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The Rationality of the Special Economic Zones Act on Labour Rights

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1 INTRODUCTION

Zimbabwe has developed a legal framework for establishing and regulating Special Economic Zones through the Special Economic Zones Act (Chapter 14:34) (hereafter the Act). The Act supporting this framework provides for establishing the authority, board and the administration; regulatory measures and the incentives for such zones once created.

The term 'Special Economic Zone' (SEZ) refers to a specific geographic area within a country wherein business and trade laws are entirely different to those of the country and for which there are clear financial policies in place. The rationale for SEZs includes increasing trade and investment and creating jobs. These zones are also intended to enhance global competitiveness through the modernisation of local industry; promote foreign direct investment and earnings from foreign exchange; encourage exports; and develop new technologies.

SEZs are larger than export processing zones; in some countries they are considered as towns or cities in themselves. There are a broad range of categories: free trade zones, export-processing zones, industrial parks, economic and technology development zones,

hi-tech zones, science and innovation parks, free ports and enterprise zones, among others. Operating strategies are determined by each country, thus allowing SEZs to be tailored to requirements.¹

Thus, in a wider understanding, SEZ is commonly used to refer to an in-country geographical region or a legal space with its own set of liberal and special economic laws, policies and regulations (Farole, 2011).²

An SEZ will have specific characteristics:

- a) It is a geographically delimited area, usually physically secured.*
- b) It has a single management or administration.*
- c) It offers benefits for investors physically within the zone.*
- d) It has a separate customs (duty-free) area and streamlined procedures to allow ease of doing business.*

2 OBJECTIVES OF THIS STUDY

This paper analyses the concept of SEZs in Zimbabwe as contained in the Special Economic Zones Act, particularly in terms of labour rights, more specifically

those guaranteed by the Constitution and by the Labour Act of Zimbabwe (1992) and the apposite ILO Conventions that the Government has ratified. It offers recommendations to Government as to how it can best make SEZs work without trampling on workers' rights or contravening ILO Conventions and basic human rights. Given the history of SEZs in Zimbabwe, this paper also makes reference to other countries' experiences of the same and extrapolates best practices.

The paper also highlights the challenges of introducing SEZs in Africa generally and Zimbabwe specifically. The conclusion includes lessons and recommendations for Zimbabwe.

3 THE HISTORY OF SPECIAL ECONOMIC ZONES IN ZIMBABWE

The advent of the Special Economic Zones Act is not the first time that Government turned to SEZs as a means of attracting investment and stimulating a stagnant economy. In 1995, the Export Processing Zones Act (Chapter 14:07) established Export Processing Zones (EPZs) by creating a parastatal authority responsible for their development, attracting investment and issuing licences for businesses to operate within them.

Initially, this form of SEZs was established under the Income Tax Act (Chapter 23:06) and exporters who operated within them were given exemptions from tax only, not from any ordinary laws of Zimbabwe. Section 56 of the Income Tax Act stated that the Labour Relations Act (now the Labour Act) would not apply within EPZs, but this section was repealed in December 2005. In 2007, the Export Processing Zones Act was repealed by the Zimbabwe Investment Authority Act.

Although EPZs in Zimbabwe were countrywide and not confined to industrial parks, the EPZ Act provided that, in the future, companies could enter industrial parks with centralised freight, shipping and customs offices. This Act also outlined the incentives government would offer to promote EPZs, namely:

- a) A corporate tax holiday of five years and a flat rate of 15 per cent thereafter.*
- b) Duty free importation of capital equipment and machinery for EPZ operations.*
- c) Duty free importation of all raw materials and intermediate goods required in the production process and in construction.*

d) Exemption from withholding tax on dividends.

e) Exemption from fringe benefit tax on EPZ employees.

The following incentives were offered to firms qualifying for an EPZ status:

a) Sales tax refund on goods or services purchased from customs territory.

b) Exemption from capital gains tax.

In order to enjoy the benefits that come with investing in a Zimbabwean EPZ, such project had to:

a) Be a new investment ('greenfield' investments).

b) Export at least 80 per cent of annual sales.

c) Create opportunities for employment and undertake human resource development.

d) Carry out value addition activities.

e) Provide adequate environmental safeguards.

f) Strive to achieve significant technical know-how and technological transfer.

g) Be approved by the Export Processing Zones Authority (EPZA).

The major reason behind the failure of EPZs in Zimbabwe was that any premises or place could be declared as such, even single rooms. Essentially, any manufacturing business that was export-oriented to some degree could obtain a licence, and many did. They were not required to move to a special zone to avail themselves of the tax benefits accorded to them under the Act. As a result, no separate zones where export businesses were concentrated were ever created.

As the country seeks to re-awaken investor interest, the Government, through the SEZ Act (which is a re-drafting of the former EPZ Act), is intending to reintroduce EPZs in the form of SEZs. To date, three geographical locations have been selected for pilot operational areas: Sunway City Integrated Industrial Park, Harare, the financial hub in Victoria Falls and the industrial hub in Bulawayo. If the trial runs prove successful, the SEZ initiative will be rolled out to the rest of the country.

4 REVIVING SPECIAL ECONOMIC ZONES: NEW WINE IN OLD BOTTLES?

The SEZ Act looks to establish a Zimbabwe Special Economic Zones Authority, which will be the operative vehicle, and the Special Economic Zones

Section 56(2)

(2) The Authority must in consultation with the Minister responsible for the administration of the Labour Act [Chapter 28:01], provide rules for conditions of service, termination of service, dismissal from service and disciplinary proceedings that apply within every special economic zone.

Board, which shall be responsible for controlling and managing the aforementioned Authority and designated zones. The Act also gives the Authority the power to set or designate an area as SEZ. Here, it is crucial to note that Section 2 defines an SEZ as *'any part of Zimbabwe declared in terms of Section 20(1) (of the Bill) to be a special economic zone'*. It does not clearly specify what is to be economically special about these areas, or what factors must be considered prior to their being so designated. As was the case under the Export Processing Zones Act, this falls to the discretion of the SEZ Authority.

Section 5 of the Act provides that the Board be constituted by members from the private sector and government ministries; no direct labour participation is required. Moreover, the heavy dominance of business interests further signals the marginalisation of labour in the process of establishing and running SEZs.

A similar provision in South Africa – Section 7 of the SEZ Act 16 of 2004, which serves the same purpose as the above section of the Bill presented to the Government of Zimbabwe – provides for the establishment of the same board in South Africa. However, in this instance, it stipulates that membership must also include representatives from labour and civil society. This same Act also provides for five independent persons with knowledge of SEZs.

It is clear, then, that the composition of the Board is of significant importance to the concept of any SEZ within any country. It speaks to its ability to meaningfully discharge and objectively fulfil its mandate. In terms of Section 4 of the Act, the Board has an oversight role over the Authority, thus it gives direction to the operation of SEZs.

Section 5 lists the people eligible for appointment and the manner in which they are to be appointed. As indicated above, the list is neither sufficiently comprehensive nor representative in terms of adequately safeguarding labour. The conspicuous absence of labour representatives is perturbing.

For example, Section 65 of the Constitution, which guarantees labour rights, including the right to form and join a trade union of choice, is an expressed acknowledgement of the need for labour representation at any level in the world of work. Moreover, Section 44 of the Constitution enjoins every person, juristic or natural, institutions or agency or government to respect, promote and fulfil all rights and freedoms the Constitution provides.

The rights of association are enshrined in a number of international and regional human rights instruments: the Universal Declaration of Human Rights (Article 20(1)), the International Covenant on Civil and Political Rights (Articles 21 and 22). Similar protections exist in a number of regional human rights instruments, including the African Charter on Human and Peoples' Rights (Articles 10 and 11). Zimbabwe has ratified all these instruments. It is therefore unconstitutional for the Act to diminish the enjoyment of such rights.

Section 20 of the Act also permits the Authority to abolish or amend any SEZ. Once again, there is no clarity on the guidelines so doing, which renders the decision fully discretionary. This may negatively affect SEZ employees as conditions of service will be varied and can be changed. Such scenarios make employees more vulnerable. Nor are there any provisions for a transitional period. Although Section 57 provides for the setting up of Regulations that prescribe correct procedures, these are at the discretion of the Minister of Finance. In practice, the Act may become operational before the full principles of economic and working operations – and other issues pertaining to the workforce – have been agreed upon.

Section 56 of the SEZ Act is particularly interesting. Initially, the law had stated that the Labour Act did not apply in SEZs. The President refused to sign the Bill into law and it was referred back to Parliament. The current wording of Section 56 (Box 1) is equally troubling in terms of labour rights, as it does not clearly state whether the Labour Act applies. It simply

mandates the Authority of the zone to provide its own labour rules, in consultation with the Minister of Labour. This provision gives the Authority wide discretionary powers to create specific labour rules for SEZs. It is troubling as to why the legislature did not want to state that labour relations in SEZs shall be governed by the Labour Act, which not only covers the rules that govern the employment relationship but also embraces those regulating the existence and operation of all institutions of the labour market, such as trade unions.³ This is a major concern.

Essentially, in terms of labour, Section 56 enables a somewhat laissez-faire situation in SEZs. The SEZ Authority, in consultation with the Minister responsible for administration of the Labour Act, may thus provide rules for conditions of service, the termination of contracts, dismissal from service and disciplinary hearings. Oddly, the content of the Bill would be administered by the Minister of Finance and Economic Development, whose vision and purpose has nothing to do with labour.

The Act is devoid of any probable respect and protection of the enjoyment of labour rights. Uninterrupted production through industrial peace is viewed as an absolute collective interest in modern society and must be protected at all times. However, this Act offers protection of reaps benefits for entrepreneurs by disempowering labour. The liberalised declaration of any area as an SEZ negatively affects the right to strike and lessens labour's bargaining power, and amounts to depriving workers of 'their greatest source of power, the power concertedly to interrupt work'.⁴ Further, such declaration can be viewed as another expression of how the legal system is organized by the state to 'guarantee the conditions for private accumulation ... that are necessary for it to survive in the context of a capitalist economy'.⁵

Concern is often been expressed about working conditions in EPZs, particularly with respect to lengthy working hours, night shifts, overtime and high labour turnover.⁶ The skills requirements for EPZ production are generally minimal: training is on-the-job and of limited duration. Due to the short-term nature of EPZ employment, there may be no incentive for firms to invest in training and professional development and the acquisition of skills is, on the whole, poor. Discipline, respect for deadlines and a general exposure to modern industrial organisation appear to be the main assets that production workers in developing countries have derived from their employment experience in

EPZs. Moreover, the majority of workers are women, many of whom are unlikely to have long-term careers in the firms where they are employed due to work/family commitments.

The effect of Section 56 further exposes employees to unfair labour market forces by not positively stating their minimum right to be protected. If the purpose of having a contract of work is lost, working under contract in an SEZ leaves the average employee more than vulnerable, especially at a time when the economic conditions are poor and there are few options available on the open job market.

As discussed earlier, the Constitution creates obligations that are binding for every person. It is not up to a person, juristic, natural, government institution or its agency to extract itself from said duties. Thus it is unconstitutionally for any Act to override the duties a Government it owes to its people. As Zimbabwe has ratified a number of international labour standards, this Act poses problems in terms of their application. In other country contexts, the ILO Committee of Experts on the Application of Standards and Recommendations has addressed the issue of labour standards in SEZs, largely in relation to freedom of association and collective bargaining, areas covered by the ILO Convention on Freedom of Association and the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining, 1949 (No. 98). The Committee's comments have consistently disapproved of restrictions on fundamental labour standards in EPZs. In 1994, for example, in connection with the banning of the right to strike in the EPZs of some countries, its General Survey on the Freedom of Association and Collective Bargaining stated that:

Such a prohibition is incompatible with the Convention [No. 87], which provides that all workers, without distinction whatsoever, shall have the right to establish organisations of their own choosing and that such organisations shall have the right to organise their activities and to formulate their programmes.⁷

SEZs and Labour Rights: Where to?

Here, the question is: Does the diminution of labour standards result in larger investment inflows in SEZs? So far, few attempts have been made to evaluate how labour laws are perceived by foreign investors and how they affect choices of locations to invest.⁸ However, in 1994, a survey of foreign investors in Eastern Africa was conducted for the World Bank in five East African countries. It covered 150

current and potential investors from Europe, Asia and South Africa who were already active or had shown their concrete interest in operating in that region. Their investment projects had a significant export orientation (about 60 per cent, of which 17 per cent would be for the African market).⁹ The respondents indicated that the main reason behind their investment decisions were 'fundamentals' rather than 'incentives'. Host country incentives were ranked as having the same importance as factors such as long-established personal relations, previous trade relations and favourable information. These findings support the ILO's 1996 findings from interviewing various foreign investors in Lesotho and Botswana on the low ranking of labour-related issues as a factor influencing their choice of location.¹⁰ Factors they considered to be much more important were:

1. Preferential access to foreign markets.
2. Free foreign exchange.
3. Political stability.
4. Duty free importation of raw materials.
5. Financial incentives.
6. Good infrastructure facilities.
7. Favourable productivity/labour cost ratios.

It is important to note that Botswana, Lesotho, Ghana and South Africa have modelled their SEZs frameworks in such a way that they do not affect the operation of national laws. In South Africa, the creation of decent work in SEZs is actually emphasised.¹¹ This guarantees uniform protection to everyone despite working in these areas. Nor does Tanzania's own Special Economic Zone Act suspend the application of national labour laws, or any other laws for that matter.¹² In Section 32 it provides that:

[E]xisting labour, occupational health and immigration laws applicable in the United Republic of Tanzania shall apply in the special economic zones.

Admittedly, socioeconomic factors vary and no generic format is globally applicable or sustainable. It would be futile, for example, to replicate what is happening in China in Zimbabwe. It is therefore imperative that a thorough feasibility scoping study be carried out before the concept of SEZs is reintroduced in Zimbabwe in order to establish best practices.

The Minister of Finance has been granted too much control, directly or through the Authority. Nor are the functions of the Board clearly set out – Section 11 of

South Africa's Act concerning SEZs determines the Board's role and responsibilities, which are generally inclined towards monitoring operations. (This is pertinent, as this will inform review processes that may have to be taken.) Assume then, in practice, that the South African Board is proactive and functional and that all issues of concern, including labour issues, are reviewed regularly. Section 6 also obligates the Minister to put forward a strategic plan, particularly for designating zones. This is important, as it serves to check on the rationality behind the approval of any area. This approach may well be necessary in the context of Zimbabwe.

Section 25 provides for considerations to be taken by the Authority upon receiving an application for investments licenses. It must consider how the proposed investment will transfer technology, managerial and other skills. This is commendable and should be properly monitored. Even so, this Section should be further developed directly by amending it, or through additional regulations, to reinforce the use and development of local expertise and skills rather than bringing in foreign workers. The opportunity for specialised training for employees with potential should also be emphasised.

Section 32 empowers the Authority to conduct compliance visits. As currently envisaged, these visits are limited to the nature of business taking place and examining financial statements. Any such visits also ought to look into the working environment as regards decent working conditions and the safety of operating machinery. The Authority should be obligated to engage or invite specialised technical expertise upon such visits.

Regulations in other countries provide safeguards to job creation in EPZs that benefit their nationals. In Mozambique, for example, the foreign workforce of any firm operating in an EPZ may stand at no more than ten per cent. The employer must also guarantee the training of nationals who will replace such workers. This is a good practice for Zimbabwe, for it should ensure the creation of quality jobs.

Causes of SEZ failure in Africa and lessons for Zimbabwe

In most cases, zones in Africa offer nothing but fiscal incentives and labour liberalism. These may get the zone off the ground, but sooner or later it becomes unsustainable; in other words, it does not result in lasting projects because most investors leave upon the incentives expiration. Holidays may not last forever, and if the motivation for investment was mere tax holidays, there is bound to be a disincentive

when taxes begin to be reintroduced or when the holidays are withdrawn. India suffered a blow after it withdrew its tax incentives.

Zones are established in the form of enclaves or isolated economies. They lack any integration with the main economy of the country. Successful economic zone management fosters links between the zone investors and the local investors.

SEZs are not strategically set up to have links with the global economy. Zones need to be connected to global markets otherwise they cease to accomplish their mission of making an economy globally competitive. Zimbabwe however currently lacks the infrastructure for such linkages such as road and rail transport to link with ports.

Due to strict government control over SEZs in Africa, red tape tends to overtake progress. A balance should therefore be struck between adequate political monitoring and freedom from government bureaucracy (African Transformation Report, 2014).

Corruption. This is the cancer that has eaten up most economies globally and has negatively affected the operations of SEZs in Africa. This challenge is a glaring reality in Zimbabwe. The Transparency Corruption Index currently ranked Zimbabwe at the unenviable position of 150 out of 175 countries in 2015. If any economic programme is to succeed in Zimbabwe, the government has to show a strong resolve to deal with the scourge of corruption.

Cumbersome regulations and red tape in doing business. In most sub-Saharan African countries, the costs of doing business are high due to overall constraining environment in terms of registration, licensing, taxation, trade logistics, customs clearance, foreign exchange, and service delivery. Many one-stop shops for investors do not live up to their names. Zimbabwe is currently ranked 155 out of 189 countries in the latest World Bank 'Doing Business' report.

The lack of strategic planning and a demand-driven approach. International experience shows that effective zone programmes are an integral part of the overall national, regional and municipal development strategy and build on strong demand from business sectors, such as those in Malaysia, China, South Korea and Mauritius. However, many zone initiatives in Africa are driven by political agendas and lack a strong business background.

Most African economies are informalised and without structure. The Zimbabwean economy has been informalising at an alarming rate since the start of

the economic crisis in the late '90s. Most industries are closing down pushing people into the informal economy. It is difficult to link the activities of the Informal economy to the SEZs by creating forward and backward linkages because of the insecurities associated with the informal sector.

5 CONCLUSION AND RECOMMENDATIONS

At first sight, it may appear that SEZs have created a significant number of jobs worldwide. This is undeniable for some countries, but closer scrutiny reveals that many are poor quality and not cost-effective. Some schools of thought have concluded that SEZs actually undermine the local economy by dumping of cheap products through 'leakages'. They also question the viability of companies that rely on subsidies and consider SEZs as leading to poor living and working conditions for blue-collar employees.¹³ In sum, the concept of SEZs and labour rights therein is a delicate balancing act that requires serious contemplation by, and the participation of, all stakeholders concerned. This exercise should not be hurriedly legitimised by an Act of Parliament, as Parliament needs to widen consultation on the Bill.

From the 1960s onwards, international experiences of SEZs have shown that the latter seldom lead to sustainable economic development; in fact, they tend to deepen developing countries' dependency on foreign capital, which can have a detrimental effect on national industries.

What the Zimbabwean government needs to realise is that today's global production chains no longer only target cheap, compliant labour and a trade union-free environment. Instead, investment decisions revolve around human resource development and market access. Investors not only consider low nominal wages but also examine unit labour costs, taking productivity and skills availability into account. It is no longer viable to compete on the basis of cheap labour, as the global emphasis is shifting to technological capacity building, which requires skilled workers.

The question of labour standards and labour relations continues to be one of the most controversial aspects of SEZs. A report by the ILO, for example, noted that collective bargaining and sound tripartite relations are seldom found within SEZs.¹⁴ Rather, high labour turnover, absenteeism, stress, fatigue, low productivity and labour unrest are the predominant characteristics.

In sum, Zimbabwe needs to learn from its experiences with the EPZs of the '90s and reconsider this new law on SEZs with a view to creating a regulatory framework that is pro-human rights and pro-sustainable development. There are many factors that policy makers need to consider before rushing to establish SEZs, believing them to be an instant cure-all for the country's ongoing economic challenges. *The Economist* put forward that creating SEZs requires patience and planning and are generally inferior to nationwide reforms, which lower trade barriers and boost competitiveness.¹⁵ Ultimately, then, Zimbabwe needs to define economic success as local development and not foreign investment, and avoid industrial development that reinforces competitiveness by the means of low-paid jobs. In light of the above analysis this paper makes the following recommendations:

Recommendations

The following recommendations are provided within the understanding that SEZs are not a panacea for Zimbabwe's economic woes. The importance of effective strategic planning and management cannot be overemphasised.

- The SEZs framework should ensure that they complement the national development strategy. There is therefore need to create frameworks that allow for backward linkages with the national economy in order to foster economic growth and employment in the overall economy. To be a catalyst for structural transformation, the zones need to be linked to key elements of infrastructure (ports, railways and highways, for example); need to be well-matched to local resources, leveraging the nation's comparative advantages (for example, mining or agriculture); and need to be focused not only on exports, but also on the domestic market. In addition, they need to be well connected with the local economy through SME linkages and forward/backward linkages, in order to maximize the spillover effects.
- Addressing the fragility factor, which manifests itself in a number of ways. In Zimbabwe, two issues stand out: its isolation and its overwhelming dependence on one economic sector. Zimbabwe relies on the extractive sector, which operates as an enclave. Such an overreliance inhibits creation of jobs, economic inclusion and good environmental policies which can constitute drivers of fragility. Introducing SEZs in such an enclave economy will not yield much benefit for the economy. The Zimbabwe government should seriously look at diversifying the economy before introducing SEZs.
- Another fragility factor is the big size of the informal sector. The Zimbabwean economy has of late been informalising at an alarming rate and the efforts to formalise have not yielded a great deal. For Zimbabwe, formalising the informal sector is a strong consideration if the much-hyped SEZs are to succeed. ILO Recommendation 204 is instructive in this instance.
- Collaborative relationships between investment projects in the zones and firms and research institution such as SIRDC should be an integral part of the SEZ framework. Encouraging business networks and clusters between zone investments and outside-zone investments increases the transfer of know-how and skills to the local economy. A clear and deliberate strategy to this effect is needed. If SEZs are to be sustainable in Zimbabwe, there needs to be a serious commitment to technology transfer and knowledge retention.
- Generous incentive packages such as tax holidays need to be monitored and evaluated periodically to ensure that they are meeting their intended policy objectives. The experiences with most mining companies who pack their bags after the expiry of their tax holidays should serve a clear reminder of why this is critical. According to legal zone experts Locus Economica, investment and fiscal incentives should be competitive but not excessive and tied to outcomes.
- The autonomy of the zone authority, particularly overstaffing, budgets, spending and policy making, should be ensured and clearly stated in the law. The efficiency of the zone should be maximised by constituting an independent board composed of representatives from government, business, labour and key tripartite partners.
- The SEZ should respect the principle of non-discrimination between foreign and domestic investment projects. A development matrix that focuses solely on foreigners is bound to fail because it is unsustainable.
- Labour regimes in the proposed SEZs should be consistent with national laws and international norms including core rights of assembly, organisation and collective bargaining. In addition, foreign worker employment regimes should be transparent but at the same time

discourage excessive dependence on foreign labour at the expense of the domestic labour market.

- Zimbabwe should leverage on its diaspora community to invest in the SEZ together with Foreign Direct Investment (FDI). The Chinese example is greatly illustrative in this case. FDI and the Chinese diaspora have played important roles in the success of SEZs by bringing capital investment, technologies and management skills; generating learning and spillovers; and ultimately helping to build local manufacturing capacity.
- A realistic scheme is to start small and be fully implementable. It is crucial to make one or two zones work first before scaling up. Although there were many overlaps in terms of the zone programmes at the later stage, China initially started with only four zones at strategic locations. When proven successful, the programme was then rolled out across the entire economy. Many African countries start with 10 or even 20 zones all at once, which is a recipe for failure. Zimbabwe should consider its competitive advantage and commence with a pilot zone before implementing on a larger scale.
- SEZs have to be truly 'special' and provide services that are not available outside of zones, with particular focus on infrastructure and the business environment. They should be developed to overcome nationwide binding constraints, such as rigid and constraining regulatory regimes, poor infrastructure and inadequate trade logistics in a limited area. They must provide basic infrastructure, such as power, water and roads. Meanwhile, zones can be used to pilot policy and regulatory reforms to support economic development, as evidenced in many East Asian countries. What is important is to make sure that benefits (for example, the simplification of customs

procedures) can then be made available throughout economy.¹⁶

The introduction of SEZs in itself is not a panacea for economic development. In fact, in the absence of an efficient infrastructure, human capital, an investment-friendly regulatory environment, the rule of law, good public governance as well as consistent and predictable policy framework, they are less likely to produce the desired result. SEZs can only supplement a conducive enabling environment. Having a clear regulatory framework will avoid unpredictable risks, such as political setbacks or interference and land speculation.

Notes

- 1 This flexibility is not without problems. Some SEZs, for example, have been criticised for being run like labour camps, with workers denied fundamental labour rights.
- 2 Appendix in World Bank (1992) 'Export Processing Zones' for an excellent historical background.
- 3 L. Madhuku (2015) *Labour Law In Zimbabwe*, Harare: Weaver Press.
- 4 Karl E. Klare (1981) Republic Steel Corp. v. UMW 570 F. 2d. 467, 479, in 'Labour Law as Ideology: Toward a New Historiography of Collective Bargaining Law', 4 *IRLJ* p. 452.
- 5 Ibid.
- 6 www.ilo.org/actrav/areas/WCMS_DOC_ATR_ARE_EPZ_EN/lang-en/index.htm
- 7 International Labour Conference, 81st Session, 1994, Report III (part 4B), para. 169.
- 8 1996 report by J. Kooijmans and D. Tajzman (ILO Southern African Multidisciplinary Advisory Team, Harare) and A. Parisotto (International Institute for Labour Studies, Geneva).
- 9 Economisti Associati (1995), 'Eastern African Survey of Foreign Investors: Summary of Main Findings', Bologna, Italy.
- 10 These interviews were conducted with investors in textiles and garments (3), electronics (1), metal (1), plastics (1).
- 11 Section 4h SEZ Act No.16 of 2014.
- 12 The United Republic of Tanzania Special Economic Zones Act, Chapter 420 of the Laws [Principal Regulation, Revised Edition of 2012].
- 13 H. Jauch and D. Keet (1996) *Export Processing Zones in Southern Africa: Social Political and Economic Implications*, ILRIG, Cape Town.
- 14 ILO (1998) 'Labour and social issues relating to export processing zones', Geneva.
- 15 www.economist.com/news/leaders/21647615-world-awash-free-trade-zones-and-their-offshoots-many-are-not-worth-effort-not
- 16 www.weforum.org/agenda/2015/08/how-can-africa-ensure-success-for-special-economic-zones/

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