

Editorial

The issue opens with a paper by M. Antonio García-Muñoz Alhambra, Beryl ter Haar, and Attila Kun offering an analysis of the specific nature as well as the strengths and weaknesses of soft law instruments such as Codes of Conduct and International Framework Agreements. The authors construct a model allowing for a systematic and comparative assessment of the legal quality and effectiveness of these tools in regulating labour issues at transnational level. They argue that in spite of the non-binding nature of these instruments, their normative effect can be significant in practice. The paper was selected as the winner of the Marco Biagi Award 2011 by the International Association of Labour Law Journals. The award is named in memory of Marco Biagi, who not only made a significant contribution to Italian labour law and to the study of comparative labour law but also founded the Labour Law Journals Club, the present-day Association.

Alan Neal provides an in-depth analysis of the Chinese labour market and outlines the reform aimed at modernizing the labour law regulatory framework. The author examines the main trends in the development of one of the most dynamic economies in the world, underlining its specific characteristics compared to other command economies that, in the course of the transition to a market economy, faced problems similar to those of China in promoting business flexibility while establishing a fundamental floor of workers' rights. The paper underlines the main challenges in relation to the effective delivery of employment rights, monitoring, and judicial efficiency in dealing with the rising volume of labour disputes and concludes on a note of cautious optimism about the prospects and time frame for large-scale reform in China.

Lisa Rodgers examines the issue of the complex relationship between labour law and EU employment policy in light of the fact that as part of social policy, they have never been the primary focus of European integration, traditionally aimed at economic goals. The paper analyses the phases of the relation between labour law and employment policy, pointing out the inclusion of employment policy objectives in a number of labour law directives, particularly those on discrimination and atypical forms of work, and then raises the question of the efficacy of soft law regulation. After examining the relevant judgments of the European Court of Justice, the paper concludes with some considerations about the future relationship between law and employment policy in light of the incorporation of the Charter of Fundamental Rights and Freedoms 2000 into the Lisbon Treaty.

From a Latin American perspective, Sergio Gamonal reflects on social clauses in the context of international law. His paper focuses on the effects on labour of the United States-Chile Free Trade Agreement (FTA), with specific reference to the social clause of the Agreement, identifying four types of standards: labour commitments, labour

obligations, cooperation, and procedures. The author argues that the FTA does not have the same force with regard to labour issues as it does with regard to commercial relations. Moreover, considering the limited impact of soft law in Latin America compared to more developed economies, in the author's view, the improvement of labour standards will be achieved only if accompanied by hard law obligations at regional level.

In a rights-based framework, Marius Olivier examines the limitations of the prevailing conceptualization of social security and regulatory frameworks in relation to social insurance in the developing world, taking South Africa as the starting point. The limitations of the international standard frameworks are discussed, with Olivier proposing alternative approaches and measures for extending coverage. The aim is to extend coverage beyond formal employment, and widen the base of social insurance to cover informal workers, who in many regions of Latin America, Africa, and Asia account for the vast majority of workers, making it increasingly hard to consider informal employment as atypical.

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