

# Regimes of Extreme Permission in Southeast Asia: Theorizing State-Corporate Crime in the Global South

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Corporations' profit-making objectives are a central force guiding development strategies in the Global South but contradictorily can be blamed for a range of social and environmental harms. This article brings a state-corporate crime lens to bear on the economic and political processes that shape Global South-located commodity production. It seeks to understand the functioning of neo-imperialist profiteering through elaborating the concept of *regimes of extreme permission*, described as modalities of 'intense' accumulation, defined by weaker or unstable forms of hegemony consolidation, illegal/illicit practices, state-sanctioned violence and various socio-environmental degradations. Through analyses of two regimes of extreme permission in the SE Asian context—Indonesian palm oil plantations and Export Processing Zones for garment production in the Greater Mekong Subregion—the paper describes the role of states and corporations in constructing the repressive socio-political space required for neo-colonial corporate accumulation. We contribute to 'Southernizing' criminology by re-articulating state-corporate crime theory within imperialist contexts. It also shows that neo-colonialism can be understood as the de-regulation of corporate accumulation.

**KEY WORDS:** State-corporate crime, southern criminology, accumulation, hegemony

## INTRODUCTION

State-corporate crime theory is now a developed arena of thinking with a significant number of theoretical apparatuses competently offering structural analyses of the harms of contemporary capitalism. Most notably perhaps, various publications by Steve Tombs and David Whyte (Tombs and Whyte 2010; Tombs 2012; Whyte 2014) have argued that understanding the harms of accumulation requires analysis of the 'symbiotic' relation between state institutions

and the interests of capital. Criminologically speaking, perhaps the greatest achievement of the sub-field has been to uncover that harms associated even with the legal activities of corporations far exceed those connected to state-defined criminals. Certain studies within the state-corporate crime field have successfully documented and explicated corporate power and its extremely deleterious impacts on peripheral regions and populations (Ezeonu 2018; Böhm 2019; Hall et al. 2022). We seek to extend thinking within this field by abstracting and theorizing the connection between state-corporate power and neo-imperialism. As we will argue, whilst the connection between states and corporations is arguably competently theorized with reference to Gramsci and the regulation school in political economy, attempts to advance an explanatory framework for corporations' accumulation strategies in the Global South are limited. This is an urgent task as many South-located forms of accumulation involve the devastation of ecosystems and various harms against communities.

Recent and widely celebrated calls to intellectually invest in a so-called 'Southern criminology' project have argued that thinking about crime and criminality should refocus attention on the often ignored and side-lined experiences and voices in the Global South (Carrington et al. 2016). Ciocchini and Greener (2021), however, argued that Southern criminology is theoretically inclined towards a liberal approach to decolonization without tangible scrutiny of the globally persistent inequalities which frame the context for crime and violence. This approach evades materialist analyses, favouring a view of decolonization based on standpoint epistemologies, defending the supposed purity of all Southern voices and crime interventions, whilst viewing epistemological transformation as the primary political strategy for emancipation (Ciocchini and Greener 2021). This approach either does not focus on the current structures of empire or sees imperialism as primarily a knowledge-based constructivist project, rather than one founded in accumulation, extraction and exploitation.

Progressing the concept of *regimes of extreme permission*, which builds on *regimes of permission* put forward by Whyte (2014), we highlight the cooperative and synergetic relationship between state power and corporations in the production of harm. Our analysis focuses on the state-corporate crime at the sharp end of neo-colonialism. It offers a Southern criminological analysis of the differentially instituted capacities of corporations in peripheral regions and in this regard follows an exceptional account of the harms associated with corporate production in Export Processing Zones (EPZs) published very recently by Hall and colleagues in this journal (Hall et al. 2022).

Composing permission for corporations' business practices frequently requires states to mobilize repressive apparatuses or coercive tactics, of, say, police or military violence or the breaching of established legalities. Transnational, domestic and local governance is exercised in securing the conditions for commodity production which rest on the global transference of wealth from North to South (Smith 2016; Hickel 2017). Yet, establishing and duplicating these social conditions requires political strategies managing dissent and resistance, especially generating profit is entwined with deeper injustices such as under-subsistence wages, sparse investment in socio-economic protections, environmental degradation, mobilization of state violence and destruction of alternative systems of subsistence. Regimes of extreme permission for corporate accumulation are defined by a greater degree of deregulation regarding labour and the environment: an 'extra' exploitative relationship to the reproduction of people and the ecology entailing a more contentious deployment of state power. Our focus on Southeast Asia is intentional as regionally it has often been constructed as proof of the powers of capitalist development to improve the standards of living but examining the supposedly developmentalist commodity production systems in the region shows that they often continue to be low value-adding and the extent to which they have achieved socio-economic advancements is questionable (Carroll 2020). The next

section provides a synopsis and elaboration of Whyte's regimes of permission, readying its 'travelling' to the Global South.

### REGIMES OF PERMISSION: CONCEPTUALIZING THE STATE-CORPORATE CO-PRODUCTION OF HARM

In conventional liberal conceptualizations, corporate perpetrated harm is portrayed as sporadic disasters or 'moments of rupture' (Whyte 2014: 237) distinct from the organization of capital. Ruptural accounts discourage interrogation of the systematic generation of socially experienced injury by corporations and state policies. A body of work developed largely by Tombs and Whyte (Tombs and Whyte 2010; Tombs 2012; Whyte 2014; Bernat and Whyte 2017) in the field of state-corporate crime research, provides our basis for conceptualizing the ongoing brutalities of development strategies in the Global South. The approach, detailed here, is captured in the phraseology 'regimes of permission' (Whyte 2014: 237) which is an invitation to foreground the institutional dynamics constituting the parameters of corporate accumulation, including both the right to exploit and extract in conjunction with state-imposed limitations managing deleterious effects.

Tombs and Whyte (2015) see corporate activity as dependent on state capacities, including formal dimensions of legal regimes, organizational authority and physical infrastructure. The array of state-coordinated processes necessary for corporate profiteering includes the adjudication of various legalities and policy codes, administration of employment, maintenance of physical infrastructure, deployment of various security capacities or the deployment of regulatory agencies (Tombs and Whyte 2010; Whyte 2014). State apparatuses legitimate corporate activities by disseminating pro-business discourses, ameliorating or preventing the worst aspects of the corporate drive for expanding profits and capturing part of the value created in production, redistributing it towards public benefits. This process is never simple as states are embodiments of contradictory political interests; crafting licences for specific business projects entails mediation with civil society, generating and consolidating 'approval' allowing capital's interests to be presented and institutionally supported as popular will (Jessop 1990). States tend not to blindly implement the accumulation fantasies of dominant elites, but neither are they opposed to corporate power, as some neoliberals claim. The apparent antagonism between certain dimensions of state actions and corporate interests relates to specific functions of state power in seeking hegemony and managing destabilizing forces. This is best understood in relation to the sets of state capacities bracketed as 'regulation', which appear as restrictions on accumulation and thus 'against' corporate intentions, but in fact, are setting the parameters of accumulation. Regulation is a set of governance capacities central to securing social and ecological relations of the economy. State infrastructures and policies ensure the unification in at least certain circuits of capital, ensuring the flow of value as it transitions between money, fixed capital, labour, energy, commodity, etc. (Jessop 1990). But ensuring the relevant context is not only materially infrastructural in that the necessary physical conditions are clearly needed but it is also a political task as coalitions are formed and broken, and a policy context enables an economy to be organized around the ascendant class's interests. Jessop (1990: 199) refers to the process in which specific accumulation strategies achieve support from the state and society as involving 'economic domination' and 'economic hegemony'. Domination is the capacity for one class to have its interests catered for, e.g. a certain capital succeeds in bending institutional forces around to supporting their projects over others. Economic hegemony is when 'economic leadership won through general acceptance of an accumulation strategy' (Jessop 1990: 199) or when accumulation strategies achieve support across multiple capitals in coalition with inferior classes. Coagulated state policies which undergird accumulation are a crystallization of both dominations by reigning elites and various concessionary pacts with subordinate groups. The

stability of modes of accumulation partially rests on garnering support from the communities in which they are embedded, meaning economic hegemony, at times, requires restraining the engine of expansionary accumulation to give priority to legitimacy.

Foregrounding the symbiotic relationship between states and corporations offers a robust conceptual cache for explaining the destructive forces of accumulation. It recognizes the harms arising from the constitutionalizing of business practices whilst putting the mediation of this harm through the intricate state, society and corporate relations central. However, existing writings arguably have geographical proclivities in that the additionally problematic nature of corporate activity in the South is not formally articulated.

### CONCEPTUALIZING STATE-CORPORATE POWER IN GLOBAL SOUTH ACCUMULATION

This section argues that the intensity of corporate ‘permission’ is strongly determined by socio-spatial location within neo-colonial processes. The degree to which corporate power in the South meets social needs is further constrained. Firstly, the question of whether neo-colonial forms of corporate commodity production establish hegemony for economic practices needs to be problematized. Subaltern studies argued that postcolonial states are defined by ongoing incapacity to form hegemony (Guha 1997). Societies where colonialism persists are defined by a different ‘*organic composition*’ (Guha 1997: 22, emphasis in original) of domination where persuasion is superseded by coercion. Ruling classes in the postcolonial situation failed to generate hegemonic rule due to their subservience to foreign interests. Noting the failure of hegemony in the post-colony goes some way towards explaining state repression in peripheral regions, but often these arguments are only loosely connected to political economy or economic practices, seeing problems as primarily political.

Rather than consent being wholly absent or present, generating legitimation to socially and environmentally destructive corporate power is convoluted requiring multi-scaled, multi-sited and differentiated strategies. Institutions and processes act globally and regionally, as well as nationally, generating complicity where possible. Global governance is not the direct replacement of national state power with multilateral institutions but is a variety of interests influencing state transformation to align with the dominant globalized architecture of politics and economics (Hameiri and Jones 2016). This includes shifting authority from domestically focused institutions towards autonomous and internally minded authorities, such as non-governmental agencies (NGOs) and independent banks. This is also comprised of ‘meta-governance’ where codes, regulations and guidelines are counselled by international agencies with the expectation that they will be adopted and realized by states. Whilst ‘external’ forces (e.g. other states, regional/global financial institutions, outside corporations, multilateral organizations and so on) influence domestic government, exactly whose interests will become embedded is unpredictable as competing interest coalitions interact within localized situations. Global governance tends towards undermining structures of democracy as architects of globalization develop political institutions and discourses which overrule or undermine locally contextualized political concessions and solidarities.

Multi-scaled state power across the Global South rearticulates socio-spatial contexts often providing the platform for profiteering. Appel’s (2019) account of oil production in Equatorial Guinea highlights the complex political arrangements necessary for achieving neo-imperialist forms of extraction. She argues for a conception of neo-colonialist markets as ‘projects’ (2019: 25), which are ‘made’ by actors and institutions. Capitalism is not a totalizing context: the regulatory frameworks, justificatory narratives, styles of everyday life, contractual agreements and state-supporting political arrangements are ‘entangled’ (2019: 25) with global inequity and

racialized/gendered differentiation. In Equatorial Guinea, the capacity of American companies to produce oil whilst polluting the local environment and reproducing racialized poverty and white supremacy rested on carefully crafted arrangements asserting foreign firms' seemingly innate legality and compliance with Equatorial Guinean political society, whilst also seeking to invent an inherent separate, 'off-shored' and enclaved status. Equatorial Guineans cannot openly criticize the impacts of oil production for fear of violent retaliation from state forces, American oil depends on this state violence to manage dissent for polluting and unjust activities in the country, but conversely, the industry seemingly appears to stand for progress. Appel's work emphasizes the different scales of infrastructural power which coalesce and intersect to create specific regimes of permission for colonial extraction, even when popular support from local populations is *absent*. On the one hand, the oil companies operating in Equatorial Guinea harness globally generalized discourses regarding development and the power of corporate capitalism to modernize in legitimating their activities, whilst the enduring social problems such as pollution and poverty are blamed on the 'resource curse' idea. Oil companies manufacture political distance from responsibility for improving the lives of Equatorial Guineans.

We argue that conceptualizing the differential construction of state-corporate power in the Global South offers insight into the dynamics of neo-colonialism. Neo-colonial corporate activity is defined by a weakening or re-articulation of the legitimation functions of the state achieving licentious profiteering through disinhibited relations with ecology and reduced limits on the exploitation of labour. Noting the way corporate accumulation is institutionally founded in the Global South through strained and 'disordered' social relations of production discredits 'weak state' explanations for underdevelopment. It is not a failure to achieve strong state power that explains deforestation or labour exploitation. Intentional and brutal state interventions are central to constituting the conditions for unbridled corporate access. As Appel (2019) demonstrates, multinational capital is an active participant in manufacturing the political conditions for deeply unjust oil extraction; they are not simply exploiting chaotic conditions but seeking to create a legitimacy for production whilst simultaneously reducing their accountability for the necessary political repression and unequal social relations underpinning the industry. As Hameiri and Jones (2016) note, whilst there is much talk of 'globalization', it is often domestic and locally operating capacities that realize the goals of global political institutions.

Our following case studies present two examples of Global South production where state-corporate power is deployed in the constitution of circuits of value which have neo-imperialist logic. These accumulation projects are crafted in distinctive ways, resting on violent forms of governance which frequently breach limits of lawfulness, creating intense harm.

## TWO REGIMES OF EXTREME PERMISSION IN SOUTHEAST ASIA

In both industries discussed here, palm oil plantations in Indonesia and EPZs for garment production across the Mekong region, state powers produce social contexts where consent-based, hegemony-forming strategies are often unsteady because neo-imperialist extraction rests on less-encumbered permission. Reproducing the social conditions of extraction mobilizes repressive state powers, including the manipulation of gendered and racialized hierarchies, deployment of violence through police/military power and undercutting of established legalities. Whilst a more forceful period of dispossession is identifiable, injustices are reproduced, temporally stretching beyond the destruction of non-capitalist social relations. Both industries also on complex albeit ambiguous processes of legitimation across multiple sites of production and consumption seeking to establish the acceptability of the industries as apparently empowering and socio-ecologically developmental strategies. State infrastructures facilitating corporate accumulation are crafted through intersecting local, national and supranational modalities but



the wealth generated is partially re-located from South to North whilst socio-environmental harm is rooted in the South.

### Export processing zones for 'Cut-Make-Trim' garment production in the Mekong subregion: bordering technologies for super-exploitation

EPZs are geared towards the industrial production of goods for export with the intention of achieving competitive advantages through lower-cost labour regimes and tax incentives. The Greater Mekong Subregion Economic Cooperation Program (GMS Program) was instigated in 1992 and facilitated by the Asia Development Bank (ADB) to foster a range of development projects across the Mekong basin (see [greatermekong.org](http://greatermekong.org)). The GMS Program spans Laos, Thailand, Cambodia, Myanmar, Vietnam and two Chinese regions (Yunnan Province and Guangxi Zhuang Autonomous Region). Alongside considerable water, power and transport infrastructure development, the project has initiated many EPZs. The GMS is a transborder projection of capital re-shaping the socio-spatial architecture of the region by subverting locally embedded and national political institutions and concessions, subordinating the region to globalized accumulation imperatives (Hameiri and Jones 2016).

EPZs are a bordering governance strategy (Mezzadra and Nielson 2013), mustering intensive state abilities to spatially demarcate zones in the creation of distinctive socio-relational environments. The uses of *bordering* have multiplied and diversified beyond the contouring of nation-states, being an increasingly multifarious set of political devices and logics of governance, 'managing, calibrating, and governing global passages of people, money, and things' (2013: 3–4). Ong (2006: 78) notes that East Asia's development rested on multiplicities of zoning which graduate 'sovereignty' and 'citizenship'; namely, differentially targeted intensities of governmental power mobilizing population-specific strategies of social control. EPZs are a prime example of the bordering mechanism patterning socio-geographical differentiation, creating specific figurations of labour. Zoning and rezoning are at the heart of the inequalities of 'supply chain capitalism' (Tsing 2009) where globalized trade, production and consumption operate through heterogeneous nodal points.

Arnold and Pickles (2011) reveal the integration of the Mekong region into globalization rests on extensive efforts by intricate networks of state agencies and other political actors. The GMS Program can be seen as bordering technology connecting diverse regions through coridoring: investment in infrastructure and political regimes controlling flows of people and goods set within a context of intense regional inequalities. An assemblage of governance powers comprises the GMS Program such as re-ordering of border regimes, development of financial instruments to support investment, reshaping of physical infrastructure, deployment of security and redesign of import/export systems (Arnold and Pickles 2011). Spatial rationalization in the Mekong re-orientates locations towards export-focused economic practices, such as food processing or electronics and garment manufacturing. There are over 75 Special Economic Zones (SEZs) operating in the Mekong region in various stages of construction (Kuaycharoen et al. 2020), with many focuses on garment production (Kusakabe and Melo 2019). The region is globally significant for what is known as 'Cut-Make-Trim' (CMT) garment production, a low value-adding stage where components are reassembled according to export purchaser requirements. This industry depends on zoning strategies for developing the needed physical and human 'infrastructure'.

Specially designed authorities with either national jurisdiction (Cambodian Special Economic Zone Board, for example) or EPZ-specific jurisdiction (Thilawa SEZ Management Committee, in Myanmar) liaise with foreign investors to manage the regulative environment. The GMS narrativizes EPZs to be at the forefront of modernization. A recent report by the ADB states that EPZs 'provide an example of what the rest of the country could achieve, encouraging

the more effective provision of public services and infrastructure and helping proponents of economic reform to overcome vested interests' (ADB 2018: 30). The report argues that SEZs are successfully 'attracting investment and production' and 'enabling structural changes to occur relatively quickly' (ADB 2018: 26). The policy recommendations of the report are telling stating that zones should utilize 'local advantages (e.g. low-wage or semi-skilled labour) to become globally competitive' including tapping migrant labour (ADB 2018: 31–32).

EPZs across the Mekong begin with primitive accumulation to achieve a base of what Brown terms 'territorial coherence' (2018: 439). Focusing on the Savan-Seno Special Economic Zone close to the Thai border in Laos, Brown argues that zones require the decomposition of relations of production partially achieved through destroying older socio-ecological subsistence systems. Kuaycharoen et al. (2020) offer a detailed analysis of EPZs and land dispossession across the Mekong region. Instigating EPZs requires forcibly removing residing populations and flouting existing legal frameworks adjudicating land acquisition and community redress. Their study shows that the GMS Program has required extensive removal of smallholders and the breaking of traditional, communal land rights. Communities have been removed against their will with a disregard for consultation, resettlement and compensation. The development of the Dawei SEZ in Myanmar has resulted in the eviction of multiple villages to make way for a reservoir and road (Kuaycharoen et al. 2020: 39–40). EPZs require subordinating spatially embedded social relations to the objectives of production and as such the period of primitive accumulation has its distinctive set of violences and struggles.

Garment production is dependent on suppressing workers' rights to maintain low costs. Under the banner of 'Why Cambodia' the Council for the Development (2022) boast that minimum wage is amongst the lowest in the region at US\$192 per month, lower than China, Thailand or Malaysia. Kusakabe and Melo (2019) report low wages in EPZ-located garment factories across the GMS: in Myanmar wages ranged from US\$108 to US\$144 (2019: 17) whilst in Thailand's Tak Province wages below the legal minimum are reported (US\$150–216). Indeed, the Asia Floor Wage Alliance (2016), which campaigns for living wages in the industry, has consistently demonstrated that garment workers' pay falls below the cost of basic reproduction across Asia. Some studies even indicate a lack of access to food (Darina and Ningying 2018). Working conditions are exhausting and dangerous, overtime is demanded at short notice when clients demand an increase in production. Pham (2019) comprehensively details the occupational risks facing garment industry workers in Vietnam including injury from machines and toxic chemicals heightened by the constant speed-up of production and musculoskeletal conditions from cramped workspaces. Highly intimidating management styles pervade across CMT factories in the Mekong (Kusakabe and Melo 2019). Pham's (2019) respondents reported emotional distress from being verbally abused by management daily.

The Mekong's garment industry exploits and refashions patriarchal structures. Of the millions employed in the garment industry, the vast majority are women and higher-paid positions in management and supervision are more likely to be held by men (Kusakabe and Melo 2019). Most of the workforce is of reproductive age with most having care commitments. Most countries make it a legal requirement that CMT-oriented factories offer free or subsidized childcare but Kusakabe and Melo (2019) found almost nowhere with provision. There are consistently reported problems with sexual violence across the sector (CARE International 2017). In Cambodia, 22 per cent of garment workers reported 'quid pro quo' sexual harassment, where supervisors offer advantageous treatment in return for sexual 'favours' (ILO 2017: 9).

Many CMT workers across the Mekong are also international or internal migrants. When international migration is involved, regulation and enforcement of citizenship exclusion underpin the most degraded EPZ jobs, with the quintessential example of this being Thailand's Tak Province. As Thailand developed a more capital-focused economy through the 1990s, wages

rose, and core regions of the country were no longer competitive for lower value-added production. The Thai state maintained certain low-cost labour-orientated production by developing specific racializing and exclusionary regimes often close to the borders of neighbouring countries (Arnold and Pickles 2011). The Mae Sot EPZ in Tak Province was developed to facilitate temporary workers from the neighbouring Myawaddy region in Myanmar. In 1993, Mae Sot has ascribed a special status by the Thai Board of Investment exempting investors from various corporate and import taxes (Arnold and Hewison 2005). Accompanying this was the establishment of a system of migration comprising of formal and informal strategies for ensuring worker discipline. From the outset, the Thai government arranged a visa system rendering workers vulnerable to deportation thus empowering employers. The visa system itself appears to be ineffective in securing the rights of labour, but even so, most of the workers in the region remain undocumented—only 25,000 of the 80–100,000 Myanmar migrants in Mae Sot are thought to be registered (Arnold and Pickles 2011: 1611). Wage levels are low and frequently falling below legal minimums (Wongsamuth 2021), with further erosions to payments made through deductions for food, accommodation and ‘security’. Local employers’ federations have put down strike activity with ‘gangster’ and police violence, including death threats against those demanding rights (Arnold and Hewison 2005). Arnold and Hewison (2005) argued that torture, murder and rape are part of the routine social fabric of Mae Sot sustaining disempowered labour.

Tak Province reveals the stark contradiction between the apparent development advantages offered by EPZs and the tangible reality of official and unofficial state violence involved in CMT labour regimes. Nonetheless, the garment industry in Mekong is not completely without legitimacy. The shifting trends in Cambodian garment production reveal the tension between crafting transnational legitimacy against enforcing cost-minimization in production. When garment manufacturing first took root in Cambodia in the 1990s there were deep problems with child labour, forced overtime and debt bondage. The Clinton administration alongside the Cambodian government developed ‘ethical production’ (Arnold and Shih 2010). The intention was for Cambodia to serve as a case example corroborating the socio-economic benefits of EPZ development for the planet’s poor, helping to silence critics of globalization. The US-Cambodia bilateral Textile and Apparel Trade Agreement (TATA) was in place between 2001 and 2004, shielding the industry from competition within the US market against more efficient manufacturers from China and Vietnam (Arnold and Shih 2010). Better Factories Cambodia (BFC) was established in 2001 involving the ILO, the Cambodian government, garment producers and trade unions agreed on a set of standards and political commitments to improving labour conditions. The TATA-BFC arrangement did restructure monitoring and trade to achieve improvements in conditions and labour rights, including gains in wages, safety and workplace representation (Kolben 2004).

After the end of TATA in 2005, labour standards deteriorated quickly: competition in global garment supply chains compels cost reductions. In 2013, mass strikes broke out in the sector due to stagnating wages and since armed police and military have been habitually deployed to suppress uprisings. Kusakabe and Melo (2019) highlighted that consistent state attempts to limit trade union membership and activities were normal across the GMS. This includes the exclusion of union leaders and activists from EPZs, coordinated networking by employers to detect and prevent strikes and widespread fear of reprisals by management for engaging in collective action or even joining a trade union. While the basic right to join a union exists on paper, the reality is that meaningful coordinated collective action is hampered by employers and state agencies. In Cambodia, the Law on Trade Unions 2016 carefully ensured a preference for employer-endorsed unions thus limiting the potential for militancy. For the migrant garment workers employed in Thailand, forming a union is completely illegal.



Further evidence that GMS development has failed to deliver meaningful social-economic security is that workers have suffered immensely during the COVID-19 pandemic with waves of unemployment and unpaid wages as multinational corporations sought to protect profits ([Worker Rights Consortium 2021](#)), including failing to honour wages already earned. The crafting of deregulated spaces in EPZs has been recognized by other authors as leading to a range of criminogenic and harmful activities ([Holden 2017](#); [Hall et al. 2022](#)). Illicit practices including trade in wildlife and illegal dealing in cigarettes also sit alongside the documented problems with crimes against labour and environmental devastation.

Whilst jobs created in the garment industry across the Mekong have provided, at times, work for impoverished women, even offering material empowerment in Tak Province ([Kusakabe and Pearson 2016](#)) the Mekong region's garment industry provides an example of a regime of extreme permission: corporate profiteering is unbridled, resting on calculated institutional power by the state to border exceptional zones ([Ong 2006](#); [Tsing 2009](#); [Mezzadra and Nielson 2013](#)). Ultimately, the social conditions described here are the result of neo-colonial profiteering based on the logic of 'super-exploitation' ([Smith 2016](#)), the third category of surplus value not specified by Marx. 'Super-exploitation' or 'global labour arbitrage', is achieving gains in surplus value by driving down the value of labour-power or searching for labour with higher rates of exploitation, rather than lengthening the working day (absolute surplus value) or technical reorganization of the labour process (relative surplus value). Super-exploitation is a key strategy in capital's ability to resolve crises as it allows for gains in profit which do not overexploit Northern consuming classes' needs for realization. The EPZ is a strategic attempt to increase profitability by exploiting geographical inequalities in the price of labour. Legitimacy for super-exploitative production is partially crafted in the site of consumption, rather than production, as cheap goods empower consumerist lifestyles. The value produced in the Global South garment industry is appropriated not only by multinational corporations but also by Western states ([Smith 2016](#)). Commodities from the South support higher-paid jobs in Western countries (through the retail industry, marketing or design) as well as representing a source of tax revenue (sales tax, shop rent or income tax of retail workers) which can be spent on healthcare, education, military and pensions. Below reproduction pay and intensive exploitation maintain minimal costs in production facilitating the re-orienting of part of the value towards the consumer end of supply chains, redistributing the largest proportion of profits to the overseeing corporations who design and market products ([Smith 2016](#)). EPZs construct corporate permission through bordering policies enabling access to gendered migrant labour with few formal protections. Virtually non-existent tax rates constrain the developmental potentialities of welfare state formation.

### **Palm oil plantations in Indonesia: local and international strategies for legitimizing ecological imperialism**

Palm oil has boomed in the last decades to become the most consumed vegetable oil in the world ([Cramb and McCarthy 2016](#): 28) and Indonesia is the largest producer, responsible for 54 per cent of total production ([Indonesian Palm Oil Association 2019](#)). The Indonesian Government has heavily assisted the industry and the World Bank lauded palm oil as crucial for alleviating rural poverty ([World Bank 2011](#)). However, the industry rests on destroying biodiverse ecologies and instigating harsh labour regimes. Indigenous groups and local farmers have legally challenged the land appropriation by plantations and the European Union has reacted to environmental activist pressure on the palm oil industry by restricting access to the common market. The analysis here illustrates the symbiotic relationship between the Indonesian state and domestic and international corporations in constructing an accumulation strategy with known socially and environmentally disastrous outcomes.

The current system for managing plantation expansion has roots in the post-independence Sukarno period when customary land rights were enshrined in law but legal provisions to suspend them whenever they contradicted national interests. Under Suharto, control over customary land was further strengthened by declaring forests as state land, guaranteeing Government's right to grant land concessions for plantations and smallholders (Brad et al. 2015). Today, there is a system of community consultation intended to demand consent-seeking prior to granting new licences (Cramb and McCarthy 2016: 41). Yet this regime favours codified land tenure over customary claims (Pichler 2015) and corruption and co-opting are used to obtain government licences to continue plantation expansion (Cramb and McCarthy 2016). Human Rights Watch (2019) showed that indigenous land claims are habitually ignored in the expansion of palm oil.

Expansion of the cultivated area has resulted in mass deforestation. Between 1990 and 2015, cultivated land areas have expanded in Indonesia from 1.1 million to 11.2 million hectares (Yuliana et al. 2020). According to the Indonesian government, by 2015 more than 5 million hectares of forest land were converted into oil palm plantations (Prabowo et al. 2017: 32). More than half of the deforestation resulting from concessions in 2020 is attributed to ten palm oil groups in Indonesia. Public information about these companies is unavailable, but an environmental NGO, Chain Reaction Research (Rijk et al. 2021), has shown that they sell their fruits to mills to provide for large multinationals, such as Avon, Unilever or Nestle. Smaller operators are also often part of transnational supply chains but identifying to what extent is often difficult to determine.

The use of pesticides and fertilizers in oil production has terrible environmental consequences irreparably damaging soil nutrients and biodiversity (Barthel et al. 2018). The use of fire to clear land, the so-called 'slash and burn' method, is also common. This practice has attracted international attention due to *trans*-boundary haze with devastating public health effects in Indonesia and also neighbouring countries, such as Singapore and Malaysia (Varkkey 2016). Smallholders have been blamed for the ongoing devastation (Goldstein 2020). Precarious economic conditions push smallholders to expand their cultivable land by illegally clearing protected forest areas (Jong 2020). No fire has been directly carried out by large plantations, but there are reports of smallholders being paid by larger operators to light fires and clear land (Dauvergne 2018). Moreover, fires are only possible in peatlands which have been previously drained by corporations through extensive canal construction (Goldstein 2020). The expansion of the corporately owned large plantations involves a combination of legally sanctioned practices alongside condoning and sponsoring unsanctioned practices.

Whilst ecological obliteration required for oil palm expansion is obvious, there is also a range of social harms connected to the necessary low-cost labour regime. Ensuring workforces for plantations has been arranged through transmigratory programmes re-settling families from populous regions with higher unemployment, such as Java (Li 2011). Transmigratory regimes organize contract farming with migrants allotted land but contractually obliged to supply fruits to overseeing plantations (Li 2016). Plantations also rely on casual and contract workers that are hired through informal and sometimes illicit practices (Li 2017). A documented practice by Li (2017) to jump labour regulations consists in informally hiring younger workers and claiming they are nephews of the permanent workers of the plantation. Workers and supervisors appropriate a percentage of the 'nephew's' pay (Li 2017). These workers are left unprotected by labour law and labour inspections are rare (Li 2017). In 2003, under IMF pressure, a new labour regime was introduced which strengthened the rights of permanent workers while weakening the situation for casual and contract labour (Li 2017). In this context, permanent contracts remained exceptional but with the knock effect of further lessening protections for casualized labour.

In day-to-day conditions harvesting fruits and tending to trees is tough. Workers in palm oil plantations work until exhaustion with poor pay (Li 2017). Much of the most dangerous

work, such as spraying fertilizers and pesticides, is done by women for even lower remuneration (Li 2017). Significant evidence reveals child labour, debt bondage, gendered exploitation with generally harsh conditions (Li 2017). Li (2018) argues that relationships in the plantations between integrated and independent smallholders, permanent, contract and casual workers and the plantation managers take a predatory form in which swindling and corruption frame everyday social relations.

State violence by security forces and state-condoned violence by paramilitary, criminal and vigilante groups were prominent in Suharto's regime, particularly targeting peasant unions (Li 2018). Nowadays state violence remains pivotal in palm oil expansion. The legalization of corporate dispossession of land through leases and licences allows the state to criminalize direct action, such as land occupation or roadblocks, providing a legal basis for the mobilization of repressive forces (Lund 2018). Once security forces are deployed their actions exceed the legal use of force with police beating protesters, at times even to death (Berenschot et al. 2021). Corporations are known to employ paramilitary groups to evict smallholders or break unions (Siagian et al. 2011; Mudhoffir 2021). In recent years, journalists and activists have been systematically attacked, with many of them murdered by hitmen and security guards employed by plantation companies (Karokaro 2019; Fiqih Prawira and Savitri 2020). Repression is necessary for reproducing the industry and constant conflicts between the local communities and plantations remain (Levang et al. 2016). The industry remains politically contentious and institutionalizing accumulation involves significant recourse to coercion and force.

Since the 1980s, and particularly after the Asian financial crisis in the late 1990s, the Indonesian government liberalized palm oil encouraging foreign direct investment (McCarthy and Cramb 2009). Huge streams of foreign investment integrated with Indonesian corporations in forming an extensive system of plantations, refineries and trade. In the last decades, the land progressively concentrated in the hands of a small group of big conglomerates (Warburton 2017). The largest palm oil plantations in Indonesia are owned by Astra Agro Lestari, First Resources, Genting Plantations, Bumitama, Eagle High Plantations, London Sumatra Indonesia, which in 2020, together realized a total of USD 3.6 billion in net revenues (Rijk et al. 2021). Some of these companies are listed in Malaysia or Singapore whilst others are owned by foreign capital, most notably Astra Agro Lestari which is controlled by Jardine Matheson, a Hong-Kong-based Bermuda-domiciled British conglomerate. Furthermore, among the key players in the supply chain are a group of companies, most notably Singapore's Wilmar International, which have integrated diverse palm activities, including operations at mills and refineries, global trade and consumer product development. Wilmar controls approximately 45 per cent of the world trade in palm oil (Dauvergne 2018: 38). The top 11 companies in palm oil, among which only two are based in Indonesia, are linked to 50 per cent of the global palm oil volume and generate 12–15 per cent of profits (Rijk et al. 2021).

Although supply chains are defined by strongly monopolistic relations, production systems are complex, involving larger corporate-led plantations with less-organized smallholder systems. Smallholders are sometimes working independently and at other times contractually beholden to superintending businesses (Watts et al. 2021). There are 2.67 million smallholders possessing an average of 2 hectares (Jong 2020). A third of smallholders are controlled by companies through leasing and other agreements, while the rest are independent or part of a cooperative (Dauvergne 2018: 37). Around 90 per cent of oil palm smallholders in Indonesia do not hold legal land titles (Dauvergne 2018). Managed schemes that integrate smallholders with large plantations were constructed as a key strategy to reduce rural poverty (Noer Fauzi et al. 2009). The flagship programme is the Nuclear Estate Scheme. In this regime, smallholders operate in the 'plasma' surrounding the processing and distribution 'nucleus', contractually obligated to sell crops to the estate's mill. This system, it is contended, provides opportunities for

smallholders whilst benefitting from economies of scale (McCarthy and Cramb 2009). Palm oil is capital intensive, taking up to 6 years for growers to recover their investment, so the role of the state in financial assistance is critical (Pramudya et al. 2017).

While smallholders under managed schemes have support from the government, independent smallholders are forced to source their seeds and fertilizers in informal networks (Watts et al. 2021). They lack the licences required to sell their products to mills, so they are dependent on informal agreements with intermediary traders. The situation of independent smallholders varies significantly between those facing poverty and those who have access to good planting materials, roads, mills and credit (Li 2018).

In any case, many smallholders, even those under contract farming, are still living in precarious situations (Cahyadi and Waibel 2016). The unequal distribution of wealth underlying the industry is undeniable, although smallholders occupy 40 per cent of the cultivable land, produce 40 per cent of crude palm oil and generate 6 per cent of the entire value chain, their share in profits is close to zero (Rijk et al. 2021). Meanwhile, large plantations account for 54 per cent of the cultivable area and receive 14 per cent of the value chain (Rijk et al. 2021). Multinational corporations based in the Global North such as Unilever, PepsiCo, Procter & Gamble, Nestlé and Mondelez, that are located at the upstream of the supply chain take 66 per cent of the gross profits (Rijk et al. 2021). This is the central neo-colonial modality of the accumulation strategy: harm is geographically concentrated in the production site while the wealth extracted is transferred through a complex supply chain network to the Global North.

Political discourse has sought to generate consent by arguing that oil palm opportunities for rural communities, accordingly, integrating smallholders into global supply chains is central for legitimacy-seeking. Meanwhile, at the international level, the industry has struggled to fabricate consent amidst the myriad of harms (Ruysschaert et al. 2019). Multinational companies have sought to build legitimacy by disassociating themselves from ecocide by embracing market environmentalism and pledging 'zero deforestation' (Richardson 2015; Dauvergne 2018). Multinational corporations led by Unilever with the Worldwide Fund for Nature (WWF) sought to pre-empt potential external re-regulation through the 2002 Roundtable on Sustainable Palm Oil (RSPO) (Schouten and Glasbergen 2011; Pye 2016). The RSPO states that different stakeholders from the industry, including large growers, retailers, smallholders and NGOs collaborate in reaching agreements on sustainable practices. However, big industry players are dominant with decisions favouring large-scale growers and processors (Ruysschaert et al. 2019: 6). The RSPO tends to exclude marginal voices including smallholders and local communities. The roundtable presents as a legitimate governance regime representing a diverse set of political interests whereas, in truth, it services to paint a veneer of 'sustainability' for corporate neo-imperialist accumulation. Arguably, the certification system even up-values certain palm oil products whilst creating a market for cheap 'unsustainable' oil (Richardson 2015).

The Indonesian government, which was not invited to sit on the RSPO, reacted to the roundtable by creating its own certification scheme—the 2011 Indonesian Sustainable Palm Oil (ISPO). The ISPO states that it offers competing certification, cheaper and laxer than RSPO, prioritizing the government's and producers' needs (Wijaya and Glasbergen 2016). Whilst the RSPO is centred on constructing a narrative of environmental sustainability arguably for Western consumer markets; the ISPO ensures local producers excluded from RSPO have access to international markets (Wijaya and Glasbergen 2016). Notably, the ISPO also aims to strengthen palm oil industry authority by integrating independent smallholders, marginalized by the corporate-led RSPO (Brandi et al. 2013).

The creation of the ISPO is a very significant step for the Indonesian government as it represents a shift from IMF-promoted decentralized regulation which was the norm post-Asian financial crisis (Brad et al. 2015). During this period, it was contended that decentralization

offered improved governance and promoted democratic control of resources, in truth, it enabled corporations to skip the national bodies and negotiate directly with local contexts defined by clientelism and corruption (Brad et al. 2015). However, the ISPO is also an adaptation of the Indonesian state to the global standards driven by RSPO (Hameiri and Jones 2016). Ultimately, ISPO is a weaker version of the already flawed protections set but allows operators who cannot meet RSPO standards to achieve a degree of legitimacy (Astari and Lovett 2019).

The Indonesian palm oil industry is responsible for an array of intense harms, from ecological annihilation to labour exploitation, but arguably blame does not lie with smallholders or local businesses, but neither is it the result of ‘weak’ states. The harms are integral to the neo-colonial accumulation strategy deploying multifarious state powers in constructing domestic production servicing transnational capital. The Indonesian state actively developed the legal and material infrastructure favouring large plantations to the detriment of more equitable models while fostering disempowering labour and migration regimes. Although at times, the Indonesian government might seem to challenge the industry’s demands—by establishing a moratorium on new permits for palm plantations or demanding local communities’ consent to issue new licences—measures give some legitimacy to the already established plantations, helping rather than disrupting the continuation of the accumulation.

Whenever local communities or small farmers threatened the industry, the government has either organized repressive countermeasures or given impunity to corporations to deploy paramilitary or criminal elements. Nonetheless, the sustainable certification system represents an innovative political strategy of legitimation at the global level. Big retailers who appropriate the biggest share of the industry’s profits, such as Unilever or Mondelez, dissociate themselves from the harm produced by sponsoring visions of environmental protection. Ultimately, the certification regime continued to allow palm oil not produced under those standards to be commercialized, most notably because the Indonesian government reacted with an alternative certification arrangement to assist those excluded, lowering basic restrictions so to enable local growers’ expansion. Palm oil remains a major source of profit for large retailers and globalized financial institutions but reproducing permission for the harmful socio-ecological relations at the heart of this neo-colonial supply chain requires an illusory system of legitimation.

### THEORIZING REGIMES OF EXTREME PERMISSION: COERCION, HARM AND NEO-IMPERIALISM

Both palm oil and garment production are constructed as sources of socio-economic empowerment for Southeast Asia and the Global South regions. The ongoing forms of poverty and socio-economic vulnerabilities presented here to bring this claim into dispute. Quick-fix reforms in governance are limited because the cases described are projections of intentional state-corporate power orientated towards realizing neo-colonial ‘de-regulation’. Accumulation in the periphery requires a variegated regime of permission to come to fruition; one where the potential to realize hegemonic credibility for accumulation—support from across a diverse or wide section of civil society—is hampered and thus state powers recurrently fall into coercive domination (Jessop 1990). Key structural conditions propelling this are imperialist accumulation flows: supply chain capitalism orientates value towards the consumption phase taking place in the richer parts of the world, whilst the most socially injurious aspects of production at the heart of value-generating activities, such as extraction or exploitation, occur in the Global South.

Accordingly, both cases were defined by the persistence of a series of socio-ecological harms. In the Mekong, EPZs for garment production rest on intense exploitation (underpayment of wages, unsafe working conditions, intensive flexibilization), the utilization of state-coordinated



violence to quell worker uprisings, deepening or re-articulation of gendered and racialized hierarchies and rampant disregard for the environment and land rights. In palm oil plantations these include the annihilation of some of the world's most biodiverse habitats and accompanying indigenous cultures, the deployment of state violence in enforcing dispossession, the embedding of predatory social relations of production based on corruption and, ultimately, ongoing poverty even for the smallholders ascribed property rights.

When commodity production occurs within neo-imperialist logic, then the state mobilizes repression for maintaining the political conditions needed for socio-spatial accumulation projects resting on disinhibited business practices. Multinational corporations operating in the Global South are often seeking less-fettered limitations on their profits and activities. In both of the cases presented, production occurs through composite supply chains obscuring accountability for myriad degradations, disentangling the accountability of empowered actors (Appel 2019). Constructing symbolic appeals to sustainability and developmentalism at the consumption end of supply chains conceals problematic ramifications for corporate profits. Consent-orientated political processes seeking to craft hegemony for accumulation are directed at moments within the chain of production, such as the consumption end stage, or within small segments of the overall sector, such as choosing single factories for special accreditation. Ultimately these corporate social responsibility projections offer sporadic or minimal help to communities but serve legitimate systems of poverty, violence and ecological destruction.

It is certainly not the case that state power is absent or that capacities are eroded in the situations described either; in fact, both our examples rested on deliberative re-regulation policies and the deployment of institutional authority, including military or police power. Bringing about accumulation involved breaking down and breaching established agreements enshrined in law such as indigenous land rights, national labour standards or forest protections. The intersection of domestic institutional regimes with financial and political institutions operating globally or pan-nationally is also important for corporate power. Arguably, regimes of permission depend on practices 'imported' through political institutions including investment, legal frameworks, policy codes and legitimating discourses aligning domestic infrastructures to globalized production networks (Hameiri and Jones 2016).

## CONCLUSION

This article has developed an analysis of state-corporate power within the Global South through analyses of two cases. Inevitably this makes our constructed arguments potentially lacking in generalizability for understanding imperialism more holistically. Our mode of inquiry has, nonetheless, sought to show that a certain set of socio-structural dynamics around governmental state institutional power and the formation of circuits of extraction and redistribution are definitional of corporation accumulation in the South. As critical realists Danermark et al. (2002) argued, case analysis such as that mobilized here can facilitate tentative generalizations concerning social processes and their tendential outcomes, even if such generalizations cannot be claimed to have the hard status of predictable 'laws'. What we are claiming is that framed by the structural conditions of inequality and colonialist dynamics between nations, corporate profiteering takes a more harmful and unfettered formation in peripheral regions albeit riven with durable problems of political legitimacy.

Our regimes of extreme permission conceptual apparatus see the political, social and institutional background to Global South corporate accumulation as embedded in imperialist modalities. It contributes to theorizing neo-colonialism in its existing forms within peripheral regions. There are two important elaborations concerning neo-imperialism emergent from our analysis. Firstly, whilst subaltern studies accurately argue that a differentially articulated organic composition of

power exists in the South (Guha 1997), their more singular emphasis on national-level politics misses the struggles and oppressions occurring at the coal face of contemporary accumulation. Achieving stable profitability involves politics working across multiple scales with state-corporate power able to deploy more consent-oriented stratagems depending on the conjuncture of the supply chain. Secondly, whilst we broadly align with various theories which analyse geopolitical structures as foundational for organizing wealth and poverty on the global scale, regimes of extreme permission reconnect locally experienced injustice and violence with the specific actions of corporations and state capacities constructing neo-imperialist extraction and exploitation.

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