, including due to land use changes and threat to food security as well as forest and habitat fragmentation.¹⁶¹ Thus, although certain investment sectors of the corridors might have low environmental and social risks, the industries associated with the corridors could result in negative impacts.

On the political front, as mentioned above, the EEC initiated and fast-tracked under the Article 44 of the Thai constitution, which gives absolute powers to the Head of the NCPO (Prime Minister), has been reportedly aimed as an economic legacy of the military junta to address its political legitimacy issues since taking power in the 2014 coup as well as to build its electoral position.¹⁶² Accordingly, the pro-military party in the run up to the election pledged to continue the EEC project and even extend it to other regions for redistribution of wealth mainly centralised in Bangkok while other major political parties, although positive on the project, have signalled possibility of reviewing aspects of it and have been called to review the entire project undertaken without a strategic environmental assessment.¹⁶³ The military-led government, even in the post-elections transitional period, has nonetheless continued to approve contracts for projects under the EEC, including foreign investments.¹⁶⁴

Moreover, the development plans for the EEC and other corridor projects, including the associated policies and laws or changes therein, are adhered to the 20-year National Strategy framework, which was pushed through an unelected National Legislative Assembly without any public debate. Although the military junta claim the Strategy as needed for political stability, national security, long-term development, social equality and prosperity, it is considered as a mechanism to ensure the military's grip to power for at least the next two decades.¹⁶⁵ The Strategy is governed by a National Strategy Committee dominated by military top brass and compliance to the Strategy is monitored by a pro-junta anti-corruption commission. The two bodies have been given punitive powers to punish future elected governments if they fail to follow the Strategy. Thus, economic corridors, including the EEC, under the Strategy also appear to be political tools with impacts on governance stability.

3. SOCIO-ECOLOGICAL CRISES IN THE EASTERN ECONOMIC CORRIDOR (EEC)

The EEC is located in the three eastern provinces of Chachoengsao, Chonburi and Rayong of Thailand, which have undergone a major spatial transformation as target areas under the Eastern Seaboard (ESB) Development Program that will continue under the EEC Development project. Along with the spatial transformation, the provinces are also faced with significant socio-ecological challenges, which have deteriorated further with the progress in the EEC.

3.a. Context of Chachoengsao, Chonburi and Rayong provinces

To the east of Bangkok at a distance of 75 kms, with an area of 5,351 sq. kms lies the province of Chachoengsao consisting of a mix of plains and hilly areas, and the Bang Pakong rivers.¹⁶⁶ With varied topographical conditions of a mixture of plains and hills and located in the Gulf of Thailand, Chonburi province is at a distance of about 81 kms from Bangkok and also has coastal plains in proximity of the Bang Pakong river.¹⁶⁷ The Bang Pakong basin has rich sediments which makes it suitable for agriculture and growth of rice, fruit and livestock.¹⁶⁸ Linked to the Chao Phraya river and with more canals built along the river, agricultural practices thrived in the area with increasing settlement.¹⁶⁹ About 179 kms from Bangkok, along the east coast of the Gulf of Thailand lies the province of Rayong with beaches to the south and flood plains to the north, nine national forests, two national parks, and the Rayong river and the Prasae river flowing through.¹⁷⁰

Between the years of 1930 and 1937, farmlands in Thailand's central region¹⁷¹, where the three provinces lie, were mostly owned by the British, nobles, members of the royal family or privately with farmers residing on the land as tenants. Nevertheless, more than 80% of all workers were employed in the agricultural sector both in production and export and only 2% working in industries that amounted to a total of 458 workers in Chachoengsao, 138 in Chonburi and 35 in Rayong.¹⁷² Moreover, these industries were small in size and mostly included rice mills that supported the thriving agricultural industry, which was unaffected by the great depression and the economic downturn in the rest of the world. Effort was also made to venture into sugar production through the establishment of plants, but that remained unsuccessful due to the absence of sufficient investment. Starting in 1938, the government began developing the industrial sector and this resulted in a rise in the number of workers employed in the service industry.¹⁷³

Following the Second World War, owing to its proximity to Bangkok, the central region underwent greater economic change compared to other parts of the country with the inception of the Green Revolution that saw an increase in upland crops, expanding of the market economy, and a progressive shift of the economy from agricultural to non-agricultural.¹⁷⁴ This economic diversification was bolstered by the development of new highways to Bangkok that led to more intensive crop farming, cultivation of land and increased migration of thousands of people from other regions of Thailand to this area. The pressure of the increase in population resulted in the reduced fertility of the plains in the region, which ultimately became unproductive. In the 1960s, the areas southeast of Bangkok, particularly the provinces of Chon Buri and Rayong, attracted an increasing number of migrants from Bangkok owing to the accelerated industrial, infrastructural and tourism development in the area, resulting in a population growth rate of the four southeastern provinces from Chon Buri to Trat was higher than the national growth rate.¹⁷⁵ Between 1975 and 1980, there was an outflow of population in the region moving from rural areas to urban areas in the same province or to other provinces, particularly to Bangkok in search of opportunity.¹⁷⁶ Overall, the population of the region grew very rapidly from 5.4 million in 1947 to 9.7 million and 18.1 million in 2010.¹⁷⁷

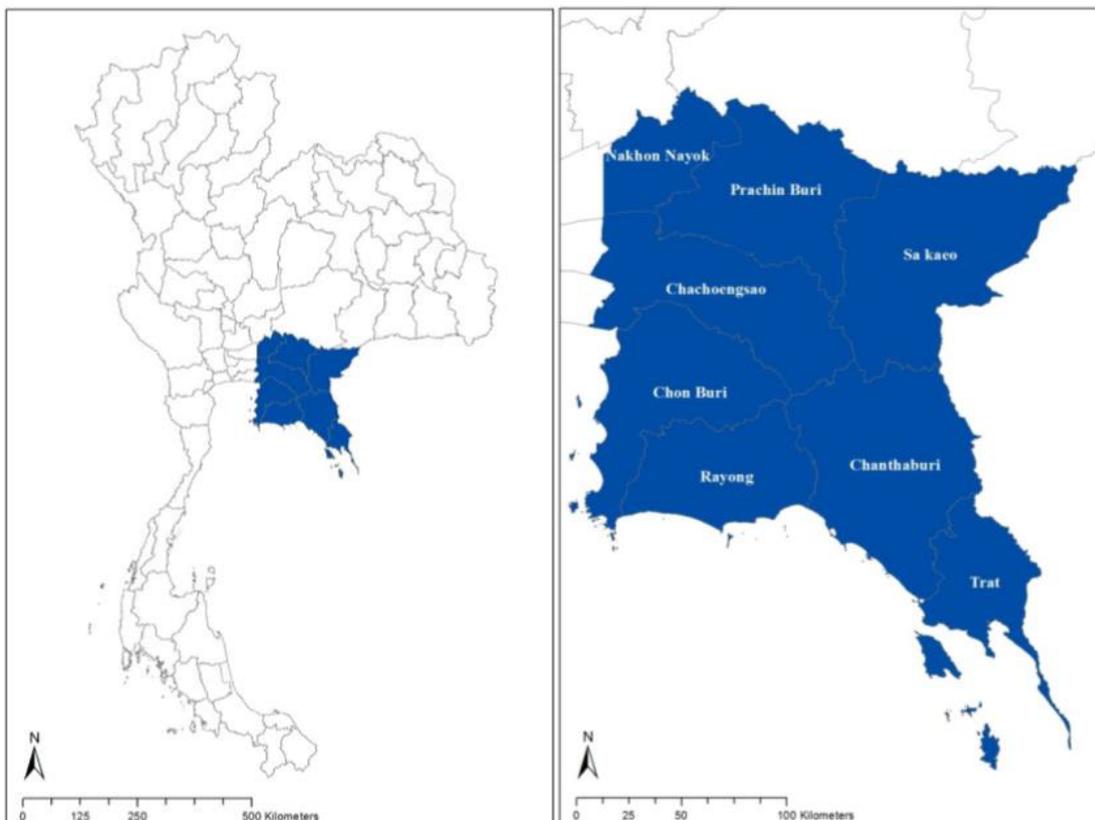
At the same time, between the years 1975-76 and 1992-93, the number of land tenants in the region reduced due to an increased use of agricultural land for industries and residence but the number still remained high compared to other regions of the country.¹⁷⁸ From 1993 to 2003, most farming households in the region owned the land they worked on but the number of landless farmers increased compared to the previous years as a result of them selling their land for urban expansion. There was an increase in fragmentation of land to form smaller parcels, however the land sizes increased over the years due to an increase in migration to the cities. On the other hand, the number of non-agricultural workers rose from 27.4% to 76.6% of the total workers between 1980 and 2010 with most of them employed in manufacturing while the number of agricultural workers decreased from 62.4% to 23.4% in the same period.¹⁷⁹ In addition, this period was also marked with the move towards vegetables, fruits and other type of farming that was capital and skilled labour intensive but required less overall labour.¹⁸⁰

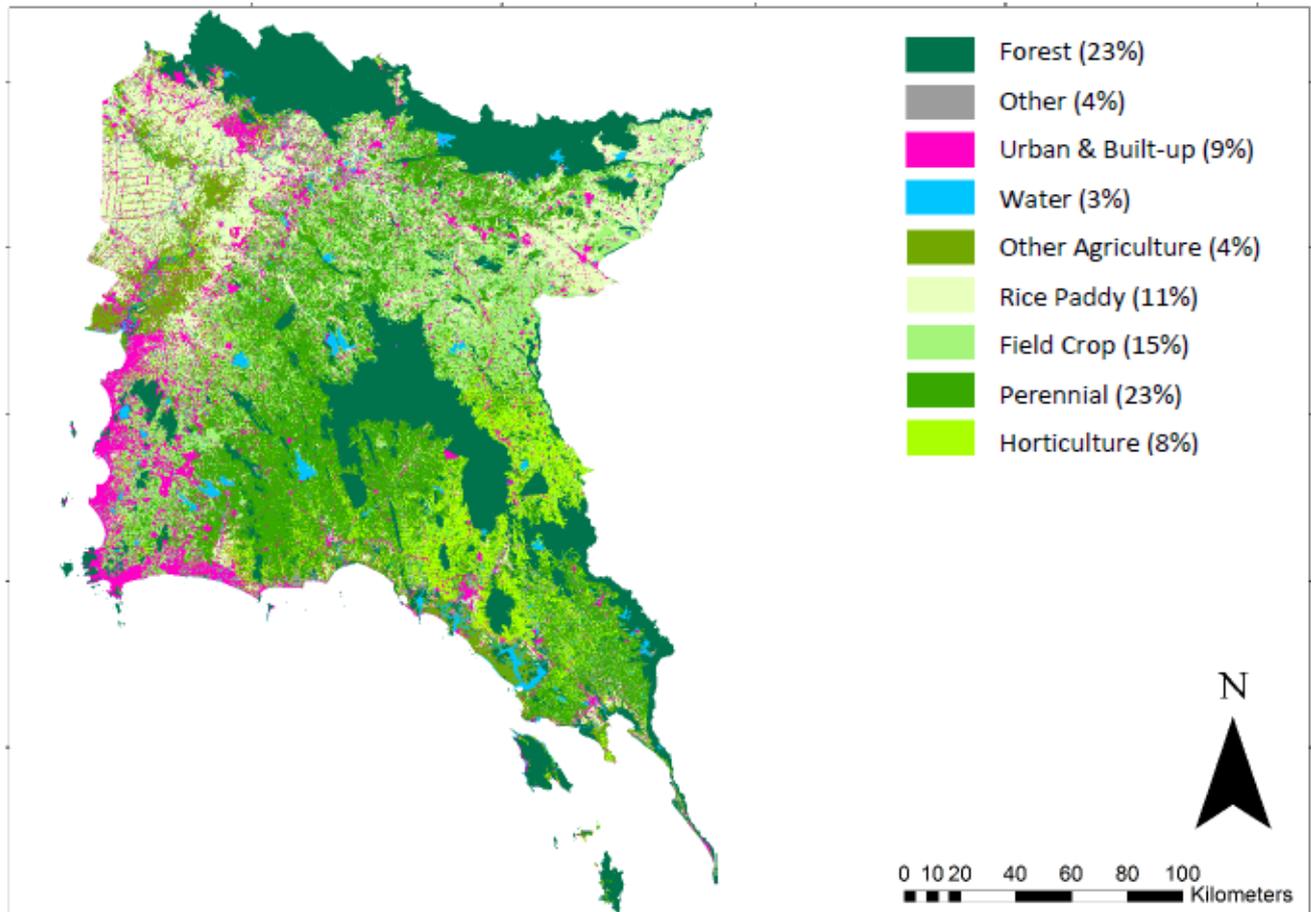
In the meantime, the provinces of Chachoengsao, Chonburi and Rayong were specifically developed over the last three decades under the ESB Development program to support rapidly growing industries. The program was first included under the 5th NESDP in 1982. With the establishment of the Map Ta Phut industrial

estate in 1987 began the development of heavy industries in Thailand, including those related to petrochemicals, the automobile and electronic industries – the era is known as Thailand 3.0.¹⁸¹ While increase in manufacturing resulted in loss of agricultural areas to industries and housing for immigrant workers who have to share resources with the locals in the provinces, farmers despite lower income earned from agriculture, for example in Chachoengsao province, managed to maintain their costs by using labour saving tools and chemicals that shorten the time for crop yield. Crops were also changed based on demand globally and focussed on those that are more economic in nature such as rubber, cassava and eucalyptus while mono cropping has affected soil quality in the long run. Many areas, where rice, mango, sugarcane and areca palms were grown, were also converted to fish or shrimp farms.¹⁸²

While the ESB scheme assumed workers would relocate where employment could be found, the BOI supposed that industries could be incentivised to be located where workers lived – with the latter not working.¹⁸³ Thus, this led to industries and people being clustered in areas based on the proximity to transportation networks and modes, as well as owing to the spatial constraints of land, labour and natural resources availability.¹⁸⁴ These clusters were formed around the investment promotions they received, and the industrial estates that were developed in investment promotional zones.¹⁸⁵ It also led to peri-urbanisation or the creation of transitional areas that are between urban and rural areas, identifiable by its urban nature in several aspects including the employment and economic structure.¹⁸⁶

At present, the spatial development of economic activities in the eastern region¹⁸⁷ (including Chon Buri, Rayong, Chachoengsao, Chantaburi, Prachin Buri, Trat, Sa Kaeo, and Nakhon Nayok provinces) is not distributed in a uniform manner – with forests and agricultural properties being mostly located inland, and most urban development and urban communities including manufacturing and service sectors being located along the coast line of the Gulf of Thailand.¹⁸⁸ In addition, a majority of the inland Eastern region is agricultural land at 60% of the total land area – with rice paddy fields at 11%, field crop at 15%, perennial plantations at 23% and horticulture at 8%.¹⁸⁹ The coastal areas of Rayong and Chonburi provinces consist mostly of export-oriented, high value manufacturing industries with Fordist assembly-type operations starting with the ESB Development of Thailand.¹⁹⁰ Further development of the ESB under the EEC project will lead to different land use in the region as a result of increased investment in infrastructure, manufacturing and urban development.¹⁹¹





Maps showing the eastern region of Thailand and land use in the region in 2016. Nij Tontisirin, Ditchapong Phoomikiattisak and Sutee Anantsuksomsri, *Land Use Change in the Eastern Economic Corridor of Thailand: An Application of Cellular Automata-Makov Model*, (2017), http://jsrsai.jp/Annual_Meeting/PROG_54/ResumeB/B04-2.pdf

3.b. Socio-ecological impacts of the EEC in the three provinces

There are various social and environmental challenges related to the EEC project in the three provinces of Chachoengso, Chonburi and Rayong, which are also built on the experiences of impacts of its predecessor – the ESB Development program. As a result, in the short period since its announcement, opposition to the project has soared, including local communities, academics and environmental and civic groups, which is spearheaded by the EEC Watch. First and foremost, the lack of local participation in the development project accelerated through the invocation of draconian Section 44 has been one of the key points of contention.¹⁹² For example, the locals have opposed the NCPO Order 47/2560 announced in October 2017 assigning the Department of Public Works and Town & Country Planning to complete the new city plans on land use, infrastructure, and public utilities development for the three provinces within a year that will replace the existing city planning law to support the EEC policy without public participation.¹⁹³ A new layout for land use, which will extend from infrastructure and healthcare to utilities such as water, electricity and the like, under the NCPO Order is expected to come into force by May 2019.¹⁹⁴

There is strong potential of worsening land conflicts due to EEC land use changes. The Department of Public Works and Town & Country Planning has announced that more than 300,000 rai of land – about 3% of the total land – in the three provinces will be reallocated for industrial use under the new city plans. That included 214,000 rai in agricultural use, which was protected under the existing city plans. The change in land use, particularly in the Bang Pakong River floodplains that are very suitable for farming, would undermine the geographic features and the economic potential of these eastern coastal provinces while displacing the farmers.¹⁹⁵ Even with the announcement of the EEC, while industrial development had not begun, land agents had moved swiftly to secure significant quantity of agricultural lands for resale to industrial interests.

The EEC has thus so far mainly and greatly benefited large business enterprises involved in real estate and property development in the three provinces, while causing loss of lands and livelihoods for communities¹⁹⁶. In only one district of Chachoengsao province, around 650 people have been threatened with eviction from land totalling at least 1,580 acres that they have farmed for three generations but have no legal title to, not realising that it has passed from one private owner to another with it ending up in the hands of the State. While those farmers received official letters ordering them to vacate and have received promises of public consultations on decisions on their farmland from the government after their protests, land brokers have told more farmers nearby to leave to make way for EEC industrial zone.¹⁹⁷ Land grabbing is thus resulting directly from state action or indirectly through land brokers, compounded by the control exercised over natural resource management and legal exemptions and privileges provided for investors¹⁹⁸. This often also occurs as a result of these farmers falling victim to local loan sharks or unscrupulous developers, due to occasional financial downturns experienced.¹⁹⁹ Not only as a result of loss of lands, increase in industrialisation as targeted under the EEC project also has the potential to contribute to the deprivation of local livelihoods. For example, the government has prioritised Electric Vehicles (EVs) industry moving away from biofuel industry that has been developed for more than three decades. Many EVs projects have already been approved particularly in the EEC. Rise of EVs is predicted to result in dropping of biofuel demand by half, which could result in a great loss to farmers involved in its production despite short-term measures adopted to address the impacts.²⁰⁰

At the same time, land prices in Rayong, Chonburi and Chachoengsao have seen an increase of more than 50% owing to the strong demand for property for both residential and industrial development purposes, including with a slew of foreign investments – particularly from China and Japan.²⁰¹ While the speculation in land resources is so severe that small and medium-sized businesses cannot afford, land grabs by foreign capitalists as well as unclear land information systems can make future land reclamation a more serious issue and land ownership may affect the use of resources, which can be problematic for the State to control.²⁰² Further, the legal provisions for full land ownership rights to foreign companies in real estate under a 50-year lease extendable for another 49 years has been contentious even among Thai developers.²⁰³ They are also concerned that the prices for condo and houses will increase by 5% and 3% respectively for every 10% increase in land price and possibly be beyond the purchasing power of a buyer with lending curbs and rising interest rates although land prices in the EEC provinces are expected to cool off in 2019.²⁰⁴ In addition, local businesses are in the dark as the farmers on the EEC development processes on the ground unlike major Thai conglomerates²⁰⁵. Growing household debt, uncertain competitiveness of small and medium sized enterprises and the ageing demography of Thailand are also among the factors that can detract from the economic benefits of the EEC to the local population while there is also a concern of decrease in local purchasing power due to decrease in the price of farming products.²⁰⁶

Industrial expansion in EEC

Declared Industrial Promotional Zones: 95,409 rai

Rayong: 56,170 rai

Chonburi: 38,398 rai

Chachoengsao: 814 rai

Industrial zone for new investment: 214,000 rai

Land use in EEC provinces (as of 2016)

Rayong 2.22 million rai

Urban and industry 293,445 rai (13.22 per cent)

Farmland 1.563 million rai (70.39 per cent)

Forestland 175,871 rai (7.92 per cent)

Water 81,271 rai (3.67 per cent)

Other 106,369 rai (4.8 per cent)

Chonburi 2.726 million rai

Urban and industry 558,935 rai (20.49 per cent)

Farmland 1.628 million rai (59.73 per cent)

Forestland 303,903 rai (11.14 per cent)

Water 67,207 rai (2.47 per cent)

Other 168,254 rai (6.17 per cent)

Chachoengsao 3.334 million rai

Urban and industry 225,360 rai (6.75 per cent)

Farmland 2.367 million rai (70.78 per cent)

Forestland 543,972 rai (16.27 per cent)

Water 98,243 rai (2.97 per cent)

Other 109,204 rai (3.26 per cent)

Sources: Eastern Economic Corridor Office and Land Development Department

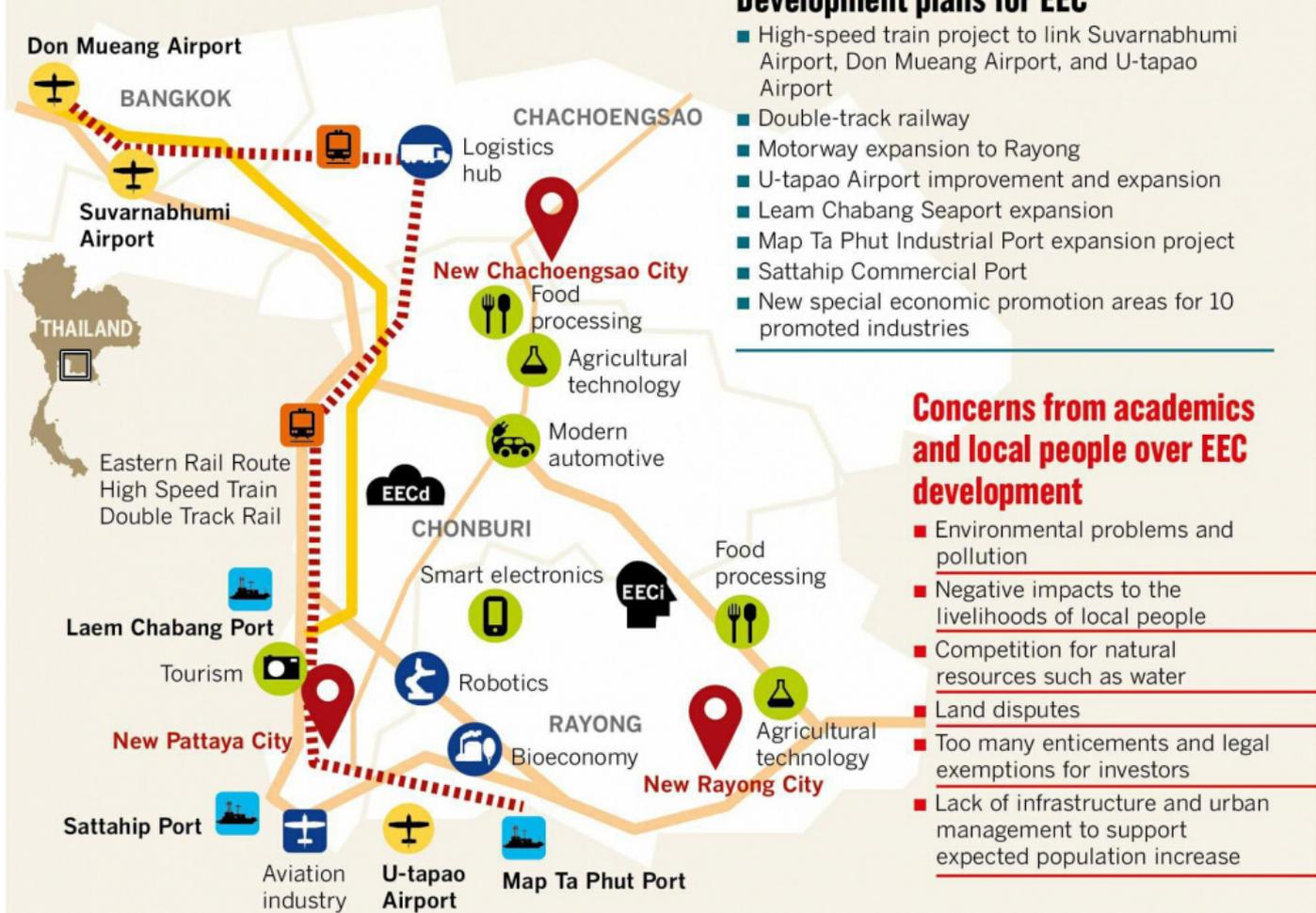
On the other hand, rapid industrial development over the last few decades has already led to environmental degradation in the provinces of Chonburi, Rayong and Chachoengsao,²⁰⁷ which can be exacerbated with the EEC project. Pollution already exists because of the earlier industrial expansion – most vividly from the petrochemicals industry, which is still not properly monitored or controlled.²⁰⁸ A 2017 report on impacts on local communities from dangerous heavy metal pollution covering eight Thai provinces has found the ESB industrial areas of Map Ta Phut as one of the key areas in Thailand affected by leakages from industrial landfills into the local environment. As per the report, water and toxic air pollution as well as illegal dumping of hazardous wastes resulted from uncaring management of industries and lack of restoration of contaminated areas increased lack of trust of local people in official and the State leading to opposition to further industrial development.²⁰⁹

According to data, only 30% of wastewater in the region has been properly managed with treated water discharged into the sea, affecting marine ecology.²¹⁰ At the same time, aquatic systems in the Bangpakong River Basin are also highly stressed with rivers and stream containing a broad range of untreated agricultural, urban and industrial wastes causing poor water quality, low oxygen levels and loss of marine biodiversity.²¹¹ In addition, pollution has led to a higher incidence of morbidity, amongst the local population.²¹² While the lack of strong environmental protections under the ESB Development program is acknowledged, the EEC project representative has also blamed environmental problems to tourism and residential sectors or lack of their management and asserted that the industries targeted for the project will have more advanced technology and be more environment-friendly.²¹³ However, weakening of environmental protection standards and regulatory measures to promote investments, including the shortened approval periods for environmental and health impact assessments (EHIA) to only 120 days for EEC projects and lack of public participation in the development area, remains among the significant concerns with the EEC.²¹⁴

By March 2018, the government has reportedly drafted an environmental plan for the EEC, which calls for factories to conduct initial environmental examination (IEE) followed by environmental impact assessments (EIA) and environmental and health impact assessments (EHIA) and demands authorities to improve standards for the assessments. The industries and authorities are also asked to undertake strategic environmental assessments to find alternatives for any project deemed unfriendly to the environment. The plan also requires them to develop dump sites and areas polluted by waste into forest areas while aiming to increase forestry in the EEC by 10%.²¹⁵ However, approval of the plan or further developments thereof to set the standards and regulatory measures for environmental protection in the EEC projects are not yet known.

Meanwhile, deforestation and logging are common practices in the provinces that occur to clear up land for agricultural, industrial and urban expansion. An example is the poorly regulated development that has caused stress on the environment of the Bang Pakong river basin, resulting in the natural vegetation in the lower basin being completely replaced by agricultural, industrial and urban land uses and heavy logging of trees in the highland regions.²¹⁶ Land use change has resulted in flooding, reduced groundwater recharge, sediment retention, and transpiration, consequently impacting the environment and climate in the region.²¹⁷ Deforestation and forest reclamation policies²¹⁸ in the region have also resulted in social impacts on local communities that have relied on or managed the forests in the past to ensure the integrity, protection and regeneration of the forests.²¹⁹ Development along the coastal area as a continuous process has resulted in the destruction through land reclamation²²⁰ along the coast and the loss of mangrove forests through land reclamation from 8,000 square kilometres about four decades ago in Chonburi province to only 960 square kilometres in 1977.²²¹ Destruction of mangrove forests also affects the productivity of fisheries as well as protection from storms and tidal surges; and with recorded cases of drought and high temperature as a result of climate change leading to coral reefs in the area being under threat.²²²

PRIMER ON THE EASTERN ECONOMIC CORRIDOR (EEC)



Contentious environment and land issues within the EEC bill

Article 8: Environmental and Health Impact Assessments of projects will be compressed to 120 days.

Article 9: The EEC policy committee can amend laws to promote investment.

Article 29: The EEC office has absolute power to rezone city plans and allocate land for the EEC development.

Article 34: EEC office can lease, buy or expropriate land for EEC development.

Article 36: EEC office can designate Agriculture Land Reform Office land for EEC development.

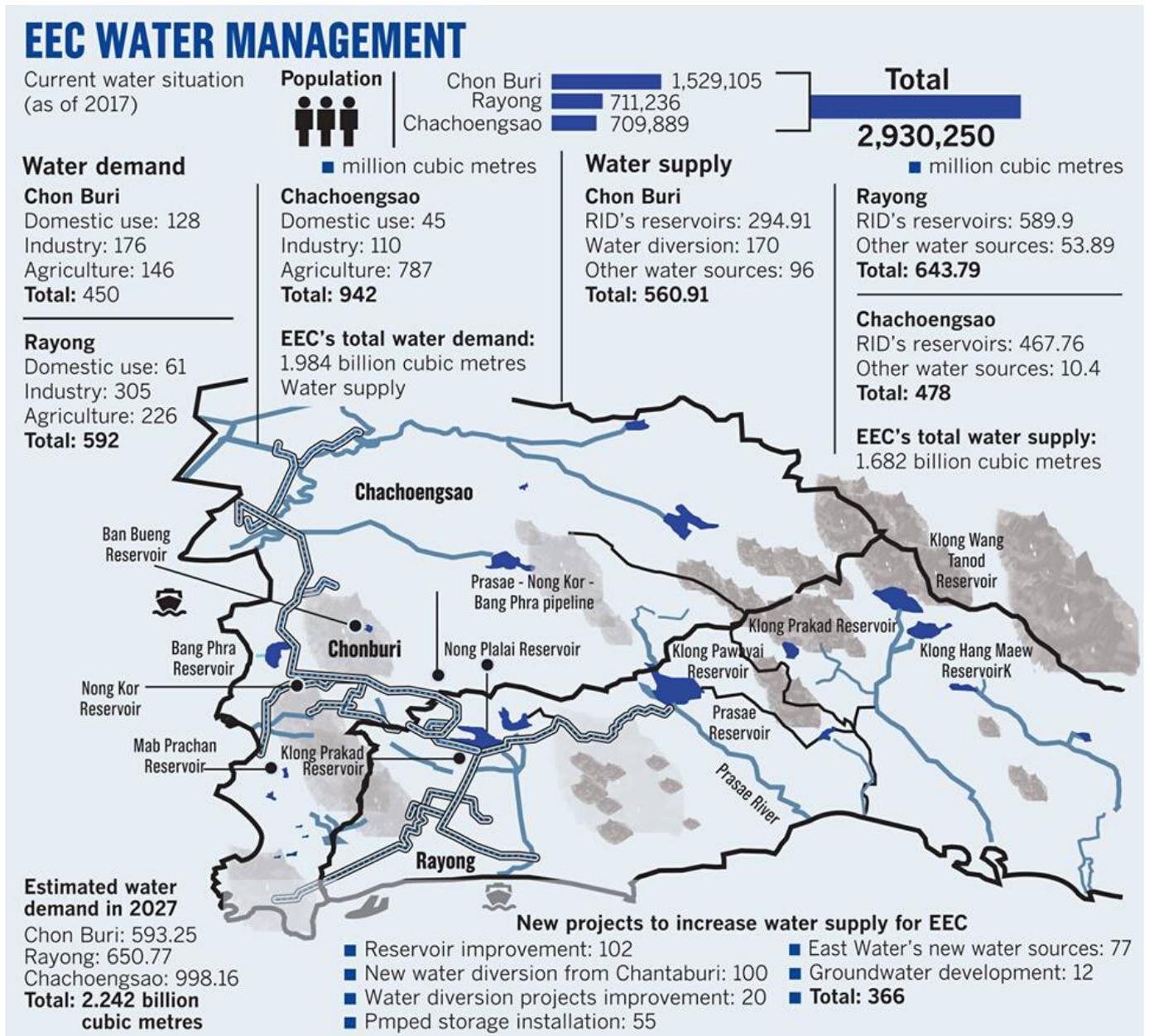
Article 49: The foreign corporate bodies that invest in the EEC can own land within the EEC

Source: *The Nation, EECO*

NATION GRAPHICS

Further, there have been several problems with respect to water resources and their management in the provinces of Chachoengsao, Rayong and Chonburi while the EEC is further threatening those sparse resources. For example, in Chon buri, there have been shortages of freshwater due to overuse of resources available in reservoirs historically, there has been droughts even in heavy rainfall years and receding of the water in reservoirs at an alarming rate while artesian wells have been operated by government agencies and the private sector.²²³ This is particularly concerning as a government study has found that the total water supply currently available in eastern areas is logged at 2.936 billion cubic metres and 1.682 billion cubic metres in the EEC provinces while the water consumption requirement for all economic activities is 3.833 billion cubic metres for the eastern region and 1.984 billion cubic metres in the EEC. The government has planned new projects to increase water supply for the EEC, including improvement and expansion of reservoirs and water diversion pipelines as well as groundwater development.²²⁴ While there can be problems of forcible land expropriation and deforestation for new reservoirs, diversion of and increased competition for water will result in conflicts between farmers and industries over the limited resources.²²⁵ Tackling freshwater shortages with increasing groundwater extraction also in turn leads to land subsidence

or land collapse.²²⁶ With climate change and reduced rainfall, water scarcity is a problem that also exists in other parts of Thailand, which makes finding water sources in other provinces nearby an exercise in futility.²²⁷



Source : Royal Irrigation Department (RID)/The Nation

NATION GRAPHICS

While the affected people are already feeling the negative impacts of the EEC, particularly in the form of land disputes, they are so far unaware about any provision in the EEC project for development and promotion of agriculture and fisheries, which are the livelihoods of the local communities.²²⁸ Although the Eastern Special Development Zone Act provides for a community-based development fund addressing health, environment and education, that might not adequately address the social and environmental challenges the communities face, including to their livelihoods and environmental well-being. Those aspects might be conveniently ignored as the military government has attached great importance to investment promotion even at the expense of the communities. An example of this is the government's recent plan to build waste power plants on lands of communities to deal with wastes that are not generated by them but created by industries or even imported – some of the plants have faced strong local opposition.²²⁹

As opposing voices to the EEC project have grown, the project has established a committee to monitor and improve the quality of news reporting on the EEC, which although claiming to be proposed as a measure to

reduce misinformation²³⁰ could be aimed towards silencing criticisms. This is particularly concerning as the regime has used its special powers to bypass legal protections and regulatory measures in the EEC project while there is the general context of restrictions placed on speaking out against or on any other form of opposition to NCPO through orders banning political protests and threats of prosecution and intimidation.²³¹ Nonetheless, the opposition to the EEC will likely grow when the environmental and health impact assessments of the EEC projects are carried out while land disputes in particular could also lead to greater resistance.²³²

The myriad of grave socio-ecological crises attached to the EEC, particularly the impacts the lands and livelihoods of the local communities as well as the wider environmental challenges, raise questions on the assessment of the socio-economic benefits of the EEC vis-à-vis the harms it will cause as well as the overall viability of the EEC. Further, the challenges such as lack of skilled laborers in Thailand required for the EEC, which will take a significant period of time to address,²³³ places doubt on benefits for the local population in the immediate future and thus makes addressing the overall socio-economic impacts even more important in the short, medium and long-term. While the government has touted the EEC for economic prosperity²³⁴ and focused much attention on investments and infrastructure²³⁵, it would be calamitous for the EEC to emulate Thailand's earlier practice to deal with environmental trade-offs only after investments incentives and infrastructure development.²³⁶ The socioecological crises the EEC pose are also a matter of particular concern owing to the plans of the expansion of the EEC to other provinces or of other corridors or development zones, including the Southern and Northern Economic Corridors, modelled after the EEC²³⁷, where the persistence of these risks will exist.

4. RECOMMENDATIONS

Comprehensive and intensive consultations with a wide range of stakeholders, including the local communities as well as environmental and civil society groups, will be required to draw recommendations to address the complex socio-ecological crises associated with the EEC, which is beyond the effective scope of this desk study. Nonetheless, below are some preliminary recommendations, primarily based on the asks of representatives of local communities and environmental and civic groups as well as review of related assessment reports, to address the challenges in the legal and policy framework as well as ongoing implementation of the EEC projects.

- First and foremost, the Thai government should take immediate steps to enhance consultations with and meaningful participation of the local communities as well as academic, environmental and civil society groups throughout the processes related to the EEC and its associated infrastructure and industrial projects, including design, planning and assessments, implementation as well as monitoring and evaluation. It is particularly important to ensure local participation in the EEC project for decisions such as new city or land use plans, which will have strong impacts on the communities.²³⁸ An authoritative multi-stakeholder mechanism, including representatives of the concerned government agencies, communities and civil society groups, political parties, businesses and other stakeholders, could be established with the mandate to advise and oversee the EEC project through a continuous consultative and participatory process. Until such mechanism or process is not in place, the government should halt any measures to push through the EEC plan, including by using special powers under the Article 44 of the Thai Constitution.
- A strategic environmental assessment of the entire EEC should be carried out to review changes in the related policies, plans and projects as needed.²³⁹ Such assessment should take into consideration its various social and environmental impacts to be factored in with the economic costs and benefits so as to determine the viability of the EEC. Further, all projects associated with the EEC must require independent social and environmental impact assessments conducted in a transparent manner with effective participation of the local communities, environmental and civic groups and other stakeholders. The

assessments could utilise the Spatial Multicriteria Assessment (MCA) approach,²⁴⁰ which was employed for the analysis of environmental and social risks and mitigation actions as well as geographic suitability for the GMS Regional Investment Framework and Planning Sustainable Investments in the GMS²⁴¹. The assessment reports should be made publicly available and effective actions taken to avoid and mitigate risks.

- The government, through the EEC Office or other concerned agency, should ensure transparency of information with respect to the EEC and the projects under it, including the costs associated with them through disclosure on the contracting, costs that result for the public exchequer, as well as their social and environmental impacts assessment reports and actions taken on them. The information should be provided in a timely and comprehensive manner that is accessible to the concerned stakeholders, including the local communities, and in forms understandable by them. Further, the affected communities, in particular, should have access to information and awareness on relevant laws and policies, implementation strategies and institutional mechanisms related to the EEC at the national and regional levels.
- In order to safeguard the well-being of local communities while promoting investments and economic growth, the government should ensure protection of the land rights of farmers and local communities, including through the financing of communal land deeds,²⁴² and prioritise the promotion and development of agriculture and fisheries, which are the livelihoods of the local people, under EEC²⁴³. Further, the local population should be given preference in building the labour force needed under the EEC through necessary vocational trainings and long-term education plans to upgrade the skills of the workforce. Local businesses, particularly those small and medium sized, should be promoted under the EEC through access to necessary information and capacity building. Towards this end, the Industry Transformation Centres (ITCs) that have been set up in provinces to help small and medium enterprises improve their efficiency and develop technology²⁴⁴ could be engaged under the EEC.
- Given the already existing environmental problems, including chronic pollution, in the ESB areas due to earlier industrial expansion, among other reasons, the government should confirm with the highest standards of environmental protection laws and regulations under the EEC and review the legal and policy framework as needed. The environment plan for the EEC should review weakening of existing standards such as the reported fast-tracking of the EHIA process in 120 days. The plan should be widely consulted and informed and effectively implemented to ensure that it can address the environmental concerns associated with the EEC. Further, the government should strictly adhere to the polluter pays principle under the EEC while adopting and enforcing pollution control measures.
- Towards the protection of forests and biodiversity in the context of the EEC, the government should firstly strengthen its forest-related laws and policies and their enforcement, including through the identification of existing gaps and addressing them such as the promulgation of conflicting provisions in NCPO Orders 64/2014 and 4/2015 and the Forest Mastery Plan. Those laws and policies have negatively impacted local communities that are key to protecting forests rather than punishing the large-scale deforesters. The government should thus empower the concerned communities and decentralize participatory forest management with them building on the local initiatives for restoration and conservation of mangrove forests²⁴⁵. Further, the government should strengthen land use planning for sustainable and community forestry and forest management, including in participation of civil society and private sector.
- The government should devise and implement a comprehensive strategy for effective water resources management in the EEC areas with meaningful participation of all stakeholders, including local communities, to prevent competition over limited water resources. The strategy should also address prevention of drought or other water-related problems in the region while ensuring protection of land rights and forest protection for new reservoirs and require industries to reduce the demand for water through measures such as desalination and recycling of water²⁴⁶.

- International Financial Institutions such as the Asian Development Bank should, without exception, strictly adhere to their safeguard policies to determine and address socio-environmental impacts of the EEC and projects and activities associated with it, and cease providing technical or financial assistance in case the rights of individuals and communities are violated including but not limited to their right to participate in decision making processes which affect them. Bilateral development agencies engaged financial and technical assistance in the EEC should also uphold the social and environmental safeguards in line with the international standards.
- The Thai government and businesses involved in the EEC should protect and respect human rights and provide effective remedy to those facing negative human rights impacts in line with the UN Guiding Principles on Business and Human Rights. Public or private business enterprises involved should be required to undertake mandatory human rights due diligence with effective accountability ensured by the concerned State agencies through a mix with voluntary measures as appropriate. In addition, there must be provision for sufficient redress, restitution or rehabilitation to affected communities in the case of violations. Governments of home States of the businesses, particularly Japan and China that have pledged high investments so far, should also be accountable for the performance of their companies.
- The Thai government, investors and other development actors should engage the concerned civil society and environmental groups, local universities and research institutions should be engaged to conduct independent research studies on various aspects of the EEC and the associated projects with contributions of various stakeholders including the government, private sector, and the local population. Such studies could cover topics, including the feasibility of the projects, progress of implementation and impacts at local and policy levels, as well as assessment of other comparative projects in Thailand or beyond.



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NOTES



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Empowering Communities | Advancing Social Justice

About Manushya Foundation

Founded in 2017, Manushya Foundation serves as a bridge to engage, mobilise, and empower agents of change by: connecting humans through inclusive coalition building and; by developing strategies focused at placing local communities' voices in the centre of human rights advocacy and domestic implementation of international human rights obligations and standards.

Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to ensure they can constructively raise their own concerns and provide solutions in order to improve their livelihoods and the human rights situation on the ground.

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