

Abstract of Workplace Dispute Resolution in Cambodia

Leviter, L. (2008). *Cambodia's arbitration council: Developing jurisprudence in the developing world*.
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Abstract:

As excerpted from the author, “before 2002, jurisprudence was not a priority of Cambodia’s judicial system. Used as a tool of the ruling party, the judiciary evolved into a corrupt body that did very little to advance the law in Cambodia. In this light, Cambodia’s Arbitration Council (AC) is somewhat of an anomaly. Founded in 2002 as a way to resolve the collective disputes that emerge in Cambodia’s garment industry, it encourages transparency and consensus among both the parties and the arbitrators themselves. With well-reasoned and regularly-published decisions, the AC has earned the trust of the labor and management community alike. What’s more, these decisions have done much to develop and refine Cambodia’s labor law. Examples include developing the use of an “equity principle,” drawing meaningful distinctions between individual and collective disputes and between interest and rights disputes, and establishing an apparatus to frame claims of anti-union discrimination.

This student thesis will explore jurisprudence through the council’s decisions themselves. As will be demonstrated, the developments have been shaped largely by considerations of fairness, consensus among the parties, and by an emphasis on transparency. The paper will commence with an overview of Cambodia’s recent political, economic, and labor history. It will then review the training program in which the arbitrators participate in order to offer a background for their decision making. Finally, the thesis will explore the four aforementioned areas of jurisprudence and seek to understand how they may affect Cambodia’s future labor relations.

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