

The Policy Development Analysis and Factors Contributing to the Thai-Myanmar Policy Collaboration: A Case Study on the Dawei Special Economic Zone Development Project

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Abstract

This paper aims to study the progress of the policy development of the Dawei SEZ project during 2008 to 2016 in a systematic manner and tries to identify the key drivers for the inter-country policy collaboration. The research is academically valuable by filling the gap between theory and practice on policy development. Also, it would help policymakers in the Thai government to understand the situations and critical elements that help support the collaboration over the Dawei SEZ project and similar ones in the future. A qualitative case study is applied with an adoption of action research as a guiding methodology. With the purpose of unfolding complexity of the phenomenon, primarily takes different qualitative data collecting techniques - documentary research, in-depth interview, and participatory observation.

The paper explained the policy development in two periods, both of which were situated in the steps of policy formulation and partial implementation. The first period of policy development took place between 2008 and 2011 highlighting the policy initiative driven by a strong political decision whereas the second period between 2012 and 2016 focused on the redesign of institutional framework for collaboration.

The findings confirmed the explanatory power of all parameters engaged in the model of collaborative governance by Ansell and Gash (2008); namely, *starting conditions*, *institutional design*, *collaborative process*, *facilitative leadership*. Finally, three additional factors emerged as enablers explaining the existence of the Dawei SEZ policy collaboration between Myanmar and Thailand: *a role of policy manager*, *cross-cultural complementary* and *regional cooperation force*.

Keywords: Policy collaboration, collaborative governance, Dawei special economic zone

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พัฒนาการของนโยบายและปัจจัยสนับสนุนความร่วมมือเชิงนโยบายไทย-เมียนมาร์: กรณีศึกษา โครงการเขตเศรษฐกิจพิเศษทวาย

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บทคัดย่อ

บทความนี้มีวัตถุประสงค์เพื่อศึกษาอย่างเป็นระบบเกี่ยวกับความคืบหน้าของนโยบายการพัฒนาพื้นที่เศรษฐกิจพิเศษทวายในช่วงปี ค.ศ.2008-2016 และต้องการแสดงให้เห็นถึงปัจจัยสำคัญที่มีอิทธิพลต่อนโยบายความร่วมมือระหว่างประเทศดังกล่าว งานวิจัยชิ้นนี้พบว่ามีความสำคัญในเชิงวิชาการเนื่องจากองค์ความรู้ที่เกิดขึ้นสามารถช่วยเติมเต็มช่องว่างระหว่างแนวคิดตามทฤษฎีและผลการดำเนินการของนโยบายสาธารณะระหว่างประเทศ นอกจากนี้ ยังเป็นประโยชน์ต่อผู้กำหนดนโยบายในรัฐบาลไทยให้สามารถเข้าใจถึงสถานการณ์ที่เกิดขึ้นในรายละเอียด รวมไปถึงมิติความร่วมมือและองค์ประกอบสำคัญต่าง ๆ ที่มีส่วนช่วยสนับสนุนให้ความร่วมมือในการพัฒนาโครงการทวายดำเนินการในช่วงเวลาดังกล่าว ซึ่งคาดว่าจะใช้เป็นกรอบการคิดวิเคราะห์สำหรับโครงการความร่วมมือระหว่างประเทศอื่น ๆ ในอนาคต ที่อาจมีลักษณะการทำงานใกล้เคียงกัน ทั้งนี้ งานวิจัยนี้เป็นงานวิจัยเชิงคุณภาพที่ประยุกต์ใช้หลักการท้าววิจัยเชิงปฏิบัติการหรือ Action Research เป็นแนวทางหลักและรวบรวมข้อมูลผ่านวิธีการทบทวนเอกสารราชการ การสัมภาษณ์เชิงลึก และการสังเกตแบบมีส่วนร่วมเพื่อให้ข้อมูลที่เกี่ยวข้องเพื่อสำหรับการแสดงให้เห็นถึงความซับซ้อนของปรากฏการณ์ของการพัฒนานโยบายระหว่างประเทศ

บทความนี้อธิบายวงจรการพัฒนานโยบายในสองช่วงเวลาซึ่งทั้งสองวงจรนับได้ว่าอยู่ในขั้นตอนของการกำหนดนโยบายและการริเริ่มผลักดันไปสู่การปฏิบัติเหมือนกัน โดยช่วงแรกของโครงการพัฒนาเขตเศรษฐกิจพิเศษทวายระหว่างปี ค.ศ.2008 และ 2011 จะมุ่งเน้นความสำคัญของขั้นตอนการริเริ่มความคิดเกี่ยวกับการผลักดันโครงการให้เกิดขึ้นซึ่งมีปัจจัยเสริมจากการสนับสนุนทางการเมืองในระดับรัฐบาลอย่างเข้มแข็ง สำหรับช่วงที่สองระหว่างปี ค.ศ.2012 และ 2016 จะเป็นการทำงานที่มุ่งเน้นไปที่การออกแบบสถาบันสำหรับการทำงานร่วมกันระหว่างประเทศ

ผลการวิจัยครั้งนี้ ช่วยยืนยันความสำคัญของตัวแปรทั้งหมดที่เคยกล่าวถึงไว้ภายใต้แนวคิดเกี่ยวกับกรอบการกำกับดูแลด้านความร่วมมือ (Model of Collaborative Governance) โดยแอนเซลและแกช (2008) ประกอบด้วย ตัวแปรด้านเงื่อนไขตั้งต้น ตัวแปรด้านการออกแบบสถาบัน ตัวแปรด้านกระบวนการทำงานร่วมกัน ตัวแปรด้านผู้นำที่มีลักษณะเอื้อให้เกิดความร่วมมือ นอกจากนี้ การศึกษานี้ยังค้นพบปัจจัยเพิ่มเติมสำคัญอีก 3 ตัวแปรที่สามารถอธิบายความก้าวหน้าและความต่อเนื่องของนโยบายการพัฒนาพื้นที่เศรษฐกิจพิเศษทวายระหว่างเมียนมาร์และไทยอย่างมีนัยสำคัญ ดังนี้ ตัวแปรด้านบทบาทผู้จัดการนโยบายที่เข้มแข็ง ตัวแปรด้านวัฒนธรรมระหว่างสองประเทศที่เสริมพลังในการทำงานได้อย่างใกล้ชิด และตัวแปรด้านกรอบความร่วมมือระหว่างประเทศอื่น ๆ ที่ช่วยผลักดันให้นโยบายระหว่างประเทศมีความต่อเนื่อง

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Introduction

We live in the world today that is increasingly becoming more interlinked and interdependent among each other, which leads us to complex and dynamic socio-political situations. In such context, any development strategies and policies of one country can have both direct and indirect impacts not only upon its neighboring countries, but also the sub-region or the whole region where that country is located. Due to the intense connectedness, a concept of collaboration has gained much attention in the field of international relations and politics. It is a widespread practice on the ground.

This paper engages in the Dawei Special Economic Zone (Dawei SEZ), a development project standing upon the collaboration between Thailand and Myanmar, taking a form of case study research for the purpose of analyzing and comprehending a process of inter-country collaboration and the key drivers of the collaboration. Employing relevant theoretical lenses, the paper ultimately aims to develop a conceptual framework that can provide the comprehensive explanation with regards to the ongoing development of Dawei SEZ policy and factors needed for the inter-country collaboration.

This research is academically valuable. It is the case that academic literature on policy development process is rather limited. It is partly because most information stays within the particular groups of people who are actually involved in the process of policy development. As a scholar who has access to relevant information for the research, the author aims to fulfill the gap between theory and practice on policy development. Key findings from the study would allow the researcher to develop a conceptual framework for systematically examining the policy development and the inter-country collaboration in the Dawei SEZ case.

Objectives of the Study

This research aims to study the process of the policy development of the Dawei SEZ project in a systematic manner and attempts to identify the key drivers for policy collaboration in order for the Thai government to better implement its supporting programs for the success of the Dawei SEZ project in the future.

Scope of the Study

This study examined the development of the Dawei SEZ project, from 2008 when the two governments had their first inter-country official agreement, until August 2016 as a cut-off period for the project to be updated. Thus, the policy development process of the project included several stages of policy development, from the early formulation stage, i.e. agenda setting, policy formulation, and adoption, to the partial step of policy implementation.

Methodology

This paper is methodologically qualitative in nature — since its aim is precisely on exploring the complexity of contemporary policy management within a real-life context. This research ultimately attempts to propose a practical framework that effectively reflects the empirical understanding of the complexity that public policy management entails, especially in multilateral and inter-organizational setting. To serve this purpose, this research takes Dawei Special Economic Zone (Dawei SEZ) Project as a case to further explore and develop a collaborative model of policy management. It is a single-case study with combination of synchronic and diachronic analysis — in other words, the research was conducted over a certain period of time (temporal variation), and with multiple subsets as units of analysis within the case (spatial variation). The case was chosen because of the complexity of policy development process found in this specific case, which propose an interesting blueprint for the public policy management in Thailand. It is indeed an excellent case to illustrate various policy issues in a collaborative economic project with neighboring countries especially in the internationalized policy environment we face today.

This paper adopted action research as a guiding methodology — an approach that defines how the research was done. The choice of such approach was natural as much as it was inevitable for two reasons. First one relates to my boundary-crossing position as a practitioner who is at the same time engaged in scholarly work. Tenches and Hay provide more accurate definition of the term as “actors who have one foot each in the worlds of academia and practice and are pointedly interested in advancing the causes of both theory and practice”. Second reason is because the case I examine in this research is a project that I have been intensively engaged in as a policy maker — the fact that complicates my positionality within the research. Therefore, as a practitioner, I define myself as more of a problem-solver who is interested in making an actual change. Thus as many other scholar-practitioners did, my entrance into the research was not based on a theory but a practice. Huxham argues that one of the values of action research is that data collected through such methodological lens generates “descriptive theory that captures the experienced world” (2003: 246).

As an insider-researcher, I had an opportunity to build and develop relationships with my interviewees and informants from public and private sectors. It was, however, only possible because of the position I hold as their colleague and also a key actor in the project. For example, I used to stay in Nay Pyi Taw for a month working at the office of DSEZMC at Ministry of Transport. Given the current position, I was able to attend most negotiations sessions between the Project’s PMO and private companies, and between the Project’s PMO and concerned authorities in Myanmar to consult with any related issue about the sub-projects in the Dawei SEZ.

This research, regarding its purpose of unfolding complexity of the phenomenon, primarily takes different qualitative data collecting techniques. It makes use of secondary data analysis with data collected by “documentary research”, for which I used a wide range of secondary data that have been obtained from various sources; official documents such as the inter-governmental Memorandum of Understanding, available agreements between the related agencies, taking notes prepared for the leaders, the Cabinet’s resolutions and summary of the meetings and the presentations to relevant committees or taskforces.

On the other side, “in-depth interview” as well as “participatory observation” was the main means of data collection for the research. Among a wide range of variety in interviews, this research employs a “semi-structured interview” because interviewee’s subjective viewpoints are likely to be reflected and extracted in an open and loosely designed interview rather than in a standardized format (Flick, 2009). Flick points out that “interviewee has a complex stock of knowledge about the topic under study”, and this knowledge is often expressed spontaneously in answering open questions. Choice of “participatory observation” reflects the participatory approach this research takes in general, along with an action research. Through participatory observation, the researcher also gains an insight into what people may feel reluctant to inform or confess to researcher through other verbal methods such as interview and survey (Madge & Harrisson, 1938 cited in Clark et al., 2009: 348).

As I have been a government officer directly involved in the project from the Thai side, chances for participatory observation was given from 2010 to August 2016. The in-depth interviews, however, were conducted extensively in periods of time between March 2014 and November 2014. In parallel, there were a number of informal conversations with stakeholders from the government and non-government including Thai, Myanmar and Japanese, taken place regularly. The substantial amount of field notes is created after participating and observing formal and informal meetings, bilateral dialogues and official negotiation sessions among executives, officials and other key actors from private associations.

With regards to key informants, I have classified them into four groups, namely, policymakers, policy advocates, implementers, and networking actors, who heavily influenced the actions and decisions during the early policy development stages. Through the lens of the stakeholder analysis concept, each group had different choices in terms of acting according to their interests and motives. For example, *policymakers*, both the joint committees and authorities from the individual countries, had common interests in making the project progress quickly (as long as it satisfied their constituencies) but often dealt with internal negotiations among themselves because each country held different values concerning the project that impacted the priority of the chosen decisions. *Policy*

advocates, that is bureaucrats, consultants, researchers, or lobbyists, generally gave strong support to the project with a great deal of technical information (sometimes, conflicting with one another) to provide to the decision makers. *Implementers*, including only private consortiums that have interests in the project and that had joined the official selection process, were the financial risk-borne entities that wanted to receive development rights to the project and that were concerned most about the project's bankability and financial returns. Lastly, the group of *networking actors* consisting of communities, local businesses, NGOs and media acted as a watchdog for this project and often voiced the negative aspects of the project since they were concerned whether the project would have good results for their lives.

More than 30 interviews were conducted with political figures, government officials, academicians, and representatives from the private sector, from Thailand, Myanmar, and Japan. Some were done individually whereas some were undertaken in small groups. Over half of the informants were in the category of policymaker and policy advocates. In addition to the personal interviews, there were many informal dialogues with these key informants while I attended the meetings as an observing participant.

Besides the face-to-face interviews and observations, I attended a number of meetings, seminars and presentation events with these informants to observe their interaction and listen to the ideas being shared with others in order to make a sensible interpretation and crosscheck with the collected data.

The Dawei SEZ Project

Factual Information

Dawei project is a Special Economic Zone (SEZ) initiative located in Tanintharyi Region in Southern Myanmar, approximately 30 kilometers away from the city of Dawei and 132 kilometers from Thailand (i.e. at Ban Phu Nam Ron checkpoint in Kanchanburi), as shown in Figure. Simply measured northward, the project is situated 600 km away from Yangon and about 900 from Nay Pyi Taw, the capital of Myanmar. Most policy makers and private companies in Myanmar recognized a value of the Dawei Project by its strategic location, which is adjacent to the Andaman Sea.

The project was launched with the identification of the three main components, namely, (a) a deep sea port; (b) an industrial estate, which divided into six industrial zones including a residential/commercial zone with related infrastructure within the industrial estate, and (c) a connecting road and rail link to Thailand as well as an oil and gas pipeline and transmission line to the Myanmar/Thailand border at Phu Nam Ron along the road and rail link.

The project vision articulates three key goals that Dawei SEZ aims to achieve. The first goal is to be *regionally-integrated*, apart from being domestically integrated with other SEZs and ports in Myanmar. The Dawei SEZ is expected to foster the regional integration with land connection between Vietnam, Cambodia, Thailand and Myanmar – completing the GMS Southern Economic Corridor and linking the Eastern Seaboard to the western markets. Secondly, it aims to be *export-focused*, which means that the Dawei SEZ will complete the supply chain linkages within ASEAN Economic Community (AEC) by extending businesses of potential industries. This could include steel, automotive, and electronics and electrical appliance industries. In addition, the project will focus on serving the Western markets, for instance, through products in textile and fishery industries. The last key goal is to be *world class*. The Dawei SEZ endeavors to be one of the largest SEZs in size in Southeast Asia, with a deep sea port that is capable to compete with the region's largest ports (i.e. ports in Singapore and Malaysia) while pursuing the sustainable development.

The Neighboring Countries Economic Development Cooperation of Thailand (NEDA)¹ discusses several factors supporting a potentiality of Dawei SEZ in generating economic values to Myanmar and other countries in the region. One is that the area possesses *an abundant supply of local natural resources*. The Dawei SEZ can utilize local natural resources from Tanintharyi areas, and these include aquaculture/fishery products, oil palms (covering more than 90 percent of Myanmar), rubber (ranked second domestically), timber, and tin/ tungsten. The second factor is the competitive labor cost. In 2015, the *average labor cost* in Myanmar is about 3 US dollar per day, which is considerably cheap compared to that of 18 US dollar in Thailand. Thus, this is considered to be a comparative advantage Dawei SEZ has in attracting more investment into the area, especially those with labor-intensive production. The third is relevant to *an expected growth of Myanmar market*. It is believed that the economy of Myanmar will demonstrate a positive and strong growth in the future, given that its current GDP per capita is relatively low and the World Bank forecasted the country's GDP growth rate to be 8 percent per annum on average during the period of 2015-2020.² Such anticipated high growth will result in an increase in domestic demand of certain goods necessary for economic development, including plastics, cement, steel, medicine and automotive. Lastly, but not the least, *the Myanmar's SEZ law* allows significantly attractive tax exemptions for investors while aiming to create confidence among them through the setup of One-Stop-Service-Center. Investors can have income tax exemption up to 7 consecutive years (8 years for developers), as well as import, VAT, and commercial tax exemptions if they have factories established within the SEZ.

Value Assessment

This section articulates the various values perceived by different stakeholders — from the regional perspective and individual country’s perspective of Thailand and Myanmar, derived from available documents and personal interviews with the informants in the case.

For the region, Dawei SEZ is perceived as a new gateway to the western markets. It opens a new gateway on the Andaman sea, linking India, Europe, Africa and Middle East with ASEAN and East Asia; hence, connecting the two oceans (i.e. Indian Ocean with the Pacific Ocean), and linking the two giant economies together (i.e. India and China). This would lead saving both transport time and logistics costs from the GMS Southern Economic Corridor to the Western economies. The land-sea linkage, or so called “New Logistics Shortcut”, will help shortening the distance by approximately fifty percent and lessen shipment time by about 3 days for shipment from Bangkok to arrive India (Chennai), since transportation via Malacca strait can now be bypassed, according to the estimation by NESDB (2013). Also, it would reduce the piracy risk – popular incidents faced in the Strait of Malacca, and provide an alternative route with cost and time effectiveness for traders.

The Dawei SEZ establishment also completes the regional connectivity and creates the corridor which passes through major cities of Thailand (Bangkok, ESB), Cambodia (Sisophon, Siem Reap, Phnom Penh) and Vietnam (Ho Chi Minh City, Vung Tau). With this connectivity, there is potential to form a supply chain linkage between anchor industries in the Dawei project and manufacturers for parts and components elsewhere in Thailand, Cambodia and Vietnam. In particular, the Dawei SEZ is a new production base for industrial expansion in the region that encourages foreign direct investment to Myanmar. As a result, it would help inducing all manufacturing, investment, and trading activities along the completed corridor.

From the Myanmar’s perspective, Dawei SEZ is viewed to serve as its new engine for the national economy outside Yangon in a similar way with what the Eastern Seaboard achieved for Thailand. It is expected to directly create a pool of employment derived from the manufacturing and service activities of the project and the opportunity to enhance skills of labor through the training facilities provided by businesses and related government agencies in Myanmar. According to the initial estimates in the report of NEDA (2015), a remarkable number of jobs will be available not only within Dawei SEZ but also outside the project area by local companies and business units that provide supply chains to the industries within Dawei SEZ, including the tourism industry in surrounding regions. Almost 900,000 jobs are expected to be created in Dawei SEZ by 2045, when taking into account the employment in services and infrastructure projects within the SEZ (e.g. the deep seaport). If including impact of indirect job creation, the total job creation would amount to around 3 million jobs by 2045 for the related employees across

Southern Myanmar including those in widened business opportunities in upstream and related businesses such as fishery, palm oil, wood, and rubber. The favorable employment conditions at the Dawei SEZ would enable migrants to return to southern Myanmar, well-suited to the social policy of the newly elected government – President U Htin Kyaw and State Counsellor Daw Aung San Suu Kyi.

In addition to the job creation effect, the establishment of new development project may lead to improvement of basic infrastructures in the project-surrounding areas that will spur Southern Myanmar's overall regional development and improve local people's quality of life. For example, road connectivity planned as part of the Dawei project will not only provide transport of industrial goods, but also increased mobility for local people. In addition, road connectivity with Thailand, for example can also boost the enormous tourism potential in Southern Myanmar and service areas along the road, creating further jobs outside the Dawei SEZ.

Consequently, this infrastructure improvement supports the betterment of people's lives. The travel time will be reduced between places in the region. People could access to health care in big cities with available facilities more quickly. Children can go to schools in larger villages and cities more conveniently. The widened roads with international standards will improve people's safety while traveling whereas the dust pollution will be reduced in local areas where roads are all paved. Also, the Dawei SEZ will include significant electric power generation capacity, which provides opportunities to improve electricity availability and reliability in Southern Myanmar. Nevertheless, a group of NGOs and local communities raises concerns about the affected villagers being excluded and given unfair compensations due to the land selling and displacement process.

Also, the emergence of upstream to downstream industries in the Dawei SEZ creates the demand for local supply chain and logistics service to assist their business and industrial operations in Myanmar. Foreign investment on such industries will bring in manufacturing know-how and technology-transfer to local employees and business units that can pave the way for Myanmar to develop their own. With vocational training centers set up, locals will also be able to enhance their skills and improve hire-ability in the job market. As a result, the local people will be able to find ways to add more values in various downstream processing businesses by leveraging the resources such as fishery, oil palm, rubber, wood, metals from the local area in Myanmar and in the region.

The Dawei project offers benefit not only to Myanmar but also to the Thai economy. For Thailand, the Dawei SEZ project is viewed as a complementary economic tool to assist its transformation to a high-value-added economy, given a decline of competitiveness due to labor

shortage and higher wage in Thailand. From the study, Thailand's GDP could be increased by 1.9 percent only by improving the connectivity between Thai border and the Dawei SEZ; this is simply because of an expected increase in logistics activities (ERIA, 2009). The project is important in order to accelerate growth of the economy of Western provinces especially Kanchanaburi, the border contingent province on the Thai side. Benefits can be maximized through Dawei's linkage with Bangkok and ESB. This linkage can widen opportunity for development of the Western provincial cluster of Thailand, which acts as a major corridor between Kanchanaburi and Dawei. This will certainly generate more economic activities, employment, growth and co-production activities along the western border of Thailand. Also, as Kanchanaburi SEZ will develop complementary industries to Dawei SEZ Initial Phase, this will help encourage more investors to locate in Kanchanaburi to benefit from synergies with the Dawei project.

Furthermore, it helps promote the role of Thailand as the logistics hub and that of Thai private sector as the logistics service provider of the region due to the readiness of Thailand's infrastructures as a connector of the mainland of Indo-china to the ocean-side gateway at the Dawei deep seaport. According to the study of NEDA (2015), the approximately 20 percent of total cargo from Thailand goes to the West (Europe, Middle East, India, West Asia and Africa), and mostly flows through Singapore, Colombo Port (Sri Lanka) and Chennai Port. Thus, with the large volume of cargo from Thailand to the West, savings in transport cost for Thai exporters going via Dawei will be significant. The Dawei SEZ opens a new gateway to the West, and the maritime trade from Thailand can be directed to Westbound, bypassing the Strait of Malacca, and it shortens transportation time and saves transportation and logistics costs.

For Thailand and the region's interest, the Dawei SEZ project has significance in establishing a new strip of economic activities in the region, along the Southern Economic Corridor, which could be a more attractive package for foreign investors worldwide rather than an individual area in a single country. Talking about the bilateral benefits of Myanmar and Thailand, the immediate benefit to develop community and economy at the border area is well accepted. Also, the two countries expect further to build a supply chain linkage between both countries' businesses at Eastern Seaboard of Thailand and those at Dawei area. Figure 1 depicted the description of value assessment for the Dawei SEZ as mentioned.

Value Alignment of the Dawei SEZ

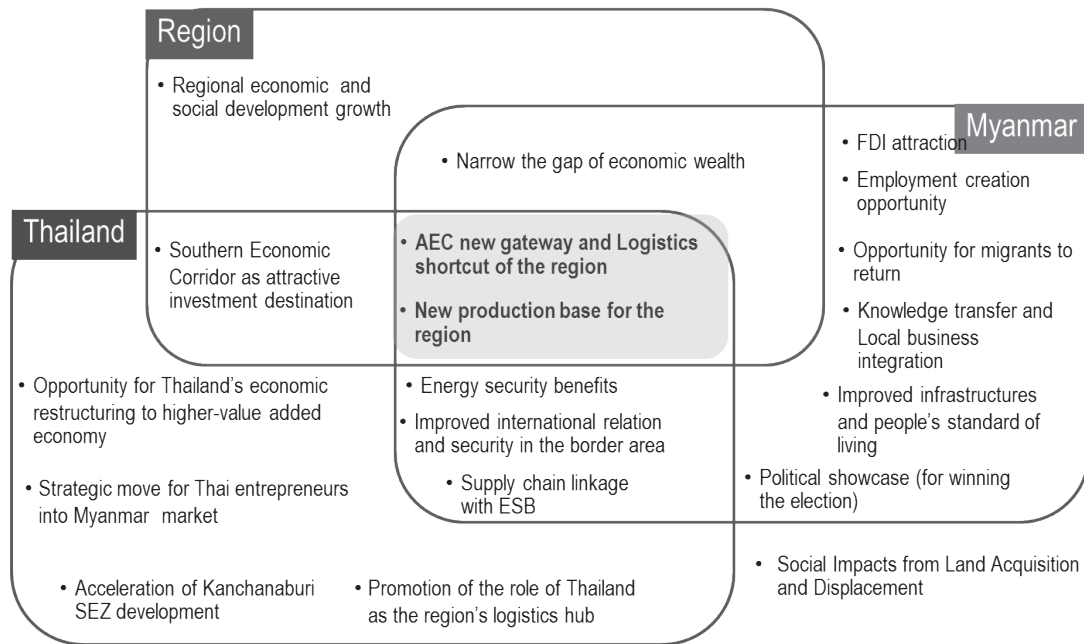


Figure 1. Value Assessment on the Dawei SEZ.

Policy Development Process

The Dawei SEZ project has a long history since prior to 1997 – the Asian economic crisis, but our focus will start from May 2008 onward. During 2008 to 2016, it could be said that the policy of the Dawei SEZ has gone through several steps in a policy cycle. The sequence of activities in the actual Dawei SEZ case entered into the steps of agenda setting, formulation, adoption, and partial implementation, but yet into evaluation or reformulation stages following the model suggested by Lasswell (1956). Throughout the years of development, the case has gone back to iterate the steps of policy formulation several times. The policy development process is then shown a non-linear as it can move back to repeat the earlier steps whenever the project faced changes influenced by internal and external factors.

The policy development could be explained into two sub-cycles in two periods: the first period between 2008 and 2011 highlighted the policy initiative driven by a strong political decision. The attempt and process finally failed to continue due to uncertainty of the regulatory framework, a change in new government, and non-bankable terms and conditions as an output of negotiations. So, the process of agenda setting and policy formulation restarted in the second policy period between 2012 and 2016. In this period, the decisions to reorganize institutional design and collaboration for phased development were made by the joint-country committee. Much progress on revised regulatory

framework and operations were done. Nevertheless, the project was interrupted once again, towards the end of the period, due to a shift in a political party and the remained high-risk environments for the project as illustrated in figure 2.

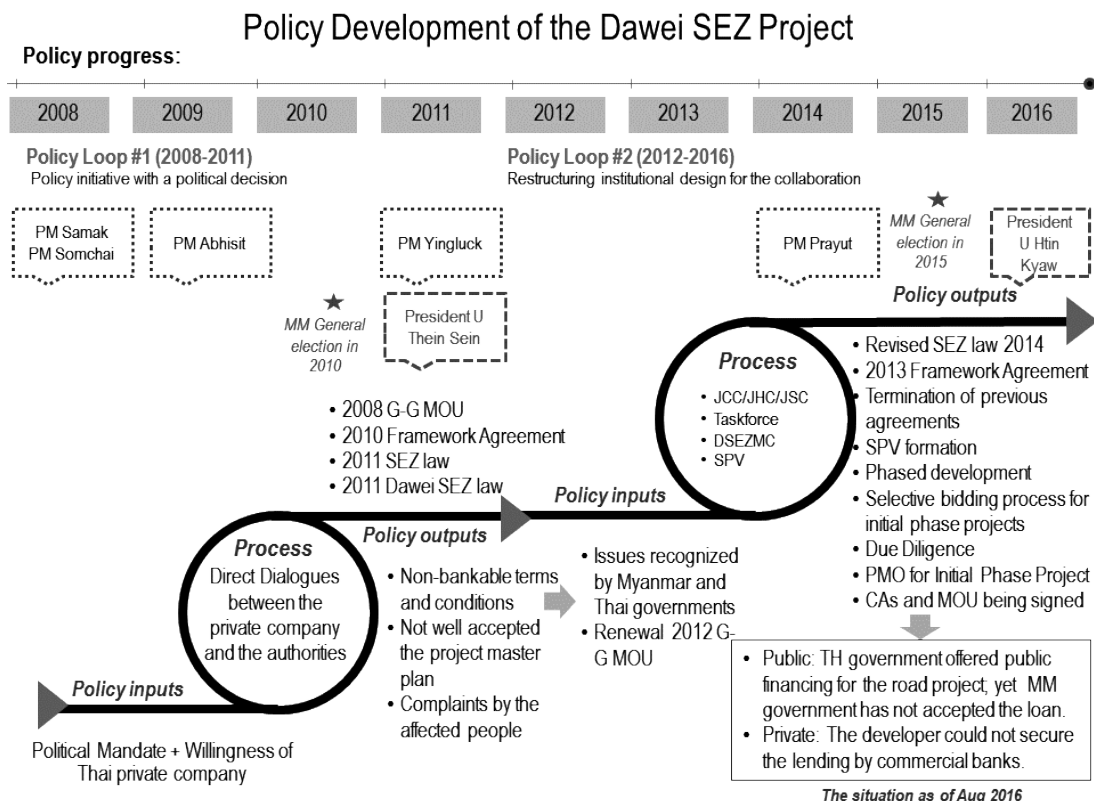


Figure 2. Policy Development of the Dawei SEZ Project.

Policy Loop 1 (2008-2011): Policy Initiative Led by the Political Decision

Policy Input

After the pause during the 1997 financial crisis, the Dawei SEZ project was officially resumed in May 2008 when the MOU at a government-to-government (G-G) level on the Development of Dawei Deep Seaport and Road Link to Bangkok was signed³ and subsequently followed by the MOU on Development of Dawei Deep Seaport, Industrial Estate and Road Link to Bangkok between MPA and ITD signed in June 2008.

It was inferred by several interviews with the developer and former authority in Myanmar that a key factor to move forward the project at this stage was the “political decision” strongly driven by the top authority in Myanmar. The focal figure, in charge of the economic matters during the time of President U Than Shwe, was Thura Tin Aung Myint Oo or so called “S1” – a political nickname used in Myanmar.

The pre-determined transition of power from a military-led regime to a semi-democratic administration, through the general election scheduled at the end of 2010, was believed to be one of the urges behind the political decisions on this project granted by the military authority at that time.

The Thai construction company - Italian Thai Development Co. Ltd. (ITD) who was selected to begin the exploration of the project, was not a “no-name” in the context of Myanmar government. The fact that this Thai company had completed several investment projects in Myanmar in the past such as the Mandalay international airport, explained the question why it was selected to develop this project. Therefore, it was noted that the historical bond between this Thai company and the Myanmar administers was one of the main factors contributing to the initial deal of the Dawei project.

Process

The working process was simply explained by the direct interactions between the Thai company and the various Myanmar authorities led by Myanma Port Authority (MPA) - the MOU counterpart on the Myanmar side. There was no official committee established until late 2011, under the Dawei Special Economic Zone Law of Myanmar, “the Supporting Working Body” was set up by engaging the committee from various public authorities at both central and regional administrations, and working with the representatives from the private company.

Policy Output and Feedback

The result in development, after the initial agreements were in operation, ended up with the stagnation on the project’s execution. The proof incidents were summarized as follows.

- The terms and conditions specified in the Framework Agreement were not bankable and viable assessed by the potential financiers.
- The negotiation for drafting the Concession Agreements between the government agencies and Ministries from Myanmar and the financial and legal consultants working for the Thai company was not successfully concluded.
- The Dawei Development Company (DDC)⁴, a Myanmar-registered company led by ITD, faced a difficulty in seeking strategic partners in addition to the existing Myanmar-nationality partner (i.e. Max Myanmar). And finally, Max Myanmar decided to drop out from the consortium when it was requested to put more funding.
- Other foreign investors, especially the Japanese companies, were doubtful to the pre-feasibility study and master plan as undertaken by ITD.
- The project confronted a delay due to the company’s difficulty in finding project’s finance.
- The affected villagers and NGO on the site started to complain about a lack of transparency in relocation process and unequal rate of compensations.

The situation happened after the ground work from initial operation by DDC had been started and the money had been spent. By the end of 2011, there were, interestingly, several regulations for foreign investment in Myanmar successfully enacted, i.e. the Foreign Investment Law, the Special Economic Zone Law, and the Dawei Special Economic Zone Law, despite being seen unattractive by international experts.

Policy Loop 2 (2012-2015): Restructuring Institutional Design for the Collaboration

Policy Input

The accumulated problems of the project triggered the serious discussions between the two governments to find solutions. The second policy loop started in once the new government of President U Thein Sein began the duty in March 2011.

Some lessons learnt from the first loop were taken as “feedback” to improve the practices in the second one. Firstly, the risks of the project remained high looking from inability to close the financial deals with the banks. So, available measures to mitigate such risks were needed. Secondly, the direct negotiations and discussions among the operating authorities from various ministries and the private companies and consultants might not be suitable due to an imbalance of negotiation power between the parties. The private company did not have much leverage to explain, correct, and defend with various Myanmar authorities concerning appropriate policies for the Dawei project; except having only technical studies and surveys in hands. In addition, there were too many authorities making a decision which was impractical to operate in the special economic zone project. Given the fact that the SEZ policy is new to the Myanmar government, only few policymakers are aware and knowledgeable about the SEZ. Involving at least nine different sectors of development e.g. road transport, water supply, power plant, industrial estate, seaport and township, the project would need to have only one single authority who supervises overall development and makes a decision on behalf of all other ministries. The one-on-one negotiation without a central authority will always lead to non-feasible financial model of the project as each ministry tends to request for a maximum benefit of its own agency. Lastly, having a professional consultant as a third-party will be useful for such multiple-party negotiations where compliance of international practices is needed.

Process

By realizing these facts, the institutional setting and rules of game were redesigned accordingly. Firstly, the renewed MOU in 2012 between the two countries established the joint high-level committee (JHC), the joint coordinating committee (JCC), and the joint sub-committee (JSC) as a core platform for collaboration and negotiations regarding the policy direction of the Dawei SEZ. In addition, there was a joint taskforce playing active roles in preparation for each official meeting for the JHC and JCC.

On the Thai side, the taskforce on Dawei project was loosely formed by regular conversations among key agencies but continued working closely and developed into a special Dawei taskforce group for Thailand. These agencies were the Office of the National Economic and Social Development Board (NESDB), the Ministry of Foreign Affairs (MOFA) and the Ministry of Finance (MOF).

Policy Output and Feedback

The Myanmar government made revisions on the existing SEZ laws in Myanmar in response to the comments received from various international organizations and finally passed through the parliament and enacted in early 2014. In addition, the President of Myanmar appointed a chairman of the Dawei Special Economic Zone Management Committee (DSEZMC) as a focal point for the project.

The Thai and Myanmar taskforce came up with all actions necessary to clear up the ongoing problems and promote the project's development more effectively. Key resolutions that were approved by the JHC/JCC guided the project development and operational practices. They were: the termination of all previous agreements between MPA and ITD, the establishment of jointly-owned organization by the Thai and Myanmar governments – the Dawei SEZ Development Company Limited (or “SPV”) – as an operating arm, the endorsement of new Framework Agreement between the Dawei Special Economic Zone Management Committee (DSEZMC) and SPV to replace the previous one, the decision to continue the project by phasing and begin with the initial phase projects, the agreement to pursue the selective bidding for the initial phase project developers, and lastly the assignment of Project Management Office (PMO) to assist the bidding process and negotiation.

The negotiation process was seriously taken place among the PMO, the selected developer and the DSEZMC, though incurred much delay than planned, the package of concession agreements for initial phase projects was successfully concluded in August 2015.

In addition to the policy involving the project's operations, the Thai and Myanmar governments agreed to invite the third-country partner into the project. As mentioned earlier, Japan was one of the top choices that received the official invitation letter signed by the co-chairman of JCC since April 2013. Only in May 2016 the Japanese entity by JBIC decided to co-invest as the third shareholder of the SPV.

Furthermore, there was a proactive movement by the Thai government to provide the soft loan onto the two-lane road project between the Dawei SEZ and the Thai and Myanmar border. However, due to a shift of the Myanmar politics in 2016, the public financing offer has not yet been accepted by the Myanmar government.

Conceptual Framework: Collaborative Governance

The concept of collaboration has been widely discussed within various academic fields from Public Administration to the study of Intergovernmental Cooperation. Despite a challenge in establishing a single definition of this multidimensional concept, Thomson et al. (2007), building up on the early works done by other scholars, attempted to elaborate its definition. They define collaboration as “a process in which autonomous or semi-autonomous actors interact through formal and informal negotiation, jointly creating rules and structures governing their relationships and ways to act or decide on the issues that brought them together; it is a process involving shared norms and mutually beneficial interactions” In developing analytical discussion, this article adopts the Model of Collaborative Governance, a framework developed by Ansell and Gash (2008). They intend to identify deciding factors and variables for successful collaboration. They link collaboration directly to policy making and implementation by utilizing what may be seen as a jargon, *collaborative governance*. It is essentially one of the various conceptual frameworks accounting for a collaborative process. It does in nature bear a risk of obscuring the definition of collaboration as O’Leary and Vij (2012: 517) pointed out. Nonetheless the term provides us room for a closer discussion towards multilateral policy management, which is in direct relation to the case of Dawei SEZ project.

Ansell and Gash (2008: 545) hire a comprehensive definition of governance from Lynn et al. (2001) and Stoker as a set of laws, rules and administrations for the provision of public affairs. They try to distinguish collaborative governance from adversarial and managerial approaches to policy making. From their perspective, collaborative governance refers to “an explicit and formal strategy of incorporating stakeholders into multilateral and consensus-oriented decision-making process”. Some terms such as policy network, collaborative public management and network governance are compared as interchangeably used terms and settings—but not precisely on the same direction. Expanding from the definition, they propose a model of collaborative governance as a result of analyzing 137 cases of policy management.

Ansell and Gash pinpoint essential determinants for successful collaboration on this model as shown on the diagram (2008: 550). In terms of contents, these variables do not go far from the work of other scholars who tried to identify critical drivers as well as a comprehensive model of collaboration (Wood & Gray, 1991; Thomson et al., 2007). However, they distinguish the prerequisite stage from the process stage with different variables, thus implying that various factors have different impact on each stage. Ingold and Fischer (2014) recently presented a similar view on their longitudinal study of collaboration on climate policy, arguing that there are different variables playing crucial role in different stages of policy making and implementation.

This article explored a conceptual discussion of the theory of collaboration and collaborative governance to frame the analysis. Looking into the process when the collaboration occurs, a model of collaborative governance was adopted in order to examine the drivers of policy collaboration in the case of the Dawei SEZ project. This framework is closely related to what Ansell and Gash (2008) proposed. For the starting conditions, the dissertation considers the incentives and constraints on participation, such as the perceived economic benefits that strengthen the global competitiveness of the country, as well as other factors influencing these incentives, that is, power-resource-knowledge asymmetry and pre-history condition, which has significance in determining the trust level between parties. Then, the analysis of collaborative process is based on several aspects of the Dawei SEZ project: face-to-face dialogue, commitment to the process, shared understanding, trust building, and intermediate outcomes. Importantly, this process is largely directed by institutional design, facilitative leadership, and other enabling factors, which include cultural influences and professional assistance, as demonstrated in the diagram (Figure 3). All of these factors will be elaborated in the analysis in order to observe the collaborative policy process in the context of the Dawei SEZ project.

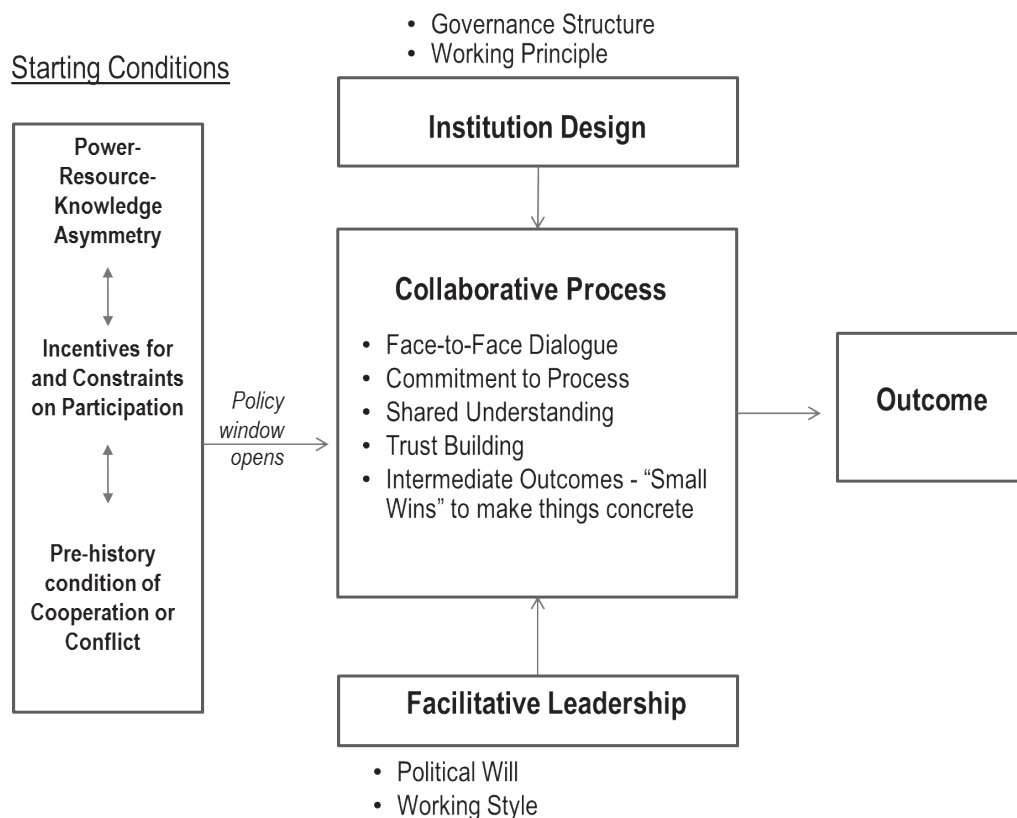


Figure 3. A Conceptual Framework for Examining the Drivers of Policy Collaboration.

Source: Author, adapted from Ansell and Gash (2008)

Discussion

All four factors classified by Ansell and Gash (2008); namely, *starting conditions*, *institutional design*, *collaborative process*, *facilitative leadership*, are valid to frame the explanation of emergence and continuation of the policy collaboration between Myanmar and Thailand over time. However, each factor plays different levels of impact over the two periods of policy development.

During the project inception period, the factor that had the strongest impact on the policy development was the *political mandate* as mentioned in the starting conditions whereas the remaining factors played low contribution. . The name of Thura Tin Aung Myint Oo, the first-rank general “S1” to President U Than Shwe, was referred to several times in the personal interviews among the private developer and the Myanmar authority. The incentive of the Myanmar government to have a private sector participate in the Dawei project was urged by a lack of financial and technical resources that the private company could potentially offer.

The institutional system, during 2008-2011, was still weak, although the structure of committee was established under the 2011 Special Economic Zone Law i.e. Central Body, Central Working Body, Special Economic Zone Management Committee and Supporting Working Body. But, the findings of the study showed a communication gap with key actors, such as, local communities, NGOs, and private developer, due to the designed official structure and working process. The collaboration at a governmental level stayed limited and only direct interactions between the government of Myanmar and Thai private company was found through the Supporting Working Body before the project was unsuccessfully executed.

At the second period of policy development, all factors are analyzed in details and the finding showed that all four factors have higher impacts to the overall collaboration. As for the starting conditions in 2012, the new government headed by President U Thein Sein had strongly pursued the SEZ policy as part of the economic reform policies. Demarcation of three Special Economic Zones in Myanmar i.e. Thilawa SEZ, Kyaukphyu SEZ and Dawei SEZ was announced officially, together with a revision of the related legislations, lifted up the expectation of foreign investors to Myanmar.

Evolving conflicts and distrust between the Myanmar authority and Thai private company from their mismatched working styles urged the Myanmar government to discuss with the Thai government for collaboration. With the deadlock emerging, there were criticisms about the way ITD-led consortium had done its business that upset the new administration in Myanmar.

“I thought it was only our fault (Myanmar) about the bureaucratic red tape, corruptions as well as ineffective regulations. However, I noticed an issue about the developer itself. When the company tends to over-promise by saying ‘Yes, yes, yes’ in front of the tops but later fails to deliver as said, it disappointed us badly. This style might have worked for the previous old-generation officials but for this government, we must deliver. So, we barely stand this action.” (Personal interview with the economic advisor to Presidential Office in March 2014)

All initial factors seemed to favor the collaboration between the two governments, except for the fact that Thai government had been struggling to anchor the Dawei SEZ project on the national agenda due to the opposing voice that advocated for other competing policies such as the Pakbara deep seaport in Satun province. As a result, it distracted and delayed Thai policymakers to fully commit on the Dawei SEZ project for almost two years.

Regarding the institutional design, it was learnt from the previous lessons in the first loop that lacking an official platform to work on would cause a communication gap among key parties. It means that a collaboration was unlikely to occur. Therefore, the governance structure to facilitate the productive discussions on policy issues was restructured. At a policy level, a formal setting with three levels of committees was assigned; namely, the Joint High Level Committee (JHC) chaired by Vice President of Myanmar and Deputy Prime Minister of Thailand; the Joint Coordinating Committee (JCC) led by the assigned ministers; and the Joint Sub-committee (JSC) chaired by ministers or deputy ministers of relevant ministries. Apart from this, there was a layer of taskforce or secretariat team to work in supplement to the formal committees. At an operation level, another joint organization i.e. the SPV or Dawei SEZ Development Co. Ltd. was established as an exclusive advisor to DSEZMC. The established company was owned and shared equally by Myanmar and Thailand providing a joint-working mechanism that was detached from the politics. More importantly, the SPV was a tool to maintain continuity of the Dawei project as it played an important role especially during the political shifts in Thailand to maintain confidence of the foreign investors.

“...SPV, Dawei SEZ Development Company Limited, is now the key vehicle to coordinate for the Dawei SEZ Project as the sole advisor to DSEZ Authority in development and selection of potential investors for the Projects....Thailand is fully committed to the successful implementation of the Dawei Project. The Dawei SEZ Project will continue to be supported as the merits of the Project are well above politics...” (Excerpted Speech of the Permanent Secretary of Ministry of Foreign Affairs of Thailand to Japanese Investors in Tokyo, December 2014)

The institutional design during 2012-2016 was more established in various layers, from formal to informal loops, from purely government to semi-government structures as depicted in figure 4. These structures facilitated a venue for key stakeholders to sit together and discuss the project-specific policies. Despite the tedious protocols, the discussions among G-to-G members reached constructive agreements and policy directions for the project, unlike the previous structure i.e. the Supporting Working Body which had a wide gap in negotiation power between the Myanmar authorities and the private developer.

Agreements and Governance Structure for Dawei SEZ Policy

Policy progress:

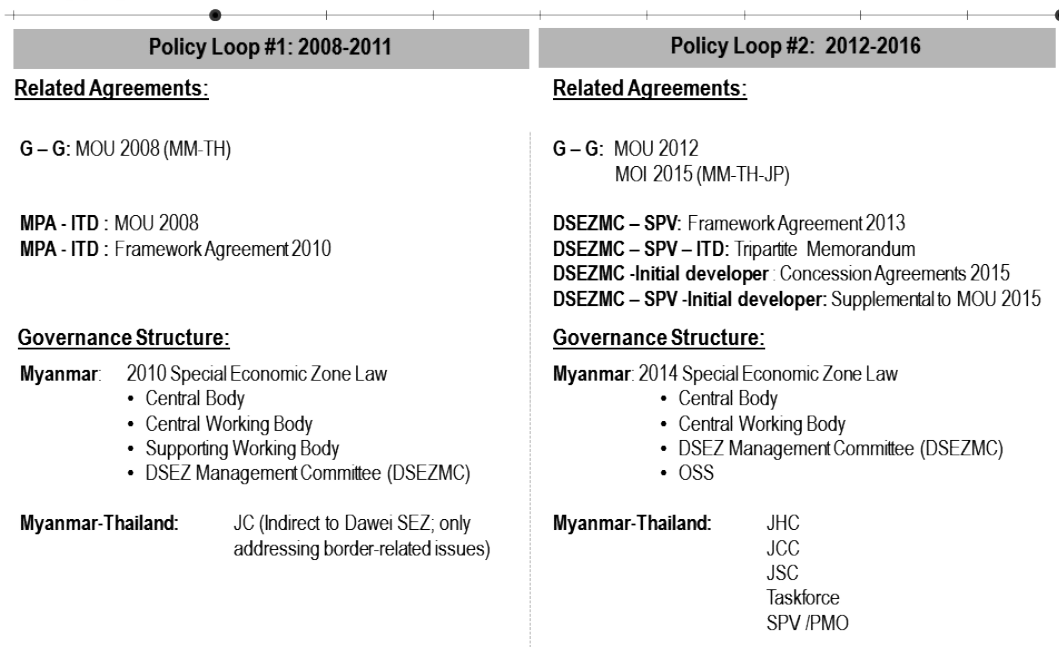


Figure 4. Agreements and Governance Structure for Dawei SEZ Policy.

Source: The Author

Due to the designed structure, the collaboration was enhanced by both formal and informal communications among the joint team members. The formal platforms increased legitimacy for overall discussions resulting in officially endorsed policy decisions whereas the informal communications produced the content regarding up-to-date project status, new ideas and available options for decisions. In addition to the official meetings, the loop of informal communication among working taskforces was an essential element in facilitating the continuity of collaboration. This seemed to be the case during a period of problem on political uncertainty when the rally of anti-government demonstrators in Thailand took place in 2013 and ended up with the Coup in 2014.

Being blessed by the leaders, the taskforce team played an active role in performing steady progress on the mandates already endorsed during the previous JCC meetings. From the record, the face-to-face taskforce meetings occurred twelve times (in Myanmar) from the end of 2013 and throughout 2014 without being interrupted by the ‘political vacuum’

Furthermore, they established an informal channel for information sharing via telephones and emails between the focal points from both sides (i.e. a representative from NESDB on a Thai side and a chairman from DSEZMC on a Myanmar side). As explained by the interviewee, the telephone calls could take place as often as necessary, once in a day or two days on average, whenever there were updates to share and/or arrangement to make. This confirmed the argument by Isett et al. (2011) that “behind-the-scene interpersonal interactions or relationship building have an important bearing on collaborations”. As a result, the regular sharing information especially through informal channels was the key to enhance understanding between the two sides and facilitate both to easily arrive the decisions that benefit mutual interests.

The study revealed that the leaders that played decision-making roles had changed from time to time as a result of political situations in both countries. For Thailand, the JHC co-chair, with a rank of Deputy Prime Minister of Economic Affairs, had changed for three times during 2012-2015 (i.e. Kittirat Na-Ranong, M.R. Pridiyathorn Devakula and Somkid Jatusripitak) while the Myanmar side remained the same person (i.e. U Nyan Tun). In addition, the secretariat for the JHC from both sides (i.e. Arkhom Termpittayapaisith and U Han Sein) was continued throughout time; hence, it was not difficult for the new government of Thailand to understand the Dawei project during that time period.

The study showed that the characters and working style of each leading figures, especially the most active level of JCC, contributed to a more favorable climate for collaboration especially when distrusts among stakeholders were initially strong. The attitudes towards the project’s benefits as a top priority maintained the fruitful dialogues which no one brought in own interests onto the table, at least as far as being observed. The frank conversations and the open-minded styles of the Thai leaders to allow Thai taskforce to continue working with the Myanmar team [despite the period of political disorder in Thailand] showed a continued commitment that eventually earned trust from the Myanmar counterpart. These working tone and attitudes by the leader prevented the project from facing the dilemmatic situation that failed the collaboration since one decided to protect own interest as described by Thomson and Perry (2006).

In addition to the four factors proposed by Ansell and Gash (2008), the Dawei SEZ case showed the other three components that became important enabling factors to this collaboration.

Firstly, a ‘*policy manager*’, who held full responsibility to coordinate horizontally among the relevant parties including public and private agencies and was able to report the right information and policy options vertically to the leaders for their decision-making. The overall objective of a policy manager is to encourage the leaders to confirm the supportive position on the project in every occasion and maintain the momentum of the policy.

On the Thai side, it could be said that a handful team of NESDB bureaucrats together with the chairman of DSEZMC acted as a policy manager for the Dawei SEZ project, at the beginning. In an attempt to tackle difficulties on technical and legal issues of the project, both countries agreed to recruit a professional consulting group to work as “Project Management Office (PMO)” for initial phase development. The team of policy manager later was then enlarged and became a key actor to re-start a game by coordinating all parties to make the new tender happened. The PMO started to interact directly with the potential developers and foreign investors; it provided the communication guideline for all stakeholders from both countries in order to ensure consistency and accuracy of the information noted in the media. Two parties i.e. DSEZMC and NESDB were kept informed and aligned their interests regularly with assistance of the PMO team. A strong will and aligned vision of these focal agencies, as a team of policy manager, played a major role in the success of this collaboration as depicted in figure 5.

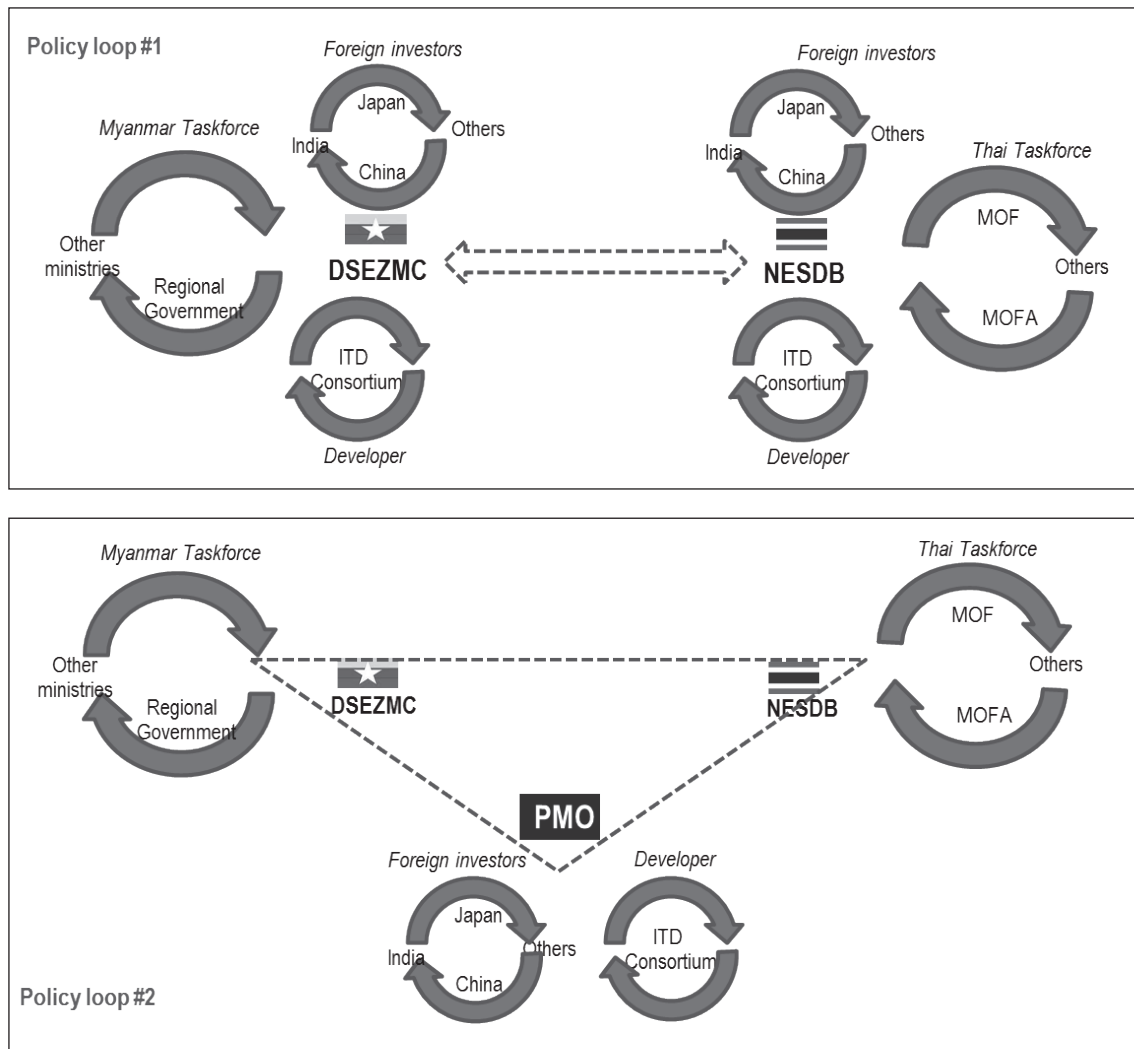


Figure 5. Policy Manager and Communication Flows.

Source: Author

Secondly, this case gained advantage from a *cross-cultural complementary* working culture. On the Myanmar side, a group of decision makers came clearly with political will to support the project and usually commanded with a military style (top-down). However, the Thai team felt least intimidation while interacting with the ministers from Myanmar whereas the Myanmar ministers also benefited from receiving additional workforce from the Thai team which was lacking [at that time]. Interestingly, this combination of taskforce members worked well in practice and the discussion turned out fruitful with freely sharing comments, illustrating the cross-cultural advantage instead of barrier.

Lastly, the regional cooperation program such as Greater Mekong Sub-regional Cooperation (GMS), Mekong-Japan Cooperation, ASEAN-Japan, and BIMSTEC is a motivator to raise the regional community and governments' attention to the Dawei SEZ. The regional community recognized the Dawei SEZ project a collaborative showcase for AEC integration. The leaders thus must learn about the project's progress every time they had opportunities to confirm their commitments through these multilateral and bilateral meetings each year.

All factors except for the starting condition have greater contribution to this joint-country collaboration as compared to the first policy period. Furthermore, the two factors including *starting conditions* and *facilitative leadership* gave the highest impacts whereas the remaining ones including *institutional design* and *collaborative process* have a medium to high level of impacts. Taking into account the other three enablers, we noticed the greater impact of starting conditions on this collaboration since the leaders from each country were motivated by a *regional cooperation force* to make a commitment in the presence of other countries' counterparts. In addition, a factor of *cross-cultural complementary* supported the collaboration process [in a taskforce level] to be smooth and more effective than the case with a single-nationality taskforce. Lastly, a factor of *policy manager* played an important role in facilitating communication flows among stakeholders from all countries and simultaneously supporting the leaders by always keeping them well-informed before making decisions. As a result, all factors, except the institutional design, ended up with higher impacts to overall collaboration due to positive forces by these three enabling factors. (Table 1 and figure 6)

Table 1. Level of Impacts of Factors Contributing to Collaborative Governance.

Factors Contributing to Collaborative Governance	Policy Loop 1: 2008-2011	Policy Loop 2: 2012-2015
1. Starting Conditions	High	High
2. Institutional Design	Low	Medium-High
3. Collaborative Process	Low	Medium-High
4. Facilitative Leadership	Low-Medium	High
5. Enabling Factors: Policy Manager	Low	High
6. Enabling Factors: Cross-cultural Complementary	-	High
7. Enabling Factors: Regional Cooperation Forces	Low	High

Level of Impacts of Factors Contributing to Collaborative Governance

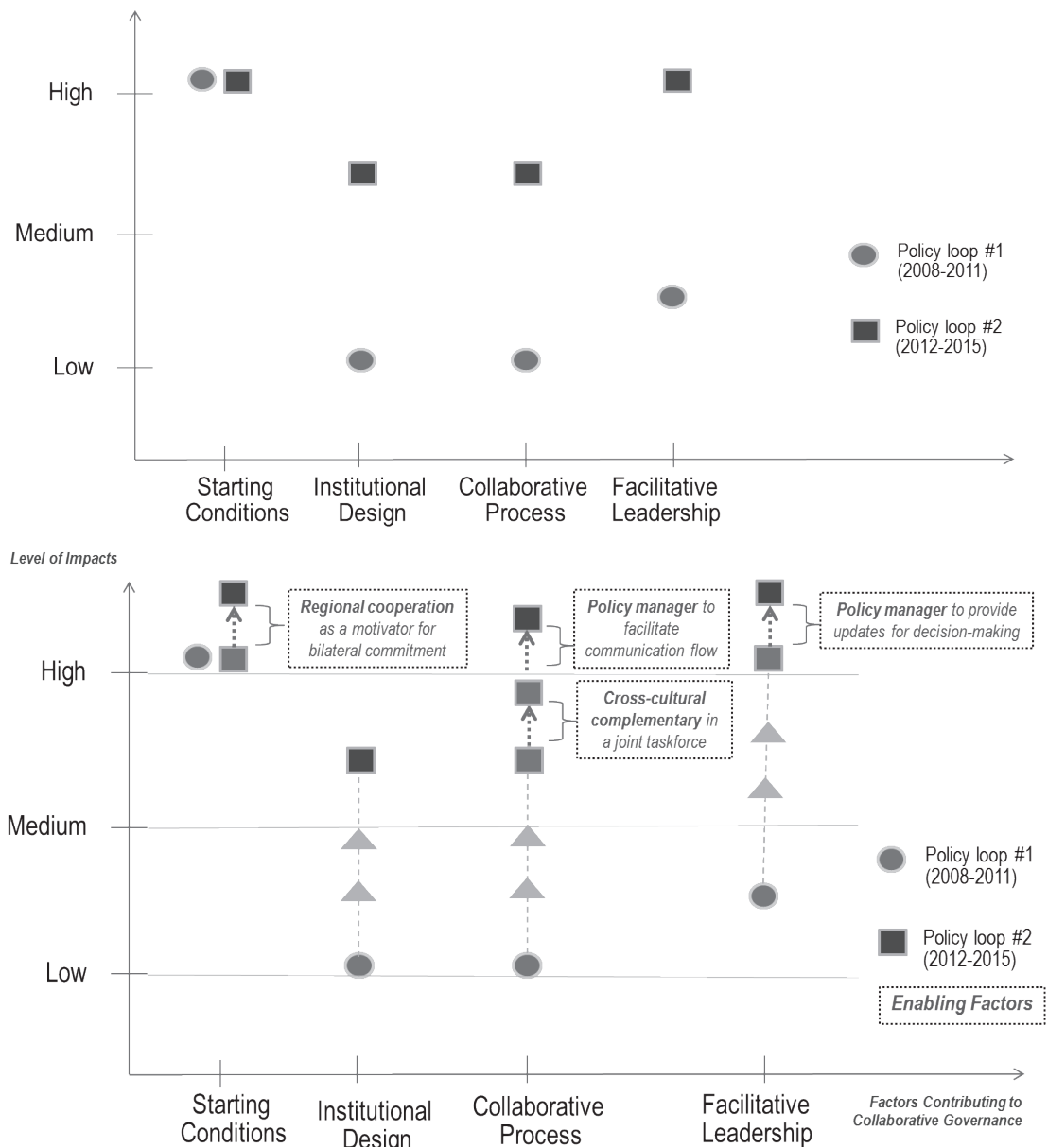


Figure 6. Comparison on Level of Impacts of Factors Contributing to Collaborative Governance.

Source: Author

In conclusion, by revisiting the collaborative governance model of Ansell and Gash (2008), the findings of the study explained contribution of all factors to the Dawei SEZ project which represented the inter-country collaboration project, as shown in figure 7.

Drivers of Policy Collaboration

Policy loop #2 (2012-2015)

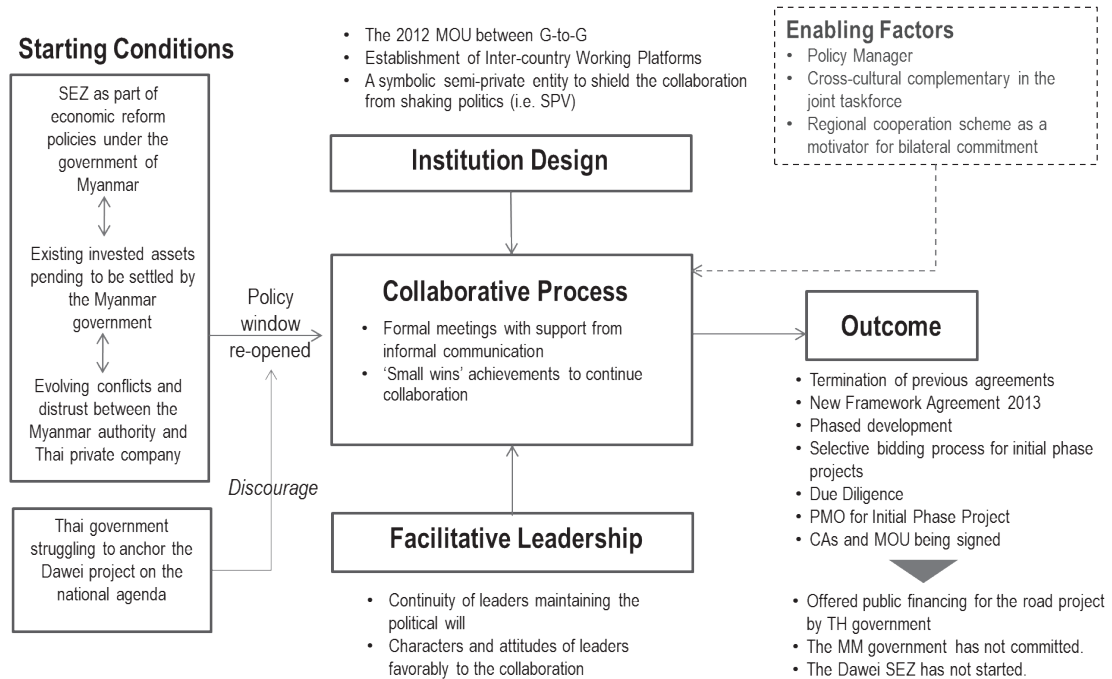


Figure 7. Drivers of Policy Collaboration during Policy Loop 2 (2012-2016).

Source: Author

Concluding Remarks

The policy development for the Dawei SEZ could be described in two periods, both of which were situated in the steps of policy formulation and partial implementation. The first period of policy development took place between 2008 and 2011 highlighting the policy initiative driven by a strong political decision whereas the second period between 2012 and 2016 focused on the redesign of institutional framework for collaboration. The findings confirmed the explanatory power of all parameters engaged in the model of collaborative governance by Ansell and Gash (2008); namely, *starting conditions, institutional design, collaborative process, facilitative leadership*. Furthermore, the study also highlighted the significance of three additional factors as enablers that could explain the emergence and continuation of the Dawei SEZ policy collaboration between Myanmar and Thailand. They are: *a role of policy manager, cross-cultural complementary and regional cooperation force*.

Limitations and Further Study

Given experiences gained throughout the years as being a scholar-practitioner familiar with the subject, I truly realize that the data collected through the various qualitative methods in my paper as well as my analysis of such materials may not sufficiently reflect complete impartiality. Different perspectives embedded in the position of interviewees and informants and the researcher's own interpretation will need to be taken into consideration. With such limitations in mind, the review of data from an extensively large number of sources was always aiming to minimize the judgmental bias as much as possible. Furthermore, indirect observations and discussions with other informants were also carried out to maintain the accuracy of all related issues and adequate validation of ideas.

The result of this study demonstrated that the collaborative governance is necessary to smoothen the collaboration process throughout the case. However, the result showed no relationship between these determining factors in the collaborative governance model and a possibility of the project to reach its ultimate goal, that is, a successful implementation of the Dawei SEZ. In order to find out the explanation to the previous argument, it is interesting to conduct a further research on effective implementation by combining with a concept of policy process and policy collaboration.

Endnote

¹ The Neighbouring Countries Economic Development Cooperation Agency (Public Organization) of Thailand: NEDA is a shareholder of the SPV company from the Thai side. NEDA hired a Roland Berger Consultant Strategy, for the Dawei SEZ Initial Phase Projects as the consultant on the Dawei SEZ Integrated Master Plan Study Project.

² Source: The World Bank.

³ On Thai side, it was the period under a premiership of PM Samak Sundaravej who was in power during 2007-2008

⁴ Dr. Somjet Thinapong, the prominent former governor of Industrial Estate Authority of Thailand, was appointed to spearhead DDC with approximately 40 staff members in dedication to this Dawei project.

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