

## Using a Historical Institutional Approach to Assess the Cambodian Better Factories Project

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### I Introduction

One of the perennial preoccupations of international labour law is how and through what mechanisms to develop more efficient labour market institutions. This is also a question that has long vexed the International Labour Organization (ILO), particularly in relation to labour institutions in poorer countries. Though many of these countries have adopted ILO conventions and have good laws on the books, their labour institutions – inspectorates, labour tribunals and so on – fail to give effect to these laws. In a new and bold step for the ILO, it has recently begun providing ‘hands on’ assistance in a number of poorer countries through the Better Work program. Instead of only acting as a standard setter or providing technical assistance (the ILO’s old game), it has rolled up its sleeves – so to speak – and set up bodies within poor countries to assist with monitoring and other functions of labour institutions. The Better Factories Project Cambodia (BFC) was the first of these initiatives, and has formed the basis of subsequent Better Work programs in Vietnam, Jordan, Haiti, Lesotho, Nicaragua and Indonesia. The BFC was set up to give expression to the Labour Clause that was included in the United States-Cambodia Textile Agreement (UCTA). Though many United States trade agreements included labour clauses of this type, this was the first time that an institution was designed to ensure compliance with the clause.

The BFC is well documented and a great deal has been written about it in the industrial relations, labour law and development literature. Among other things, it is frequently heralded as a model in which public and private forms of labour regulation can work in ‘complementary’<sup>1</sup> or ‘integrated’<sup>2</sup> ways to

1 The term ‘complementary’ is explained in the context of Latin America in M Amengual, ‘Complementary Labor Regulation: The Uncoordinated Combination of State and Private Regulators in the Dominican Republic’ (2010) 38 *World Development* 405.

2 K Kolben, ‘Integrative Linkage: Combining Public and Private Regulatory Approaches in the Design of Trade and Labor Regimes’ (2007) 48 *Harvard International Law Journal* 203.

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