

FDI IN THE NEOLIBERAL GLOBAL ECONOMY AND THE PROTECTION OF LABOUR STANDARDS: IMPACT OF CHINESE FOREIGN INVESTMENTS ON CHILD LABOUR IN THE CAMBODIAN ECONOMY

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ABSTRACT

In the global neoliberal economy, institutionalized with the collapse of the Bretton Woods system in the 1970s, the liberalization of capital flows and trade and the globalization of production are greatly promoted by Foreign Direct Investment. With numerous countries and workers now getting involved in globalized systems of production, a renewed concern over the protection of labour rights can arise. Considering China's growing economic role within the global economy and its massive increase in its investments within Southeast Asia since 2013, reflections emerge on the impact of its economic expansion on receiving countries' labour standards. While the Cambodian economy benefits from Chinese investments, which are important in fueling the country's construction boom, a worrisome trend on the country's record of child labour has simultaneously emerged.

KEYWORDS: neoliberal global economy, child labour, Foreign Direct Investment, International Labour Organization, Belt and Road Initiative

1. INTRODUCTION

With the establishment of a neoliberal global economic system since the 1970s, Foreign Direct Investment (FDI) between countries has simultaneously increased and undergone changes in terms of sectoral composition and

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geographical direction. Reflections on its impact on host countries' economic development and society have emerged, especially in light of the important role played by powerful non-democratic actors like China.

Flows of FDI have gained importance for China over the last fifty years: as a result of the country's massive growth, it has started playing an increasingly central role in the global economy, and its reliance on international markets and FDI has grown along with the increasingly neoliberal global economy. China's export performance has improved too, becoming not only a big receiver of FDI but also a global investor and source of FDI for many countries. Hypotheses of Chinese 'neo-colonization' (Kleven 2019) and analyses on the either positive or negative impact on host countries' economic growth in Africa and Latin America have been widely researched (Doku et al. 2017; Boakye-Gyasi and Li 2015), whereas fewer studies have analyzed Chinese investments' effects on Southeast Asian developing countries like Cambodia, despite China's considerable presence in the region (Ma 2018). In particular, since the beginning of China's Belt and Road Initiative (BRI)² in 2013, massive investments in infrastructure, manufacturing, and services have taken place in ASEAN countries.

After an initial period starting in the 1990s, where inflows of FDI came mainly from powerful Western countries like the US, over the last few years Cambodia has received most of its foreign investments from China (ASEAN 2018). In 2018 alone, the total value of FDI inflows to Cambodia reached \$3.1 billion, with China being the largest investor (Heng 2019). The majority of China's FDI to the country is directed to sectors such as construction, tourism, manufacturing, and agriculture (WBG 2019). While the impact of Chinese investments on Cambodia's economic development has been analyzed and mostly positively judged, when looking at the literature, we find fewer analyses on different aspects of Cambodia's society, and specifically no study on the impact on the country's specific labour standards has been published. This article sheds light on this aspect by measuring to what extent the increase in Chinese FDI has impacted the protection against child labour in Cambodia.

² The BRI, unveiled by President Xi Jinping in October 2013, promotes China's economic development on a global scale, investing up to \$150 billion USD per year (MERICS 2018) in infrastructural projects in order to develop tighter economic and trade relations.

2. METHODOLOGY AND THEORETICAL BACKGROUND

Freedom from child labour is one of the four core labour standards defined by the International Labour Organization's (ILO) *Declaration on Fundamental Principles and Rights* (1998). Although a universal definition of child labour does not exist, two ILO conventions regulate its abolition.³ These conventions set the minimum age of employment at fifteen and define 'child labour' as any work that is mentally physically, socially or morally dangerous and harmful to a child (ILO 1973).

Recent data shows that despite a decline in child labour in the period 2012–2016, an estimated 152 million children around the globe are still engaged in child labour. Moreover, in the least developed countries over one in four children between the ages of five and seventeen are engaged in labour that is considered detrimental to their health and development (ILO 2019; UNICEF, 2019).

To analyze child labour in Cambodia in relation to Chinese FDI, specific elements are taken into consideration, such as the number of working children, the working hours to which they are subjected, and the numbers and reports of child labour in its extreme forms. An analysis on the manufacturing and construction sectors in two time periods, 1997–2013 and 2013–2019, is conducted. The year 1997 is chosen as the initial year because of its significance for Cambodia, with the beginning of a defined labour law framework with the adoption of the National Labour Law. Marking the beginning of the BRI and the consequent massive increase in Chinese FDI, the year 2013 divides the analysis into two parts. The manufacturing and construction sectors are chosen due to their high labour force participation in Cambodia. Furthermore, given their labour-intensive nature, the two sectors tend to be among the most vulnerable ones to child labour (ILO 2018).

On a theoretical ground, the analysis is filtered through critical lenses, hereby chosen to challenge the interpretation of core labour standards within the global economy, often analyzed through a liberal perspective, affirming that a country's economic development is considerably benefitted from trade, international aid, and foreign investment, through which it can acquire the necessary export markets, capital and technology (Gilpin 1987, 266). Liberal economists, in fact, argue that through free market forces, nations and regions of the world can eventually reach equalization of economic levels, real wages

3 The 1973 Convention on Minimum Age for Entry into Employment and the 1999 Convention on the Worst Forms of Child Labour.

and factor prices in the long run (Rostow 1980, 360). In general, critical theories of global political economy provide useful insights into underlying processes of the neoliberal globalization. Thus, an alternative way of addressing the above-presented labour standard in relation to the global economic order and the growth of China's economy, is proposed. Critical lenses will be used to look into the changes in the protection of child labour in Cambodia prior to and after the launch of the BRI to provide valuable insights into the potential effects of Chinese FDI on a host country's labour regime.

To reduce bias, the assessment is drawn from three main sources instead of one: ILO reports, sources from the Cambodian government apparatus, and reports from human and labour rights' Non-Governmental Organizations (NGOs), as well as news media. After a detailed qualitative analysis of these sources, relevant findings and conclusions are presented.

3. ASSESSING THE IMPACT OF CHINESE INVESTMENTS ON CAMBODIAN CORE LABOUR STANDARDS

3.1 CAMBODIAN WORKFORCE AND WORKING CONDITIONS

With an estimated population of 16.2 million, the Cambodian labour force comprises 9.2 million people (World Population Review 2019; World Bank 2019). Over the last two decades, the distribution of labour among the economic sectors has changed, with a large decline in the number of people working in agriculture and the manufacturing and construction sectors registering consistently higher rates of labour force participation.

Since the 1990s, the manufacturing industry has gained increasing importance in Cambodia's economy, and by the end of the century, it was fully integrated into the global economy, being mainly owned by foreign firms, principally from neighboring countries such as Singapore, Malaysia and China. Additionally, given the labour-intensive activities of the factories, much attention for labour law compliance has been paid to it with the creation of international monitoring programs; for example, the ILO Better Factories Cambodia (BFC) started in 2001.⁴

Simultaneously, the construction sector in Cambodia has developed considerably during the last two decades, especially thanks to foreign invest-

4 A partnership between the ILO and the International Finance Corporation; the main task of the programme is to monitor the factories' compliance with national law and international labour standards. For more information, see <https://betterwork.org/where-we-work/cambodia/bfc-programme/> Accessed 3 August 2020.

ments that substantially sustain the country's present economic growth. The sector is significantly sustained by Chinese investors, with a concentration of invested capital in cities like Phnom Penh and Sihanoukville. Despite considerable development, it seems that Cambodia has not been able to keep pace with the growth of its construction industry to ensure safety of the sector's workforce, which employed two hundred thousand people as of 2018 (Asia News 2019; Hasnan 2019; Kimmarita 2019a). Being a labour-intensive sector with a lowly qualified labour force, the construction sector often employs informal workers, who mostly operate under sub-contractors, without a clear working contract or in a situation of debt bondage. They are therefore more vulnerable to poor working conditions and labour rights violations (Teung 2019; Millar 2019).

Cambodian employer and employee relations are regulated by the 1997 Cambodian Labour Law, which applies to all relations where the work is performed within the national borders, regardless of the nationality of the parties. The Law prescribes conditions for labour contracts, contractual relations, employees' and employers' rights of association and assembly, institutions, and procedures for conflict resolution.

Since 1969, Cambodia has ratified thirteen ILO conventions, including all the core ones. Furthermore, since 1992 the ILO has actively operated in the country by creating and applying five Decent Work Country Programs (DWCP).⁵ Moreover, with the BFC program initiated in 2001, the ILO is actively promoting good working conditions and labour standard compliance in the garment sector through periodic controls and reports.

3.2 IMPACT OF CHINESE FDI ON CHILD LABOUR IN CAMBODIA

In 1992, Cambodia signed the UN *Convention on the Rights of the Child*, which is implemented in article 48 of the country's Constitution of 1993, ensuring "in particular the right to life, education, protection during war-time, and protection from economic and sexual exploitation". In the National Labour Law of 1997, the article 177 sets the minimum age of employment at fifteen with the permission of employment of children between twelve and fifteen for light work. Moreover, the minimum age for any kind of work which is by its nature hazardous to the health, safety, or morality of an ado-

⁵ DWCPs are the main tool used by the ILO to deliver its support to countries. For more information, see <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/lang--en/index.htm> Accessed 20 August 2020.

lescent is set at eighteen. Finally, the country has ratified the *Minimum Age Convention* in 1999 and the *Worst Forms of Child Labour Convention* in 2006, committing to eradicate child labour in the country.

Child labour has many social and economic implications for a country, and it is a multidimensional problem to address, and hence can be analyzed from many points of views. In this section, due to space constraints, it will be analyzed focusing on the numbers of child workers⁶ in the Cambodian economy over time. Other considerations paving the way for child labour, such as the degree of inclusiveness of social and education policies, will be left out, as the objective here is to provide insight into how the compliance to core labour standards has evolved prior to and after the large influx of Chinese FDI.

3.2.1 PERIOD 1997–2013: AN OVERALL DECREASE OF CHILD LABOUR CASES AND THE CREATION OF BRICK FACTORIES

The Cambodian National Institute of Statistics (NIS) included for the first time in the 1999 Cambodian Socio-Economic Survey (cSES) a section on child labour. The findings showed that one in every six children aged five to seventeen was working, that eighty-seven percent of working children lived in rural areas, and that only forty-five percent attended school (NIS 2000). Two years later, the NIS published the *Cambodia Child Labour Survey* 2001 (cCLS) in collaboration with the ILO and the International Program on the Elimination of Child Labour (IPEC), providing more detailed information on the number of working children in the country, and on hazardous work they were exposed to, reporting that twenty-four percent were engaged in 'hard work'. The survey shows that at the beginning of the 21st century, about fifty percent of the population aged five to seventeen worked, eighty-four percent of working children lived in rural areas, and nine out of ten working children attended school. Similarly, a report of the Understanding Children's Work (UCW) program of 2007 found that working children were mostly engaged in agricultural activities in rural areas.

In 2013, the NIS and ILO published a second Child Labour Survey within the combined 2012 Labour Force and Child Labour Survey. Based on a comparison of the surveys of 2001 and 2012, prior to the BRI, the percent-

⁶ Working children are here considered children aged five to seventeen who are found to be involved in any kind of working activity, with or without salary.

age of working children decreased from fifty in 2001 to nineteen in 2012. However, the shares of the percentages changed significantly among economic sectors. While in 2001 6.3 percent of working children were employed in the manufacturing sector, in 2012 this number rose to nineteen percent. Similarly, albeit to a minor extent, the percentage of working children in the construction sector rose, from one percent in 2001 to 3.7 percent in 2012. The number of hours worked by children also changed: while in 2001 the percentage of children who worked more than forty-one hours per week amounted to fifteen, in 2012 the percentage of children working more than forty-eight hours was more than twenty-eight (ILO & NIS 2002; ILO & NIS 2013).

Regarding the manufacturing and construction sectors specifically, despite the high percentages reported by the CCLs 2001 in the first ILO Synthesis Report of 2001,⁷ no indication of child labour practice was found in the thirty garment factories monitored. Over the years, the findings of the Synthesis Reports changed on this aspect. Indeed, despite low levels of non-compliance, a very limited number of factories with underage workers was found, a notable difference in results compared to those of the CCLs 2012. In summary, from the BFC reports of this period, child labour in manufacturing factories seemed almost non-existent. However, when looking at other sources, child labour in the manufacturing sector seems to start increasing towards the end of the 2000s. This was mainly related to the beginning of the development of the construction industry and the subsequent increase in the number of brick manufacturing factories in the country, as reported by the news (Cheung 2006). Indeed, the BFC covers garment factories, whereas the data from the CCLs is related to all types of manufacturing factories. Thus, even if the levels of child labour in garment factories were negligible compared to those in other types of factories, the growth of the construction industry seems to have greatly contributed to an increased use of child labour in factories manufacturing construction materials. Moreover, the type of work in the brick factories is considered hazardous work that is dangerous to the physical and mental health of the child (ILO & NIS 2013; Cruz & Ratana, 2007; Bunnak 2007), making the increased number of working children in the industry more concerning.

7 Starting in 2001, the ILO has published Synthesis Reports to assess the efficiency of the BFC project on improving working conditions in the garment manufacturing sector in Cambodia.

3.2.2 PERIOD 2013–2019: AN UPSURGE OF CHILDREN WORKING IN BRICK MANUFACTURING FACTORIES

In the BFC Report of 2018, emphasis is put on the positive improvement on child labour in the garment manufacturing sector: from seventy-four child labour cases reported in 2014 to ten cases reported in 2018 (ILO & IFC 2018). However, although according to the BFC program child labour is a zero-tolerance issue, the prevalence of child labour in the garment and footwear manufacturing factories might be higher than the levels indicated, since the investigation is based on a sample model that might omit some aspects of the actual situation of working children in the sector (ILO & IFC 2018). Moreover, while the ILO, the BFC, and the Garment Manufacturer's Association of Cambodia (GMAC) have recently stated their intent to increase collaboration and commitment to eliminate child labour in the manufacturing sector (Preuss 2014), this aim remains limited to garment and footwear production. The already existing issue of child labour in brick factories has indeed become graver with the years, as the construction boom that started in the 2000s has massively intensified since the beginning of the BRI in 2013. Furthermore, while the percentage of working children in the whole economy has decreased since 2012, there is also evidence that since 2013 an overall deterioration has occurred, as shown in Table 1.

| Year | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------------|-------|-------|-------|-------|-------|-------|
| Working Children | 23.6% | 18.3% | 19.3% | 19.3% | 18.5% | 18.5% |

Table 1: Percentages of working children aged five to seventeen in the period 2012-2017.

Source: NIS, 2018.

Compared to the previous period, in fact, in the last few years many more new agencies and NGOs have denounced the large number of working children in the brick manufacturing industry (Kimmarita 2019b; Ferrie 2018). Many of these have stressed the phenomenon of debt bondage: a phenomenon where a person is employed to pay off a loan. For example, LICADHO, a Cambodian human rights organization, has published a report on debt bondage and child labour in Cambodian's brick factories in 2016. According to the report, the brick production industry, which has grown to feed the construction and real estate sectors over the last few years, greatly relies on multi-generational families of adults and children trapped in debt bondage (LICADHO 2016). The trap of debt bondage is mainly caused and continued by the extremely low

pay received by workers, who are paid at piece rates without proper salaries. The pay is not sufficient to live on or to be able to repay the full loan, thus getting passed down from generation to generation. Children often work in brick factories too, as with an increased number of pieces produced, the overall family income increases. A lack of law enforcement and the oppressive regime of the country have allowed the phenomenon of debt-bondage and child labour in brick factories to grow and flourish in the last few years (LICADHO 2016).

While no remarkable increase in child labour at construction sites emerges, since 2013 an increase in the reports denouncing the phenomenon of child labour in brick factories and of shocking news on occupational accidents involving children emerged, as, for example, a nine-year-old girl who lost her arm in March 2019 while working in a brick factory (Kijeviski 2019a). The Cambodian government has recently affirmed that it will start an initiative to end child labour in the brick industry through an inspection system, with severe punishments for all the factories found non-compliant (Kijeviski 2019b). Nevertheless, it is evident that a decline of the protection against child labour has occurred since Chinese investments have boosted the construction industry in the country.

4. CONCLUSIONS

The BRI is a massive investment strategy that has rendered China one of the most influential actors in investment-hosting countries since 2013. In Southeast Asia, Cambodia has strongly endorsed the initiative and has increasingly welcomed Chinese FDI. This article has traced a temporal indication of the changes that occurred within the country with respect to the protection of child labour, one of the ILO core labour standards.

Cambodia's legal framework and its adherence to international conventions strictly prohibit child labour and its worst forms. Over the course of the time period analyzed, some remarkable patterns have emerged in the country on this account. Firstly, the increased number of national surveys on child labour and of socio-economic surveys since the beginning of the 2000s shows a better understanding of the issue and a greater general commitment to its prohibition. Secondly, scarce compliance and lack of enforcement persist in the country, and child labour exploitation continues to be a concerning issue.

When looking at media coverage and organizational reports, we can observe that more attention has been given to the issue of child labour in the last few years, especially since the country has started experiencing a massive boom in the construction industry, facilitated by Chinese FDI. In fact, while the occurrence of child labour in garment manufacturing has considerably decreased despite the growth of Chinese-owned factories, the augmented need of bricks for the construction of hotels, casinos, and buildings financed by Chinese investments has caused an upsurge in the number of child workers in brick manufacturing factories, mostly helping their families who are in a debt bondage situation. Additionally, the working conditions of the brick factories are highly dangerous for children, constituting an increase in the worst forms of child labour. The contrasting results between the two industries suggest that the impact of Chinese FDI on a country's labour standards might depend on external factors, such as monitoring programs from international institutions.

A key difference between the garment manufacturing and construction sectors in Cambodia, in fact, is that the former has developed significantly thanks to trade agreements with Western democratic countries like the US and the EU. Moreover, the garment manufacturing industry has been sustained and promoted by the ILO, which followed a strict monitoring system based on its core principles, both prior to and after the considerable increase in Chinese investments. The latter, instead, has developed mainly thanks to China's aid and investment, especially since the beginning of the BRI, with often a 'free of strings' investment approach, with neither requirements nor restrictions in relation to human and labour standards (O'Neill 2014; Lee 2006). Therefore, while the garment manufacturing sector has gradually improved with respect to critical issues like child labour, the incredibly rapid growth of the construction sector has not experienced the same process.

The absence of a strong, international legal labour regulatory framework for the development of the Cambodian construction industry in combination with the Chinese investment approach might suggest that some negative effects on child labour regulation have arisen since 2013, and that these could have been minimized had international standards been adopted. Nevertheless, although there is a correlation between the increased Chinese FDI and the deterioration of child labour conditions in the Cambodian construction industry, a deeper analysis of elements such as internal political tensions, the increasingly authoritarian and repressive climate of the country, as well as other sources of foreign investment is needed.

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