

# THE RIGHT TO CREATE RIGHTS: LABOUR STRUGGLES IN CAMBODIA'S GARMENT INDUSTRY

ANNA SALMIVAARA

DOCTORAL DISSERTATION

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Cover photo: Workers attend the May 1 march in Phnom Penh, 2017 (Anna Salmivaara)

## ABSTRACT

This dissertation examines the struggles of Cambodian garment workers and their labour movement to improve the position of workers in workplaces and in society. Drawing from 15 months of ethnographic fieldwork mainly in Phnom Penh between 2016 and 2020, it provides a historically grounded analysis of the Cambodian labour movement at the intersection of two interlinked spheres with often contradictory logics: the transnational production chains and activist networks, on the one hand, and the local social and political context and power relations, on the other.

I examine workers' struggles as not merely economic but rather, political: involving social justice and change. At the core of my analysis is the relationship between workers' position in the workplace and their position in society: how the conflict between labour and capital at the point of production is shaped by workers' ability to participate in rule-making and exercise their "right to create rights" (Santos, 2002: 300). Furthermore, I explore the way this relationship is affected by Cambodia's position in the global political economy of garment production and of labour rights. The study thus involves an examination of the connections between the dynamics of global value chains, workers' rights and democratic rule-making.

In the analysis, I combine perspectives of sociological and political-economic labour studies with viewpoints from labour anthropology and history, and reflect on the influence of Eurocentric theorization on our ability to understand struggles in other contexts. Furthermore, in order to analyse the impact of European union models on the struggles themselves, I draw on notions from development studies and legal anthropology, and examine the parallels between the transnational cooperation in labour politics and in development policy, a link which has seldom been made in the labour literature.

Cambodia's garment industry emerged in the context of the (neo)liberal development consensus of the post-Cold War era, as did the labour movement, which became the most significant social movement of the recent decades. It has been strongly influenced by transnational support and the models promoted by two groups of allies: the trade union movement and the human rights movement. I examine the contradictions between these models and the assumptions about the nature of trade unions and the state that they are based on, with the realities of contemporary Cambodia. I suggest that both models tend to depoliticize labour

struggles: the rights-based approaches based on corporate responsibility disregard democratic accountability and assume a technocratic approach to labour rights, while the social dialogue approach promoted by global labour actors fails to sufficiently consider the highly unequal power relations between labour and capital in Cambodia, and the centrality of the state in mediating them.

Cambodian activists are aware of the shortcomings of the transnational strategies, yet they rely on the available support and seek to strategically balance their logics with local needs. I call attention to the contradictory interests of diverse actors within the labour movement, associated with social hierarchies based on class but also on gender, as well the political conflict. The labour movement succeeded in increasing its political power through local and international alliances in the context of the 2013-14 broader protests, but this resulted in a harsh response from the government, with a brutal impact on labour's local as well as transnational strategies.

The study highlights the importance of workers' political power: their ability to organize collectively and to represent workers' interests also beyond the workplace, in political decision-making. Without the latter, workers are hardly able to influence workers' rights at the workplace. While labour's *political* disempowerment is at the core of the logics of the global supply chains, it has not been much emphasized in recent research. Its' importance is also largely ignored in the models promoted by the transnational actors in Cambodia, reducing their impact, as has become evident with the strengthening of authoritarianism in the recent years.

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## ABBREVIATIONS

AAFA	American Apparel and Footwear Association
AAFLI	Asian-American Free Labour Institute
AC	Arbitration Council
ACF	Arbitration Council Foundation
ACILS	American Center for International Labour Solidarity
ACFTU	All-China Federation of Trade Unions
ACTRAV	ILO Bureau for Workers' Activities
AMRC	Asia Monitor Resource Centre
APHEDA	Australian People for Health, Education and Development Abroad
BFC	Better Factories Cambodia
CCAWDU	Coalition of Cambodia Apparel Workers Democratic Unions
CCAWDU	Coalition of Cambodia Apparel Workers Democratic Unions
CFITU	Cambodian Federation of Independent Trade Union
CLEC	Community Legal Education Center
CLO	Cambodian Labour Organization
CLUF	Cambodian Labour Union Federation
CNRP	Cambodia National Rescue Party
CNV	Christian National Trade Union Federation
CoC	Code of Conduct
CoE	Commission of Experts
COSATU	Congress of South African Trade Unions
CPP	Cambodian People's Party
CSR	Corporate social responsibility
CUF	Cambodian Union Federation
DRK	Democratic Republic of Kampuchea
EBA	Everything but Arms
FDC	Fixed-duration contract
FoA	Freedom of association
FTU	Free Trade Union of Workers of Kingdom of Cambodia
FTUKWC	Free Trade Union of Workers of Kingdom of Cambodia
FUNCINPEC	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
GFA	Global framework agreement
GMAC	Garment Manufacturers' Association of Cambodia
GSC	Global supply chain
GSP	Generalised System of Preferences
GUF	Global union federation
GVC	Global value chain
HRW	Human Rights Watch
IFA	International framework agreement
IFC	International Financial Corporation

IFI	International financial institution
ILO	International Labour Organization
ITGLWF	International Textile, Garment and Lear Workers' Federation
ITUC	International Trade Union Congress
IUF	The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
KPNLF	Khmer People's National Liberation Front
KPRP	Kampuchean People's Revolutionary Party
LAC	Labour Advisory Council
LANGO	Law on associations and non-governmental organizations
Licadho	Cambodian League for Promotion and Defense of Human Rights
MNC	Multinational corporation
MoL	Ministry of Labour
MRS	Most representative status
MSI	Multi-stakeholder initiatives
NGO	Non-governmental organisation
NIAS	Nordic Institute of Asian Studies
NIFTUC	National Independent Federation of Textile Unions in Cambodia
NMC	National Monitoring Committee
OHCHR	Office of the UN High Commissioner for Human Rights
PPA	Paris Peace Accords
PRK	People's Republic of Kampuchea
QIP	Qualified Investment Project
RFA	Radio Free Asia
SASK	Trade Union Solidarity Centre of Finland
SEZ	Special Economic Zone
SIDA	Swedish development cooperation agency
STT	Sahmakum Teang Tnaut
TUL	Trade union law, law on trade unions
TUSSO	Trade unions' solidarity support organization
UCTA	US-Cambodia trade agreement
UDC	Unlimited duration contract (permanent contract)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGP	UN Guiding Principles on Business and Human Rights
WEP	Worker Education Project
WRC	Workers' Rights Consortium
WUN	Women's Union Network



# 1. INTRODUCTION

This is a study about the struggles of Cambodian garment workers and their labour movement to improve the position of workers in workplaces and in society. Based on ethnographic-historical methodologies and 15 months of field research mainly in Phnom Penh, I examine the strategies, meanings, practices, and results of these struggles, which I do not perceive as merely economic but rather, political: involving social justice and change. At the core of the analysis is the relationship between workers' position in the workplace and their position in society: how the conflict between labour and capital at the point of production is shaped by workers' ability to participate in rule-making and exercise their "right to create rights" (Santos, 2002: 300). Second, I explore the way this relationship is affected by the embeddedness of these workplaces and Cambodian society in the global political economy of garment production and labour rights. This study thus involves an examination of the connections between the dynamics of global value chains, workers' rights and democratic rule-making.

## 1.1. FRAMING THE STUDY

After the first year of my PhD studies, I participated in a conference working group where the speaker preceding me showed an old painting depicting the end of shift in a 19<sup>th</sup>-century European factory. Having just returned from my first research visit to Cambodia, the image seemed familiar to me. Without the dark tones and smoking chimneys, a similar scene can be observed at hundreds of factory gates around Cambodia, six days a week. There are differences: the factories on the outskirts of Phnom Penh and along the national roads in the surrounding provinces look like huge warehouses behind high walls and guarded gates, with their names written in Khmer, English and Chinese. Instead of continuing their trip home on foot, most workers climb into crowded open trucks that will transport them to villages or dormitory areas. But industrial work continues to exist on a massive scale and so do the exploitative conditions that cause discontent among workers.

In the conference working group, however, the presenter referred to the image as though it were a scene that no longer exists. Struck by how the European reality was being presented as universal, I began my own presentation by commenting on the similarity between the image and the current lives of millions of workers in places like Cambodia. What I did not think about in the moment was that by juxtaposing 19<sup>th</sup>

century Britain and 21<sup>st</sup> century Cambodia, my remark reproduced the narrative that the contemporary Global South is recapitulating Europe's past. In the modernist-developmental tradition, the countries of the South are conceived of as catching up: following behind on the path shaped by Northern countries, progressing towards development, wealth and wellbeing.

Yet recent decades have seen Southern and Northern countries and workers increasingly straying off the expected path. Precarity and casualization of work is proliferating and the institutional protections of workers' rights are being dismantled everywhere. These changes reflect the weakening political weight of the working classes and their interests in the face of global neoliberal competition: Despite the similarity of the scenes at the factory gates in 19th-century Britain and 21st-century Cambodia, they are embedded in very different economic and political contexts. These changes, differences and similarities are examined in this study through the lens of the contemporary struggles of Cambodian garment workers and their organizations.

This lens allows me to examine several tensions, one being the intersection of transnational and local struggles and power relations. Cambodian workers earn their living by cutting, sewing and trimming clothes and, at a lesser grade, shoes and bags, that are shipped to shop shelves and e-commerce warehouses all over the world, creating value that benefits actors higher up in the complex supply chains of multinational fashion and sports brands. They defend their rights using transnational strategies and alliances. Meanwhile, in addition to their "vertical" embedding in the global chains, workers are "horizontally" embedded in local contexts, social relations, cultural traditions and political life (Carswell & De Neve, 2013; Coe & Jordhus-Lier, 2011; Nielson & Pritchard, 2010). This local embeddedness implies further tensions reflected in workers' struggles. Paid work in the factories is only a part of a continuum of strategies to sustain life across the generations (Narotzky & Besnier, 2014) and workers' struggles are influenced by the relationship between work and life, between production and social reproduction (Elias et al., 2016; Federici, 2012; Gill & Bakker, 2003; Rai & Waylen, 2014). Furthermore, labour struggles are firmly embedded in broader political conflict. The relationship with capital is, thus, only one of a number of power relations that shape workers' lives and activism, amongst diverse social and political hierarchies and interdependencies.

The struggles of Cambodian workers, like all social struggles, are inherently about change, and have temporal dimensions: current strategies reflect aspirations for the future but they are also founded on interpretations of the past (Narotzky, 2014), and



build on local experiences but also on those of other workers in other places and times. This implies another tension that is present in contemporary labour struggles and alliances: the power asymmetry between the Global South and Global North, imbued with notions of (post)coloniality, modernity and development. The same tension is present in the academic efforts to build understanding about these struggles.

In the rest of this introductory chapter, I discuss the societal and academic relevance of the topic, to provide background and to justify the choices I have made in terms of research focus. I then present the aims and research questions that have guided my research, as well as the theoretical and methodological approach. Finally, I outline the structure of the dissertation, guided by which the argumentation will proceed from chapter to chapter.

## **1.2. IMPORTANCE OF THE TOPIC**

### 1.2.1. RELEVANCE OF “OLD” STRUGGLES AND MOVEMENTS

Labour struggles were a relatively unpopular research topic for several decades at the end of the 20th century, perhaps as a counter-reaction to their previous dominance. For over a century following industrialization in Northern Europe, class, class conflict and the role of labour movements occupied a central space in social science debates, reflecting their importance in politics and the organization of social life. The tide began turning in the late 1960s. By the 1980s, the labour movement was declared an “old social movement” – and left largely out of the scope of social movement studies – as it was seen as inherently conservative and prone to defending existing identities and benefits through institutional channels (Melucci, 1980, 1989; Touraine, 1988). Theorization about the transformation or even the end of the industrial working class in the context of the debates about the post-industrial society (Beck, 1992; Castells, 1996; Sennett, 1998; Standing, 2009, 2011) further contributed to weakening the interest in labour and class.

Kasmir and Carbonella (2008: 5-6) suggest that the tendency in anthropological, historical and other social science scholarship to interpret “the transformation and decline of the Fordist working class, a specific historical formation, as the end of class itself” is mistaken, as it makes judgements about the irrelevance of a phenomenon based on a particular form and a particular understanding of it. Claiming that the class-based movement is intrinsically conservative seems ahistorical; the characteristics associated with new social movements were very much present in the labour movement of the 19th century (Calhoun, 1993), and the form of trade unions prevalent in late 20th-

century Europe reflected that specific political-institutional context rather than the movement's inherent nature. Indeed, the debate on old and new movements was taking place in a period that saw militant labour movements emerge in contexts like Brazil, South Africa and the Philippines (Scipes, 1992; G. Seidman, 1994; Waterman, 1991, 1993), utilizing precisely the types of strategies that were assumed to characterize "new" social movements.

As the political-economic changes associated with neoliberalism and globalization undermined the power of Northern trade unions towards the end of the 20th century, pessimistic assessments about labour's prospects became, in the words of Jane Wills (1998: 112), "something of an orthodoxy in much academic debate". However, the international labour movement's participation in anti-globalization mobilization at the turn of the millennium, revitalized interest in its role in countering global capitalism (Evans, 2010; Munck, 2007; Webster et al., 2008). Research began identifying and analysing new sources of power that would counter the race to the bottom (Silver, 2003). Another surge of interest in class-based movements and Marxist theorization followed the global financial and economic crisis of 2007-8.

The increasing precarization of work and the growth of the platform economy in the Global North have amplified concerns about workers' rights, even if these phenomena are often seen as distant from the struggles and interests of traditional trade unions. A similar gap between precarious workers and trade unions has long existed in the Global South, where informal forms of work have always been the norm. The recognition that "formal" – regular, legally protected and socially insured – work has been limited to a particular geographical and historical context and, within it, to a relatively small group of often white, male workers (Mosoetsa et al., 2016; Vosko, 2009), has made evident the narrow agendas and constituencies of the traditional trade unions. The study of contemporary labour struggles from perspectives based on the industrial relations tradition (Dunlop, 1958; Hyman, 1975) has also come under increasing criticism in the Global North (e.g. Bieler and Nowak, 2021), giving space to more diverse understandings, such as those influenced by economic anthropology and feminist political economy. These have tended to reject notions of industrial relations as irrelevant to the study of workers marginalized by trade unions in the Global South, and highlighted alternative, informal forms of everyday resistance (Scott, 1985; Ong, 1985).

The renewed interest in broader approaches to labour movements seems to echo the proposals of the "new international labour studies" of the 1980s (Munck, 1988, 2009) that were inspired by the above-mentioned emergence of social movement

unionism in the Global South (Waterman, 1993). Criticizing the exclusive focus on trade unions as representatives of the working classes, Atzeni (2016; 2021) notes that the tendency to address a particular, pre-determined form of resistance obscures actual processes of organization and the practical and structural conditions that shape them. On the other hand, Mollona (2009: 664) observes a contrasting tendency among politically engaged anthropologists who tend “uncritically” to focus on community-based forms of activism and oppose the class-based kind.

In this study, I principally examine trade unions, but analyse them as existing forms, asking why and with what consequences they operate in the way they do. I bring together insights from different traditions of analysing labour, rejecting both the idea that “traditional organized labour” is irrelevant for workers and the idea that predetermined forms of unionism, focused on protecting the wage relation, could or should serve as a model for labour politics in places like Cambodia (Sánchez and Lazar, 2019:7).

#### 1.2.2. WORK IN THE GLOBAL GARMENT INDUSTRY

The global garment industry exemplifies many key aspects of continuity and change that this study addresses. It is one of the most globalized of industries and epitomizes the just-in-time production model associated with contemporary consumerism. Yet globality is not new in textile production. Throughout history, large numbers of people across the globe have dedicated themselves to producing textiles. Partrasahatri (2017: 259) suggests that cloth was possibly the largest manufactured good in world trade up until as late as the early 20th century. The transfer of garment production to Asia in the context of neoliberal globalization from the 1970s onwards is but one phase in the industry’s long history of mobility. Between 1500 and the late 18th century, the major exporting regions were located in India, for example in Bengal, from where the focus shifted to Northern Europe with the British “Industrial Revolution” (Frank, 1998), causing deindustrialization in other continents and “laying the foundations for future sweating” (Partrasahatri, 2017: 272) for when garment production returned, this time organized in global supply chains

Another pattern that is both contemporary and very old is the role of gendered inequalities in garment production. A strict gender division of labour that assigned the most lucrative tasks to men existed in many regions before mechanization, and the inequality was reproduced when production moved into factories (Collins, 2009; Maynes, 2004; Partrasahatri, 2017). The image of the factory girl became common around the world; young women in 1980s Thailand and Indonesia, or early 2000s

Cambodia, Honduras and Myanmar, were employed in the export factories on the same logic as their predecessors in 19th-century Europe.<sup>1</sup> As secondary breadwinners, they were perceived as not needing to earn “family wages”. Instead of their abilities being regarded as skills that should be remunerated as such, they were seen as natural tendencies due to “nimble fingers”, as Diane Elson and Ruth Person (1981) describe it in their classic analysis of the gendered perceptions behind the globalization of garment production.

According to Elson and Pearson (1981), female workers were also preferred due to their perceived docility. While these authors rightly emphasize the constructed nature of this claim, it also reflects women’s historically lower levels of participation in trade unions. However, women workers’ avoidance of open forms of resistance in formal trade unions might not reflect their docility but, rather, the gendered nature (Salmivaara, 2020) of the “dull compulsion of economic relations” (Marx, 1932: 809; Scott, 1985); that is, the pragmatic constraints implied by women’s double responsibility over both production and social reproduction in the face of male/paternal irresponsibility (Brickell & Chant, 2010; Kabeer, 1994, 1999). Furthermore, narratives stressing female passivity obscure women’s historically important role and militancy in labour struggles.<sup>2</sup>

The question of “docility” is closely connected to the logics of global capitalism; the aim of avoiding workers’ organized resistance and collective claim-making has motivated the mobility of the garment industry, both recently and in earlier eras. As one of the first mass industries, textile production was at the centre of the formation of the industrial working class and its organization into trade unions and labour parties. The *associational power* based on textile workers’ high levels of collective organization compensated for their relatively weak *structural power* that was due to the replaceability of unskilled workers and the early industry’s lack of vertical integration (Silver, 2003).<sup>3</sup> In addition to occasional victories, the strike waves of textile workers

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<sup>1</sup> The broad literature on the role of gender and women workers in the global garment manufacturing includes for example Acker (2004); Benería (2003); Bair (2010); Collins (2009); Elson & Pearson (1981); Fernández-Kelly (1983); Hale & Wills (2005); Kabeer (2004); Kabeer & Mahmud (2004); Lee (1998); Ong (1985); Safa (1981); Salzinger (2003); Wolf (1992). For a discussion on the evolution of the feminist debates, see Ruwanpura (2011).

<sup>2</sup> On women’s role in union struggles, particularly in the Asian garment sector, see e.g. Broadbent & Ford (2007b); Crinis (2016); Dannecker (2000); Evans (2017); Ford (2008); Gunawardana (2007); Kumar (2014); Mills (2005); Pangsapa (2007); Pun (2005); Siddiqi (2016).

<sup>3</sup> As I discuss in Chapter Two, Silver uses Wright’s (2000) notion of associational power to mean the strength of organizing, while Wright originally uses it in a more complex sense, emphasizing the ability of workers’ organizations to offer consent and use their power in both the economic and the political spheres.

triggered the movement of manufacturing from Britain to the USA and other places, and later, within the US, to the Southern states (Silver, 2003: 93), as capital responded with spatial fixes to decreasing possibilities of accumulation and profit-making (Harvey, 1982). In labour-intensive garment manufacturing, the low requirements of fixed capital as well as the availability of unskilled labour and traditions of textile production in many places, made the spatial fix relatively easy and rapid (Collins, 2003).

In the last decades of the 20<sup>th</sup> century, neoliberal policies opened the borders for a massive transfer of production by Northern companies to more profitable production contexts. In the industrialized North, tripartite arrangements and social compacts had been established after the World Wars, reflecting labour's political power and resulting in welfare policies and protections that strengthened this power further (Wright, 2000). By the 1970s, rising wage demands and overaccumulation were squeezing capital's profits and inter-capitalist competition was increasing its interest to relocate. With the onset of a global recession, the threat of unemployment weakened labour, and faced with fiscal crises and international competition, governments began turning towards pro-capital policies and neoliberalism, allowing companies to seek more favourable production contexts elsewhere (Cox, 1987; Harvey, 2005; Robinson, 2008; Silver, 2003).

As Maria Mies (1986: 77) observes, "the subordination and exploitation of women, nature and colonies" has been at the core of capital accumulation in the context of a global division of labour. In labour-intensive industries, wages make up a high proportion of production costs, and regime shopping takes advantage of differences in labour's power reflected in and dependent on the degree to which local legal frameworks benefit workers by limiting working hours, wages and arbitrary dismissals or by protecting their right to form trade unions and to strike. Responding to this demand, the countries of the Global South began deregulating their labour markets and implementing policies that would attract international capital, in line with the neoliberal agendas of international financial institutions. The "miracle" of the export-led growth of Asian economies was largely based on the demobilization of labour as the basis of low production costs (Deyo, 1989; Gray, 2015; Hameiri & Jones, 2020, Kalleberg & Hewison, 2013).

While the exploitation of difference and inequality is a central logic of capitalism, it takes a particular form in "supply chain capitalism" (Tsing, 2009: 148). Globalization did not only mean the relocation of production to the Global South, but also its organization into global value chains (GVCs) or supply chains (GSCs), which allow the

Northern lead firms – such as garment brands and retailers – to outsource the labour-intensive phases of production to separate companies, suppliers whose production practices they are able to govern (Gereffi, 1994; Gereffi & Korzeniewicz, 1994; Bair, 2009). This implies an effective way to take advantage of unevenness, generating profit and passing pressure down to suppliers and to workers. According to Nicola Phillips (2011; 2013), global value chains are created to exploit difference, and to ensure continuous accumulation, this difference must be constantly (re)created. Informalization and the proliferation of unprotected forms of work are thus "not only a side effect of capitalist expansion [but] also generated for the purposes of driving this expansion" (Phillips, 2011: 389). The lack of protection is intimately linked with workers' disempowerment, which forms the political basis of the division of labour in the global chains (Taylor, 2011), which is why it is not a coincidence that production takes place in labour-repressive, even authoritarian contexts (cf. Anner 2015; 2017).

A further aspect that makes the garment industry interesting for the study of contemporary labour strategies is the prevalence of transnational labour rights advocacy around it. Clothes have become a commodity in extremely fast consumption cycles requiring cheap prices and flexible timelines that are made possible due to exploitative forms of employment. At the same time, the high visibility of the industry, its large multinational companies and well-known fashion brands, as well as the importance of clothes as tangible, everyday consumer products, increases public interest in working conditions in the sector and makes the brands a common target of campaigns by human and labour rights advocacy networks. Instead of demanding action from the states to protect workers' rights, these campaigns target Northern companies that source from the Southern factories, demanding responsibility and response directly from them. Forms of private regulation – often associated with corporate social responsibility (CSR) – are increasingly promoted as a way to protect workers' rights in global supply chains. According to Barrientos (2008: 978), their implementation and the use of vulnerable workers are two sides of the same coin in the sourcing practices of multinational companies. In a parallel development, global union federations have been signing global framework agreements (GFAs) with multinational companies to promote social dialogue and mature industrial relations as alternative modes of problem solving in the global chains (Fichter & McCallum, 2015; Ford & Gillan, 2015; Hammer, 2005; Niforou, 2012).

Despite the growing importance of private regulation of labour rights and relations in global supply chains, the literature has largely analysed Southern workers as objects

of these initiatives rather than seeing them as active agents that use the new mechanisms in their strategies (Riisgaard, 2009; exceptions include Bartley & Egels-Zandén, 2015; Graz et al., 2019; Lund-Thomsen & Coe, 2015). This is why this study analyses the way private regulation is utilized in practice by workers' organizations in the global supply chains of global fashion brands.

### 1.2.3. CAMBODIA AS AN EXAMPLE OF BROADER TENDENCIES

If the global garment industry offers the opportunity to analyse various dimensions of the position of workers and their struggles in contemporary global manufacturing, the case of Cambodia exemplifies additional dynamics of interest that are also common to other garment-producing countries in Asia and, for example, Central America. As a small country of roughly 16 million inhabitants, Cambodia is not among the largest producers in terms of volume, but the industry's importance to the country's economy and to people's livelihoods makes it an interesting case for studying labour struggles. The garment and footwear industries account for nearly 80% of the country's total merchandise exports and directly provide income to one in five of its households (International Labour Organization [ILO], 2017). Cambodia's factories are primarily owned by Asian investors who supply Northern brands and companies; the EU surpassed the US as the main export market in the early 2010s (ILO, 2017). Since the 1990s, the sector has been the main source of non-agricultural employment, particularly for women. In 2017, the 661 licensed export factories employed around 640,000 workers, 85% of whom are female (ILO & International Financial Corporation [IFC], 2018). In addition, its indirect employment impact in sectors such as construction, transportation and catering, is estimated to equal the direct employment impact (Lawreniuk & Parsons, 2017).

What is interesting for the study of labour politics, however, is the way the industry, the industrial working class and the labour movement all emerged in the context of the international development and peace-building interventions of the 1990s, the latest of successive waves of foreign involvement in the politics, institutions, and social life of Cambodia (Hameiri et al., 2017). The setting reflected the post-Cold War liberal development consensus that combined market liberalization and export-led growth with discourses of democratization and human rights, or good governance.

In that context, Cambodia became a test laboratory for new forms of transnational labour rights governance. By the 1990s, neoliberal policies had undermined the relevance of tripartism, the model upon which the International Labour Organization (ILO) was founded in 1919 and which it had been promoting ever since. In addition, the

growth in importance of the multinational companies and the extension of their supply chains had shaken the very foundations of its system of international labour law based on the monitoring of international conventions signed by states (Alston, 2004; Ford et al., 2017; Hauf, 2016). As a result of a trade agreement between Cambodia and the USA, the ILO assumed a novel role in direct factory monitoring (Kolben, 2004), which laid the foundations for the Better Work programme that the organization is currently implementing with the World Bank's International Financial Corporation (IFC) in nine garment producing countries.

In addition to the ILO, donor governments, NGOs and international trade union organizations have been heavily engaged in supporting the Cambodian labour movement since the late 1990s, which has been particularly important for the unions that are not aligned with the Cambodian People's Party (CPP) which has ruled the country all this time. The independent labour movement has successfully deployed international alliances and campaigns, engaging the buyer companies by using both CSR and social dialogue-based strategies. Transnational support played a key role in the minimum wage campaign that, following a national strike, led to a 28% wage increase for the garment workers in 2014.<sup>4</sup> Since then, however, the movement has faced growing repression as part of a general trend towards increased authoritarianism – yet another key tendency in the contemporary world which Cambodia exemplifies. Many in Cambodia interpret the recent developments as enabled by China's increasing support, which is weakening the influence of traditional Western donors.

Research on work, workers, labour rights and relations in Cambodia has largely focused on the garment sector,<sup>5</sup> particularly the innovative framework of labour rights governance born out of the US-Cambodia trade agreement (Adler et al., 2009; Adler & Woolcock, 2009; Arnold & Shih, 2010; Berik & Rodgers, 2010; DiCaprio, 2013; Kolben, 2004; Miller et al., 2007; Noord et al., 2011; Oka, 2010, 2015; Polaski, 2006, 2009; Shea et al., 2010; Sibbel & Borrmann, 2007; Wells, 2006; Wetterberg, 2011). However, by the time that I began my own research, only a couple of studies had analysed the labour movement in this sector. Nuon and Serrano's (2010) report mapped the historical development and described the overall situation of the country's trade union federations, pointing out the lack of information and research on the period prior to the 1990s. The early years of the labour movement in the garment sector were explored by John Hall (2000) and Caroline Hughes (2003) who further addressed the labour

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<sup>4</sup> This increase was followed by annual increases in the subsequent years.

<sup>5</sup> A couple of studies have looked into construction workers (Franceschini, 2020), sex workers (Hoefinger, 2013; Sandy, 2009), and informal work (Arnold, 2008).



movement in an article on the impact of international actors on Cambodian civil society (Hughes, 2007). Gregoratti and Miller (2011) analysed global framework agreements using a case study of a Cambodian independent union. However, Dennis Arnold's (2014) article was the first academic analysis explicitly focused on the labour movement, analysing it in the context of the 2010 national strike. My analysis, particularly in Chapter Five, complements the historical analysis of the movement prior to 2010. Other important gaps in previous literature on which this study sheds light include the relationship between the independent and government-aligned unions, and gender relations within the labour movement (Chapter Eight). Despite the overwhelming majority of workers being female, their labour movement is equally overwhelmingly led by men. This situation – as well as the dominance of the government and employer controlled unions – is frequently observed but not much analysed in existing research.

The range of literature in the field has dramatically expanded during the course of my research, as the successful national strike of 2014 and the subsequent turn towards increasing authoritarianism have inspired an upsurge of work on labour politics in Cambodia. Ward and Mouyly (2016), Arnold and Hess (2017) and Arnold (2017) examined the situation leading to the rise of a protest movement and a national strike in the first days of 2014, calling attention to the deep tensions in Cambodia's production model. Arnold (2017) sees the accumulation of discontent as a failure of the hegemonic project on the part of the state and the established trade unions, and Arnold and Hess (2017) analyse the system of "ethical manufacturing" as a passive revolution, while Ward and Mouyly (2016) focus on the contradictions between the progressive legal framework and the employment relations practice. Other studies on garment workers' struggles include Salmivaara (2018), who analyses the role of the institutions of labour rights governance in labour movement's strategies, and Lawreniuk and Parsons (2018) who highlight the importance of the rural-urban links in the protests. The impact of social reproduction on workers' activism is analysed by Salmivaara (2020) and Douch (2021), who emphasizes the role of non-union spaces behind the protests. In addition, an unpublished PhD thesis examines labour strategies with a focus on the 2014 minimum wage campaign (Cichon, 2019).

The most recent studies analyse the authoritarian turn that followed labour's protests and the wage increases. Lawreniuk (2020) interprets the developments as "geopolitics from below" and Chang (2021) as a crisis of the neoliberal economic model based on a transnational labour regime. Ford et al., (2021) analyse the legal reforms as "authoritarian innovations" meant to restrict labour's power while appearing to

maintain a commitment to democracy while Ward and Ford (2021) take a more positive outlook, suggesting that elections can provide an opportunity for labour to prompt policy changes even in authoritarian contexts. My study complements these analyses by providing an ethnographic and historical analysis that contextualizes the recent labour struggles in a longer historical perspective, in transnational interdependencies and in the broader dynamics of social mobilization, political conflict and repression in Cambodia.

### **1.3. AIMS, RESEARCH QUESTIONS AND APPROACH**

With the aim of contributing to the debates reviewed above, and convinced of the continuing importance of class-based struggles in the contemporary world, this study examines *the struggles of Cambodian garment workers and their labour movement to improve the position of workers in their workplaces and in society*.

I seek to increase understanding of the possibilities for subaltern actors to promote change within contemporary capitalism, characterized by an increasing concentration of economic and political power. In particular, I am interested in the connection between economic and political struggles and in the role of law in mediating subaltern and elite interests. This connects my research to debates about the relationship between neoliberalism and democratic rule.

My second objective is to shed light on the way Eurocentric theoretical models affect our ability to understand and conceptualize labour struggles in other contexts, as well as on the way European models of unionism influence the struggles themselves.

In seeking to reach these objectives, my analysis is guided by the following questions:

- What kind of strategies and models do Cambodian workers and their organizations use in their struggles to improve their situation? How have the strategies emerged and what has shaped them?
- How do workers perceive their needs, interests and possibilities? How do their labour organizations represent these needs? How do workers' perceptions interact with international models of organizing and claim-making? How are they affected by local power relations, including those based on gender?
- How do the struggles evolve and with what results?

In his much quoted remarks, Eric Wolf (1982/2010: 6) warns against "turning names into things" in a way that creates "false models of reality". This study aims to look

at things beyond names and labels, and practices beyond discourses – in corporate and state policy but also in labour activism. It focuses on how policies and claims “actually operate in the real world, not how they should operate” (Cowan, 2006: 309). This approach fits the gaze of critical development studies, which considers the notion of development an object of critical analysis rather than an objective against which policies and processes must be evaluated. The mechanisms through which “development” is promoted, as well as the assumptions on which they are based, are examined critically (Hosseini & Gills, 2020; Veltmeyer & Bowles, 2017). Despite labour being understood as a key element in economic policy, labour movements and struggles have not been a salient topic in the field of development studies. My research shows that analysis of past and current transnational collaboration on labour has a lot to gain from critical development studies perspectives that examine the unplanned, often depoliticizing consequences of the “will to improve” (Li, 2007; also Ferguson, 1994).

This study links analysis of historical change in global political-economic structures with the ethnographic study of practices in specific struggles. This kind of approach has been common in the “political economy thread” of anthropology (Kalb, 2015; see e.g. Mintz, 1986; Roseberry, 1988; Wolf, 1982/2010), and is, as noted by Harvey and Krohn-Hansen (2018), reflected in contemporary labour anthropology (Carbonella & Kasmir, 2014; Goddard, 2017; Kalb, 2015; Lazar & Sánchez, 2019; Narotzky, 2014). Likewise, it resonates with research on “everyday political economy” (Elias & Rethel, 2016; Hobson & Seabrooke, 2007) that highlights the bidirectional relationship between structural change and agency: how “economic transformations 'touch down' within the lives of ordinary people” but also how these tendencies are “sustained and challenged through everyday practices of economic engagement” (Elias & Rethel, 2016: 4).

Finally, and reflecting my academic background in social science history, this study draws on the tradition of social history and histories from below that, half a century ago, implied a major epistemic-ethical shift in historical research to previously marginalized subjects, including women and workers, and to the study of meaning instead of events (e.g. Cowan, 2012).

The study illustrates that workers’ struggles and strategies in Cambodia have been affected by transnational models promoted by allies from two traditions: the trade union movement and the human rights movement, with logics that are often seen as opposed by Northern academic and practitioner observers. In Cambodia, this difference loses relevance and the approaches are mixed pragmatically. The study shows that both models are based on assumptions on the roles and interests of trade unions and of the

state that do not necessarily make sense in the Cambodian context, and have a depoliticizing impact.

My findings emphasize that the adoption by Cambodian activists of externally promoted strategies does not reflect passive acceptance; indeed, they are often highly critical of the strategies and their foreign origins, but play along without expressing their frustration in public discourse. Following seemingly decontextualized models is about balancing needs and interests with what is deemed possible in a non-democratic, post-conflict context. The study emphasizes power conflicts – shaped by class but also dimensions such as gender – within the Cambodian labour movement, in its transnational alliances and in its position in the Cambodian society. Particularly important is workers’ political power: their ability to organise collectively and to represent workers’ interests also beyond the workplace, in political decision-making.

The research is based on ethnographic and historical methodologies. The principal corpus of data was collected in the course of 15 months of fieldwork in Cambodia, mainly in Phnom Penh. In addition to the main period of 10 months between 2016 and 2017, I made three shorter visits in 2016, 2019 and 2020. During fieldwork I gathered information on diverse aspects of work and life, focusing on labour rights, labour relations and politics, including in interviews with 123 participants: workers, union activists and leaders; representatives of Cambodian and international NGOs and international trade union organizations, journalists, diplomats and employees of international organizations, as well as representatives of the Cambodian government and the buyer and supplier companies. In addition, I conducted participant observation of the activities of trade unions and labour NGOs, labour-related public events, seminars and manifestations. Primary historical sources include oral histories collected in interviews and newspaper articles in two English language newspapers. I discuss data collection and analysis in more detail in Chapter Three.

#### **1.4. STRUCTURE OF THE THESIS**

In the following chapter, I discuss the theoretical traditions on which I build my analysis of the struggles of Cambodian workers and their movements. I bring together perspectives onto labour and labour movements from the traditions of global political economy, labour sociology and labour anthropology, as well as theorizations about international cooperation and governance in critical development studies and legal anthropology. I draw attention to the social and political dimension of labour struggles, and the state’s mediating role. In addition to examining the influence of Eurocentric

theorization on our understanding of labour movements in other contexts, I discuss the influence of European models on union practices elsewhere. I examine North-South cooperation on labour – between states and in labour internationalism – as part of broader tendencies in development policy, a link which has seldom been made in the labour literature.

*Chapter Three* describes the methodological and analytical choices that guide the collection and analysis of data, as well as knowledge production in the study. I also reflect on the strengths and limitations of conducting ethnographic research in Cambodia, with a focus on issues of positionality.

The following two chapters provide background for the main analysis. Based on research literature, *Chapter Four* presents the context in which the garment industry emerged in Cambodia in the 1990s, offering critical perspectives onto Cambodia's "triple transition" (Hughes, 2003) from war to peace, from communist to market economy, and from one-party rule to electoral democracy – which epitomized the liberal consensus of the post-Cold War world. *Chapter Five* focuses on the garment industry, describing the development of a new working class, a new labour movement and a novel regime of labour rights regulation. It also introduces the other main actors and the overall setting of the industry.

This is followed by two chapters that examine the transnational strategies of the Cambodian labour movement. *Chapter Six* analyses the rights-based strategies that, in line with the globally emerging "business and human rights" paradigm, focus on claiming accountability from buyer companies. It follows the process through which independent unions utilize the international fashion brands' corporate responsibility commitments to make them enforce labour rights in the production facilities of their Cambodian suppliers. The analysis shows that despite its relative effectiveness, this strategy marginalizes debates about the responsibility of the state and workers' political power. The heavy dependence on buyers whose interest in labour rights are conditioned by the logic of profit-making leads to a depoliticization of labour rights.

In *Chapter Seven*, I focus on strategies and discourses of social dialogue and industrial relations, traditionally associated with the tripartite or corporatist arrangements of the industrialized nations of the post-World War II period. The chapter examines the interactions between Cambodian and transnational trade union organizations over global framework agreements, proposed as an alternative to unilateral CSR. Despite the emphasis given to the role of trade unions and claims about re-politicizing the struggles over labour rights, assumptions based on a highly different

historical and political-economic context seriously affect their relevance vis-à-vis the realities faced by Cambodian activists.

Chapters Eight and Nine examine the embeddedness of Cambodian workers and unionists in the local social and political context. In *Chapter Eight*, I discuss the tensions within the Cambodian labour movement, between and within the trade unions, arguing that the nature of the internal conflicts is not fully captured by the notion of “political differences” nor the labels of economistic or moderate unions, often used by transnational actors. Of key analytical concern are the diverse interests within the labour organizations, which do not necessarily accord with the assumption that the inherent purpose of unions is to promote the interests of vulnerable workers. The organizing models and strategies reflect, in particular, the needs, interests and past experiences of those in positions of power within them. The analysis highlights the position of women in the movement and the reasons behind their absence from leadership.

*Chapter Nine* examines the political conflict involving independent unions and the Cambodian government. It shows how the building of local political alliances and transnational coalitions increased labour’s power, to which the government responded harshly in the context of a broader political turn to overt, rather than covert, authoritarianism. These developments have made evident the central impact of the state to labour’s strategies to improve the position and condition of workers – even to internationally promoted strategies that overlook its role.

Finally, *Chapter Ten* brings the findings together, reflects on their combined meaning and explores their relevance to larger fields of research and potential future lines of enquiry. It emphasizes the importance of workers’ political power and ability to participate in democratic rule-making, and suggests that rather than reflecting economistic unionism and consent to the common sense of hegemonic rule, the moderate strategies of the Cambodian labour movement result from a pragmatic balancing of needs and possibilities within an authoritarian context and under threat of coercion.

## 2. THEORETICAL PERSPECTIVES ON WORKERS' STRUGGLES

In this chapter I review theoretical discussions which contribute to my analysis of Cambodian workers' struggles. By bringing together complementary perspectives from different disciplines and different moments in time, I seek to construct a broad lens through which to view and interpret the complexity of the struggles in Cambodia, and to contextualize them historically and structurally.

The chapter comprises two parts, mirroring the two-fold theoretical contribution that this dissertation aims to make. In the first part, I examine theorization on workers' collective organization and reflect on how Eurocentric conceptualizations influence our ability to understand labour struggles in other contexts. In the first subchapter, I review discussions on the impact globalization of production and neoliberal restructuring of work have had on the relationship between labour and capital, a core debate in sociological and political-economic global labour studies of the recent decades. I emphasize that the idea that globalization has caused a historical crisis of trade unionism reflects the viewpoint of the theoretical tradition of industrial relations. The application of this lens beyond 20<sup>th</sup>-century Global North/West has resulted in limited perspectives that overlook the impact of the different positions of countries in the global political economy, but also of local social and political structures, in particular the role of the state in mediating the conflict between capital and labour. In order to strengthen the analytical approach that I use to examine the strategies of the Cambodian labour movement in this study, I discuss, in the second subchapter, theorization on social movement unionism and conceptualizations from labour anthropology and history that, instead of viewing Southern labour movements as atypical – as either weak or radical – recognise a diversity of needs, interests and realities behind their agendas and repertoires.

After examining the impact of Eurocentric theoretical models on our *understanding* of labour struggles, the second part of the chapter addresses the influence of Western models of trade unionism on *the struggles themselves*, via transnational interactions in colonial and development policy but also through labour internationalism. In the third subchapter, I thus contextualize debates on labour politics in critical development studies and development anthropology, analyzing North-South cooperation on labour as part of broader tendencies in colonial and development policy, a link seldom made in labour literature. I explore how the impact of earlier interaction continues to condition

labour organizations under the neoliberal-democratic paradigm of the post-Cold War era. In the fourth and final subchapter, I discuss the integration of human rights discourses and private regulation into contemporary labour struggles and transnational activism, ending with a reflection on the challenges that Southern labour movements face in the adoption of more radical, social-movement types of strategies, including tensions between pragmatic realism and hope.

## **2.1. LABOUR AND GLOBALIZATION: CHANGE AND CONTINUITY**

In recent decades, debates on the position of workers and labour movements have centred on the idea of a crisis of labour produced by globalization and restructuring of work, and on ways to counter it. The crisis is seen as the cause and consequence of a global “race to the bottom”, as states compete to attract capital by deregulating labour markets and undermining labour’s power, a result of the shift towards neoliberalism as described in the introduction. Beverly Silver’s (2003) analysis of global and historical waves of labour resistance has been a central reference in this literature. Silver contextualizes contemporary globalization within a historical sequence of transformations, suggesting that, as in the past, new working classes, movements and resistance will emerge, and conflict will continue to follow capital. Silver emphasizes that while globalization undermines workers’ traditional sources of power, it can also supply new opportunities. This has inspired later literature to analyse new sources of power on which workers can rely to challenge capital.

### **2.1.1. IMPORTANCE OF LABOUR’S POLITICAL POWER AND THE ROLE OF THE STATE**

Silver’s analysis of workers’ bargaining power builds on the distinction between structural and associational power that Erik Olin Wright (2000) suggested in his theorization of positive class compromise. Wright draws on Przeworski’s (1985) observation that class compromise is often examined as resulting from the negative threat of workers’ *structural power*, that is, their ability to disrupt production processes based on their position within them. Countering this, Wright (2000) calls attention to the “positive” class compromises that in the social democratic regimes of post-war Northern Europe were an outcome of the benefits that the existence of strong labour organizations implied for capital and the state because of their ability to offer consent, stability and wage predictability. This is what Wright called *associational power*, the ability of collectively organized workers – at the levels of the workplace, labour market and society, in trade unions and political parties – to exchange their coordinated consent for concessions and, importantly, to translate their power in the political sphere



into institutional arrangements that increase labour's power in the economic sphere, such as legal regulation, social welfare and redistributive taxation, thus decreasing the threat of unemployment. Wright (2000: 1001) considered this this exchange of coordinated consent for concessions a way of promoting workers' class interest and actually countering the power of capitalists, which adds a more balanced nuance to the Gramscian (1971) idea of capitalist hegemony, of workers simply consenting to being exploited because they believe in the system's *senso commune*, that is, its benefits for both labour and capital.

In Silver's (2003) analysis, however, associational power is mainly understood as trade union strength. The mechanism behind it and labour's ability to use its power in the political sphere are largely left out. Silver fails to consider the role of the state in mediating the relations between workers and employers, which, as pointed out by Kevin Gray (2015: 14, 21), weakens the analytical power of the approach to account for the impact of political contexts on labour regimes. The political dimension is also absent in the much-used "power resources approach" (Schmaltz, et al., 2018; Webster, 2015) in global labour studies, which builds on Silver's work (2003) to map new resources that trade unions can use for leverage. In these analyses, the aspect of class conflict and the relational nature of labour's power vis-à-vis capital, central in Wright's conceptualization, is largely omitted, as noted by Gallas (2018; see also Bieler, 2018; Brookes, 2018; Nowak, 2018; Runciman, 2019)<sup>6</sup>.

The interconnectedness – or differentiation rather than separation – of the "economic" and "political" spheres (Bieler & Morton, 2018: 17) is recognized in analyses of (neo) Gramscian political economy. Robert Cox (1987) sees the two-directional relationship between production and state power – where the latter reflects the former – as a site of struggle, one that determines the conditions of production relations through legislation and policy. Cox also emphasizes the relationship between state power and its position and relative power in the world economy. Ellen Meiksins Wood (1995; see also Bieler & Morton, 2018) suggests that the apparent separation between the economic and political is particular to capitalism; here, the extraction of surplus labour is separated from political duties and the exploitation of labour is thus not directly politically enforced but depends on the dull compulsion of economic relations (Marx, 1932: 809).

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<sup>6</sup> While the importance of the political context is reflected in the notion of institutional power (Dörre et al., 2009), the existence of institutions such as legal frameworks is taken for granted and considered permanent, instead of the result of a political process and dependent on labour's associational or political power.

Yet, despite desisting from direct compulsion, the state sets the conditions of indirect compulsion even in capitalism. This is emphasized by Michael Burawoy (1983, 1985) who suggests, in his analysis of the politics of production, that the dependence of social reproduction on production is a key defining feature of the nature of production regimes and the balance of power between labour and capital. When workers' reproduction and survival is exclusively dependent on selling their labour power, capital is free to exploit them despotically, as in the regimes analysed by Marx. But, Burawoy (1983: 588) claims, Marx did not consider the possible role of the state in reducing that dependence. Labour legislation and social policy can decrease capital's ability "to use the economic whip of the market", forcing it to seek to control the labour process not by coercion but by persuading workers to consent to cooperate (Burawoy, 1983: 590), which results in a hegemonic regime.

A similar idea is recognized by Piven and Cloward (2000), who remark that that workers' power over capital depends on the state as the seat of law and its enforcement, ultimately through coercion. This is why both sides try to influence the government and to use law for their own benefit: workers based on their numerical advantage and employers on their wealth and status (Piven & Cloward 2000: 416-7). The authors suggest two categories of labour's power: the economic power to affect companies who depend on their labour power and the political power to influence states who depend on their worker votes. Like Wright (2000) and Burawoy (1983), these authors thus recognize the interdependence between labour's political and economic power.

The importance of influencing rule-making invokes the role of democracy in workers' power. Historically, protective legislation and other concessions to labour emerged as a state response to the rise of the working classes in mass industries (Cox, 1987). In 19<sup>th</sup>-century Europe, trade unions became legally recognized and integrated into industrial relations, and labour or social democratic parties into politics, which contributed to the legitimacy of a capitalist social order among workers and moderated labour militancy (Cox, 1987; Stevis & Boswell, 2008). In the 20<sup>th</sup> century, the need to neutralize workers' discontent was reinforced by the threat of communism, economic depression and the World Wars (e.g. Silver, 2003), and elite fears of democracy gave way to a generalized acceptance of the benefits of including labour in decision-making processes and into (neo)corporatist arrangements (Ost, 2011: 22). Keynesian ideas linking economic growth, aggregate demand, full employment and mass consumption encouraged capital's interest in tripartite corporatist arrangements that states, particularly in Western Europe, promoted to ensure stability, consensus and political

support (Cox, 1987; see also Baccaro, 2006).<sup>7</sup> Nationalistic tendencies that arose with Cold War polarization encouraged labour to support these arrangements (Stavis & Boswell, 2008).

The dependence of the corporatist arrangements on the cooperation of strong labour parties and unions was the source of workers' associational power (Wright, 2000), which pushed capital to seek consent, leading to hegemonic production regimes (Burawoy, 1983). Yet, from the perspective of the socialist victories of the labour movements in Russia and elsewhere, the Fordist hegemonic models appeared to show capital's success in controlling labour and narrowing its struggles, incorporating it into supporting a productivity-oriented centrist consensus (Rupert, 1994).

### 2.1.2. GLOBALIZATION AND THE LOSS OF *POLITICAL* POWER

Under the hegemonic arrangements, labour was able to translate its political power into legislation and social policy that, in its turn, further strengthened workers' structural and associational power. In addition to the legal protection of the right to organize collectively and to strike, the prohibition of arbitrary dismissals and the provision of unemployment protection sheltered striking workers (Piven & Cloward, 2000; Wright, 2000). The shift towards neoliberalism that began in the 1970s weakened these protections. In order to let market forces rule, state mediation was reduced and mechanisms of collective negotiation and rule-setting undermined, individualizing employment relations at the level of society and in workplaces. This restructuring liberated capital to push for flexibility that would serve its strategies of accumulation, which resulted in a shift from permanent to casual and segmented labour forces and fragmented production processes, parts of which were outsourced locally or offshore to form global supply chains (Bieler & Lindberg, 2010; Robinson, 2004; Webster et al., 2008).

Subcontracting and fragmentation weakened labour's structural power at the level of the workplace, and the world-scale reserve of cheap workers and diminishing social security weakened it at the level of the labour market (Burawoy, 1983; Piven & Cloward, 2000; Silver, 2000; Wright, 2000). No longer needed to guarantee consent, strong labour movements became a liability to capital, which undid their associational power. Instead of *demanding* concessions on the basis of the expansion of profits, trade unions

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<sup>7</sup> In contrast to pluralist interest representation, corporatism restricts participation to a limited number of groups with an officially recognized representational monopoly (Collier & Collier, 1979: 968; Schmitter, 1974: 93-4), which makes it an effective way of institutionalizing conflict and seeking common interest among the actors (Cox, 1987: 27).

began *making* concessions to avoid capital flight, disinvestment and job loss (Burawoy, 1983: 602-3). The dismantling of legal protections again tied reproduction to production, and hegemonic production regimes were converted into “hegemonic despotism” based on economic coercion (Burawoy, 1983). As Silver (2003) notes, concession bargaining further diminished the unions’ legitimacy and power in the context of demobilizing neoliberal discourses that emphasized individualism and “TINA”, the idea that there is no alternative (see also Piven & Cloward, 2000: 420-1).

These changes were often associated with the idea that the state was in decline, that globalization threatens labour rights because it undermines the capacity of the states to guarantee those rights (Tilly, 1995: 4). The state was seen as becoming weaker in relation to the power of increasingly transnational capital (Strange, 1996), and unable to regulate corporations effectively due to global neoliberal competition and transnational mobility of capital (Robinson, 2004). Nonetheless, the assumption that hyperglobalization leaves states powerless is problematic (e.g. Gray, 2015) because it obscures the way neoliberal policies resulted from particular political priorities and active law and policy-making by states that chose to protect corporate interests instead of workers (Amoore et al., 2000; Cox, 1987; Sassen, 1998). The notions of the competition state (Cerny, 1997; see also Jessop, 2002) and the captive state (Webster et al., 2008) have been used to describe this shift, linking it to the erosion of democracy and citizenship (Gills, 2000), and workers’ decreasing political power.

### 2.1.3. RELATIVIZING LABOUR’S CRISIS

The theorizations about labour’s crisis under globalization described above take the hegemonic regimes of the Global North as a norm, and examine transformations from the perspective of Northern labour movements. In this argument, workers’ associational power depends on legal and policy frameworks that limit the use of coercion and make employers depend on workers’ consent, while the existence of such frameworks depends on labour’s political power. This circularity is central to understanding why labour’s strong influence on decision making was particular to Keynesian welfare states and the tripartite arrangements of the post-War Global North (Bieler and Lindberg, 2010), while elsewhere it largely lacked the power to exchange consent for significant concessions. In most places, the state never took an active mediating role to protect labour, as its ability and will was shaped by its position in the global economy, the demands of development donors and international institutions, in addition to internal class dynamics and power balances (Cox, 1987). Instead of enabling a virtuous circle of labour’s political power and economic power, despotic production

regimes kept labour movements weak and unable to exercise power in either sphere. In the Global South, the corporatist regimes were state-centred rather than tripartite, often implying an authoritarian control over social actors by the state (Cox, 1987: 80; Schmitter, 1974).

In East and Southeast Asia, labour was demobilized and politically excluded as a result of a combination of repression and subordination to corporatist arrangements. In countries such as Indonesia, state-controlled unions were given the monopoly on representation but they were kept weak and subordinated in order to guarantee political stability, in contrast to Latin American state corporatism which typically mobilized strong state-controlled trade unions (Caraway et al., 2015; Deyo, 1989). In the region's non-communist countries, labour movements played little part in formal politics during the Cold War (Caraway et al., 2015; Hansson et al., 2020).

In much of the world, then, neoliberal globalization has added to an ongoing crisis of labour, rather than triggering one. What remains relevant to the analysis of workers' struggles beyond the particular historical and political-economic context of the hegemonic settings, however, is the mutual dependence between labour's power in the economic and political spheres, which also shapes the efforts of workers to build their own power base and resist capital's power in the contemporary Global South.

## **2.2. A DIVERSITY OF STRUGGLES**

As described above, the industrial working classes and labour movements first emerged in Europe, where their incorporation into hegemonic institutions and tripartite arrangements was accelerated by the particular historical context, including the Russian Revolution, the First and Second World Wars and the ensuing economic boom. Despite this being a particular historical form of organizing labour and class relations, the economic agendas and institutionalized repertoires developed in these settings came to be seen as inherent characteristics of trade unions, based on which labour movements were classified as "old" social movements by authors such as Melucci (1980, 1989).

The North-centric nature of social science theory (Connell, 2007) reflects the focus of disciplines like sociology on industrial societies, but also the fact that these societies are taken as a global norm. As Bieler and Nowak (2021: 5) note in their recent contribution, the narrow focus of labour studies on a single type of actor and action – reducing "class struggle to conflicts at the workplace and to struggles between workers and employers or trade unions and employers' associations as the respective

institutional expressions” – reflects the context in and about which they were written. Importantly, as Nowak (2021) notes, while the Eurocentricity of industrial relations research and theory, based on Fordist models and focused on trade unions, strikes and the workplace, has frequently been acknowledged over the years, the *impact* of this bias on its explanatory power has not been critically assessed. This is what draws me to examine the way Eurocentric approaches can be complemented by insights from labour anthropology, wherein the relevance of Northern concepts and categorizations in the interpretation of processes and conflicts in different realities has been critically examined (Narotzky, 2018).

### 2.2.1. CLASS INTERESTS IN CONTEXT

As mentioned in the introduction, a different form of unionism emerged in certain industrializing countries of the Global South around the 1980s. The term “social movement unionism”, defined by Peter Waterman (1991, 1993), emerged in the 1980s to describe innovative unionism that in countries such as India, South Africa (Lambert & Webster, 1988; Webster, 1988), Brazil (Seidman, 1994), the Philippines (Scipes, 1992, 1996) and later in Korea (Koo, 2001), used repertoires resembling those associated with “new social movements” that entailed broad socio-economic and political engagement.

What stood out as not fitting mainstream models of trade unionism was the broad scope of interests and concerns promoted by these unions, which combined workplace-related matters with “community-based” issues such as housing, health care or running water, thereby forming alliances with a wide range of social forces. A similar, holistic approach is present in the theorizations of labour anthropologists who suggest that limiting the focus to narrow, wage-related demands does not reflect the lived experiences of workers in poor communities. For example, Narotzky and Besnier (2014) note that even under capitalism, people’s economic agency is motivated by a diversity of factors that extend beyond self-interested, individual utility maximization (see also Goddard, 2017; Narotzky, 2018; Spyridakis, 2013). Affective relations, in particular, are central to the livelihood-related concerns of people who live in conditions of insecurity, and the authors suggest that study of the economy should be understood as being about processes of “sustaining life across generations”.

The recognition that workers’ insertion into labour markets and workplaces, as well as their participation in organized resistance, is shaped by wider life concerns and responsibilities is also a central tenet of feminist political economy, which rejects a dualist separation of work and non-work and sees the activities of production and social

reproduction as fundamentally inseparable (Bakker & Gill, 2003; Elias & Roberts, 2016; Federici, 2012; LeBaron, 2010; Mitchell et al., 2003; Peterson, 2003; Salleh, 1997). The impact of social reproduction on both paid work and activism is strongly gendered, although mediated by context. When public care services are not available nor market-based solutions economically accessible, both production and social reproduction fall on the same people, women workers, and separating their needs as workers from other survival-related concerns becomes artificial (Kabeer et al., 2013a). This blurs the boundaries between activism as workers and activism as community members, which is why Collins (2006) suggests that social movement unionism should not be understood as trade unions making alliances with neighbourhood organizations, but as activism by the same workers spilling over from workplace to community.

To some degree, neoliberal restructuring has also made this connection between work and “non-work” more pronounced within labour studies. As Webster et al. (2008) suggest, its impacts are not limited to workplaces but affect the provision of public services, to the greatest detriment of the poorest communities. This has led to a renewed emphasis on wider social alliances and on the generalized experience of dispossession in debates on labour strategies inspired by Karl Polanyi (1944/2001).

The intersection of class with other identities has been a central focus of labour anthropology, with diverse authors examining how labour relations “are experienced beyond the confines of the economic, bringing kinship, personhood, affect, politics, and sociality firmly back into the frame of capitalist value creation” (Harvey & Krohn-Hansen, 2018: 10). These dimensions have not only been examined as a matter of worker identities, but also in light of how union struggles and their goals are understood in different contexts, reflecting the unevenness of global capitalism. A classic example of research that integrates other structural dimensions into the examination of labour struggles is June Nash’s (1979) study of Bolivian tin miners, whose militancy combines class consciousness with indigenous worldviews and forms of reciprocity, and a critique of Northern imperialism and dependency. Exemplifying more recent scholarship is Mollona’s (2015) analysis of the combination of anti-colonial resistance and class identification reflected in the struggles of Brazilian social movement unions. He views their radical working-class activism as a critique of imported notions of class struggle and industrial democracy. Other studies that examine capitalist relations in combination with other social relations and historical structures include Pun’s (2005) and Lee’s (2007) analyses of labour’s contemporary resistance in China and Kesküla’s

(2012) work on the post-socialist understandings of class conflict among Estonian miner unions.

A related aspect seemingly distinguishing Southern social movement unions from the “traditional” workplace-focused unions of the North was their focus on raising the living standards of the entire working class instead of just a particular group of members (e.g. Seidman, 2011). The trade unions’ focus on formally employed, “double-free” wage workers can be seen as a legacy of Marx’s narrow notion of the labour class<sup>8</sup> and Engel’s idea of the tendency of labour aristocracy – the relatively privileged upper sections of the working class and workers in the richer countries – to lean towards conservative attitudes rather than broader working-class solidarity and revolution. In a similar vein, the mainstream unions of the Global South had been largely centred on the privileged minorities in formal employment, mainly in the public sector, often showing hostile attitudes towards workers in the informal economy (Kabeer et al., 2013a; Parry, 2013; Stevis & Boswell, 2008). Social movement unionism provides a response to how unjustified this narrow focus seemed in the Southern contexts, given the overwhelming domination of informal and precarious forms of work.

### 2.2.2. POLITICAL STRUGGLES

Another aspect of social movement unions that seemed atypical when compared to the Northern union models, but very logical in many contexts of the Global South, was the inclusion in their agendas of political demands and deep transformations, such as democratization or the end of apartheid. This clashed with the Leninist (1961 [1902]) idea of a narrow trade union consciousness, according to which workers spontaneously understand the importance of coming together to oppose the employer and to negotiate better conditions, while a revolutionary consciousness of the need to overthrow the political system must come from an educated intelligentsia. The relationship between immediate and more general demands – reflected in the economic or reformist, versus the radical or revolutionary approach to unionism – has been the topic of a long debate in labour studies. Eric Hobsbawm (1984) suggested that both levels of aspirations are present in all movements, including the labour movement itself, but the development of the second level of demands, concerning the kind of society that suits labour’s interests, only comes with formal organization.<sup>9</sup> Susana Narotzky (2014: 169)

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<sup>8</sup> Van der Linden (2008: 12) considers it a reflection of his sympathizing with the newly emerging movement’s self-legitimation needs, which included a separation from the lumpenproletariat.

<sup>9</sup> An opposing perspective is that of E.P. Thompson (1966), who sees the labour class as “making itself” and building its consciousness autonomously.



suggests that the two types of demands are connected to two kinds of work that are present in all emancipatory projects and solidarity building: the immediate mobilization for claims connected with the everyday work of earning a livelihood, and long-term organizing “toward structural transformation in the general interest”, with the fight to change realities.<sup>10</sup>

The centrality of the more general aspirations for political transformation that were present in social movement unionism seems “normal” from this perspective, while their absence in Western/Northern unions was due to the separation between trade unions and labour parties in the 19th century and the fact that institutionalized democratic channels were available for workers in a way they were not in the authoritarian contexts of the Global South (Seidman, 2011; von Holdt, 2002). Here, workers lacked legal protections but also the political voice to demand them, which made it necessary to claim participation in decision making and democratic citizenship as a key step towards economic and social rights (Seidman, 2011). Material workplace concerns were seen as linked to the need for systemic change, and broader issues of inclusion and political voice were integrated into strike demands to promote a deeper agenda of social and political transformation (Seidman 2011; Scipes, 1992). These struggles were fundamentally about the right to participate in politics, in decision making about law and policy, and thus in the creation of rights, which is, as Boaventura de Sousa Santos (2002b: 300) suggests, a metaright. This is why, without the right to organize, “none of the other rights can be minimally achievable” (Santos 2008: 34).

Seidman (2011) notes that behind the surprise caused by the political demands of social movement unions was the rapid demobilization of militant labour movements of the Northern countries in the early 20<sup>th</sup> century. The radical movements in Brazil and South Africa also became more reformist once they got into power. The question of institutionalization is another classic debate regarding labour and other social movements. Piven and Cloward (1979), for example, claim that formal organization undoes the disruptive power of poor people’s movements, while Hobsbawm (1984: 30) defends its positive impact on sustaining power.<sup>11</sup> Hyman (1975: 192) believes that the institutionalization of trade unions is not due to an iron law of oligarchy (Michels, 1915) but the result of the particular context of capitalism which transforms these organizations and makes them understand success in terms of piecemeal gains instead

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<sup>10</sup> As Narotzky (2014) notes, this is what Williams (1989) refers to with the dialectics between militant particularism and abstraction in labour struggles.

<sup>11</sup> Yet Hobsbawm (1984) acknowledges the risk of class identity being subordinated to organization identity, leading to a prioritizing of institutional reproduction (see also Narotzky, 2014).

of questioning power relations and the broader picture. Others have described this as a double role of trade unions under capitalism, as both emancipatory, class-based movements that represent workers against capital, and as value-negotiating institutions that must downplay the class conflict to be able defend workers' immediate interests (Atzeni, 2021; Cohen, 2006; Darlington, 2014). While Atzeni (2021) sees this contradiction as specific to Fordist hegemonic systems, Kesküla & Sánchez (2019) point out that discourses of betrayal or general disappointment in trade unions are present across the world, and are due to a fundamental slippage between the ideal and practice of union politics: the "affect of struggle" and the banality of the day-to-day realities of institutionalized negotiations, whether or not co-optation actually takes place.

### 2.2.3. LIMITS OF EUROCENTRIC MODELS

I have discussed the differences between economistic and social movement unionism in order to illustrate that notions about what is normal or atypical, moderate or radical, depends fundamentally on the context. Yet the Northern/Western economistic models have been taken as the norm in much research conducted in other contexts. As Mollona (2009) notes when analysing the different struggles of Brazilian and British unions, the former are always the ones regarded as peculiar. The use of prescribed Western ideas about what consists strong unionism has restricted analyses of the forms and meanings of labour struggles elsewhere: for example, in post-socialist Eastern Europe, where research on trade unions has highlighted their "mysterious passivity" and failure to act like Western European movements, instead of examining what they are actually doing, and the meanings, roles and impacts they have in those contexts (Kesküla, 2012).

Michele Ford (2004: 101; also 2003) has drawn attention to the tendency of "practitioners and scholars alike [to] regard unions as the only legitimate vehicle for workers' collective action". She shows how, in Indonesia, labour NGOs played a key role in the reconstruction of the organized labour movement under authoritarian rule, and later in organizing traditionally un-unionized sectors. Despite the important differences between unions and non-union organizations, particularly in terms of representation, the contribution of the latter to the labour movement and the advancement of workers' interests is not necessarily less substantial (see also Prieto & Quinteros, 2004; Roman, 2004).

The multiple forms and impacts of collective organization, including cooperatives and union-like associations, have mainly been studied in relation to precarious or informal workers (Atzeni, 2016; Carswell & De Neve, 2013; Kabeer et al., 2013b; Lazar

& Sanchez, 2019). The perceived irrelevance of formal trade unions to these workers has led to a body of literature that examines alternative, informal forms of resistance, drawing on James Scott's (1985) notion of the "weapons of the weak" available to vulnerable workers who cannot take the risk of engaging in visible, formal resistance. The options for women workers to participate in trade unions are even more limited, at least partly due to their responsibility for social reproduction and traditional notions about women's activism. Literature on the "feminization of resistance" (Ustubici, 2009) and the importance of women workers' everyday resistance (Carswell & De Neve, 2013; Elias, 2005; Marchand, 2003; Mills, 1999; Ong, 1985; Redden, 2016) has made an important contribution by exposing the male bias and narrowness of workplace-focused union agendas among the majority of the world's workers. Nonetheless, the focus on everyday resistance bears a risk of romanticizing it and reading "all forms of resistance as signs of the ineffectiveness of systems of power" (Abu-Lughod, 1990: 42). Studying the combination of "modern" urban forms of workers' resistance with "traditional" ritual practices in Bangkok, Mills (1999) notes that such forms of contestation are not necessarily oppositional and can result in merely temporary effects that do not challenge broader relations of power. Everyday resistance might also replicate existing power structures, reinforcing notions of rural women as "backward" and "irrational", as observed in Elias' (2005) analysis of Malaysian factory workers. Furthermore, emphasizing everyday resistance as more "natural" for women workers can also downplay the militancy of female activists and their importance in many labour movements.

The changes in class relations and in the position of workers, associated with the contemporary global transformations, seem to have inspired some convergence between the different disciplinary traditions and a rapprochement of research on formal and informal resistance. In labour anthropology, notions of changing class maps (Carbonella & Kasmir, 2014) are referenced in order to encourage the study of class-based movements and union politics, while in political-economic labour studies, dynamic historical processes and the combined unevenness of capitalism (Bieler & Lindberg, 2010; Bieler & Nowak, 2021) are proposed as arguments for opening up the focus of research to include a diversity of struggles and forms of organization and avoid the "trade union fetishism" (Atzeni, 2021: 1) that has characterized mainstream labour studies.

The growth of precarious work in the Global North and the acknowledgement of the narrow, declining coverage of traditional trade unions (e.g. Kelly, 2015) has driven

Northern union organizations to increase their efforts among female and nonindustrial, nonservice workers (Stevis & Boswell, 2008), which is reflected in theorization on union revitalization (Frege & Kelly, 2003). Yet the resulting analyses of how existing trade unions can organize new groups of workers risk adopting top-down approaches that pay little attention to the agency of precarious workers and their bottom-up processes of organization (Atzeni, 2016; Vij, 2019). There is a certain instrumentalism in seeing precarious workers as resources for rebuilding the position of unions as global political and economic actors, and it does not automatically translate into promoting the interests of vulnerable workers and opening up union agendas. In particular, the power resources approach has been criticized for its inability to see the potential contradiction between the efforts of trade union revitalization and workers' wider class interests. The focus of the approach has been on mapping the resources that existing unions can use to rebuild their leverage, while little attention has been paid to how trade unions – like any other social organizations – reflect diverse interests and changing goals; they are “not just organisations of struggle, but also fields of struggle between competing forces of labour with different strategies” (Gallas, 2018: 351). For example, Runciman (2019) observes how, in South Africa, COSATU (Congress of South African Trade Unions) has used its institutional power to promote legal changes that strengthen neoliberalism and harm vulnerable workers. The same could be argued of neoliberal concession bargaining more broadly (Nowak, 2018). Furthermore, dualist framings of the labour capital conflict hide internal tensions including those around gender and race (e.g. Bieler and Nowak, 2021). To address these issues, (Nowak, 2021: 5) proposes analysing trade unions “as apparatuses within capitalism that might have very different political orientations and effects on class power, depending on their mode of political integration within a social formation and the specific political conjunctures” that, furthermore, are embedded in the broader context of international political economy.

To sum up, the agendas, strategies and forms of labour's struggle reflect diverse interests and contexts and project multiple possibilities for “a collective politics of labour” (Sánchez and Lazar, 2019: 7). Based on the threads examined in this subchapter and in line with Sánchez and Lazar (2019: 7), the analytical lens that I use in this dissertation rejects the idea that “traditional organized labour” is irrelevant to poor workers in authoritarian and precarious contexts, but it equally rejects the idea that a predetermined form of unionism, focused on protecting the wage relation and other workplace concerns, could or should serve as a model for labour politics and their analysis everywhere. Instead, it is important to recognize the diverse structures beyond

the point of production or the employment relationship that shape workers' needs and interests and influence the strategies that they use to promote them.

### **2.3. INTERNATIONAL COOPERATION ON LABOUR POLITICS**

As the debates discussed so far demonstrate, the use of theoretical notions based on one historical context can have a limiting impact on *analyses* of labour movements in other contexts. Yet the impact of the Northern union models and agendas on *the actual struggles* of contemporary workers, such as those employed in Cambodia's garment factories, is not a question of academic biases but rather of concrete transnational connections and interactions. Labour movements – their agendas, strategies and repertoires of action – have been influenced by colonial and development policy and international politics, particularly within the ILO (Ford, 2003), but also by labour internationalism, solidarity and cooperation between working classes and labour movements.

#### 2.3.1. LABOUR INTERNATIONALISM FROM COLONIALISM TO THE COLD WAR

Labour movements in other continents were influenced by the institutionalization of the labour-capital conflict in 19<sup>th</sup>-century Europe, where it took a dual expression: trade unions represented workers in the sphere of production, and social democratic parties in the sphere of politics. Internationalism has been present in labour's collective organization since its early days, reflecting both narrow economic interests and long-term political-transformative ideas of global revolution (Van der Linden, 2008), and a tension between particularism and solidarity (Stewis & Boswell, 2008).

The idea of trade unionism was spread by both workers and non-proletarian figures like politicians. Workers of the colonized world were interested in examples from abroad and vice versa – the unions of colonial states were active in promoting their establishment. The line between state and union initiatives was often fine: colonial authorities also promoted "responsible" trade unions in the colonies (Van der Linden, 2008: 222).

Both unions and parties were included in the First International, founded in 1864 to facilitate cooperation between European labour movements in order to undermine capital's ability to break strikes (Van der Linden, 2008; Stevis & Boswell, 2008). The Second International (1889-1916), however, accepted only political parties, and the international cooperation of trade unions was moved to separate structures: international trade secretariats and confederations (Van der Linden, 2008). This implied a push towards the division of the national labour movements of different

countries into separate union and party organizations, and weakened the radicalist and syndicalist movements that combined both (Stevis & Boswell, 2008: 54). Among social democratic parties, radical ideas of political subversion gave way to more moderate views that emphasized improving the position of workers through factory and social insurance legislation and union action (Stevis & Boswell, 2008: 81). The first international treaties were signed: bilateral instruments to regulate labour migration and multilateral treaties on the protection of female and child workers, and the restriction of the use of phosphorus in Europe. Unions saw the treaties as empowering labour and making workplaces safer, while for states and businesses they were about philanthropy and protectionism (Stevis & Boswell, 2008: 83).

The Russian Revolution divided the international labour movement politically (Stevis & Boswell, 2008). The ILO, established in 1919, adopted and began promoting the model of tripartism to guarantee peace and stability, both within and between countries, an approach supported by governments and labour movements in Western Europe and the US as a way to prevent communism. The communist countries promoted a very different understanding of labour relations, and the ideological division between unions deepened during the Cold War as national-level social compacts and tripartite arrangements strengthened the Western unions' commitment to their own states (Silver, 2003; Stevis & Boswell, 2008). The AFL-CIO of the US supported the government's global efforts to promote anti-communism, and had an important influence on unions in many regions (Scipes, 2010; Van der Linden, 2008). The international labour movement divided into three international confederations: the WFTU (World Federation of Trade Unions) united the socialist countries/organizations, and the ICFTU (International Confederation of Free Trade Unions) was dominated by British and North American unions and promoted economic unionism and collective bargaining, lobbying for legislation and independence from political parties. The third world confederation united organizations associated with the Christian Democratic parties, mainly of Europe. According to Van der Linden (2008: 276-7), the ICFTU gained a colonialist reputation in the Global South, yet both global federations engaged in advancing the ideology of their respective sides in the conflict of the Cold War.

In the communist countries, labour relations were heavily controlled by the state; rather than tripartite corporatism, state corporatism (Cox, 1987) or state paternalist (Caraway et al., 2015) systems were common. Coercion prevailed in the production regimes, but it was constituted by the state administrative hierarchy, which Burawoy (1985) called "bureaucratic despotism". The monopoly unions had near-universal

membership but little independent voice as they were subordinated to the Communist Party, functioning as “transmission belts” between these and the workers and expected to ensure both the wellbeing as well as the productivity of workers (Pravda & Ruble, 1986).

The emergence of international development aid was tied to Cold War politics and the independence struggles of colonies (e.g. Cowen & Shenton, 1996). US foreign aid was based on the Truman doctrine and sought to contain the communist threat, and its policy on labour was shaped by two aspects. On the one hand, the countries of the “Third World” were perceived as lagging behind the West in a linear trajectory towards development; to allow progress through the different stages projected by Rostow (1960), workers were to be patient and postpone their demands until later, when the fruits of development could be shared (Webster et al., 2008). On the other hand, the containment of workers’ demands was determined by the goal of anti-communism. Operating concurrently with Northern hegemonic regimes and welfare capitalism, economic and extra-economic means of coercion were prevalent in the manufacturing industries in semi-peripheral countries of the Global South (Burawoy, 1983).

Both tendencies were present in non-communist Asian countries. According to Deyo (1993), the demobilization and political exclusion that took place prior to export-oriented industrialization were what enabled rapid economic growth, but they also meant that the emergence of new industrial working classes did not trigger independent collective organization in the region (Deyo, 1989; Gray, 2015; Rodan, 2013). In addition to controlling trade unions through promises of economic growth and passive revolutions (Gray, 2015; Johnson, 1982) – meanwhile incorporating them into exclusionary corporatist arrangements – unions and other subaltern groups faced violent repression in the name of anti-communism throughout Northeast and Southeast Asia (Caraway, 2010). The repression was supported by the anti-communist policy of the US which backed strong states, even military regimes, as promoters of modernization and free markets (Hansson et al., 2020; Rodan & Baker, 2020). Previously existing, transformative class-based organizations, like unions and peasant organizations, were destroyed (Hewison & Rodan, 1996; Rodan, 2013). Intelligence operations targeted organized labour in Japan, South Korea, Malaysia and Singapore, the Philippines, Thailand and Indonesia. (Hansson et al., 2020).

In Indonesia, a systematic eradication of the labour movement took place in the context of the anti-communist purges of the 1960s, and hundreds of thousands of leftist activists were murdered and detained (Caraway & Ford, 2019; Caraway, 2010, 2015;

Törnquist, 2020). During the three decades of Suharto's New Order, an authoritarian form of state corporatism was put in place (Broadbent & Ford, 2007a). More reformist elements were marginalized and other activism strongly repressed (Caraway & Ford, 2019). The US support for anti-communism in Thailand during the Vietnam war resulted in the military taking on the role of leading political force. The trade unions and other opposition groups were banned and media silenced (Hewison, 2020). In both countries, this prevented alliances between trade unions and political parties and deterred the organization of significant opposition (Caraway & Ford, 2019; Caraway et al., 2015; Glassman, 2020). Trade unions were also banned in Myanmar, while exclusionary corporatist arrangements were in place in the Philippines, Taiwan, South Korea and Singapore, and restrictive legislation was used to control unions in Malaysia and Thailand from the 1970s (Caraway, 2010: 228-9; see also Deyo, 2012; Ford & Gillan, 2016).

### 2.3.2. "END OF HISTORY"

The end of the Cold War shook politics in the Global South at the end of the 20<sup>th</sup> century, in parallel with neoliberal globalization and the restructuring of work. Its key result was a global consensus about the link between democracy and capitalism, which translated into imageries of the end of conflict and thus of history (Fukuyama, 1989) and came to define the liberal mainstream of international development policy in the 1990s. Economic growth was understood as the primary goal and guarantor of development, and it was to be sought through market liberalization and deregulation which were expected to ensure successful participation in global markets. Yet, differing from the purely neoliberal Washington Consensus of the 1980s (Stiglitz, 2004), democracy, rule of law and human rights were now promoted as "good governance", understood as conditions for guaranteeing growth. The government was to create institutions and incentives to increase efficiency and enhance economic behaviour by safeguarding the rule of law, private property, anti-corruption, government accountability and effectiveness, in order to secure "economic freedom" (Mosse & Lewis, 2015: 9-10).

As Caroline Hughes (2003: 6) notes, building liberal democracy and peace in post-socialist and post-conflict countries was seen as unproblematic "in the euphoria of the immediate post-Cold War". Yet assumptions about universal, linear transitions soon came under criticism by, among others, researchers of post-socialism such as Burawoy and Verdery (1999), who argued against both totalitarian transition models that expect everything previous to disappear and those interpreting all signs of the past as



unchangeable path dependency. Typologies of hybrid regimes (Diamond, 2002) were suggested, yet they continued to invoke Weberian notions of bureaucratic rationality and Western liberal democratic regimes as universal norms. Critical scholarship has highlighted the ambiguous and uneven nature of transformations and the importance of understanding different forms of democracy as complete in themselves (Sharma & Gupta, 2006). The establishment of new, formal institutions of democracy does not automatically lead to progressive social change (Gills & Rocamora, 1992) nor to a transformation of values to incorporate a greater respect for human rights (Hughes, 2009; Öjendal & Lilja, 2009). Julie Billaud (2015) has used the notion of “carnival” to describe how the inversion of an old order caused by the installation of Western models in Afghanistan has resulted in “fictional state building” and a supervised state whose institutions are not trusted by the people. In Cambodia, Sebastian Strangio (2014) talks about a “mirage” democracy in which liberal democratic institutions provide a façade directed at development donors, behind which harsh power politics are implemented.

The pervasiveness of authoritarianism amidst economic liberalization has been a key theme in the study of politics in Southeast Asia (Carroll et al., 2020; Robison, 2011). Authors associated with the Murdoch School’s social conflict approach (see Hameiri & Jones, 2020) have called attention to the structural power relations and “specific entrenched interests” (Robison, 2011: 15) behind the apparently dysfunctional institutions and “weak” transitions (Hameiri & Jones, 2020; Hughes, 2020; Rodan, 2004, 2018; Rodan & Baker, 2020). The shift to a market economy and formal democracy in countries like Cambodia, Myanmar, Laos and Vietnam were promoted by elites who were interested in maintaining their power and control of economic assets, and succeeded in using economic liberalization and transnational linkages to this end (Hughes, 2020: 113). Rather than imposed externally, neoliberalism and anti-labour policies have been actively promoted in the region by local actors whose interests have been served by these regimes (Gray, 2015; Hughes, 2009; Springer, 2010, 2011).

### 2.3.3. TRAVELING RATIONALITIES

There is a strong tradition in critical development studies and anthropology of analysing the depoliticizing effects of development aid (Ferguson, 1994) and its universalizing logic, which renders political questions technical (Li, 2007). Similar effects of international cooperation on labour politics, especially between Northern and Southern trade unions, have received less attention. Yet the impact of decontextualized institutional solutions – applied in disconnection with the histories of political struggles from which they originally emerged in other contexts (Mosse, 2013) – is clear in the way

the notions of tripartism and social dialogue, for example, have been included in post-Cold War liberal development models as context-free “travelling rationalities” (Craig & Porter, 2006: 120). They have also been promoted by the ILO as a standard feature of new democracies, first in the post-communist contexts of Eastern Europe (Ost, 2000) and later in democratization processes across the Global South (Ost, 2011). In these processes, Ost (2011) claims, tripartism has lost its original content of including the excluded into meaningful negotiations, taking on an “illusory” form that has implied façade negotiations to extract labour’s complicity with neoliberal policies that destroy its power.<sup>12</sup> Nonetheless, Ost (2011: 25) notes, tripartism is promoted in the literature as if it were the only option that can bring benefits to labour, while labour’s ability to achieve victories through more adversarial relations seems to have been forgotten in this emphasis on cooperation and “partnership”.

The promotion of tripartite institutions has also been integral to the role that the ILO has adopted in recent decades in South East Asia. In addition to providing technical assistance for institution building and the creation of tripartite employment relations, it has adopted a role as a development actor focused on supporting growth through employment creation and labour regulation in several post-authoritarian or post-conflict contexts, including Indonesia, Timor-Leste, Cambodia and Myanmar (Ford, 2016; Ford et al., 2017). The traditional core of the organization’s agenda – tripartism and the setting and monitoring of international labour standards – has been presented as a precondition of economic growth and of economic integration (Ford et al., 2017), in an apparent parallel with the broader development discourse that legitimizes the promotion of human rights and democracy as “good governance” that supports economic growth.

The approach, epitomized in the notion of “decent work” (Hauf, 2015), has been central to the ILO’s efforts to reinvent its mission in the context of neoliberalism. In addition to the imminent risk of trade-offs between the objectives of economic growth and labour standards (Ford et al., 2017: 93), there is a clear tension between the logic of free trade and deregulation, on the one hand, and tripartism and consensual regulation through negotiation, on the other. Yet the idea of win-win solutions reflected in the notion of decent work has been at the centre of the post-Cold War development policy of the Northern donor community on labour issues, particularly the US, which has shifted from supporting anti-communism to demanding respect for “core labour standards” as a requirement for market access (Ford & Gillan, 2016: 178).

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<sup>12</sup> Nonetheless, Meardi et al. (2015) argue that promoting stability and neutralizing conflict in times of social crises and democratic change were always at the core of tripartism.

The results of externally promoted corporatist arrangements have also been problematic in post-communist Eastern Europe. Incentives that made state and capital seek social compromises and the labour movement's consent in Western Europe have been lacking, which has resulted in "social partnerships" that echo the non-antagonistic class interests of Soviet times, defusing conflict instead of promoting union strength (Crowley, 2015: 130-1). Friedman (2014) observes similar illusory corporatism in China where, despite economic reforms and the establishment of new institutions like individualized labour relations regulated through the legal system, the ACFTU (All-China Federation of Trade Unions) has continued acting as a bureaucratic arm of the party-state (Gallagher, 2015; Taylor & Li, 2007) and an official mediator between workers and employers rather than independently defending the former (Bieler & Lee, 2017; Lambert & Webster, 2017).

The idea of civil society as inherently democratic has been criticized by researchers of Southeast Asia (Ford, 2013a; Hewison & Rodan, 2011). Similarly, despite the expectations based on the role of trade unions in democracy movements against authoritarian regimes around the world (Caraway et al., 2015), the reality has been rather ambiguous, especially in the case of former state-backed unions of authoritarian regimes that have survived the transition as "legacy unions" (Caraway, 2008) and tend to have little experience of mobilizing workers and engaging in collective bargaining or public advocacy (Caraway, 2008; Crowley, 2015; Kesküla, 2012). In Southeast Asia, the repression and exclusionary corporatism practiced by Cold War-era authoritarian regimes left labour movements weak, fragmented and dependent on elites but disconnected from political parties and the middle classes (Caraway & Ford, 2019; Caraway et al., 2015; Hansson et al., 2020). Radical groups had been destroyed and the moderate ones subordinated to state and capital (Hansson et al., 2020). In the region, militant working-class mobilization played little role in the democratic transitions, unlike in Korea or Latin America (Caraway et al., 2015). In Indonesia, for example, the most dynamic labour activism was found in the labour NGOs (Ford, 2009), while in the Philippines, labour mobilization played some role in destabilizing authoritarian rule in the 1980s (Hutchison, 2015). Considering the depth of the structural weakness of the trade unions, interpreting their failure to assume democratic roles in post-authoritarian contexts as a lack of capacity (cf. Caraway et al., 2015) would seem to constitute a parallel with simplistic transition narratives.

To sum up, the historical influence of Northern unionism on labour organizations and labour struggles in the Global South has been shaped by interactions between

labour actors and by international politics, reflecting the aims of solidarity and support as well as geopolitical interests. The influence of Northern actors during the Cold War contributed substantially to the structural weakness of Southeast Asian labour movements, which challenged their ability to fulfil the role expected of them by the international community in the context of the liberal development approach of the following decades.

#### **2.4. LABOUR IN THE ERA OF HUMAN RIGHTS AND NEOLIBERALISM**

With the apparent collapse of socialism as a political alternative, human rights became a universal language of social justice (Douzinas, 2013; Rajagopal, 2003; Santos, 2002a). The liberal consensus permitted political rights – freedom from fear – and socioeconomic rights – freedom from want – to be brought together into a rights-based approach to development, as reflected in UN Secretary General Kofi Annan’s notion of “development in freedom”. Human rights, peace and security, and development, previously considered independent fields, were now understood as parts of a broader effort to promote the rule of law (Rajagopal, 2006; Zimmermann, 2017).

Originally criticized as a Western discourse, human rights had been mobilized during the Cold War in struggles against both oppressive right-wing regimes, such as the military dictatorships in Latin America, and the authoritarian communist regimes of Eastern Europe. In the words of Shannon Speed (2007: 176), “as the triumphalist march of neoliberal capitalist democracy moved forward over the ruins of socialist projects and authoritarian governments, rights struggles became the primary form of contestation to state power and social injustice”. The claim to universality made human rights politically useful as a language for formulating demands (Levitt & Merry, 2009) and effective as a master frame for mobilizing support and alliances (Clément, 2018). Arguably, their use as a tool of political struggle is linked to the broader tendency of judicializing politics (Comaroff & Comaroff, 2006; Martínez, 2018) and activism (Bornstein & Sharma, 2016), displacing political conflict into the legal sphere.

Nonetheless, mainstreamed into discourses of development and economic reconstruction, the human rights language began losing its power as a counter-hegemonic discourse (Rajagopal, 2006). Its ability to counter neoliberalism has been strongly debated; liberal human rights discourse has been blamed for depoliticizing conflict and converging with the logic of free markets and neoliberal imperialism, focusing on morality instead of addressing the structural causes of inequality and

oppression, particularly questions of economic power and distribution (Brown, 2004; Douzinas, 2013; Kennedy, 2002; Klein, 2007).

Several authors have warned against the double-edged nature of the human rights discourse, which can also be put into the service of both emancipatory and regressive political purposes in the context of international development, as they are used by neoliberal states to defend the status quo (Speed, 2005). Similarly, Harri Englund (2006: 49) shows how externally imposed, narrow and individualized rights discourses can lose their democratizing potential and instead produce “prisoners of freedom”.<sup>13</sup> The individualizing tendency of human rights discourse has raised particular concern when labour rights are incorporated into this frame, due to the risk of obscuring their nature as collective claims connected to the economic conflict between labour and capital (e.g. Savage, 2008).

#### 2.4.1. PRIVATE REGULATION OF LABOUR RIGHTS

Human rights and neoliberal governance approaches shape the struggles of Southern workers by integrating labour rights and relations into frameworks of private regulation and corporate social responsibility (CSR), increasingly promoted as a way to mediate work-related conflicts and protect workers in the global value chains of multinational companies. At the root of this development is the organization of manufacturing into global chains in a bid to escape the effective state-centred labour protection in Northern countries (Locke, 2013). In the new production contexts, states did not mediate the conflict between labour and capital with protective laws, and capital was free to use economic coercion to control the labour process. This is the basis of low production costs in the global chains, but it also results in working conditions that are in violation of internationally recognized labour and human rights norms, which became problematic as globalized communications and activism brought them to the attention of Northern publics.

While the deregulation of workers’ rights resulted from active policy making and was supported by the neoliberal advice of international financial institutions, the absence of *de jure* or *de facto* protection in the Southern export industries tended to be discussed as a “governance deficit”, understood as the result of states’ lacking regulatory capacity (Mayer & Gereffi, 2010; Newell, 2001; Ruggie, 2014; Vogel, 2010). Rather than analysing the political reasons for this development, state weakness was taken for granted and political and academic attention was directed towards identifying

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<sup>13</sup> On the depoliticization of human rights in the context of development, see also Allen, 2013; Babül, 2017; Bahçecik, 2015; Billaud, 2015; Destrooper, 2018.

ways in which other actors could complement capacities of the state which, in the words of John Ruggie (2014: 8) “by itself cannot do all the heavy lifting required to meet most pressing societal challenges and ... therefore needs others to leverage its capacities”. Theorization about governance replacing government (Rosenau & Czempiel, 1992) described a sharing of regulatory functions among diverse actors and replacing binding law and treaties signed by states with softer forms of regulation (Abbott & Snidal, 2009; Ruggie, 2013).

Ways to fill the “governance gaps” were first sought at the inter-state level. The creation of a binding global regulatory system by including social clauses into the WTO failed, opposed by Southern governments (and unions) as Northern protectionism (e.g. Locke, 2013). In this context, international organizations skipped the state level and began developing initiatives of soft law, such as the UN Global Compact, which companies could join voluntarily (Locke, 2013). Within the UN’s human rights system, work began on the notion of *business and human rights* in order to define the roles and responsibilities of private companies, previously not considered subjects of international human rights law. The process, led by John Ruggie, resulted in the UN Guiding Principles on Business and Human Rights (UNGPR), endorsed by the Human Rights Council in 2011. In this framework, workers’ rights are explicitly recognized as human rights, but instead of the binding international labour conventions of the ILO, reference is made to the non-binding Declaration of Fundamental Principles and Rights at Work (1998). In a parallel process, corporations, particularly in North America, responded to pressure from the anti-sweatshop movement and the protectionist interests of the North American trade unions (Bair & Palpacuer, 2012; Brooks, 2007) and began developing their own self-regulation initiatives in the framework of CSR. Both processes reinforced the role of corporations in regulating labour and other rights in their value chains. As a result, the attempt to fill gaps in the ability of Southern states to regulate corporations legally led to a global privatization of regulation, fundamentally strengthening the power of private commercial actors in the generation and enforcement of law (Cutler, 2003).

Due to the visibility of many fashion brands, the garment industry has been at the forefront of this trend. The instruments of private regulation of labour rights include corporations’ Codes of Conduct (CoCs) and broader multi stakeholder initiatives (MSIs) in which NGOs and other actors participate in defining codes and their monitoring through audit regimes (Anner, 2012; Locke, 2013; O’Rourke, 2006; Seyfang et al., 2002). Nonetheless, critical social scientific perspectives have criticized even these broader

initiatives as “too weak for the job” (Wells, 2007; see also O’Rourke, 2003, 2006; Prieto-Carrón et al., 2006). In recent decades, a burgeoning literature has identified weaknesses in the market-based solutions, such as their legally non-binding nature and the limited scope that does not reach the most vulnerable workers along complex value chains (Barrientos, 2008; Barrientos & Smith, 2007; Merk, 2014; Mezzadri, 2012, 2014). The initiatives depend on corporations for funding and access to workplaces, which fundamentally affects their focus and monitoring (Anner, 2012; see also Barrientos & Smith, 2007; Seidman, 2008; Sum & Pun, 2005; Utting, 2008), and their potential positive impact is countered by the corporations’ purchasing practices, which incentivize exploitative working conditions (Anner et al., 2013; Anner, 2020; Barrientos, 2013; Lund-Thomsen & Lindgreen, 2013).

Some researchers have sought to identify ways to make private regulation stronger: for example, through increasing workers’ participation (Egels-Zandén & Merk, 2014; Riisgaard, 2009; Siegmann et al., 2014) or addressing problematic sourcing practices (Anner, 2020; Lund-Thomsen & Lindgreen, 2013). But as LeBaron et al. (2017) point out, this draws attention away from the fact that private regulation is fundamentally about avoiding accountability and, moreover, reflects the power of corporations to write the rules and to disarm criticism by absorbing it at the discursive level without fundamentally changing their behaviour (Scheper, 2015b). It is meant to protect commercial interests (McCarthy, 2012; LeBaron et al., 2017) and to avoid binding state regulation (Coumans, 2011; Soederberg, 2009). Yet corporate power not only makes private regulation weak but also difficult to change. As Baars (2019) notes, corporations are not strongly regulated *because* corporations rule. Effective CSR is a paradox.

Another key strain of critical literature has emphasized the importance of “complementarity” between public and private governance (Amengual, 2010; Bair, 2017), suggesting that in order to ensure compliance of labour rights, private regulation needs to be supplemented by state regulation (Anner, 2017; Compa, 2008; Drebes, 2014; Esbenschade, 2012; Mayer & Gereffi, 2010; Seidman, 2008). However, there is little evidence of any convergence or mutual strengthening between private and public regulation (Locke et al., 2013; O’Rourke, 2006; Salmivaara, 2018; Wells, 2007). Furthermore, suggestions about strengthening state regulation in order to support private regulation seem fundamentally futile, since the regulatory “deficits” have been strategically created and sought by states and corporations (Lebaron & Lister, 2015).

If companies place production where they can reduce production costs, and states create governance gaps in terms of labour rights to attract investors, it is not a

coincidence that production happens in “labour repressive” and authoritarian contexts (Anner, 2015, 2017) in which workers lack power and the channels to push for pro-labour legislation via democratic participation. The organization of production into global supply chains aims to take advantage of global unevenness and inequality (Phillips, 2011), and weak trade union rights are the political basis of the global division of labour (Taylor, 2011). Furthermore, states might have a political interest in weakening the social mobilization of which independent trade unions are part (Salmivaara, 2018).

#### 2.4.2. NEW INTERNATIONALISMS

Labour struggles continue to be shaped by transnational inter-union cooperation in the contemporary globalized economy. Towards the end of the Cold War, the North-South divide appeared on global union agendas, with the radical unions of the South remaining outside the international confederations (Stevis & Boswell, 2008). The end of the Cold War seemed to provide a possibility of unity, raising hopes for a renewed labour internationalism that would replace the nation-statist perspectives of trade union imperialism (Munck, 2002). Shared experiences and pressures faced by a global working class, as well as improved communications, could facilitate transnational solidarity and cooperation (Evans, 2008, 2010; Silver, 2003; Webster et al., 2008).

The possibility of a transnational labour movement countering global capital became a central debate in global labour studies (Brookes & McCallum, 2017) with some scholars detecting the seeds of a Polanyian countermovement that would resist neoliberal globalization (Evans 2008, 2010; Munck 2007). Southern unions hoped to see a rejection of Western universalism and strategies beyond transnational collective bargaining that would address broader questions of social justice (Waterman, 2008; Webster et al., 2008). But as Bieler et al. (2008) note, true internationalism should address the concerns of both the less privileged Southern movements and those of the North, who were seeing their position weakening with global restructuring, yet the uneven and combined development of capitalism makes it difficult to build common goals. Indeed, reformist and nationalist perspectives were being reinforced among Northern unions eager to protect their jobs. In concrete initiatives of inter-union collaboration, the traditional strategies of Northern unions, based on “social partnerships” with employers and the state, have been imposed, despite their unfeasibility in most Southern contexts with different histories and power relations (Bieler, 2012; Bieler & Lindberg, 2010). A key sphere of such collaboration between Northern and Southern unions has been the global union federations (GUFs), until 2002



known as international trade secretariats (ITSs). Their efforts to strengthen their role in the global economy have also been challenged by limited resources, difficulties in coordinating action on different scales as well as weak authority vis-à-vis national-level federations (Ford & Gillan 2015; see also Bronfenbrenner, 2007; Filho & Silva, 2019; Ford, 2013b; Helfen & Fichter, 2013; McCallum, 2013).

Building local and international alliances with non-union actors has been emphasized as an important way to strengthen workers' associational power weakened by global restructuring. Drawing on Jennifer Chun's (2005) notion of symbolic leverage that can be utilized by marginalized workers, and inspired by social movement unionism, Webster and colleagues (2008) suggest that the labour movement should build "symbolic" or societal power based on social-movement type strategies in order to appeal to the wider public, integrating workplace-related claims into wider political struggles for social justice and combining struggles for redistribution and recognition (Fraser, 1995; Kabeer et al., 2013a). The role of non-union actors has also raised much interest in the literature on transnational advocacy networks (Keck & Sikkink, 1998) and labour campaigns (Anner, 2011; Brooks, 2007; Kumar & Mahoney, 2014; McCallum, 2013; Merk, 2009; Siegmann et al., 2014; Wad, 2013; Wells, 2009; Zajak, 2017; Zajak et al., 2017). Labour geographers have drawn on the idea of seeking a spatial fix for labour (Herod, 1997) that would enable it to "jump scale and bridge space" (Merk, 2009) in order to challenge mobile capital. Transnational labour campaigns have increasingly been targeting multinational companies by using their CSR commitments as leverage, while trade union actors have been focused on promoting global framework agreements (GFAs) between GUFs and multinational companies, seeking to replace unilateral CSR with the Northern tradition of social dialogue and collective negotiation (Brookes & McCallum, 2017; Ford & Gillan, 2015; Hammer, 2005; Niforou, 2012; Stevis & Boswell, 2008).

As authors such as Wells (2009) and Hauf (2017) note, however, the attention given to the extra-local dimension of labour protest has led to analyses that overemphasize the role of Northern actors and overlooks the agency of Southern actors as well as the importance of local power relations in the production contexts. The alliances that appeal to corporate reputations based on consumer power have not been unproblematic, tensions between Southern unions and Northern NGOs being a case in point. Decisions tend to be made by Northern consumers and activists, turning Southern workers from active participants in struggles into objects of external protection. In order to make campaigns fit the language and imagery expected by Northern publics,

Southern women workers are often presented as helpless victims and the solutions proposed are distant from what workers and their own organizations consider important (Brooks, 2007; Collins, 2009; Gill, 2009). The campaigns tend to highlight technical solutions to problems that readily attract the attention of Northern publics, such as treating child labour as a problem decontextualized from the conditions of poverty behind it (Brooks, 2007; Seidman, 2008).

Gill (2007, 2009) writes about cooperation between Colombian unions representing Coca Cola workers and their Northern allies, pointing to the limits of solidarity due to different political visions and understandings. The Colombian unions wanted to build alliances to oppose neoliberal capitalism and the Colombian state, hoping to infuse human rights claims with class politics and economic justice (Gill, 2009); nonetheless, the legal strategies shifted the agency and power to lawyers, leading to depoliticized framings of anti-union violence in terms of individual human rights violations, rather than understanding it as a political strategy to destroy unions and dispossess workers while redistributing wealth to multinationals and local elites (Gill, 2007). Gill notes that, in addition to their inadequacy in dealing with class-based injustice, anti-corporate strategies fail to acknowledge the role of neoliberal reforms in defending class privilege and harming workers. This makes evident the problematic impact of the judicialization of political-economic struggles discussed above.

The problematic power imbalances are not limited to union-NGO alliances, even though paternalistic tendencies and North-South imbalances (Waterman, 2008) have perhaps been less studied in terms of inter-union cooperation, and, in fact, union alliances seem to have been generally overlooked in research (Caraway & Ford, 2017). Yet, as Ford (2013) remarks, an aid-based model dominates in international labour solidarity, while, in addition to campaigns and capacity-building projects, global unions and trade union solidarity and support organizations (TUSSOs) often fund the basic running costs of Southern unions. The priorities of the Northern organizations and the governments behind them continue to influence their content even if less directly than in the Cold War era (Ford, 2013b; Ford & Dibley, 2011).

#### 2.4.3. FRICTION IN LABOUR STRUGGLES

The tensions in transnational alliances show that the influence of the Eurocentric models on trade unions and labour struggles in the Global South is not simply a result of unidirectional diffusion of culture and imposition of power, but of complex encounters characterized by what Anna Tsing (2005) calls friction: unequal, conflictive but creative interactions around ideas and concepts with different origins. As “engaged

universals" (Tsing, 2005: 8), contemporary rights discourses and union models travel around the world and across different historical moments and structural positions within the world economy, interacting with specific historical-cultural formations of identities and social struggles. Sally Engle Merry's (2006; Levitt & Merry, 2009) notion of vernacularization has been much used in the analysis of the adaptation and translation of "global" human rights norms into meaningful tools to be used by social movements in different places. Activists and movement leaders play key roles in appropriating ideas and strategies created elsewhere and adapting them to particular contexts shaped by different power relations, organizations and cultural and historical specificities. This challenges the idea of Southern actors as passive recipients in a unidirectional transfer of international legal norms from the core to the periphery (Santos & Rodríguez-Garavito, 2005; see also Ford, 2013a). Rather, interpretative processes are situational, and people's hopes and aspirations – but also their historical experiences, perceptions of the world and moral parameters – all affect what kinds of rights claims are deployed and how (Eckert et al., 2012: 11).

Similarly, while labour movements in many contexts might define themselves in terms of Western models of unionism (Ford, 2013a), activists are selective and strategic in the way they engage in vernacularizing global norms and ideas. Kesküla (2012: 240) suggests that despite their awareness of what unions in other contexts do, unionists might be less prone to be paralyzed by this comparison than scholars, and continue to do things in their own way, based on what makes sense in their own political, economic and cultural context (Kesküla, 2012: 210).

As discussed for the case of social movement unionism, the absence of the democratic or institutional channels of participation on which Northern unionists' strategies relied meant that Southern movements saw political change as a primary step towards changing material conditions. Yet, in other cases, the closed political opportunity structures of despotic regimes have led to the opposite result, inaction at the local level while alternative solutions are sought elsewhere through transnational alliances (Caraway, 2006b; Tarrow, 2005) or cross-class alliances, including collusion with management (Anner, 2009).<sup>14</sup> In Mollona's (2015: 158) analysis of social movement unionism in Brazil, neighbourhood activism emerged simply because factories were controlled by the military.

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<sup>14</sup> In a later study, Anner (2015) expands the idea and claims that different control regimes produce different forms of resistance. Regimes based on state labour control are conducive to mobilization from below and wildcat strikes, while market labour control contributes to international buyer accords and repressive employer labour control of cross-border campaigns.

Yet calculations about what is realistic in a particular context can also weaken militancy altogether, as suggested by Scott's (1985) examination of the avoidance of open resistance by subaltern groups in situations of extreme power imbalances. Rather than seeing mystification and the acceptance of exploitation based on a belief in a common sense, he claims, unlike Gramsci, that subordinate classes are able to demystify the prevailing ideology based on their daily experiences (Scott, 1985: 317), while apparent passivity is based on pragmatist calculation of risks and possibilities in the face of economic and non-economic coercion. "The main function of a system of domination", Scott writes (1985: 326), "is to define what is realistic and what is not realistic and to drive certain goals and aspirations into the realm of the impossible, the realm of idle dreams, of wishful thinking". Durrenberger (2002) presents similar views on trade unions, claiming that it is the dominant classes' power to shape everyday realities in the workplace, rather than the creation of hegemony and consent, that defines workers' strategies of resistance.

When considering the feasibility of different strategies, past experiences gain importance. Piven and Cloward (2000: 414-5) point to a continuity in labour's repertoires of action; certain strategies "become imprinted in cultural memory and habit" as they are reiterated by successive generations of activists, responding to lessons from earlier struggles. This can limit the ability of unions to adapt to a changing context, which is reflected in the outlook of Northern unions whose past advances have convinced them to continue to seek win-win solutions through negotiated agreements. Kesküla and Sánchez (2018) argue that ideas about labour struggles are "deeply embedded within the local political consciousness", and local traditions of trade unionism also shape current approaches beyond the Global North, in places like India or Kazakhstan. But, in yet other places, trade unionism has a short history and experiences of victories might be lacking altogether, although labour internationalism tends to build on the idea that the past experiences can be shared and imported, despite different local histories.

Narotzky (2014: 189) remarks that the impact of the past can change with time, because current struggles are embedded not only in history, but shaped by how the past is perceived in the current moment, perceptions which affect the potential for solidarity and mobilization in the future. It is the present, therefore, that defines whether the past is seen as a model to follow or as a pitfall to avoid. For the workers in north-western Spain, for example, the meaning of past victories has changed as material and economic conditions have worsened under democracy, and this has undone their faith in past

forms of struggle and solidarity, shifting priorities to immediate gains rather than systemic change (Narotzky, 2014: 183). Similarly, in Brazil and South Africa, militant unionism played a key role in processes of democratization and social transformation, but victories later turned into disappointment due to the concessions that labour movements had to make after gaining power in the context of the global neoliberal restructuring (Webster et al. 2008; Seidman, 2011; Von Holdt, 2002).

In places where past experiences of success are lacking, this kind of disappointment has not weakened labour's motivation to struggle, but experiences of union weakness and repression are more long-term than the period of neoliberal globalization, and the difference between Cold War anti-communism and neoliberal anti-union debates in the name of national competitiveness can be small (Elias, 2005; Ruwanpura, 2014). This affects what is seen as possible and realistic.

## **2.5. TO CONCLUDE**

The idea that the Global North is the future towards which the South is headed (Comaroff & Comaroff, 2012), widely debated among critical scholars, has had a significant impact on academic and practitioner analyses of labour politics. In this chapter, I have emphasized the importance of context in analysing labour movements and struggles, rather than taking models based on a particular historical model as universally applicable. Traditional industrial relations research theorized on the basis of an exceptional reality in which labour relations were governed in hegemonic arrangements that relied on – and in turn strengthened – labour's ability to exercise political power through democratic channels. Trade unions were able to focus on workplace concerns and defend rights and benefits through institutionalized negotiation structures because these channels and these benefits were available to them, as a result of the particular power relations.

Applying Eurocentric notions to movements and struggles in contexts without similar histories and social and political-economic power relations has resulted in interpreting weaker or more politically radical unions as "atypical". Furthermore, Northern models have affected the actual practices of Southern unions, through changing forms of policy and interaction. The promotion of workplace-focused union strategies has been encouraged by the separation of trade unions and labour parties in 19<sup>th</sup>-century Europe, by Cold War ideological struggles and, more recently, by depoliticized governance approaches of the post-Cold War.

In this study, I draw from the broad array of academic traditions reviewed in this chapter, to conduct a critical analysis of the actual practices, perceptions and strategies of Cambodian workers and their labour movement, and the way these practices and perceptions are shaped by the past and the present; by local social and political structures, on the one hand, and transnational alliances, the post-Cold War development consensus and Cambodia's position in the global economy of garment production, on the other.

### 3. REFLECTIONS ON RESEARCH METHODOLOGY

The methodology of this study was shaped more by the research questions than by fixed methodological traditions. This is common in interdisciplinary research fields such as development studies: the field shapes the topics and the nature of questions being asked, but the approaches and techniques used to answer them are flexibly chosen based on the particular “will to knowledge” (Cerwonka and Malkki, 2007).

My original research interest lay in studying the rise of private regulation and corporate responsibility from the perspective of labour and workers’ collective organization. I was interested in – and concerned about – the increasing political power of private corporations and the way it was affecting the ability of people, particularly workers in the Global South, to defend their rights and position in society. The impact of corporate power on democratic participation and accountability seemed to imply a key historical transformation.

In line with critical social theory, my study was motivated by the idea of unmasking an urgent social problem, and perhaps in some way contributing to social change. My political values and personal experiences, including my academic background in historical research and professional career working in human and labour rights and development, affected how I identified the research problems. They directed my attention to the depoliticizing impact of corporate social responsibility on the labour movement, historically a core progressive political force. I was also concerned by the victimizing and patronizing tendencies of the well-intended sweatshop campaigns discussed in the previous chapter, a perspective mirrored in the literature on private regulation wherein workers have largely been examined as objects of regulation rather than active agents (Riisgaard, 2009). I wanted to focus on workers’ own perspectives and their agency in the struggles over labour rights. Bringing together research on private regulation and labour studies seemed to fill an important gap in previous academic work, meanwhile enabling me to combine moral and epistemic values. My approach was loosely inspired by feminist standpoint theory and Sandra Harding’s (1995) notion of strong objectivity, according to which the inclusion of values in the *context of discovery* (as opposed to the *context of justification*) can make research stronger both ethically and epistemically, as it liberates it from the harmful effects implied by seeking objectivity as value neutrality.

Yet, while the struggles of Southern women workers seemed justified as a topic, their examination from a Northern position with an implicit desire to “give voice” implies a risk of misunderstanding and also of disempowering, as noted by Rose (1997; Mohanty, 2003; Spivak, 1988). Partially justifying my role in doing this research, however, are the limitations and risks facing researchers and, to a heightened degree, activists in Cambodia if writing openly and critically about political issues. These limitations have unfortunately become even more evident in recent years as authoritarianism has intensified in the country.

This chapter explores the ways I have addressed these issues through my methodological choices during the processes of data gathering, analysis and knowledge production. I begin by describing the reasons for choosing an ethnographic-historical approach, and its implications in terms of the epistemic-ethical challenge. Next, I discuss the methods of data production, reflecting on the interpersonal nature of this process. In the third and final section of the chapter, I briefly summarize the research data and describe their analysis during and after fieldwork, highlighting how theory and the empirical were interwoven throughout the process.

### **3.1. ETHNOGRAPHY AND ORAL HISTORY: DOING JUSTICE TO THE PAST AND THE DISTANT**

Since my objective in this study was to try to understand the perspective of a particular group of people, it seemed necessary to conduct strongly empirical research among them: to spend as much time as possible speaking to the most diverse kinds of people as possible, as profoundly as possible. As is frequent in ethnographic research, this study does not take a particular theoretical framework as its point of departure; instead of testing or illustrating a theory in practice, it draws on empirical data to produce new theoretical understanding. Without employing an entirely inductive approach, theoretical notions are complemented or redefined based on empirical analysis (e.g. De Sardan, 2005; Hammersley & Atkinson, 2007).

I was also interested in the dimension of historical change, but in terms of people’s perceptions rather than as a series of events. The emergence of social history – the study of the perspectives of people who had been marginalized from mainstream history, like women or workers or people in the Global South – was inspired by the political transformations of the 1960s (Cowan, 2012) and led historical researchers to explore oral histories because the new questions being posed could not be answered using traditional written sources. In a similar manner, this study uses oral histories as the key source on past events.



In the social sciences, the researcher is part of the object of her study: social life. This implies that her academic and non-academic pre-understandings inevitably affect what she can see (Gadamer, 2006 [1970]). In hermeneutical research, as a systematic process of interpretation, the validity of research does not come from erasing prejudices – which is not deemed possible – but from exposing them to critical scrutiny. Yet, in the study of phenomena situated in the past or in remote places or different cultural contexts, the debate about the role of the author has centred around the notion of the distance and “otherness” between the researcher and the object of study (Cohn, 1980; Cowan, 2012). Epistemological and methodological debates reflecting positivist ideas of science, as found in naturalist anthropology and Rankean historiography, held that distance enabled the researcher to reveal *what really happens/happened*. An opposite extreme was reached with the postmodernist wave of the 1980s, which turned attention to the power of linguistic and cultural construction, casting doubt on whether anthropologists were able to engage in anything other than construction, or historians produce other than fiction (Clifford & Marcus, 1986; Jenkins, 1995). Instead of theorization, seen as a relic of modernity (Puddephatt et al., 2009), researchers were to limit themselves to description and empirical aggregates (e.g. Comaroff, 2010), or mere collections of historical events (Kalela, 1999).

Beyond either reifying or rejecting the voice of the author, the inevitable imbalance of power between the author and the research participants in ethnographic and historical research calls for a recognition of the importance of the researcher’s pre-understandings, in line with Gadamerian critical reflexivity. Postcolonial and feminist perspectives have been particularly important in highlighting not only the theoretical but also the epistemological importance of power relations in knowledge production. Donna Haraway’s (1988) notion of situated knowledges refers to the way the author’s positionality inevitably affects her gaze, and thus calls for rejecting the idea of “the power to see while not being seen” (Haraway, 1988: 581) and, again, the myth of objectivity in science.

Ethnographic research has been described by Sally Ortner (1995: 173) as “an attempt to understand another life world using the self – as much of it as possible – as the instrument of knowing”. Despite the risks of bias associated with the author’s position and positionality, a key strength of studying through oneself is that it can facilitate reflexivity, because – and provided that – it comes with a constant awareness of one’s language and also one’s own values and practices (Strathern, 1990: n/a). This

reflexivity and awareness of oneself but also of one's relationship with the research participants assists in balancing the power between author and participants.

Like most contemporary research in the social sciences, this study does not aim to reveal the truth but, more humbly, to do justice to the people and the phenomena it analyses. In historical methodologies, the objective of *doing justice* has been understood in an epistemic sense as the careful reading of sources in terms of their own time, or seeing the past as a different culture (Kalela, 1999) in order to avoid anachronisms, teleological explanations and judging those who lived in the past based on what we know today. In critical development studies and anthropological research, a similar concern is related to the attempt to avoid ethno- or Eurocentric interpretations, also reflecting postcolonial debates.

Ethnographic methods and oral histories can help these efforts because interaction and collaboration provide the possibility of counterbalancing the power of the author and her theoretical and other pre-understandings. The role of surprise is commonly emphasized in methodological reflections on ethnography. Marilyn Strathern (2000: 287) recommends "keeping open a place for the unpredictable or contingent", John Comaroff (2010: 533) espouses critical estrangement and "the methodological deployment of rupture, contradiction, and the counterintuitive", while Liisa Malkki (2007: 175) talks about a "capacity to be surprised" and compares ethnographic research to playing jazz. She uses the notion of "calculated improvisation" to describe the way a researcher equipped with theoretical knowledge and academic skills is able to act in the unpredictable and changing context of fieldwork. In my view, it is important to remember that the researcher is not just improvising in an impersonal context of *music* but of other *musicians*: – equally skilled, capable human beings who act and react. More than objects of study, research participants are intellectual subjects and their role in the process goes beyond the production of data to the fields of analysis and theoretical knowledge. Without denying the power of the author over her project, the success of the ethnographic process depends on the participants and their willingness to contribute. The reflexive application of ethnographic methodologies can strengthen the role of the participants without simply reproducing a "Native's point of view". In historical research, the power of the empirical has been emphasized by Paul Ricoeur (1990), who highlights that the historian is always subjected to what is in the data. This relationship takes a more interpersonal form with oral histories.

To sum up, this study connects the empirical examination of everyday realities with the analysis of structural and historical processes by building theoretical understanding

based on empirical data, drawing on ethnographic-historical methodologies. The methodological goal of the study is do justice: epistemically, by producing relevant knowledge, and ethically, by respecting the intellectual agency of the people being studied. Rather than emphasizing the power of the Northern researcher, it is important to reflect on the interpersonal nature of the research process. This I do in what follows, first describing the construction of the field, then discussing the methods of data collection and, finally, reflecting on aspects of positionality and power that shaped the process.

## **3.2. METHODS: CO-PRODUCTION OF DATA IN CAMBODIA**

### **3.2.1. CONSTRUCTING THE “FIELD” AND THE “OBJECT OF STUDY”**

The traditional idea of ethnographic research as involving a physically bounded field site, where a holistically understood culture could be observed, has largely lost its earlier meaning as globalization has made evident what structurally and historically oriented scholars had long emphasized, namely, the importance of connectedness of people and phenomena in place and time (e.g. Gupta and Ferguson, 1997: 7). Yet, as I began this project, I felt the need to define the spatial and chronological limits of my fieldsite and my fieldwork. I had doubts about what counted as fieldwork and why, when much of what I did in Cambodia in the first phase – reading, thinking, writing, contacting people by email – was very similar to what I had been doing in Helsinki. Within Cambodia, I was not studying a place, a village or a community but, rather, social relationships (Hannerz, 2010) and local and transnational interactions over a particular, yet loosely defined topic: workers’ rights and labour struggles. The field of my study was not spatially defined, even if the impact of the context on the interactions was a key object of my inquiry. The interactions that I studied were characterized by mobility and temporality, as the people I studied were scattered around Phnom Penh although not permanently. Garment work is intimately connected with internal migration and its importance cuts across society and the urban-rural divide. Factory work is not a permanent condition (Lawreniuk & Parsons, 2018). Furthermore, the study addressed transnational structures and interactions with people living in places like Bangkok, Hong Kong, Geneva, Stockholm and Washington D.C., yet, rather than conducting “multi-sited” ethnography (Marcus, 1995), I investigated a single location as part of a larger context (e.g. Muir, 2011). On the other hand, inside Cambodia, I engaged not only with Cambodians but also with Chinese factory managers, Northern NGO workers and diplomats and Asian union activists.

In contemporary ethnographic research, it is widely recognized that “the field” is constructed by the researcher as part of the ethnographic process rather than existing prior to it (Burrell, 2009), and the same applies to “the case”, which is also formulated and negotiated along the way (Reddy, 2009). In this study, the group of actors involved in shaping the struggles of Cambodian garment workers, a group which constitute the object of this study, is a social category that I have defined. It was not a pre-existing, bounded group of people of the sort which ethnographers might be expected to take as their focus, even in a field that is not a delimited space (Passaro, 1997); nor was it a group conscious of itself as such (Amit, 2000). Burrell (2009: 190) highlights the importance of *entry points* rather than sites in defining what is being studied, and in my study, the entry points were particular individuals who allowed me access to the network that I ended up constructing as the object of my study. Apart from some NGO work-related engagement from Finland, my previous connection with Cambodia had been mainly as a tourist. I was interested in Cambodia for the reasons described in the previous chapter, but I was having serious doubts about the feasibility of the study based on my unfamiliarity with the country, the people and their language. A fellow PhD student who had worked in Cambodia for many years convinced me, however, of the relevance of the topic and the achievability of the project. While learning written Khmer would be very time-consuming, it would be possible to understand spoken Khmer relatively fast, meanwhile getting along in English among key activists. Having lived and worked in different countries and learnt new languages before, I felt encouraged. My colleague would help me build contacts. We sat down together one evening in late 2015, and she gave me an intensive introduction to Cambodia’s who’s who and political tensions, something that proved important to understand – or at least be aware of – from the beginning. Before traveling to Phnom Penh, I had another informative conversation over Skype with an expatriate familiar with Cambodian labour politics who provided me with a list of key contacts and issues.

These insights and names were my entry point to the field and to the construction of the case. I arrived in Phnom Penh in January 2016 for a three-month scouting trip during which I studied Khmer both at a language school and with a private tutor, and met with around 30 people for initial interviews. After this mapping of people and issues I returned to Finland for six months. My main fieldwork period in Phnom Penh lasted for ten months, from August 2016 until June 2017, with return visits in March-April 2019 and February 2020 to hold follow-up interviews. I conducted most of my research

in the capital, spending quite a lot of time first on tuk-tuks or motodups and then my own motorbike, moving from one place to another for meetings.

Although it was I who constructed the particular group of people as my case or fieldsite, the process was crucially shaped by and dependent on the people I encountered and their motivations, interests and opportunities – even as simply as in terms of time – to relate to my research and me as a person. Afterwards, I have often thought that I was lucky to be oriented to key people from the beginning, but then again, the people I met first shaped how the entire case and object of study was built, and inevitably had an impact on how I learned to think about what I encountered later. I widened the network using snowball sampling, the direction of which was shaped by my initial contacts.

The first people with whom I came in contact were mostly English-speakers, used to working with foreigners. Yet, while now working in organizations like independent unions, labour NGOs or other civil society institutions and the media, most had previously been garment workers themselves. The past and present connections between people were complex, and it was important to learn that people who were now representing different organizations might have worked and organized workers in the same factory 15 years earlier, or that people of seemingly similar positions in different organizations might have completely different social backgrounds and political connections.

### 3.2.2. THREE OVERLAPPING METHODS

In traditional ethnographic fieldwork, participant observation and immersion in the life of a community were the primary forms of gathering data, reflecting the aim of gaining a holistic understanding of a culture or a community. In the study of more delimited topics, attention focuses on specific aspects of people's segmented and often mobile lives (Hannerz, 2003) which, in a modern, urban setting, occur at different times and places. A holistic immersion in people's lives in their totality becomes not only less relevant but also more difficult when studying a workplace or an institution instead of kinship and family life (Carsten, 2012). All this strengthens the relevance of combining other qualitative methods with participant observation (Hannerz, 2003), and, in this study as in many others, this meant interviews and oral histories. These three methods overlap, but I treat them separately here to highlight their complementary value.

## ***Interviews***

When the object of study is made up of people who are not tied to a single place, the conversations and encounters that in traditional ethnography emerged spontaneously and informally from participant observation require careful planning. This increases the role of interviews or previously arranged conversations as a source of data. While the encounters themselves can still be open and informal, I believe that their non-spontaneous setting affects the interaction, which is why it is important to understand them as interviews.

I held interviews – understood as previously set and not spontaneously initiated conversations – with 123 people, mainly garment workers and labour representatives. 96 were Cambodians and 26 expatriates living or having lived in the country. Among these people there were 66 current or former garment workers, 24 of whom were also local-level union activists or leaders. In addition, 21 interviewees were national-level leaders or federation officials. 7 were Cambodians and 6 foreigners working for labour NGOs and international union organizations. Other 12 interviewees were locals and expats working in other parts of the civil society or media. These numbers should not be read as absolute categories, since they only reflect the current role of the actors and, as noted above, most of the current leaders and officials of the independent unions and labour NGOs – with the exception of legal officers and some others – are former garment workers and local-level activists themselves. The situation is different in the government-aligned unions, where leaders and officials tend to lack worker background.

In addition, the interviewees included 13 company representatives: 7 supplier, 5 buyer and 1 auditing company representative. There were 9 interviewees from either the Better Factories programme or the Arbitration Council, and further 11 people from the ILO and other intergovernmental organizations or the diplomatic community, and 3 representatives of the Cambodian Ministry of Labour.

All interviews were semi-structured, with the exception of structured interviews with 17 workers that were conducted in the framework of a cooperation project between two local organizations and a foreign NGO. Around half of the interviews were conducted in English, and the rest were translated by a research assistant or, in some cases, a union or NGO staff member. The duration of the interviews varied between 45 minutes and 3 hours and, in most cases, they were recorded. In the beginning I felt hesitant about asking people if I could record, instead taking thorough notes by hand. Later, I recorded most interviews. When someone seemed nervous about talking to me,

I would not suggest recording so as not to disrupt the conversation. The few interviewees who refused to be recorded were mainly Cambodians representing an international employer. When I did not record, I completed my notes on my computer or by hand as soon as possible. Together, my research assistant and I reviewed almost all the recordings of interviews we had done together to make sure nothing had been missed in the simultaneous translation. When working with other translators, I relied on my own understanding to check and complete the translations. I personally transcribed all conversations in order to guarantee confidentiality.

Of the different types of interview, the most important were with *key informants* – around ten English-speaking individuals mainly representing the labour movement – with whom I communicated and met repeatedly for informal conversations, in addition to conducting one or several long, more formal interviews with them. The latter were of the type that sociologist Barbara Heyl (2007) calls ethnographic interviews. Compared to one-time interviews, these are characterized by a qualitatively different relationship between the interlocutors, or “enough rapport for there to be a genuine exchange of views, and enough time and openness for the interviewees to explore purposefully with the researcher the meanings they place on events in their worlds” (Heyl, 2007: 369).

A second and largest group consisted of individual semi-structured interviews with a wide variety of actors. In a few cases I interviewed two people together, with one person translating for a colleague, as well as responding on his or her own behalf. I interviewed some of these people twice over the years, but not enough to constitute a longer-term relationship of the kind described above. The interviews focused on different facets of the industry, labour rights and politics, combining the perspectives, conceptions, experiences and activities of the interviewee and the organization.

Worker interviews form a specific group. They were all translated, and included individual, pair and some group interviews. The topics covered included work, family, working conditions, workers' rights and the role of trade unions, as well as workplace conflicts. Most of the worker interviews were organized with the help of trade unions or labour NGOs, which often resulted in a certain bias, with the interviewee speaking very positively about the organization in question. Another bias resulting from the way the interviews were organized was that the group included a significant number of workers who had lost their jobs as a result of union harassment or other conflicts. I was interested in how workers sought to defend their rights and resolve problems, and thus wanted to speak to workers with that type of experience. Yet I cannot generalize about

the frequency of conflict or union discrimination based on interviewees who had been selected on this basis.

The final group comprised actors such as journalists and civil society representatives, often expats, with whom I organized meetings – proposed either by myself or an interlocutor interested in hearing about my research. Thus, they were clearly work-related discussions, in which I took notes. I have not counted in as interviews the meeting that were clearly set as mere social encounters, even if those occasions often provided very good data.

According to Kvale (1996), interviews are always fundamentally about interaction: conversations between two (or more) people, in which both (or all) have an active role in the creation of meaning. While the interviewer poses questions, the interviewee participates in interpreting and re-interpreting the questions as well the responses, sometimes re-framing them (Holstein & Gubrium, 1995). This was the case in most of my interviews. Often, interaction would be more reserved to start, but the tone would change as discussion progressed. Rather than leading the conversation towards certain topics, I tried to make the speaker feel comfortable and to show that I valued what I was being told, actively responding in order to demonstrate my interest.

Another take on interviews emphasizes their role as more than just conversations. According to Rapley (2004), interview data should be read as a reflection of the social encounter between the interlocutors, rather than as providing actual facts on the topic. The researcher generalizes about the interviewee as representing a group, and the interviewee is often very conscious about this and assumes a broader role, producing herself “as an 'adequate interviewee', as a 'specific type of person in relation to this specific topic'” (Rapley, 2004: 17). In our conversations, research participants often explicitly talked about themselves “as workers” or “as factory managers”, or commented that a particular experience was common among their peers.

### ***Participant observation***

Collecting data over a lengthy period of time enabled me to understand what was said in the interviews in a gradually changing light, enabling my relationships with many informants to deepen, and improving my ability to engage in more meaningful conversations. Initially, I wanted to study the daily lives of women workers, their grassroots strategies and everyday resistance, and I thought I should settle in workers' living areas to conduct participant observation there. I also thought about identifying certain factories or conflicts as cases on which I would focus, following the workers' lives from factories to homes. I thought that I would do this after strengthening my



language skills and, meanwhile, I began my mapping from a more top-down perspective, which was familiar to me and also the only entry point I had, as described above.

Access to the factories was never a real option as those that accept outsiders are an exceptional few that participate in diverse charity initiatives and welcome NGO projects providing literacy or reproductive health education to their workers. They are not representative of overall conditions and realities in the industry and studying them did not seem particularly relevant to me. Reflecting on this, I also realized that my primary research interests did not lie inside the factories but in the interactions between workers and their organizations, and between trade unions and the federations and their local and international partners, and the buyer companies. I had also realized that my position and limited language skills would not enable me to do good research at the grassroots level only. I decided to focus my study on the above-mentioned interactions, while including in it the examination of how workers' private lives and their gendered responsibilities for social reproduction affect their position in labour politics and activism.

Yet the ideal of participant observation as "deep hanging out" (Geertz, 1998) that involves establishing a daily presence at a physical site (e.g. Cerwonka & Malkki, 2007) affected me, and during my first scouting trip I spoke with one of the labour NGOs about volunteering with them. I thought it would be a way of gaining access to the interactions I wanted to study but also of contributing to the cause of the workers' rights, instead of just extracting people's time and knowledge for my own benefit. This plan did not materialize as I thought it would and, instead, I ended up cooperating with the organization in a more occasional and informal way, on specific projects. I later realized that not being identified as representing or collaborating with a single organization was probably beneficial in terms of my forming relationships with a wider range of actors, taking into account the tensions and conflicts between them.

A key factor restricting the role of participant observation in this study was language, which defined the construction of the field by directing me first to English speakers with whom it was easy to communicate. I continued with a private Khmer language tutor four times a week through most of my time in Cambodia, and as I became able to follow labour-related discussions and understand what was going on, I was able to increase the role of participant observation. Although I still needed someone to explain the details and assist with deeper interactions, I observed some Khmer-language events with the help of a translator or an English-speaking informant. Then again, there is also a lot to observe in non-verbal communication, which became more

fruitful as I grew more familiar with the people and the logic of situations; furthermore, most of the activities that I observed were bilingual as they were organized between Cambodian and international actors, meaning that problems of translation were an inherent part of such events, not just for me but for most participants. As my Khmer skills improved, I became increasingly conscious of this.

I observed the work of unions and labour NGOs, visiting their offices and joining representatives on their visits to worker communities. I also participated in public and semi-public gatherings, meetings, commemorations and protests. Some were organized locally, others in cooperation with or directly by international actors: global union federations and NGOs, UN organizations and buyer companies. I participated in one employer workshop and visited a couple of factories. Most of the observation took place in Phnom Penh – in union and NGO offices, seminar rooms and conference venues, as well as in the streets; I also conducted visits to villages in the provinces surrounding Phnom Penh where I interviewed workers and activists in their homes or other safe locations. These visits were organized together with trade unions, either for the purposes of my own research or in the context of a small international research project in which I helped a local union and an NGO.

I constantly observed the social life and politics related to labour and human rights, both when interacting with people and when witnessing debates on traditional and social media. Another type of participant observation took place through my interactions with the Phnom Penh expat community, consisting mainly of Western and some Asian professionals working in development, journalism and related sectors. These were an important source of background data on the context of international cooperation within which labour rights interactions are situated.

Overall, my participant observation was rather different from what I initially had expected of it, which is almost standard in ethnographic fieldwork, according to stories of correction (Marcus, 2009: 17). Still, its fragmented nature felt like a failure for a long time. Despite the richness and volume of data collected with well over 100 people, I felt that my immersion in local life was not deep enough, that I was just dipping my toes in shallow waters. Thus, I would initially describe my research as “ethnographically oriented” rather than “ethnographic”. It took me time to understand my observations about the research process as important in themselves. My communications with the different actors – face to face, by email, chat and phone calls – the efforts to build a network and arrange meetings, the reluctance of some actors and the willingness of others to interact with me, all provided me with data on how Cambodian activists and

NGO and union staff communicate with international actors, and on their practices and perceptions and the power relations behind them.

Falzon's (2016: 9) notion that "understanding the shallow can be a form of depth" helped me realize that the difficulties in communicating and understanding were not simply about my failure to collect data, but also provided insight onto the messiness and complexity of seemingly simple transnational interactions between people from different cultural and class backgrounds. Those interactions *are* shallow and intermittent, characterized by mistrust and secrecy (while also by solidarity and trust, depending on political and other affinity), by opposing visions and different understandings of the same concepts. A huge amount of meaning is constantly lost in translation. All of this characterized the field that I was observing, and not only my own trajectory across it. During the follow-up visits in 2019 and 2020 I talked about this with some key informants, who told me this was right: the feeling of not knowing what is *really* going on is shared by them, and it is a key dimension of social and political life in Cambodia.

Furthermore, these ruptures do not only take place between local and international actors and between workers, employers and the government, but also between and within workers' organizations. I observed these issues, for example, when helping in a research project funded by an international NGO and executed by a local NGO in cooperation with a local union, which helped me observe the political and operational tensions between local actors and how international partners see – or fail to see – them. I noticed that my perceived connection with the international NGO affected my position in the eyes of a union leader, and witnessed how power relations operate within organizations, as well as how the collaboration between factory owners and the local authorities affects workers and independent unions. I also addressed these elements in interviews, but even my limited practical involvement helped me understand them much better.

This was the added value of my participant observation; despite its being fragmented, it extended over a relatively long period of time and helped me gain an understanding of the dynamics that transcended what was reported in interviews. As Falzon (2016: 9) notes, this is what Maurice Bloch (1991) meant with his notion of non-linguistic knowledge, something that is crucial for understanding but difficult to produce through mere language-dependent interviews. Hastrup (2004) talks about the performative mode of knowing implied in fieldwork that links understanding to participation and evidence to experience. As is often emphasized, this knowing without

having to ask is something that can only be achieved with time, as Strathern (1990: n/a) describes: “Rather like getting to know the layout of a town or what kind of person a friend turns out to be, it needs enough time for a kind of interaction to have taken place”. While my stay in Cambodia was still short and my immersion shallow, the time spent in participant observation enabled me to learn much more than I would have if I had only conducted interviews on short visits.

### ***Historical sources***

As described above, the shift to *histories from below* directed scholars towards oral histories, since written documents, considered as direct traces of past events, rarely responded to questions regarding subaltern groups. Earlier academic worries about the subjectivity and unreliability of oral sources became irrelevant in the examination of perceptions and perspectives (Perks & Thomson, 2015). As the Finnish historian Jorma Kalela (1999) suggests, the validity of historical sources comes from the kind of questions they can help to answer. In Cambodia, very few official archives exist of the struggles of the past decades. One independent union was systematically documenting its activities, including factory-level conflicts but, while I was offered access to it, I realized that this type of analysis would have been too time-intensive and, further, that the archives did not address the focus of my interests: what workers thought about their past and current struggles.

Oral histories reflect the subjective dimension of memory and provide a way to analyse the meanings of past experiences (Leavy, 2011; Perks & Thomson, 2015) and people’s perceptions: what they wanted to do, or believed they were doing, and how they see things afterwards (Portelli, 2015). As in other methods used in this study, the participant is an active producer of knowledge, and meaning is not revealed but rather emerges in the collaborative process (Leavy, 2011). Interviews with some key informants as well as female activists, mainly current and former union leaders, were especially fruitful sources of oral histories. The conversations followed an open-ended format of story-telling in which my main contribution was to instigate. I usually simply asked, “Would you tell me how you became [what you are today]?”, after which the interviewee would take a leading role. In most cases, they would mention their home village and identify family poverty as the factor that sent them into factory work. Without being asked to do so, the interviewees usually intertwined reflections on their own personal experiences with assessments of the wider social and political developments that have marked Cambodia’s contemporary history. Their own agency as part of the historical process seemed important, as well as what these processes had

meant for them personally, as well as for wider social groups. This kind of linking between autobiographical accounts of subjective agency and larger developments in time is a key contribution of oral histories to understanding historical processes compared to other types of qualitative interviewing (Leavy, 2011). Comparisons between past and present were also frequently made, with the interviewees commonly highlighting that, despite an important change in workers' awareness, material conditions and conflicts remained the same.

In addition, I used newspaper archives as sources of background data and to complement existing research on developments in the garment industry and labour politics in recent decades. In Cambodia, the freedom of the press has been very limited throughout the past decades, and Khmer-language media are under strong government control, mainly through self-censorship. Nonetheless, two English language newspapers, produced by teams of Khmer and expat journalists, have been able to report without censorship. *The Cambodia Daily* (established in 1993) and *Phnom Penh Post* (established in 1992) are thus useful sources on major political developments and they have also covered labour issues rather well, due to the importance of the garment industry in Cambodia since the 1990s. However, the critical reporting that makes them useful historical sources also made them a target of the political crackdown of 2017. *The Cambodia Daily* was forced to close down and the Phnom Penh Post was sold to a Malaysian businessman connected to Prime Minister Hun Sen. I conducted labour-related searches in the virtual archives of both papers starting from the early 1990s, and went through the paper archives of *The Cambodia Daily*.

A final group of historical sources consisted of reports, memos, statements and other publications, produced mainly by local and international labour and human rights NGOs. In addition, I have used reports by the ILO and the BFC as sources on labour conditions in Cambodia, as well as on the discourses and activities of these organizations. Secondary historical sources include research literature on Cambodian politics and society.

### **3.3. COLLABORATIVE KNOWLEDGE PRODUCTION AND POSITIONALITY**

As mentioned in the beginning of this chapter, the research process was characterized by its interpersonal nature. In the following, I discuss this dimension with a focus on how relations of power, positionality and conflict shaped the resulting data and knowledge.

#### **3.3.1. BEING A "BARANG" AND STUDYING TRANSNATIONAL INTERACTIONS**

The ubiquitous presence of international cooperation in Cambodian civil society and politics is an object of analysis in my research, but it also greatly affected my position in the field. As Barreman (2012) notes, people tend to identify researchers in familiar terms, as performers of familiar roles. Cambodian activists are used to working with foreigners, *barang* (literally “French”, used for Westerners) such as NGO or union representatives, human rights activists and journalists, which certainly affected the way I was seen and received. As a *barang* interested in the garment industry, as opposed to *chen*, (literally “Chinese” but sometimes used for other Asians) I was considered a sympathizer with the workers’ cause, and it was easy to gain a certain level of access to the unions and labour NGOs. It was also easy for me to adapt to this position, because I had previously worked in the international NGO world. Interactions felt familiar despite my being new to the Cambodian context. At the same time, networking and creating rapport with people was very different as an academic than as an NGO worker. I was alone, without anything to offer in exchange for people’s time and collaboration. This made me aware of the importance of the international partnerships that imply power imbalances but also opportunities, funds and other forms of support.

Furthermore, mere access does not say much about the quality of the interaction. Rapport between researcher and participants is about trust, which is crucial for the success of ethnography (e.g. Sluka, 2012: 137). Studying a politically sensitive topic in a context characterized by pervasive mistrust and even fear, such as Cambodia (Schoenberger & Beban, 2018), the importance of being introduced to the field by trusted people became very clear. It determines how people see you politically, which is why the direction taken by my snowball sampling was shaped by my initial contacts. Approaching people randomly, without mentioning someone as a reference, very seldom bore results. This is why I conducted worker interviews organized by unions and NGOs despite the biases that the setting might introduce to the way the interviewees talked about the organization. I believe that the involvement of the organizations had a positive impact in terms of creating trust and, in some cases, ensuring that the location was safe.

As mentioned above, time is an important factor in creating rapport. The construction of meaning does not only depend on the immediate interaction in the interview situation, but is shaped by the ongoing relationship outside the particular event (Heyl, 2007). While I never became an insider, the time that I spent hanging around did affect the conversations, as is evident when I read my notes. Both I and the

interviewees engage in sensitive topics in much more depth and my ability and courage to pose important questions increases over time.

My role as a *barang* also created confusion. Many workers and unionists in Cambodia are used to being interviewed by foreigners about their experiences, particularly on labour rights violations. This is how factory monitoring works. In many situations I felt I was being given accounts of labour rights violations because that is what people expected a labour-friendly foreigner to be looking for. Foreigners living in Cambodia often repeat the stereotypical idea that “Cambodians always tell you what they think you want to hear”. While I find this kind of generalization problematic, the conversations that I had in Cambodia did reflect preconceptions about my interests and the interlocutor’s experiences of working with people like me, as well as ideas about polite and appropriate behaviour and hierarchy, all of which sometimes made the interpretation of discourses difficult. I had to reflect on how much the narratives and language used – for example, concepts of human rights and discourses of structural problems of global supply chains – was affected by the role assigned to me by my interlocutors. What would people say if they had the same conversation with a Cambodian researcher?

An extreme case of role confusion were certain worker interviews that local organizations had offered to arrange for me. I did not want to turn down the help, but I tried to ensure that the workers understood what the situation was about, and that no benefit would accrue from their voluntary participation; however, I soon realized that some interviewees believed that they were giving their testimony to a foreigner who would be able to help them. These moments were extremely troubling to me ethically, not just because I was unable to help workers who had lost their jobs, but because of creating false hopes. I also wondered whether the workers’ consent to being interviewed could be considered informed in a meaningful sense. Liisa Malkki (Cerwonka & Malkki, 2007: 88) writes about the vulnerability of socially disempowered people to diverse interventions and control, including research, synthesizing my concern. As she notes, “everyone should have the means to block access to researchers, to refuse to participate in a project, to decline to be interviewed. That is one of the basic ethical tenets of social research, but it is not reflected in the broad structural dynamics of knowledge production.” Power differences and colonial continuities were evident in the situation as even the misunderstandings enabled me to extract insight about the conflicting interests and understandings that characterize the interactions between

Cambodian actors and their *barang* supporters, and about how people on all sides of the unbalanced relationship are so accustomed to it that they act accordingly.

Assumptions about my motives as a *barang* seeking information on the garment industry were also reflected in my failure to manage to talk to certain actors. The idea that Westerners are here to expose abuses was manifest in the difficulties I encountered with the mainly Chinese factory managers and representatives of the Cambodian government, experiences that were shared by local researchers associated with NGOs or unions, as well as Western journalists. It could be argued that interviewing people who are suspicious of the researcher is unlikely to provide many new insights; on the other hand, the factory representatives who actually responded positively to my direct requests to meet all belonged to the exceptional – and equally biased – group that wanted to show me how much good work they were doing in terms of CSR. At the end, I did manage a couple of very good interviews with less distrustful factory representatives, but only thanks to contacts made by coincidence with some of their personal friends in the expat community. Those who agreed to speak to me also assured me that I would not be able to get an interview from anyone else in the well-connected supplier community. It was relatively easier to speak with the Northern buyer companies, particularly their expat staff, who seemed to draw a clearer distinction between academic researchers and the NGO staff and journalists who were seen as chasing ugly stories about corporations.

### 3.3.2. GENDERED HIERARCHIES

Gender dynamics affect all interpersonal relations, including those between researchers and participants. Having lived and worked for about a decade in Latin American and Caribbean contexts, I felt somewhat relieved in Cambodia, where I felt less vulnerable in terms of gendered safety and thus physical mobility. Nonetheless, I felt that my gender had another restricting impact that was related to the research topic. While I always felt welcome, it seemed to me that male researchers and observers were treated differently, as “one of us” in the traditionally very male community of trade unionists and labour activists.

In Cambodia, politics, public life and power are strongly associated with masculinity (Jacobsen, 2012; Lilja, 2008). Yet, being seen as a girl – not as a question of age but in terms of lack of expertise – probably helped me in the sense of making me less threatening and, thus, better able to approach sensitive issues, an experience so commonly shared by female ethnographers since Hortense Powdermaker (1967) that it has almost become a truism in methodological literature (Warren & Hackney, 2000).



Listening to my recordings, I note a tendency to assume the role of an ignorant girl when interviewing certain men in positions of power. I am not sure if that is a reflection of my insecurity in the moment, or an intuitively applied, gendered strategy to encourage the interviewee to “mansplain” things with less reserve. This role-play is not present with all male interviewees, and it is absent in my interviews with women, with whom the discussions seem more horizontal, with a feeling of greater proximity. It might also reflect the fact that the far larger proportion of my female interviewees were workers or lower level NGO/unions staffers, while almost all interviewees in positions of leadership, authority and power were men.

I hesitate to read my experience as a Western woman in Cambodia as evidence of Cambodian gender relations. Foreign women are not considered *female* in the same sense as local women whose behaviour is interpreted through the traditional norms coded in the poems of *chbab srey* (law of women) (Jacobsen, 2008; Lilja, 2008). Yet gender and female solidarity were important in making possible the sharing of personal, even painful stories. A feminist sensitivity was an important pre-understanding that shaped the way I examined and approached issues, although, overall, feminist questions play a narrower role in my study than originally planned, partly as a result of the focus on formal organizations. I had wanted to cooperate with a feminist organization but was not successful. Nevertheless, the marked contradiction between the overwhelmingly female workforce and union membership, on the one hand, and their male leadership, on the other, was of central interest to me. This ratio is regularly observed in the literature about the Cambodian labour movement, yet it is seldom analysed further. The oral histories that former and current female leaders shared with me during the latter part of my fieldwork were key moments in my research process. In emotionally loaded discussions, I was told about women’s role in the struggles to establish workers’ unions in Cambodia and their later marginalization from leadership positions. After transcribing these interviews, I noted that the written accounts of the unfair practices and corruption seemed less dramatic than I had remembered, and I realized that what was most meaningful as data was not the verbal content of the interviews, but the emotional charge of the interaction. These were stories that were not normally told or investigated. While foreigners are always interested in women as victims of abuse in the factories, the importance of their leadership role in the history of the labour movement has largely been invisibilized. In public, particularly in transnational interactions, conflicts in the independent unions were all but taboo; in line with what is expected of them in *chbab srey*, women have accepted the situation and kept silent.

### 3.3.3. STUDYING (IN) A CONFLICT

Writing on their experience of researching land grabbing in Cambodia, Schoenberger and Beban (2018) describe how new threats are layered with memories of past violence to control populations and facilitate capital accumulation. The context of increasing authoritarianism (discussed in detail in Chapter Nine) has resulted in pressure and fear that, while often avoided in talk, affect the lives of Cambodian labour and other activists and also, indirectly, my process of data collection. During the main period of my fieldwork in Cambodia, the situation was slowly deteriorating and tensions quietly increasing, but the political crackdown only escalated in August 2017, a little after my return to Finland. However, labour and human rights are politically sensitive topics in Cambodia, and people defending them vocally have faced threats, arrests and violence since the 1990s; some of my research participants were occasionally threatened or followed by gangsters or the police. The situation did not involve personal risks to me, as a foreigner, but I was concerned about my research potentially harming Cambodian participants. In 2016, a European PhD student was deported from Cambodia due to participation in the protest movement she was studying. What worried me about the case was the possible harm to research participants, especially as the researcher's computer was taken by the police; while I do not know if any materialized, it was a risk that I felt it was important to avoid.

On one level, this invoked technical considerations. I submitted an ethical review to the University of Helsinki Ethical Review Board prior to conducting my fieldwork and followed careful procedures throughout the process to protect the identity of research participants and ensure all materials were securely stored. Because of the sensitivity of many discussions, I transcribed all material myself and have not shared the transcriptions with anyone. I used pseudonyms and other forms of anonymization and coding for sensitive issues in my notes and transcriptions. In this dissertation, I have also anonymized all Cambodian interviewees and their organizations. All names are pseudonyms, often gender-neutral, and in some cases, I have used several pseudonyms for the same person in different contexts, when combined information could otherwise identify them. For the same reason, I also use broad terms such as "independent union" or "national level leader".

Despite these technical issues, it was clear to me, as it is to many Cambodian activists, that there is no way of guaranteeing that things that are said or written online

stay private. As Barreman (2012: 163) writes, “while the ethnographer would be committed to protecting the confidentiality, the studied individuals are unlikely to make such an assumption and, in fact, often make a contrary one”. This naturally affected what I was being told, even if I was sometimes surprised by how little care people seemed to exercise. This probably changed in 2017 when the government’s online surveillance became more evident, although even before the actual crackdown that began in late August there were cases of people receiving threats based on private Facebook discussions. The police had already begun monitoring unions and NGOs more visibly before the 2017 elections, and it was apparent that the internationally connected and funded organizations seemed better trained in issues such as cyber security than the political activists.

Another dimension of conflict affecting my research was the unavoidability of taking sides in a political and economic conflict in which workers, union leaders and activists in Cambodia are all involved. One part of the dilemma is related to the degree to which research and activism must or can be kept separate, and the difference between neutrality, witnessing and active involvement, illustrated by the debate around Nancy Scheper-Hughes’ (1995) notion of engaged anthropology. The case of the deported researcher made me perhaps take a more distanced stance in Cambodia than I otherwise would have wanted. However, studying a conflict inevitably implies feeling more political sympathy for some research participants than others, and the importance of trust as a requirement of rapport becomes particularly salient for the success of ethnographic research in this kind of situation, affecting the data and their analysis. Lila Abu-Lughod (1986) writes about the benefits of forming part of a “moral community” in order to gain access to the social world that one studies. Loperena (2016) links this to how political sensitivities in the field affect data and their analysis, and suggests that aligning with a particular party to a political conflict is not necessarily an obstacle to understanding both sides. He adds that critical positioning as an ally and member of a moral community was important in his own research for producing a situated account “attentive to a wide spectrum of political views” (Loperena, 2016: 338, 340) because the “opponents” also wanted to convince him of their views. Robben (2012: 179) uses the notion of “ethnographic seduction” to describe the interviewees’ attempts to make the researcher adopt their personal or political views regarding a conflict. While it is easy to detect manipulation in the narratives of the participants with whom one disagrees, this awareness can, according to Robben, help the researcher overcome her uncritical attitudes towards those participants to whom she feels politically committed.

Beyond the obvious division between workers and companies, conflicts in Cambodia are multiple and cut across the various parties involved. I was aware of the divisions within the labour movement from the beginning, and as I began interacting more with independent trade unions and NGOs, I initially thought I would have to do the same as most researchers on the Cambodian labour movement: focus exclusively on these actors and leave out the government-aligned unions. But as I spent more time in Cambodia, and particularly when analysing my data afterwards, I became convinced that these tensions had such a fundamental, defining impact on Cambodian labour politics that I could not leave them out without significantly affecting the quality of my analysis. In addition, as my understanding of the struggles became deeper, I was able to see that much of what I had initially taken as exaggerated badmouthing of competitors had to be taken more seriously, overwhelmingly validated as it was by what I kept on hearing, reading, observing and inferring. As I address these dynamics, however, particularly in Chapter Eight, I am conscious that one side of the story is much more strongly reflected in my data than the other, and I try to take this carefully into consideration in my analysis.

A further impact of studying a conflict was my difficulty in identifying a research assistant and translator. I had hard time finding someone with enough time, the required language skills and understanding of the topics and dynamics, and, most importantly, someone whom I, the garment workers and the diverse other actors could trust, and who would not compromise my external position as a researcher. I finally found an excellent person with whom to collaborate, someone with worker background and experience in multiple organizations within the sector, who proved to be an invaluable source of insights in addition to providing technical support. Yet the person's own involvement in the sector, including conflicts with some of the people I was interacting with, introduced limitations and required careful balancing. In this regard, my independence of translation for most interviews and interactions was important. By the time I began working with the research assistant, I had already developed personal contacts with all my key informants and could keep the relationships separate. Depending on the situation, I also worked with some other translators.

I found the lack of trust among the actors contagious and it made me cautious, prompting me to question everything and everybody. One of the strengths of ethnography, of hanging around for longer periods of time, is that it makes it difficult for the researcher to close her eyes to the grey tones. I had to abandon any ideas about black and white, or about two, three or four sides to a conflict. Tracing the interactions

and trying to understand the different positions makes it evident that conflict exists on all levels. There are good guys in bad institutions and good intentions with bad results, and vice versa. My struggles with this complexity made me see the analytical importance of the tense interaction and conflict as a topic in itself. This is an advantage of ethnographic knowledge production; it can make the theoretical lens less limiting in terms of findings and reduce the relative impact of the researcher's own theoretical or political pre-understandings.

### **3.4. DATA AND ITS ANALYSIS**

In summary, the primary data of this study consists of interview transcriptions and fieldwork notes. Most of the interviews, including the oral histories, were recorded and later transcribed while some were noted down by hand; all were then digitalized.

Another body of data consists of field notes taken throughout the ethnographic process, which include direct observations and reflections on their significance, and covers informal discussions and encounters with different actors and events I attended, as well as general developments in Cambodia, such as political discussions in the local media.

A complementary body of data consists of digitalized newspaper articles related to labour rights regulation and labour movements; the earliest articles, which do not exist in digital form, were photographed. Secondary material that complements my analysis of Cambodian politics and society includes research literature and reports by the ILO and other intergovernmental organizations, as well as human rights and labour NGOs.

The transcription of recorded material was very time intensive and I worked on it for over a year, while simultaneously writing papers on topics that drew on relevant parts of the data. I used Atlas.ti software in analysis, codifying all the transcriptions and notes with around 70 different codes and subcodes, consisting of themes and issues that emerged from multiple readings as being relevant to my theoretical interests and the ideas that had been taking form in my mind over the years. Ultimately, however, when writing the thesis I did not use the detailed codes that I had created. I had a clear picture of the key themes, topics to be addressed in each chapter, and I wanted to analyse the data again in larger chunks using the upper-level codes, such as "buyer role", "global unions", "pro-government unions", "gender in unions", "political tensions", "government role", and so on. In addition, I used chronological codes such as "1990s", "early 2000s", "2013-14".

In the traditional model of ethnographic and historical research, data were to be collected through immersion in the field or in the archives. This phase was bounded in time, and analysis and writing would happen once the researcher was back home. In my study, as in many others, the production and analysis of data overlapped, as analysis began during fieldwork and continued up until the writing of the thesis chapters. Cerwonka and Malkki (2007: 4) suggest that the continuous process of “tacking between theory and empirical detail” is at the core of ethnographic knowledge production, and in ethnographic research, “interpretation of empirical details in fieldwork is always a way of reading and dwelling in the world through theory”. Every interaction is based on analysis of previous interactions. Data do not only accumulate in computer files or notebooks, but in the mind of the researcher, where they are constantly processed and interpreted in the light of theoretical and other pre-understandings, existing and new data. The overlap of data production and analysis also means that the role of Cambodian research participants is not limited to one of mere practitioners or suppliers of empirical data or raw material to be processed into “research products” outside the field. They are also directly engaged in conceptual work (Goodale, 2007). Much of the theoretical analysis and conceptualization presented in this dissertation came from my Cambodian interlocutors, particularly the key informants with whom I have had deeper communication over time, as we sat together talking about politics, theorizing about movement strategies and social change. Yet, as Merry (2005) notes, it is the researcher who can publish the results and in that sense benefit from the added value of the co-produced data and theorization, which makes it all the more important to recognize the contribution and interpersonal nature of the process.

## **4. AMBIGUOUS TRANSITION IN POST-COLD WAR CAMBODIA**

This chapter provides a historical framework for the analysis of the labour politics and struggles in Cambodia's garment industry, focusing on the context of transformations in which the industry, its institutions of labour rights governance and the garment workers' organizations emerged in the 1990s. In many ways, this decade signified a new beginning for Cambodian society: a peace agreement to end several decades of war was signed, the command economy was liberalized and formal institutions of electoral democracy were established. Nonetheless, and despite presenting this context as a starting point for my analysis of the decades to follow, I want to avoid an ahistorical idea of "a new beginning"; rather, this chapter highlights the way social, political, economic and cultural continuities have shaped the processes of change in Cambodia.

Cambodia's "triple transition" (Hughes, 2003) involved interaction between local politics and the interventions of the Western development community, whose presence in the country has continued until recent years. The process epitomized the post-Cold War development consensus: the belief in the inseparability of, and mutually strengthening relationship between, market liberalization and democratization, and in the universal applicability of this package. As Hughes (2003: 6) notes, the idea of building peace and democracy in post-socialist and post-conflict countries was "viewed as unproblematic in the euphoria of the immediate post-Cold War". As a counterbalance to these attitudes, this chapter highlights the uneven and contradictory progress in terms of the two pillars of the development package in Cambodia. The first, market liberalization and export-led economic growth, proceeded as expected; reforms were forcefully implemented and the GDP grew rapidly. The results in terms of democratization, rule of law and the realization of human rights were less clear, however, something reflected in a highly unequal distribution of the benefits of economic growth and power. The chapter argues that the uneven trajectory of the Cambodian "transition" reflects the interests of local elites, as well as a fundamental contradiction inherent to the development model more globally.

I begin with a brief look at historical developments prior to the 1990s, contextualizing Cambodia within the political context of the Cold War. I then analyse the period of the "triple transition" that followed the signing of the Paris Peace Accords in 1991, particularly in terms of the political-economic power relations and the rule of law.

## 4.1. A HISTORY OF CONNECTIONS

As John Marston (2002: 95) writes,

Crucial to understanding contemporary Cambodia is the way transnational forces interface with local agendas. Its poverty and history of war, the ineffectiveness of state bureaucratic mechanisms, and the way that Vietnam and the United Nations played major roles in recent history in the creation of the current state apparatus, all bear on the fact that Cambodia stands particularly exposed to a variety of international pressures. [Nonetheless] it would be wrong to see Cambodians as passive agents in all this; rather there is active manipulation of foreign influence for local, often private, ends. This is not always bad but is often messy.

This thesis as a whole studies the connections between Cambodians and peoples and ideas from other places, and the historical explorations in this chapter also concentrate on this aspect, but, despite this focus, I am not suggesting a view of Cambodians as a people whose history only begins as they come into contact with others (Wolf, 1982/2010). On the contrary, today's Cambodia is in continuity with the long history of the Khmer Kingdom, a past deeply present in contemporary traditions in ways that extend far beyond visible reflections such as the ancient temples; under the surface, old understandings mix with layers of ideas from subsequent times. Yet, considering the purposes and limits of this thesis, I begin by simply remarking that the French colonizers who arrived in the country in 1846 were not the first outsiders to invade Cambodia and influence its people; waves of occupations by neighbouring Thailand and Vietnam had taken place in previous centuries. The period under the French colonial rule comprised a short interlude in Khmer history, but was also the basis of the country's subordinate integration into the capitalist world economy and ensuing peripheral position, and the first round of transplanting Western legal and administrative institutions and forms of governance. The enormous inequalities created during the colonial period contributed to the discontent and political radicalization of the following decades (Brickell & Springer, 2016; Kiernan, 2004).

The Kingdom of Cambodia gained independence in 1953. The 1950s and '60s are often remembered in Cambodia as a golden epoch of brave modernization projects led by Prince, later King Sihanouk, but it was also an era of personalized authoritarian rule, and Sihanouk saw Cambodia "as a family and as a personal possession" (Chandler, 2008: 244). Nonetheless, he managed to keep the country on the side-lines of the conflict that was escalating in neighbouring Vietnam. In the late 1960s, Southeast Asia became one of the hottest spots of the Cold War. The US fears of the Vietnamese domino falling across the border into Cambodia, the socialist nuances of Sihanouk's nationalist policies (Slocomb, 2010) and his decision to cut off US assistance (Chandler, 2008) were



followed by a US-backed coup d'état in 1970 and a civil war between Sihanouk and the government of the *Republic of Cambodia*, led by General Lon Nol. In the meantime, a radical communist group, the Khmer Rouge, which had established its presence in the north-eastern forests, began expanding its control of the region, its support fuelled by the heavy bombing of the area by the US that led to at least tens of thousands deaths (Kiernan & Owen, 2015). By 1975, Phnom Penh was surviving on rice flown in by aeroplane, and when the Khmer Rouge marched into the city on 17 April 1975 they were welcomed by cheering citizens. Soon after, however, the entire capital was evacuated and the country turned into a radical societal experiment that, inspired by Maoism, sought to erase the previous 2,000 years of history and reinvent Cambodian society based on the total collectivization of agriculture and the destruction of all signs of Western culture and capitalist development. In addition to money, markets and banks, this included formal education, books and Buddhism, as well as family life and freedom of movement (Chandler, 2008). Possibly one third of the country's population<sup>15</sup> perished during the Khmer Rouge's four-year rule, from starvation, illness and the purges that the brutally hierarchical Pol Pot leadership began implementing after 1976 (Kiernan, 2008; Strangio, 2014).

In January 1979, after three years and nine months of Democratic Kampuchea, Vietnamese troops and Khmer Rouge cadres who had escaped Pol Pot's purges and fled to the neighbouring country (Kiernan, 2008) took over Phnom Penh and pushed the Khmer Rouge into the north-western regions of the country. They established the *Democratic Republic of Kampuchea* (DRK), a socialist one-party state governed by the Kampuchean People's Revolutionary Party (KPRP) made up of the Vietnamese-backed ex-cadres. Throughout the 1980s, the DRK remained under Vietnam's political patronage and depended on economic support from the Soviet Union. For the US-led Western bloc, it was a pariah state that was not diplomatically recognized; instead, the Khmer Rouge continued to represent Cambodia officially in the UN until 1991. While scholarship on Cambodia's 1980s has been divided over whether the US or Vietnam were to blame (Roberts, 2003), there is consensus on the continuation of hardship and poverty that the ongoing civil war brought in its train during the decade. The Khmer Rouge were supported by China and Cambodia's royalists, and settled in the forests and refugee camps along the Thai border, from where they continued their war against the Vietnamese-supported government. Poverty was exacerbated by the trauma and destruction of both physical and sociocultural infrastructure under the previous

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<sup>15</sup> See Heuveline (1998) on the difficulty of estimating the figure.

regime: state institutions, hospitals, universities and economic production were in ruins, as were the structures of social trust.

#### **4.2. 1990s: A DONOR-FUNDED “TRANSITION”**

The end of the Cold War changed the power balance in South East Asia, and Cambodian leaders realized they needed new allies to replace the Soviet economic support on which they had survived. Under the leadership of Hun Sen, prime minister since 1985, the ruling party officially abandoned socialism and changed its name to the Cambodian People's Party (CPP). In the constitutional reforms of 1989, the DRK was replaced with the *State of Cambodia* (SOC).

Ending the war was complex because of the involvement of international powers (including China and Vietnam); furthermore, the situation of the 340,000 refugees in Khmer-controlled camps in Thailand had to be resolved (Roberts, 2002). The Paris Peace Accords (PPA) were signed in October 1991, with the goal of ending conflict between the Cambodian sides (the ruling party CPP, the Khmer Rouge, royalist FUNCINPEC and republicans) and international allies. According to Roberts (2002), however, the PPA reflected the concerns of the West and disregarded Cambodian political realities. In line with the ideals of liberal democracy, multiparty elections were made the central component of the agreement which Hun Sen signed, arguably more as a way to ensure international support than as a reflection of actual commitment to Western principles of democracy (Strangio, 2014).

The world's largest peacekeeping operation up to that time, the United Nations Transitional Authority in Cambodia (UNTAC), was mandated to oversee the fulfilment of the Paris Accords. Exemplifying the optimism over global peace that characterized the early 1990s, its purpose was to coordinate the ceasefire and the withdrawal of Vietnamese troops, in addition to demobilizing the Cambodian armed factions, but its failure to disarm either the Khmer Rouge or the state shifted UNTAC's main focus to organizing the 1993 multiparty elections (Strangio, 2014). This succeeded, at least in theory, as the election turnout was 89.6% and the Khmer Rouge were kept out of power (Roberts, 2002). However, the ruling CPP suffered an unexpected loss to the royalist FUNCINPEC, led by King Sihanouk's son Prince Ranaridhh, and refused to accept the outcome. Subsequently, the international community and Sihanouk agreed to a peculiar arrangement of power sharing, dividing prime ministership between Hun Sen and Ranaridhh. This seems to have reflected the priority that the international community placed on peace and stability, considered crucial for enabling economic development

(Gottesman, 2004; Roberts, 2002). Strangio (2014: 61) describes the UNTAC as a “slow-motion collision” between post-Cold War liberal idealism and the political realities, far from an end of history and struggle.

After the elections, the CPP grew politically stronger, continuing its use of violence and repression against opposition members and maintaining limitations on press freedom (Peou, 2019; Strangio, 2014). In 1997, a grenade attack on opposition leader Sam Rainsy’s supporters was followed by military action, particularly on the part of Hun Sen’s private bodyguard unit (Morgenbesser, 2017), against Hun Sen’s partners in government, whom he accused of colluding with the Khmer Rouge. Despite diplomatic criticism, the coup did not result in more than temporary aid suspensions; the international community did not want to risk the country’s vulnerable economic development and stability (Hughes, 2003: 106; Strangio, 2014: 84).

The following year, the CPP won the elections and the royalists were marginalized as political actors. The turn of the millennium is often seen as a watershed. The Khmer Rouge were defeated in the late 1990s and Pol Pot died in 1998. The peace process seemed to have come to an end and the rule of Hun Sen and the CPP was no longer significantly challenged in party politics, despite regular heightening of tensions around election periods (Hughes & Un, 2011; Strangio, 2014).

### **4.3. IMBALANCE BETWEEN THE PILLARS OF DEVELOPMENT**

Cambodia’s reconstruction was heavily supported by the international community, reflecting its role as a key laboratory of the post-Cold War development consensus. Following the 2 billion USD peacebuilding mission (Hughes, 2003: 147; Strangio, 2014: 70), it received another 5 billion USD in ODA between 1993 and 2003;<sup>16</sup> even between 2002 and 2010 almost 95% of the government budget was aid-funded, making Cambodia one of the most aid-dependent countries in the world (Ear, 2012: 16).

In line with the doctrines of the international financial institutions, export-led economic growth was pursued through economic liberalization, deregularization and integration into global markets. The garment industry was a natural choice as the motor of growth, because low entry costs and a vast supply of cheap, unskilled labour in the shape of an impoverished population helped attract investors. The policy was largely considered a success and the economy grew by an average of 8.7% from 1996 to 2006 (Hughes and Un, 2011: 11). The GDP growth continued at an annual rate of 7.8% between 2000 and 2015 (OECD, 2017). According to World Bank figures, poverty

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<sup>16</sup> Strangio (2014: 217) mentions 12.1 billion USD between 1993 and 2011.

declined from 47% in 1994 to 35% in 2004. Nonetheless, the benefits of the growth were distributed unevenly; consumption by the rich had increased by an average of 45% and that of the poor by only 8% in the same period (Hughes and Un, 2011: 11).

At the same time, donors and development projects sought to strengthen democracy, human rights, and “good governance”. This was less straightforward, and the mismatch between the results in terms of the two pillars of the development model raised debates among scholars and practitioners, as did the imbalance between success in terms of political stability and the low performance of the other “indicators of good governance” such as accountability, transparency, rule of law and reduction of corruption (Hughes and Un, 2011: 15). As Hughes (2003: 6-7; Springer, 2010) notes, early analyses identified causes of the weakness of democratization in either the nature of the international intervention itself, or in Cambodia’s undemocratic “culture”, the latter reflecting the idea that unilinear transitions culminating in Western liberal democracy is a universally applicable norm. However, Cambodia’s economic-political transformations have rather been an example of the unpredictability of transitions (e.g. Burawoy and Verdery, 1996) and the weak impact provided by the mere establishment of formal liberal institutions in terms of promoting equal participation and accountability (Gills and Rocamora, 1992; Hughes, 2009; Lilja, 2010; Sharma and Gupta, 2006) when the interests of powerful elites are threatened by redistribution of power and benefits (Rodan, 2004, 2018; Rodan & Hughes, 2014).

Hameiri et al. (2017: 15) maintain that the current CPP elite has, since its emergence “from the ruins of the Khmer Rouge revolution in the early 1980s”, worked to ensure the furtherance of its interests by selectively embracing international state-building initiatives, first under the Vietnamese and then during the development intervention of the 1990s. As Hughes (2020: 113) remarks, in Cambodia and the other post-socialist countries of South East Asia (Vietnam, Laos, Myanmar), transitions to a market economy and democracy were not triggered by internal resistance or social mobilization; rather they were elite responses to external shocks, “steered by social forces concerned with maintaining political power and control of significant economic assets”. CPP leadership has used its control of state power, natural resources and business opportunities to conserve the loyalty of key allies: initially local-level bureaucracy and the military and increasingly also the private sector (Hughes, 2003; Rodan & Hughes, 2014).

According to Strangio (2014), patronage networks had already replaced the importance of ideology as the basis of the ruling party’s power under socialist rule.

Provision of employment and status in state structures were key means of guaranteeing political support, and the current business elites established their positions through party affiliations during that period (Gottesman, 2003; Hughes, 2003; Strangio, 2014). This was strengthened with the shift to neoliberalism and multiparty democracy; the latter created a need for new strategies to secure power and the former was used, together with aid funds, to finance them: Donor-promoted privatization of public resources provided the state with resources that the ruling party channelled into reinforcing its political control (Hughes, 2003, 2009; Springer, 2010, 2015), while incoming aid funds also reduced the need to strengthen taxation, with implications for fiscal transparency (Ear, 2012).

As Jacobsen and Stuart-Fox (2013) point out, reflecting on traditional understandings of power in the Cambodian context might be helpful in making sense of contemporary society and politics. The Buddhist concept of *karma* implies that wealth and good fortune follow from the accumulation of merit (*bun*) through good deeds in the past (or present) life (Jacobsen & Stuart-Fox, 2013; Kent, 2006). *Bun* also justifies power (*amnach*), which means that power is not considered to result from an institutional status or title, but is seen as an inherent, personal quality. Thus, a formal position of authority enables a person to exercise the power to which the person is already entitled because of *bun* (Jacobsen & Stuart-Fox, 2013: 13). As external signs of merit and power, wealth and status must therefore be publicly exhibited. *Karma* tends to make social hierarchies acceptable or even inevitable, but privilege also creates responsibility towards the less privileged, and *bun* must be reproduced by undertaking good deeds. All this fits into the logic underlying patron-client relationships (Coventry, 2016; Jacobsen & Stuart-Fox, 2013) and the seemingly populist politics.

Connected to this is another central structure of social life in Cambodia, the *khsae* (literally “strings”), informal networks of interpersonal loyalty and dependence that bind people hierarchically together and imply a particular type of accountability that shapes formal bureaucratic activities and functions. Cambodia’s history provides plenty of examples of governance systems based on interpersonal dependencies, from before the period of Angkor (Chandler, 2008) all the way through the colonial era to independence (Pak et al. 2007; Verver and Dahles, 2015). Political power is built pyramidically on competing, interlocking networks and based on a patron’s ability to provide benefits to those lower down the hierarchy, thus guaranteeing an upward flow of support and political loyalty (Heder, 1995; Norén-Nilsson, 2016b; Pak et al., 2007; Roberts, 2002). This might also mean money, which is why the system is easily

interpreted as mere corruption, despite its deeper meaning in terms of solidarity and security in the absence of functioning social protection, coupled with fear of betrayal (Peou, 2020) heightened by the harm inflicted on social trust by a violent past (Coventry, 2016; Öjendal & Kim, 2006; Ovesen et al., 1996).

The notion of neopatrimonialism is frequently used in analyses of Cambodian politics to refer to a hybrid model of governance in which legal-rational bureaucratic power is seen as combining with informal power based on interpersonal patron-client relations, rather than seeing them as two separate, opposed forms of governance as suggested by Weber's (1922/2006) categorization (Pak et al., 2007). While good governance approaches tend to consider legal-rational bureaucracy a positive form of governance and interpersonal patron-client relations a negative one, in practice they are not mutually exclusive (Pak et al., 2007; Sharma & Gupta, 2006). What is important is how informal interpersonal dependence and reciprocity shape the way formal institutions function and laws are followed. In the South East Asian context analyses of patrimonial politics have a long tradition. In Scott's (1972; Pak et al. 2007) model of the patron-client relationship, a person of higher status uses his influence and resources to provide protection and benefits to a person of lower status, who reciprocally provides support and services. As Aspinall (2015) observes, personalistic, clientelist relationships of power often combine with "money politics", or the use of patronage and gift-making as the basis of electoral success. Yet similar forms of integrating interpersonal reciprocity and formal institutional bases of power are by no means specific to this region, and their role has been widely debated in the African and Latin American contexts (Anders, 2010; Bach, 2011; Chabal & Daloz, 1999; Mbembe, 2001).

As suggested by numerous authors, it would be misleading to claim that corruption and the mirage-like nature of democracy was inevitable due to "Cambodian political culture"; it is analytically more fruitful to focus on the success with which Hun Sen and the CPP elite have used traditional ideas of power and leadership in their political strategy to ensure political and economic power (Hughes, 2003, 2006; Hughes & Un, 2011; Lilja, 2010; Norén-Nilsson, 2016a; Öjendal & Lilja, 2009; Springer, 2010; Strangio, 2014; Un, 2011). Informal *khsae* and village-level clientelism were converted into a national-level system of political power in the 1990s (Hughes, 2003; Pak et al., 2007), and the power of the CPP is built on the political support of the rural areas, mobilized by local party officials and working groups. In election periods, support is raised by distributing tangible gifts such as clothing, food and fertilizers. Infrastructure projects, such as schools, roads and water supply networks, are distributed or built in villages

that vote for the CPP, while opposition members and supporters are excluded from access to these benefits, which constitutes "development" as a reward for loyalty to the party instead of a basic task of the state (Craig & Pak, 2011; Hughes, 2006; Un, 2015). According to Norén-Nilsson (2016b: 69), the massive gift-giving practise can be seen as a defining characteristic of the party's political project in multiparty democracy.

The links between business and party elites, based on exchanging funding for privileges, are central to financing the CPP's mass patronage. In the early 1990s the government started providing high-ranking army officials with lucrative deals in the illegal timber trade in order to ensure their loyalty in the armed conflict (Hughes, 2003; Hughes & Un, 2011; Milne, 2015), widening the practice later to the *oknha* (tycoons), an historical nobility title that was resuscitated to be awarded to individuals donating more than 100,000 USD annually to the CPP's national development projects (Ear, 2011; Verver & Dahles, 2015). The *oknha* have become the cornerstone of party funding, and many of them are also CPP senators or have received an honorary position as Hun Sen's advisers. In return, they obtain diverse monopoly rights or massive land concessions that have resulted in some of the highest levels of deforestation in the world. As Baker and Milne (2015:15; see also Aspinall & Van Klinken, 2011) also suggest for the broader region of Southeast Asia, land grabbing and flourishing illicit economies of extraction are not the result of state weakness but, rather, are shaped by the state, reflecting a powerful instrumentalism and a way for the state to sustain itself.

The *khsae* strings also tie the judiciary to CPP control, which has been central to safeguarding the pact between the political elite and the business community, as well as the overall lack of accountability. In addition, Hun Sen has been building control over the armed forces and the police (Morgenbesser, 2017). The use of violence and coercion to intimidate members of the political opposition, journalists and civil society activists has been widely documented (e.g. Stangio, 2014).

#### **4.4. RULE OF LAW AND HUMAN RIGHTS**

The idea of the rule of law was pivotal in the post-Cold War development model as a general framework that was perceived to gather together the previously separate areas of human rights, peace and security and development policy (Rajagopal, 2006; Zimmermann, 2017). Yet customary dispute-resolution processes and Buddhist moral law (*dhamma*), rather than written laws and formal courts, have been the central social ordering mechanisms and forms of law for most Cambodians (Morris, 2016). The centrality of the role of a righteous ruler, king as God on earth, is, according to Morris,

reflected in the patron-client networks and visible in how rural Cambodians sought Sihanouk's and now Hun Sen's intervention in conflicts. Even garment workers sometimes protest in front of the prime minister's house.

Cambodia's legal system is a mixture that reflects the various rounds of foreign influence and legal transplants. Both the civil law-based legal system introduced by the French colonial rulers and traditional dispute resolution processes were eradicated under the Khmer Rouge (Morris, 2016). In addition to the destruction of courts, law schools and legal texts, people with legal education were killed (McCarthy & Un, 2017) and, according to Gottesman (2003: 4), after the regime, when the new rulers sought to draft a new constitution, only eight individuals with legal degrees were found in the country. A formal court system was re-established and judges and prosecutors were trained on short courses (McCarthy & Un, 2017: 104). Under PRK rule, legal institutions and court administration were subordinated to the party (Morris, 2016), creating an overlap between the judicial and executive branches; many of the current judges were appointed in those years.

The Paris Peace Accords explicitly required that the new constitution enshrine "the principles contained in the UDHR and other relevant international instruments, including the United Nations Basic Principles on the Independence of the Judiciary" (McCarthy & Un, 2017: 104). A liberal democratic constitution was drafted with the support of French and Japanese civil law experts, and ratified in 1993. Foreign experts have continued to lead legal reform projects in Cambodia since then.

The Paris Accords also provided for the UNTAC's human rights mandate, the most extensive in the history of UN peacekeeping operations, aimed at the creation of a national reconciliation and a "human rights culture" (Duffy, 1994: 82). The Cambodian government ratified the core UN human rights instruments and the UNTAC worked to translate and disseminate them to government officials and human rights activists, and then train them in their respective capacities of implementing, reporting and monitoring, as required by the international legal system. Human rights education was provided to citizens and included in school curricula, and the emergence of human rights organizations and a free press were supported. The establishment of local human rights NGOs has been considered the UNTAC's most important long-term legacy (Ledgerwood & Un, 2003: 535). Yet, despite the establishment of an exemplary legal framework, reforming the judicial institutions proved difficult. At the end of UNTAC's mandate, the UN Human Rights Commission authorized the UN Human Rights Center (predecessor of the current OHCHR, Office of the High Commissioner for Human



Rights) to establish an operational presence in Cambodia, and appointed a Special Representative for Human Rights in Cambodia. Both mandates have been continuously renewed until the present.

The focus on capacity-building and awareness-raising among lawyers and judges, as well as citizens, has been criticized for its depoliticized nature (Hughes, 2007), the result of Western ethnocentricity and a lack of imagination (Morris, 2016). It has had little impact on the political and financial influence that the ruling party exercises over the courts by virtue of the clientelist networks through which power, resources and loyalty flow (McCarthy & Un, 2017). Technocratic good governance approaches have given insufficient attention to the diversity of interests within the state, which contrasts with the assumption of the state as a neutral vessel of development (Li, 2007). In fact, donor-promoted public sector reforms in Cambodia have largely been limited to service provision, like water and healthcare, while substantial reforms in areas directly pertinent to CPP's informal networks in the judiciary and natural resource management have been difficult to advance (Un & Hughes, 2011: 201).

There is little separation of powers in Cambodia (Curley, 2018; Un, 2009). The power of the CPP over the judicial system is considerable and judges report to CPP representatives both locally and nationally (Human Rights Watch [HRW], 2015b). The party also controls the Supreme Council of Magistracy which appoints and removes judges. In addition to the open interference manifest in rulings by Hun Sen and other government members, judges are subjected to both overt and covert pressure and in the early 2000s, some were removed or even murdered for pronouncing sentences contrary to the interests of the elite (Un, 2009). As a result, the courts are the least-trusted state institution in Cambodia (Peou, 2019), with Cambodians often describing them as market-places: everything is for sale and the party with the most money wins. This means that workers and trade unions, for example, avoid resorting to the courts for adjudication, due to the unlikelihood of getting a fair hearing. Morris (2016: 37) concludes that Cambodia's legal processes promote injustice rather than limiting it. Courts guarantee impunity both directly and indirectly, as attacks against those who criticize the elites or uncover illegalities – such as activists and journalists – are neither properly investigated nor punished (McCarthy & Un, 2017; Morris, 2016; Strangio, 2014). In contrast, the law is efficiently used against them, as evidenced in the numerous accusations against, and sentences pronounced on, opposition leaders and activists on charges such as defamation since the 1990s, and increasingly so after 2014 (discussed in Chapter Nine).

#### **4.5. TO CONCLUDE**

Cambodia's "triple transition" (Hughes, 2003) took place in the context of post-Cold War liberal triumphalism and epitomized the international community's belief in the mutually strengthening relationship between market economy and democracy, and in the universal applicability of this package. Yet in Cambodia, the progress in terms of the two pillars was highly uneven.

The country's political elite initiated the transition to democracy to ensure international support for ending the armed conflict and for guaranteeing its position of power (Hughes, 2003, 2009) and, despite the establishment of democratic institutions and the adoption of a discourse of human rights, the benefits of economic growth were concentrated in the hands of the few. Meanwhile, neoliberal reforms were used by the CPP-controlled state apparatus to divert international aid and resource extraction in order to increase its control over society (Hughes, 2003; Pak et al. 2007; Springer, 2010). As Hughes (2020: 112) puts it, economic growth has been achieved in Cambodia, as in the other post-socialist countries of the region, "predominantly through dispossession and asset-stripping, facilitated by post-socialist context of state power to take advantage of often-violent privatization processes, and China's proximity and need for commodities". The resulting combination of economic growth, corruption and widening inequality in the context of formal electoral democracy does not only reflect the power of Cambodia's elite, but also the problems of the post-Cold War development model and neoliberal governance approaches more generally, as well as the depoliticized and decontextualized assumptions on which they rest.

## 5. BUILDING A NEW INDUSTRY AND A NEW MOVEMENT

The garment industry has been central to Cambodia's strategy of seeking economic growth and integration into the global economy, closely mirroring the development model described in the previous chapter. In parallel with neoliberal policies and generous benefit packages to attract investors, an innovative framework of labour rights regulation was created that echoed the discourses of workers' rights and "ethical" production promoted by the international community, in particular the US and the ILO. In Cambodia, the context differed from that hosting previous waves of export-oriented industrialization in East and Southeast Asia, which had been promoted by strong developmental states and based on the demobilization of labour and the prevention of independent labour organization (Deyo, 1989, 2012; Gray, 2015). Instead of anti-communism (Caraway, 2010; Hansson et al., 2020), a respect for "core labour standards" was expected in the post-Cold War era to guarantee international political legitimacy and trade preferences or market access (Ford & Gillan, 2016: 178).

In this context, the Cambodian government needed to show commitment to democracy and workers' rights while simultaneously guaranteeing low salaries to attract foreign investors and keeping social movements under control to prevent challenges to its political power. Consequently, it has sought to maintain a cosmetic commitment to labour rights, while controlling labour and social power relations through more subtle means. Nonetheless, despite resulting from external pressure, labour rights institutions and international support created space for the growth of the independent labour movement (Ward & Mouyly, 2016) discussed in this chapter.

Providing an overview of the dynamics of the industry and the labour movement since the 1990s, the chapter functions as a background for the analysis of the strategies and struggles in the four following chapters. I begin by briefly analysing the emergence of the industry before shifting the focus to the new working class and its incipient organization into trade unions. I then explore the innovative framework of labour rights regulation that emerged from the US-Cambodia trade agreement around the turn of the millennium. Finally, I detail the key challenges that workers and their organizations in the sector have faced over the last two decades, emphasizing the continued collusion between the employers and the government in opposing workers' independent organising.

The chapter reviews existing literature, but also complements it with interview data and oral histories in order to contribute to filling gaps that exist in the study of the history of workers' activism and organizing in Cambodia's garment sector prior to 2010, only addressed in a few previous publications (Derks, 2008; Hall, 2000; Hughes, 2003, 2007; Nuon & Serrano, 2010).

## **5.1. IMPORTANCE OF THE GARMENT INDUSTRY**

The garment industry was an obvious choice as the motor of growth for Cambodia's strategy of export-oriented industrialization. Low entry costs and a vast supply of cheap labour helped attract foreign investors to the country, while Cambodia's position outside the multi-fibre agreement that had regulated the global garment trade since the 1970s (Kolben, 2004; Polaski, 2006) made it a particularly interesting production location that implied additional import quotas for companies from other Southeast Asian countries (Hall, 2000). Following the neoliberal doctrines of the IFIs, the government sought to attract investment by deregulation and offering generous financial packages that included duty-free import of materials and tax holidays of up to eight years (e.g. Hall, 2000). Instead of limiting these benefits to spatially defined Special Economic Zones (SEZs), Cambodia began implementing a system of Qualified Investment Projects (QIPs) that accorded favourable conditions to specific types of projects (Sau, 2008).<sup>17</sup>

The first factories were opened by Asian investors in 1994. Their operations were based on cut-make-trim functions and they were dependent on imported inputs from machinery to yarn and thread. Growth was very fast: from 20 factories in 1995 to 89 by the end of 1997 (Hall, 2000: 129). The 1997 coup and strengthening of Hun Sen's control over the country seems to have encouraged investment, as did improving ties with the Chinese government. Cambodia's achievement of preferential statuses in the US (Most Favoured Nation in 1996 and Generalized System of Preferences in 1997) increased its attractiveness compared to the neighbouring countries that had lost these privileges (Slocumb, 2010: 269). A decisive push came from the negotiation of the US-Cambodia trade agreement (UCTA) in 1998. At the time the sector was employing around 80,000 workers which, during the five years of the agreement (1999–2004), grew to 220,000 workers (Polaski, 2006).

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<sup>17</sup> Since 2005, Cambodia has also begun establishing SEZs, but access to QIP benefits is not limited to them. The SEZs are subject to regular labour law, while they are, in practice, more protected from inspection.

The garment industry has largely been responsible for Cambodia's economic growth in recent decades. Total exports grew rapidly from US\$26.5 million in 1995, to an estimated US\$360 million in 1998 (Hall, 2000: 130), while in 2017 garment and footwear exports were valued at US\$8.02 billion (ILO & IFC, 2018). In the 2010s, the industry accounted for between 70% and 75% of the country's total merchandise exports; since the 1990s it has been the main source of non-agricultural employment, particularly for women. In 2017, the 661 licensed export factories employed around 640,000 workers (ILO & IFC, 2018); as each garment worker supports approximately five dependents, it provides livelihoods for over 3.5 million out of 16 million Cambodians. In addition, its indirect employment impact, in construction, transportation and catering, is estimated to equal the direct impact (Lawreniuk & Parsons, 2017).

In the 1990s, the overwhelming poverty of the country's rural population seemed to provide an endless pool of cheap labour. It also meant that, in the words of John Hall (2000: 128), "the stakes in the garment industry ... go beyond simple labor relations and strike to the heart of Cambodian society". In the following decades, the collapse of traditional rural livelihoods in rice cultivation has been exacerbated by massive land grabs as well as climate-related phenomena (Lawreniuk, 2017), and garment workers have maintained their role in subsidizing the rural economy. Cambodia is one of the most microfinance-saturated countries globally, with the world's highest microloan size per borrower – more than double the GDP per capita (Licadho & Sahmakum Teang Tnaut [STT], 2019: 1), and over-indebtedness is of increasing concern (Bylander et al., 2019; Parsons et al., 2014).

From the beginning, garment factories have been concentrated in and around Phnom Penh. As the urban spread has grown to absorb factory areas such as the Veng Sreng Boulevard, factories have been extending outwards, particularly along National Roads No. 2, No. 4 and No. 5, penetrating the neighbouring provinces of Kandal and Takeo, and later also Kampong Cham. The factories are large, simple buildings with tin roofs, surrounded by high walls; access through the gates is strictly controlled by security guards. Residential buildings – workers' dormitories – began going up in the areas surrounding the factories in the late 1990s to host the largely migrant workforce. Unlike Hall's (2000) description of the early days, current factory infrastructure is relatively good. The building collapses and fires that have occurred in other garment producing countries have been practically non-existent in Cambodia; factories are also smaller, employing between a couple of hundred and a couple of thousand workers.

## 5.2. WORK IN THE EARLY FACTORIES

As the first large scale industry in Cambodia, garment production gave rise to a new working class that consisted mainly of young unmarried women who migrated from the rural villages to work in Phnom Penh's factories. In this, Cambodia replicated the model of the global garment industry, which has traditionally relied on a feminized labour force whose low salaries are justified with stereotypical assumptions of women's nimble fingers and "docility" (Elson & Pearson, 1981). For example, in 2002, 85% of workers were female, 90% had come from rural areas to work in the capital (Hughes 2003: 186). The proportion of women has remained relatively stable until the present, but the proportion of rural workers has decreased.

The insertion of young women into factory jobs has been largely motivated by intergenerational survival; as "good daughters", they were expected, and wanted, to contribute to solving the economic hardship of their rural families (Hall, 2000), as reflected in my interlocutors' descriptions of how they had become garment workers. Nonetheless, Annuska Derks' (2008) ethnographic study of female workers in Phnom Penh in the early 2000s shows that their migration and entry into paid work also reflected the desire for an urban lifestyle and indoor work as well as the chance to earn personal income. Overall, women's massive entry into factory work implied a deep transformation of their role in Cambodian society.

In the early years, jobs were often found based on information from friends or family members who had migrated earlier and were already working in one of the factories. The high demand for garment jobs was reflected in the lines that would form in the mornings outside factories that were recruiting new workers. It was not uncommon to have to pay fees to factory managers or informal recruiting agents, including factory guards, in order to get a job (Hall, 2000; Hughes, 2003).

In the beginning, there was no minimum wage. Salaries varied between factories, commonly ranging between US\$30 and US\$40 per month, but in some factories as little as US\$15. A first minimum wage was set in 1997, at US\$40 (ILO, 2016). Factory salaries were considerably higher than those of public sector employees and they made a big difference to the workers' and their families. Links between the two were close, and workers might move back and forth according to agricultural as well as life cycles (Derks, 2008; Lawreniuk, 2017). In the early years, it was common for women to quit after getting married and having children; nowadays, many continue working and send their children to the village, to the care of grandmothers. The responsibility to send as

much money as possible back home has remained and workers continue to remit an average of 40% of their income (CARE International, 2017).

In the first years, working conditions in the factories were not regulated by law but determined by the foreign managers, which rendered the factory regimes largely despotic. Abuses were common. In addition to excessive working hours, a lack of breaks and arbitrary dismissals, the activists of the first generation often emphasize the harsh, abusive treatment meted out by the employers, which has also been documented by Hall (2000) and Hughes (2003). Rather than low salaries, the most important cause of discontent among workers was unfair treatment, with the behaviour of the foreign owners, managers and interpreters often considered brutal or racist by the Cambodian workers (Hughes, 2003). Labelled “cultural conflicts”, different perceptions about acceptable workplace behaviour and punishment are still commonly cited as a pervasive problem in the industry by the informants.

### **5.3. RESISTANCE EMERGES**

During the Cold War, unionization rates had been much lower in East and Southeast Asian communist countries than in the former Soviet Union or Eastern Europe (Caraway, 2010: 225). In Cambodia, some unions are known to have existed during the Khmer Rouge era and even prior to it, but little information is available (Nuon and Serrano, 2010: 29). Slocomb (2008: 152) mentions demonstrations against rice price increases and a general strike in 1973 which led to a minimum wage raise.<sup>18</sup> During the communist regime in the 1980s, the Kampuchean Federation of the Trade Unions, established by the Vietnamese in 1979 (Hall, 2000: 135), functioned as the state’s transmission belt to the workplace, facilitating the coordination of labour supply (Nuon & Serrano, 2010: 21-23). In the transition to a market economy, it was demobilized and federation leaders were employed in ministries and other state institutions.

The first trade unions that were independent of the state or the ruling party emerged in the late 1990s from spontaneous protests by workers, provoked by the abusive treatment of employers. The histories that the early activists have shared with me reflect a sense of injustice and collective experiences of grievances. Asked about how they became involved in the unions, all describe experiencing or witnessing unfair treatment, which resulted in growing resentment and anger against the management, and sometimes burst into protests. For example, Sophea was 25 when she began working in a factory in 1997. It was not easy to find a job, she told me, but she did not

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<sup>18</sup> Other demands were related to social security provisions and a 40- hour week, which the government promised to implement after the war.

need to pay for it because she had been able to take a sewing course which provided her with qualifications. After starting in her new job, however, Sophea noticed that conditions in the factory were poor. “Workers had no rights, and the Chinese manager treated them very bad”, she told me. “He might throw the clothes on the floor and yell at workers, threatening them. And I was thinking, why do those foreigners treat Cambodian workers this way? Do they think that is right? Do they know what the law says?” But, Sophea continued, she did not really know what it said herself. Knowledge of workers’ rights was practically non-existent among both employers and workers.

Based on my discussions with early activists, I would largely agree with Hughes (2003) that the driving force behind the mobilization was worker solidarity rather than external, top-down organization. Unlike the paternalistic labour relations that, it has been suggested, demobilized workers in some other Asian contexts (Deyo, 1989), the relations between Cambodian workers and foreign managers were distant; the perceived racism and lack of respect led to feelings of alienation (Hughes, 2003: 186). As in the militant Korean labour movement analysed by Hagen Koo (2001: 16), the ultimate source of militancy thus lay in the sense of injustice caused by despotic work relations. The mobilization of factory workers was the most important movement of social protest that emerged in Cambodia in the 1990s. According to Hughes (2003), it resulted from the relative freedom of urban groups from the ties of patronage, threats of violence and traditional mindsets that kept rural populations largely silent. As in Korea (Koo, 2001), the fast and concentrated process through which the industry emerged produced tight networks of workers that were further strengthened by the living arrangements in worker dormitories.

The first independent trade union, FTUKWC (Free Trade Union of Workers of the Kingdom of Cambodia, often abbreviated to FTU), was organized with the support of Sam Rainsy, parliament member and the most important opposition politician in Cambodia since the royalists were weakened by the coup of 1997, who began personally visiting the factories and getting involved in the conflicts and negotiations between workers and managers. In 1997, he helped garment workers establish the FTU. Hughes (2003: 190) quotes Chea Vicchea, the highly popular FTU leader and a garment worker himself, who describes Sam Rainsy’s role in the formation of the FTU as necessary because “at that time [in 1996] the workers didn’t know what a trade union was”. The close links between the FTU and the Sam Rainsy Party resulted in a political – as opposed to merely economic – understanding of workers’ concerns, and the FTU was



active in demanding that the state shoulder responsibility for workers' legal rights (Hughes, 2003: 194).

According to early activists, in addition to FTU members, many other workers also participated in Sam Rainsy's rallies demanding higher wages and better conditions for workers, yet his use of their struggles as a political platform (Hughes, 2003: 196) was rejected by some, particularly after the 1997 grenade attack at a rally in which several workers were killed or injured. War was not yet fully over in Cambodia, which made some workers feel more comfortable with the less politically active branch of independent unions that was emerging around the same time. They were supported by the Cambodian Labour Organization (CLO), an NGO funded by European and North American unions and NGOs. Particularly important in the late 1990s was the support of the Asian-American Free Labour Institute (AAFLI, operated by the US union confederation AFL-CIO) which, after closing its offices in Cambodia after the 1997 coup, began channelling its support to the independent unions through the CLO, to which it also donated its offices and equipment (Nuon & Serrano, 2010).

The CLO operated a network of five or six drop-in-centres in the main factory areas of Phnom Penh which were used as bases for organizing workers. CLO's organizers would meet them outside the factories and engage them in discussions about labour rights and trade unionism. This is how Sophea, for instance, became familiar with the labour law. After working for some time in the factory, she told me, CLO staff came to meet her and her colleagues during lunch breaks. "And they convinced us that workers have their rights and should form a group, come together to help each other. And they told us that if we wanted to know more, we could go to their office to learn about the labour law." Sophea began studying at a CLO office at weekends and learned about different labour rights, including the right to form a union. Once familiar with the legal procedures, Sophea and her colleagues organized a union in the factory and informed the management about it, "according to the law", she told me.

Even activists who later had conflicts with the CLO speak highly of its role in building their consciousness and technical knowledge about the legal processes that enabled them to organize. Despite being funded from abroad, the CLO was a local organization, and its approach was perceived as bottom-up, based on workers' everyday concerns; furthermore, its methodologies were suitable for workers who were largely illiterate. According to Kunthea, leader of one of the first unions, this differed from the approach of international actors, such as the ILO and trade union organizations, whose models and materials were based on how things were done in other contexts. The CLO also

supported some activists through longer courses organized by a University of San Francisco project which later converted into a local NGO, the Community Legal Education Center (CLEC).<sup>19</sup> Many of the first generation of Cambodia's labour activists – now dispersed throughout civil society – passed through these NGOs.

In the early years, discrimination and harassment of the emerging unions were common, often involving collusion between the employer and government officials, including the police (Hall 2000; Hughes, 2003). The first unions had difficulties even getting registered (Hall, 2000; Kolben, 2004). When workers faced problems, union leaders would contact the Ministry of Labour, or raise the issue in tripartite meetings organized by the ILO, Kunthea told me, as protesting against the employer without external support was difficult. Workers' structural bargaining power vis-à-vis their employers was weak due to their replaceability, but Kunthea described a strong commitment to fight and to sacrifice oneself for the common good that united the women activists at the time: "It was like if one member fell sick, all the other members would also hurt." She emphasized the lack of hierarchy; leaders and members alike would share the same food and seats in the sun. "But it was also a time of many challenges, union dismissals, worker dismissals and factory closures." Protests might take days or weeks, and they would walk from the outskirts to central Phnom Penh to protest, sometimes facing violence from the police or from gangsters hired by the employers.

The establishment of federations strengthened the ability of union activists to seek accountability. The first two independent federations were the FTU, supported by the Sam Rainsy Party, and the NIFTUC (National Independent Federation of Textile Unions in Cambodia) which was formed in 1999 by four local unions supported by the CLO. A third independent federation was established in late 2000, after some of NIFTUC's leaders left due to alleged collusion between the federation's president and factory owners. The CLO helped them in forming the CCAWDU (Coalition of Cambodia Apparel Workers Democratic Unions), which it then supported strongly, even paying monthly allowances to the federation organizers. According to Nuon and Serrano (2010: 57) the CLO "ceased operation in 2005 due to the financial crisis"; a former staff member told me that "Cambodian diseases" and financial mismanagement led to the CLO's losing donor trust and support, which shifted directly to the CCAWDU, helping it to become the most important non-government-aligned federation in Cambodia in the 2000s.

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<sup>19</sup> The USF/CLEC also trained management and government representatives, as well as legal professionals. Its international or internationally trained legal experts provided courses on human rights, constitutional law, criminal law etc.

The ruling party responded to the development of independent federations by starting to establish its own union networks. Leaders of the 1980s communist federation began to reorganize and registered the CFITU (first CFTU) in 1999 (Nuon & Serrano, 2010: 25). Two other federations (CUF and CLUF) were soon founded by other CPP members, built top-down by individuals linked with the government. Thom, a founder of one of them, told me about its origins. He said he had just graduated from law school and “saw many problems” in the implementation of labour law in the sector. Seemingly referring to Sam Rainsy, Thom emphasized the problem of politicians visiting factories and provoking workers. “There was no one to educate and to tell them how to act peacefully ... following the law and the due process.” The absence of worker background among the leadership of CPP-aligned federations marks a difference from the independent federations that, despite being crucially supported by external actors, were built on grassroots militancy and were led by workers – in the NIFTUC and CCAWDU, all women.

As described by Hughes (2003), they campaigned to promote protective legislation and minimum wage rises, and began building networks for national and international advocacy as well as financial and technical support. International actors were also active in offering their backing to the emerging trade union movement. Much as the entire Cambodian civil society emerged as a result of the UNTAC and donor-led democracy-building, the labour movement was heavily supported and shaped by international allies and donors. In the broader context of the ILO’s assistance to labour policy and industrial relations governance in Cambodia, in 1997 its employee section, ACTRAV, began implementing a Worker Education Project (WEP) to build the capacities of the emerging unions (Nuon & Serrano, 2010). For several years, the project played a key role in training union leaders and, in line with the ILO’s overall policy, support was offered to all registered federations on topics such as international labour rights and the principles of trade unionism. The WEP also sought to facilitate coordination and unity between the different federations in order to strengthen their ability to represent Cambodian workers within the ILO structures and, at the national level, in bilateral relations with employers and in tripartite mechanisms that the ILO was assisting the government to establish.

In addition to the ILO, international trade union federations and confederations, as well as the national trade union organizations of Northern countries, also began actively supporting Cambodian unions. Reflecting the strong role of the US in the international community in Cambodia, the North American labour movement was active from early

on, with the already mentioned AAFLI operating in Cambodia between 1993 and 1997 (Nuon & Serrano, 2010: 72) and reopening in 2001 as ACILS (American Center for International Labour Solidarity, or Solidarity Center). It continues to operate in Cambodia with a strong presence, providing training, legal support and advocacy.

Cambodia's independent unions were thus influenced and supported by an opposition party but also by internationally funded NGOs and trade union organizations rather than local pro-labour social organizations like the leftist student movements in Korea (Koo, 2011). Yet Hughes (2003, 2007) has called attention to the double-edged nature of the international support, pointing out that the orientation of civil society towards international forums and funding sources has entailed a subordination of local objectives to international ones. This has increased the distance between union leaders and the grassroots, reinforcing the contradiction between the "affect of struggle" and bureaucratic negotiation processes (Sánchez and Lazar, 2019).

#### **5.4. TRANSNATIONAL REGULATION OF LABOUR RIGHTS**

The ILO and the AAFLI, along with the French Ministry of Labour, played key roles in drafting Cambodia's new and progressive labour law. Passed in 1997, it reflected the provisions of the ILO's core labour conventions, which Cambodia ratified, and integrated the idea of tripartism. It foresaw the establishment of several tripartite institutions such as an advisory council that would make recommendations on the minimum wage and discuss other policy issues, as well as an arbitration council for settling disputes. It thus reflected the approach that the ILO adopted globally in the context of the democratic transitions of the 1990s, promoting tripartism and social dialogue (Ost, 2011) and the inclusion of core labour standards in legal frameworks and policy in several countries of Southeast Asia (Ford et al., 2017).

In Cambodia, the ILO took yet another step in the direction of a pragmatic approach, emphasizing the combinability of labour standards with economic growth and global integration (see Ford et al., 2017; Hauf, 2016) in the framework of the novel labour rights governance that resulted from the UCTA. The overall interest that the US had in Cambodia's development was amalgamated with the Clinton administration's will to accommodate the protectionist concerns of the US labour movement, and make the case for fair globalization in the context of increasing consumer activism (Arnold & Shih, 2010; Polaski, 2006). This resulted in the inclusion in the UCTA of an innovative labour rights clause that, unlike the punitive clauses of previous trade agreements, linked improved compliance with quota increases (Polaski, 2006). The US, however, did not

deem Cambodia's labour inspection to be up to the task of monitoring compliance. In 1998, only 12 of the 100 inspectors of the Ministry of Labour were actually carrying out inspections (Hall, 2000: 126), and their monthly salaries of as little as US\$12 were conducive to corruption. In this situation, the US pushed for the creation of an external monitoring system to produce reliable information for the quota decisions. The ILO originally suggested it would support the Cambodian authorities technically, but the US convinced it to assume a novel, direct role in factory-level monitoring (Kolben, 2004).

The US-funded ILO Garment Sector Working Conditions Improvement Project, later named Better Factories Cambodia (BFC), started operations in 2001. It created a checklist to measure compliance with national and international law through bi-annual factory visits and reported on the aggregate situation of the industry, naming individual factories if they failed to remedy problems. Early observers – some of whom worked for the project themselves – emphasized its positive results: the creation of an unprecedented amount of data, compliance incentives that led to employment creation, improved labour rights and economic growth (Polaski, 2006; Sibbel & Borrmann, 2007; also Wells, 2006). At the end of the UCTA in 2004, international interest in continuing the project was high, which enabled the Cambodian government to renegotiate its structure. Quota decisions were no longer at stake and the naming of individual factories was left out, which shifted the leverage entirely to buyers who would purchase reports concerning their suppliers; however, only 13 buyers used BFC reports for their sourcing decisions in 2006 (Miller et al., 2007).

More critical assessments of the project began emerging. According to several NGOs, the BFC was providing too positive a picture of labour rights in Cambodia, and its lack of transparency was undermining its impact (HRW, 2015a; Merk, 2012; Sonnenberg & Hensler, 2013; Yale Law School, 2011), while scholars pointed to moderately positive results in minimum legal requirements, such as in health and safety (Berik & Rodgers, 2010; Miller et al., 2007; Shea et al., 2010). To improve impact, the BFC returned to publishing information on individual factories in a Transparency Database launched in 2014. In the meantime, the project was converted into a global Better Work programme that is currently being implemented in nine garment-producing countries, in tandem with the World Bank's IFC.

It seems fair to say that the BFC contributed to significantly increasing awareness of the labour law and respect for technically observable legal provisions – related to wages or the use of child labour – in the garment industry; working conditions are better than in other sectors in Cambodia, or in other garment-producing countries, such as

Bangladesh, as Cambodian activists readily admit. Beyond this acknowledgement, however, their perceptions of the BFC are harsh; most consider it merely to have benefited the government and the industry. Hughes' (2007: 844) analysis of the BFC's technocratic benchmarking approach, which disconnected grievances from broader power relations, has been reiterated in subsequent studies (Arnold & Shih 2010; Arnold & Hess, 2017; Salmivaara, 2018; Ward & Mouly, 2016). However, rather than reflecting a feature of the ILO's approach, the project's failure to provide a political role for workers (Hughes, 2007: 846) seems to mirror the technocratic framework of private regulation of labour rights and corporate social responsibility, which I analyse further in the next chapter. Nonetheless, the approach of the BFC also makes evident the tensions characteristic of the ILO's tripartite structure and the power relations between its constituencies globally. According to Kolben (2004: 99-100), independent labour groups were excluded from project planning and the first head of project decided not to share monitoring results with them, to avoid strikes that might "jeopardize the program". Furthermore, worker complaints were initially left unanswered as the project sought to avoid appearing too pro-worker (Kolben, 2004: 104-5). This cost the project its legitimacy in the eyes of the labour side, and demonstrates the ability of the Cambodian government to use the international community's concern for building peace and social stability to secure its own power. After all, the programme's existence depended on the government and the employers, not the workers.

Instead, Cambodian labour activists emphasize the importance of another labour rights institution, the Arbitration Council (AC) (Salmivaara, 2018), which resulted from the second ILO project that the US funded to support the UCTA. Originally, this "dispute resolution project" was meant to facilitate the creation of labour courts, but that idea was abandoned in the planning phase due to concerns about the weakness and corruption of the judiciary (Noord et al., 2011: 8). Instead, the project sought alternative ways to "[harness] the normative potential of law ... without relying on formal enforcement mechanisms" (Adler, 2007: 4). Created in 2003, the AC has a mandate to resolve disputes between workers and employers that are forwarded to it by the Ministry of Labour. For each case, a tripartite arbitration panel chosen by the parties organizes a hearing and after two weeks announces its award, considered an authoritative judicial opinion. Nonetheless, the award is binding only if both parties agree to it, which, according to the ACF director, protects the institution from corruption, as it makes bribes useless (Salmivaara, 2018).

With the support of the US, the ILO used the UCTA leverage to push for a careful structure of checks and balances to protect the institution from political influence. It handpicked the arbitrators and protected their position from dismissal. In 2004, legal and administrative support was shifted to a local Arbitration Council Foundation. While technically under the Ministry of Labour, the AC's continuous international funding has protected its independence from local political pressures, and it is widely perceived as an exceptionally neutral and non-corrupt institution (Shea et al., 2010), while its public awards form the core jurisprudence of labour law in the country.

The BFC was meant as a short-term solution (Polaski, 2006) or a "temporary replacement for Cambodia's inadequate national regulatory system" (Kolben, 2004: 85), yet, after two decades, labour inspection remains weak and labour courts have not been established. Consequently, the two institutions continue to replace the role of both the inspection and the judicial system in the implementation of labour rights in Cambodia's garment industry. In practice, the enforcement of the AC awards as well as the follow-up of BFC reports depends on the international buyer companies.

Beyond the two ILO projects, the UCTA also triggered substantial financial, technical and political support for Cambodia's independent unions, which were recipients of USAID funds channelled through NGOs. The agreement also gave political leverage to US diplomats and other organizations, and resulted in political protection for the unions as actors that need to be allowed to function in a democratic context (see also Nuon & Serrano, 2010).

## **5.5. WORKING CONDITIONS AND LABOUR RELATIONS IN THE 2000S**

According to Hughes (2003, 2007), the ILO project contributed to deradicalizing the emerging labour movement and delegitimizing spontaneous, militant activism. I agree with her critical evaluation of the impact of the Northern models of dialogue<sup>20</sup> and economistic unionism that, as I show in Chapter Seven, were also promoted in Cambodia by a much larger group of actors, particularly the international trade union movement. According to Hughes (2007: 843), the ILO pushed the FTU away from the influence of the Sam Rainsy Party, seeking to "de-link union issues from party politics".

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<sup>20</sup> Hughes (2007: 843) suggests that the establishment of negotiation mechanisms was part of the monitoring project (BFC), yet as Kolben (2004) notes, dialogue and grievance mechanisms were only included in the ILO's original proposal but not in the one that was implemented. The project narrowly focused on monitoring legal norms and building awareness and capacities connected with them (Sibbel & Borrmann, 2007). In its broader work in Cambodia, however, the ILO promoted dialogue mechanisms such as the Labour Advisory Council (LAC), which was not a grievance-handling mechanism but a forum for policy discussions, particularly on the minimum wage.

Importantly, the ideal of non-political unionism upheld by the ILO provided legitimation for the government's attack on unions linked with the political opposition. In the early 2000s, the growth and militancy of the opposition-aligned FTU led to increasing threats and violence. In 2004, its president, Chea Vichea, and several other leaders were murdered, practically demobilizing the FTU and silencing the entire labour movement. No large scale labour protests occurred until 2010 although the NGO-aligned federations, the NIFTUC and CCAWDU, were able to operate with more freedom at the local level. One of the CCAWDU leaders described the period after 2005 as a good time for organizing and growing, because the CPP felt that they were in control. "When they were not afraid, we had room to exercise our rights", he told me.

Throughout the decade, competition between unions was fierce at the factory level. When an independent federation organized a local union in a new factory, a pro-government federation would soon be established in the same company. The number of unions increased rapidly from 20 in 1997 to around 1,000 in 2006 (Shea et al., 2010). The number of federations also increased, from five federations in 1999 to ten in 2003. After 2004, growth accelerated and, during the following five years, 18 new federations emerged (Nuon & Serrano, 2010: 76-83), all aligned with the CPP. The tendency has continued and, in 2016, 104 national trade union federations (and 13 professional associations), grouped in 13 confederations, were registered with the Ministry of Labour; 89 of them were active in the garment sector. All except three confederations and some non-affiliated federations were aligned with the government (Solidarity Center, 2016). The unionization rate in the garment industry is estimated at 60% (Arnold, 2017), which is extremely high compared to other countries of the region.

While some authors interpret the high figures as a sign of the strength of the labour movement (DiCaprio, 2013; Oka, 2015), others have emphasized that fragmentation weakens independent unions and the workers' cause, as the overwhelming majority of the organizations are aligned with the ruling party or the employers, and do not participate in public protests or defend workers' interests in negotiation tables (Arnold & Shih, 2010; see also Arnold, 2014; Hughes, 2007; Salmivaara, 2018; Ward & Mouly, 2016).

#### 5.5.1. WORKERS' POSITION

The dependence of the Cambodian government on donor support and Western markets, reflected in the externally supported framework of labour rights governance, differentiates the working conditions in the garment factories from those in other industries. It is the only industry covered by the legal minimum wage where



international labour standards, including the right of workers to organize collectively, are recognized to a degree that is unknown in other sectors in which jobs are available for Cambodians with low levels of education (cf. Käkönen & Thuon, 2019). Nonetheless, many activists insist that garment workers face the same problems as they did twenty years ago and only awareness of them has changed. “Before, garment jobs were the first option, now, it’s maybe the last option”, Sreyppich, a former factory worker who currently works for an NGO, told me. “My generation does not want their younger siblings to work in these conditions; they want them to have a better education and to work in something else.” The queues of job-seekers outside factories have disappeared, and the growth of the service sector, particularly tourism, has weakened the popularity of garment jobs, she said.

Although the minimum wage is generally respected in the export factories, the real wages of garment workers decreased by 22% between 2001 and 2011 (Workers’ Rights Consortium [WRC], 2013). Since 2000, the minimum wage setting has been based on recommendations by the Labour Advisory Council – tripartite in theory, but controlled by the government in practice. Set at US\$45 in 2000, the salary was not adjusted in seven years. Mobilization around wages grew after the middle of the decade, when inflation increased and the industry was affected by the global financial crisis. Although raised to US\$50 in 2007<sup>21</sup> and to US\$61 in 2010 (ILO, 2016), the level of the minimum wage remained extremely low, arguably causing a wave of mass faintings among workers in 2010-11 (e.g. Arnold, 2017). The salaries began rising steeply after the 2013-14 national strike, analysed in Chapter Nine.

As a counterpoint to the low minimum wages, excessive overtime work is the norm in the industry. According to the law, regular working hours are 8 hours per day, six days per week. Overtime work must be voluntary and limited to 2 hours per day, yet workers are seldom able to refuse it if they want to keep their jobs. More importantly, they cannot afford to do so, because regular wages are insufficient to cover the needs of the workers and their on-average five dependents. The low minimum wages also explain the popularity of piece rates that enable some workers to increase their take-home earnings, although in other cases targets are unrealistic and only make the employees work harder with little reward. Other common wage-related problems are caused by the complexity of legal bonuses and leaves that make the payslips largely incomprehensible even for those workers who are literate.

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<sup>21</sup> A US\$6 bonus was added in 2008, when inflation was at 25% (Arnold, 2014: 225).

While the garment industry is commonly seen as a formal exception in the otherwise largely informal labour market, workers are in practice being precluded from enjoying their legal rights through a process similar to what Dae-Oup Chang (2009) calls *in-fact informalization* (Arnold & Shih, 2010; Salmivaara, 2021). This happens through two main channels. The first is the outsourcing of production into subcontracting factories where the law is not monitored or inspected. Subcontracting is a common way for companies to adapt to fluctuating orders and tight timelines. In addition to official subcontracting, where the buyer audits and approves the subcontracting facility, unofficial subcontracting shifts production to unregistered units that might operate in homes or warehouses, or change location regularly (ILO, 2017; HRW, 2015a). No official data exist, but the belief that the latter practice is increasing is widely shared. A recent study by the ILO (2017) indicates accelerating growth, and labour force survey data suggests that over a quarter of all garment workers are working outside the export factories, which would mean over 200,000 workers. Production in the “small factories”, as workers call them, remains in the dark and workers are not able to organize collectively to defend their rights (Salmivaara, 2021).

The second method of in-fact informalization of work is the use of temporary or fixed-duration contracts (FDCs). They are particularly efficient in preventing workers' collective organizing. Discrimination and harassment of independent unions is common (Arnold & Shih, 2010; HRW, 2015a; Sonnenberg & Hensler, 2013), although the open violence that characterized the early years has largely been replaced by more subtle forms of repression. The constant threat posed by non-renewal of temporary contracts that enable employers to get rid of troublemakers, effectively precludes workers from forming or joining independent unions and claiming their legally guaranteed rights (Salmivaara, 2021). In the early 2000s, permanent contracts were the norm in the industry, but the situation began to change after 2005 (Arnold, 2010). Workers are often pressured or manipulated into accepting FDCs (HRW, 2015a; Yale Law School, 2011) and many activists believe that factory closures are staged to convert entire workforces to temporary contracts. The legality of repeated temporary contracts has been a major cause of dispute. According to the labour law (Art. 67), the total length of repeated FDCs cannot exceed two years, after which a contract is to be considered permanent. The AC has been defending this stance since 2003, opposing the interpretation of the Ministry of Labour, which claims that the two-year maximum only refers to a single contract. Arnold and Shih (2010) see the increase of FDCs primarily as an employer strategy to ensure profits in the context of increased global competition, while many activists

consider it a policy promoted by the government to neutralize the political threat posed by independent organizing (Salmivaara, 2021).

#### 5.5.2. GOVERNMENT-EMPLOYER ALLIANCE

The alliance between employers and government authorities to oppose independent unions, observed by Hall (2000) at the turn of the century, remains a constant feature of the industry. Indeed, Ward and Mouly (2016: 266) describe a “state-employer bipartism” that prevails in the decision-making processes. Another way of seeing this, as suggested by many labour activists, is a bipartism between the few independent federations and the rest of the actors: the government, employers and most unions.

The influence of the Garment Manufacturers’ Association (GMAC) on government policy is often emphasized in the literature (Arnold, 2014; Chang, 2021; Ear, 2012; Ward & Mouly, 2016), and by observers in Cambodia. The GMAC’s spokesperson was also keen to reinforce this image to me, describing their close cooperation and presence on policy-making committees, mentioning phone calls from the labour minister “at weird hours in the morning” to ask his opinion. Rather than seeing the Cambodian state as weak and controlled by the GMAC, however, other observers interpret the government’s pro-capital policy or hand-in-hand governance (Asuyama & Neou, 2012: 7) in terms of mutual benefits and coinciding interests. As Ear (2012: 62) notes, “it is unclear who captured whom”. The government has its own financial and non-financial interests in the sector’s success. Rumours abound regarding the roles of high-level government officials as silent partners in garment factories and SEZs, and as owners of land and infrastructure. The involvement of Cambodia’s top leadership across the country’s economy seems evident (Global Witness, 2016), but official information is scarce.

Writing in early 2000s, Kolben (2004: 86) suggested that the allocation of export quotas to individual factories was an important opportunity for revenue-raising by government officials. My interviewees –from company representatives to labour activists – all agree that operating a successful garment factory in Cambodia depends on contacts among high-ranking officials (see also Hall, 2000; Hughes, 2003). As Dara, a federation leader, put it, even though Cambodia was not like Bangladesh, where factories are owned by members of the parliament, corruption meant that the situation was similar in practice. “If you want to do something wrong, like break the law, you need to know high-ranking officials”, Dara said. According to the GMAC representative, the prevalence of corruption was not a problem to the manufacturers, because corruption in Cambodia was highly transparent and did not imply uncertainty. “We don’t care how much, or who you pay to, or who eventually gets the money. It’s a question of what we

get in return”, Dara told me, suggesting that the situation actually provided important flexibility for the investors.

Contrary to claims about the GMAC’s control over the government, Hall (2000: 133) emphasizes that the industry serves the political interests of the government “in a number of ways beyond financial support”. He (2000: 132) quotes a journalist on how the manufacturers’ association was considered “a mechanism for ensuring continued political and financial support for Hun Sen and the CPP by the garment industry”, and describes a case in which the prime minister negotiated the opening of a factory in a particular neighbourhood in order to offer jobs as a reward for the community’s participation in pro-CPP demonstrations. This shows that the success of the industry, through its employment creation, has been an important means of building political support. Yet company representatives have ambivalent views about the GMAC’s underlying interests, with the spokesperson of one European buyer suggesting to me that the GMAC seemed to be too close to the government to be really focused on driving forward the industry. Similarly, a factory CEO who was otherwise happy with the GMAC’s role as an arena for sharing information and discussing common problems, questioned its ability to promote their interests vis-à-vis the government.

GMAC members are “mostly Chinese and ethnic Chinese” factory owners, as the association’s spokesman told me. While foreign investors were needed in the 1990s, there is still very little Cambodian involvement in the sector today. Only 4% of the factories are registered under Cambodian ownership (ILO & IFC, 2018), which a long-term ILO observer described to me as a “rather unique” pattern in garment industries around the world. When I asked why there had been no change, despite capital now being available in the country, he responded, “I guess they just don’t see it as interesting compared to other opportunities.” Similar comments about the preference of wealthy Cambodians for doing business in the more lucrative sectors, mainly the illicit economies of natural resource extraction (Baker & Milne, 2015), were repeated by other industry observers. Even the GMAC representative told me that the absence of Cambodians among the manufacturers was due to their lack of knowledge and, “more importantly [because] they have better things to do with their money”.

GMAC openly admits that the manufacturers are not in Cambodia to develop the country; indeed, foreign ownership of the factories is often suggested as an explanation for the lack of upgrading in the industry since the 1990s. After 25 years, the sector is still limited to cut-make-trim functions and imports all inputs, mainly from China but also India; special items might be flown in from Italy, one supplier told me. No tier 2 or

3 industries have been developed, and there are no cotton fields, mills, or dyeing facilities, unlike in neighbouring Vietnam. A foreign NGO leader was shocked by the lack of planning: “Factories are just built and opened wherever, without any planning regarding the infrastructure, existing labour pool et cetera. Local elites just get land and build factories, to gain money, and then someone else opens a factory, to gain money.”

The first Industrial Development Policy was produced in 2015. According to the ILO officer, plenty of strategies had been produced by development actors and donors over the years, but none had been implemented by the government. For at least a decade, the industry was able to grow and keep all sides content: workers were satisfied with their salaries, investors with their profits, donors with the apparent commitment to labour rights and the government was able to boast of high growth and job creation that provided it with merit, legitimizing its power. Discontent began growing towards the end of the first decade of the 2000s, but the labour movement was not yet able to push for significant wage increases.

## **5.6. TO CONCLUDE**

International demands that labour rights be respected meant that labour in Cambodia’s export-oriented garment industry could not be openly repressed. The government had to seek other ways of preventing independent organizing to keep prices low, thus balancing the requirements of the Asian investors and the Western donor countries that coincided with its export markets. Liberal-democratic institutions, such as the progressive legal framework and monitoring programmes, were implemented to guarantee external legitimacy, development funding and trade benefits but, as with broader democracy promotion, commitment to them was largely discursive and, under the surface, the government operated to undo their democratizing impact. The state’s mediating role in the labour-capital conflict was not pro-labour and it did not uncouple workers’ reproduction from production (cf. Burawoy, 1983); rather, it resulted in despotic production politics in which employers were free to draw on economic coercion.

Although the industry has depended on international investors, interpreting the government’s pro-capital policies of the recent decades as a sign of its weakness and submission to the manufacturers would obscure the degree to which this alliance has benefitted the Cambodian elite’s own power interests. For the government, the success of the garment industry was instrumental in ensuring political power in the new multi-party situation. Demonstrating growth and providing jobs enabled the CPP to

accumulate merit and legitimize its rule. At the same time, however, the labour rights policies implemented for the sake of external legitimacy, created a setting that enabled the independent unions to grow. While the government attacked unions aligned with the political opposition, those supported by NGOs had significantly more space to operate. During the first decade of the 2000s, they gradually built their networks in the factories and also internationally, thereby strengthening their power. In the following two chapters I analyse their use of transnational strategies; in Chapters Eight and Nine, I return the focus to local tensions and politics.

## **6. RIGHTS-BASED STRATEGIES: TARGETING BUYER COMPANIES**

Gold Fashion Apparel is one of Cambodia's 600 registered export factories, opened in 2012 by a Chinese conglomerate that operates garment factories in several Asian countries. Its approximately 3,000 workers manufacture clothes that well-known global brands sell to their customers around the world. The factory is situated in a rural area, not far from Phnom Penh. With light traffic, a motorbike ride from central Phnom Penh to its gates takes a little over an hour.

Most Gold Fashion workers, 90% of whom are female, live with their families in the same village or in surrounding areas. Work is like in any other Cambodian factory. Workers are hired on repeated temporary contracts of two or three months, which means that female workers do not receive legal maternity benefits, because their contracts are not renewed once their pregnancy is visible. Salaries at Gold Fashion are tied to piece rates, and workers strive to cut, stitch, iron or pack as fast as they can to reach the level of the legal minimum wage, \$US148 per month in 2016. They are automatically made members of a management-controlled union and membership fees are deducted directly from their salaries. Instead of helping workers to claim unpaid benefits or solving other issues, however, union leaders take money from the management in exchange for de-escalating problems.

In 2013, a group of frustrated workers began organizing a new trade union at Gold Fashion. Trained by one of the major independent federations, which some of them were familiar with from their previous workplaces, the workers organized underground: outside the factory, during lunch breaks or after work. The first elections to choose leaders and legally register the local union, were held in May 2014. However, when the newly elected leadership informed the management of Gold Fashion about the establishment of the union, seven leaders and activists were dismissed. The management offered money in compensation, but the unionists rejected it. They contacted the union federation in Phnom Penh, which helped them file a complaint of illegal dismissals and union discrimination at the Arbitration Council (AC). Gold Fashion supplied a major European buyer, known to be concerned about its brand image and committed to respecting AC awards. The federation staff was in contact with the buyer, and when the AC resolved the case in favour of the claimants, the buyer intervened quickly, telling the management that it should respect the award, even if it was not

legally binding. The seven activists were reinstated in May 2015 after 11 months of suspension.

\* \* \*

In this chapter and the next, I examine the transnational dimension of the strategies of the Cambodian labour movement, shifting the focus to their embeddedness in local social and political struggles, in Chapters 8 and 9. The transnational dimension is central to making rights-based claims and seeking support from the AC and buyer companies, a common strategy used by the garment workers and their organizations – independent trade unions and labour NGOs – to fight abusive treatment and poor working conditions inside the factories, and to protect their ability to organize collectively in order to defend their rights. While the language and logic recall those of transnational human rights activism, these strategies do not target states but rather multinational companies, utilizing the commitments the latter have made to labour and human rights in the framework of their corporate social responsibility (CSR), sustainability policies and codes of conduct.

The fashion brands' CSR discourse is commonly criticized as an attempt to green- or whitewash real conditions in the supply chains. This perspective is backed by critical scholarly analysis that, as discussed in Chapter Two, highlights the weakness of the market-based mechanisms of private regulation of labour rights (LeBaron et al., 2017; Locke, 2013; O'Rourke, 2006; Seidman, 2007; Wells, 2007). Another strand of research has explored the practices and discourses of CSR as a disguised exercise of corporate power and a neoliberal conduct of conduct (Gardner 2012; see also Blowfield & Dolan, 2008; Dolan & Rajak, 2016; Rajak, 2011).

While this chapter is inspired by the critique, its analytical focus is different. I concentrate on the agency of workers rather than corporations, and examine what happens when their organizations actually engage with buyers' commitments in order to resist abusive working conditions and to build power vis-à-vis their employers. I show how Cambodian unions have successfully built legal claims and transnational alliances to turn corporate commitments into economic pressure, making the buyers intervene in their supplier factories, but I also point to the limits of these strategies and the challenges that the activists' face as corporations seek to circumvent them.

I argue that the eager adoption of the limited, buyer-focused strategies does not mean that Cambodian activists have been mystified or co-opted by CSR discourse. They know that companies care about profit, and this is why they use the language of rights to build an economic impact. Yet, this choice comes with consequences, and in the latter



part of this chapter, I examine how the reliance on private regulation influences workers' ability to defend their situation collectively, drawing attention to how it depoliticizes labour's struggles.

### **6.1. TRANSNATIONAL ACTIVISM ON "BUSINESS AND HUMAN RIGHTS"**

Making claims in the language of rights presumes responsibilities, thus differing from formulating claims on the basis of needs, desires or fairness. In terms of internationally recognized human and labour rights, these responsibilities have been defined in international law and they centre on the legal duty of states to respect, protect and fulfil such rights. However, as discussed in Chapter Two, the increasing power of corporations in the context of neoliberal globalization gave rise to a need to rethink the responsibilities of private enterprises, which were not previously recognized as subjects of international law. This resulted in the development of a novel framework – outlined in the UN Guiding Principles on Business and Human Rights (UNGP) (United Nations [UN], 2011) – in which the duty of corporations to respect human rights was redefined beyond abstaining from causing harm directly, to include “[seeking] to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts” (UN, 2011: 14). The main impact of this change was to make the lead firms, such as the fashion and sports brands of the Global North, responsible for preventing harm in their supply chains across national jurisdictions, regardless of the degree to which the local government is enforcing international law.

The extension of human rights responsibility to multinational companies also expanded the model of transnational rights-based advocacy beyond one of seeking state-based boomerang effects (Keck & Sikkink, 1998). Rather than pressuring other states to use their political or economic power over the state where the human rights violations are taking place, the *business and human rights* framework allows pressuring multinational companies to exert their influence over companies and other actors along their supply chains. While the traditional boomerang draws on citizens' political pressure and state commitments in terms of international human rights law, the business and human rights boomerang is based on applying the power of consumers to the lead firm, and the lead firm's contractual power over its suppliers.

The business and human rights framework strengthens the “stateless boomerang” that earlier transnational activist networks and boycott campaigns sought to establish by exercising merely moral pressure on the companies, as described by Seidman (2007:

17). Despite not being legally binding, the new framework, which extends legal responsibilities to companies, makes advocacy fundamentally stronger and implies a more substantial reputation risk. Furthermore, as noted by Marissa Brookes (2017), the economic risk is augmented in the case of labour rights due to workers' structural power and their ability to combine campaigning with disrupting production.

## **6.2. TARGETING BUYERS IN CAMBODIA**

Transnational campaigns using buyer boomerangs have been analysed in the labour literature as new strategies that the trade union movement can adopt in the context of globalized production. Yet in Cambodia, the industrial labour class and its independent labour movement only emerged in the context of globalized value chains, and the logic of transnational campaigns did not replace previously existing union repertoires. The framing of labour relations and claims in terms of "workers' rights", based on international conventions, has been central to the logic of Cambodia's independent labour activism since the late 1990s. The US-Cambodia trade agreement tied the success of the industry to the improvement of working conditions, defined in legalistic terms with reference to national and international labour law. Workers' rights were incorporated into the legal education offered to Cambodians and their emerging civil society organizations by the international community, as part of the promotion of the liberal "human rights culture", considered to be a central element in building peace and democracy in the country, according to the 1990s development consensus (Rajagopal, 2006; Zimmermann, 2017).

But while in the framework of international human and labour rights law, state is the main duty-bearer, the international community has played a major role in protecting the workers' rights in Cambodia from early on. It was the internationally created governance institutions, and not local authorities such as the court system, that took the role of the principal venue in which rights claims were made. Similarly, international actors rather than the government were seen as the main agents in charge of safeguarding labour rights, even of ensuring that the government respected its own laws. Already in the early years, some factory disputes ended up with workers marching to the US Embassy rather than the house of the king or the prime minister, holding the US flag or names of American companies and transnationalizing, this way, the custom of seeking the intervention of a powerful actor in a conflict.

The absence of the Cambodian state in the protection of workers' rights was conducive to shifting the focus of labour strategies towards the responsibilities of the

international companies. As discussed in the previous chapter, both the BFC and AC were supposed to be linked with state enforcement but, in practice, their leverage depended on the buyers, particularly after the BFC was separated from US import quotas in 2004. In the following years, independent unions strengthened their presence in the factories as well as their transnational networks. In this context, the brand approach became more systematically exercised in the strategies of the independent unions. Several activists mention the role of North American ACILS (American Center for International Labor Solidarity), whose staff members received training on supply chain activism in Thailand and imported to Cambodia the strategies that were spreading globally. They started building the capacities of Cambodian unionists to file complaints with buyers to promote working conditions in their supplier factories in Cambodia. Initially, the complaints were prepared and filed by the international NGOs, but today, independent unions have staff members who speak English and can approach buyers themselves, although NGOs still play an important role as mediators.

#### 6.2.1. GOLD FASHION APPAREL, EPISODE TWO

The conflict at Gold Fashion, described at the beginning of this chapter, is an example of how Cambodian labour activists can succeed in their rights-based strategies. The story was not yet over, however. A new conflict soon evolved, one illustrating the struggles and tensions that Cambodian activists face as they try to build a boomerang effect by drawing on the CSR commitments of Northern buyers and claiming their accountability and intervention.

When the seven dismissed activists returned to work in May 2015, they were repositioned in new sections where they would have fewer opportunities to engage with other workers. Nonetheless, they continued organizing during lunchbreaks. Altogether 270 workers provided their thumbprints to join up. Tensions in the factory were on the rise because of decreasing piece rates and increasing quality demands that were making it difficult for workers to reach the level of the legal minimum wage. In September, the union leaders challenged the Chinese management, demanding piece rate increases. The management was unresponsive, and the conflict led to a second mass dismissal: 51 union leaders and members lost their jobs. Furthermore, in the months that followed many others failed to get their temporary contracts renewed unless they agreed to resign from the independent union and join that under management control. Over 100 union members lost their jobs and others gave their thumbprints – some without understanding what they were signing – to relinquishing their union

membership. Of the 270 workers who had joined the independent union, only a dozen or so were still working at Gold Fashion in early 2016.

Based on their experience from the previous year, the union was initially not too worried about the dismissals. With the help of the federation, they took a new case to the AC, and again, received an award supporting their claims. Issued in late December, it ordered the company to reinstate the 51 workers and to compensate for their lost wages. But the management refused to respect the award. When the union leaders attempted to return to their workplace in January 2017, they were stopped at the factory gates by the security guard.

Again, the leaders turned to the federation officials, who tried to contact the Chinese parent company of Gold Fashion and the buyers. This time, the European buyer was less responsive. A new person was now in charge, who told the unionists that since the AC award was non-binding, the company could not help. The dismissed workers were getting anxious and wanted to begin a protest. In order to increase pressure, the federation sent a formal strike letter to Gold Fashion management and its owners in China, with a copy to the labour ministry, the buyer, the GMAC and the BFC. As the management rejected the letter, the local union went on strike at the end of February, protesting in front of the factory. They used loudspeakers to call the workers to join the strike and managed to gather around 600 participants to block the main road. The management refused to negotiate and instead, offered workers money – three to five dollars, almost doubling the daily wage – to return to work. After twelve days, the management filed a complaint with the local court accusing the union of an illegal strike. The court issued a restriction order that prohibited the unionists from approaching the factory for a week.

It was during this week that I first met with a group of union leaders and members from Gold Fashion in a store on the same road that passed the factory gates. Among the seven men and one female activist, all in their late twenties and thirties, were Toch, the union president, and Sao, vice president. They were eager to share their story with me, probably hoping that a sympathetic foreigner who had been introduced to them by their federation brothers could help draw the attention of the buyer to their hardship. I felt uncomfortable about taking up the time of so many of them, but they assured me that it was fine. They had no work and nor could they continue their protest. It was difficult to find another factory job, because managers distributed the photos and names of trouble-makers. “We’re on a black list, we can’t find jobs in other factories”, Sao said, who was staying at home with their child, waiting. “Sometimes I take care of cows or I

get work at a construction site for a day, but it's still not enough for our basic expenses", the dismissed unionist said. The activists were anxious about the economic situation of their families and those of other dismissed workers. Many had to resort to high-interest microcredits or to selling any property they might have.

The dismissed Gold Fashion workers were agitated, talking over each other and angry with the unfair treatment of the Chinese management. I was surprised that they had chosen to meet in a space that was open to the main road, but was told that the factory was already aware of their contacts with the federation and foreigners. This might also have been a message that they wanted to strengthen. About half an hour into our meeting, two men on motorbikes stopped on the opposite side of the road, where they stayed sitting on their bikes, watching us for the hour or so that we continued talking. I asked Toch if they had been directly threatened, and was told that the thugs that the factory had following them would not speak to them, but might point a finger gun from a distance. As federation staff later commented to me, the intimidation of workers and their families was also the goal of the baseless lawsuit against striking workers. Scared parents might pressure their children to resign from the protesting union and stay away from trouble.

The workers were frustrated with the buyer, whom they saw as the actor with the ultimate power to intervene. I was told how the buyer's "chairman" had helped them the previous time, intervening from abroad and working hard to push the factory manager to decide in the workers' favour. But this time, Toch told me, the buyer was procrastinating. They were still waiting, but if there was no response, they would travel to Phnom Penh and organize a large protest.

In the following week I met with federation staffers in a Western-style fast food restaurant close to their office in Phnom Penh. Kimly, the officer in charge of communication with brands, and Fran, an expat who was helping him, did not hide their frustration with the buyer and the new representative responsible for sustainability. "And you know what this new person said? 'Ah, it's a non-binding award. So it's not enforceable, so we can't do anything.' That's what the person says!" Fran said, laughing incredulously. Kimly explained that, previously, the buyer's policy had been to act regardless of whether an award was binding or not, "If we had an AC award, they would always intervene and they would pressure the director of the factory."

According to the buyer, the factory management was ignoring the threat of reduced orders. Their leverage was not strong enough. The unions and NGOs usually try to push several buyers to increase leverage, but in this case it was not possible. Gold Fashion's

largest orders were from a Japanese brand and, in the federation's experience, Japanese companies were not afraid of consumer pressure. In a couple of days, they were meeting with the European buyer to demand it to stop its orders immediately; if not, they would begin a campaign with demonstrations in Phnom Penh. International campaign networks had been informed and were ready to act. "The only way to make buyers react is pressure and more pressure", Kimly said, looking annoyed. "If we don't do that, they always say 'Oh, we will try to contact the director of the factory to solve this problem!' But we never see them take action, they just say *blah-blah-blah* but they don't do anything!"

The unionists hoped that the threat of losing an important buyer would make Gold Fashion reinstate the workers. I later read in the buyer's case memo that after meeting with the union federation in Phnom Penh at the end of March 2016, the company had informed Gold Fashion's parent company about a gradual phasing-out of the business relationship unless Gold Fashion workers were reinstated. But the threat did not lead to changes and the workers were left in limbo.

Yet the case was not over; Kimly and the federation leaders kept working on it with international partners. The court decision reached in July 2017 was negative for the workers, as expected. Yet the AC's favourable ruling allowed the union to continue pushing. The European company's gradual withdrawal left the Japanese buyer sourcing up to 80% of Gold Fashion's production. The union federation raised the stakes. Nearly a dozen international allies – unions and human and labour rights NGOs in Hong Kong, the US, Europe and Japan – joined them in a campaign targeting the Japanese company. In a public letter, the company was asked to take action on the AC award, with reference to the requirement of the UNGP on Business and Human Rights, noting, "If the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it." Otherwise the organizations would begin a consumer campaign including demonstrations at the brand's shops on three continents.

After the first shop demonstrations were held in Hong Kong and Tokyo in September and October 2017, the Japanese company sent a letter to Gold Fashion's Chinese parent company demanding that they immediately negotiate with the union. The first negotiation in the presence of the GMAC ended without agreement. The following one, held at the union federation's Phnom Penh office between the factory management and the federation, was successful. Gold Fashion agreed to reinstate the 51 workers and compensate 80% of their wages for the time they had been dismissed. It also agreed to commit to a binding AC award regarding the remaining 54 workers who had lost their

jobs after the case of the 51 workers had been filed. After getting the workers' approval, the union leaders signed the agreement. Kimly was very happy with the result. It was a big victory, and the first time they had been able to get results with a Japanese buyer. The union officer was certain that the success was due to the threat of protests around the world, which had made the buyer push the supplier factory to the negotiating table.

Except for the novel, positive role of an Asian buyer, the story of the Gold Fashion dismissals is typical of the conflicts in the Cambodian garment sector and of the efforts of workers and unions to seek accountability for abuses. The labour rights boomerang based on buyer leverage can be effective, but even in a successful case, the dynamics are far from the smooth movement of a boomerang that independently gathers force in the air and spins back. The case did travel out of Cambodia, to the offices of European and Japanese companies, and back, but this required tireless pushing. Instead of throwing a boomerang, the union's efforts rather resemble pushing a huge rock up and over a hill. The help of different actors is needed at several points. The movement is neither linear nor accelerating and might get stuck at any point. In many cases, the efforts do not end with similar success as at Gold Fashion.

The success of rights-based strategies is unpredictable. Persistence is required. Fran described the Gold Fashion case as being "all about who pulls the rope the hardest". But strength is hardly enough; strategic thinking and luck are needed to make it all come together and for pressure to build up. Alex, an experienced labour NGO worker compared international advocacy to playing billiards, "You try to hit the ball, but you can't really control the causalities. You don't know what will lead to what. You just hope that some ball will eventually hit the target."

The attempts to reverse the power imbalance involve a game of hide and seek, since buyers do not accept responsibility unless they have to, as union and NGO activists often complain. This is where the Arbitration Council awards play a key role. Their careful, neutral, judicial analysis elevates workers' complaints about unfair treatment into valid, justified claims for internationally recognized labour rights for which accountability can be demanded. After the hearing and tripartite resolution, the claims can no longer be refuted by employers as lies.

Nonetheless, the awards do not have the power of court decisions and in most cases the employer chooses a non-binding award. Furthermore, while the labour law establishes that binding awards should be enforced by courts, this has never happened in practice. Workers have no chance of winning in the Cambodian judicial system; on the contrary, courts can undo workers' use of the strike weapon, as Gold Fashion

workers saw. In this situation, a reputation-conscious buyer is needed to make the AC awards effective – and sometimes simply to protect the workers’ right to strike. Unions know that many large Western buyers recognize the authority of the AC and include provisions on labour rights in the codes of conduct that they make their suppliers sign as part of the business contract. They also know that this is not the case with the small brands or buyers “without brand”, who target customers exclusively on the basis of price. Asian brands have until recently been included in the latter group, but this might be changing as they enter Western consumer markets, some suggested to me, as was the case with the Japanese company whose involvement finally resolved the conflict at Gold Fashion.

Particularly important for the independent unions is the fact that the AC recognizes workers’ right to organize collectively and defines union harassment as a fundamental labour rights violation. This is why their organizing strategy is based on a mapping of buyers. The risk of dismissals is so high that organizing is feasible only in factories that supply to “good buyers”, in which case protection can be sought from the AC. Samnang, a leader of an independent federation, told me that they had lost 40% of the factories they had managed to organize and register in the previous 15 years, usually because the union leader had been dismissed and they had not been able to win the AC case, either because workers were too afraid to fight or because the factory only supplied for small brands that did not care about labour rights. Meanwhile, the absence of international buyers makes organizing much more difficult in other sectors. In the brewery sector, for instance, the owners and consumers are Cambodian and “only care about the price”, as a union leader of this sector told me. Similarly, in tourism, the experience of the activists is that the impact of AC awards is limited to the big hotels that belong to international chains. In other hotels, the risk of dismissals makes filing a case not worth it.

#### 6.2.2. INSISTENCE AND EFFORTS: THE ROLE OF THE INTERMEDIARIES

In early 2017 I met again with Toch and Sao, the union leaders at Gold Fashion, who had now recovered their jobs. We met at Toch’s house, and the atmosphere was very different from the previous year. The men seemed happy and relaxed, and talked at length about how much better the relationship between the management and the union now was. I asked what they considered to have led to the success, and they told me it had been the international campaign. Yet their own direct engagement with it had been limited to being interviewed by visitors – North American unionists, European supplier representatives and Japanese journalists. The contacting, planning, negotiating and



campaigning had all been done by the federation. “Without the federation”, Toch said, “there would not have been anything for us to do, no results”.

While their highly positive views about the federation surely reflected the fact that I had been introduced to them by it (as well as their loyalty to the federation leaders, which I discuss in Chapter Seven), there is little doubt about the importance of the role of union federations and their allies in pushing the buyers to take action to promote workers’ rights. In their role as intermediaries, unions and NGOs not only vernacularize international norms into the local context, as often described in human rights anthropology (Eckert et al., 2012; Levitt & Merry, 2009; Merry, 2006), but also do important work in translating claims in the other direction, from workers who produce summer dresses or college sweaters in Phnom Penh or Ta Khmau, to company executives and consumers in Copenhagen or San Francisco. This transmission requires profound understanding and diverse skills and abilities on the part of local activists and their transnational allies, as well as good collaboration between the two.

Still, the importance of the intermediaries by no means reduces the importance of workers’ collective organizing at the grassroots level. “Any international leverage comes down to organizational capacity of the unions”, Rotha, a labour NGO staffer and experienced observer of the sector, once told me as we talked about campaigning. “Implementation of labour rights and codes of conduct cannot be monitored from the outside.” Union presence in the factories is fundamental to workers’ ability to stand up to abuses. While workers can protest spontaneously, as they did in the 1990s, it is much easier for the companies to dismiss such claims and have the authorities declare a wildcat strike illegal if workers are not aware of their legal entitlements and the procedures involved in seeking outside support. Organizing a formal union enables workers to approach the AC for protection, thus decreasing the power imbalance with the employer. While labour NGOs also play important roles in supporting workers’ struggles through awareness-raising, legal support and creating connections with transnational networks and buyers, they do not have a membership base or presence inside the factories, nor are they able to represent workers legally or in the AC, which is a key factor in the strategies.

Presenting a successful case to the AC requires building a convincing base of legal evidence. The lawyers of the independent unions and labour NGOs know how to formulate claims, the appropriate articles of the labour law or international conventions to invoke, and the technical terms, documents and other proof to substantiate each claim. They know what will happen at a hearing and they help the witnesses, who often

feel frightened about testifying against their employers, to prepare for the interrogation. Visal had started working for an independent union federation during law school, because he wanted to help workers. “We are able to fight the companies because we have the experience”, he said as we sat in a tiny room in their office. His colleague Bora smiled, “We are a small team, but we actually know more about labour law than the company lawyers!” Labour law was not taught as a subject in Cambodian universities, he said, it had only been touched on during one semester in year three. Visal and Bora did not consider the ILO and the AC training very relevant either. “We got our training from practising union work, from right here!” Visal said. Some of the leaders and legal officers have studied or participated in training abroad, after which they train other members.

Convincing legal argumentation is important in communications with the buyers. This was emphasized by Samnang, the federation leader, when we talked about a complex case involving management bribing local union leaders. I asked how they were able to convince the buyers, and Samnang said it was thanks to the legal officers: “They do the analysis and then they tell me. If they think we are on the right path, then I can negotiate with the brand.”

In addition to translating local grievances into the internationally understandable language of rights, the unions must be able to prove the links between individual conflicts and particular buyers. Not all brands publish their supplier lists and, in any case, these change constantly. Unions and NGOs keep factory databases that must be continuously updated. Collecting labels from the production lines is important; no action involving the brands can be taken without recent labels. Some federation staffers and local leaders know the names and logos of diverse brands and subcollections, and can link them with parent companies. Labels are photographed, and hard copies are carefully archived in paper files at the federation office.

Sam, an expat working for a labour rights NGO, suggested that international cooperation worked better with Cambodian unions than their counterparts in other Asian countries. In part this depended on certain key people who “speak great English and understand the dynamics. They get the brands and they know how to work with them”, Sam said. The fluidity of international collaboration seems to reflect the engagement of Cambodian unions in transnational cooperation since their emergence. It is not a new addition on top of a pre-existing way of functioning as a trade union, but the way things have always been. The independent unions have leaders or other staff members who are used to communicating with allies and buyers in English, and some

are very experienced with the world of transnational partnerships and donor relations. They use development buzz words and know which public script to follow, keeping criticism strictly to the private sphere backstage. The unions and labour NGOs are accustomed to hosting foreign visitors: union and NGO partners as well as journalists, film groups and students. Photos on the walls of their offices and Facebook profiles show leaders speaking in international meetings and officers smiling in workshop group pictures. Other photos show demonstrations or May Day marches where workers hold banners and wear colourful campaign t-shirts, both with English-language slogans. This reflects the international audiences that the messages target, but also transmits a message about global connections to the local public and power-holders.

In addition to the constant work of translation by Cambodian unions and organizations, rights-based strategies depend on the continuous efforts of Northern NGOs and campaign networks to build and maintain contacts with companies in different countries, to raise awareness among them and the general public and to recruit and train activists. They engage in long-term advocacy and lobby government representatives in their home countries but also in Cambodia, playing a key role, for example, in convincing buyers to trust the AC over the courts. Converting the problems of Cambodian workers into rights claims and then economic pressure requires strategic thinking, negotiation skills and familiarity with corporate culture and its logic.

I had not given much thought to the importance of individuals before starting fieldwork, but it was something that came up in many discussions with the different informants. Alex, the NGO representative, told me that cooperation did not actually depend on the brands; rather, it is “the individual staff that they have that defines how fruitful our cooperation is”. Many activists in Cambodia talked with nostalgia about the cultural understanding and commitment of a former brand sustainability manager. “If we told him there was a problem, he would always come, sit down with the Chinese and negotiate”, Sam told me. “He was awesome, he spoke Chinese and he knew how to manage them, understood the importance of saving face and how to manage that without letting them off the hook.” Alex mentioned a key contact at a major brand who could be trusted to get on board and convince other brands to join initiatives on sensitive issues, such as lobbying for the release of arrested union leaders.

These relations are sensitive, and trust can be easily broken if someone crosses the line and the other side feels betrayed. I heard resentful company comments about NGOs that had used the company’s transparency and willingness to cooperate against them in campaigns. A buyer representative suggested to me that campaign NGOs in the Global

North used Cambodian unions to promote their own “anti-globalization agendas” and gain more popularity and funding. There are certain parallels between this criticism and the academic attention paid to the unequal power relations of the transnational labour alliances. For example, Brooks (2007) suggests that the use of Southern female bodies in anti-sweatshop campaigns mirrors the extractivism of the global supply chains that the same campaigns supposedly criticize. In her view, workers in the Global South are utilized to produce narratives of suffering that position Northern consumers as saviours. Seidman (2007) also draws attention to the victimizing tendencies of the transnational campaigns and their human rights framing.

These observations resonate with what I have seen and heard in Cambodia. There are certain paternalist – if not neocolonial – nuances in the relationship between Cambodian unions and their Northern allies, although there are also important differences between the various NGOs and their ways of cooperating with Cambodian actors. However, this criticism seems to assume a passivity and a lack of critical thinking that do not match with the attitudes of Cambodian activists and their understanding of their own role and that of their allies in transnational political-economic struggles. Behind the endless politeness of their public script, there is little naivety. They are aware of the different agendas of UN organizations, NGOs and global union federations, and use them as resources that can be contacted selectively, depending on purpose. In cases like the one involving Gold Fashion, transnational campaigns follow a South-North logic: based on a concrete local need, a case is built in Cambodia and then sent abroad to partners in order to mobilize their support to get access to consumer groups and corporate decision makers. However, there are also other types of collaboration in which the initiative comes from the North. These campaigns are not built around a factory case, but often focus on a particular brand that a Northern organization thinks could be pushed to publish its supplier list or be held accountable for a particular CSR initiative that it is advertising. Even though the initiative in these collaborations comes from the North, the stated long-term goal is to facilitate future efforts by Cambodian actors. This is not always simple, and in a research project that I witnessed, the local union and its European partner disagreed about the priorities: the local union wanted to include in the project a factory where dismissed workers urgently needed help, and in which the union wanted to strengthen its presence. The European partner argued that a public campaign could only be initiated after the data was collected, so as not to risk the report and its impact. The union agreed with the NGO’s suggestion to wait; not doing so would have risked the collaboration with a long-term ally and donor.

Even though the tensions I encountered were far from the outright instrumental attitudes of Northern NGOs described by Brooks (2007), there were important differences behind the shared interest of Cambodian activists and their transnational allies in holding brands accountable, similar to the diverging political objectives analysed by Gill (2007, 2009) in the campaigns for coca cola workers in Colombia. The Northern watchdog NGOs and campaign networks tend to focus entirely on corporate responsibility, according to the logic of the business and human rights approach, ignoring the role of the state in ensuring workers' rights, its responsibility under international law, and a question of democratic accountability. For the Cambodian activists, the latter were also important considerations, even if in practice they would choose to target international brands as a pragmatic strategy that offered a chance of success that did not exist otherwise.

### 6.2.3. "BRANDS ONLY CARE ABOUT PROFIT."

Corporations sign sustainability commitments and codes of conduct that invoke international labour rights norms, because it is part of their business model in the highly competitive market of ready-made clothes. Demonstrating concern over social and environmental sustainability is becoming a factor that cannot be ignored by a brand that wants to compete in the European and North American markets. While there are huge differences between what that means in practice from company to company, responsibility for what happens in the supply chain cannot be completely ignored by brand-based companies in the post-UNGP world. While statements of commitment to labour rights in company policy might look like – and be intended as – something cosmetic, they constitute a formal recognition of responsibility that opens up space for claims of accountability. Even if a company policy is not legally binding, it strengthens the grounds for campaigning compared to the boycotts of previous decades, based on a vague idea of moral accountability (Seidman, 2007).

"Brands only care about profit", said Rotha, an experienced labour observer, when we first met in a Phnom Penh café. I did not pay much attention to the comment, which probably sounded banal to me at the time. Reading the words years later in my notes – and knowing how profound Rotha's understanding of Cambodian labour dynamics really was – I realized that this was not just a cliché. Rotha was very aware that there are many issues brands care about, but their perception of the risk to profit is what defines the success of any campaign. Workers and unions can use this concern, maybe not to make the transgressing company change its way of operating, but to push its

supplier. In other words, the boomerang is about turning the corporation's interest in profit into enforcing labour rights in its supply chain.

I spoke with Jason, a factory manager from Hong Kong, about the brands' increasing concern for social compliance. He linked it with the violent crackdown on the 2014 national strike in Phnom Penh, saying, "Events like those in 2014, or what happened in Bangladesh with the collapse of that factory, they discourage buyers one hundred percent. Things like this really affect their decisions!" Yet buyers' concern for labour rights is not only about the risk to reputation; as Charlie from the BFC put it, "brands' interest in labour relations is all about avoiding interruptions". The same idea was evident to Alex, the experienced labour campaigner, who said to me: "Reliability of orders is what buyers are thinking about when they react to strikes and worker protest". Both Charlie and Alex told me that the idea that buyers are only after the lowest wages was a mistaken interpretation of their logic; if it were so, all brands would restrict their production to Bangladesh. Many other aspects entered the equation. According to Jason, buyers charted each country in terms of factors such as labour costs, infrastructure, political stability, lead time and average price. All of this was carefully calculated in investment studies.

This is how labour rights and worker's freedom of association become economic factors and an aspect of risk management, both in terms of reputation and stability. Fast fashion companies must guarantee a continuous flow of t-shirts, jeans, sweaters and accessories in new colours and cuts to the store shelves around the world before their competitors. The two key components of success – speed and low cost – are not an easy combination. In fact, they can be contradictory because the contexts with low costs are often less predictable. This was made clear to me by Thomas, a manager in charge of labour issues for a major European buyer's global operations. Investing in a responsible business model and solid sustainability policy, he said, was a necessary, logical consequence of the company's decision to produce "in markets where we feel that labour standards and environmental standards are not up to our code". While Thomas did not use the words, he thus seemed to suggest that the company's commitment to labour rights and proactive CSR policy was a strategy to mitigate the risks implied by low-cost production – the price to be paid for benefitting from cheap labour.

What is important for Khmer workers, their unions and their NGO allies is not *why* buyers are interested in labour rights, but the fact that they *are*. As long as profit calculations make buyers interested in conflicts in factories, unions can push for their involvement to benefit workers' rights. If the activists can establish a risk to profit –

through interruption and/or reputation risk – buyers will react and the boomerang will spin back. The buyers’ position of power enables them to demand low prices *and* respect for labour rights without their own business suffering.<sup>22</sup> The brand might not change its global policy, but it can act in an individual case, creating a situation like the one in which the management of Gold Fashion found itself in October of 2017. Makara, a federation leader, described it to me as a choice between life and death. The Japanese buyer company emailed the union to say that they were going to demand that the supplier negotiate. “And the next week the factory management came to our office and we signed the agreement”, Makara said smiling. The negotiation was messier in reality, but a great success both materially and symbolically. In a context where hierarchies and saving face have enormous importance, having a powerful and significantly wealthier opponent – Gold Fashion’s Chinese management – come to the Khmer union’s humble offices to accept their loss, sounded like a rare occasion. When I asked about it, Makara chuckled, “Yes, they come, but only when they are about to die!”

When Cambodian unions first began engaging with buyers with the help of labour NGOs, the aim was to build cases against the buyers. Today, instead of accusing buyers of behaving badly, they demand that they ensure that others behave well. The buyers are actively called upon to assume roles as arbiters, which provides an interesting contrast with perspectives that frame private regulation as an attempt by the corporations to extend their power (e.g. Gardner, 2012; Rajak, 2011). In Cambodia, it rather seems that buyers are attempting to limit these roles. They do not consider it to be their job to regulate labour relations. Thomas, the European buyer’s representative, commented, “We’ve been playing the roles of development cooperation for so long, so now people come and ask us to do stuff ... this is a bad trend that we have to break.” The buyers are reluctant to intervene in conflicts involving their suppliers unless there is a clear contractual breach. In fact, many are shifting from CSR practices based on compliance audits and tick-the-box-approaches to emphasizing supplier “ownership”, as Jamie, a buyer sustainability manager, put it to me. The idea that suppliers should create their own management systems to prevent trouble is mirrored in the BFC’s increasing emphasis on advisory services based on factory self-diagnosis rather than external monitoring.

“Our goal is not to assume more of a policing role”, Thomas told me. “We want to push responsibility back to where it belongs. We are not the business owner, it’s their

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<sup>22</sup> Nonetheless, as seen at Gold Fashion, this power depends on the share that a particular company buys of a factory’s production. A company that buys a very minor volume has little power over the supplier. However, buyers spread orders to many suppliers to reduce dependence.

business.” This is similar to Cross’ (2011: 44) idea of CSR as an ethics of detachment. In his view, CSR discourses and tools are “ways to manage, define, control, and limit their attachments to producers”. The buyers need to balance the objective of detachment, however, with the need to keep CSR performing in a way that minimizes reputational harm and interruptions, and reduces pressure for more binding regulation – according to many authors a key motivation behind corporations’ eagerness to promote non-binding, private regulation (Baars, 2019; 2018; Coumans, 2011; LeBaron et al.; 2017).

The focus of Cambodian activists on the buyers does not reflect a belief in the virtue of the buyer companies, and despite focusing on their CSR commitments, the unionists are far from mystified or co-opted by it, in contrast to the situation observed by Rajak (2016) among South African mine workers. The viewpoints of the activists with whom I have spoken give little indication that brand CSR and the BFC have managed to defuse resistance. Like many other activists in unions and labour NGOs, Samnang, the federation leader, was frustrated by the buyers’ hypocritical attitude. The companies just “talk and talk and talk”, Samnang said, doing everything to look good while avoiding any real changes in their corporate practice. The leader called this the dark side of the industry, compared to the bright image produced by CSR and the slippery eloquence of the “sustainability people”.

Many Cambodian activists believe that the problematic working conditions – excessive overtime, subcontracting and job insecurity, not to mention low wages – are directly caused by the brands’ sourcing practices that, in turn, result from the logic of capitalist competition and maximization of profit. This is an argument shared by the manufacturers. Several factory representatives told me that the demands of social compliance were overshadowed by the buyers’ price sensitivity; better performance in labour rights indicators, beyond the level of the minimum requirements, was not rewarded. While they complain about decreasing margins and the buyers’ record profit, suppliers find this understandable. “The question comes back, why should they share their profit?” the GMAC spokesperson asked me and continued, “It’s their profit, you know! It’s a question of supply and demand.”

The labour activists have little understanding of the brands’ hefty margins, which present such a drastic contrast with the wages of Cambodian workers. They do know, however, that the “better” brands do not pay more, and their suppliers apply the minimum wage like all the rest. Sounding angry, Samnang said to me,

The only difference between the good and bad ones is that the good ones will come to talk to us. They are good at public speech and PR. They talk about human rights and they always want to join projects, to invest money in that. But their factories



pay the same wages as Walmart factories! You have a project [to promote] decent wages, but do the wages actually increase? Noo. [Sighs.] Yeah, they might come to talk to us, but Walmart will not. That is the only difference.

Despite their resentment toward the factory owners and employers, labour activists know that it is buyers, the actors with the most power, who dictate conditions in the industry. The way the unionists at Gold Fashion talked about the intervention of the buyer's "chairman", can be seen to resonate with the way the personalistic *khsae* networks are used to seek external support from powerful actors, a strategy also used in land disputes and human rights activism in Cambodia<sup>23</sup>. Yet, when discussing the injustices faced by workers, Cambodian activists often emphasized the role of the government and its alliance with the factory owners as the root cause of the problems. Their talk about the need for a functioning judicial system and a government that is accountable to its citizens and protects workers' rights seemed to reflect the liberal discourse in which the current generations of activists have been trained by the international supporters.<sup>24</sup>

While the activists are frustrated with both the government and the empty words of the buyers, their attitude to the latter is different, and recalls the attitude of "cynicism" that Lori Allen (2013) describes as she analyses the contradictory use of human rights language among Palestinian activists. Instead of irony or a merely instrumental use of the discourse, she uses this notion to capture the simultaneous sense of disappointment, frustration and hope. Differing from apathy that results in inaction – more present in the Cambodian activists' attitude towards the government – Allen sees cynicism as a mode of making sense of and continuing "to critique and search, or at least hope, for something better" (Allen, 2013: 188). A similar optimism without much faith in "real change" characterizes the efforts by Cambodian activists that are directed towards the buyer companies. The hypocrisy of the corporate talk causes frustration but in public, activists act as if they believe that the brands actually care about labour rights.

Allen (2013) suggests that Palestinian activists extract hope from the history of successful struggles, and not from the external structures of the UN's human rights institutions. Piven and Cloward (2000) and Narotzky (2014) have also highlighted the importance of the lessons learned from previous generations of labour activists. In Cambodia, the labour movement lacks past victories on which to build in local politics,

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<sup>23</sup> This was also pointed out by Caroline Hughes in the pre-examination of this dissertation. The absence of self-reliance and a tendency to seek external support have often appeared in analyses of the Cambodian society (e.g. Vickery, 1984) yet as noted by Coventry (2016), caution is needed with such cultural generalizations.

<sup>24</sup> This suggests a commitment to liberal ideals which, as also noted by Caroline Hughes, goes against the arguments about Cambodia's supposedly "illiberal" culture.

while they have been successful with the international buyers and the broader international community. Indeed, their hope seems to lie with their international allies: the networks of activists and consumers whom they target with their rights claims in order to put economic pressure on the companies. Fundamentally, their claims are directed at the Northern buyers because these are seen as more accessible and responsive, and in that sense more accountable than the Cambodian government. Despite believing that the corporations are only concerned with workers' rights as long as such concern increases profit, the unions know that their rights claims can make a difference.

### **6.3. BUYERS AS ARBITERS OF LAW**

In Cambodia, the political power of the corporations seems to be strengthened – even demanded – “bottom-up”, but this does not make matters less problematic from the perspective of democratic accountability. The buyers' power, for which they cannot be held to account, can overrule that of the courts. In the Gold Fashion case, a court decision was ignored because the buyers trusted the AC's opposite interpretation, a situation that is by no means unique. Leap, a lawyer working for a labour NGO, told me about another recent case in which a union leader had received a favourable award from the AC. The factory management refused to respect the award and threatened to take the case to court. In a meeting, the European buyer's representative told the management directly not to do so; the buyer would trust the AC award and ignore a Cambodian court verdict because of the corruption of the judicial system.

While the preference for the AC rather than the corrupt courts is what workers and unions want and campaign for, it also demonstrates the buyer's power not only as arbiters of virtue (Blowfield & Dolan, 2008) but also of law. In addition to the enforcement of AC awards, the impact of labour rights monitoring, whether conducted by the BFC or an auditing company, depends on the buyers. Labour inspection should follow up on the BFC's critical findings and the programme is increasing its collaboration with the state institutions, but continued violations have never led to the revoking of a factory's export license.

The power of companies to enforce labour rights implies a power to interpret and redefine these rights. The detailed labour rights jurisprudence upheld by the ILO's monitoring bodies focuses on the responsibilities of the state parties that have signed the international conventions and are subjects of international law. Buyers' roles are not addressed. Furthermore, instruments of private regulation, such as codes of conduct

and multi-stakeholder initiatives, do not usually refer to individual labour conventions but more generally to the “core labour rights” defined in the ILO’s 1998 non-binding Declaration of Fundamental Rights and Principles at Work. Consumer campaigns are often based on simple messages and general notions such as the “right to form trade unions”, without detailing what that actually means. While the AC conducts detailed legal analyses, the day-to-day work on labour rights in the framework of CSR does not have such a solid basis. The compliance auditors, who might have little expertise in human rights or labour law, have a lot of power when interpreting the codes.

Corporate power to interpret and enforce law through private regulation is reflected in what research has identified as the corporate capture regulation (Anner, 2012). One of its results is that the positive impact of private regulation in terms of “enabling rights” (Rodriguez-Garavito, 2005) or “process rights” (Barrientos & Smith, 2007), such as trade union rights, has been much weaker than that of outcome standards related to, for example, occupational health and safety. The promotion of trade union rights would weaken lead companies’ control without producing much reputational value in comparison to issues such as child labour. Egels-Zandén and Merk (2014) name several mechanisms through which trade union rights are ignored in auditing practices, while Ruwanpura (2014) calls attention to the socio-cultural context and local power relations that contribute to this result.

For similar reasons, trade union rights tend to be left out of the debates on CSR, labour rights and their monitoring in Cambodia. When I discussed the topic with actors outside the labour movement, union rights were never mentioned unless I explicitly raised them. Two types of reactions would ensue: either discomfort or surprise.

### 6.3.1. ANTI-UNION ATTITUDES

Talking about trade unions and freedom of association seemed to make factory representatives and Cambodians working in foreign companies or international organizations uncomfortable. They would tend to change the topic back to issues such as child labour or factory air quality. Instead of international labour rights, many associated CSR with charity: funding orphanages or offering extra benefits to workers, including free meals or training on literacy or reproductive health.

The reluctance to talk about trade union rights reflected generalized negative views about trade unions in Cambodia. Jason, a factory CEO, told me he did not believe that all were bad “but unfortunately, one hundred percent of the unions that I have encountered in my factory, are all black unions. Unions who are using the worker in order to extort money from the company.” Similarly, a GMAC spokesperson told me strikes were about

extortion, “a tool for the union leaders to benefit themselves, it’s not to benefit the workers”. To make sure I had understood, he repeated, “Every single strike is like that. Every single strike is like that.”

The harsh comments are not totally baseless. A large proportion of Cambodian unions are engaged in making profit by either blackmailing factories or making deals with them. The widespread belief in union corruption makes the AC’s impartial analyses crucial for unions, but also for buyer representatives who are often honestly confused about the contradictory accusations. The negative perceptions have an impact on their approach to trade union rights. Narith, the Cambodian manager of a foreign buyer company, talked to me at length about how much the industry had helped Cambodia by providing employment and economic growth, and enthused about CSR initiatives that benefitted workers and their families. Unlike many foreigners in the business, Narith was very aware of the need to raise workers’ insufficient salaries, but worried by the risk of scaring off investors. Nonetheless, his concern for workers’ wellbeing did not encompass their right to organize in trade unions. His view that the unions were only interested in their own benefit and bribes seemed to affect how the company conducted supplier monitoring. While freedom of association was included in the company’s code of conduct, Narith told me they did not normally interview unions: “We don’t want to get involved with them.” The company would talk solely to factory management, contacting unions only exceptionally, when it was necessary to get their view for a more comprehensive picture.

Another aspect of the negative perceptions about unions is that they are considered “political”, a notion that in practice refers to being critical of the government. The demonization of the political opposition by the country’s leadership not only affects the attitudes of Cambodians but also of foreign actors who seem to have accepted that engaging with groups close to the opposition is not something that “neutral” actors can do in the country (see also Strangio, 2014). The fear of politics was common among Khmer employees with good international jobs. Sokha, who worked for a European aid agency on a large project connected with labour standards in the garment factories, exemplifies this situation. We met at the organization’s air-conditioned office in a villa in a leafy neighbourhood – one of the few that have not yet been demolished to make way for high-rises – and Sokha asked me not to record our discussion. With long experience in labour-related work, Sokha was enthusiastic about the new project focused on promoting dialogue between employers and workers in garment factories. When describing the project activities, Sokha did not mention trade unions and when I

asked about this, I learnt that they had no role in the project. Factory management assigned worker representatives to the training sessions. “They know better whom to invite”, Sokha explained. Nor were the union federations included in national level activities for project “stakeholders”. I tried to ask more, but Sokha seemed reluctant to talk about the topic, making unclear references to political problems. The project was in dialogue with a global union federation but “not allowed” to work directly with Cambodian unions. I did not manage to find out who had forbidden it. On a later occasion, I spoke with Many, another Cambodian working in the project, who recognized that the work could have been strengthened by closer engagement with union federations. But Many sighed, “I don't really know how, it's very difficult. The unions are so political, they always deal with politics.” After a pause he continued, “So you are always accused, if you talk with one union, you are accused by the other of taking sides.”

### 6.3.2. TECHNOCRATIC APPROACHES

The second reaction to my bringing up the question of trade union rights when discussing CSR was that of surprise. Instead of anti-union attitudes, it seemed to result from a technocratic management approach not calibrated to capturing political issues, common among foreigners working in the industry. As Sally Engle Merry (2011) notes, human rights audit cultures tend to extend corporate forms of thinking into the realm of the social, obscuring how the choice of indicators represents the perspective and power of those who define them. When labour rights monitoring becomes just another audit – comparable to technical and financial audits – easily measurable and quantifiable outcome standards become a likely focus (Barrientos and Smith, 2007). Maria, a representative of a global union, seemed to refer to this when she criticized the corporations' shallow understanding that made monitoring meaningless: “CSR departments have these simple checklists and the freedom of association indicator can be just ‘company allows organizing’. So as long as you don't prevent organization, you get a five. This is why the only problems appear in OSH [occupational safety and health]!” Maria told me.

Some of the expats working in the auditing companies, CSR departments or development NGOs would react with surprise when I brought up the issue of trade union rights, but they were nonetheless eager to share their thoughts on the topic. Some did not consider trade union rights a problem. Nadia, who worked for a European buyer that cooperated actively with unions, seemed to consider my question about how the company addressed the issue of yellow or black unions misplaced; it was not something

they could possibly know about or get involved with, but rather something the government should “take care of”. The company was simply cooperating with all registered unions. Charlie, a BFC employee, told me that it was very challenging to address trade union rights with the buyers, who did not understand the political complexity but wanted technical solutions. “But how could they understand?” the ILO staffer then asked, referring in particular to the buyers with no presence in Cambodia. “I mean I didn’t get anything in the beginning myself; it has taken me years to begin to understand!”

Some buyer staff were conscious of the complexity but considered it to be beyond their control. Sitha, a Cambodian employee of a North American brand, explained to me that trade union rights were important for the company but a very difficult issue. One supplier factory, for example, had 25 unions. “Some are good and some are not, you know”, Sitha said giving me a meaningful look. But there was not much the company could do about it, because in factories with management-friendly unions, problems did not really arise in monitoring. The unions controlled everything and workers did not complain, so the buyer could not do anything. “We don’t mark it as a violation unless there is evidence of payment of bribes”, Sitha said.

The BFC had recently identified freedom of association as an issue on which monitoring had to be improved. Their local staff told me about their detailed work to detect the problems during their factory visits, but these could not be included in the public reports. Charlie said: “Of course dealing with FoA [freedom of association] issues is a longer process than fixing a locked fire exit. You can’t solve it in a day.” The issue was included in staff training plans in subsequent years. Despite their awareness of the complexity of trade union rights, many people engaged in monitoring and sustainability work believed that FoA violations could be detected through monitoring, and that this was a way to make the industry better. They trusted in the power of triangulating documents with interviews of a large enough group of workers to produce a truthful picture of the reality in the factories. Andrea, manager in an auditing firm, suggested that the audit companies’ concern for their own profit and reputation guaranteed the quality of their work, using the collapse of the Rana Plaza factory in Bangladesh as an example: “Imagine what a disaster that was to the auditing company in charge! No one would want to use them after that.” Yet failing to detect violations of freedom of association would hardly be revealed in such a dramatic way nor attract similar media attention.

The views of unions and labour NGOs on the feasibility of monitoring were radically different. In line with findings from other contexts (Hoang & Jones, 2012; LeBaron et al., 2017; Wells, 2007), they did not believe in the power of interviews to reveal workers' real concerns. Some considered the idea so absurd that they were convinced that the intention was not to detect anything in the first place. In my own discussions with workers, I often asked about monitoring, and most workers told me they had seen or heard of people coming to the factory to monitor. When I asked if they thought that workers told these people the truth, the response was negative, every single time. "No, they cannot. They are afraid the management will find out"; "No, the managers tell them that if they say anything bad, the factory will be closed and they will lose their jobs"; or "No, the management pays them to say only good things".

Mistrust in the management is overwhelming among Cambodian workers, and the fear of losing employment in a context of poverty and indebtedness means that employers hardly need to coach individual workers for the interviews. Workers cannot be certain that they can trust the monitors, because they enter the factory with the management's permission. While the use of Cambodian monitoring staff enhances contextual understanding, it does not necessarily solve the problem of mistrust due to the widespread perception that the Cambodian authorities always side with the wealthy and powerful. Not allowing the management to select the workers to be interviewed, or telling the workers that the interview is confidential, does not necessarily change this situation.

### 6.3.3. DEPOLITICIZING LABOUR RIGHTS

The technocratic governance paradigm sees the public sphere as a "depoliticized arena of collaboration among generic 'stakeholders'" (Rodríguez-Garavito, 2005: 209). Interpreting labour rights as outcomes granted from the above – by a foreign buyer company, who has perhaps defined them in dialogue with Northern consumers – becomes unproblematic, and the nature of rights as claims tends to be ignored and delegitimized (Salmivaara, 2018; Scheper, 2015a). As a result, trade union rights lose their meaning as a metaright, a right to struggle and "to create rights" (de Sousa Santos, 2002: 300). The corporate approach to labour rights as outcome standards is also reflected in the depoliticized approach of the BFC criticized by Hughes (2003). In addition to obscuring the conflict between labour and capital, it uncouples labour rights from responsibilities of the state and thus, democratic accountability. This mirrors the depoliticizing impact of human rights discourses focused on individual freedoms

instead of power relations and systemic change (Brown, 2004; Englund, 2006; Speed, 2005).

Together, anti-union attitudes and the technocratic auditing approach shape the way trade union rights are seen by the buyers who act as enforcers of labour law in Cambodia: often ignored or promoted in a cosmetic way. Alex, who had long worked on labour rights on the NGO side, considered CSR to be a deliberate attempt by the buyers to take freedom of association out of labour rights and to undermine collective organizing, “the biggest thing that happened to labour rights, in the history of labour rights”, Alex described it.

The relationship between buyers and the trade union rights of Cambodian workers is contradictory. On the one hand, the absence of organizing helps keep labour costs low. The buyers’ incentive to enforce these rights is limited by capitalist competition and the logic of supply chains that draw on the disempowerment of workers in the Global South (Phillips, 2011; Taylor, 2011). As LeBaron et al. (2017) point out, the audit regime is a way of promoting corporate profit by avoiding legal accountability and reinforcing regulatory deficits (see also e.g. Baars, 2019; McCarthy, 2012; Scheper, 2015b).

However, reputation and stability are also components of profit, making it beneficial for a buyer to ensure that workers are not under too despotic a control, but able to have key concerns resolved without their escalating into major conflicts. This is why Alex believed that many buyers were not so different from the Cambodian government who looked towards Vietnam’s state-controlled unions as a model to follow: “As a brand you wouldn’t want to have a full crackdown of unions. This kind of co-optation might actually be quite ideal.”

#### **6.4. TO CONCLUDE**

In public discourse, companies’ CSR policies and commitment to labour rights are often labelled as mere whitewashing. Yet in Cambodia the labour movement actively builds on these policies in their strategies to address labour rights violations in the garment factories. The buyers assume roles as arbiters of law, but only insofar as this supports their economic interests: providing benefits in terms of reputation and stability without endangering low costs. However, the reliance of the Cambodian labour movement on CSR-based strategies does not indicate mystification or false consciousness about *corporate virtue*. The activists use the discourse of rights knowing that buyers’ behaviour is oriented by profit, from a perspective of cynicism that



combines a lack of faith in the companies' intentions with the hope of something better, and a belief in the idea of workers' inalienable rights.

The activists in Cambodia use the discourse of rights because it opens a space for turning the ethical concerns of Northern activists and consumers into economic pressure that results in improvements for workers and protects their ability to organize. They do not see a similar opportunity to push labour rights through local authorities and the Cambodian government. In Cambodia, as in many other authoritarian contexts, the question of whether private regulation should be complemented by strengthening public regulation is largely meaningless and the state is absent in the strategies of the independent labour movement.

In the hegemonic production regimes of the Global North, the legal frameworks that states implemented as a result of workers' political power reinforced both workers' right to create rights, and their structural power, limiting capital's profit-making. There was a mutually reinforcing dynamic between workers' structural power and their ability to participate in and influence politics which ultimately motivated capital to outsource production to the Global South, thereby weakening labour's power due the replaceability of workers and of production locations. While private regulation seeks to replace the legal protection of labour's power, it undoes the mutually reinforcing dynamic. Buyers might intervene in an individual case and force the employer not to use coercion but to seek consent, yet the impact is not sustainable. Corporate involvement is based on profit calculations, and not on accountability to workers, who consequently lose their impact and right to create rights. This is why the separation of labour rights from politics is at the core of the weakness of the neoliberal rights-based strategies that rely exclusively on buyers' power.

Thus, despite the framework of business and human rights strengthening the moral pressure-based human-rights boomerang, it does not recognize the particular role of trade unions in collectively representing workers to employers or the state, in creating rights and claiming them. This has been criticized by the global union movement, which has proposed strategies based on social dialogue as an alternative approach, an issue I analyse in the next chapter.

## 7. STRATEGIES THAT BUILD ON SOCIAL DIALOGUE

The Cambodian unions' active use of the CSR commitments of Northern companies in their strategies diverges from the reticence with which the global trade union movement has approached CSR (Dawkins, 2010; Preuss et al., 2014). Northern unions have much to lose with the business and human rights model; it deprives them of access to setting the rules and negotiating the distribution of benefits, as workers' rights are defined by companies and defended by consumers and NGOs.

The global labour movement has promoted an alternative approach in which labour relations are defined and labour rights defended by workers through their trade unions, via the institutions of negotiation and "social dialogue", as in the post-War Global North. The ILO defines social dialogue as negotiation, consultation and information-sharing between the social partners, either in a bipartite or tripartite manner (ILO, n.d.). Instead of rights-holders and duty-bearers, workers and companies are seen as industrial partners and working conditions and workers' rights are negotiated rather than protected from above. In this arrangement, freedom of association and the right to negotiate – thus, workers' right to create rights – retain the centrality they lose under the CSR approach.

Global union federations (GUFs) have sought to update the social dialogue approach to the context of global supply chains by seeking to negotiate global framework agreements (GFAs<sup>25</sup>) with multinational companies (MNCs) to cover labour rights and working conditions in entire supply chains. Despite the considerable interest that these agreements initially generated among academics and practitioners alike, as a way to take industrial relations to the global level, the GFAs are now largely seen as another instrument of private regulation (Fichter and McCallum, 2015), and their content and impact seem less different from unilateral CSR policies than the global unions suggest.

This chapter analyses GFAs in the strategies of the Cambodian labour movement as an example of a social dialogue approach and of inter-union alliances, examining the kind of alternative they provide to the technocratic tendencies of the business and human rights approach. In particular, I look into the implementation of the GFA that was signed between H&M, IndustriALL Global Union and Swedish IF Metall just before I began my research in Cambodia. I also reflect on the broader interaction and alliances between Cambodia's independent unions and transnational trade union actors,

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<sup>25</sup> Also called international framework agreements (IFAs).

highlighting the tensions that emerge from assumptions of the universal value and applicability of Eurocentric models of industrial relations. The analysis points out how, despite stressing trade union agency, the focus on win-win solutions tends to depoliticize the labour-capital conflict, albeit for different reasons than in the case of the CSR approach. The final part of the chapter draws parallels between the debates about Cambodia's "industrial relations problem" and its possible solutions, and the tendency of development cooperation to render economic and political conflicts technical, limiting the positive results of to the "will to improve" (Li, 2007).

## **7.1. INDUSTRIAL RELATIONS IN THE TIME OF GLOBALIZATION**

The idea of social dialogue has been present in the practices of Cambodian unions since the 1990s, coexisting and overlapping with the strategies focused on CSR and buyer's responsibility for workers' rights. The two approaches reflect different understandings of the causes of exploitative practices and labour rights violations in Cambodian factories, as well as ways to prevent them; furthermore, they have been promoted among Cambodian unions by different international partners. As discussed in the previous chapter, the business and human rights approach was initially strongly promoted by the US, reflecting its will to demonstrate the compatibility of liberal human rights with global capitalism. That approach shaped the BFC monitoring project, while the ILO's broader approach to labour relations in Cambodia emphasized social dialogue and tripartism, a model promoted by the organization globally as a way govern labour relations (Ost, 2011) and associated with European trade union traditions and the institutionalized negotiations of 20th-century hegemonic "production politics" (Burawoy, 1985).

Human and labour rights NGOs and campaign networks have been the main allies of Cambodian unions in strategies that target buyers and push for their accountability, while solutions based on social dialogue have been the domain of another key group of allies, the international trade union organizations: the global unions and the trade unions' solidarity support organizations (TUSSOs). Among the first, a key actor is the International Trade Union Congress (ITUC) that gathers together the world's national trade union confederations and represents the employee side at the ILO. It has been active in Cambodia through its Asia-Pacific programme. Of the sectoral GUFs, textile workers belong to IndustriALL Global Union, founded in 2012 with the fusion of four manufacturing GUFs, including the International Textile, Garment and Leather Workers' Federation (ITGLWF). In Cambodia, IndustriALL supports its ten affiliates, both

government-aligned and independent union federations, through its regional office in Singapore. Its capacity-building project has focused on organizing strategies for nearly twenty years, making it the GUF's longest running project in Asia, I was told in 2017.

The tradition of labour internationalism is reflected in the engagement of Northern unions in supporting Cambodian – and other Southern – labour movements, either directly through their international departments or through the TUSOs. These are NGOs funded by national trade union organizations, for example the US's AFL-CIO's Solidarity Center, the Australian APHEDA, the Dutch CNV, the Finnish SASK and many others. During the last decades, some of these organizations have had offices or coordinators in Phnom Penh and they act as donors that support local unions financially and technically in capacity-building projects and advocacy work.

Even though the dialogue approach has been present in Cambodia all along, the GFAs became relevant very recently. They have been considered the main response of the global labour movement to the increasing power of MNCs and the expanding role of private regulation of labour rights in global supply chains. While GFAs are sometimes presented as a continuation of the World Work Councils – established by the global union federations (known at the time as International Trade Secretariats) in multinational companies in the 1960s and 70s (Stevis & Boswell, 2008) – the current agreements reflect the context of the early 2000s and the decreasing importance of national-level negotiated arrangements and law. Initially, the global unions promoted the incorporation of a social clause into the WTO but, after this strategy failed, GFAs emerged as a way to challenge the growth of voluntary CSR and to reframe debates about labour relations in global production (Fichter & McCallum, 2015; Ford & Gillan, 2015; Helfen & Fichter, 2013). Through GFAs, global unions were able to claim the right to negotiate directly with the buyers, the new key actors of the global economy, which implied an important shift from their previous role, one focused on information-sharing, communications and lobbying (Fichter & McCallum, 2015; Helfen & Fichter, 2013). The expansion of GFAs also indicated the corporations' growing concerns with reputation and their interest in displaying responsibility. GFAs have been particularly common among companies of European origin; only four of IndustriALL's 45 GFAs have been signed with companies headquartered outside of the EU (Filho & Silva, 2019), reflecting the European traditions of collaborative industrial relations systems as well as the EU directive on European Works Councils (Niforou, 2012; Stevis & Boswell, 2008).

Initially, GFAs raised a lot of academic interest, being seen as a clarion call for global industrial relations and their regulation (Brookes & McCallum, 2017; see e.g. Hammer, 2005; Stevis & Boswell, 2008; Wills, 2002). A representative of IndustriALL's global office told me, however, that these expectations exaggerated the goals envisaged by GUFs themselves. For IndustriALL, GFAs were simply a means of gaining access to the MNCs, of entering into dialogue with them. The GUFs had lacked proper negotiation partners at the global level (Helfen & Fichter, 2013) because the dialogue within the ILO was between employee and employer organizations not with specific global companies. Establishing a structured dialogue with them was important, the IndustriALL representative explained to me, due to the role these companies have in defining the terms and conditions in their supply chains and, thus, in entire industries. According to this global union representative, GFAs were so different from CSR that comparing the two made no sense; CSR was unilateral and GFAs negotiated agreements between the GUF and the company "to implement certain things". They were a tool for instigating structured dialogue, and provided a contact point with particular companies.

Yet in recent academic debates, GFAs are often considered instruments of voluntary private governance (Brookes & McCallum, 2017), and the content of these agreements and the companies' unilateral sustainability commitments or codes of conduct can be quite similar. Both usually reaffirm the company's commitment to respecting international labour standards set out in the ILO conventions, and to promoting their implementation in the supply chain. For example, the GFA between IndustriALL and the Swedish multinational H&M – signed a few months before I began my field research in Cambodia – is titled a GFA "on compliance and implementation of international labour standards at the suppliers of [H&M]" (Hennes & Mauritz GBC AB et al., 2015). It defines these standards by referring to the Universal Declaration of Human Rights, the ILO Conventions and the Decent Work Agenda, but also to non-binding instruments associated with corporate responsibility, such as the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, the ILO Tripartite Declaration on Multinational Enterprises and the UN Global Compact. The agreement describes labour standards thematically, listing applicable ILO norms and briefly explaining their core content. Freedom of Association and Collective Bargaining are the first to be mentioned, recognizing their importance to the attainment of all other standards, on discrimination, diversity and equality, child labour, forced labour, recognized employment, fair living wages, working hours and health and safety. The

same labour rights issues are included in the Sustainability Commitment that H&M requires its business partners to sign (H&M Hennes & Mauritz AB [Group], 2016).

While negotiated between the parties, GFAs are not legally binding collective agreements. The signatories do not commit to collective bargaining but to promoting it in the supply chain. Despite their negotiated nature, the GFAs are still voluntary initiatives undertaken by reputation-conscious brands that would probably interact with trade unions even without such agreements. Fichter and McCallum (2015: 70) claim that, in spite of the hopes about GFAs becoming a qualitatively different alternative to unilateral CSR, they have often simply enabled the companies to “upgrade their CSR principles and gloss over deficits in their labour and employment practices”. They note how, on company websites, GFAs are linked to social responsibility and sustainability. The buyer representatives with whom I discussed the GFAs in Cambodia also seemed to perceive them as a dimension of sustainability policy and responsible corporate behaviour. The explicit link that the H&M GFA text makes with the company’s sustainability policy further supports this interpretation.

## **7.2. THE GFA BETWEEN H&M, INDUSTRIALL AND IF METALL**

The first GFA in the global garment industry was signed between IndustriALL’s predecessor ITGLWF and the Spanish multinational Inditex (Zara) in 2007. Its successful utilization in a labour conflict at the River Rich factory in Cambodia had been presented in a study by Gregoratti and Miller (2011), but Cambodian unionists who were familiar with the case told me that the agreement had only been used in that particular case to have dismissed union leaders reinstated. There had been no further results, for example in terms of collective bargaining. The unionists considered that the success at River Rich had resulted from the personal involvement of the then president of the ITGLWF and beyond this case the agreement had remained a dead letter. Activists from other federations were not even aware of the Inditex GFA.

In recent years, IndustriALL has also signed GFAs with Tschibo, Mizuno and Esprit, but in this chapter I focus on the one with the Swedish multinational H&M because its implementation was actively promoted and discussed during my fieldwork in Cambodia. As is common in GFAs, the third signatory of the agreement was IndustriALL’s affiliate from the company’s home country, the Swedish federation IF Metall. The agreement was signed first for a one-year period in September 2015 and then indefinitely in 2016.

### 7.2.1. "IT WOULD BE BETTER TO CAMPAIGN."

Due to the low cognizance and impact of the Inditex GFA, Cambodian unionists with whom I spoke in early 2016 were not particularly interested in the agreement that had been signed with H&M a few months earlier. Awareness about it was limited to the federations' top leadership. Representatives of one independent federation told me they would try to use it in solving a dispute at an H&M supplier, but so far the results had not been encouraging.

Sophal, a federation leader with whom I discussed the topic in early 2017, told me they had first been very happy to hear about the GFA, but were now having doubts because they were not seeing any benefits compared with the situation under CSR. Actually, the leader continued, the GFA seemed to be making things worse. They had been successful "on the ground" before, using the system of urgent appeals by campaign NGOs that enabled them to work directly with the buyer and settle things. "Now, with the GFA it takes longer", Sophal said using a business card and our water bottles to show me how the global union was actually blocking their access to the company. Now, all communication had to go through the GUF. "Before it used to take a couple of weeks and we had a solution, we negotiate with the buyer. But now I need to finish this procedure! I need to go to this committee. So then I spend all my time there, and still just waiting, waiting, blah, blah, blah." Sophal raised his voice and gestured angrily to emphasize how absurd this was. They were hoping things would get better once a national monitoring committee was functioning in Cambodia, but the unionist feared that the suppliers would be left out of the loop and they simply would not care about the new agreement.

According to Sophal, NGO campaigns worked better "because they have power", which was much more important than a structure like the GFA. The leader felt that H&M and IndustriALL were not doing their best. "HM I don't blame because they are the brand, they are the capitalist, you know. But I don't understand IndustriALL." Sophal explained that compared to Cambodian unions, who were not afraid of engaging and pushing, the global union was much more powerful, so it should be stronger and more active in pressuring the buyers. "They should come and they should demand the implementation of the agreement!" Sophal insisted, suggesting that despite the GUF representatives' frequent visits, their approach was focused on diplomacy: organizing conferences and high level discussions with the ministry. "I don't want to criticize", Sophal said, "but they should recruit activists, not just technical staff. That is a problem."

Bora, a union staffer, complained to me that the GUF's regional office was ignoring emails and requests for help with the brands. In Bora's experience, cooperation was

easier with the campaign NGOs, which were efficient and always ready to help. Davy, also a staffer of a Cambodian federation told me that IndustriALL refused to share buyer contact details with them. The federation had also compiled a report listing several cases in which H&M suppliers had violated the GFA, which they had then sent to the global union, but it had not received a response. They were confused about why the global federation was so reluctant to help, when it was supposed to be on their side and not on that of the brands.

Several NGO representatives who supported the Cambodian trade unions were disappointed with the GFA. Alex said they had been happy to see that IndustriALL was becoming more active and promoting GFAs in the garment sector. “But you know”, the experienced labour campaigner once said to me, “I don't really get their attitude. It's almost as if they are *grateful* to the companies for signing these agreements.” In a recent case involving one of H&M's Cambodian suppliers, different NGOs and IndustriALL had been in joint dialogue with the brand. In the process, Alex said, it had seemed as if the global union was making excuses for H&M, even though the company had in previous cases agreed to pay compensation to workers.

NGO activists told me that the GFA was linked to an unofficial agreement that IndustriALL and its affiliates would not protest or campaign against H&M. Sam, an expat worker who supported Cambodian unions in buyer advocacy, said this had been a huge disappointment. Instead of opening further negotiation channels with H&M, as they had hoped, the GFA seemed to be closing the existing ones. The agreement not to protest implied losing a key source of their power, the threat of naming and shaming. Sam told me about a recent case in which a federation had acquired clear evidence of an H&M supplier's misbehaviour, but they were unable to publish it because of the GFA. For the same reason, the company's name had to be left out of the list of buyers sourcing from a factory where numerous labour rights violation were taking place, published in a report on which I cooperated with a local union and a European campaign NGO. “We were hoping we would gain with this GFA”, Sam said. “But it would be better to campaign. This sucks.”

#### 7.2.2. “WE ALSO HAVE A LONGER TERM PERSPECTIVE.”

While the Cambodian unionists and their NGO allies felt that the GUF was too friendly with the companies, in IndustriALL's official presentations the GFA was framed as the main course of action towards one of the organization's five global strategic goals: “confronting global capital”. While the goal in itself was shared by Cambodian labour activists and the global union, their views about the means to achieve it were different.



The negative perspectives of Cambodian unionists and their NGO allies, detailed above, reflected the business and human rights approach: they were evaluating the utility and relevance of the agreement as a tool for claiming accountability from the buyers in order to resolve disputes at supplier factories. The perceived unwillingness of IndustriALL to confront the MNCs caused confusion about the aims of the GUF – and a feeling of betrayal.

Yet the GUF had a different view of what confronting global capital through GFAs meant. Instead of an instrument for resolving individual conflicts and remedying labour rights violations, the representatives of the global federation as well as European trade unions saw the agreement from the perspective of developing labour relations and dialogue in the long term. It was not primarily about providing a way to address disputes – although that was an important issue to local affiliates – but of guaranteeing *structured dialogue*, a GUF representative told me. It was rather about preventing conflicts than reactively responding to them, a European trade unionist explained to me, emphasizing that this was different from NGO campaigns and CSR.

The text of the agreement states that H&M "recognizes IndustriALL as its legitimate partner for discussions regarding human and trade union rights in the workplace" (H&M et al., 2015). Trade unions are recognized as something more than just civil society actors or external "stakeholders": as industrial partners with a say in defining what the implementation of labour rights means. This is something trade unions lack in the business and human rights framework. The GFA text begins by stating the partners' shared belief in "well-structured industrial relations" as a foundation that "enables business to flourish and to provide decent work with respect and dignity" (Hennes & Mauritz GBC AB et al., 2015). This notion was frequently used by the representatives of IndustriALL and IF Metall, but also by the representatives of H&M with whom I talked about labour relations. As a sustainability manager told me, "If you can improve industrial relations, you can really improve everything." Another company representative explained that "mature industrial relations" required negotiation between the "right stakeholders": the employer and employee representatives, not the buyer or an NGO. This pushes the responsibility "back to where it belongs" and enables conflict solution at the supplier level. The same company representative explained that any conflict that escalated beyond the factory level was a loss for both workers and managers. He did not mention it, but solving conflicts at the factory level is also in the interest of the buyers as a way of preventing disruptions to production as well as the reputational harm that big conflicts and international campaigns might entail.

Reflecting on the difference between GFAs and CSR, a regional representative of IndustriALL stressed the importance of unionization as the most sustainable way of ensuring workers' rights. The dialogue approach makes trade unions important for the company. Freedom of association becomes not only a right of the workers, but a prerequisite to well-functioning industrial relations. Strong trade unions are needed to "drive industrial relations" without the involvement of the buyer or an NGO, the H&M manager underlined. If a union identifies a breach of regulations in a factory, "we want to see the union negotiating it away, maybe putting it into a collective bargaining agreement, and making something above the law happen. That, we see as a positive development."

### 7.2.3. IMPLEMENTATION BEGINS

The poor implementation record of GFAs has weakened expectations about them not only among practitioners but also scholars (Davies et al., 2011; Fichter & McCallum, 2015; Ford & Gillan, 2016; Helfen & Fichter, 2013; Niforou, 2012). At the local level, the agreements are often unknown or poorly understood, and seldom activated (Fichter & McCallum, 2015), and the need for stronger monitoring mechanisms has been widely recognized. This critique was taken into account in the preparation of the GFA between H&M and IndustriALL; the agreement includes a separate section on the "structure and implementation of well-functioning IR", and foresees the establishment of National Monitoring Committees (NMCs) comprising company and union representatives who will be jointly responsible for overseeing implementation.<sup>26</sup> Meanwhile the NMCs are to create, monitor and evaluate national implementation strategies and guide trade unions and supplier companies towards well-functioning industrial relations. While industrial disputes should primarily be resolved through workplace negotiation or national procedures, the NMC may intervene to facilitate dispute resolution. If resolution still fails, they can submit the case to a global committee that consists of the top leadership of the signatory parties and oversees the implementation of the agreement globally. The GFA states that the parties "will jointly promote signing of collective agreements both at factory, company and industrial level". All parties are responsible for communications and capacity building: H&M for its suppliers and IndustriALL and IF Metall for trade unions.

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<sup>26</sup> However, the idea of building transnational union networks or even cooperation among national NMCs in order to strengthen monitoring (Ford and Gillan, 2015), had not been considered, I was told by a global level GUF representative.

According to a global level GUF representative, the NMC would have a key role in connecting local affiliates to the buyer and thus putting more power in the hands of local unions. It was something that “they’ve never had before”, a channel for resolving problems directly with the company, in-country. The unionist explained that, previously, Cambodian unions had nowhere to go if they had a problem in a factory, because of the weak implementation of the labour law. Their only option had been to contact the GUF in Geneva and wait for them to follow up. But now, they could bring cases to the NMC, and H&M would act as a broker between the union and the factory.

Nonetheless, Cambodian unions were already having previous contacts with the buyer companies in directly and with the help of campaign NGOs – which the local activists had told me the GFA was actually hampering. In fact, the representatives of H&M in Cambodia saw the NMC as formalizing existing processes and their “already strong ties with the local unions”, rather than as something completely novel. In the words of an expat employee, “it was already working before, and it wasn't that different”. But the NMC would enable more proactive communications. Previously, the unions would only contact the company when a conflict had already been ongoing for some time; now, the H&M employee told me, unions could inform the company of their plans before trying to organize in a factory, and the company could remind the supplier of the need to respect trade union rights.

Cambodia was one of the five countries in which a national monitoring committee was established in the first year. It was created in a September 2016 workshop at Phnom Penh’s Sunway hotel, a common setting for high level labour events, situated directly opposite the US Embassy at the foot of Wat Phnom Hill. In addition to three company representatives, three Cambodian unionists were appointed as members. They told me they had been chosen by the GUF’s Geneva headquarters to represent all IndustriALL affiliates. In the first meetings, the focus was on familiarizing everyone with the GFA and creating a strategic plan. One of the union representatives, Huot, commented to me that training seemed to be the key concern for the company, but he was hopeful that the committee might turn into something more tangible in the future, and contribute to building trust and genuine negotiation. The committee was to meet bimonthly, and Huot valued the regularity, which had not existed before. “We meet in advance and not just in reaction to problems. So that might be added value, to prevent problems”, Huot told me, echoing the views of the company and GUF representatives.

In January 2017, the NMC held the first awareness-raising session for all Cambodian affiliates of IndustriALL, including some TUSOs, followed by a meeting with H&M’s

strategic suppliers and the employer association GMAC. The supplier's lack of trust and fear of unions had been identified as a key "obstacle to well-functioning industrial relations" in a recent mapping of industrial relations that the company had conducted in its cooperation project with the ILO and the Swedish development cooperation agency SIDA. A company representative told me that it was important to "humanize trade unions" among the suppliers, and this was certainly important for the unionists as well. This diagnostic was also reflected in the NMC's strategic plan. Chantha, another union member of the NMC, was happy about the opportunity to present themselves to the suppliers: "Before, employers were really scared of the unions, but in the NMC we can explain to them about our work, and it makes things better." They had also been able to raise contentious issues – like the use of short term contracts – with the suppliers, which they believed indicated that the company was serious about the GFA, contrary to their earlier fears that the GFA would have no impact on employers.

H&M seemed to be leading the NMC process in Cambodia, which reflected the fact that it had presence in-country, while the GUF lacked a local decision-making structure beyond the individual affiliates and an administrative coordinator. Nonetheless, the NMC's union members told me the strategy was not just defined by the company, but jointly prepared.

#### 7.2.4. "IT'S BASED ON WHAT YOU NEED, NOT BASED ON WHAT WE NEED."

A key moment in the implementation of the GFA was the June 2017 twin workshop to which IndustriALL's Cambodian affiliates were invited on the first day, and H&M's suppliers on the second. Held in a conference venue next to Phnom Penh's Vietnamese bridge, the workshop was organized jointly by the three parties to the agreement: the company, the GUF and the Swedish union federation. Representatives of the latter acted as facilitators while other speakers included all three parties.

On the first day, the venue's big parking lot was mostly empty, as most participants had arrived on motorbikes; on the second day, black SUV cars were parked in front of the building. On the morning of the first day, I arrived a little late, and followed the signs to the second floor, up a massive Khmer-style staircase that was surrounded by a pool with shark-like fish swimming in it. In one of the spacious, air-conditioned conference halls, around 30 representatives of IndustriALL affiliates were sitting at round tables covered with white tablecloths. Most had taken seats next to their federation colleagues, or with others who belonged to a politically like-minded group. The participants included both federation leaders and staff, as well as local-level activists. The presidents

of the key federations were absent, but all federations had sent both male and female participants, as is often requested by workshop organizers.

A representative of the Swedish Embassy opened the event by telling the participants that they would be discussing many things that were important for Swedish development and society. He told the audience about the negotiation of the Saltsjöbad Agreement in 1938, a foundational moment in Swedish industrial relations. The interpreter struggled to translate the diplomat's energetic account as he moved on to talk about the Global Deal, an initiative that the government of Prime Minister Stefan Löfven – previously president of IF Metall himself – was promoting internationally. After speaking for roughly ten minutes, the embassy representative finished by highlighting the core message of the Global Deal: finding a win-win situation for workers, employers and the whole of society.

The audience applauded and the facilitator took the stage to go through the day's programme. The agenda had been distributed to the participants in English. There was no interpretation until the GUF's local administrative coordinator dared to interrupt the guest speaker and suggest translating what was being said to the audience. Some participants chuckled. They were told that the programme would consist of presentations by the three organizations, concluding with group work on how the Cambodian affiliates of IndustriALL could "contribute and commit" to the implementation of the GFA within their organizations, and together with the employers. The facilitator finished by announcing that lunch would be at 12:00 "because I have been told that otherwise you will begin a demonstration", which the local coordinator chose not to translate.

A representative of the global union began the first presentation by commenting that many had probably seen it the previous year at the Sunway Hotel. After going through facts and figures about the GUF and its goals, the speaker moved on to talk about the GFA, highlighting the role of the international union actors in building the capacity of Cambodian union representatives. "This is very important, it is based on what *you* need, not based on what we need. Not based on what H&M needs, not based on what IF Metall needs." Everyone in the room was responsible for the implementation and thus the utility of the agreement. At this point a facilitator interrupted, saying that the GFA text had been distributed to everyone as a handout. "Have you read it? Is it good?" A female participant shouted, "It's small-small." The agreement had been printed in a very small font, whereupon, due to its complex subscripts and diacritical marks, Khmer script can become hard to read. The facilitator seemed relieved to hear that she was talking about

the document's physical properties and sighed, "Ooh, so not good because it's small, not because of its content!"

The Power Point presentations of the international speakers were in English. Due to the interpreter's problems with the embassy representative's speech, IndustriALL's administrative coordinator began a consecutive translation, but it was time-consuming and the facilitators suggested using simultaneous translation again. I listened to parts of the Khmer interpretation with one headphone, and noticed that the interpreter was not always conveying full sentences, but merely picking out individual words that he was able to translate. Some participants had taken their headphones off and other were chatting or focused on their smartphones. When the first speaker finished, the facilitator asked for comments. A male participant said he could not understand the speaker, and others murmured their agreement. The facilitator thanked the participant for his comment and assured him they would try to speak more slowly. "No more questions or comments? Then we will have a short break to stretch out."

After the break, one of the European visitors continued to talk about the GFA structure and the NMC. He underlined the role of Cambodians in assuming responsibility for the agreement, because it could not be implemented from Geneva or Stockholm, but only where the manufacturing actually takes place. "So the idea of the agreement is to give local ownership", the speaker said and began a detailed presentation to explain what this meant. He mentioned the possible role of the NMC in supporting conflict resolution, but emphasized that the most important role of the committee was awareness-raising and the education of workers, unions and the management to ensure the general aim of the agreement would be met: instigating mature industrial relations at both factory and industry levels. This required an ability to work together, to build trust and confidence. "We must respect each other. Even if we actually disagree, there must be respect for different views", he reminded his listeners. A positive environment and constructive attitude should be sought in discussions with employers but also with H&M, unlike previously when communications had only been about disputes. Trust was also needed between IndustriALL affiliates.

The speaker said that NMC members needed to take off their union hats, and put on an IndustriALL hat, otherwise the other seven affiliates would not see themselves represented. "And that is, of course, not possible", he told the audience. The expression "of course" was repeatedly used by the European speakers as they talked about industrial relations. I was unsure if it was used just as an empty phrase or to convince the audience of the approach – or literally to indicate that what was being said was self-

evident. I became increasingly conscious of the expression and began to note each appearance. Interestingly, “of course” often accompanied ideas that were not so obvious in Cambodia. The role of the NMCs was, *of course*, to promote collective agreements. Social dialogue, *of course*, covered negotiations and consultations, and collective bargaining was, *of course*, at the core.

The speaker then took up the preconditions of industrial relations and social dialogue, starting with strong social partners. He explained that a strong union had the knowledge and capacity to represent members and to negotiate and sign collective agreements. This, he told the audience, required having many members, but also cooperating with employers and other unions. As a second precondition, he mentioned the political weight and commitment of both parties. Freedom of association had to be respected, and laws were needed to support industrial relations, otherwise the stronger side would always lead. The role of government was, thus, important, the speaker said.

After going through the preconditions, he moved on to talk about the benefits of win-win solutions: sound industrial relations that enabled workers and the whole of society to gain. *Of course*, benefits and profits had to be distributed between the employer and the employees. Increased worker benefits would lead to increased productivity and thus company profits, and, further, to job creation and stability, which was good for production and for the whole of society. Increased taxes enabled the government to introduce social security. In Sweden, this virtuous circle had been founded upon the Saltsjöbad Agreement. In the early 20<sup>th</sup> century, the audience learnt, Sweden had been one of the poorest countries in Europe, wherein trade unions were not respected. The government reacted to labour unrest by demanding the social partners to come up with a solution, otherwise it would regulate the situation by law. The Swedish social partners had realized that it was better to assume responsibility than to leave it to the government and be forced to depend on shifting parliamentary majorities. They agreed upon a negotiation system and it led to stability. Today, there were no big labour conflicts in Sweden.

In the afternoon, the importance of the Saltsjöbad Agreement was mentioned once more, as another visitor gave a presentation about collective negotiation in Sweden, detailing the logic, procedures and legal framework of collective bargaining in the Nordic country. The second part of the presentation was about gender equality, introduced by a picture of a Swedish father wearing a baby carrier. The speaker then expanded on topics such as gender equality in the educational system, the 16 months of paid parental leave that parents can share and the gender balance in the Swedish

parliament. “And, of course, this is because gender equality is a matter of justice”, the speaker said.

The audience made no comments on either of these presentations, but they showed greater engagement during the next session, a Khmer-language introduction to the NMC, during which a Cambodian representative of H&M talked about the strategic plan and its different targets from the perspective of the company. A union representative from the NMC used his turn to translate and explain to the local audience some of the key points that the international speakers had been raising in the previous sessions: how, as an NMC member, he was not representing his own union, and how conflict prevention and sustainable industrial relations were important for employment and jobs in Cambodia. He took on a similar role of bridging the communication gap between international speakers and local unionists during the following presentation of the strategic plan by an expat employee of H&M. The company representative would ask for his comments, and he would take the opportunity to explain the messages to the audience and also to bring up critical viewpoints on issues such as the use of temporary contracts that the NMC had been discussing.

In the final session of the day, the Cambodian unionists were asked to work in federation-based groups and reflect on how they would contribute to the implementation of the GFA within their organizations and among employers. While the groups exchanged views at the various tables, the facilitators circled around, intervening in some discussions. In one group, the participants were confused about whether they should be thinking about the national or the factory level. One of the international visitors commented on the gaps that seemed to exist between the federations but also within them, between the two levels. They were surprised how little awareness the participants had about the GFA, considering the NMC had been established nine months earlier.

The groups had been tasked with very detailed questions, which was reflected in all groups presenting very similar ideas. They listed awareness-raising activities, mentioned the usual stakeholders with whom to engage – the GUFs, NGOs and the ILO – and forms of support and training that would be needed. As it was the end of the day, there was no time to comment on all the presentations, but the facilitator emphasized the need to continue working on more concrete and detailed plans, perhaps next week when everyone was back at the office. “The administrative coordinator will write all of this down and help you continue forward”, the facilitator said, emphasizing the workshop’s key message: improving the relationship with employers would benefit



workers. “It’s not a quick fix, but a journey, where we will make progress, and we will make it together.” An IndustriALL representative closed the workshop reminding the participants about the importance of making more concrete plans, “because the GFA is for you!” The participants rushed out of the room and joined the noisy traffic jam that was already forming at the major intersection in front of the conference venue.

#### 7.2.5. LOST IN TRANSLATION

Simultaneous interpretation is common in international workshops in Cambodia, and the quality of the interpreters varies. In this workshop, the problems were unfortunate, and not what the organizers had hoped for. A company representative who arrived in the afternoon looked worried and commented to me, “I heard it was a disaster.” The facilitators were also upset, and there was some discussion about whose responsibility this had been.

Piseth, a union leader with whom I spoke soon afterwards, shook his head as he commented, “They just bring in some unprepared person.” He considered it a waste of money, organizing such a big workshop and bringing in an interpreter without ensuring that the person had a command of the specific vocabulary. Some union representatives also commented to me on language problems in the NMC meetings. Not all of them were fluent in English, and there was not always translation. Defending one’s views spontaneously in English was challenging even for the strongest speakers.

While the unfortunate situation was, in this case, probably the result of having several organizers in different places, it seemed telling of how little attention is often directed to the question of translation in the planning of diverse international training sessions and meetings. One of the European visitors told me that they had provided training in several Southeast Asian countries, and they were clearly very used to talking about labour politics in English in diverse settings. Yet, the interpretation problems seemed to have been unexpected.

A parallel lack of preoccupation seemed to be related to a broader question: the translatability of the workshop content. Particular ideas about labour relations and negotiation were presented as if they were universal, feasible and relevant in any context. This seemed to indicate an assumption about an essential sameness of the position of the workers the world over, one which would make the messages about industrial relations translatable from Sweden to Cambodia. Yet the lack of connection between the complex legal and institutional procedures whereby social justice was ensured in Sweden, and the power hierarchies in which Cambodian activists conducted their day-to-day work, seemed plain. Very few in the audience would have ever sat at

negotiating tables where the management side accepted them as equal negotiating partners with justified interests. Still, Piseth told me this workshop had been better, more practical than most international training sessions.

During the group work, the participants were asked to define what should be done in Cambodia, in order to take ownership of an agreement that, as the facilitator said, could not be implemented in Europe. Nonetheless, the model was imported from there and there was no dialogue about the goals, the relevance of the GFA approach or its feasibility in Cambodia. Having strong social partners and a legal framework that guaranteed freedom of association were presented as the preconditions on which the model depended, but whether these existed in Cambodia was not discussed beyond citing the support expressed by the Cambodian Government for Sweden's Global Deal as evidence of its positive attitude. How the absence of the preconditions would impact the implementation of the GFA was not analysed.

To be fair, the purpose of this particular workshop was not to discuss the model but to familiarize Cambodian unionists with an already existing agreement and to build their capacities to utilize it. A representative of IndustriALL global assured me that the negotiation of the GFA had been "a very inclusive process" and the GUF had protocol in place to ensure that the affected unions had a say in the content and in approval. I did not discuss the negotiating process for this particular agreement with Cambodian unionists, but some of them commented to me, on a general level, that they did not feel respected as equals within the GUF's negotiation platforms in general, as Northern voices tended to dominate and Northern solutions be taken for granted.

### **7.3. THE IMPORTANCE OF PARTNERSHIP**

Throughout the workshop, the purpose of the GFA – achieving well-functioning industrial relations – was presented as a way to reach win-win solutions. This required strong unions, which, it was explained, required the ability to cooperate with the employers and with other unions.

#### **7.3.1. WIN-WIN SOLUTIONS**

The benefits of win-win solutions were also highlighted during the workshop the following day when around 100 management staff from H&M supplier companies learnt about the benefits of dialogue and "well-functioning industrial relations" for productivity, stability and company profit. In a Skype greeting, a top executive from abroad told the managers that workplace dialogue was the way to put Cambodia on the map and locate it among the company's key supplier markets. He thoughtfully greeted

the participants in Khmer but, in fact, on this day the interpretation was from English to Chinese, the language spoken by most in the audience.

In the course of the day, the speakers presented the negotiation of win-win solutions as the way to ensure stability and industrial peace. “To be honest”, the embassy representative said, describing the situation before the Saltsjöbad Agreement, “Sweden was on the verge of a revolution.” Recurrent wildcat strikes were also highlighted by the union representative. He talked about *us* and what *we* need for the industry to thrive, to emphasize how, as industrial partners, unions and managers were in the same boat. We think that this is a much better system than leaving it to the politicians, he said, talking about respect and cooperation, about how one plus one became more than two when people made the effort to see things from a new perspective.

The ability to recognize the opponent’s viewpoint is key in the negotiation approach. On both days, the speakers compared the worker-management relationship to a marriage. When you are tied together but have different perspectives, “agreeing to disagree” and making compromises on some issues in order to gain concessions on others is more beneficial than continuous fighting, in which both sides would lose. That the signatories of the GFA would refrain from openly contesting one another fits this perspective, suggesting that the Cambodian activists had not misunderstood things when they felt that the GUF was reluctant to oppose the brands. The approach of social dialogue is founded on the belief that you can achieve your goals more effectively if you refrain from conflict.

The recognition of interdependence, and a commitment to win-win solutions in order to prevent conflict and, perhaps, revolution, formed the foundational logic of the ILO and the social compacts of post-war Western Europe. The “still distinctively European composition” of the global union federations (Ford & Gillan, 2015) is reflected in the prevalence in their strategies of European approaches (Filho & Silva, 2019), particularly the reformist unionism that successfully provided for wellbeing and growth over several decades. The mutual trust between Northern unionists and their national social partners was evident, for example, in the conversation I had over dinner with two European trade unionists in February 2017. Peter and Susanne held the industrial relations policy of a company from their home country in high regard and viewed other buyer companies as less responsible. When I mentioned that in Cambodia, both unions and employers claimed that the problems of the industry could be solved if brands would pay better, Peter asked me if I really believed that. It was easy to accuse the brands, he said, but what about the margins of the suppliers? When I replied that many

suppliers claimed brand margins were growing while theirs were decreasing, he said, “But did you ask what their margins were?” The lack of data on supplier margins was a big problem because it harmed negotiating. Back home unions were able to claim their part because they knew what the employers’ profit margins were.

### 7.3.2. UNITY AND NON-COMPETITION BETWEEN UNIONS

A second component of union strength that was discussed in the GFA workshop was inter-union cooperation. Fighting each other internally in the trade union movement was not beneficial for the workers, as the European facilitator told the audience: “United we stand, divided we fall.”

Many observers of Cambodian labour politics would agree that fragmentation into over 100 federations was drastically weakening the promotion of workers’ interests in minimum wage negotiations and political discussions about fixed term contracts and other issues. IndustriALL saw the conflicts between the ten Cambodian affiliate federations as highly problematic, and building cooperation and unity among them was the organization’s key goal. A global representative described the situation as tragic: “letting a thousand flowers bloom” was not the way to build a strong union movement. Similarly, Mel, who works for the GUF at the regional level, told me it was harmful to understand freedom of association as having many unions operating freely. “If you have 17 unions, you have nothing”, Mel once said to me.<sup>27</sup>

Acting with “one trade union voice” was important, Mel told the audience in a training workshop that I observed in April 2017. Held in a beautiful traditional restaurant in a Boueng Keng Kang villa, the training was part of the GUF’s capacity-building project and focused on gender equality in organizing. Talking about the organization’s regional strategy, Mel noted that while Cambodian unions were active and membership rates had increased much faster than in other countries, solidarity was a problem. The unionist was worried that competition among unions was preventing collective bargaining at the enterprise level. Despite the highest unionization rates in Asia – 60% among Cambodia’s garment workers (Arnold, 2017) – meaningful collective bargaining is almost non-existent in the garment factories. Some observers estimate that a couple of dozen collective bargaining agreements (CBAs) existed in 2017 in the country’s 600 or so factories. Samnang, a leader of a major independent federation, told me they had five valid CBAs in the approximately 70 factories where they were registered. Veasna, a representative of a similarly sized federation aligned with the

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<sup>27</sup> The unionists’ concern is mirrored in Teri Caraway’s (2006a) critique of the ILO’s liberal of “free market” interpretation of freedom of association as producing competing and fragmented unions.

government, said they had possibly 30. It is widely known that most of the existing CBAs have been signed by government-aligned – and often management-friendly – unions and make little if any extension to the benefits already guaranteed by law. Mealea, the HR manager of a factory known as one of the good ones, told me proudly about their good communication with trade unions, including CBAs which, she said, were mostly about salaries. As we talked more, I realized that she was referring to documents that simply confirmed the annual minimum wage declared by the government and set the day of the month on which salary was paid in the factory. Yet Cambodia’s weak CBAs are no exception in Asia, collective agreements tend to reiterate existing legal entitlements across the region Asia (Ford & Gillan, 2017).

In the training workshop, Mel reminded the participants that the multiplicity of unions prevented collective bargaining because it made it difficult for unions to achieve and register a majority status, (MRS, most representative status). As in many countries, Cambodian labour law limits the right to represent workers in collective bargaining processes to majority unions, those with at least 30% of workers of an enterprise as members.<sup>28</sup> To tackle this problem, both Cambodian and international unionists told me, IndustriALL was requiring its Cambodian affiliates to sign an MoU of non-competition as a condition of participating in the capacity-building project. Also in place in other countries, the MoU required affiliates to refrain from organizing in a factory where another affiliate already had a local union. Yet some independent federations considered this outrageous, because in their opinion, government-aligned federations were not doing anything to represent workers’ interests in the factories that they had organized. Nonetheless, Mel told the workshop participants, the MoU had to be respected, because competing made no sense when there was no shortage of organized workers in Cambodia. It had become difficult for the GUF to address the complaints that it was receiving about affiliates fighting each other. Seemingly frustrated, Mel tried to explain something that sounded simple: working together instead of fighting in the factories. “This is *your* MoU, you just need to respect that”, the GUF representative told the participants, who sat silent.

The problem was discussed again during a group work session that was facilitated by another GUF representative. The participants were asked to outline the organizing process before beginning to prepare their gender-inclusive organizing plans. All the groups reported a similar sequence: first, define the target factory and collect information about the company and workers; second, identify potential activists and

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<sup>28</sup> Previously, to be eligible to registering the MRS, a union needed to represent over 50% of the workforce. The 2016 trade union law lowered the threshold to 30%.

inform them about labour law and the benefits of unionization. If workers agreed, and then managed to recruit ten members, union elections could be held. The third step was to register the union at the Ministry of Labour. As a fourth step, the groups mentioned negotiating CBAs. Although this step is usually not reached in Cambodia, the participants knew they were expected to mention it.

In the discussion that followed the group presentations, the facilitator drew attention to the ten-member requirement for forming a union. She asked if such a small union would be able to negotiate with the employer if there were several unions in the factory. In the exchange that followed, participants raised the possibility of agreements among the unions, but the facilitator kept asking whether being able to register a union with so few members really was a positive achievement. One participant responded in the affirmative, and a heated exchange followed as the facilitator sought to convince the participants about the importance of strengthening existing unions. The participants became confused as their viewpoints were not accepted, and the interpreter struggled to understand what was going on. At one point, the facilitator asked directly, "What is best, to have many unions who cannot negotiate, or to have many CBAs?" When a participant replied, "Creating more unions", the facilitator got frustrated. Why do we create more unions? What is the main purpose of unions?, she asked, and then answered her own question: to allow collective bargaining with the employers.

She asked the participants how they could motivate workers to join the union if they could not offer them a CBA that implied new benefits. A participant suggested that workers might still want to join, which made sense in a context where CBAs providing additional benefits were practically non-existent. The facilitator asked her what was the use of the new union in that case. "Why don't you then just suggest workers join the old one?"

The discussion became chaotic when the facilitator began asking whether it was better to organize a new union in a company with or without existing unions. Participants began shouting and asking the interpreter what the facilitator meant. It was difficult to follow and some participants stopped paying attention. Vanny, an experienced leader from an independent federation, repeated for some time in a loud voice that it all depended on the buyer: "You look at both, the conditions in the factory and the buyers!" The facilitator asked her not to consider the buyer. More yelling followed until one of the participants finally admitted that it was better to increase members before organizing a new union. The facilitator now concluded the debate asking whether it was clear that "we need to strengthen our old unions, to increase

membership and become recognized by the employer so that we can negotiate, instead of organizing a new union in a company with existing unions?” She repeated that organizers should always remember the purpose of forming trade unions. “You can only determine the strength of a federation or a union if you have collective bargaining!”

#### **7.4. AN INDUSTRIAL RELATIONS PROBLEM**

In the social dialogue approach on which the GFA was based, partnership with companies and unity among trade unions is essential. In the training workshops described in this chapter, both dimensions – and the goal of well-functioning industrial relations – were presented pragmatically, as ideas that made sense and would benefit Cambodian unions. What caught my attention in the two workshops was that the trainers seemed to see their role as one of convincing Cambodian unionists about the benefits of well-functioning industrial relations, as if the reason for the lack of collective bargaining in Cambodia was that unionists did not understand its benefits. However, what the local activists seemed to doubt was the feasibility of the approach in the Cambodian context. But there was little space to discuss this in the GFA workshop. In the more informal setting of the gender training session, Cambodian activists expressed their viewpoints but that had little impact. The problem – the lack of well-functioning industrial relations and collective bargaining – and its causes, seemed to be predefined.

The promotion of the social dialogue approach in Cambodia builds on a diagnosis that the country suffers from an “industrial relations problem” that prevents negotiated solutions. This was often –explicitly or implicitly – expressed by informants associated with international trade union organizations, including the TUSOs, but also other European observers, ILO representatives and Cambodians who had worked with these organizations. Labour rights violations in the Cambodian factories and the rapid escalation of disputes around them into large conflicts and strikes were seen as symptoms of dysfunctional industrial relations that stood in the way of negotiated solutions. The social dialogue approach aims at responding to this diagnosis, in contrast to the CSR approach which rather responds to diagnoses of corporate irresponsibility and lack of buyer accountability.

The support provided by the international labour movement targets the assumed causes of the industrial relations problem: lack of understanding, skills and dialogue mechanisms. Training workshops in communication and legal and negotiating skills have been organized in Phnom Penh’s hotels and restaurants, with interpreters of varying quality, for over two decades. Diverse dialogue fora have also been created by

the international actors. In addition to the national monitoring committee for the GFA, IndustriALL and various garment brands have begun to support the establishment of an industry-wide collective bargaining mechanism in a process called ACT. The ILO has supported tripartite wage-setting, particularly in the Labour Advisory Council, and bipartite “Performance Improvement Consultative Committees” in the factories that participate in the BFC.

Identifying a technical problem that can be solved by establishing mechanisms and building skills is very similar to the approach of development cooperation programmes examined by authors such as James Ferguson (1994), Tania Li (2007) and Timothy Mitchell (2002) that render complex political problems technical and amenable to expert solutions. As Ferguson (1994) suggests in his much-cited analysis of the development industry as an anti-politics machine, problematization in these processes tends to anticipate the kinds of intervention that development experts have to offer, which means that pre-existing expertise affects not only prescriptions and proposed solutions but also the diagnoses themselves (Li, 2007).

Analyses of the rule of experts in the context of development policy are part of wider discussions inspired by Foucauldian ideas of governmentality and the rule of experts (e.g. Rose, 1999), but the North-South dimension of the relationship between donors and recipients of aid adds an important layer to the technocratic lens of the expert and to the power dynamics at play. Li (2007) describes the particular expert position in the context of development as trusteeship, considered by Cowen and Shenton (1996) the prime historical force behind the “development doctrine” itself. As Li notes, the trustees’ “will to improve” translates into a claim to know how others should live and what they need – a claim to power that often goes unacknowledged as trustees do not see themselves as aiming to dominate the other, but to help.

Unlike Northern development experts who base their claim of expertise on training and education (Li, 2007), Northern trade unionists’ expertise is based on practical experience; their prescriptions have been tested in their own personal activism and home societies. The idea of the South “lagging behind” the North on the path towards development is present in all international development interventions, but what makes it particularly strong in international labour solidarity is the way the support for Southern unions is understood in the tradition of labour internationalism. This is characterized by an assumption of class-based horizontal relations, solidarity and an almost essentialist notion of sameness as trade unionists. The ability of labour trustees “to improve”, to diagnose and prescribe solutions, is based on having been there



already, as is evident in the repeated references to the Saltsjöbad Agreement in the GFA workshop in Cambodia. In fact, a global union employee told me that they liked bringing Nordic trainers to Southeast Asia because they paid their own expenses but, more importantly, because they could “bring their example” of building a strong labour movement. The Swedish unions had overcome fragmentation and they could show Cambodians how they had done it. “We ask them to start from the very beginning. No details, but tell them that Cambodia is Sweden a 100 years ago”, the unionist said to me. Yet the same person was highly critical of the dependence that was being created due to the financial support of the Northern unions who all come “with good intentions” but end up undermining the financial sustainability of the Southern federations which can have a negative impact on their accountability to their members.

While the Northern labour activists might not be technical experts but rather experts through experience, their prescriptions for Cambodia tend to render power relations non-political, much like the anti-politics machine of development interventions (Ferguson, 1994). While largely defined by the limited mandate and reach of the international trade union actors, the attention is on improving the understanding and capacities of the poor – in this case, workers and unions – without taking into consideration the way local political-economic structures define their position, as in the dynamics described by Li (2007) in World Bank projects in the Indonesian countryside. Labour’s power is talked about, but as a question of unity and the ability to collaborate, not as relational to the power of capital and dependent on the state.

## **7.5. “GOOD IN YOUR TERRITORY, BUT NOT HERE”**

Not all training programmes and international labour actors ignore the problems of the lacking preconditions of social dialogue in Cambodia. For example, in a training session on the role of worker representatives that I observed in April 2017, an ILO expert engaged with the participants on the feasibility of dialogue in Cambodia, admitting that the basic conditions that were needed for unions to be able to function properly did not exist in the country. He referred to employers who did not recognize workers’ rights to organize and refused to talk with them, and acknowledged that the training topics – practical tactics to strengthen factory-level representation and negotiation – were not going to change the conditions, although they could still help the unions to work more effectively in the hostile environment they faced.

Chris, a labour NGO representative, also reflected on employer attitudes when we discussed the lack of collective bargaining in Cambodia. Chris told me that Thailand, for

example, it was more difficult to register a union but those that managed to establish themselves were strong and able to negotiate CBAs. The bargaining process would be a collective experience, during which all members would wear the union's hats; nothing of this sort existed in Cambodia. Chris then sighed: "But then again, how could there be CBAs if the factories will not agree to bargain?"

This is a fundamental difficulty with the social dialogue approach in Cambodia. The diagnosis of "industrial relations problem" and its causes ignores the possibility that the scarcity of negotiated solutions does not result from a lack of skills and understanding, but from the extremely unequal power relations between the parties. As long as win-lose solutions are available – as they have been in most contexts apart from the mid-20<sup>th</sup> century Global North – win-win is hardly going to be an attractive proposition to employers. As we listened to the Swedish speaker talk about the impact of the Saltsjöbad Agreement at the GFA workshop, Veasna, a representative of a federation known to be close to the government, commented to me, "It used to be the same here, we used to have a lot of strikes but now it's going down." Veasna was right, but in Cambodia this had nothing to do with dialogue. Unlike Swedish employers in the 1930s, Asian factory owners and managers in Cambodia did not need to seek labour's consent to guarantee stability; the government was firmly on their side instead of demanding them to negotiate with workers and thus mediating the power balance in favour of the latter, as it had done in Sweden. Labour had little if any associational power in the positive sense referred to by Wright (2000); its consent was not needed and it was not able to use its power in the political sphere.

Dara, a leader in a major independent federation, liked the idea of negotiation and "well-functioning" industrial relations, but did not see it as feasible in Cambodia, due to the political situation. The close relationship with high-ranking officials gave the employers so much power that they did not need to justify their views in negotiations or provide evidence to claim that raising salaries decreased competitiveness. They also did not need to take into consideration the arguments of the labour side. If the unions protested, the government would blame them for the disturbance and say, "Why don't you dialogue?" In Dara's view, negotiations were about power, which is why Cambodian unionists did not need more training in negotiating skills. If the struggle were only between the unions and the employers, it would be different, but the problem was the biased government. "In Europe you're different", Dara told me. "Of course the employer is still the employer, but you have much more openness to social sharing." And, the leader added, things were different in countries where governments changed. "After

one bad government, you might get a better one. But if you have the same government for 15 years, nothing changes.”

For Dara, “real negotiation” would have meant the possibility of changing things, instead of just “talking and smiling at each other”, with the end result in clear view from the beginning. “Yeah, that is the social dialogue that the Europeans are so proud of.” We both laughed. “Good in your territory, but not here. We don't need to talk more.” Dara criticized the idea of dialogue as a goal in itself; what was needed was negotiation in which benefits were actually bargained for and tangible changes could be achieved in workers’ lives or working conditions. This required respect and equal power. “You cannot dialogue with Chinese owner”, Dara said, talking about the collusion between Asian investors and the government. “If they have the power not to pay workers, they will use it, and they will keep on doing it.” From the unions’ perspective, their position was like a fortress: without breaking it down, there could be no change. “You can sit there for the whole day, or you can sit there for the whole year”, Dara said. “Only muscle works”, the leader later added, referring to the fact that the only significant wage rises had followed a national strike in 2014 (discussed in Chapter Nine).

The resonance of Dara’s remarks with those of the late FTU leader Chea Vichea, interviewed by Caroline Hughes (2007: 247) in 2000, illustrate how little has changed in Cambodia in 15 years, both in terms of the insistence by international actors on labour strategies of negotiation rather than striking, and of the power imbalance that prevents meaningful negotiation in practice. Daniel, an ILO employee who had long been following labour politics in Cambodia, presented me with a similar diagnosis. In his view, while it was possible to tackle the “industrial relations problem”, by improving communications between workers and managers and so on, the underlying problems – which he called the political problem and the rule-of-law problem – would remain intact. These, he said, were very hard to change, which severely restricted the impact of current programmes. Dara, Daniel and countless other observers also knew that the problem of collusion was not limited to the relationship between the government and employers, but also pertained to a large sector of the trade unions. While majority status was needed to bargain collectively, the lack of CBAs was not due to the inability of unions to cooperate. Management practices to prevent independent unions from attaining the MRS included automatically adding workers to yellow unions at recruitment, harassing independent unions and keeping workers on short-term contracts so that they did not dare join them. In this context, the CBAs were more often a sign of close ties with managers than of popularity among workers. Veasna, from the

government-aligned union, told me that the federation was very interested in negotiating CBAs because they resulted in connections and were the goal of IndustriALL, which I understood to mean that they were a way of gaining international legitimacy. The unionist did not mention benefits for workers.

In literature on the GFAs, their weak impact at the local level in the Global South has been associated with hostility of this context to labour organizing (Ford and Gillan, 2015). While this is certainly true, emphasizing the problematic nature of the Southern contexts bears a certain parallel with diagnosing an “industrial relations problem” in Cambodia; differences from the Northern model are seen as problems, rather than reasons to question the model itself. This is what Fichter and McCallum (2015) point out as they argue that the problem of the GFAs lies in the arrangements of social partnership in which these agreements are negotiated, which they would need to transcend in order to respond to the realities along the supply chains. The failure to consider the historical process behind the Northern models of industrial relations (see also Bieler, 2012) was evident in the GFA training programme. Thinking about the differences of Swedish and Cambodian union realities, I was intrigued by how the European trade unionists analysed – or failed to analyse – their own system, its historical specificity and roots. Given that the developments that led up to and followed the Saltsjöbad Agreement were mentioned so frequently, it was interesting how little consideration was given to the political power dynamics at play in the time and place. As the NGO representative Alex once commented to me, even in Europe the establishment and results of social dialogue were linked with a particular historical moment. Meaningful negotiations resulted from the experience or threat of open conflict and revolution, in some countries civil war. Labour’s position in the negotiation was based on having shown its muscle. Dialogue processes did not begin by seating unequal partners at a table and telling them to negotiate because it would benefit everyone. “So why do they believe it can begin like that in Cambodia?” Alex wondered.

In the Nordic models, the collective representation of interests – using structural and associational power – in the economic sphere depended on collective representation in the political sphere, as in Wright’s (2000) positive class compromise or Burawoy’s (1983) state intervention. In the GFA workshop, a European speaker referred to political commitment, rules and legal frameworks as a precondition of well-functioning industrial relations. Once again, the role of the government in forcing the social partners to sign the agreement at Saltsjöbad was mentioned, but the reasons for its taking such a stance and protecting the trade unions’ right to negotiate did not

receive attention; the importance of workers' ability to use their political power in a democracy was not brought up.

Furthermore, the belief in social dialogue and structured negotiation as the best way to improve labour rights implies a hegemonic belief in the common, *shared* sense of the economic model. Upholding GFAs reflects the acceptance of neoliberalism and competition between global brands to maximize profit as the only alternative. To have power, unions must operate within this framework, rather than naïvely criticizing it, like some NGOs did, as both European company and trade union representatives suggested to me. While the idea of overthrowing the economic system has been absent from mainstream trade union strategies since the Second International, presenting the GFAs and social dialogue as tools with which to confront global capital has a different sound in the Global South than in the North. Capitalism's combined and uneven development means that during the last century, workers in the North have been getting an immensely larger share of the benefits of the system compared to those in the Global South, and although that share is today diminishing also in the North, it certainly strengthens the tendency of Northern unions to continue trusting the time-tested repertoires and perhaps restricts, as suggested by Piven and Cloward (2000), their ability to adapt to a changing context.

## **7.6. TO CONCLUDE**

When I began my research, I was interested in the potential of GFAs to move the agency in struggles over labour rights in the global supply chains back from the Northern consumers and companies to Southern workers and their organizations, thus reversing the depoliticizing trend of CSR. In Cambodia, the expectations of activists in independent unions and NGOs regarding the agreement that was signed between H&M, IndustriALL and IF Metall, just before I initiated my research, seemed lower than my own. They were disappointed because instead of adding force to the weaponry that the unions had at their disposal in their fight against garment brands – and through them, employers – the GFA was perceived as making things more difficult and ruling out open contestation. The global union federation was seen as siding with the company.

The negative perspectives of Cambodian activists and some of their international partners were due to their assessing the GFA as an instrument of private regulation, a perspective paralleled in academic literature (e.g. Fichter & McCallum, 2015). In fact, the GFAs are not necessarily very different from CSR codes of conduct: negotiated or unilateral, both are voluntary initiatives by MNCs to promote labour rights in their

supply chains. The differences between the two approaches are more substantial in terms of how the broader relationship between workers and employers is perceived. This was evident in how the representatives of both H&M and IndustriALL – and European trade unionists overall – talked about the agreement as being fundamentally about partnership and dialogue to find solutions based on the acknowledgement of mutual dependence.

While the business and human rights approach sees buyers as duty-bearers that must be pushed to force suppliers to *respect* labour rights, the social dialogue approach promoted through the GFAs aims at using buyers' power to push suppliers to *negotiate* with local unions over these rights. Freedom of association becomes a requirement for the dialogue approach to work, and the struggles are transferred back to the workers and their unions in Cambodia – and under the influence of local economic and political power relations.

Somewhat surprisingly, the viewpoints of Cambodian independent unions sometimes seemed to differ more substantially from their international trade labour allies than from the transnational campaign NGOs, perhaps because the latter would rarely express opinions about what the Cambodian unions should be doing locally; their interest tended to be limited to the relationship between Cambodian unions and the Northern companies. But the lens of trusteeship through which the international union actors looked at Cambodia was different; their will to improve things was accompanied by strong opinions on what Cambodian activists should do locally, based on the lessons learnt by trade unions elsewhere. Looking at low wages, labour rights violations and conflict as symptoms of an industrial relations problem, they suggested seeking solutions by improving negotiation skills and mechanisms, and raising awareness of the benefits of cooperation. The frustration of some Cambodian activists with the approach was not about the model itself; they appreciated the idea of dialogue and considered the small steps important. What they were critical of was the belief in dialogue as a goal that would in itself result in win-win compromises between parties with contrasting interests and highly unequal power, without acknowledging that the actual negotiation depends on the power *relation* between the parties, mediated by the a non-neutral state. This is what depoliticizes the dialogue approach, albeit in a different manner than the CSR approach.

## 8. TENSIONS AND STRUGGLES WITHIN THE LABOUR MOVEMENT

In the preceding chapters, I have analysed the transnational dimension of Cambodian labour activists' struggles, touching on contradictions between the imported strategies and power relations that define realities in Cambodia. The transnational approaches rest on many Eurocentric assumptions that do not reflect the roles and agendas of Cambodian trade unions and the context within which they operate; hence, I now turn to examining these local dimensions. In this chapter, I discuss the dynamics of the Cambodian labour movement and the tensions between and within the trade unions. They are part of a broader political conflict which is the focus of Chapter Nine.

In 2017, 89 trade union federations under nine confederations were active in the garment sector in Cambodia. As seen in the previous chapters, many international allies of Cambodian labour activists, as well as academic and other observers, see the multiplicity of unions and their divisions as a major weakness. They approach the division between those that align with the government and those that do not – which I here call independent unions<sup>29</sup> – in two main ways. The international trade union movement – global union federations (GUFs) and trade union support and solidarity organizations (TUSSOs) – and the ILO tend to follow a policy of “neutrality”, of working with all unions regardless of their relationship with the government. This approach, however, is resented by Cambodia's independent unions and labour NGOs, which claim that the government-aligned unions do not represent workers, as they take the side of the government or employers in policy discussions and wage negotiations. This second approach is shared by the international campaign organizations and NGOs, who tend to limit their cooperation to the independent federations; it is also echoed in most academic research, where it is often noted that most unions align with the ruling party and do not participate in pro-labour politics and protests, whereupon such unions are left out of the analysis (e.g. Arnold, 2014; Arnold & Shih, 2010; Salmivaara, 2018; Ward & Mouly, 2016).

In this chapter I examine both perspectives and seek to go beyond assessing unions and their strategies based on Eurocentric assumptions about what trade unions should do and be like. Inspired by Jorg Nowak's (2021: 7) observation that being a trade union

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<sup>29</sup> Some people use independent to imply independence from all political actors, but I use it to refer to lack of official support for the CPP.

“does not yet say much about [the organization’s] strategies, its objective and subjective position in a conflict, and its political significance”, I examine the diverse logics, goals and dynamics of the Cambodian union organizations and the groups and individual actors within them, including the logics that are not necessarily about advancing the class interest of all workers.

Furthermore, I critically examine the notion of political divisions within the labour movement. Despite substantial differences between unions that are publicly aligned with the government and those that are not, I suggest that these do not indicate different political views regarding policy and the economy, but are rather shaped by interpersonal loyalties and economic dependencies. I also point to similarities that are obscured when a clear line is drawn between independent and pro-government federations and they are characterized as either good or bad. Contradictory interests, low representativeness and hierarchical concentrations of power are present on all sides, an aspect that has not received much attention in previous research. Notwithstanding the expectations of outsiders, these tendencies show few signs of weakening despite decades of capacity building and training in union democracy by international actors. A key tension, often recognised but seldom deeply analysed, is the gendered nature of the power hierarchies within the labour movement. International actors have suggested that gender equality and women’s empowerment are non-political topics around which Cambodian unions could unite, or a problem to be solved with capacity building and positive examples. My analysis problematizes both views and suggests that promoting female leadership appears to be all but uniformly resisted across the spectrum of male leadership.

### **8.1. A COMMON CAUSE?**

Cambodian activists seldom criticize their transnational allies in public, but their private script indicates harsh views of the insistence of global unions or the ILO on unity and on working with all unions. Although they understand the need of the international actors to appear neutral and inclusive, they think that in Cambodia it harms the workers’ cause. Furthermore, many activists know of foreign unions supporting pro-government federations despite financial misconduct or collusion with employers, something which makes them seem hypocritical. One such activist was Vanna, a former garment worker and union leader who later coordinated a capacity-building project for a European TUSO. At first, Vanna had been happy to work for the organization and liked what it was doing in Cambodia: promoting social dialogue but particularly



committed to building union power, with very good training modules on union principles, organizing and negotiation strategies. Instead of only training federation leaders, the organization aimed to build the capacities of local level activists by providing “training of trainers” and focusing on promoting change within the unions.

But the organization’s policy was to work with all unions. “They said we should not care about politics. Just work with all partners, according to the guidelines.” A conflict developed between Vanna and the organization when evidence of misuse of project funds by a major pro-government federation emerged. According to this former unionist, the employer preferred to ignore the problems and continue working as if nothing had happened. Talking about the events years later, Vanna was still very upset: “They should not support these organizations that actually harm workers!” Vanna’s local knowledge had been interpreted as political opinion and considered inappropriate. The organization had been convinced that promoting unity was the correct way to go and seemed to believe that the connections between some unions and the government were just a matter of normal political positioning. It was no different from the connections between unions and parties in Europe, a representative of the same TUSO had told Mick, a labour NGO worker with whom I later discussed the case.

Political divisions and ideological differences have always existed between trade unions, also in Southeast Asia (Caraway & Ford, 2017; Hewison & Brown, 1994; Hutchison, 2015), but many observers told me they found Cambodian conflicts particularly difficult. For example, Maria, who works for a global union in the region, told me that Cambodia an extreme case compared to other countries; the unions here were “very politicized, very politicized” and meetings between them could be highly conflictive. Maria said they often reminded their affiliates that “there is no pro-government here, there is no opposition here, now you will be representing the workers”.

Behind the neutral approach of transnational labour actors was the idea that party politics are a secondary issue compared to the most important goal of all trade unions, that of defending workers and promoting their interests. I often discussed with Cambodian activists and their international allies about the links between unions and political parties, which many Cambodians endorsed. “In Europe, unions have power and they can influence politics”, Chea, a former garment worker and federation leader, said to me. “They use it to help the workers. That’s what the unions must do. But in Cambodia it’s different.” Chea, like numerous others, told me that here, the government was just using unions as a tool.

Michael, a European trade union activist visiting Cambodia, assured me that he understood the difference. The unions should have allies in the government, but in Cambodia, the government had representatives in the unions. However, he later said something that indicated a key difference between the way he and the Cambodian unionists saw the situation. If a trade union was not functioning well in terms of representing its members, Michael said, the solution was not to establish a new one, but for members to change it from the inside. Just like the notion of the common goal of trade unions, the idea of changing unions from the inside implies the assumption that all unions inherently seek to promote workers' interests. A union that fails to promote this goal must have been co-opted or corrupted, but this negative situation can be reverted, perhaps by changing leadership. Another way of changing weak or young unions that suffer from a "lack of vision" (Nuon & Serrano, 2010: 105) would be to build their capacities, a view that has been reflected in the training projects implemented by international actors for several decades, as seen in the previous chapter.

From this perspective, the relationship between a trade union and the government – or the employer – is seen to be linked to a shared stance on how to best promote workers' interests, as reflected in the categorization of unions into revolutionary, reformist and economist (Hyman, 2001), for example. The idea that the positions of Cambodian unions vis-à-vis the government indicate different degrees of radicalness is illustrated by the labelling of CPP-aligned unions as moderate (Hughes, 2003: 192), more cooperative with employers (Nuon & Serrano, 2010: 25) or market-oriented (Cichon, 2018: 92). What these assumptions obscure is that some trade unions might primarily seek to fulfil other functions than representing workers with the aim of enhancing their position vis-à-vis the state or capital – despite consisting of worker members and having the institutional status of representing them in instances of negotiation.

## **8.2. PRO-GOVERNMENT UNIONS**

The role of the pro-government unions baffled Kim, a European trade union activist who spent a month or so in Cambodia meeting with all the affiliates of a global union. One evening we sat in a bar close to Phnom Penh's Royal Palace and talked about Cambodian union politics. Kim seemed shaken by government-aligned federations that did not fit familiar categories of trade unions. Kim told me that in the meetings it was easy to realize which unions pertained to this category. Some expressed positions that clearly ran counter to the interests of the workers; some laughed when asked why they

were union leaders. This had made Kim think about how one should actually define a trade union. “What does it mean, really? What are the criteria?”

### 8.2.1. THE LOGIC OF SPLITTING

Michael had discussed the topic with Kosal, a Cambodian labour activist who currently worked in the NGO sector and was critical of pro-government unions. “I asked him how you can know which are government unions. But he started talking about [what happened in] 1991!” Michael told me, shaking his head. Kosal also commented on the discussion to me, saying that Michael had seemed to understand what he was trying to explain, but had then asked why he should believe him. Kosal had replied that he did not have to, he could do his own investigation. His point was that these things were not about opinions or political views but historical facts; if you know where people come from and with whom they are allied, you can understand what they stand for and their goals. This reminded me of a comment made previously by Greg, a long-term, North American observer of the industry: “What one has to understand about Cambodia, and it took me a while to understand this, is that there is literally no concept, you know, intellectually or politically, of an independent actor.” In his experience, people in Cambodia assumed that everyone was beholden to someone else and acted accordingly. What Greg seemed to be talking about was the importance of interpersonal loyalty, protection and dependence to local social structure, often discussed in the literature on Cambodia (Coventry, 2016; Jacobsen & Stuart-Fox, 2013).

Michael was not the only foreigner to find the high number and political links of Cambodian unions confusing. Yet the image of messy political fragmentation hides a rather simple situation in the Cambodian union sector; with few exceptions, all unions are associated with a single party, the ruling CPP. This is what Kosal was referencing: all but a handful of the 89 federations active in the garment sector have split from the three federations that were established in the late 1990s by individuals linked to the CPP and the state-controlled union of the 1980s. They all continue to be politically loyal to the party.<sup>30</sup> The multiplication of unions is only numerical; it has not implied the emergence of new alternative actors but merely the division of old ones into smaller units, a trend that accelerated after 2004 in a CPP reaction to the opposition’s advance among the workers.

Rather than being motivated by political differences, my informants believed the splitting to be about the search for profit-making possibilities and competition for

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<sup>30</sup> Apparently there has been only one case of a union leaving the CPP side and joining an opposition-aligned confederation.

economic power between powerful individuals and clientelist networks within the CPP. Economic benefits are sought from both the employers and the government. Rathana, a lawyer and AC arbitrator, told me that becoming a union or federation leader was a way to seek a voice and income. At the local level, money could be made from membership fees and from employers' bribes; at the federation level, from the party. The connections were not only sought by union leaders, added Pov, who had worked with the unions for several international organizations. The factory managers were also active. "When elected, a local leader might be 'clean'", Pov said, "but employers will try to buy them." And they often succeed, because the amounts they can offer are simply too large to resist, given the workers' poverty.

The alliances of the unions with employers and the party reflect the two underlying problems that Daniel – the ILO officer mentioned at the end of the previous chapter – saw as the root causes of Cambodia's "industrial relations problem". The first was the "rule of law problem", by which he meant the pervasiveness of corruption in the industry. He told me that in "95 or 99% of factories" management was interfering in unions, establishing unions, favouring unions or bribing unions – or unions were extorting money from the management. "It's incredibly common", Daniel said, laughing as if he could not believe it himself. "It is really the standard operating procedure here." And, he pointed out, all this was hurting the workers who were not being properly represented by these organizations, which were actually engaged in an entirely different business.

The most extreme examples of the money-making logic are evidenced in what some people call mafia unions or black unions. Certain pro-government confederations are known to specialize in strategies that consist of either inciting workers to strike or appearing at an already striking factory, and solving the conflict by making deals with the managers in the name of the workers and subsequently disappearing. I heard similar accounts directly from workers and the NGOs to whom workers had turned for help afterwards, but Daniel's summary was exhaustive:

The management will set up a union or adopt a union. A grievance arises over, you know, over dirty water, bad food, dirty toilets, forced overtime, blah-blah-blah. It doesn't get addressed because the union is not representing those workers. The grievance grows and, you know, another union, outside union, hears about it. Because they have fairly good networks and there will be a factory next door, and the workers will complain ... And then this other union moves in and tries to represent these workers, and that's when you get the really serious clashes. And that's when, you know, the management will call gangsters, or the union will call gangsters, and local thugs come in and, you know, it often gets pretty ugly and difficult to resolve.

In line with scholarly views on Cambodian clientelism (e.g. Pak et al., 2007; Verver & Dahles, 2015) Daniel considered corruption and political patronage separate yet interlinked dynamics, the latter being at the core of the second, “political” problem. Rather than money, he believed, the links between the party and the unions were primarily about control and, ultimately, mobilizing votes. The pro-government federations have a double role: that of mobilizing loyalty for the CPP and demobilizing alternative loyalties created through independent organizing. The ten pro-government confederations and the 75 federations under them are linked to top party and government officials. As a sign of their upward connections, many federation presidents hold the title of “his/her excellency” (*ayodom*<sup>31</sup>), an honorific that indicates a position of trust and political influence within the CPP (Ear, 2011, 2012; Verver & Dahles, 2015). While the topmost links are not public, understanding who is trusted by whom comes back to knowing the background – the historical bonds, the marriages, the business deals – or following current developments on Facebook, where honorary titles, upward connections and other signs of success, and thus power, are exhibited. Some informants cite the labour minister as a key figure. Other top individuals mentioned in connection with the key CPP federations include a deputy prime minister and undersecretaries of state. In addition to the Ministry of Labour, links to the Ministry of the Interior are often mentioned.<sup>32</sup> All in all, the CPP unions seem to function in a similar manner as the clientelist networks in local-level politics: tying community leaders to the party and ensuring their commitment to mobilizing electoral support.

The patronage networks cut across society and, as Daniel explained, a particular federation might enter a factory because the land was owned by a locally influential individual who belongs to the same patronage chain as the federation leader. “So you have this combination of both national and local, and it's the police, it's the army, it's the prime minister's bodyguard, it's, you know, them all!” he said shaking his head. As seen in Chapter Four, the links between the CPP and economic elites are central to the party's rule, and the *oknhas*' economic support for the party is rewarded with privileges, such as land leases and business monopolies (Verver & Dahles 2015; Ear, 2011). *Oknhas* are not directly involved in the garment industry, arguably due to the relatively low profits, but ownership of special economic zones (SEZs) links some of them with union federations. The general secretary of a pro-government federation told me in an

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<sup>31</sup> This is often due to a position as advisor, *tiproeksa*, which is not a functional title but granted for monetary contribution or long term party affiliation. As Ear (2011:73) notes, “advisors get to be called ‘Ayodom’ [Excellency], a title of honour that ... does not imply wealth per se as would Oknha.”

<sup>32</sup> Some of these connections were reported by the media in the 1990s, see e.g. Phillips (1997).

interview that, thanks to the contacts of the federation's *okhna* president, they had been able to gain access to a SEZ where they were operating in dozens of factories. The local officer accompanying him said that the SEZ was owned by another *okhna* who was also a gangster, and it was very difficult for unions to get in. Even workers had to pay hundreds of dollars to be able to work in the SEZ. He did not say to whom the money was paid, as the general secretary silenced him with a subtle nudge, saying, "We don't know."

The logics of money-making and CPP loyalties are interwoven in the operation of the federations. Many local actors use the terms "yellow unions" (conventionally used to refer to management-controlled unions) and "pro-government unions" interchangeably when speaking in English. In practice, there is seldom much contradiction between cooperating with the government and with the employers, due to the shared interest of both in the industry's profitability. What the two share with the yellow unions is the will to weaken the independent unions.

All in all, the "political" nature of the CPP-aligned unions does not imply particular positions or ideologies vis-à-vis the functioning of the economy or the promotion of workers' interests. It rather means that the unions act as organizations of the ruling party. Arnold (2017: 28) suggests that they might be considered "direct components of the state apparatus". They support government policy, apparently without having a role in defining that policy; they are politically passive beyond voter mobilization at elections. As Samnang, a leader in an independent federation, put it, the political position of these federations has nothing to do with the workers; they are defined by the personal loyalties and preferences of individual leaders and not discussed with the members.

### 8.2.2. LOYALTIES AND DEPENDENCIES

The historical bonds that tie most federations to the government make their unconditional public loyalty in wage negotiations and policy debates understandable, while also indicating continuities with the role that the communist trade union federation had during the DRK. As in other communist regimes, it was a state instrument for coordinating workforce supply and production (Nuon & Serrano, 2010): a "transmission belt" that ensured fluid cooperation between the state and the workers according to the needs of the former, rather than representing the latter; indeed, the union leaders held key positions in the government. Similar characteristics are present in the current pro-government federations. The interpersonal networks of loyalty and obligation did not disappear with the transition, and the same elite remained in power.

A persistence of informal ties from state socialism to market economy has also been identified in Eastern Europe (Kesküla, 2012) and Russia, where state corporatist tendencies, such as siding with the state and employers rather than the members, have been reinvigorated under Putin (Crowley, 2015). In China, a selective application of Western legalistic institutions of labour relations has had little effect on the ACFTU's subordinate role in the service of the Chinese Communist Party (e.g. Bieler & Lee, 2017; Friedman, 2014; Lambert & Webster, 2017). In Cambodia, communism was abandoned long ago, yet the continuities are strengthened by the fact that the same party remains in power.

The ambiguity of Cambodia's transition in terms of trade unions mirrors the wider political situation discussed in Chapter Four. The impact of the establishment of formal institutions of liberal democracy on underlying power relations is questionable. Nonetheless, the characteristics of the pro-government unions should not be interpreted as mere path dependency nor a sign of unchangeable anti-democratic worldviews or "culture". Cambodia's pro-government federations are not a direct continuation of socialist unions, like the legacy unions described by Caraway (2008). They did not directly *survive* a transition but were created afterwards, in the late 1990s and mostly in the 2000s, by or with the support of the CPP, to serve its new interests in controlling the novel multiparty context, to mobilize political support and to undermine the impact of the opposition among the workers. They provided a way for the political elite to create interpersonal dependencies and harness them to reinforcing its position of power, as well as providing protection against social disorder. The model of tripartite labour relations promoted by the ILO provided an opportunity for the party elite to strengthen control over all actors in the garment industry, complementing similar strategies to those analysed by Hughes (2003) aimed at controlling local politics and the military. All this makes it evident that the unions' lack of commitment to principles of democratic unionism or their failure to drive pro-labour goals are hardly about weak capacities (cf. Caraway et al., 2015: 26) or a lack of understanding (cf. Nuon & Serrano, 2010: 68) but about the particular function for which they were created, reflecting the broader importance of interpersonal reciprocity in the structures of post-conflict society.

The loyalty – and accountability – of the CPP-aligned federation leadership does not flow downwards to the workers but rather upwards, to patrons in the party and the government. The pro-government federations are believed to receive significant funding from the government, but no official information exists. Rather than a question

of political preference, loyalty is about interdependence and obligation. Similarly, federation leaders expect political loyalty from local leaders and, ultimately, workers, in exchange for protection and services. During the first decade of the 2000s, the provision of jobs in the industry seems to have largely fulfilled this function of guaranteeing support. It was only after the political unrest of 2013-14 that salary increases and other benefits had to be added to guarantee workers' loyalty to the unions and more importantly, to the CPP.

An interesting example of how the pro-government federations see their role was described to me by Sothy, who has worked in the leadership of a major CPP federation since the 1990s. As we sat in the ground-floor, open-to-the-street space of the federation's office in one of Phnom Penh's factory neighbourhoods, Sothy told me proudly about the federation's cooperation with factories and workers. It all began in the late 1990s with making identity cards for people who had come to Phnom Penh in search of factory jobs. At the time, the federation was also visiting poor rural neighbourhoods, where it soon began providing a sort of recruitment service. "We went to field to get people to work, and then, from the federation, we have contacts to a factory, so more and more workers get jobs", Sothy explained. Before beginning work in the factories, workers would pay membership fees to the federation, which built good connections with the managers of the factories along Veng Sreng Boulevard. I asked about the practicalities of this cooperation, and Sothy continued, "Any time they need workers they write down a list of how many female workers they need, what type of sewing they need, and salaries and everything." The federation would then find people who matched these needs and train them at their "training centre" where they had sewing machines. The prospective workers were also informed of labour law and working hours, Sothy said. This was later broadened into more comprehensive training programmes on workers' rights, funded by international donors and the government. According to Sothy, the recruitment practice is ongoing but the local unions now play a more active role in the relationship with the management.<sup>33</sup>

Sothy suggested that the main role of a trade union was to help workers, especially in finding jobs should they become unemployed – "after a factory closes and changes its name", for example. Providing skills was also important and Sothy was proud of how training had helped their members and activists. Many had risen to management

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<sup>33</sup> I had heard that yellow unions provided workers for strike-breaking purposes, but the wider recruitment function was new even to my research assistant. I had no opportunity to discuss it with other pro-government unions, as my meeting with Sothy took place at the very end of my fieldwork. But a long-term local ILO employee assured me that the practice of unions placing their people in the factories existed.



positions in the workplace, and several local leaders now had their own federations, some becoming “his excellencies”. Sothy mentioned several names. “A lot of leaders get to high positions. I don't know if [it's the same in] other federations.”

The role of union federations in opening up new profit-making opportunities to local leaders mirrors people's explanations of how jobs in the state bureaucracy work. People in high positions are expected to use their power to help others to get positions in the system, with the latter then returning the favour by paying the former a part of their monthly salary. The idea that the unions should enable their staff and leaders to gain material wealth was also talked about openly by government-aligned unions on other occasions: for example, in the introduction exercise of a training workshop organized by a global union which I observed. The participants were asked to present themselves by describing their values and dreams using different colours and symbols. The round began with pro-government unionists, who talked about money and protecting one's family. Rachana, from an important, government-aligned federation said, “I have two cars, and my dream is to have more money.” Material concerns are central to people's aspirations everywhere, and they were likewise present in the vocalized dreams of independent sector participants – albeit mentioned together with justice for workers, a better society and so on. The openness with which Rachana talked about aspirations that were so blatantly distant from the realities of garment workers (and regular union officers) – and from what I assumed would have been socially expected in a trade union workshop – indicated that the unionist did not perceive there to be a contradiction. Rachana had been participating in similar workshops for years, and was familiar with the labour rights discourse.

On the other hand, the silence of pro-government unionists when challenges such as the harassment of unions by hostile employers and government authorities were being discussed in workshops or meetings was a result of their not experiencing these issues to a similar degree. According to Channy, a TUSO officer, due to their connections with the authorities, the government-aligned federations did not need to make the effort of training their local activists in solving such problems. I interviewed six local leaders of two relatively new pro-government federations who had run into trouble and resorted to this TUSO's help. In contrast with the independent federations who prepare prospective leaders well because they can be readily dismissed if they fail to follow legal requirements, none of these interviewees had received any training in basic legal entitlements and the requirements of organizing. Two of them told me they had begun organizing during their probation period and without a written contract, and had been

terminated immediately. Another leader told me that the federation had only told her to find three people who could be leaders, and ten workers to organize elections. She had not been in any communication with the factory management herself, because the federation had handled all that.

Despite the different experiences in terms of the support received from the federations, the motivations of these local activists seemed similar to those of the independent federations. These interviewees had also wanted to organize a union to help and defend workers against the unjust treatment that they had experienced or witnessed. They seemed to have chosen their federation arbitrarily; it was the one they had happened to encounter. But like all other activists, they believed that they had chosen a federation that was on the side of the workers, unlike the “Chinese unions” controlled by the foreign managers. Pov, a long term observer, commented that local leaders often do not understand the political conflicts between the federations. “They just do what the big guy says”, Pov said referring to the federation leaders as *neak thom*, very powerful, high-ranking people. Similarly, Rotha, a labour NGO representative, said that at the local level, pro-government unionists can do “an OK job” and raise real concerns, which is why this NGO worked with them at the factory level.

To sum up, the multiplicity of unions results from power interests that are at once personal and collective. Individuals depend on interpersonal, hierarchical bonds of loyalty that are not simply a question of political opinion. The loyalty of the CPP federations to the party defines their position on all issues and the relationship between labour and capital is secondary. Wage increases are a positive thing and augment the merit of leaders in the eyes of the members, but actively seeking them is possible only insofar as it fits government policy.

Sometimes, international labour actors seem to downplay the differences to justify their support for government-aligned unions. A global level representative of a GUF told me they tried to foster cooperation over issues on which the Cambodian unions did not have political differences. When I asked what these issues were, the representative mentioned precarious work, fixed term contracts and wages, adding that all Cambodian unions agreed on the need for higher pay even if they “differed on the actual numbers”. This oddly contradicted what Cambodian activists and even the local and regional representatives of the same organization were saying: that wages and temporary contracts were particularly difficult questions on which it was impossible to find agreement because pro-government unions supported the position of the government.

Many Cambodian activists interpret support for government-aligned organizations as hypocrisy, a sign that the GUFs only care about membership numbers. Some people talked about European trade unionists who had said this to them openly, or about particular European or Asian labour leaders who had opened the doors to pro-government unions in the past. Still, many international union activists understand the complexity of the situation and are deeply frustrated about it. "Our hands are tied", one regional representative of a global union said to me, explaining that they could simply not stop working with existing affiliates, adding that it was a good thing that I would be in Cambodia for a long time so I could come to understand the challenges, unlike those who criticized the processes from a distance. Nonetheless, while a focus on numbers can be criticized as short-sighted, it is crucial for the efforts of the global labour movement to claim a voice and relevance in the contemporary globalized economy and the debates about its governance. Moreover, there is a need to take distance from the political divisions that harmed the global trade union movement during the Cold War, when for example the US labour movement's anti-communism led to its involvement in counter-revolutionary operations (Munck, 2002; Stevis & Boswell, 2008). Claiming continued legitimacy for labour as a relevant economic and political actor requires unity, inclusiveness and neutrality, rather than taking sides. It is a difficult equation.

### **8.3. POWER HIERARCHIES ACROSS THE MOVEMENT**

Kim, the European labour activist who was puzzled by the definition of trade unions, had concluded that the main defining criterion should be whether the union is taking the workers' side, defending workers' interests. In a similar manner, several international actors in Cambodia had begun using the term "genuine" instead of "independent" union, to refer to what the difference was really about<sup>34</sup>.

Regardless of the term used, emphasizing the difference between the "bad" pro-government unions and the rest can be misleading because it obscures the presence of contradictory interests and undemocratic practices across the board. As Terry, a TUSO representative, said to me, "Even the independent unions are not the white shining ones that you'd like them to be." There are also power conflicts within the independent side. In fact, all the first three independent federations have split internally and in each case the ruptures were linked to allegations of corruption and abuse of power; individual leaders have left the federations for the same reasons, some joining labour NGOs.

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<sup>34</sup> Others used it to avoid equalizing the dependence of government-aligned unions of the CPP with the links between the political opposition and unions sympathetic to it. I use the term "independent" to refer to a lack of public alignment with the government.

Furthermore, past conflicts and lack of trust affect the ability of the non-government side to work together.

### 8.3.1. "WORKERS SHOULD BE AT THE TOP."

The independent unions are in many ways more bottom-up than the pro-government ones, emerging from worker struggles and led by actual workers. Nevertheless, they were also originally supported from the outside, either by political leaders or international NGOs. This was the case with all Cambodian civil society organizations, which materialized when the UN and the international community started "pouring in money" in the 1990s, said Sokhorn, a human rights activist. "Anybody who had any kind of a degree started an NGO. All of them were top-down." The past still affected the ability of organizations, and perhaps also their will, to represent the grassroots, Sokhorn believed. Despite the positive image that Cambodia's active civil society had outside the country, problems were visible internally.

The personalization of power is common throughout the labour movement and beyond it – in civil society more broadly and the workings of the state. Writing in 2010, Nuon and Serrano observed an "entrenchment" of union leadership, which they considered a legacy of the past, associated with the continuing power of the leaders of the state-controlled unions. A decade later, the tendency shows few signs of weakening and if anything, it seems to have spread to the younger generation of leaders who were never involved in the communist union organization. At the time of my research, the first two independent federations were both led by family members of their original leaders, and the president of the third one had held the position for twelve years.

Nuon and Serrano (2010) associate this entrenchment with the leaders' lack of vision and capacity, but many observers suggested to me that, on the contrary, there had been too much capacity building directed at the top leaders over the years. Kosal, the NGO representative, viewed the continuous training of the same people as "a bit dodgy". Several people commented that participation in international workshops might be motivated by the extra income accruing from high daily allowances. Even some representatives of the ILO and the ACF were concerned about the concentration of skills at the top level, with little trickle-down of knowledge to the local level.

Channy, a TUSO employee, told me that union members often believed that unions were structured hierarchically – president, vice president, committee and then the members – drawing a figure in my notebook. But according to the principles of union democracy, it should be the opposite: the members, the workers, should be at the top. "So, the president is the last one, the lowest", Channy said, pointing at the floor. This was

an important part of the training courses that they provided to union members, because if they did not understand this, the president could decide everything himself. I asked how the leaders felt about the training. In a lower voice, Channy told me that on one occasion the president of an independent federation had become upset when they gave this training to local level activists, and now they always had to issue invitations at the national level. The tendency of federations to control access to capacity building was mentioned by several people in the labour NGOs.

The gap between the leadership and grassroots within the Cambodian unions was often brought up by my interlocutors in Cambodia. As has been the case historically, assuming a role of institutional representation tends to lead to a loss of what Kesküla and Sánchez (2019) call the affect of struggle, a distancing of leaders from the grassroots and a certain deradicalization and orientation to ensure organizational survival – whether this is considered an iron law of oligarchy (Michels, 1915) or a result of the logic of the capitalist system (Hyman, 1975). In Cambodia, the gap between national and local levels results from and exacerbates the concentration of skills and knowledge but also power in the former. Nuon and Serrano (2010) point to problems in communications. Bylaws are poorly known and members are not consulted as they should be. Similar worries frequently emerged in my discussions with activists. When I asked how the same people were able to remain in leadership for such a long time, I was told that, while elections might be organized, no one dared to challenge sitting leaders. As I spent more time in Cambodia, I heard increasing numbers of stories about undemocratic practices within the unions. I was told that, after assuming power, the current leader of an independent federation had pushed for a change in the bylaws to extend the time between congresses from two to four years, claiming that it was too costly to hold elections so often; this represented a change in the same person's previous position of limiting leadership to two periods. Other accounts denounced leaders who had reduced the number of board members to expand their power. Lobbying for support for these kinds of changes allegedly involved the underhand use of federation funds.

Suspicious about deals between the officially independent federations and the government abound. Certain federations are referred to as “grey unions”, which claim to be independent but cannot be fully trusted to join a protest or support a wage claim. They might suddenly change sides. The SUV cars and expensive watches of federation leaders, as well as a softening in their tone of criticism of the government, are all read as possible signs of deals with CPP leaders or their family members. On the other hand,

material signs of wealth are also signs of merit and thus power, a way of making the leadership credible and justifying its perpetuation.

Finally, just as local activists of pro-government unions can be sincerely committed to the workers' cause, local unions of independent federations can engage in money-making deals. An AC arbitrator told me about the local leaders of an independent federation appearing in a hearing as employer witnesses against another union. In the experience of the arbitrator, good unions might become "godchild unions" with time. First they fight the employer but, as they grow, they get less active and finally seek pragmatic solutions, he said.

Heng, a local leader of an independent federation told me that he had received 1,000 USD – over 20 times his monthly salary – from the management of the factory where he worked previously. At the time, he was an activist in the same federation, and was told by the local union president that they had to take the money because the federation had stopped supporting them. In his current factory, Heng had organized a union under the same federation, and told me repeatedly that this federation was "independent, democratic, not corrupt" and only interested in promoting justice for the workers. Our conversation took place in his house, a modest dwelling that was shared by several generations. I did not know what the situation of the family had been ten years earlier, but it occurred to me that the money must have made a radical difference to the entire family.

### 8.3.2. "WE JUST TRY TO FORGET."

If the GUFs and TUSSOs are criticized for turning a blind eye to the questionable behaviour of the CPP unions, similar tolerance can be found in the approach of the international NGOs towards the "good federations" that everyone wants to support. Suspicions about inappropriate practices in a major independent federation were strengthened when a case against its leaders ended up in court and was publicized in the media. It was about a factory dispute involving the dismissal of a large number of workers, which had been settled in 2013. The AC had ordered the factory to reinstate the workers and pay them compensation. According to people who had seen the evidence, the payment was made to the federation, but a large part of the money was not paid to the workers. The case began to unravel as federation officers were approached by workers who complained about having received differing amounts. The officials looked into it, but no record of the payment was found in the federation's official account; the company had made the transfer to a different one. Later, the leadership explained that part of the money had been withheld for the purpose of strengthening

the federation. According to several informants familiar with the case, the officers and local activists were offered money to remain silent, but decided to take the case to court, accusing the leadership of embezzlement of funds.

While some people said they had not been surprised by the allegations, the case was shocking to the entire labour movement and the civil society. The officers and leaders of a good federation were fighting publicly, in court, accusing each other of lying and stealing from the workers. According to the leadership, the officers had allied with the government to break the federation. The lawsuit ended with no conviction, which was what most worried the observers who knew that evidence about the original payment existed, and suspected that the lack of conviction indicated a deal between the federation and the authorities. The officers who made the accusations were dismissed. Soon after, a group of affiliate federations left the same confederation due to a disagreement about membership fees. According to a former affiliate, they had refused to pay unless board members were given access to the financial reports and clarifications pertaining to the case.

When discussing the nature of good leadership with me, Vy, an experienced federation leader, talked about the need to build a new generation of leaders who respected accountability and transparency and were close to workers. As I mentioned comments about the centralization of power within Cambodian unions, Vy said he recognized the issue in his own federation; leaders easily focused on “big issues” like wages or international relations, forgetting the basis of their power, the grassroots. There was a need to find a balance between personal and collective interests, Vy said, and to avoid letting personal interests hurt the root purpose of an organization. He added that, due to a lack of experience, he too had done things that were not correct: “I learned on the way. You know, there’s no school that tells you how to do everything.” He then raised the importance of finding a balance, of keeping the big picture in view; leaders needed to be able to compromise between immediate demands and long term goals. But some people were too critical and impatient, Vy said. Splitting an organization due to mistakes or personal differences was harmful for the cause and would remove the support on which the workers rely.

The idea of compromises being needed in order to avoid harming the greater cause – the workers’ cause – seems to be what kept the Cambodian and international allies of the unions silent about the problems in public. In private discussions, some provided harsh descriptions of the leaders involved in the case discussed above. But, they would then emphasize, they did not want to criticize them in public because there were so

many committed activists working hard for the federation. Compared to the overwhelming majority, the pro-government unions – who were only after money and would even use violence to this end – this organization had done a lot to represent the interests of workers in Cambodia. No one wanted to take the risk of harming the entire movement and the defence of workers’ rights, therefore, the topic was taboo. Some shared with me their suspicions of other similar cases, and said that they were now more careful in working with the federation. One activist said, “Now we just try to forget, and focus on thinking how can we build something different.” He believed that the negative publicity had also led to improvements within the particular federation, not least because of fear of losing international support.

Despite these events, I would tend to disagree with Nuon and Serrano’s (2010: 68) suggestion that, in Cambodia, there is “little understanding about union principles such as democracy, independence and solidarity”. Behind the authoritarian tendencies in national politics that persist despite a formal transition to democracy, the undemocratic union practices seem to be about unequal power relations and conflictive interests, and a lack of will rather than capacity. Moreover, many activists within the Cambodian labour movement are highly committed to solidarity and understand the importance of democratic decision making, as is evident in their sadness and anger over the abuses of power. When power is concentrated in the hands of a few and sustained by strong hierarchical interdependencies, building accountability and producing change becomes a highly complex issue. Furthermore, the need to ensure protection through loyalties built on interpersonal dependence is related to the distrust and fear of reprisal, perhaps echoing Cambodia’s violent past, which according to Peou (2020), also prevents Cambodia’s political leaders relinquishing power. Activism in an independent organization – a trade union, an NGO or an opposition party – implies exclusion from the networks of government protection, including official services such as those of the police, which creates the need to maximize alternative networks of support and protection.<sup>35</sup> All of this shapes Cambodian unionists’ considerations of what is strategic and important, both locally and in terms of transnational strategies.

#### **8.4. WOMEN WORKERS’ ORGANIZATIONS LED BY MEN**

Today, promotion of gender equality figures prominently in the official agendas of most actors involved in international development cooperation, including global trade union organizations and TUSSOs. In Cambodia, the promotion of gender equality was

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<sup>35</sup> I am grateful to Caroline Hughes for bringing this up in the pre-examination of this dissertation.



also emphasized due to its “neutrality”. According to Tha, a local employee of a global union, cooperation between Cambodia’s conflictive unions was usually easier when the topic was “women’s issues”.

Gender is an important dimension of the power relations within the Cambodian labour movement, as it is also globally: a deep male bias has characterized the trade union movement historically. Structural barriers that women workers face across Asia include male dominance in union positions and over union agendas, as well as negative attitudes towards women’s activism (e.g. Broadbent & Ford, 2007a). Despite their exceptionally high unionization rate, Cambodian women working in the garment sector are brutally underrepresented in union leadership, especially at the national level in federations and confederations. The proportion of women trade union members parallels their proportion in the work force, around 85%. In leadership, the ratio is reversed. No aggregate data exists, and some TUSO staff commented to me that federations are reluctant to give out such information. Nonetheless, most unionists and observers estimate that between 10 and 20% of factory-level leaders – presidents, general secretaries and treasurers – are women.<sup>36</sup> The president of the gender committee of a major independent federation told me that the proportion of women in their local leadership had recently risen from only 10% to up to 30% due to a new policy requiring that at least one of the three positions must be female. Although she said the policy applied to all levels, there were no women in the top national leadership of the federation. This is common in the field. In 2016, 11 of the 122 federations and professional associations, and 1 of the 13 confederations had a female president, according to the trade union chart regularly updated by the Solidarity Center (2016).

Measures such as quotas, skill training and gender committees (Evans, 2017; Nuon et al., 2011; Nuon & Serrano, 2010) have been suggested and implemented over the years to change the situation. However, female leadership was actually more prominent in the past, particularly among the independent unions. Both the NGO-supported federations of the early 2000s were led by women workers who had emerged from local struggles as the first leaders, and the NGOs advised the federations to commit to female leadership. This mirrors the broader tendency of women’s decreasing status in Cambodian politics in the recent decades. In the 1980s, women still held prominent roles in the government and the mass movement, but in the reconstruction after the

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<sup>36</sup> The study of women and trade unions by Nuon et al. (2011) estimates the proportion at 30%, but this is based on Nuon and Serrano’s (2010) sample of 316 workers and not limited to the garment industry.

Khmer Rouge rule, emphasized “traditional”, pre-revolutionary norms such as those expressed in the normative poems of *chbab srey* (Jacobsen, 2008)<sup>37</sup> but since the 1990s, women’s public participation has become less common (see Lilja, 2008).

#### 8.4.1. “WOMEN’S ISSUES ARE COMMON TO EVERYONE.”

On International Women’s Day in March 2017, the Women’s Union Network (WUN) initiative, supported by Solidarity Center, FES and IndustriAll Global Union, organized an event to submit a petition to the Ministry of Labour demanding the ratification of ILO conventions No. 183 on maternity protection and No. 189 on domestic workers. Having misunderstood the schedule, I arrived late to the gates of the Ministry along Phnom Penh’s Russian Boulevard. On a regular day, the Ministry premises and its surrounding gardens are busy, and the parking lot next to the gate full of motorbikes belonging to employees or perhaps to people visiting the employment services and labour inspection that are situated behind the main buildings. On 8 March, national holiday, the yard was empty apart from a couple of dozen activists wandering around, many seemingly about to leave. There was no visible leadership to an event that seemed to be dissolving. Some unionists told me that they had first been to the Ministry of Women’s Affairs, and that the petition would also be submitted to the National Assembly and the prime minister’s cabinet. The atmosphere was joyful and activists from pro-government and independent unions were mixing together, all wearing IndustriAll t-shirts and some holding copies of the petition. There was no police presence. It was all very different compared to normal labour events. The cycle march organized by independent unions for the same date the previous year had ended in clashes with the police.

The members of a few independent federations were rushing off to their own official Women’s Day event, where speeches on the importance of female leadership were given by union leaders and NGO representatives behind closed doors. This year, public marches had been strictly banned due to the proximity of the June 2017 communal elections. Some women explained that others were still inside, submitting the letter. As someone said, chuckling, the only ones left standing in front of the Ministry were members of the pro-government unions who had nowhere else to go and were not used to participating in such events.

While the event did not seem particularly impressive, the organizers were happy with it and considered it a success. They had managed to collect over 15,000 – or possibly almost 20,000, another person said – thumbprints from workers representing

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<sup>37</sup> Jacobsen (2008) points out the role of French colonial rule in strengthening the misogynist nuances reflected in the 19<sup>th</sup>-century texts, which is not reflected in the earlier Khmer traditions.

over a dozen federations. The main novelty had been the participation of the pro-government federations. Never before, I was told, had they participated in a public event in which the labour movement was presenting demands to the government. On the ministry stairs, women from the CPP-aligned federations – not many of them, but still – had posed with the others for a group photo that was quickly published on participants' Facebook profiles.

The other members of the WUN network were divided about the participation of the pro-government federations. Bopha, who represents an independent federation, told me that, ultimately, the government-aligned federations had contributed maybe 10 or 20 thumbprints, while the independent federations had managed several thousand each. "But at least they participate. Better than before", Bopha said. She valued the platform as a new opportunity for sharing, and told me that it had been a long process for the participants to agree to forget their differences and focus on mutual concerns. In her view, the pro-government representatives were more active than before, even contributing to the discussions sometimes. Several women told me that, in the past, the former had come only to listen and then "report back to the *excellency*".

With the "past", the women referred to a previous initiative, an organization of women unionists that had been founded by the Solidarity Center over a decade earlier. It had failed, the activists told me, because government-aligned federations had ended up taking over the presidency, paralyzing the organization. To prevent a similar situation occurring again, WUN was established as a loose network and a platform for discussion, sharing and capacity building, without registered membership or official presidency; however, some participants remained pessimistic about its potential. Sreymom, a first generation leader and representative of an independent federation, told me that, despite managing to organize the shared activity, they were not strong. "We just got the letter to the Ministry of Labour and Ministry of Women's Affairs. It was just that, one hour and then it was over." There had been no real demonstration. "I think we should march and we should show the government that we the workers are strong, because we are women. And tell them what we want." But that was not possible with the pro-government federations, Sreymom said.

At the meeting of the network that I observed in April 2017, the active participants were the usual suspects, women leaders from independent federations. They were discussing a training plan that they would be able to create with the funding provided by the TUSOs. Unlike in many externally led projects, in this network women were able to decide for themselves what they thought that they and other women leaders needed

the most, even though the local TUSO employee who was facilitating the meeting also seemed to play a role in shaping the list: leadership and English language skills, training of trainers, social security benefits and other topics had been included. The meeting was not all about "women's issues"; there was also some sharing about general strategic topics such as new law proposals regarding the minimum wage and dispute resolution. The meeting included a training session by a visiting ILO representative, who asked the participants why they had wanted to establish this network and come together as women union leaders. Several women had told me the initiative had come from the TUSO donors but, instead of mentioning this, Bopha told the visitor they wanted to organize women to speak with one voice and build solidarity among unions so as to help workers more effectively. But, she then added, the problem lay in the differences between the federation leaders. Referring to the government-aligned federations, Bopha said that cooperation was possible on some issues but "for the big advocacy, like the demonstrations or marches, they never join". The ILO trainer responded that maybe they should keep it simple and focus on improving their own internal cooperation. He had noticed that only some participants were active in the meeting, and they should make sure that everyone was heard. Another participant, Da, seemed to think that the trainer had not understood Bopha's point and said, "She just feels it's difficult because the leaders, they have different political tendencies, so they just try to...". The trainer interrupted Da, saying that the participants should try to find common ground because women's issues were common to everyone. He suggested that, at their next meeting, they should write down all their problems and circulate the document to their leaders.

The visitor was aware of the problems between the Cambodian unions, and was trying to focus attention on practical steps that could be taken despite the challenging context, but the usefulness of the small steps was doubted by many participants. Not all of them believed that sharing experiences and getting the thumbprints of a dozen CPP unionists would ever grow into something bigger. When I later asked what they thought about the ILO representative's comments, several activists seemed frustrated, considering the differences between the two groups too fundamental to be bridged. When I spoke again about the network with the TUSO staff, two years later, this perspective had become stronger. The training part was functioning well and women from more federations were asking to join the network, but at the same time, the presence of government-aligned unions was blocking critical advocacy and there was a risk of these outnumbering the independent unions if membership were opened to all. There was a trade-off between being strong, as in *critical* – but dismissed as "just one

group” in the labour movement – versus being strong, as in *representing all federations*. This resembles the neutralization of the structures of worker representation in Cambodia by pro-government unions more generally. Without them, critical initiatives can be dismissed as troublemaking by the few, but with them, meaningful action is neutralized or the union voice co-opted by the government, as happened with the Labour Advisory Committee and the wage negotiations.

Yet another important point was raised by Seyha, who had been active in the previous women’s organization. In her view, it had not failed because of the differences between the unions, but because the women participants had no power within their own organizations. As Bopha had commented in the meeting, the network was powerless without the commitment of the bosses. It was not possible for these women to demand that their leaders cooperate with their enemies just because it was important for gender equality. They had little influence on agendas and decision making within the organizations that they represented, and promoting female leadership did not have a high priority in either of those, contrary to the hopes of the international allies. Although the struggles for gender equality were shared by the women, the goal was not shared by their organizations.

#### 8.4.2. “THEIR FAMILIES TELL THEM NOT TO PARTICIPATE.”

Nuon et al. (2011: 48) note that enhancing women’s leadership in unions requires “structural and cultural changes beyond the workplace that address culturally-determined barriers and stereotyping”. A key insight of feminist political economy – that the gendered division of social reproduction shapes workers’ insertion into paid work – has a huge impact on the position of women in Cambodian unions. Work in the garment factories has shaken the traditional roles that, in accordance with the *chbab srey*, tied Cambodian women to the domestic sphere. Their participation in paid work is justified by their economic contribution (Lawreniuk & Parsons, 2017; Salmivaara, 2020), but gender norms, expectations of women’s dedication to family care and related assumptions about female characteristics have not disappeared, as is evident in the oral histories and reflections shared with me by a dozen female leaders, all active in the labour movement since the late 1990s or early 2000s. Traditional gender roles affect Cambodian workers’ activism in two interlinked ways: the material burden of social reproduction that falls exclusively on women ties their hands, and ideas and discourses about their abilities and skills further reduce their scope of action. Both contribute to a widespread yet hidden opposition to female leadership in unions (Salmivaara, 2020).

In the most practical terms, exclusive responsibility for social reproduction implies a time constraint that limits women's opportunities to participate in activities outside their working hours. In poor Cambodian families, the responsibility is not shared by men (Brickell, 2011) and nor does the state help out. Speaking about the low levels of female leaders in unions, Sreymom explained that it was difficult to find good leaders

Because women, when they get married, they have children and they say, "Ok, I don't have time anymore, I have to look after my family, I have to look after my children, and I have to work. So, when I come back [from work] I am tired and I don't have time to go, even if I want to join!"

This issue emerged at the WUN meeting mentioned above during discussion of a planned leadership training course. There was funding for a workshop lasting several days in a hotel, perhaps on the coast, but some potential attendees said they would not be able to participate if they had to stay overnight, because they had no one to take care of their small children. Different solutions were suggested, since everybody understood the problem. I tried to imagine whether this topic could even be raised in a mixed meeting, as the planning of capacity building or other activities in such a venue rarely took into account the possibility of a leader having family responsibilities.

The meeting took place in the afternoon, in the TUSO office and, when it was over, the participants were invited to stay for a barbeque to celebrate Khmer New Year along with male federation leaders who had been invited for the occasion. However, most female leaders left on their motorbikes as soon as the meeting was over, including the TUSO coordinator who had facilitated it. Earlier she had told me that her child was at the hospital that day. The few women remaining stayed inside the house with one of the participants who had come to the meeting with her small baby. Outside in the courtyard the male leaders and a few expats gathered around a large dinner buffet, drinking beers and relaxing before the holidays.

The responsibility of Cambodian garment workers for intergenerational survival and wellbeing is not limited to their children. The task of taking care of the elderly falls particularly on daughters. While sons are traditionally expected to show respect and gratitude to their parents through religious service, daughters are expected to do it by taking care of their physical wellbeing (Derks, 2008). The dependence of rural communities on garment workers' remittances has increased due to the destruction of traditional rural livelihoods amidst land grabbing, climate change and the rising indebtedness associated with one of the world's highest rates of microfinance saturation (e.g. Bylander et al., 2019). Workers are expected to send home as much as possible, often half their monthly salaries (Lawreniuk, 2017). Green and Estes (2019)

suggest seeing this as an indication of a monetization of the obligations towards parents. Sending remittances and taking care of their parents' survival and wellbeing can be seen as a continuation of women's care responsibilities, and this plays an important role in justifying their paid work but also hinders their participation in organized resistance (Salmivaara, 2020).

Women workers' responsibility for inter-generational survival exacerbates the impact of the insecurity caused by the increasingly common fixed-term contracts, leading to an avoidance of risks associated with trade union activism (Salmivaara, 2020). Malis, an experienced leader, told me:

When I try to meet with them, interview them, they are very worried, and they call me back saying "Oh, but what if they don't renew my contract?" All are very afraid. The short-term contract is the biggest problem! And when the workers have a loan, they are indebted and need to pay every month. So if they are dismissed, they cannot make the transactions. So this is the real worry.

In addition to the material burden of social reproduction, gender roles have an important indirect impact due to perceptions of women's skills. A lack of confidence – in oneself but also in other women as leaders – is frequently mentioned by both women and men when reflecting on female leadership. Theary, a local-level leader, told me it was more difficult for women to represent workers: to speak into a microphone in front of large numbers of them and to confront the employers. The same feelings were described by women in top leadership. Reaksmey, who held a leadership position and was a strong speaker, told me she had never wanted to be a leader. It was not easy to manage a trade union, there were so many crises and issues to solve every day. "You need so much knowledge, we need to talk to the media, we need to speak in front of workers, we need to be able to speak with clarity", she said. "Previously, I would never speak in public. It's something I've just had to learn now, in my current position."

Da, a former worker who holds a position in national level union leadership, told me about her feelings of insecurity, and how she felt ready to assume the position only after a decade of union experience and gaining a master's degree. This prompts the observation that expectations of the dedication of daughters to family care are reflected in women's lower levels of education. Many activists told me that, unlike their brothers, they had not been able to finish school. This has a fundamental impact on women's self-confidence. Sreymom told me that women were often reluctant to join the training sessions to which they were invited: "They say, 'I cannot read, I cannot write, so how can I join this workshop?'" She added that male unionists with similar education levels never seemed to have this problem.

Gendered perceptions of leadership also affect the way women see other women as leaders. Da commented that mistakes were accepted more readily from male than female leaders. As Sreymom summarized,

In the Cambodian culture, they never respect women leaders. Women don't trust women, and they don't support women. When we have elections, they always support men, even when there are women candidates. This is my experience of 20 years, across the labour movement.

Da and Bopha believed that women preferred male leaders because they were seen as braver, which is in line with Mona Lilja's (2008) research on Cambodian women's political roles. She associates women's persistent exclusion from political spaces with a subaltern identity that results from the traditional separation of women and men into hierarchical, stereotyped categories. Women are considered shy, weak, gentle and narrow-minded, tied to the household sphere. Men are associated with strength, violence, war and the public sphere, where they are expected to defend and represent women and the family (Jacobsen, 2012; Lilja, 2008). Similarly, Alice Evans (2017: 1622) suggests the "widespread norm perceptions of acquiescent women and assertive men" reinforce patriarchal unions in Asia's garment industry, and women refrain from active roles because they anticipate social disapproval.

But despite the stereotypes, there are plenty of strong and capable women leaders in the Cambodian labour movement who do not believe that their skills are inferior to those of men. Instead, they emphasize the opposition to women's leadership, one source of which are the activists' families, as Reaksmey suggested when she described the difficulty of finding women leaders,

Today, women are not afraid. But their families tell them not to participate in union activity. They want them to stay home. It seems like [the families] are afraid. Sometimes women stand as leaders, and their husband tells them not to, and then they quit ... You see, the problem is the traditional mindset, that women should not have power, they should take care of housework.

Women's leadership breaks with their traditional roles in the family, particularly the marital role, and the continuing influence of the family over workers is used by factory managers who may threaten the families in order to pressure workers to quit activism. Women's activism can also be opposed due to concerns about safety. While female activists are usually more protected from police violence than men (Kent, 2016; Lamb et al., 2017) they are vulnerable to sexual and gender-based violence, which can be instigated by employers but also fellow trade unionists.



#### 8.4.3. "THEY SEE WOMEN AS ENEMIES."

It seems that women's leadership roles in unions, or in politics more widely, are today less accepted and encouraged than their engagement in paid work (Salmivaara, 2020). An important yet publicly avoided topic is the opposition that women leaders face from male leaders. As we discussed the challenges of female leadership in the region, Maria, the representative of a global union, sighed. She told me an anecdote of a male union president who began sending a female staffer to training sessions that he did not find interesting, such as those on gender equality. When the woman started getting more active and outspoken, the leader did not like it and stopped allowing her to attend the meetings. "So if you are very active and the leadership feels you're threatening their position, they'll shut your mouth, you will not get the opportunity", she finished. I was not sure if she was talking about a particular case or describing a common pattern in the region, but it was certainly in line with the experiences that Cambodian women were sharing with me. Male leaders' resistance to their changing roles and power was strikingly present in many accounts, sometimes implicitly but often explicitly.

The use of gender quotas and the example set by women leaders have been mentioned by authors such as Nuon and Serrano (2010) and Evans (2017) as a way to promote change, yet quotas that previously existed in some federations have actually been abolished in Cambodia. For example, the original bylaws of a major independent federation required all-female leadership that would reflect the membership. A few years later the issue came under heavy criticism from male organizers, and after consulting with members, stakeholders and donors, the leaders took the issue to a board vote. The rule was abolished in the name of equal opportunities. Since then, the federation has been led by men. The first female president had to leave the federation after confronting her male successor about financial misconduct. The new leader responded by publicly accusing his predecessor, now vice president, of corruption, although no evidence was presented beyond a previous occasion in which she had received a couple of dollars from the Labour Minister. The case received considerable attention, particularly among the North American organizations that were funding the federation. Their suggestion of an internal audit was refused by the new leadership. As leaked diplomatic communications show, the US Embassy considered this power struggle an indication of a "swift decline" of the federation, and saw the new president as an example of Cambodia's "unscrupulous labour leaders" (US Embassy Phnom Penh, 2006; see also Prak, 2006a, 2006b). The ousted female leader was immediately hired by

a US NGO, but the international community also continued to support the federation. This mirrors the tolerance shown by the donor community to the Cambodian government's dubious manoeuvres (Strangio, 2014) and perhaps that of the international trade union actors to some of the pro-government federations.

Several women told me about their own or their colleagues' experiences of being blocked by male leaders. Conflicts seem to arise when women are perceived as a threat, whether due to their popularity among members or for confronting leaders over financial matters. Many have kept silent to protect their own position. Others have left to avoid conflict. Many of the first generation of female leaders are no longer active in the organizations they founded. Instead of presenting a positive example, in some cases assertive women have ended up as cautionary tale of the risks associated with opposing men.

Sreypitch, a former worker and activist who now works for an NGO, told me that they sometimes tried to frame gender issues in terms of occupational safety and health to make them sound more neutral and, therefore, more easily accepted into union agendas. Several women believed that male leaders were opposed to and threatened by powerful women. Da said, "They see women as enemies and they see women's increasing power as decreasing their own power." This is how female activists make sense of male leaders who block women attending training sessions or important meetings, like the federation president who, I was told, refused to approve the activities of the gender committee even though funds had been allocated to it by a donor.

The histories of female activists show that women's lack of representation in leadership is not only about internalized norm perceptions but also involves opposition by men who do not want to share power. The position of male leaders enables them to block women, even – or perhaps particularly – those who are not afraid of breaking with the traditional role of female docility. Leakhena, an NGO worker, linked the strength of male power to the importance of respecting hierarchies in Cambodian social relations. "People are afraid of challenging those in power", she said. "It is the same in government, NGOs, unions, everywhere." While hierarchies exist in every society, they are given potency by the centrality of preserving harmony in Theravada Buddhism (e.g. Derks, 2008; Jacobsen, 2008; Chandler, 2008), which values acting according to one's position in relation to others as an important virtue.

Although years of leadership training and promotion of women-specific structures in the unions has resulted in increased awareness of gender equality, many activists say that the unions' commitment to it is "just words" rather than being reflected in union

structures, even some of the independent federations. “They do not really walk the talk”, Sreykich said. Thus, women hold nominal leadership positions while men have the real power. Da believed that members noticed this difference and it reinforced their ideas of women as weak leaders.

I often asked Cambodian activists whether they believed that men and women were different as leaders. Both men and women informants tended to say that women were good leaders because they were more easily approached by workers and understood “women’s issues”, such as maternity protection and sexual and reproductive health. Based on her experience of the gender committee of an independent federation, Bopha believed that women’s leadership training had the potential to transform traditional ideas. She told me men were more intuitive leaders, always active, making decisions fast but also losing their temper easily. Female leaders, on the other hand, were more reflective and tended to look for negotiated solutions. “Female leaders are more patient and soft to take decisions. They talk, discuss, they are more strategic”, she said, implying that the latter mode was perhaps more beneficial, and that instead of changing women, leadership training might need to change perceptions about good leadership.

## **8.5. ALTERNATIVES**

The contradiction between their conviction that male leaders were not necessarily doing a good job in representing members’ interests, and their inability to challenge their power, caused frustration among female activists. Some had begun discussing the establishment of a women-only federation as a solution. Seyha, an activist involved in the plans, mentioned the example of women’s unions in Korea, and said that women leaders would give rise to new issues. She was not talking about maternity leave. In fact, some activists questioned the separation of “women’s issues” from “workers’ issues” as something that men could not understand and promote, particularly in a sector in which nine out of ten workers were women. In the WUN meeting, Da had pointed out the importance of understanding all work-related issues as women’s issues, even wages and fixed duration contracts, which had gendered impacts. Seyha was also talking about topics that were relevant to all workers as workers, but ignored by male leaders who only focused on the minimum wage and the “big picture”, ignoring practical concerns such as family care, food and transportation. The last two have been identified as key causes of the mass faintings in Cambodian factories: most workers eat cheap, unhealthy street food outside the factory gates, and travel to work on open trucks, exposed to heat, contamination and deadly road accidents. “The men leaders never bring these issues to

discussion”, Seyha said. Traffic safety has entered the union agendas recently but on the initiative of BFC and international actors.

Economistic trade union models and narrow, workplace-focused agendas built on the European example have dominated in Cambodia’s independent unions. Yet a broader understanding of workers’ concerns in terms of livelihoods and inter-generational wellbeing is spreading among other types of organizations, including a feminist NGO, female workers’ own initiatives, as well as a labour NGO and some smaller federations. Among the topics they address are economic security and purchasing power above and beyond the nominal wage increases that have attracted most attention in the debates – and academic analyses (for exceptions, see Douth, 2021; Lawreniuk & Parsons, 2018) – of labour struggles in recent years. The significant nominal rises since 2014 are seen as key gains of the labour movement and are proudly presented by some union leaders as personal achievements in interviews. However, the increases have been followed immediately by raised rents in worker dormitories and neighbourhoods. Leakhena told me about women workers who had complained because union leaders ignored this topic as not belonging to union agendas, commenting that it was the landlords’ right to raise rents. The NGO had facilitated space for analysis that would support workers in organizing and facing landlords collectively to negotiate more moderate increases. The results were not yet substantial, but in one case, failed negotiations had led to a collective walkout that lost the landlord 60% of 120 tenants at once. Leakhena believed that this constituted an important sign of workers’ collective power which might be taken into account by other landlords in the future, provoking long term impacts.

Another labour NGO had identified the widespread indebtedness of workers and their families as a core problem that prevented collective organizing due to the risk aversion that resulted from economic insecurity and fear of non-renewal of work contracts. It had started to support workers’ self-help groups, particularly savings groups, in order to diminish dependence on money lenders and microcredits that come with interest rates of up to 30% (Licadho & STT, 2019). A similar yet unrelated initiative was discussed by a group of former union activists, who attempted to establish a cooperative that would promote saving groups and eventually a workers’ bank. The cooperative would also provide child care services, to respond to another key concern that defines the participation in paid work for the majority of Cambodia’s workers. As most work on short contracts, they do not get paid maternity leave but simply stop working after having a baby or leave the child to the care of other family members, often

back in the village. The legal entitlement to breast feeding breaks and the requirement that all employers with over a hundred workers provide child care services are scarcely known among workers and firmly absent from the mainstream union agendas.

A third topic addressed by the non-union organizations was basic education. According to Sreypich, illiteracy was a root cause of many problems facing workers as it kept them uninformed about basic issues such as labour law. Workers are often unable to read their contracts or understand their pay slips. I interviewed many workers who were not aware that they were union members or that union fees were deducted from their salaries, even though their pay slips showed that was the case. Some workers attend informal education on their only free day, Sunday, but services are scarce and none are offered by the state. Many female leaders who talked to me had finished high school while working, attending courses in their free time. Some had later completed university degrees while working for the federations. The organization for which Leakhena worked hosted drop-in centres in the factory areas to offer different types of education: “We even do training on the functioning of supply chains, to help workers analyse their situation and the wider context themselves, so that they are able to decide what they want to do and make of it.”

Countering the common concern about NGOs taking over the roles of trade unions, these NGOs did not see their role as replacing membership-based unions. “We believe that when workers are strong, unions are strong”, Leakhena said, adding that workers decide for themselves whether they want to join existing unions or form new ones: “Our role is to facilitate this work and support organizing. But the actual activism is by workers themselves.” She underlined that collective organizing should be based on issues defined by workers themselves, not imposed from above. Chan, an NGO representative who told me about savings groups, said they were hoping to enable structures of grassroots power to be built that could hold the upper levels accountable, and break the chain of union after union falling into the same problems of abuse of power. “We’re trying to train them on the importance of democratic unionism, social movement unionism, accountability, the connections between the economic, political and social change”, Chan explained.

## **8.6. TO CONCLUDE**

Essentialist perspectives that see trade unions as inherently focused on promoting workers’ class interests against those of the state and the employer are misplaced in regard to the vast majority of Cambodian trade unions whose operating logic is

primarily shaped by personal interests, interpersonal loyalties and the economic dependencies of union leaders, particularly linked to the party that has ruled the country since the 1980s. This loyalty is often in much smaller contrast with the interests of the employers than those of the workers. While some trade unions do actively engage in promoting the workers' cause and defending labour rights, their ability to do so in a representative manner suffers from undemocratic structures and power hierarchies that are related to leaders' lack of accountability to members. My analysis thus supports Gallas' (2018) suggestion that, in addition to organizations of struggle, unions should be examined as fields of struggle and as part of the broader social context and power relations.

The divisions among the Cambodian unions are not about more or less moderate views on policy or the functioning of the economy, as the pro-government unions act fundamentally as party organizations. Yet power hierarchies and personalist interests are present across the sector. The opposition to female leadership is also an example of how Eurocentric union models, with their male-biased, economic agendas, tend to weaken representativeness within the labour movement rather than strengthening the democracy and accountability that international actors attempt to encourage through capacity building and formal mechanisms. In Cambodia, wage-focused union agendas combine with the overall structures of male power, strengthening gendered hierarchies within the unions. This contributes to deficits in representativeness, and results in unions where members have little voice.

The irrelevance of the narrow workplace focus in Southern contexts has been powerfully criticized by social movement unionism that demands that labour processes be seen as embedded in deeper political and social structures and struggles (Scipes, 1992; Seidman, 1994; Waterman, 1993), and paid work be conceived of as part of a continuum of livelihood strategies (Collins, 2006; Narotzky & Besnier, 2014). Experiences in this line from other Asian labour movements, in particular those in the Philippines, have influenced the thinking of some of the labour NGOs in Cambodia. When I began my fieldwork in Cambodia in early 2016, many activists were optimistic about the possibility of building unity between like-minded activists and unions that were not controlled by the government. Despite their internal conflicts, they shared a will to promote social change and a recognition that this required political transformation, even if not everyone was saying so publicly. In the next chapter, I turn to the relationship between the labour movement strategies and the political context of the recent years.

## 9. LABOUR MOVEMENT AND CAMBODIA'S POLITICAL CONFLICT

For a long time, garment jobs were the desired employment option for Cambodians with low levels of education, but discontent began to grow with the heavy inflation that accompanied the financial crisis of 2008. The minimum wage was defined by the Labour Advisory Council (LAC), which was controlled by the government, and real wages dropped by 22% between 2001 and 2011 (WRC, 2013). In 2009, a labour NGO commissioned research on workers' basic needs to provide unions with evidence to support their demands. It was used by two independent union representatives – of the 28 members of the LAC – in wage negotiations in 2010 to demand that the 50 USD monthly minimum wage be raised to 93 USD. When the amount was set at 61 USD, they announced Cambodia's first national strike. Around 200,000 workers, two thirds of the export factories' workforce, went on strike for three days. Despite the weak results – a couple of dollars in monthly bonuses, 900 workers suspended and union leaders sued in court – it implied “a major step for independent unions and workers to make their collective voice heard” (Arnold, 2014: 230). Factory-level strikes increased dramatically in 2011-12 and bigger steps were to follow.

This chapter examines the building and undoing of labour resistance in the 2010s as part of a broader social and political conflict. In 2013, a “brief democratic momentum ... saw people taking to the streets to demand political change” (Norén-Nilsson, 2019: 77), only to be followed, a few years later, by what has often been labelled a turn to outright authoritarianism and even an end to the period of liberal democracy and peace in Cambodia. Rather than emphasizing the latter as a dramatic turn, however, my analysis highlights the radical nature of the political opening and growth of hope and the gradual closing of the democratic space and a shift back to cynicism.

From the labour movement's viewpoint, seeds of a novel, social-movement type of unionism seemed to be germinating during the intense “democratic momentum”, as unity emerged among labour actors and between them and other actors after two decades of workplace-focused and internationally oriented forms of activism. An unprecedented minimum wage increase of 28% was achieved in the 2014 negotiations, followed by further increases in the following years, amounting to a 53% increase from 2014 to 2017. The repressive policies that were implemented in the same years, were perhaps less surprising to the activists in Cambodia than suggested by external accounts of the dramatic turn to authoritarianism. Importantly, these developments made

evident the unsustainability of both CSR-based and dialogue-based transnational strategies.

During my research, several studies were published analysing these events. While labour scholars have emphasized the role of the trade unions in triggering an authoritarian turn in Cambodia (e.g. Lawreniuk, 2020), I attempt to situate it more strongly within the larger political context, a perspective highlighted by the activists and observers with whom I interacted throughout these years in Cambodia. I build on my earlier findings that the government's legislative backlash was motivated by fear of the merging of labour and political protests (Salmivaara, 2018), and analyse the attack on labour as part of a wider strategy of co-opting democratic institutions to prevent their impact in terms of redistributing power and wealth, which has been, indeed, a decades-long CPP project (Hameiri et al., 2017; Hughes, 2003; Strangio, 2014).

The first part of the chapter focuses on the interpretations being made by Cambodian activists and some international allies and observers of the unravelling process as the political space opened and closed. Thereafter, I analyse labour's strategies of resistance vis-à-vis the government's repressive response and its use of law to undo labour's power. The chapter emphasizes the importance of workers' freedom of association – a core labour and human right as defined in international legal instruments – and the related notion of workers' associational power (Wright, 2000). I analyse how workers were able to use associational power, collective organization and links with other social and political actors to extend the impact of their structural power, that of disruption (Piven & Cloward, 1979), beyond the economic sphere to national politics, to extract concessions in terms of wage increases and social benefits. However, the government simultaneously implemented a judicial response to make sure the associational power was wiped out, making evident the vulnerability of transnational strategies that ignore role of the state.

## **9.1. A CAMBODIAN SPRING**

Hun Sen's Cambodian People's Party (CPP) consolidated its power after the 1997 coup that ended the four-year power-sharing arrangement between it and the royalist party FUNCINPEC, and its electoral support had been growing steadily ever since. But without the CPP's necessarily realizing it, its popularity among the Cambodians was weakening as the 2013 elections approached, and demands for change were gaining momentum, with the importance of a generational change being emphasized in many analyses. Two thirds of the population were under 30 years of age, and in 2013, 1.5



million out of 9.5 million voters would be first-timers (Eng & Hughes, 2017; Strangio, 2014). Their expectations and motivations differed from those of earlier generations among whom the CPP had successfully profiled itself as the guarantor of peace and stability after past atrocities, and whose loyalty the ruling party had successfully captured in its networks of patronage and dependence (Eng & Hughes, 2017).

In addition to stability and order, the CPP's legitimacy had been based on economic growth, but Cambodians were increasingly becoming aware of how unequally its benefits were being distributed across society. The opposition's electoral campaign, on the other hand, linked concerns related to corruption, nepotism, inequality, Vietnamese influence and land grabs to tangible issues of livelihoods and dispossession (Hughes, 2015; Norén-Nilsson, 2016b; Un, 2015). Unlike in the past, the idea of changing the status quo now seemed feasible, due to the 2012 fusion of Sam Rainsy's party and Kem Sokha's Human Rights Party under the CNRP (Cambodia National Rescue Party) (Norén-Nilsson, 2019). Instead of having a solid independent policy agenda, however, the CNRP focused on presenting itself as an alternative to the CPP. As a journalist commented to me, it followed a "blindly populist" strategy of reaching out to all possible allies and offering each of them what they wanted – "wage increases for you, land rights for you" – to build a coalition. It was particularly effective in using social media (Hughes, 2015), successfully mobilizing supporters even in the rural areas, traditional CPP strongholds.

Gathered in urban areas with access to new ideas and less influenced by CPP's politics of rural patronage, Cambodia's garment workers had traditionally supported the opposition (Eng & Hughes, 2017; Hughes, 2003). They were thus an obvious target group for the CNRP, who promised to raise their wages to 150 USD per month – almost doubling workers' incomes.

#### 9.1.1. ELECTIONS AND THEIR RESULT

In the July 2013 elections, CNRP got 45% of the votes. The ruling party's share dropped by 10%, to 49%, and it lost the 2/3 majority required for constitutional change, thus providing the "first real electoral challenge [to the CPP] since the introduction of the multiparty elections in 1993" (Norén-Nilsson, 2019: 79). Furthermore, reports of widespread irregularities allowed the CNRP to refuse to accept the results. It decided to boycott the National Assembly and began mobilizing protests in Phnom Penh's officially designated protest area, Freedom Park, demanding investigation of fraud, new elections or Hun Sen's dismissal (Un, 2015). Other groups joined, endorsing broader demands that reflected their dissatisfaction with government policies, and a wider protest

movement grew between September and November 2013. Rallies were held around the city and petitions for international intervention were submitted to foreign embassies.

In December, the movement intensified and wage concerns emerged with particular strength. The CNRP's 150 USD wage promise had been effective in mobilizing voters, as evidenced by the high proportion of opposition votes in the provinces surrounding Phnom Penh, where most workers originate and return to vote (Lawreniuk, 2020). It made the LAC's announcement of an 81 USD minimum wage earlier in 2013 (Arnold, 2017) seem dramatically insufficient, and in August, the LAC established a tripartite taskforce to evaluate wage needs. Based on a commissioned study that estimated workers' basic needs at 157-177 USD per month, on 16 December the taskforce suggested to the LAC that wages should be gradually increased to 160 USD (WRC, 2014).

Workers now made 160 USD their key demand, and it was incorporated into protests that were emerging in two special economic zones in Bavet, at the Vietnamese border, and spreading to dozens of factories and up to 30,000 workers (Aun & Willemyns, 2013). On 24 December, the LAC announced that the new minimum wage for 2014 would be 95 USD per month, and the goal of 160 USD would only be reached over a five-year period (Radio Free Asia, 2013; WRC, 2014). In response, protests quickly spread to the factory areas on the outskirts of Phnom Penh and several other provinces. At this point, the union federations played no role in organizing the protests, which were spreading spontaneously, as a self-generated strike (Asia Monitor Resource Centre [AMRC] et al., 2014) by primarily female workers in their everyday spaces and outside the factories (Doutch, 2021), and supported by CNRP leaders and activists who were rallying people in the factory areas (Arnold, 2017; AMRC et al., 2014; WRC, 2014). As Sophal, the leader of a major independent federation commented to me, the situation was totally different from 2010, when the unions had to "go and get the workers" to join the strike. This time, the federation leadership was rather taken by surprise and only announced the strike when it was already happening (AMRC, 2014).

Tens of thousands of workers were protesting and striking across the country by the final week of December. In Phnom Penh, they gathered in front of the National Assembly and ministries, and joined the CNRP's now daily demonstrations demanding Hun Sen's resignation (Aun & Meyn, 2013). On 29 December, the largest demonstration against the government after Cambodia's transition to electoral democracy brought together between 50,000 and 150,000 protestors from a broad coalition: workers, anti-eviction activists, civil servants, informal sector workers and monks (The Cambodia Daily, 2013).

While union leaders were threatening a national strike, the GMAC was calling for lockouts and threatening to transfer production out of the country. On 30 December, the government announced that the Prime Minister would add five dollars to wages, increasing them to 100 USD per month. This was not accepted by the protestors and the situation escalated. The federation leaders announced a national strike, and in the factory areas, as Vanna later told me, protests were becoming chaotic. To urge workers in other factories to come out and join them, protesters were throwing things at the buildings; meanwhile, the GMAC was denouncing violence, anarchy and the destruction of property. The situation was getting out of control because of workers' desperation, Vanna said. There was a strong feeling of urgency; indeed, it was a revolutionary moment, something out of the ordinary.

The diplomatic representatives of some supplier countries, Korea at least, directly pressured the government to end the situation (AMRC et al., 2014). When an infamous military police special unit was sent to protect a Korean factory close to National Road 4, the situation escalated to violence on 2 January 2014. A dozen protesters, including union leaders and other activists, were arrested. The news caused the situation in the Canadia Industrial Zone on Veng Sreng Boulevard to spiral and the resulting chaos ended with the military police opening fire on the protesters in the early hours of 4 January. Five people were killed and dozens injured.

The government's violent response has been interpreted as a reaction to its loss of influence over labour (Ford et al., 2021; Lawreniuk, 2020) and to diplomatic and investor pressure (Arnold, 2017; Arnold & Hess, 2017), yet it was also, to a crucial degree, triggered by the unprecedented political situation facing CPP leadership (Chang, 2021; Salmivaara, 2018). Political protests had been ongoing for months and calls for Hun Sen's resignation were intensifying, mounting to "the greatest challenge to his rule in 15 years" (Strangio, 2020: 261). Many of my informants believed that it was the potential merging of the two protests, perceived as an existential threat by the CPP, that resulted in violence aimed at preventing the out-of-control strike movement converting the CNRP-led protests into violent upheaval.

After the Veng Sreng violence, the labour protest was over, and so was the political protest; Freedom Park was closed off with barbed wire, as were the surroundings of the National Assembly and the ministries. The political deadlock continued, but instead of public protests, opposition action was channelled into discussions and public forums. The violent repression changed form and continued as legal repression. Altogether 23 labour activists had been arrested and 21 remained in prison, while charges for

incitement of the strikes were raised against six leaders of non-government-aligned union confederations (AMRC et al., 2014; WRC, 2014).

The international alliances of the independent unions and labour NGOs were quick to condemn the violence and called on the buyers to join them. In January 2014, separate and joint letters were submitted by GUFs, human and labour rights NGOs, buyers and their multi-stakeholder CSR initiatives (MSIs), demanding that the government investigate the violence, free the arrested activists and address the wage demands. GUF and buyer representatives flew in to meet with the government in February and again in May, after which the activists were released (Oka, 2018).

Unions were still organizing smaller strikes, but public protests were banned. The Asia Floor Wage Campaign<sup>38</sup> and the local NGO that represented it in Cambodia played a key role in coordinating an international campaign for minimum wages which was joined by IndustriAll affiliates, supported by other GUFs and trade union solidarity organizations (TUSSOs). The upper wage estimate of the LAC study of the previous year, 177 USD per month, was chosen as the key demand of the campaign, which targeted the government both directly and through the brands. The campaign culminated in a local and global action day (Cichon, 2018), and a submission to the government of a letter signed by eight key brands demanding a 177 USD minimum wage and a committing to covering the costs in higher prices, thus making a wage rise possible (IndustriALL, 2014; Oka, 2018).

The campaign supported the LAC's regular wage negotiation process, announced by the government in June. According to an ILO employee, following the protests, the government had accepted the ILO's offer of assistance on minimum wage setting, and the ILO trained the tripartite actors and contributed to setting an official criteria that – despite being generally defined in the labour law – had never been operationalized, as the LAC had set wages based on the government's arbitrary decisions and schedule.

All this, the election results, the protests movement and the international campaign, increased the pressure on the government to increase wages substantially in 2014. It distanced itself in an unprecedented way from the GMAC, which demanded that wages be kept below 108 USD, proposing 123 USD instead. The final wage was set at 128 USD per month after five dollars were added by the Prime Minister, as his personal gift to workers. While the 28% increase was huge, it fell far below the campaign demand. Prior to negotiations, all the unions had agreed to demand 160 USD, but at the negotiation table, the CPP-aligned unions abandoned the agreement, as usual, and supported the

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<sup>38</sup> An international platform under the Clean Clothes Campaign.

government's proposal. According to some informants, the leaders of a major independent federation had also unofficially told activists that they would accept 125 USD because further protesting would be too risky.

The wage increase was a big win for the unions, and showed that the government was taking workers' demands into account as it had never done previously. Another important result was an agreement on annual increases<sup>39</sup> that would be based on a defined process and criteria (Cichon, 2018). The building of Cambodian workers' power and its impact resonate with Piven and Cloward's (1977) classic notion of the power of poor people's movements, which is based on their ability to disrupt, and that becomes particularly strong in extraordinary moments such as election times when the potential for instability forces leaders to respond. While the wage raises were seen to result from a strike, a classic tool of workers' structural power (Wright, 2000), there was a broad consensus among Cambodian activists, echoed by international observers, that what was different from previous attempts, such as the national strike of 2010, was the political context and the role of the CNRP. As Sophal, a federation leader, remarked when we spoke about the events three years later, the power of the local alliances disappeared after the crackdown, and they were replaced by international alliances in the negotiation phase. This time, the buyers' leverage was not used to pressure suppliers but the government. Nonetheless, as Oka (2018: 102) maintains, the impact of the buyer pledge was not so clear, and behind the government's willingness to consent seemed to be its novel awareness of the need to do more than just provide jobs in order to guarantee worker votes. It was, thus, not the disruption of production alone that achieved this impact, but rather the political threat built on workers' associational power, the alliance of not only workers with each other, but also with an emerging social movement and political opposition, which it managed to use in the sphere of politics in order to reach concessions.

#### 9.1.2. "THEY ALL CAME AND EXPRESSED THEIR DESIRE FOR SOCIAL CHANGE."

When I began my fieldwork in Cambodia in January 2016, the events of 2013 and '14 were very present in the discussions. In late 2015, the first subsequent wage increase had been negotiated and the minimum wage for 2016 was USD 140. People would speak to me about politics, social change and the new generation, and I was told that the new attitudes extended beyond those directly involved in politics or activism. My Khmer teacher would often tell me that, before the 2013 elections, ordinary people

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<sup>39</sup> The wages increased to 140 USD in 2016 and 153 USD in 2017. In 2018, the minimum wage reached 160 USD which was what the LAC had originally proposed back in December 2013.

did not dare to talk about human rights in public. Now you could hear political discussions in the corner noodle shop.

Brickell and Springer (2016: 3) describe a “renewed sense of class-consciousness” that in this period, produced a “multi-platform social movement ... grown largely out of strained labour relations in the garment factory sector to incorporate a vast swath of society”. The situation of garment workers was now connected to wider debates on economic and social injustice in Cambodia. The CNRP’s campaign had brought together diverse livelihood concerns and more structural issues, and while it might have been motivated by populist attempts to attract votes from a wide array of groups, many believed that it had contributed to changing mindsets. Against the claim that the CNRP had used the labour movement for its own political purposes, Rotha suggested that the relationship was one of mutual benefit: the labour movement was also using the CNRP. Many labour activists were clearly conscious of the party’s lack of a deeper labour agenda and the populist nature of its 150 USD promise, but the promise had benefited the unions by pressuring the CPP to compete for workers’ votes, legitimizing much higher wage demands unions had ever been able to make before.

The wage protests had been a spontaneous workers’ movement which the federations joined when a de facto national strike was already taking place, yet the CNRP’s role in supporting the mobilization was substantial; as Mony, a journalist with a garment worker background, told me, they connected garment workers to other groups and made their concerns a public topic, which they had previously not been. Garment workers had been considered relatively privileged, and their protests seen as trouble-making, causing traffic jams along the national roads that connect Phnom Penh to the provinces. Yet Mony had noted that, little by little, society was beginning to understand their problems. The livelihoods of many other groups of people, not least in the rural areas, were linked to the fate of the garment workers, which contributed to this new sense of solidarity (Lawreniuk & Parsons, 2018), while social media played a key role in sharing workers’ experiences.

The connections between workplace-related and broader social concerns, and understanding these as political, indicated an incipient tendency towards social movement unionism (Waterman, 1991), with the independent unions becoming part of a broader movement for social and political change. In Chan’s view, tying together labour struggles and political struggles was what led to the substantial gains in 2013-14. The labour activist described how the discussion on social media in the lead-up to the elections had slowly turned to “real issues”, mobilizing political resistance.

Previously separate groups became active; garment workers, youth, land rights activists and forest protection movements. “They all came and expressed their desire for social change”, Chan said, and began talking about the importance of building a more sustained movement that would go beyond the workplace and wage focus of the traditional unions. While for many labour activists it had been clear for some time that political change was the only way to transform conditions for workers, it was only now appearing as something that could be feasible. Chan talked about the need for political representation for workers and building unity between the progressive unions. “We have to change history, from splitting to uniting”, said Chea, the leader of an independent federation in another sector. In this regard, the unity between different groups in the wage campaign had been an important achievement (Cichon, 2018).

The 2013-14 events comprised the largest popular movement against CPP rule since the 1990s and even before that. The country’s political transition in the early 1990s was not the result of popular demand; rather than a pro-democracy movement, it had been a top-down process based on elite calculation about how to maintain power in a changing global economic and political context (Hameiri et al., 2017). Given this lack of historical precedent, the mental impact of the movement was enormous, both on people and rulers. The civil society that had emerged from the international democracy-building process, including the human rights organizations, had focused on awareness-raising and education, careful not to challenge the government directly (Coventry, 2016; Hughes, 2003, 2007). More radical movements had emerged only recently, particularly around evictions, including that at the Boeung Kak Lake in Phnom Penh (Brickell, 2014; Kent, 2016; Schoenberger, 2017). Their openly contentious repertoires paved the way for the 2013 protests.

“I hope there can be change”, Dara, a leader in a key federation said to me in March 2016. Cambodians had suffered so much in the last 50 years and they had not yet been allowed to “taste prosperity”. It should not be impossible, Dara said. Many hoped that the big protests would lead to the government’s undertaking reforms to regain the political support of the Cambodian people. And in fact, reforms were implemented after the protests. For the first time since the 1990s, cabinet reshuffles took place and new, younger ministers of education and the environment were sworn in. Younger people were also promoted within the party structures (Strangio, 2014). Garment workers received additional benefits that, unlike salary rises, would not harm employers and risk the government’s relationship with the GMAC: a higher salary tax threshold, rent controls, electricity and water subsidies of worker dorms. A social health insurance was

extended to them in early 2016 and a broader social protection reform was initiated in the same year. Ward and Ford (2021) see, in these reforms, a shift in the ruling party's focus to catering to the needs of workers and the urban working class.

Running parallel with hope, however, there was doubt about whether more fundamental change was realistic. The tension was reflected in my discussion with Im, a former garment worker and now NGO employee. As we sat on the terrace of a café close to the Independence Monument, Im said that despite the initial solidarity and optimism, the violent crackdown on the protests had had a chilling impact. Recently, worrying cases had occurred in which pro-government unions had violently attacked independent unionists, but the police had arrested the latter. Several people commented to me that the government seemed to be tightening its repressive measures.

Legal strategies of control and repression had continued since January 2014. The arrests and charges against union leaders were followed by new legislative developments. As in many countries globally, laws to regulate civil society had been discussed in Cambodia in the early 2010s, facing heavy criticism from the NGO community. After the protests of 2013-14 the government quickly brought them back. The law on associations and non-governmental organizations (LANGO) was passed in 2015, setting new restrictions on their activities (Curley, 2018). It did not have an immediate effect but appeared to be meant as a threat. A separate law on trade unions had been proposed by the GMAC in 2008, supported by the ILO as a tool to limit the proliferation of the yellow unions. The draft had been abandoned after consultations, criticized by the ILO for not complying with the international conventions on trade union rights, and opposed by the Ministry of Trade for including informal workers; however, in 2014 it was quickly re-introduced for preparation within the ministries. A new draft that was circulated in mid-2014 was considered a big step backwards from the previous proposal by the unions and the ILO, due to its setting overly high membership criteria for unions and giving courts the right to dissolve them (Kuch, 2015; Mom & Teehan, 2014). However, no further drafts were circulated until the law was passed over into the National Assembly in November 2015, when the ILO was again allowed to see comment.

I discussed the draft law with Cambodian activists in my first meetings with them in early 2016. Most had not seen the most recent draft, but were certain that it was meant to make life more difficult for independent unions. Dara said it contained "some tricky points", like articles that would make registering and striking more difficult and enable a third party to dissolve a union. Chea feared that the possibility of requesting unions'



financial reports would be used to harass them. Overall, the law could mean a lot of interfering, Ali, a TUSO representative told me, but “nothing dramatic”. People believed that as with the LANGO, the law was mainly meant as a threat.

In March, a final draft came out after a bi-partisan workshop in the National Assembly, whereupon people seemed to get much more concerned. Sros, a federation leader, came to meet me directly after an inter-union meeting where the draft had been discussed. Clearly distressed, the leader explained to me that the draft contained a number of articles that were in violation of the constitution and the ILO conventions. If it were accepted, unions would lose their key rights and all their work would be threatened. The unions were now demanding a meeting with the prime minister. “But to be honest, I think it is useless; it’s already too late”, Sros said. But there was nothing else to do, since the other leaders were not willing to protest.

A couple of days later I spoke with Kosal, an NGO representative, who was very concerned because of the inaction of the federation leaders. Many had been under court supervision since the 2014 protests and were afraid of campaigning against the government, he said, but this law would really make organizing impossible. It would erase the 48-day protection around union registration, making all union activities before registration illegal. How could they organize new unions in that case? Another article would require a 50%+1 quorum of all members to initiate a strike. How could a federation gather tens of thousands of members to make that decision? “We are drafting a letter with our concerns about the law to the EU, to the USA, to brands”, Sros told me. Global union actors had also submitted letters to the government. The unions were very disappointed with the ILO, which they felt had taken the government’s side and had not shared the draft with the unions. However, the idea of filing a complaint with the ILO was already being raised.

## **9.2. THE GOVERNMENT’S RESPONSE**

I was away from Cambodia for five months in 2016. During this time, the atmosphere became bleaker. The trade union law was passed in May. In the same month, the CNRP’s vice president, Kem Sokha, was charged with “procuring prostitution” and he holed up at the party headquarters to avoid arrest. The parliamentary cooperation that had started between the CPP and CNRP after the latter accepted the election results in August 2014, had begun to freeze over in 2015. Several opposition members had been charged of various offences, often for online activism. An old defamation case had been activated against the party president, Sam Rainsy, forcing him once again into auto-exile

in November 2015. Kem Sokha was given a five-month prison sentence in December 2016, but then pardoned by the king after the prime minister's request. Civil society came under greater control. In connection with the Kem Sokha case, five staff members of a key human rights NGO were arrested, and an employee of the UN human rights organization OHCHR was charged despite arguably enjoying functional immunity as UN staff. The policing of demonstrations strengthened, with lawsuits occasionally instigated against activists, to be left pending.

In the context of gradually increasing tensions, the murder of Kem Ley, a political analyst dedicated to raising political consciousness among less educated Cambodians in the rural areas (and close to certain labour NGOs), shifted the balance from the side of hope to that of pessimism. The murder happened a few days after Kem Ley analysed on the radio a new Global Witness report (2016) that revealed the prime minister's family's obscure involvement in virtually every part of the Cambodian economy. The style of the killing – at the Sokimex gas station, on the busy intersection of two major boulevards in plain daylight, by a subject named Chuob Samlap (“meet and kill”) – seemed intended to remind people of the activist murders of early 2000s and to suggest that powerful forces were involved. An unexpectedly massive public reaction followed, however, and the funeral procession outnumbered the 2013-14 protests, resembling King Sihanouk's funeral in 2012. As Mony the journalist commented to me, the murder increased people's consciousness of the political problems, something that certainly did not go unnoticed by the government, which – as I was repeatedly told – was now focused on preventing a recurrence of the events of 2013-14 during the 2018 elections and their prelude, the 2017 municipal elections.

#### 9.2.1. “THEY WERE USING THEIR RIGHTS TOO MUCH.”

Back in Cambodia, I met with Kosal and his colleague at their office in October 2016. They were very worried by an unexpected impact of the new trade union law. The Ministry of Labour (MoL) had refused to forward some cases submitted by independent federations to the Arbitration Council (AC). This had to be looked into, they said. The ministry officials were referring to Article 54 of the new law, which concerned the most representative status (MRS). It reduced the MRS threshold from the labour law's 50%, to 30% of the workers of an enterprise, but extended the exclusive rights of the MRS

unions from the representation of workers in collective bargaining<sup>40</sup> to representing them in collective disputes. This was now being used by the MoL to refuse conciliation.

Soon after our discussion, union experiences of the law's impact were addressed at a seminar organized by the Solidarity Center and the local NGO CLEC, together with the UN OHCHR and the US Embassy. The government and the GMAC had refused to send representatives, so mainly union representatives and civil society activists joined the sessions held in a white tent in the gardens of Hotel Himawari, overlooking the confluence of the Mekong and Sap Rivers, a murky, two-kilometre-wide waterway.

The objective of the event was to map the impacts of the law with a view to preparing joint action in the framework of the ILO's supervisory system. If the law were not compliant with the international conventions that Cambodia had ratified, a case could be built to demand its amendment. As the ILO's expert on labour standards emphasized in his presentation, it was crucial to document the impact beyond the letter of the law, because most problems seemed to lie in its implementation. The unions should report to the Commission of Experts (CoE) on the Status of Application of Convention 87 (on Freedom of Association) that would take place at the end of the month. Furthermore, a Direct Contact Mission would be visiting Cambodia in a few months. The seminar organizers would support Cambodian unions in coordinating their responses.

The event was the first coordinated space for the union representatives to share their experiences. Members of independent unions expressed their frustrations and fears. The focus of the shared action that the event was to help them plan, the ILO's supervisory system, was predefined, yet the unions seemed to accept it. Alternative options seemed weak because the new law had made other than "economic" protests and strikes illegal. The prohibition of political protests was nonetheless not the main focus of the debates; two topics that most raised discussion here, as well in my meetings with activists in these months, concerned the organization of workers and their representation.

Vuthy represented the labour side in the seminar opening. He asked those who had been able to register new local unions in the six months since the law's passing to raise their hands. No one did. Throughout the day, the unionists spoke about the diverse criteria now required for union leaders, and how burdensome it was to get the different documents needed for registering. Some documents were expensive, others seemed dubious, like submitting information about leaders' family members; yet others, such as

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<sup>40</sup> This is common practice in many countries, and accepted by the ILO's Freedom of Association Committee, yet MRS requirements cannot remove unions' "essential means for defending the interests of their members" (ILO, 2006: 73 [para 346]).

social security and work book numbers, could only be got from the employer, and requesting them could expose workers to being dismissed since the law had removed the protection period for union organizers.

In my conversations and interviews with unionists, it became obvious that the problem was not only about the new requirements. In fact, literacy and age requirements, as well as clean criminal records, had already been required by the 1997 labour law and had not presented problems in practice. Registering a local affiliate had been a simple, routine process, and rejections unheard of. The representatives of two independent federations told me that they had not been able to register a single new union in the 12 months following the new law's passing. Visal, a legal officer of a third federation, told me they had managed to register 2, in contrast to 14 in the previous year, when all registrations had been accepted. Now, Visal said, they would be asked to make thousands of corrections, or a single error might be pointed out at the end of the ministry's consideration period and full resubmission demanded.<sup>41</sup> While many activists had earlier predicted that the law would create bureaucratic trouble for the independent unions, these obstacles that were created outside the letter of the law were having a much stronger impact than expected, as they obstructed the formation of new independent unions.

In the seminar, a representative of the Arbitration Council Foundation (ACF) presented data on the decline in the AC caseload. After 361 cases in 2014, 338 in 2015, and 157 in the first semester of 2016, cases in September and October 2016 had dropped to an average of 8 cases per month, compared to a monthly average of 28 in 2015.<sup>42</sup> At the seminar, the speaker was careful not to draw causal relations between the recent drop and the law, but the participants were certain that such a relation existed. When there was time for comments, one of the participants took the floor and said that the AC seemed to be losing its function. If unions were not able to bring cases to dispute resolution, "none of us will have jobs soon, not the AC nor the unions". He concluded, "We cannot protect workers and we'll all go to jail."

Sros, a federation leader, took the microphone and commented that the right to representation was more important than the problems with registration. As they cannot

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<sup>41</sup> Ford et al. (2020) refer to a report of the Cambodian Centre for Human Rights (CCHR), according to which unions were able to register but it took time, even years. The CCHR report does not disclose whether its sample (72 unions) includes independent or PG federations. The independent unions with which I was in contact told me in 2020 that they had still only been able to register a couple of new unions by that year.

<sup>42</sup> Based on the annual reports of the ACF (available in <https://www.arbitrationcouncil.org/resources/annual-reports/>), the total number of cases received was to 248 in 2016; 50 in 2017; 59 in 2018 and 117 in 2019.

take complaints to the AC, Sros said, companies could fire their representatives. “If you are not the most representative union, you have no right to represent at all. Most workers have no one to turn to.” This was related to the MRS requirement. While the law had reduced the threshold of MRS, getting the status registered at the ministry was more complicated, mirroring the difficulties in registering local unions. The procedure was unclear as the regulation was only published later, in 2018 (Ford et al. 2020). Some unions complained that old registration forms were rejected while new ones were not provided. Yet, as Sros later told me, it had always been difficult for independent unions to pass the MRS committee of the ministry. The difference was that previously it had not been a big deal since the status was only required for collective bargaining. Now it was also needed for dispute resolution. Other new obstacles in defending workers’ rights was the requirement of local-level registering to represent workers at the AC, which prevented federations from protecting activists who were dismissed before registering. Another practice became common during the year: the classification by the MoL of labour disputes as individual – in other words, involving the management and an individual employee, instead of a trade union. The AC’s mandate only covers collective disputes.

After Sros’ comment in the seminar, another participant asked the ACF presenter, “So if we cannot send the cases to the AC, then what are we supposed to do? Where can we send complaints?” The ACF speaker said he was not able to respond, he had simply presented the data. Sros took the floor again and said, “I will tell you. There is nowhere else.” Visal told me his federation had taken 46 cases to the AC in 2015, and 22 in the first five months of 2016, before the trade union law was passed. In the following 12 months, they got in four cases, from the few factories where their affiliates had MRS. Two other independent federations told me they had not managed to get a single case to the AC in this period.

In May 2017 I spoke about these challenges with Vanny, an experienced organizer and leader. In her view, they had changed the nature of union work after 20 years of comparative equilibrium. “[Since] the trade union law was established, it’s completely different. I cannot protect or help members anymore.” Before, workers were legally protected when organizing, and if they were dismissed the federation could take the case to the AC. “But now, the Ministry of Labour says, according to the new trade union law this is [an] individual dispute, it’s not a collective conflict anymore,” Vanny described. She said they were stuck. “We are debating if we should simply stop organizing because we cannot protect the activists.”

The law thus affected the independent unions in several ways: in addition to preventing the organization of new unions, it silenced existing ones and stopped them from representing their members in disputes or political protests. Vanny – like all the labour activists – was convinced that the law was meant to silence the independent unions. She told me that “they” want to be able to tell unions how to behave, like in Vietnam and China, and created difficulties for the unions that they cannot control. “And workers lose trust in unions, because we cannot help them when they have problems”, Vanny said. She feared this would result in workers no longer joining unions.

In private discussions, ILO representatives also expressed sombre views. Daniel told me in December 2016 that the AC’s impact might now have to be spoken about in the past tense. Sovanna, a local employee, noted that the ILO had hoped the law could address the problem of union proliferation, but acknowledged that, in fact, it was now preventing small unions from accessing the AC and making them lose all legal protection. “Really, the freedom of association is...” Sovanna said, making a throat slashing gesture. Yet the representatives of the ACF were careful not to make hasty comments about the law. The case drop had not immediately followed the passing of the law in May 2016, but had occurred a few months later, in September, October. The problems might be transitional. And as the ACF director emphasized, the drop was not a problem in itself. Maybe there were fewer conflicts or they were being resolved somewhere else. More evidence was needed.

The arbitrators themselves were more outspoken, and did not believe that the situation was due to a reduction in conflict. An arbitrator from the labour list – but linked with the government – suggested that unresolved disputes might be accumulating and later lead to violence. He believed that the law had been promulgated because some unions “were using their rights too much”. An arbitrator from the employer list also hesitantly admitted that there might be political reasons behind the law, a will to control the unions that had “too much power”. A third arbitrator had heard from a ministry official that the MoL had begun organizing meetings with inspectors and conciliators about the implementation of the law only in August, when the supporting regulation (*prakas*) had been issued. This is when the actual implementation of the law had begun, the arbitrator told me, and why the cases had dropped only in September and not earlier. In early 2017 the situation worsened. In February, the AC did not receive any cases. Half a dozen cases were then received around the time of the ILO mission at the end of March – “to make it look better”, the arbitrator said – but in April and May the cases were back to zero.

### 9.2.2.A CONSTELLATION OF LAWS TO CONTROL AND SILENCE

Indicating that the case drop was not a casual consequence, two additional draft laws emerged that seemed meant to complement the trade union law in limiting the freedom of association of the independent unions (Ford et al., 2021). The first was the draft law on the minimum wage, published in November 2016. It proposed replacing the garment sector minimum wage with a national one, negotiated annually by a new minimum wage council (Cichon, 2018). The idea was fine, Rotha said as we discussed it in a café, but added that knowing how the government controls tripartite forums through the pro-government unions, it would not be independent. Overall, the biggest outcry was over the exclusive right that the wage council would have to conduct research on wage needs. External actors – like GUFs, NGOs or political parties – would not be able to present independent research, and the individual parties to the council would not have right to protest the tripartite decision (Cichon, 2018; Ford et al., 2021); consequently, Cambodian activists and international observers saw the draft as meant to outlaw challenges to the government on wages. According to Rotha, the government realized that annual wage negotiations implied a potential protest every year, which was what they wanted to prevent with the minimum wage law. From this perspective, the law was not so much about controlling labour costs to protect industry profitability, but about ensuring political control and preventing further challenges to the ruling party and the government.

As the draft law was discussed in the media, a zero draft of another law, this one on dispute resolution, was circulated among a narrow group of stakeholders. An unofficial English translation was quickly made available and, privately, Cambodian and international actors exchanged shocked comments about what seemed like an unprecedented attack on the AC – although the institution had been under pressure from the government from the start, as one person commented in an email chain. Officially aiming to “strengthen” the institution, the zero draft suggested adding a second round of hearings with nine arbitrators, opening conciliation to individual cases and placing the institution tightly under the MoL. As an ILO employee commented to me, this would mean recruiting new arbitrators, thus opening the AC to external influence and corruption. Its independence was largely seen to result from its financial autonomy and the integrity of the individuals hand-picked by the ILO 15 years earlier. One arbitrator suspected that the second hearing was meant to lengthen the process and thus the period during which unions were not allowed to strike.

As Ford et al. (2021: 1267) suggest, these three law initiatives were an attempt by the state to manage labour dissent through governance reform, aimed at “reasserting control over labor institutions [and] dampening labor conflict and political contestation”. However, they were also part of a wider, systematic government endeavour to secure political control at the level of society, beyond the context of labour relations. In order to prevent a repetition of the events of 2013-14, the government churned out a substantial body of legislation aimed at attacking different actors and elements of the protest movement, which, like the NGO law analysed by Curley (2018: 247), formed “a political tool to control and manipulate opponents and government critics”. Chamroeun, an experienced human rights professional, explained to me that the union and NGO laws and the draft cyber-crime law were all meant to silence different opposing voices. As the journalist Mony remarked, the government was seeking to demobilize each of the groups that it viewed as being behind the protests of 2013.

A key mechanism that tied these laws together was that in addition to declaring certain actions illegal – political strikes, for example – they could be used together with the penal code to silence activists, and this is what made them so effective, Chamroeun explained. The penal code’s article 495 on incitement<sup>43</sup> had long been used to attack critical voices – journalists, opposition politicians, activists (Strangio, 2014) – but the union and NGO laws, as well as the new law on political parties that was passed in 2017 linked the fate of entire organizations with the possible criminal convictions of individual leaders through provisions that enabled dissolving an organization based on a leader’s conviction. This is how the indictments of labour leaders after the national strike functioned: filed in January 2014, the charges were only activated in June, when the leaders were suddenly summoned to court just as the minimum wage negotiations were starting, so as to give them a reminder of what was at stake. Keeping charges pending was used as a strategy to prevent activism and silence activists, Chamroeun said. It had affected key union leaders, who had been maintaining lower profiles since 2014. “They are so afraid, they do not want to protest anymore”, Chamroeun continued.<sup>44</sup> Furthermore, even without pending charges, people knew that new indictments could easily be created by the CPP-controlled judicial system.

### 9.2.3. LABOUR AS PART OF AN EXISTENTIAL THREAT

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<sup>43</sup> And before the law’s modification in 2007, articles on defamation and disinformation.

<sup>44</sup> Some interpreted the low profile as a sign of corrupt deals with the government. It might be a combination of both.



The government is terrified of losing in the next elections and it is creating these laws to control opposing voices, was an interpretation that I often heard from Cambodian activists, as well as experienced international observers. The attack on labour following the national strike was understood as being about politics. For a good while, Mony told me, the government did not really pay much attention to workers' protests, but now the independent unions were no longer just a problem for garment sector profits but contributing to an "existential threat" to the CPP.

Many people compared the tensions to the repression of the early 2000s. Then, too, connections between the labour movement and the political opposition had been perceived as a threat, due to the role of the opposition leader Sam Rainsy in establishing the Free Trade Union and his gaining wide popularity among the garment workers. At that time, armed conflict was barely over in Cambodia, and the government's means of control were openly repressive. As many activists commented, the first CPP unions were led by gangster-like figures who engaged in threats and violence. The period culminated in the killing of Chea Vicchea and other leaders in 2004, demobilizing the FTU and pushing the other independent unions to carefully avoiding links with the political opposition. This was when the proliferation of pro-government unions accelerated and, according to Mick, who has long observed the situation from the NGO side, the nature of the pro-government unions changed: the new federations were different, better disguised. "They look more like real unions, they even do CBAs", he said. The government had taken Vietnam's government-dependent unions as a model, and the MoL invited union leaders on study trips to the neighbouring country, Mick told me. This approach was what enabled the government to co-opt tripartite institutions like the LAC. Simultaneously, the use of fixed-duration contracts became common, effectively undermining independent organizing in factories (Arnold, 2014; Arnold & Shih, 2010; Salmivaara, 2021).

Instead of a change of strategy from coercion to seeking workers' consent, there was, thus, a shift in emphasis from open violence to the more subtle use of law and clientelist networks to exert control. Strangio (2014) notes that the cyclical loosening and tightening of its grip has characterized CPP rule over the decades, responding to the electoral cycle and the perceived political threat, as well as the opinion of the international community. When donor criticism has become too loud, the government has tended to loosen its hold and enacted superficial reforms, to ensure the continuity of aid. The balance between control and legitimacy is also central to Ford et al.'s (2020: 1258) framing of the labour-related law reforms as aimed at maintaining international

legitimacy while also serving the “domestic imperatives of stability and regime longevity”. I strongly agree with their interpretation of the law projects as a subtle form of repression aimed at disempowering unions and simultaneously preserving an appearance of following international norms. I would not, however, consider this a novel policy and a “new direction in the state's strategies of labor containment” (Ford et al., 2021: 1256), but, rather, see the implementation of apparently protective legislation with the aim of containing independent mobilization and protest as a continuation – or perhaps a strengthening – of the strategy that has characterized the government’s labour policy all along. Despite being restrictive, the new laws were presented as improving regulation according to international law, an apparent contradiction that is consistent with earlier practice: supporting the establishment of tripartite institutions only to capture them through pro-government unions; adopting the discourse of freedom of association while establishing dozens of politically controlled unions and fomenting the use of short contracts to preclude workers’ independent organization and access to their legal entitlements; and claiming a commitment to “ethical production” while pushing to reduce the leverage and transparency of the monitoring scheme, the BFC.

Furthermore, the recent initiatives are consistent with the way the CPP has, since the 1990s, used discourses and institutions of democracy to advance objectives that are in contradiction with the liberal values that the international community attaches to them, as analysed by a wide body of literature (e.g. Hughes, 2003, 2007, 2009; Craig & Pak, 2011; Lilja & Öjendal, 2009; Un & Hughes, 2011). Labour policy is one example (Ward & Mouyly, 2016), but others include the co-optation of decentralization reforms (Hameiri et al., 2017; Öjendal & Kim, 2006; Rodan & Hughes, 2014; Un & Hughes, 2011) or initiatives of environmental protection (Käkönen & Thuon, 2019), to mention a couple.

According to Hughes (2003, 2020), the main goal of the CPP, in the context of Cambodia’s post-conflict dynamics, has been to maintain its previous political control in electoral democracy. The country’s structurally aid-dependent position (Hughes, 2009) creates a fundamental contradiction: the democratic reforms advocated by donors would undermine the basis of CPP’s position of power (see also Strangio, 2014; Un & Hughes, 2011). This contradiction has led to a policy in which liberal discourses and institutions are formally employed while simultaneously attempting to undermine the democratizing impact of redistribution of power and resources which they could engender. The combination of a cosmetic commitment to international labour

standards with the prevention of the democratizing impact of trade union rights *as a right to create rights* (Santos, 2002; see also Salmivaara, 2018) is in line with this policy.

According to Strangio (2014), Cambodia's "mirage democracy" has been quietly accepted by donors and UN organizations, who have mainly refrained from openly criticizing the government.<sup>45</sup> The ILO's approach has also been careful and the BFC, in particular, has been criticized for weakness and depoliticizing the labour movements (Hughes, 2007; Arnold, 2017; Arnold & Hess, 2017) and labour rights (Salmivaara, 2018). As discussed in Chapter Five, this is the outcome of the project's dependence on the Cambodian Government, as well as the ILO's general commitment to tripartism that requires it not only to respect national sovereignty but also the autonomy of each of the three parties, which are supposed to balance each other's weight.

The government's ability to capture tripartism and, within it, labour representation, and the ILO's inability to resist such capture, have significantly weakened independent, radical unionism in Cambodia. With the wisdom of hindsight, while the takeover of labour representation by large, non-radical unions has undermined labour struggles, as Hughes (2007) argues, the problem with these unions might not have been their professionalization or moderation but rather, their role as instruments of CPP clientelism. This makes the problematics of illusory corporatism (Ost, 2000) even more complex; in addition to neoliberalism shifting the power balance and weakening labour's position to the degree that offering concessions is not required to gain its consent, in Cambodia it is further weakened from the inside, due to co-optation of the organizations supposed to represent workers' interests.

A similar capture of the ILO's technical support took place in connection with the trade union law, as the government used the organization's concern about the proliferation of yellow unions to legitimize the restrictive legislation. According to one ILO employee, the problematic implementation of trade union rights in Cambodia had been discussed for years by the CoE on freedom of association, and the ILO had actually called on the MoL to adopt a law on trade unions. "But of course the assumption was that there would be a trade union law that would be in compliance with Convention 87", the person said. The government claimed the ILO had been consulted in the drafting process, even if the organization's critical comments had not really been taken into consideration. One informant told me that the labour minister had prohibited negative comments by the ILO representative in a National Assembly hearing. While I do not know whether this was actually the case, what is evident is that the non-transparent

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<sup>45</sup> People and organizations that have publicly raised critical views, including several OHCHR heads and the NGO Global Witness, have been expelled (Strangio, 2014: 229-30).

process left the general public and the unions, in particular, with the image that the ILO was not committed to defending workers' rights.

Furthermore, the government was able to claim that there had been due legislative process, responding to criticism with claims of sovereignty and the equal ability and right of Southern countries to interpret international norms. As Mony pointed out, the government was now pushing legislation to control every aspect of social life, from traffic rules to minimum wage setting, to prevent criticism that it was acting against the laws or failing to enforce them.

A technocratic, legalistic discourse was also present in the way officials of the Ministry of Labour defended the new regulations as a way to streamline procedures. Two young officials, recently graduated from foreign universities, explained to me with enthusiasm how the regulation had to be improved to change the "bad habits" of both Cambodian unions and lax ministry employees. The fall in AC case numbers resulted from the disputes finally being correctly classified after the ministry officials had been instructed not to allow unions to present individual cases as collective. They assured me that the unions had been using the misclassification to get to the AC instead of the courts, where they should go, because the AC was faster and cheaper. But they needed to learn a culture of collective bargaining instead of striking and seeking external conciliation, one of the officials said.

### **9.3. UNION RESPONSES TO LEGAL REPRESSION AND TRANSNATIONAL STRATEGIES**

In the TUL seminar and other discussions, unionists and activists often expressed desperate views about their rights being wiped out. Yet there were no strikes or protests. As Malis, one of the first-generation leaders, told me, this was due to fear. But, she said, while legal threats were the problem for the federations, workers themselves were not worried about facing a crackdown but of not being able to renew their short contracts at the factories – and thus continue fulfilling their responsibilities of social reproduction, of supporting their families. Combined with ongoing annual wage increases, these fears were keeping the level of both organized and wildcat strikes low, which Ward and Ford (2021: 4) describe as CPP's two-track strategy of "stifling unions while seeking to woo workers".

A united labour response to oppose the trade union law was further prevented by the pro-government unions' refusal to criticize the law in public. Yet, whereas independent unions initially claimed that they alone were targeted by the law, some pro-government federations were also having trouble, although remaining publicly

silent. Sothy, from a major CPP-aligned federation, told me that registering had become difficult because it now had to be done by local level activists who had no capacity. Their federation was also not able to register new unions, but the confederation president had not decided on what measures to take, Sothy explained. Similarly, the leader of a small pro-government federation had complained about the registration problem to Channy, a TUSO worker. The Excellency – the federation president with government-awarded honorific – did not allow him to say this in public, so as not to upset the labour minister, the leader had told Channy.

Independent unions were not necessarily very vocal either, which Dara described as a strategic adaptation to the closure of political space. It made no sense to confront the giant directly, the leader said. “It is time to negotiate. You have to be smart and find a way to influence the one who has the power.” High profile actions, like strikes and demonstrations, had to be avoided for now. The government had crushed the CNRP and the party had over two million members. It would be easy for them to crush the federation if they wanted to, Dara believed.

When Vanny, from another independent federation, told me about the impact of the trade union law, I asked her what could be done. Vanny said the independent unions needed to gather their voices together and submit a petition to the ILO to push the government, meanwhile thinking about other actors able to influence the government, like the buyers. They needed to make sure the workers understood that unions want to help them, and that the paralysis was due to the government’s attempt to destroy independent organizing, Vanny added. It was important to stay together to have a voice. Reflections such as those expressed by Dara and Vanny about what was feasible and smart in order to achieve improvements without getting destroyed for openly challenging the government, recalled Scott’s (1985) observation that in situations of extreme power imbalances the absence of open resistance often results in the demobilizing impact of the lack of alternatives rather than of consent and hegemony.

In the trade union law seminar, the participants were asked to think about possible solutions. In addition to practical ideas about training local leaders to help them with registration processes, discussion centred on advocacy. International solutions were not only promoted by the organizers; the unionists’ own diagnostic of the Cambodian reality seemed to draw them in this direction. In a process coordinated by the ITUC and TUSOs, their inputs were prepared for presentation to the Direct Contact Mission (DCM) of the CoE on freedom of association in late March 2017. While the ILO’s political impact on the Cambodian government was low, advocacy towards it was crucial

because of its indirect impact; the system of monitoring international labour law was taken into account by the actors with economic power: the buyers and the trade representatives. Conventions 87 and 91 were “core conventions” to which company codes of conduct and MSIs refer and that the brands care about, as Ali, the international unionist said. A formal declaration that the trade union law was in violation of these standards would be an important tool of pressure, enabling the unions to negotiate and “have a legal fight with the brands”, Dara believed. The unionists hoped that the reports they had given to the DCM would enable the ILO to hold the government accountable for its international commitments. That is our weapon, Dara said to me. According to Vuthy, the leader of another federation, they were hoping that the articles that violated freedom of association would be withdrawn. The issues would be addressed at the International Labour Conference in June, so now they were just waiting.

With politically motivated strikes now illegal, local advocacy channels were few. Some independent federations had meetings with the Labour Ministry, and were given promises of improvements and legal clarifications, but nothing more tangible. A final attempt to appeal to the legislators was the organization of a major march on 1 May 2017. In the previous year, the federations had held separate marches and failed to submit their statements to the government, but this time, despite the increasing tensions of the lead-up to the June elections, two independent confederations and some associations managed to build a common demonstration and submit a petition to a CPP representative. Phnom Penh City Hall refused a permit for the march, so the organizers spread rumours about a fake location in order to be able to proceed with their plans without the police preventing them. Despite this forethought, when a few thousand workers and activists assembled on Sothearos Boulevard in the morning in an attempt to reach the National Assembly from behind, they were faced with barricades and riot police using loudspeakers to ask participants to leave. After long negotiations, the tense situation relaxed and we were allowed to march 500 metres before being stopped by a new line of riot police at a safe distance from the parliament building. During the short procession and the speeches at the final destination, the atmosphere was triumphant; several labour leaders were marching together behind a common banner, joined by monks and civil society activists, followed by workers waving flags. It was a unique moment of joint public action between several federations and groups, probably the first since 2014 – and the last for many years to come. Unlike in most labour demonstrations, a CPP parliament member received the protestors and their demands for the amendment of the trade union law and other improvements, promising to

forward them to the prime minister and National Assembly president. A confederation leader was cited by the press as saying that the parliament and the government needed to resolve these problems to keep workers' support "if they want to keep their seats" (Kann, 2017). But parliamentarians' seats would not depend on worker votes, as became evident in the coming months.

#### **9.4. THE END OF A CAMBODIAN SPRING**

Throughout the months leading up to the municipal elections of June 2017, the monitoring and control of civil society and the CNRP increased. A new law on political parties was enacted. People seemed hopeful, but when asked what they really thought might happen in practice, most made gloomy predictions. Several activists told me that while they would prefer the CNRP to govern the country, they did not really hope for it to win since it would incur chaos. No one seemed to believe that the ruling party would ever accept a transition of power. As the human rights professional, Chamroeun, had told me in late 2016, the local elections would be decisive. If the ruling party lost, he said, "something" would happen before the national elections of the following year.

The CPP had always controlled local politics in the rural areas, and this was the basis of its rule at the national level. It won the elections again in 2017, but the results represented a drastic reduction of its control over the municipal councils. The voter turnout was a record high, and increased the opposition control of commune chief positions from 40 to 489 out of 1,633 (Strangio, 2020: 269). As Chamroeun had predicted, the results triggered dramatic developments. I left Cambodia a few weeks after the elections, but had time to understand that several of my informants were being threatened and were prepared for changes. What Ali later described as a "Cold War-style attack" soon followed, as the government began neutralizing the threat, actor by actor. The Cambodia Daily was forced to close on the same day as CNRP's current president, Kem Sokha, was arrested on charges of treason, accused of plotting a "Colour Revolution" with the support of the US. A North American NGO, allegedly involved, was ousted and others threatened. Voice of America and Radio Free Asia as well as around 30 Cambodian radio stations lost their licenses. The final target, the CNRP, was dissolved by the Supreme Court in November, based on the new law on political parties. Its elected representatives were banned from politics. All the actions were based in law, and Cambodians could only watch as events unravelled.

#### 9.4.1. SHIFTING BALANCES

As the tensions in Cambodia escalated, the role of international strategies became a more acute question, both in terms of labour rights and, more broadly, in terms of human rights and democracy. The international community strongly condemned the dissolution of the CNRP, and all donors except Japan withdrew their support for the 2018 national elections. Sanctions were issued to the Cambodian leaders.

Trust in getting protection from abroad has been a permanent feature of Cambodian civil society and the political opposition since the 1990s, arguably weakening the local support base and representativeness of these organizations (Hughes, 2003). In terms of labour rights, the ILO and the international community had played a key role in protecting international standards, but their influence seemed to be weakening. Sovanna, who had long experience of working for the ILO, told me that whereas, in the past, the MoL would do what the ILO advised, this was no longer the case. Now they would thank the international organization for its contribution, but not implement its advice. “They say, ‘we’re a sovereign state, we don’t need you’”, Sovanna said and added that their model was now China. The rising role of China and its support was constantly brought up in the discussions that I had in Cambodia, proposed as the underlying reason behind the CPP leaders’ apparent conclusion that they no longer needed the support of the West nor to appear to conform with liberal-democratic values.

As discussed in Chapter Five, the US Embassy had played a very strong role and in the 1990s, it practically drafted the *prakas* of the MoL. Even in 2016, when problems with the union law emerged, I was told by some labour activists that things could be solved by calling the embassy and asking them to talk to the MoL. Yet the relationship between Cambodia and the US was deteriorating and many considered the latter’s political leverage to be suffering further under the Trump presidency.

As we talked about the threat to the AC, Rotha said that the political influence of the ILO and the UN was largely gone, and the three remaining sources of leverage were now the workers themselves, buyers and international trade representatives. Similarly, Sophal, the federation leader, no longer saw much of a role for the UN, but believed that the EU could pressure the government because the government needed the trade benefits of its Everything but Arms (EBA) deal, which reduced import taxes on garments from Cambodia. According to one factory manager, the EBA was currently the main reason for supplier companies to open factories in Cambodia. The GSP programme of the US trade representative was limited to travel goods and, overall, the EU had surpassed the US as Cambodia’s most important export market.



Just as the UCTA had given the US important political leverage at the turn of the millennium, so the EU's political influence was now based on a trade deal, and the withdrawal of the EBA was considered by many observers the ultimate threat to pressure Cambodia's leadership. The economy would collapse if these markets were lost, an experienced expat journalist told me in May 2017; it would leave a million Cambodians without jobs and Hun Sen simply could not afford that. Still, in the lead-up to the 2018 elections, few believed that the EU would take the risk, because the cancellation would hit the poorest Cambodians and add to Hun Sen's populist anti-West discourse.

In the June 2018 elections, the CPP took every seat in the parliament. The EU officially announced the revision of the EBA scheme later that year, pointing to a list of violations of its democracy criteria. The Cambodian government was given a year to fix the issues, the most important being to allow the CNRP to reconstitute and to hold new elections; regarding labour rights, amendments to the trade union law and the AC's status were demanded.

#### 9.4.2. STRATEGIES BASED ON CSR AND SOCIAL DIALOGUE IN THE NEW CONTEXT

During my time in Cambodia, I often discussed the potential role of the buyer companies in pressuring not only the suppliers but also the government to respect labour and human rights. Many thought they had the ability – if they so decided – to have an impact, due to the dependence of the economy on garment exports. As suggested in Chapter Six, the degree of involvement of the buyers correlates with the perceived threat to business, whether in terms of reputation or stability of orders; for example, it was the sheer salience of the 2014 protests that had made buyers pressure the government (Oka, 2018). The events had been, in the words of an expat journalist, a nightmare for the brands, with workers being killed for demanding higher wages, making international headlines. The collapse of the Rana Plaza factory building in Bangladesh only three years earlier had generated heavy debate on buyers' responsibility for workers in their supply chains, which is why they reacted swiftly in Cambodia. In addition to sending letters of condemnation – criticized by some activists as an easy and meaningless way for the brands to appear responsible – some companies went further, pushed by the labour rights networks who framed the situation in Cambodia in terms of freedom of association and trade union rights. In addition to demanding the release of the arrested activists, one NGO lobbied buyers to push their suppliers to drop the lawsuits that were raised in their name by the GMAC against six

independent union leaders. The success of this was limited, and the charges were dropped only in May 2019 in the context of the EBA revision.

A more successful case in which the NGOs networks managed to get buyers involved in protecting Cambodian labour activists from legal repression was the lawsuit against the leader of the labour NGO Central. He and two other prominent civil society actors who had been heading up the funeral committee of Kem Ley, the political analyst killed in 2016, were accused of embezzling money from the committee. When the charges were raised in the post-electoral context of 2017, the three fled the country, but the labour NGO was able to draw on international support and build a lobbying campaign joined by NGO networks, buyers and MSIs as well as diplomatic missions. In addition to letters and statements, buyer representatives flew into Cambodia to meet with the labour minister, who asked the Phnom Penh Municipal Court to drop the charges in May 2018. The charges against the other two accused remained in place, which many – including the NGO leader himself – saw as evidence of the higher level of protection that labour activists enjoy in Cambodia compared to other civil society activists, due to the importance of the industry and the leverage of the buyer companies.

Cooperation between labour rights networks, GUFs, buyer companies and diplomatic representatives, based on combining the discourse of rights with economic power, was also used to pressure the MoL on the restrictive law initiatives. The brands sent a first public letter soon after the idea of a trade union law re-emerged in March 2014 (Crothers, 2014), and further statements were submitted through the MSIs. In 2017 and 2018, the American Apparel and Footwear Association (AAFA) submitted several letters demanding that the government improve the situation, particularly regarding the AC (AAFA, n.d., 2018). The representative of a European buyer told me they preferred to act through intermediaries like MSIs or together with diplomatic missions and UN bodies in order not to be seen as trying to intervene in politics and circumvent democratic principles.

The companies were becoming aware of their ability to use their leverage on policy, as far as it was beneficial for them, a BFC representative commented to me in 2017. Company representatives assured me that they were interested in improving industry in Cambodia, and were doing that in the framework of the 2017 exercise by the Ministry of Economy and Finance to map the perspectives and competitiveness of Cambodian industry. It was the first time that the government seemed seriously worried that cheap labour and tax holidays were not enough to keep suppliers and buyers in Cambodia, as an ILO officer commented. According to the BFC and company representatives, they had

made it clear that salaries were not the decisive component for their business in the country, emphasizing wider concerns of productivity, including working conditions, stability and the role of the BFC and AC in guaranteeing them. A number of informants told me that buyer engagement and heavy diplomatic lobbying made the government realize the AC's crucial role in retaining the brands' sourcing in the country. The dispute resolution law that was threatening it was abandoned before reaching the actual draft stage.

When I visited Cambodia again in early 2019 and 2020, the registering of unions had become easier and a *prakas* on the MRS had been passed in 2018, allowing minority unions to take certain cases to the AC. In early 2019, it was receiving around 10 cases per month, still many fewer than the 25-35 monthly cases prior to the trade union law. Union representatives told me that access was still difficult and depended on individual officials in particular provinces, who could always claim that a collective case was individual and block access to the AC. "And if the case cannot go to the AC, we're done!" Samnang, a federation leader sighed.

Unionists criticized the hypocrisy of the buyers who publicly defended the AC for the sake of labour rights, but in practice used the lack of AC awards as an excuse not to defend those rights. "Without the AC, the brands just try to escape, you know. They are looking for the opportunity to say no. So now it is very easy for them to do that!" According to Samnang, the buyers would claim they were unable to intervene without evidence and before the unions had exhausted the local process. Another unionist, Bora, told me that in 2018 they succeeded in involving buyers in only three cases, mainly with H&M, to which they had access through the GFA National Monitoring Committee. While the GFA made H&M more vulnerable in public, getting results still required a lot of pushing. They had managed to win a first case using the agreement, but it had required a year-long struggle, taking the case to the global joint committee and having representatives of H&M, IndustriAll and IF Metall fly into Cambodia. With the other brands things were even more difficult. All the unions could do was to chase them with the help of the NGO campaign networks.

A new initiative built on the social dialogue approach was the ACT process, a global initiative of IndustriAll and buyer companies to promote industry-wide collective bargaining and wage setting. Its logic was the same as in the 2014 minimum wage campaign: buyer commitment to paying higher prices would make wage rises possible. Cambodia had been chosen as a pilot country due to its dependence on the garment industry, as a representative of the GUF's Geneva office told me in 2017. But in early

2019, the negotiations ended when the GMAC walked out, blaming the insecurity related to the EBA revision; however, Cambodian unionists and international observers with whom I spoke throughout the years described the project as doomed to fail in any case. The union side lacked the power to force the employers to make concessions, and the government was opposed to a bipartite process over which it had no control. As one observer commented, it would have used the CPP unions to undermine the negotiations had they not been terminated by the GMAC. Cambodian unionists were very critical about the way the process was imposed from the outside without considering local understandings of what was feasible in the Cambodian context. This was a country with practically no experience of even local-level bargaining, and the political equilibrium had changed completely since 2014. Workers' associational power had been largely undone by the legal reforms, leaving it unable to do anything when the GMAC walked out and the process got stuck.

As a TUSO representative remarked, the situation showed that there can be no collective bargaining without freedom of association. Similarly, the lack of access to the AC prevented the unions from building cases on labour rights violations to appeal to buyers' reputation concerns, and, together with the wage increases, the strike prohibition undermined their ability to instigate instability. The government had thus managed to undermine labour's transnational strategies, both those based on rights and CSR and those that built on social dialogue.

## **9.5. POSTLUDE: AFTER THE 2018 ELECTIONS**

The government did not loosen its grip after securing control in the elections of 2018. As people commented to me when I visited Cambodia in 2019 and 2020, in addition to the EBA pressures, it was aware of its low popularity – only half of Cambodians had voted for the CPP in the elections despite there being no significant alternatives. Opposition leadership and many civil society activists were in *de facto* or *de jure* exile and some in prison, and visible political resistance had all but disappeared. With the independent media silenced and human rights organizations threatened, no one was following land rights cases and evictions, I was told. For unions, things had dramatically changed, and they were simply trying to survive. International pressure had led to certain advances in registering at the local level, and some wildcat strikes were taking place, usually connected with factory closures when workers no longer had jobs to lose. Yet the federations were not legally allowed get involved in anything that could be considered political.

Regarding the EBA, many believed that the EU had committed an error by demanding something impossible. The government would never allow the opposition party back, it was out of the question, and the EU should have demanded smaller concessions to achieve some improvements in labour rights. The role of China had become more important than ever, as the government seemed to believe it could compensate for the loss of the EBA with Chinese support, replacing the European market with the Chinese one and compensating the manufacturers for the rise in European import taxes with new benefits financed by Chinese aid and loans.

The manufacturers were going to be hurt by the decision, but the GMAC – and most unions – directed their criticism at the EU instead of the government. The independent unions and labour NGOs were torn between the need to demand that the EU use its leverage to protect democratic rights, and their concern for the negative impact of the EBA loss on workers. In the weeks preceding the EU's announcement in February 2020, it became known that the withdrawal would be partial: the EU would be trying to strike a balance between punishing Cambodia and causing complete ruin and losing its leverage for good. The impact of the partial withdrawal that became effective in August 2020 (European Commission, 2020) has been difficult to assess, since the industry was hit with another serious blow in 2020: the Covid-19 pandemic.

## **9.6. TO CONCLUDE**

According to Michael Burawoy (1983), when the state does not mediate the conflict between labour and capital through laws and policies that protect workers and their ability to build and use structural and associational power, workers must depend on production for their survival and capital is able to use arbitrary coercion to control the labour process. In Cambodia, a legal framework had been created that appeared to fulfil international demands of human and labour rights and provide a model of “ethical production”, but it had not been enforced in a way that would force capital to seek labour's consent.

The liberal development consensus and the idea of democracy-building, as well as tripartism and respect of labour standards, are based on a fundamental assumption about the state as "a neutral vessel that is dedicated to improvement for people" (Li, 2007: 134). Cambodia's democratic transition, however, was promoted by an elite that was not planning to share its power or economic resources. Its commitment to these goals in the garment industry and society more broadly has been cosmetic and instrumental. Progressive laws have been accompanied by policies aimed at weakening

the democratizing impact of workers' freedom of association and other entitlements by establishing CPP-controlled unions and promoting the use of short-term contracts.

In the 2010s, the independent unions grew stronger and were building alliances with the political opposition and other local groups, becoming part of an existential threat to CPP's power in the electoral context. In order to neutralize the threat while protecting itself from external criticism, the government engaged in silencing independent unions and making them irrelevant to workers, while simultaneously seeking workers' support by providing wage increases and other benefits. This two-track strategy (Ward and Ford, 2021), follows in the tradition of the CPP of ensuring control by using repression and gift-giving to its supporters. Using policy as gift-giving to ensure electoral support. While legal strategies were designed to prevent independent, organized protest and mobilization, wage rises helped prevent more spontaneous protests and wildcat strikes. Many observers suggested that Cambodia's leadership was looking to the model of Vietnam and China in seeking to maintain an apparent freedom of association while avoiding independent mobilization. The strategies of legal repression unmade the political threat of the local alliances between the independent labour movement and other social actors, but also labour's transnational strategies and the threat that these implied to economic stability.

Rather than in the seemingly democratic reforms, there seems to be greater novelty in the abandonment of the cosmetic commitment to liberal values and democratic institutions in the government's stringent opposition to the EU's demands in the context of the EBA withdrawal. Its interest in political survival – no longer considered to depend on Western support – seemed to override its readiness to support the manufacturers. This development reinforces the doubts presented in Chapter Five regarding the idea of a pro-capital government controlled by GMAC. The main function of the garment industry to the CPP has lain in the creation of political support by legitimizing its rule through job creation and economic growth. Political power enables the elite to implement its core accumulation strategies in sectors that offer higher profit margins, such as the largely illicit economies of natural resource extraction.

## 10. CONCLUSIONS: LABOUR'S STRUGGLES AND THE RIGHT TO CREATE RIGHTS

Since the start of this research project, I have been interested in the political nature of labour's struggles and the importance of the notion of freedom of association as an *enabling right* (Rodríguez-Garavito, 2005): that is, one needed in order to defend and to build other labour rights. The importance of freedom of association is captured by de Sousa Santos (2002) who understands the right to organize as a metaright: a right *to create rights* by participating in politics and rule-making. My research on Cambodian garment workers and their struggles has convinced me of the importance of this metaright, not only for working conditions in the factories, but as a core element of democracy, without which workers' rights in the workplace cannot be effectively defended. This idea was crystallized by Kosal in our last discussion early in 2020. Talking about the dire situation of Cambodian trade unions, he said, "The key question is *why* the government is able to pass these laws." He then answered the question himself: "It is because there is no democratic space, no accountability." International labour actors had been arguing that the EU could have achieved concessions from the Cambodian government on labour rights by separating such demands from those concerned with democracy and the legalization of the opposition party. But, Kosal said, political space affects the rights of all sectors and all people in Cambodia, not only political rights. The two cannot be separated.

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In this study, I have examined the struggles of Cambodian garment workers and their labour movement to improve the position of workers in workplaces and in society. My findings highlight the link between the two, and the importance of workers' political power: their ability to organize collectively not only at the level of the workplace but also to represent workers' interests in political decision-making. Without the ability to influence law and policy and to hold accountable those in positions of power, workers are in a weak position to shape the relationship between labour and capital in the workplaces. The Cambodian labour movement often adopts depoliticized strategies promoted by their international allies. My analysis shows that behind this approach lie pragmatic choices made by taking into account the prevailing power relations, in the absence of better options and in the face of a threat of repression.

My original research interests centred on global supply chains and private regulation, global CSR and labour rights campaigns from workers' perspectives. In

Cambodia, however, I realized that it was not possible to separate the “vertical” embeddedness of workers in transnational chains and networks, from their “horizontal” embeddedness in the complex local social and political context. The often contradictory logics of these two spheres, which the Cambodian activists were attempting to manage and to integrate, constantly emerged in the discussions that I had with different actors in Cambodia. I realized that this very intersection was central for understanding labour struggles, and I began thinking of the struggles as a lens through which to view tensions between the two spheres, but also within them. In addition to the power asymmetries between Cambodians and Northern actors, which I had expected to encounter, there are many tensions within the local sphere and between networks of Cambodian actors. Workers’ activism is affected by life beyond the workplaces: gender relations shaped by the unequal distribution of social reproduction, as well as other social relations and loyalties, interdependencies and political conflicts. Hence, my analysis has emphasized the importance of the structural context of Cambodia, as well as the difference between it and those from which transnational allies and other interlocutors with Cambodian activists promote particular models and strategies.

I brought together diverse theoretical perspectives to examine the complexity of the struggles and to contextualize them historically and structurally. The impact of globalization on labour relations has mainly been analysed from the viewpoint of sociological and political-economic labour studies that build on theorizations of industrial relations in the post-war Global North/West, which limits the relevance of these analyses for understanding contemporary struggles in the Global South. Consequently, I drew on perspectives of labour anthropology and history to point out the importance of context for understanding labour activism: relations between workers and employers are shaped by other social relations and the political space, which vary between different historical moments and places.

Furthermore, I built on perspectives from critical development studies and development anthropology to examine the historical parallels between North-South connections in labour politics and those in broader development policy and cooperation. Taking a contemporary outlook, I connected labour relations with debates on neoliberal governance and private regulation and discussed studies that point to tensions in the transnational alliances between Southern labour movements and Northern actors.

The aim of this study was not to test a particular theoretical framework on Cambodian workers, but rather to understand their own viewpoints and strategies, and



to assess the relevance of existing theorizing on that basis. Motivated by a will to do justice to the issues and people that I studied by producing relevant knowledge and respecting the agency of my interlocutors, I spent as much time as possible listening to the views of different groups of people, using ethnographic methodologies with the aim of opening my pre-understandings to the informants, their input and their context. Like the ethnographic process described by Cerwonka and Malkki (2007), my research evolved as a reflexive process that was not strictly sequenced into separate phases of literature review, data collection and analysis. Being able to spend a relatively long period of time in Phnom Penh, I was not forced to prioritize efficiency by holding carefully planned interviews with preselected individuals. I had time for a more open-ended wandering around, thereby discovering new people, new topics and new angles, and building trust with and among the interlocutors. The role of the research participants in Cambodia went much beyond merely offering me data to provide me with theoretical understanding and knowledge. The research process itself, with its challenges and setbacks, was a source of important insights about the interpersonal, transnational relations connected with labour issues in Cambodia.

### **10.1. RECAPITULATING THE FINDINGS**

The above described approach, detailed in Chapters Two and Three, shaped my research on Cambodian garment workers' struggles, and led me to findings that I summarize below:

In **Chapter Four**, I contextualized the emergence of Cambodia's garment industry in conditions of post-Cold War liberal triumphalism and the development consensus that linked democracy and the market economy. Based on previous literature, I examined Cambodia's triple transition, emphasizing the mirage-like democratization (Strangio, 2014) behind which political and economic power was concentrated firmly in the hands of the ruling elite – according to the objectives with which this elite had initiated the transition in the first place (Hughes, 2003, 2009). Despite the establishment of formal democratic institutions and the adoption of a discourse of human rights, neoliberal reforms were used to channel financial resources into the hands of the CPP elite (Springer, 2010) and the legal system harnessed to protecting this result.

The garment industry epitomized the post-Cold War development consensus. As discussed in **Chapter Five**, neoliberal policies were implemented to promote foreign investment and economic growth, while claiming commitment to international labour standards in line with the expectations of the countries of the Global North,

development donors and export markets. The industry's success was important for the government in order to demonstrate economic growth and provide modern jobs for the impoverished population in order to accumulate merit and legitimize CPP power. The overlapping of government interests with those of the factory owners, however, ensured that the commitment to labour rights remained cosmetic and the production regime despotic (Burawoy, 1985). Nonetheless, the cosmetic commitment was enough to enable the internationally supported independent unions to grow, while the government focused on creating its own union networks and attacking those aligned with the local political opposition. During the first decade of the 2000s, the former gradually built strong networks, both among the factory workers and with international partners.

In **Chapter Six**, I moved to examining the transnational dimension of the struggles of Cambodian garment workers, focusing first on the rights-based strategies that target buyer companies based on their commitments to international human and labour rights. I used the example of a conflict at Gold Fashion Ltd. to demonstrate the ability of local unions and labour NGOs to build economic leverage by drawing on Arbitration Council (AC) awards, international networks and the increasing vulnerability of visible fashion brands to the idea of business responsibility for human rights. This case showed the success but also the overwhelming unpredictability of these strategies; even if they have the power, buyers are reluctant to assume policing roles. My analysis revealed that the reliance of the Cambodian labour movement on these strategies does not reflect a false consciousness about corporate virtue. Rather, Cambodian activists use the discourse of rights because it opens a space for turning the ethical concerns of Northern activists and consumers into economic pressure that can result in improvements for Cambodian workers and protect their ability to organize, something that they cannot achieve through other channels. The downside of the success of these strategies is the anchoring of labour rights with corporate interests and profit calculations, and even in the best case, their depoliticization as outcomes granted from above, separated from workers' political power and democratic accountability.

Against the depoliticizing impact of CSR, the global trade union movement has promoted an alternative approach based on updating the models of social dialogue and collective negotiation between industrial partners. In **Chapter Seven**, I examined the global framework agreement between H&M and IndustriALL, as an example of how the global unions attempt to update the traditional model to the context of global supply chains by promoting *well-functioning industrial relations*. Yet the idea that Cambodia is

suffering from an industrial relations problem was based on an assumption of sameness: that Cambodians could and should follow on the path already taken by their European peers. My analysis showed that Cambodian activists appreciate the idea of dialogue but are critical about the feasibility of win-win solutions in a context of vastly unequal power relations. If rights-based strategies depoliticized labour struggles by ignoring the role of the state and democratic accountability, the social dialogue approach tends to produce similar results by assuming that Cambodia's "industrial relations problem" can be solved by establishing negotiation fora and improving union skills and ability to cooperate. Not only does this fail to consider the degree of power imbalances between workers and employers, but also its dependence on the mediating role of the state.

Thus, my analysis suggested that the transnational strategies failed to capture and address the challenges associated with the local political context, to which I turned in **Chapter Eight** by examining conflicts within the Cambodian labour movement and between its diverse actors. My analysis suggested that interpretations of trade unions as actors inherently and primarily engaged in promoting the class interest of vulnerable workers should be problematized. Rather, and like any other social organizations, unions are shaped by diverse interests that are not captured by categorizing them as "moderate" or "radical". I showed how, on the one hand, the conflict between Cambodia's pro-government and independent unions is not about different political *opinions* about government policy or the economy; rather, the CPP-aligned unions function as party organizations and many engage in profit-making. On the other hand, I also highlighted that power hierarchies and personal interests shape union strategies on all sides. My analysis of gender relations within the labour movement demonstrated that the scarcity of women in union leadership does not result from their weak capacities and absence of role models, but reflects the profound impact of the gendered division of responsibilities of social reproduction and related cultural expectations of women's access to public life as leaders and activists. There is active opposition to female leadership and women's position has actually been weakening. This reveals the way hidden power conflicts can undo the win-win solutions promoted by the capacity-building initiatives of international actors.

The contests for power within the unions are a reflection of national-level politics. In **Chapter Nine**, I analysed the Cambodian government's harsh reaction to labour's growing power and its adoption of more political agendas and social movement-type alliances with the political opposition and other social groups around the 2013 elections

– the basis of the union movement’s power that resulted in important wage increases. Faced with an existential threat to its rule, the government engaged in a judicial attack to silence the voices of the diverse actors that were challenging it. This prevented the labour movement from establishing new unions and paralysed existing ones, particularly through cutting their access to the AC, which had been central in their strategies of seeking the support of international buyers. Instead of using the law to protect rights, the government thus used it to preclude workers and citizens accessing their rights. This resulted in the labour movement’s losing its short-term associational power based on the alliances, and doomed the initiatives of further social dialogue. My analysis suggests that the use of legislative strategies that appear to be in conformity with international law for the purposes of controlling and preventing mobilization is not a novelty; rather, it reinforces the tendencies of Cambodia’s mirage democracy and cosmetic commitment to labour rights that have characterized the ruling party’s policy since the 1990s. Similarly, the wage increases seem to follow the tradition of using policy as a massive gift-giving exercise in order to guarantee electoral support. The way the government was able to silence the labour movement and significantly weaken its relatively successful transnational efforts confirms the unsustainability of depoliticized strategies that ignore the role of the state or assume that it functions as a neutral vessel (Li, 2007) in terms of relations between labour and capital. Such approaches overlook the importance of workers’ ability to represent their interests politically and hold political and economic elites accountable.

## **10.2. CONTRIBUTIONS OF THE STUDY AND REFLECTIONS ON FURTHER RESEARCH**

### ***Labour movement as a political actor in Cambodia***

This study has contributed to the research on contemporary Cambodia through a historically contextualized analysis of its most important social movement. In addition to embedding the labour movement’s struggles in their international context, the analysis has brought light on several dimensions of local nature that have not received much attention in previous literature.

First of all, it adds to the historical understanding of the formation of the labour movement and its development prior to 2010, particularly of the group of NGO-aligned independent unions whose formation had been touched upon only briefly (Hughes, 2007; Nuon and Serrano, 2010). Second, the study provides novel ethnographic understanding of the everyday interactions and tensions that shape their cooperation

with transnational allies as well as the buyer companies. Third, my analysis advances understandings on two key aspects that fundamentally characterize the Cambodian labour movement and have been constantly acknowledged in research but never deeply analysed: namely, the nature of the pro-government unions and the relationships between the different actors, and the deep gender hierarchies within the labour movement.

Overall, literature on labour in Cambodia has mainly focused on the institutional framework of transnational labour rights governance and, more recently, the 2013-2014 strike and the government's reaction to it. Regarding the latter, my analysis complements previous perspectives by illustrating how deeply labour's struggles and their results, including the crackdown as well as the subsequent wage gains, were part of and dependent on the threat that the broader social and political mobilization was posing to the government. My study thus puts into a broader perspective the role of labour in contributing to the authoritarian turn in Cambodia but, on the other hand, it also recognizes the importance that labour's uniquely disruptive power had within the broader political atmosphere due to its structural, economic position.

### ***Theorizing the struggles of contemporary labour***

Beyond the particular context of Cambodia, the significance of this study relates to advancing understanding on the possibilities and challenges of labour's struggles in the context of global supply chains and the political-economic context of neoliberal globalization. The main theoretical contribution of this study is twofold. It joins other recent work (Atzeni, 2021; Bieler & Nowak, 2021; Nowak, 2021), and draws on the tradition of new international labour studies of the 1980s, in pointing out the limits of Eurocentric models in theorizing contemporary workers' strategies, highlighting the analytical biases that may result from taking concepts developed to understand the post-war Global North/West to places characterized by very different political and economic power dynamics and structural positions. Instead of interpreting labour movements that differ from those in that particular context as atypical – weak or radical – the study has suggested analysing their strategies in light of challenges determined by local economic conditions but also political power relations, shaped by the structural constraints of the global political economy.

In addition to the impact of decontextualized theoretical ideas on academic analyses of labour struggles in other times and places, the second theoretical contribution of this study lies in illustrating the influence of Eurocentric union models on the actual strategies and struggles of labour movements in the Global South. Colonial and

development policy, but also labour internationalism, have promoted models of “responsible” unionism and mechanisms of negotiation between industrial partners without considering the vast power imbalances that characterize labour-capital conflict. This is particularly true where the state does not engage in mediating the conflict with political and legal frameworks that would force capital to seek labour’s consent in order to control the labour process (Burawoy, 1983).

In Cambodia, international actors promoted the social dialogue approach without considering the degree to which win-win solutions depend on the unavailability of win-lose solutions, and the role of state engagement in this. Even Northern hegemonic production regimes were based on the circular logic between pro-labour policy, capital’s need to seek consent and workers’ structural and associational power and ability to influence political processes (Wright, 2000). Similarly, narrow, workplace-focused agendas, separate from broader political demands, have been promoted even where they do not respond to the needs and interests of workers, either because of a lack of access to claim-making through institutionalized negotiation structures or political decision-making or because concerns over production and social reproduction are not separate, as is the case for most women workers in conditions of poverty. This has affected the representativeness of unions and their legitimacy and relevance in the eyes of the workers.

This study has demonstrated that, in addition to the globalization of production, neoliberal development policy has weakened labour’s power with its technocratic governance approach, and depoliticized the discourse of human rights. My research suggests that when labour and human rights are seen as dispensations to be granted from above and monitored with technical checklists by buyer companies and lead firms, they become separated from workers’ ability to influence policy and rule-making. Law and rights are disconnected from questions of democratic accountability.

Yet my research suggests that the impact of foreign influence on the strategies of labour movements in places like Cambodia is not an indication that these movements are passively accepting whatever comes from the outside: development, neoliberalism, social dialogue or business and human rights thinking. Many Cambodian labour activists are aware of the problems of these strategies and the assumptions on which they are based, but play along without expressing their frustration in the public discourse. Following seemingly decontextualized models is, rather, about pragmatically balancing needs and interests with what is deemed possible (cf. Scott, 1985). Arnold (2017) suggests that the long absence of radical unionism in Cambodia resulted from a

hegemonic situation or a Gramscian passive revolution. My research suggests that it stemmed from the activists' knowledge that the government's commitment to liberal-democratic norms was only cosmetic – with the possibility of repression always lingering in the background – rather than their believing in the benefits of the model.

This illustrates a temporal dimension of workers' struggles. Their strategies do not only reflect aspirations about the future and about social change but are also founded on past experiences and interpretations about them (Narotzky, 2014). The extreme violence of Cambodia's recent history and the lack of experience of victories gained through social struggle affect what is seen as possible today. The repressive measures with which the government responded to labour's more political agendas and alliances of 2013-2014 caused an increase in fear but little surprise among the activists I met in Cambodia. Ultimately, my research does not indicate a lack of consciousness about the need for radical political change, but a lack of belief in its feasibility, strengthened by the open authoritarianism of the recent years. The viewpoint of Cambodian activists differs from that of their Northern European peers, for whom influencing politics has for long been possible, radical change thus less necessary and belief in reformist strategies easy due to past gains in terms of a more egalitarian distribution of benefits in society.

### ***Link between democracy, labour rights and globalization of production***

This study thus underlines the importance of the connections between labour struggles and democratic rule. Among labour scholars and activists, there seems to be a broader acknowledgement of the dependence of the old hegemonic regimes – and labour's power within them – on the system of national economies than on the democratic representation of non-elite interests in rule-making. Similarly, the impact of labour's weakening structural power seems to have been more thoroughly analysed than the impact of the crumbling of its associational power and the weakening of democracy.

Labour's political power and its ability to influence policy and law-making was at the centre of its partial decommodification in hegemonic regimes. This link has been cut with the privatization of labour rights regulation whereby law is disconnected from democratic accountability and becomes a question of market-based corporate responsibility, as indicated by critical perspectives on private regulation. Liberating capital from the limits that labour's political power imposed on its interest in accumulation was the objective of neoliberal politics and of organizing production into global supply chains since the 1970s. Workers' inability to organize collectively and to

influence rule-making enables lower production costs; hence, it is not a coincidence that production today takes place in labour-repressive and often authoritarian political contexts, such as Cambodia. On the contrary, keeping labour costs low is hardly possible when workers are effectively able to represent their interests politically and influence the rules. This reinforces the observation that debates about strengthening private regulation by strengthening public regulation and vice versa are misleading, because they draw attention away from how the former is fundamentally about avoiding the latter, thus reflecting the power of economic elites and corporations to write the rules (LeBaron et al., 2017).

Interpreting the low relevance of feasibility of traditional trade union models in places where clothes are currently manufactured, such as Cambodia, as an indication of the labour movement's being outdated or irrelevant, is a misinterpretation. Collective representation of the interests of vulnerable workers is more urgent than ever, but the goals and strategies might be distant from those adopted in nineteenth or twentieth-century Europe. Cambodian workers are able to define their strategies based on their own expertise in the conditions in which they are living and operating, but as Dara – one of the federation leaders who shared their views with me – once said, the problems unions were facing in Cambodia were different, and the way of solving them should be based on their own diagnoses, instead of copying the models used elsewhere. At the same time, the question of union democracy appears a core dilemma.

\* \* \*

In the context of in Cambodia, research on social mobilization has largely focused on the garment workers' trade unions and on the movements defending land rights. Different forms of activism and claim-making in other sectors, as well connections between movements and their relationship with the power-holders, are topics that merit greater attention by future research.

The weakening of people's agency in the face of the concentration of political power in the same hands as economic power, brought about by neoliberalism, is a crucial topic to be examined from further perspectives. The struggles of Cambodian workers and activists demonstrate that neoliberal economic policy depends on the ability of political leaders to silence the voices of those who demand a greater sharing of benefits, and prevent them from affecting the rules of the game and gaining power. The situation is much the same whether the voices are raised against exploitation of labour, the extraction of natural resources or CO<sub>2</sub> emissions. The question of rule-making and the representation of interests lies at the core of all these struggles, and examining them



from this perspective is crucial. A current challenge faced by researchers is related to how the new ways of manipulating information and people's access to it, utilized by the powerful actors who oppose subaltern claims, affect the possibility of research having critical influence on policy-making and supporting democratic forms of decision-making that enable the needs of subaltern groups to be represented.

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