

Thailand: Laws Governing Development of Eastern Economic Corridor and Special Economic Zones Fail to Adequately Protect Human Rights - ICJ report

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In a report published today, the ICJ called on the Thai government, legislature and regulatory agencies to take steps to address deficiencies in the legal and regulatory framework governing economic development in Special Economic Zones and the Eastern Economic Corridor to improve transparency, protect communities and labourers' human rights, and implement safeguards to mitigate the adverse impact of such development on the environment and human rights.

The report, titled 'The Human Rights Consequences of the Eastern Economic Corridor and Special Economic Zones in Thailand' identifies gaps and weaknesses in the current law and policy governing investment in areas that have been designated for economic development in order to attract foreign investment. The report documents reported human rights violations and abuses of affected communities, as well as the adverse impact on the environment and working conditions for migrant labourers.

Drawing on international law and good practices, and the [ICJ's previous work in Myanmar](#), the report offers a detailed set of recommendations for how to improve the existing legal framework in order to prevent future human rights violations and abuses and provide reparation to victims of human rights violations perpetrated in and associated with SEZs.

"There is no reason for Thailand to repeat the mistakes made by governments elsewhere in the world that have rushed to dilute human rights and environmental legal protections in a misguided attempt to attract foreign investment", said Frederick Rawski, ICJ Asia-Pacific Director. "Safeguarding the well-being of local communities and the environment, ensuring decent conditions for migrant workers, and establishing transparent and inclusive decision-making processes are essential elements of a sustainable development that respects human rights."

As discussed in the report, the current laws and regulations governing SEZs do not contain adequate procedural safeguards and human rights protections, including for the rights to food, health, water, work and adequate housing. While the law governing development of the EEC does contain a number of provisions that protect communities and the human rights of affected individuals, the report outlines concerns about the regulatory body governing the EEC's broad discretionary powers and inadequate transparency in its work, as well as a lack of adequate preventive and remedial frameworks to ensure respect of human rights and environmental protections in areas designated for development under the law.

"The ICJ is encouraged by the fact that Thailand has adopted a stand-alone National Action Plan (NAP) on Business and Human Rights – the first country in Asia to do so. As part of the NAP, it has committed to reviewing and amending laws and regulations to ensure that they comply with human rights law and standards", said Rawski. "This report offers a set of concrete recommendations for law and policymakers to help them to fulfill this commitment as it pertains to the environmental and human rights consequences of SEZs, and the development of the EEC in particular."

The report was based on extensive legal research, as well as interviews with over 90 people, including individuals from affected communities in Chonburi, Chachong Sao, Rayong, Songkhla

and Tak provinces, as well as human rights lawyers, academics and government officials at the provincial and central levels.

Key recommendations to the Government of Thailand

- Protect human rights by amending SEZ legal frameworks, EEC laws, laws governing land acquisition and environmental and labour protections, following meaningful public consultation in accordance with international standards, to ensure that:
 - a. the government bodies responsible for developing and administering SEZs and the EEC be independent, and operate in a transparent and inclusive manner including by providing public participation in planning and decision-making processes;
 - b. all persons have a minimum degree of security of tenure sufficient to protect them from forced eviction, harassment and other threats;
 - c. standards be in place to protect the environment, and to mitigate the impact of environmental degradation on communities; and
 - d. all workers enjoy equal rights protections based on the principles of non-discrimination and equality.
- Adopt an amended SEZ Act that contains provisions that are in compliance with Thailand's international human rights obligations.
- Ensure that effective, prompt and accessible judicial and non-judicial remedies be provided to those affected by the implementation of SEZ and EEC policies; and
- Ensure that companies operating in SEZs and the EEC carry out business activities in line with the UN Guiding Principles on Business and Human Rights.

Background

In Thailand, Special Economic Zones (SEZs) and the Eastern Economic Corridor (EEC), also known as the Eastern Special Development Zone, are flagship economic schemes set up by the military government after the National Council for Peace and Order (NCPO) staged a coup in 2014.

The legal frameworks that govern the establishment and operation of SEZs and the EEC are mainly based on a post-coup legal framework, comprising a patchwork of more than 10 orders issued by the Head of the NCPO and the NCPO, Regulations of the Office of the Prime Minister, and laws passed by the NCPO-appointed National Legislative Assembly. These orders and laws must be read in conjunction with other national laws, in particular, specific land, environmental and labour laws.

Although SEZs and the EEC are still under development, local communities have already reported human rights violations and negative environmental impacts. These allegations include forced evictions of communities, questionable designation of lands for development, and the lack of meaningful and effective participation of communities.

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Further reading:

[Myanmar: amend Special Economic Zones Law to protect human rights – new ICJ report](#)