

The Commodification of Public Spaces on Khao San Road

Parisa Musigakama

Faculty of Architecture, Chulalongkorn University, Thailand
p.musigakama@gmail.com

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ABSTRACT

This study focuses on the mechanisms and institutions for the governance of public spaces on Khao San Road, Bangkok. Khao San is a small road famous for tourism. It is located near major attractions, and is full of budget accommodations and street vendors. This street is known among the locals and foreign tourists as one of Bangkok's most vibrant and lively.

Furthermore, Khao San offers immense opportunity for vendors, as it is crowded with tourists all day. This factor is of utmost importance to the success of businesses. Therefore, competitions for prime vending spots on the road have been going on for years. Under these circumstances, public spaces are transformed into private goods that can be traded, transferred and deprived in reality. With the qualitative method of grounded theory, this paper reveals the process of Khao San Road's commodification as well as the mechanisms and institutions involved in the process. Qualitative data collected using three methods: non-participant observations, in-depth interviews, and document studies were triangulated and analysed. The findings suggest that both external and internal mechanisms have stimulated the commodification of public spaces on Khao San Road over the past decades. The external mechanisms are tourism and multinational capitalist economy. The internal mechanism relates to community norms on the de facto individual rights over public spaces. These mechanisms have developed unofficial rules to work at an operational level with official rules supervised by officials. A critical outcome of these mechanisms and rules is the determination of the right to access and use public spaces by various groups of stakeholders.

In conclusion, the paper discusses the relationship between the commodification of public spaces and the inequality problem. Public spaces as private goods are not different from other private possessions that can be excluded through price, authority, and policy mechanisms. Collaboration between mechanisms has resulted in only a small number of people having the opportunity to indeed access and utilise the resources on the street. People whose opportunity is denied need to bring themselves into the patronage system to ensure the survival of their businesses.

Keywords: *public space, street vending, commodification, inequality, Khao San road*

INTRODUCTION

Khao San Road is a small, 400-meter-long alley with an international reputation in tourism. Due to its location amidst the historic centre of Bangkok, which provides easy access to major tourist attractions, Khao San Road is popular among foreign tourists, especially budget travellers. Cheap accommodation is not the only selling point of Khao San, as many tourists come here to taste inexpensive local cuisines, enjoy the night entertainment and experience the unique atmosphere of the bustling street. Shopping at the night market and tasting street foods have become one of the “must-do” or recommended activities for foreign visitors. With more than ten thousand visitors per day, Khao San Road has become an area of opportunity that many street vendors hope to get their hands on, as the high volume of tourists directly contributes to the success of their businesses. However, due to space limitation on Khao San Road, competitions for the right to use public spaces have therefore occurred. Under these circumstances, the public spaces that should have been common in ideology are transformed into private goods, whose right to access and use is determined by economic mechanisms. Therefore, public spaces are no longer opportunity spaces for poor vendors, as mentioned in past studies, but have become a trading area where both poor and medium-income vendors operate their businesses together. (Figure 1)

Moreover, the economic mechanism under globalisation has shifted these public spaces from a local level product to a global one, which could be proven by the numbers of foreign vendors, shopkeepers, businesses and capital investment in the area. This is a phenomenon where street vending on Khao San Road is no longer a commercial activity to meet local needs but has been turned into a tourism activity to meet external needs. This has resulted in intense competitions for vending spaces. It has changed the rationale behind the decision of community stakeholders. It has also changed the paradigm used by government officials in supervising public space usage. In the past, officials viewed vendors as urban poor people who need opportunities and support to pursue a career and as a result, treated them with lenient policies. However, now that vendors do not consist of only poor people, officials considered them as lawbreakers who take advantage of society. Therefore, these lenient policies have become clearance policies. When this

paradigm of the government officials clashed with the vendors' demands to access and use public spaces, there was a development of institutions and specific mechanisms to deal with the situation.

Although the phenomenon is highly evident, there was no previous study that can clearly and systematically describe it. Therefore, this study aims to describe the process, mechanisms, institutions and factors involved as well as effects of this phenomenon. According to the theory of public goods by Paul Samuelson (1954), when a particular goods or resource changes from a collective consumption to a private one, that goods or resource can be subtracted and excluded. In other words, the right to access and use shared resources is limited to the public and available to only selected people. Equality in rights to access will no longer be available to all. The commodification of public spaces is therefore not a positive sign for the community at the fundamental level, especially in terms of collective resource management.

This study is based on the theory of institutional economics on the governance of common resources. However, to ensure more concrete and generalisable analysis, this study applied the Institutional Analysis and Development (IAD) framework, developed by Elinor Ostrom, as a tentative guideline. (Ostrom, 2011) The IAD concept is generally accepted and applied in global researches on common resource management. This guides highlighting key insights on institutional, technical, and participatory aspects of collective interventions, or the commons problem, and their effects. (Nigussie et al., 2018) The framework also covers the rights issue on common resources management, which is considered the essence of commodification.

Under this preliminary framework, the study was conducted with grounded theory methods. Grounded theory is one of the qualitative research methods that play an essential role in social science research. (Charmaz, 2001) This method allows researchers to understand and create theoretical knowledge from phenomena and field data studies without having to adhere to the existing theoretical framework. The findings are divided into several parts and described in rhetorical style to connect the relationships between various categories. In conclusion, there is a discussion on how the commodification of public spaces results in multiplying the unfairness in common resources allocation.



Figure 1:
Street vending on Khao San Road. (Source: Facebook fan page "Khaosan Road We Love" 2019)

LITERATURE REVIEW

Public spaces as common goods

Common-pool resources or common resources or common goods are considered part of the public goods but are slightly different from pure public goods. While pure public goods have two distinct aspects: non-excludable and non-rivalrous consumption (Samuelson, 1954), the common goods are non-excludable but rivalrous (Ostrom, 2009). To be rivalrous means one person's use may preclude another's. So, while people can share pure public goods without problems, the consumption of common goods can result in reduced satisfaction of other users and remaining resources. (Bollier&Helfrich, 2012) The fundamental problem of common goods is the number of people who use resources and the use of resources that are over-sized. These result in insufficient resources for use. Besides, there is a problem of deterioration. Due to the lack of motivation for maintenance because users cannot discourage other resource users who are not sharing the cost of maintaining resources.

According to the above conceptual framework, the urban public spaces are considered as common goods. (Hess, 2008; Mitchel, 2003; Polko, 2012; Parkinson, 2012). The critical role of the urban public space is to be an area that allows strangers in the city to have the opportunity to meet and interact with each other. Importantly, the public space must also be an area of civil liberties, opportunities, and indicators of quality of life for people in the city (Whyte, 1976; Crawford, 1999; Gehl, 2001; Parkinson, 2012; Habermas, 1989; Mitchel, 2003). The urban public spaces as common goods cannot, therefore, discourage the use of a person. Beyond that, it must also be an area that welcomes access and is flexible enough to meet the needs of the users of various groups equally. However, the conflicting uses may cause hostility problems between activities and cause negative external impacts on the overall resource system. Therefore, supervision of public space utilisation is necessary. Generally, it is conducted by the public or private sectors. The supervision often causes problems in two directions: over-management and under-management. Over-management may cause an effect on the rights of people and reducing the quality of public spaces.

Under-management may cause the public space to be abandoned and lack of use. Both directions may be the cause and effect of each other.

As part of under-management, Free Rider is the most common problem. Free Rider refers to a group of people taking possession and seeking benefits from common goods, that has a state or community as a supporter, for their interests without thinking of investing. (Hardin, 1968; Sommer, 1989; Mitchell, 2003; Polko, 2012; Parkinson, 2012) Free rider problem on public space occurs at both neighbourhood and city levels, such as pedestrian paths, roads, parks, abandoned areas or empty spaces that are inactive. It is often associated with socially and economically disadvantaged people in the city. In terms of society and politics, Free Rider is a phenomenon that shows the need to negotiate their rights to the city of disadvantaged people in society.

On the other hand, from the government sector, Free Rider is an indicator of the under-efficiency of the supervision. It signals that such public spaces need to be more controlled by reducing the publicness. Which, of course, those who have the highest negative impact are inevitably a group of economically or socially disadvantaged people (Mitchell, 2003; Graham, 2010; Nemeth, 2012)

Therefore, the above literature demonstrates that the urban public space reveals the relationship between those who have rights and those who do not. These rights are determined by the rules or institutions that were, in turn, set by some players or specific mechanisms. Rules which allow a certain number of people to access and use public spaces, would at the same time, restrict others from access and use the area. So, rules and exclusion mechanism are, therefore, essential variables that make public spaces no longer public but a private one. Moreover, since the public spaces are converted into private, the unfairness in accessing and utilising the resources of disadvantaged people then occur.

Role of institutions in resource allocation

Institutions or rules of the game are factors that institutional economists place importance in governing human behaviour and resource allocation in the economy. This argument is against traditional knowledge that is based on the neoclassical

economic. Neoclassical economists consider that institutions are too complex to understand and leave it as the external factor. Institutional economists think that such assumptions cause inaccuracies of the theory. They believe that humans live together as a group makes it necessary to have social rules as tools for determining individual behaviour. Institutions are, therefore, an essential factor in human behaviour and are directly related to the ownership system and transaction cost system in society. Therefore, society has unavoidable transaction costs. In return, the transaction costs have a significant effect on adjusting or changing the structure of the institution, especially in the direction of people's choices in society. For this reason, institutions should be internal factors rather than external factors, as neoclassical economists believe.

Institutional economics itself is divided into several concepts. While traditional institutional economists pay attention to the study of social rules, new institutional economist led by Williamson (1985) has expanded the scope from a broader perspective by paying attention to how the institution works in the overall economy. Especially in terms of efficiency and distribution in various sectors in the economy. In their view, although the market is an institution that plays a vital role in allocating resources in the economy, other institutions can affect the functioning of the market — making the market unable to work fully. This shows that in society, there are other institutions besides the markets and these institutions play a role in decision making and determining behaviour.

Another concept under institutional economics is evolutionary institutional economics. The evolutionary economists indicate that people are not interested in only the highest personal interests, but are interested in their actions against others. They say people have a social preference and are concerned about the intention of interaction. So, part of our behaviour in society depends on the behaviour of others that affect ourselves. According to this concept, people and institutions can influence each other. Therefore, the behaviour of people is adaptable and evolve to respond to the institutions in that society. They believe that people can learn each other through past behaviour and focus on the satisfaction that depends on rules or situations. The evolutionary economists do not believe in complete contracts. They believe that people do not interact with each other only by complete contracts, but there are other factors such as power and norms involved. Lastly, in addition to these assumptions, the evolution economists also emphasise the institutional conditions to increase

positive impact. Especially the situation of collective action in which the results are even higher if the number of people entering this area increases.

IAD Framework

The IAD framework was initially conceived in the 1980s by Elinor Ostrom, Nobel Prize winner in economics in 2009, to study commons resources and their governance by communities. The framework is particularly suitable for the research question: “How do humans come together, create communities and organisations, and make decisions and rules to sustain a resource or achieve the desired outcome?” (Hess & Ostrom, 2005). It has been applied to a variety of studies on how people collaborate and organise themselves across organisational and state boundaries to manage common resources. The framework is influenced by game theory. The structure of the framework is as in Figure 2. The central box is the action situation, where individuals meet in social fora, establishing patterns of interaction that generate outcomes for those individuals, as well as social and ecological effects. An actor enters an action situation with her or his position, information, strategy, and behaviour, which is shaped by existing biophysical conditions, the attributes of the community in which they live, and the rules-in use (Ostrom, 2005, Cole, 2015).

As the action situation of individuals is the focal unit of analysis, there is an internal structural framework

for analysis, as shown in Figure 3. There is a set of variables: (1) participants, (2) the positions to be filled by participants, (3) the potential outcomes, (4) the set of allowable actions and the function that maps actions into realised outcomes, (5) the control that an individual has in regard to this function, (6) the information available to participants about actions and outcomes and their linkages, and (7) the costs and benefits, which serve as incentives and deterrents, assigned to actions and outcomes.

With comprehensive but clear analytical principles and variables, this study applies the IAD framework as a tentative guideline for the fieldwork study. In order to create a more concrete relevance to the study arena, the framework in Figure 2. can be described as follows. In Khao San Road, there are 4 key stakeholders related to the use and oversight of public spaces: the building owners or tenants, the street vendors, the residents, and the government officials. The street vendors can be divided into 2 types: the stall vendors and mobile vendors. These two types of vendors have different interests in access and use in public space. Stall vendors are those who want to access and use the unit of space permanently or semi-permanently while the mobile vendors want temporarily. Both types of vendors want to take advantage of the number of tourists that are more than ten thousand people per day. Under the legal framework, the law gives government officials the authority to oversee the public space. In addition, the building owner or tenant has the customary rights to supervise the area that is connected with

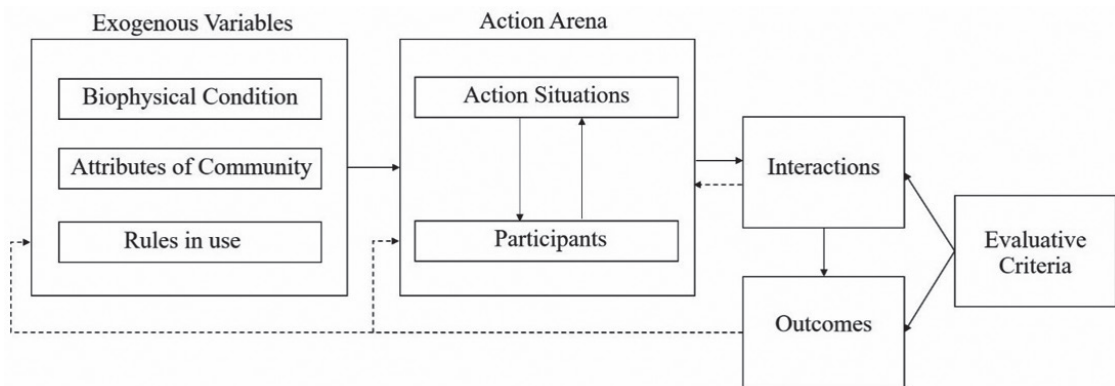


Figure 2:
Basic components of IAD framework. (Source: Ostrom 2005)

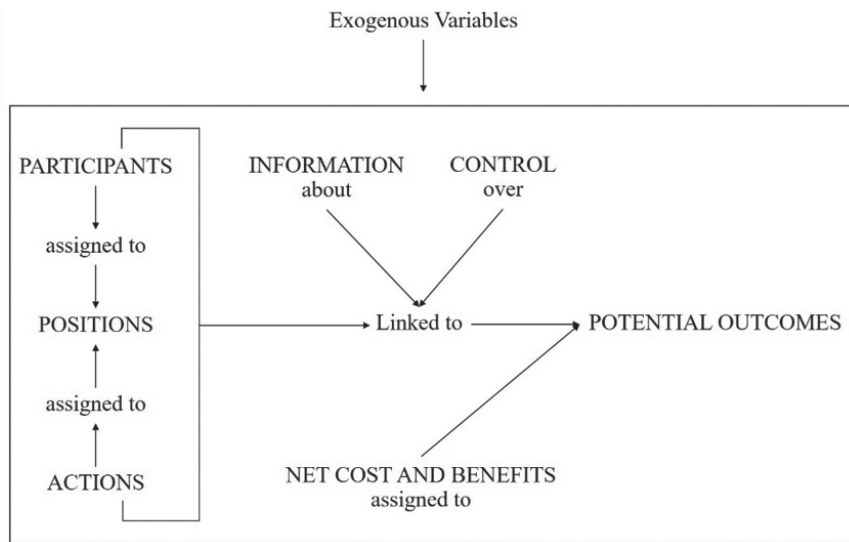


Figure 3:
The internal structure of an action situation. (Source: Ostrom, 2005)

the building's front. Based on this condition, the individual's negotiation to the private rights of the common public spaces happen. The commodification is slightly more obvious from time to time.

Based on the same framework, the rules to be studied on fieldwork can be classified into 2 parts: the rules regarding resource units and resource system. Resource unit is the unit of public space that each vendor claimed the right for private use and their benefit. Most of them are pedestrian spaces in front of buildings. The rules in use for the resource unit include operational rules which directly affect day-to-day decisions made by the stakeholders in the community, and collective-choice rules which determine who is eligible to be a participant in resource and the specific rules to be used in changing operational rules. The resource system is referred to as a stock that must exist to produce resources. In this study, the resource system is the whole street which includes a group of buildings, pedestrian paths, and traffic lanes throughout the line. The rules governing the resource system are collective-choice rules and constitutional rules. Those with a legal role in establishing these rules are mainly government officials. According to this structure, the researcher asks: how will the vertical relationship between the 3 levels of the rules have a positive and negative impact on the commodification of public spaces on Khao San Road and its later governance? This is the literature gap that this research can fulfill and extend knowledge in this field.

METHODOLOGY

The past studies of street vending in Thailand and Bangkok have mostly focused on the economic and social roles of the activity, physical space usage patterns, and administrative issues. The in-depth study to explain the governance of the street vending and public spaces is not very visible. Moreover, street vending is considered an informal activity that does not comply with the law and is often seen from society as a gray economy. Such a context makes many unknown variables and unpredictable forces during the study. These conditions led the researcher to decide on using grounded theory as a research methodology.

Grounded theory is a qualitative methodology that is most appropriate for the research. It was used in phenomena analysis and creation of theoretical knowledge from the fieldwork study and data. The general features of the classic version of the grounded theory include pre-existing conceptualizations not to be used, data collection and analysis occur simultaneously, constant comparative data analysis until theoretical saturation, and theoretical sampling. (Glaser & Strauss, 1967; Creswell, 2007; 2009) This classical approach emphasized the view of producing a new theory from data without applying the existing theory. However, the Strauss and Corbin (1990) approach said that it is acceptable to reference existing literature. The usage of literature helps researchers, especially

novice ones, to refine the research questions and methodological fundamentals to step ahead. The Strauss and Corbin approach also offers the instruction of the coding procedures and phases, namely open coding, axial coding, and selective coding. This gives the researcher the opportunity to initiate study with a clearer direction. It is considered more helpful, therefore, the Strauss and Corbin approach is the one that was adopted by this study.

The study begins with the open-ended question of whether “How the commodification of public spaces on Khao San Road happened?” Three methods of data collection according to the type of information needs are selected: non-participatory observation, semi-structured in-depth interviews, and document analysis. The IAD framework plays an important role in helping to define the initial scope of research questions and the information that needs to be collected. However, this scope has changed during the fieldwork when there are issues or information from the field that gives the opportunity to find the new variables. Theoretical sensitivity is important during this process.

Field visits for observation and in-depth interviews took place between December 2016 - December 2017. The researcher and one assistant conducted in-depth interviews of 36 informants, thus reaching the point of theoretical saturation. The interviewee selection is based on the theoretical sampling principles and stakeholder analysis. In-depth interviews are aimed at studying insights. Since the study issue has some content that is fragile and may affect the image of the interviewee or other interested parties, the names of the interviewees are therefore obscured.

This study applied the coding analysis as the primary method of data analysis. The Strauss and Corbin approach offers the coding procedures and phases into three levels: open coding, axial coding,

and selective coding. In the open coding process, the constant comparison to link similar or different codes in terms of property and dimension in the same category is considered important (see Table 1.) It is because of categories are the indicator of the theoretical sampling for further data collection. The axial coding is to create a relationship between the categories. The created relationship is based on one of the categories that are significant. The researcher applied a coding paradigm proposed by Strauss & Corbin(1998) in this step. The selective coding process is quite similar to the axial coding but gives more importance to the level of abstraction. The relationship between the categories appearing in this process is developed as a theoretical outline. (Strauss & Corbin, 1998).

The applied of grounded theory in the study of the governance of public spaces for street vending in Bangkok is considered a challenge that has never been done before. The study was conducted with the Strauss and Corbin approach based on the fundamental knowledge of the Ostrom's IAD framework. Putting the grounded theory with the IAD framework allows the researcher to understand the phenomena which are grounded with the context and able to extend the existing theoretical knowledge in this field. This methodology reveals how the local community plays a role in overseeing public spaces and creating a process, mechanisms, and institutions for transforming the common property to a private one.

FINDINGS

The data analysis leads to the core category showing how the commodification of public spaces on Khao San Road happened base on the interaction between formal and informal mechanisms and institutions in the urban context. The findings reveal how the street level negotiation of access and use of public

Table 1: Examples of creating codes and category from data

Data	Code	Category	Property	Dimension
<i>“Sometimes we have to be brave and take risks. If they are not happy, we just go. It's good that Thai people help each other.”</i>	Social capital	Creating rights with various types of capital	Mobile vendor	Nationality
<i>“Some people will pay the rent.”</i>	Financial capital			Rent

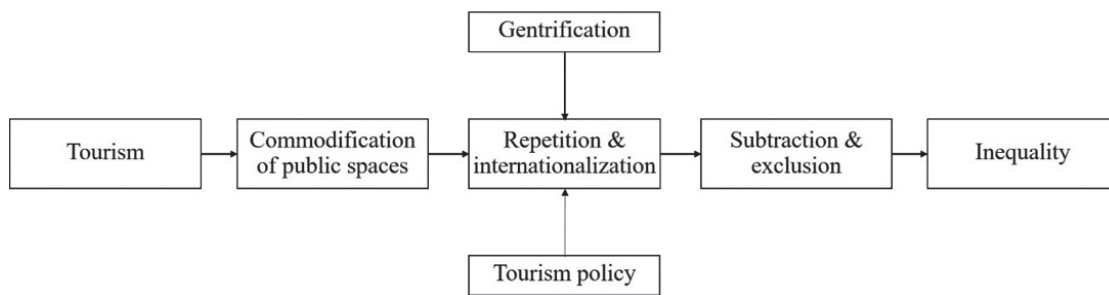


Figure 4:
The commodification of public spaces on Khao San Road leads to the inequality problem.

spaces in Khao San Road has benefited the local and national government until it causes problems of unfairness. There are 7 categories identified in the analysis: tourism, gentrification, commodification, repetition & internationalization, tourism policy, subtraction & exclusion, and unfairness. The relationship between categories is shown in Figure 4.

Tourism & gentrification on Khao San Road

Khao San Road has undergone gentrification. The gentrification includes several sub-categories such as demographic change, economic value, environmental decline, and tourism. The gentrification in the first period occurred in the composition of many related factors. The internal factor is the locational potential of Khao San Road; it is situated near the country's administrative centre and tourism activities. External factors are the country's economic development policy on tourism and the tourism promotion policy in Rattanakosin Island. Also, there are public relations factors run by private sectors both outside and inside area. All of these factors make the area of Khao San Road popular. It now plays an essential role as a major tourist area of the country hosting more than ten thousand tourists per day. These factors also make Khao San Road a new economic value, becoming one of the targeted areas for Thai and foreign investors. All of these led to the emergence of the next gentrification.

The next gentrification of Khao San Road has occurred in the market mechanism under the transnational capitalist economy. The growth of the guest house business and the volume of tourists have become the factor that makes various types of businesses more concentrated. That makes the

guesthouse business, which played an essential role during the first phase, is replaced by the middle-level hotels, restaurants, and entertainment business. The rising economic value of the area has caused both large and small outside investors to queue up for the spaces, resulting in the increased value of the land. Combined with the changing social and environmental conditions that used to be a quiet area suitable for living, it became a rather busy and chaotic. Many land and property owners, especially those who were not in business, decided to move out of the area and let the building and land be sold or rented to outside investors. This phenomenon has become increasingly prominent over the past two decades. The population structure on Khao San Road in the latter period is therefore very different from the previous. There are very few native residents, while investors from outside have a higher proportion. The expressions of feeling and concerns about the population change in Khao San Road are mentioned below.

*"Most of the old people are gone. Now there are only people who want money. They do not think of improving the area. They are businessmen. **Anything that makes money, they do first.**"*

"We have been here for twenty years. Day by day, prosperity and materiality replaced culture. Today, Khao San Road has become an area where outsiders come in to earn income, to gain benefits, and to leave problems and deterioration."

In summary, tourism is an essential factor that has led to the gentrification on Khao San Road during the past 40 years. The main result is the replacement of economic activities and populations that have caused a higher proportion of "outsiders". The outsiders who

play a significant role during this decade are foreign investors. The demographic changes that are driven by such economic factors affect community norms and social control mechanisms at a later time.

The commodification of public spaces

The commodification of public spaces is based on three sub-categories: the community norms, the mechanisms of exploitation, and recognition and certification of rights. In the Bangkok urban context, informal norms regarding private rights on public spaces can occur in two manners. The first manner is by expansion the private rights inside the building to the outside. In addition to self-exploitation, the de facto rights in this manner include the transfer right and the deprivation right. The second manner is by the timing of settlement or being local. Both manners are common in Khao San Road and other areas of Bangkok. Based on such norms, community members generally accept that the building owners may use public spaces in front of their building for a particular benefit or transfer that rights to others (Figure 5). Space usage by building owners in Khao San Road according to the customary rights is expressed below.

"It is twenty years already. Once the guest house begins, the stalls gradually sticking out over the building and crossing out on the footpath."

This norm allows the first small group of vendors to start their business on Khao San Road. Most vendors who historically traded in front of the building were those living in the surrounding communities and were acquainted with the building's owners or tenants. The permission to use public space in front of the building at that time occurred through a friendship. There was no monetary compensation. Later, the increase in economic values changed the behaviour of public space usage in front of the building. Many building owners who were previously residents or merchants in the building decided to leave the area and lease the building and public space in front of the building to others. The building tenants themselves either expanded the commercial space to the outside, or lease the public space to earn income. The transfer rights based on friendship are replaced with a commercial relationship. Especially when most of the building tenants in the Khao San Road in the latter period were the outsiders, the

decisions then were based on business interests and relationships rather than social or cultural interests. When more building merchants are sharing these values, the pursuit of business benefits from public spaces, therefore, became a collective action and strengthened the norms later. The community members express their acceptance of this collective action as below.

"About renting space in front of this building, they all do it. Don't speak legally. We don't talk according to the law. The officials like to say that "According to the Building Act, the boundary of the building is only this or that line. If you cross this line, you are against the law". As a matter of fact, the footpath should belong to the building owner. It is normal to us when there are people proposing to rent space in front of the building and the owner of the building said OK. It is the area in front of his building. According to the law, it is not his area and rights, but it is a legitimate right to be his. If they are satisfied, they make a deal."

"Most building owners will let people rent space in front of the building. The decision is made independently. Sometimes the owner puts a sign for rent. The rent price depends on the location. The building owner sells inside the building. The area in front of the building is rented out."

So, the mechanism for transferring rights on public spaces in front of the building on Khao San Road that occurred from the past to the present can be divided into two types: permission to use without requesting compensation in the form of money and granting of rights through the rental mechanism with compensation in the form of rent. Although the first type of mechanism is scarce today, it remains to be seen on Khao San Road. In this mechanism, the building owners or the building tenants allow the vendor who has kinship or closed social relationship to the use of public spaces according to the agreement. Although no monetary compensation is required, people who can use the space tend to show gratitude through methods such as well maintenance and cleaning, security surveillance, helping facilitate everyday life.

There were two sub-types for the transfer of rights using rental mechanism: (i) rent of buildings having frontal public space, and (ii) rent of only frontal public space. In both types, vendors who rent space have



Figure 5:
The pattern of using public spaces on Khao San Road: for others to rent (left) and self-use.
(Source: Field survey 2017)

an agreement with the building owners or building tenants on rules and requirements. Parties usually conclude most agreements verbally because it cannot be done lawfully.

Although de facto rights on public spaces are recognized and accepted among communities, these rights do not yet comply with the law as the expressed below.

"In this area, the officials are the supervisor. If the vendors were seen by the officials, they have to pay a fine according to the rules and regulations."

The use of public spaces under such conditions is the risk of being arrested and punished by the officials. Every time the arrest occurs, the vendors increase their costs from the damaged product, the penalty fee to be paid, and the loss of opportunity to generate income. Such problems led to the development of negotiation between community members and officials to enable the de facto rights to be put into practice.

"The building tenants and stall vendors made a deal with the officials. The district officially recognized the deal. Later, they come to collect the money. There is a bill in return."

As it turns out, the result is a payment mechanism referred to by local community in various names such as stall settings fee, rental fees, monthly fines. The vendors pay a monthly fine to the officials, and the officials provide the vendors with a receipt as

evidence to confirm their payment and recognition of de facto rights in return. This receipt is critical as it is the only semi-official document that specifies the name of the rights holder. Although it cannot be used to confirm legal rights in the judicial process, it is the only document that can confirm the name of the rights holder in case of conflict. The interviewee described the mechanism of supervision on the use of public spaces that monthly fine is a part as below.

"The building owners will define the rental space in front of the building. Vendors must follow the building owner's rules. Later, the officials will come to monitor, control, and collect monthly fine. There is a receipt."

This payment mechanism to legitimise the de facto rights is based on a mutually beneficial relationship between the community and authority. It takes advantage of the law, which is the official norm of society, with the state official being the operator. The commodification of public spaces cannot be complete without these crucial elements. The longer-term outcome is that the mechanism has distorted community members' understanding of fines from offences as a monthly fee for land use. Paying fines has become a customary practice in the area that all vendors accept and do not feel unethical. Considering this, the commodification of public spaces has resulted in new norms that have become a multiplier effect on the situation in the later stages. The more such norms work with economic mechanisms, the higher is the value of public space on Khao San Road and the surrounding area due to the increased intensity in the competition.

Repetition and internationalisation

The rapid growth of economic activity on Khao San Road results in the flow of development to other surrounding areas and the repetition. One of the empirical examples is the concentration of street vending on Rambuttri, a paralleled road to Khao San Road. Rambuttri is a road connecting Khao San Road to other famous commercial streets. Although not as dense as the Khao San Road, the number of people walking here is enough to attract the concentration of street vending. The area with a particular concentration of street vending is the walking street along Chana Songkhram Temple walls. This area is considered the most interesting in terms of a physical setting. There is no stall in front of buildings like other streets. Street vending is on the opposite side of the street with a temple wall as a background showing the boundaries. (Figure 6) This physical condition puts the pedestrian space in a state without ownership, presenting an opportunity for those who want to take possession of rights, most of which are people who live in the community behind the commercial building on Rambuttri Road itself. These people saw the opportunity for the growth of economic activity on Khao San Road to spill over and out into Rambuttri Road since the last twenty years and therefore began to occupy the pedestrian area along the temple wall. Later, they allowed other vendors to rent to collect income. One interviewee described the situation of street vending in this area as below.

“Most of the building tenants on Rambuttri Road are foreigners. Most of them have stalls as the extension space on the pedestrian by the temple walls. They hire foreigners as employees. Mostly is Nepal

because their English is good. In recent years, there are only a handful of Thai stall vendors. One is at the corner of the road, selling souvenirs. The another is the aunty who sells à la carte food. This person has been selling for a long time.”

Nowadays, the stall along Chana Songkhram temple's wall has expanded in size and number. Although rental mechanisms and agreements between the occupants and tenants may not look different from those of other public spaces around, in-depth interviews have shown that there is an opportunity that other tenants or irregular vendors could easily seize or occupy this space. Therefore, it is essential to select reliable tenants, to establish mechanisms of enforcing the rules, and to monitor irregular vendors. For this reason, many occupants have chosen foreigners as tenants. They believe that if these foreign tenants violate the rules, they have better negotiation power and could enforce their rights more effectively using legal and social mechanisms.

Meanwhile, if there is a problem with Thai tenants, they will not be able to process complaints based on legal justice. Inferior bargaining power makes it easy for conflict and violence. Therefore, the disqualification of Thai tenants on the outset results from the learning process to preserve rights to allow the “Treasures of the drow” to continue within the family.

In conclusion, the researcher found that the overflow of economic development from Khao San Road was the main reason that caused the repetition on Rambuttri Road. The researcher found that the physical characteristics of public spaces related to



Figure 6:
The stalls located on Rambuttri Road along the Chana Songkhram Temple wall.
(Source: Field survey 2017)

the characteristics of de facto rights and mechanisms for regulating the rights. If the public spaces are widely open for access and use, the behavioural risks and values of the tenants can affect the occupant's decision for tenants selection in addition to economic benefits. Therefore, this deprives the rights of Thai tenants while giving supports to foreign tenants. This finding demonstrates that the presence of foreign vendors on Rambuttri Road is not only the result of economic mechanisms but also as a result of social mechanisms and risk management.

Subtraction & Exclusion

In addition to the stall vendors, mobile vendors are another group of people wishing to access and use the public spaces on Khao San and Rambuttri Road. However, with lower economic and social capital, they are often excluded from the rights to access and use of spaces, both by formal and informal regulatory mechanisms. This is why mobile vendors often refer to themselves as "People without rights". Most mobile vendors are unable to stand still and stick to a particular area. They push the cart out of the accommodation and sell the products along the route. Entering Khao San and Rambuttri Road, they would look for a temporary stop. Most of these mobile vendors would choose areas with a good traffic of pedestrians and are safe from the eyes of the officials. Some vendors push their cart to the front of the building or the stall where they have good connections with. These vendors rely on this relationship to create the right to stop temporarily.

Although the access and use of public spaces on Khao San and Rambuttri Road are difficult due to the strict supervision of the officials, many mobile vendors have insisted on coming here because of the number of tourists and the activities in and outside the building that occurs almost 24 hours.

Such reasons led to several vendors resolving the problem of deprivation by "paying" (see Table 2.) The payment can be divided into 2 objectives: (i) payment to the building owners or the vendors as "space rental fee" and (ii) payment to the officials as "entry fee". These two types of payment bring different de facto rights. The first payment is to create the rights for accessing and utilising the unit of public space. The second payment is to create the rights for accessing the road. Although the mobile vendors are free to make decisions regarding the choice of space, most of them inevitably need to pay entry fee.

The process of entering into this payment mechanism can start from both the vendors and the official's side. The information on entering the payment mechanism is casually shared through referrals. The new incoming vendors who receive information decide whether to enter these mechanisms or not and what kind of rights they will pay for. Although it seems unobtrusive, being part of a payment mechanism is not always satisfying. Many mobile vendors say that their rights from payment are not comparable to stall vendors, and payment does not guarantee the right at all. Importantly, they do not receive any form of proof of payment, making it possible for the authorities to demand repeated payments from these mobile vendors. The expression of the unsatisfied is as recorded below.

"We have no right to negotiate. When we are on the traffic surface, the police come to collect money. When we are on a rough sidewalk, the municipal officials come to arrest. Sometimes we are not on the sidewalk, he still comes to arrest. We can't claim anything. What we can do is to be careful of ourselves. We do not want to be pushed out from the area because we need to do our job. We have to make

Table 2: Different type of rights and compensation mechanisms in Khao San & Rambuttri Road

Type of Vendors	Type of rights		
	Right to the unit of public space	Right to enter the area	Right to use in practical
Stall Vendors	Rental fee	-	Monthly fine (with receipt)
Mobile vendors	Rental fee or Social connection	Entry fee (without receipt)	-

a living to support our family. We can not sell elsewhere. We have to pay. But the protection is not fully received. If he comes, we still have to honor him and move the car away from its original position. We have to present in public that we do not recognize each other."

The above conversation expressed the relationship between officials and vendors base on the payment mechanisms. While the relationship between officials and stall vendors is proto-cooperation (+, +), the relationship between officials and mobile vendors is dependency (+, -). The more mobile vendors need to access and use the positive potential on the road, the more they need to rely on the officials. Such relationships result in the critical role of the officials in formulating rules. It is, therefore, a situation in which officials can take advantage of these dependent mobile vendors. This relationship is even worse with the foreign mobile vendors presence in the area.

"In my view, I am Thai but I think Vietnamese vendors have more privileges. If the officials arrest him, he will phone to his boss. In the end, he returned to sell as before. He paid the boss for protection."

The expression reflects that Thai mobile vendors are restricted in the right to public spaces through various mechanisms, placing their careers in a more competitive and riskier environment. Although this situation is unfair, they don't negotiate.

"We don't think we have the right to negotiate. What will we bargain with? We can't take the cart to block the road"

Economic value and unfair issues

The crucial factors in the vendors' decision-making in choosing a location are the potential of the road; especially the number of tourists of up to 10,000 people per day. This number of tourists significantly impact the vendor's income. Consequently, competition for access to the rights of space has occurred. This results in higher expenses for accessing public spaces. These expenses can be divided into two parts: (i) rent for space payable to the building or stall owners, and (ii) monthly fines payable to the officials. The market mechanism determines rental rates, which vary according to location, size, and duration. Rental rates are ranging from 1,000 baht to 10,000 baht per month. This could go up to hundreds of thousands of baht per month in the case of renting both indoor and outdoor space. The rates of monthly fines vary from hundreds to 10,000 baht per month, depending on the location, size, and duration of lease. The rate of fines on Khao San Road is much higher than Rambuttri Road. This demonstrates that not only does the market mechanism affect the rental rate but also has a significant impact on the rate of fines payable to the officials. This different cost ratio shows the centre of economic activity of Khao San Road (Table 3,4.)

Another evidence of unfair access to resources is the presence of foreign vendors. The concentration of foreign mobile vendors negatively impacts Thai mobile vendors in many ways, including loss of occupation, higher competition, violation of regulations and rules of use, and the unfairness of the right to access and use public spaces. Thai mobile vendors confirm that the concentration of foreign vendors is made possible



Figure 7:
The mobile vendors have no rights in public spaces on Khao San Road.
(Source: Field survey 2017)

by a protection mechanism run by the people with structural power, both at an operational level and a higher level. This phenomenon confirms that the

commodification of public spaces happens among stakeholders at the operational level and for the benefit of people outside the area.

Table 3: Expenses for access to rights in public spaces of stall vendors and their income

Stall Vendors	KS-A001	KS-A002	KS-A003	KS-A004	KS-A005
Space Use Pattern	Mobile cart with fixed stopped-location on the traffic lane	Shop in building and stall on pedestrian	Stall on pedestrian	Stall on pedestrian	Stall in front of the shophouse
Period	Only night time	All day	All day	Only night time	Only night time
Location	Rambuttri Road	Khao San Road	Rambuttri Road	Rambuttri Road	Khao San Road
Rental (Bath/month)	0	120,000 (Including building area)	-	0	10,000
Fine (Bath/month)	3,500	30,000	500	500	30,000
Total Expenses (Bath/month)	3,500	150,000	500	500	40,000
Income (Benefit) (Bath/month)	2,000-3,000	(3,000-4,000)	5,000-10,000	1,5000	10,000(4,000-5,000)

Table 4: Expenses for access to rights in public spaces of mobile vendors and their income

Stall Vendors	KS-B001	KS-B002	KS-B003	KS-B004	KS-B005
Space Use Pattern	mobile cart with 2 temporary stops on the pedestrian	mobile cart with a temporary stop on the traffic lane	Mobile cart with fixed stopped-location on the traffic lane	Mobile cart that moves along the street	Mobile cart with fixed stopped-location on the traffic lane
Period of Time	Only day time	4 am -8pm	2 - 6 am	6 pm - 2 am	10 pm - 2am
Location	Khao San&Rambuttri Road	Rambuttri Road	Khao San Road	Rambuttri Road	Khao San Road
Rental (Bath/month)	0	0	0	0	0
Fine (Bath/month)	According to the actual arrest	500	500	According to the actual arrest	3,000
Total Expenses (Bath/month)	0	500	500	0	3,000
Income (Benefit) (Bath/month)	-	(1,000)	(2,000)	-	-

The increase in value through the policy

From the previous findings, institutions and mechanisms that occur at the operational level cause inequality and unfair access to public spaces. Intervening mechanisms from outside in the previous years are merely informal at the operational level. However, since the political change in 2014, policy interventions to increase the economic value of Khao San Road as an international tourism product has been stimulated again. Khao San Road has been declared a "Special area" under the Bangkok Street Food Program, therefore receiving special permission to distribute the street vending under the new rules. This program is considered an area-based policy that creates an exception to the central level policy at that time. That policy encourages law enforcement to clear the street vending from public areas across all districts of Bangkok. Academics, journalists, the general public and various stakeholders criticise that the policy has been devised with a focus on tourism rather than the welfare of people. The incident caused the name of Khao San Road to spread throughout the world through public media using the keyword "Street Food". Although the policy draws heavy criticism, there was an indirect positive impact on Khao San Road because the road has gained focal attention from both the domestic and international media. This situation has also increased the reputation and economic value of Khao San Road. Many people in the society believe that the street vending on Khao San Road will continue to prosper.

While outsiders are confident that Bangkok will not cancel street vending on Khao San Road, the insiders are worried about the future impacts from the policy. Little trust in officials from daily experience, combined with the experience of negotiating with the BMA, which began for the first time in 2005, affects the confidence of many vendors in their future. They learned from experience that the policy that comes with the regulatory measures is to create new conditions for access the rights on public spaces. Ultimately, the state and the authorities are the people who will benefit the most.

CONCLUSION

In conclusion, the study shows that the commodification of public spaces in Khao San Road arises from the interaction between informal

community norms and formal norms, such as the legal framework, with authority being an essential mechanism for implementation. The actions are based on economic rationale decisions and shared interests of local stakeholders. As a private product, the right to access and use public space is restricted, resulting in competition. Public spaces are not different from other private goods in which market price mechanisms determine competition for the rights. However, the market mechanism may not work perfectly because other mechanisms are also working. The obvious ones are risk mechanisms, authority mechanisms, and policy mechanisms.

The risk mechanism affects the free-rider occupant's decision to rent. The decision to rent space depends on the risk rate. This rule describes the concentration of stalls on Rambuttri Road that are owned by foreigners. The price mechanism is not the only factor that selects tenants, but the risk. The authority mechanism is a key condition that makes the right of de facto possession to comply with the law and can be used. Public areas that are recognised and certified through the process will be able to be used in practice. This factor increases the economic value of the whole street and each spatial unit. The spaces that have not been processed have higher risks and costs associated with higher risks. This cost is a factor that pushes the occupants to enter the process. Entering the process makes the costs more stable. However, the cost of entering that process varies according to market mechanisms and location. This mechanism prevents people with less potential from accessing rights. The unequal access to resources is, therefore, demonstrated through phenomena like other private goods. It may even be worse than others as, dealing with this type of goods, there is no record of transactions or formal written contracts. Breach of contract can, therefore, occur at any time, especially from those who have authority. As before, those with less potential are always the ones that are more likely to be affected. They have no rights in the resource and even the right to negotiate.

The policy mechanism is the factor to increase economic value at the highest level. The remaining street vending increases the value of public spaces and real estate on Khao San Road. Those who are positively affected by this event are not limited to vendors, but also the building and landowners as well as business operators in the building. However, opportunities come with conditions. The person with the least contract security is the one who is most likely to be affected by the conditions. In the case of Khao San Road, those who are most impacted by the

conditions are inevitably the less potential vendors. The greater the impact, the more uncertainty and the higher the risks there are. Vendors need a stable risk reduction mechanism. Their answer goes back to the authority mechanism at the operational level. This mechanism should help soften the shocks and allow time to be reduced from policy enforcement. The more conditions from policy, the more effective is the authority mechanism at the operational level. This condition develops into a dependency relationship and a patronage system among the stakeholders.

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