

OPINION

Arbitration Council Merits Praise—Now Imagine Functioning Courts

In his letter to The Cambodia Daily ("Arbitration Can Foster Cambodia's Industrial-Relations Image," Aug 10, p 30), Professor Mom Seilakboth noted that

Letter to the Editor

Cambodia's Arbitration Council—created to resolve labor disputes—was seen as "corruption free, independent and transparent." He posited that the existence and use of this mechanism could help to protect Cambodia's good reputation as a sourcing destination for international buyers and help attract foreign investment.

I agree with Professor Seilak-

both. However, for the vast majority of disputes that lie outside the narrow scope of labor relations, parties simply do not have the "win-win" option of turning to a functioning dispute-resolution mechanism.

They have to rely on a judicial system that—notwithstanding some positive developments as documented by the Cambodian Center for Human Rights in the July report "Fair Trial Rights in Cambodia," for example—is still generally considered by independent observers to be incompetent, corrupt and subject to political interference. Arbitrary and inconsistent judgments are common,

and there is a serious lack of independence and transparency—which, of course, affects the courts' enforcement of the Arbitration Council's decisions.

Experiences elsewhere in Asia—including Hong Kong—have shown that a good way to encourage foreign investment would be for the Royal Government of Cambodia to reform the entire judicial system to give it the transparency, independence and predictability that Professor Seilakboth suggests are the hallmarks of the Arbitration Council.

If using a reliable and predictable dispute-resolution mechanism in a

single labor dispute could positively influence foreign investment and Cambodia's reputation, imagine the difference that could be made by providing access to functioning and fair courts for every dispute.

Should human rights arguments fail to persuade the government to reform the judiciary, perhaps the additional foreign investment dollars that judicial reform might bring will be more persuasive!

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