

331
Int

अवाप्ति सख्या 105846
Acc No ~~1048~~

वर्ग सख्या

Class No. _____

पुस्तक सख्या

Book No _____

लेखक International Labour Co
Author ference.

शीर्षक

Title Future policy. programme

331

Int

LIBRARY

LAL BAHADUR SHASTRI

lational Academy of Administration

MUSSOORIE

Accession No. 105846

1. Books are issued for 15 days only but may have to be recalled earlier if urgently required.
2. An over-due charge of 25 Paise per day per volume will be charged.
3. Books may be renewed on request, at the discretion of the Librarian.
4. Periodicals, Rare and Reference books may not be issued and may be consulted only in the Library.
5. Books lost, defaced or injured in any way shall have to be replaced or its double price shall be paid by the borrower.

Help to keep this book fresh, clean & moving

REPORT I

International Labour Conference

TWENTY-SIXTH SESSION

Future Policy, Programme and Status of the International Labour Organisation

First Item on the Agenda

MONTREAL
International Labour Office
1944

PREFACE

The circumstances in which the Governing Body decided to convene the Twenty-sixth Session of the International Labour Conference and the character of the questions placed on its Agenda are unprecedented in the history of the Organisation. The Governing Body considered that the stage had now been reached at which it was imperative that international consideration should be given to the social problems which will arise during the last period of the war and after the close of hostilities, and that it was of the greatest importance that the International Labour Conference should be able to discuss these problems and to take decisions concerning them at the earliest possible moment. It was for this reason that it decided to convene the Conference at the earliest date permissible under the Constitution, namely 20 April 1944, and authorised the Office to submit to the Conference proposals which it might take as the basis of its discussions.

As the first Item upon the Agenda of the Conference the Governing Body selected the question of the future policy, programme and status of the International Labour Organisation. After careful consideration the Governing Body came to the conclusion that, although a hard and costly struggle may still lie ahead before the termination of hostilities, the beginning of concerted international action to deal with post-war problems had made it imperative that the International Labour Organisation should, without further delay, define its own future policy and programme and its general place in the process of post-war reconstruction, and the status which it should enjoy in the general organisation of the world's international life.

The role of the Organisation in reconstruction was analysed in a tentative manner in the Report of the Acting Director (*The I L O and Reconstruction*)¹ submitted to the New York Conference of the Organisation in 1941, and was defined in preliminary terms in certain of the resolutions adopted by that Conference.

In *The I L O and Reconstruction* it was pointed out that the characteristic feature of the discussions of post-war reconstruction

¹ INTERNATIONAL LABOUR OFFICE *The I L O and Reconstruction* (Montreal, 1941)

which have been so prominent during the present war has been the emergence of the social objective, of the recognition that a healthy democracy implies an adequate economic standing for its members, and that, since the conditions no longer exist in which it could be hoped that this would be provided by the interplay of blind economic forces, self preservation dictates that national and international policy must be directed deliberately towards economic security for all citizens, achieved in a manner which respects individual dignity and liberty, of which in modern conditions it is an essential element. This "has its origin not in the demand of one section of the community for the satisfaction of a series of claims by concessions to be made by another section, but in a widespread conviction that aims at a better organisation of the life of the community as a whole in the interest of the community as a whole". In response to this conviction the attainment of freedom from want has assumed a central place in the preoccupations of high policy. *The I L O and Reconstruction* contained a number of proposals for the development of the work of the Organisation in this changed world situation. It suggested that the I L O should be used as part of the international machinery necessary for the planning of measures of reconstruction, that the share of the task of reconstruction assigned to the Organisation should be solemnly formulated in a "social mandate", that the Organisation should increasingly survey the whole field of public policy, including economic and financial policy, from the social standpoint, and should adjust its relations with other international bodies in the economic field in terms of practical utility, making its own distinctive contribution in all the varied contexts in which it is fitted to do so, but recognising at all times the complexity of the issues of economic policy now awaiting determination and the need to make policy effective in collaboration with and through all the elements of the world's intricate economic and financial machinery. Among the specific fields in which action by the International Labour Organisation was suggested were the relationship between agriculture and industry, the possibilities of the industrialisation of under-industrialised countries and of migration, the development of appropriate machinery for the consideration of the social and economic problems of industries which have become world units, and the further development of regional co-operation within the world-wide framework of the International Labour Organisation.

These proposals were received with general approbation at the New York Conference, where the discussion of them revealed a wide measure of agreement between all three groups that the scale and rapidity of the economic and social changes which constitute

the background of the problem of reconstruction have made it necessary to envisage the role of the International Labour Organisation in a new perspective. The keynotes of the discussions of the Conference were that an economic democracy between the nations, devoted to the organisation of an economy of abundance in the common interest of all peoples, is the only practicable alternative to the recurrence of world-wide wars, that in such an economy vigorous national action must be enlisted within the framework of a better organised international order, and that such action must pursue constantly broadening social objectives and can be effective only in so far as economic policy is regarded as essentially a technique for achieving social objectives. The conviction that in these circumstances the experience of organised labour and of organised management should be brought to bear directly upon the planning and execution of international economic policies, and that the International Labour Organisation is a unique instrument for that purpose, recurred throughout the debate.

The conclusions reached by the Conference were embodied in a number of resolutions. One of these resolutions endorsed the social and economic principles of the Atlantic Charter, requested that the fullest use be made of the machinery and experience of the Organisation in giving effect to these principles, and pledged the fullest co-operation of the Organisation in their implementation. Another resolution pointed out that the International Labour Organisation "possesses the confidence of the free peoples and includes in its structure the representatives of workers and employers" and "is for these reasons peculiarly fitted" to take part in the work of world reconstruction "in such a way as to minimise misunderstanding and unrest and to promote a stable and enduring peace" and requested the Governing Body, *inter alia*, to call the attention of Governments to the desirability of associating the International Labour Organisation with the planning and application of measures of reconstruction, to ask that the International Labour Organisation be represented in any Peace or Reconstruction Conference following the war, and to report on post-war reconstruction to subsequent meetings of the Conference "so that the International Labour Organisation shall be in a position to give authoritative expression to the social objectives confided to it, in the rebuilding of a peaceful world upon the basis of 'improved labour standards, economic advancement and social security'". A third resolution stressed that "after having made sure of victory, the most important task for the democracies will be to establish the principles of economic co-operation which should be laid down between all the nations of the world" and pointed out that "it is

important that a start should be made immediately with the study of the economic conditions which will make social progress possible, so that, when victory has been won, the free nations will be ready to face the great task of reconstruction"

Since the New York Conference the changing fortunes of war, and the resulting difficulty of holding meetings of the Conference and of the Governing Body regularly, have made progress on the basis of these resolutions less rapid than was originally hoped, but the basic proposition that, since the social and economic aspects of world problems cannot be divorced from one another, the I L O has a direct interest in the plans and policies that may be elaborated or decided on in the economic field, and should be entitled to express its views on them, has met with widening acceptance. In order to enable the I L O to assess adequately the social adequacy and implications of current economic proposals, steps have been taken to build up progressively a series of arrangements designed to enable the representative bodies of the I L O, the Conference and the Governing Body, which alone can formulate its policy, to do so in the light of full information. The contemplated arrangements involve the I L O being kept informed of plans drawn up by Governments or other international agencies and the representation of the I L O at any Peace or Reconstruction Conference and its association with reconstruction planning, with a view to the establishment of appropriate liaison between the I L O and other official bodies dealing with international reconstruction problems. It could not be expected that these arrangements would function instantaneously, automatically and completely in virtue of the decisions of the New York Conference, even if the course of the war had been more favourable during the twelve months succeeding that Conference and regular meetings of the Conference and of the Governing Body had been possible, since the application of these arrangements involves securing the co-operation of Government departments with which the I L O has had little or no relation in the past. Broadly speaking, however, despite some unfortunate setbacks, progress has been made under conditions of great difficulty in preparing the groundwork for action on the basis of the New York resolutions, concurrently with the continued discharge by the Office of its established responsibilities in the field of social policy as such.

The task of reconstruction has, however, despite the arduous and costly campaigns which lie ahead before military victory is won, now acquired an immediacy which has made it urgent to give a more precise content to the general principles approved by the New York Conference and to equip the Organisation to implement

those principles on bolder lines. The purpose of the present Report is to facilitate the discussion of these matters by the Conference during its consideration of Item I of the Agenda of its Twenty-sixth Session.

It has been thought convenient to divide the Report into six chapters.

In including in the Agenda the question of the future policy of the Organisation the Governing Body approved a proposal that the Conference should be called on to restate the essential aims of the Organisation in the light of the broadening of the horizon which has taken place since the general principles set forth in Article 41 of the Constitution of the Organisation were formulated in 1919. Chapter I of this Report indicates the points which it is thought that such a restatement of the aims of the Organisation should cover, suggests that the most appropriate form for such a statement would be a solemn declaration, and contains a suggested text of such a declaration with a commentary indicating the considerations in the light of which this text has been drafted.

The Governing Body also contemplated that Item I of the Agenda will afford the Conference an opportunity to review the position of the International Labour Organisation in relation to the developing picture of post-war international organisation. The I.L.O. has been authoritatively referred to as the major instrument for giving effect to the fifth principle of the Atlantic Charter, which pledges "the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement, and social security". It is clearly essential that the Conference should examine the implications of this responsibility and its bearing upon the question of the relations between the I.L.O. and other international bodies. Chapter II therefore discusses the place of the International Labour Organisation in international economic and social reconstruction and its relations with other international institutions.

The question placed upon the Agenda includes the programme as well as the general policy of the Organisation. Under this head it seems appropriate to outline some of the questions which appear to be becoming ripe for early action by the Organisation and might well be included in the agenda of further sessions of the Conference during the next few years or dealt with through some of the more specialised machinery of the Organisation during the same period. Chapter III therefore indicates some of the problems which might usefully receive consideration through the machinery of the International Labour Organisation during the years of reconstruction lying immediately ahead.

The Governing Body decided when fixing the Agenda that the Office should include in the present Report proposals for measures designed to render more effective the functioning of the Organisation. The proposals submitted by the Office are contained in Chapters IV and V. Chapter IV discusses in general terms the steps which should be taken to strengthen the Organisation by measures such as the improvement of the machinery of the I L O for dealing with questions of employment policy, the organisation of industrial committees, the more effective representation of agriculture in the counsels of the I L O, the development of regional activities, and the improvement of the present arrangements in regard to the adoption, ratification and application of Conventions. For the most part the proposals contained in this chapter will have to be implemented by successive decisions taken over a period of time and cannot be effectively put into force by the adoption of resolutions by the Conference at its present Session, though the adoption of such resolutions may in some cases be of value as a formulation of principles which should be followed in developing the policy of the Organisation. Chapter V contains the text of a suggested resolution formulating the constitutional practice of the Organisation in respect of certain matters, including the membership of the Organisation, with a commentary explaining the reasons for the various provisions embodied in the suggested text. Some of the provisions which it is suggested might be included in such a resolution represent steps towards the implementation of the more general proposals outlined in Chapters II and IV, others of them represent a codification of existing practice. Chapter V also suggests the adoption of a resolution concerning certain of the facilities necessary for the smooth working of the Organisation as an effective instrument of international collaboration.

Chapter VI discusses the financial arrangements necessary to enable the International Labour Organisation to discharge effectively the responsibilities committed to it and the problem of the financial autonomy of the Organisation.

In including the question of the future policy, programme and status of the International Labour Organisation in the Agenda of the Conference, the Governing Body did not contemplate that the Conference should aim at the adoption of Conventions or Recommendations but rather that, in general, it should formulate its conclusions in a series of resolutions, the restatement of the essential aims of the Organisation taking the special form of a solemn declaration. The proposals contained in this Report are therefore framed with a view to the adoption by the Conference of such resolutions.

In general, the proposals contained or adumbrated in the Report involve issues of major policy and will doubtless be considered by the Conference both in plenary session and through a committee constituted for the purpose. In view of the character of the proposed solemn declaration suggested in Chapter I and the proposed resolutions suggested in Chapter V it would seem appropriate that they should be referred to the Drafting Committee of the Conference before final adoption.

CONTENTS

	Page
PREFACE	1
CHAPTER I <i>The Aims and Purposes of the I L O</i>	1
CHAPTER II <i>The Role of the I L O in Relation to Other International Bodies</i>	22
CHAPTER III <i>Some Suggestions for the Future Programme of the I L O</i>	47
CHAPTER IV <i>The Development of the Machinery and Procedures of the Organisation</i>	66
CHAPTER V <i>The Constitutional Practice of the Organisation</i>	112
CHAPTER VI <i>Finance</i>	145
APPENDIX <i>The Nature of the Competent Authority Provided for in the Constitution of the International Labour Organisation</i>	169
PROPOSED TEXTS	
I PROPOSED DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE INTERNATIONAL LABOUR ORGANISATION	185
II PROPOSED RESOLUTION CONCERNING THE CONSTITUTIONAL PRACTICE OF THE INTERNATIONAL LABOUR ORGANISATION	187
III PROPOSED RESOLUTION CONCERNING THE INCLUSION IN NEW OR REVISED NATIONAL CONSTITUTIONS OF PROVISION FOR THE CONSIDERATION BY LEGISLATIVE AUTHORITIES OF THE DECISIONS OF THE INTERNATIONAL LABOUR CONFERENCE	192
IV PROPOSED RESOLUTION CONCERNING FACILITIES FOR THE EFFICIENT DISCHARGE OF THE RESPONSIBILITIES ENTRUSTED TO THE INTERNATIONAL LABOUR ORGANISATION	192
V PROPOSED RESOLUTION CONCERNING THE PLACE OF THE NEXT SESSION OF THE INTERNATIONAL LABOUR CONFERENCE	194

CHAPTER I

THE AIMS AND PURPOSES OF THE INTERNATIONAL LABOUR ORGANISATION

The events culminating in the Second World War have produced in many countries a revaluation of the objectives of economic policy. A new social emphasis has been the distinguishing characteristic of the statements of policy which statesmen from a wide range of countries and of every shade of political thought have had occasion to make during the war years. Regarding questions of pace and method there naturally continue to be substantial differences of opinion, but the general proposition that economic policy is to be regarded as essentially a means for the achievement of certain social objectives has secured a degree of agreement which measures the extent of the response which men's minds have already made to the challenge of two world wars within a generation separated from each other by the most devastating and tragic economic depression in the history of industrial civilisation. There is a grim determination in all lands that these things shall not recur, and that the economic disorders and distresses which played some part in producing the present conflict shall be attacked with a degree of resolution, understanding and solidarity commensurate with the needs of the times.

This determination has already found expression in international statements of policy of an authoritative character. Of the four freedoms proclaimed by President Roosevelt on 6 January 1941, which by general consent have acquired the status of the battle-cry of the United Nations, "The third is freedom from want, which translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world"

Of the eight common principles announced in the Atlantic Charter and since subscribed to by the forty-four United Nations, three define a common approach to international social and economic problems. These principles are as follows

Fourth, they will endeavour, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of

access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want

These three principles were endorsed unanimously by the Conference of the International Labour Organisation, held in New York and Washington in October-November 1941, which pledged the full co-operation of the International Labour Organisation in their implementation

The economic foundations on which progress towards the attainment of the objectives set forth in the Atlantic Charter must be built have since been further indicated in the Mutual Aid Agreements concluded between the United States of America and some 20 countries. These provide that the terms and conditions of the final determination of the benefits to be provided in return for lend-lease aid shall be such as not to burden commerce between the countries concerned "but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations", and shall to that end include provision for agreed action—

open to participation by all countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples, to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers, and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 12, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom

Since the social objectives of the free peoples were set on record, and an outline of the economic means of attaining them was sketched, in the Atlantic Charter and the Mutual Aid Agreements, the clarification of policy has proceeded a considerable distance. Statesmen of opposing parties and conflicting views have formulated their respective standpoints in a wide range of countries. Out of the maelstrom of discussion and debate there has emerged a substantial measure of common agreement regarding objectives. Full employment at fair pay, better nutrition, better housing, better medical services, fuller equality of educational opportunity, adequate family allowances, more ample provision for old age,

disability, and widows and orphans, proper recreational facilities for all classes in the community and especially for the young, higher standards of health, safety, welfare and leisure in industry, more assured prosperity and a higher level of amenities in agriculture—these are the things that a growing body of opinion in every country, and in every political party, regards as an essential part of the civilised standard of life which every citizen is entitled to expect the community to make it reasonably possible for him to attain. These are the social claims which the common man, whose conception of the possible has been vastly enlarged by two world wars, now expects the economic system to satisfy. The problem of post-war economic reconstruction is that of determining how these social claims are to be met—irrespective of class, creed, race or sex, and in countries of very various economic traditions and problems and in very varying stages of economic development. To this problem the statesmanship of all the free countries is, to the extent permitted by the prior claims of immediate military preoccupations, increasingly addressing itself, as is evidenced by a long series of national and international discussions and decisions.

In the context of these evolving policies it has clearly become desirable that the International Labour Organisation should reformulate the aims and purposes which it will pursue in the period into which the world is now moving. All that has happened since 1919 has given added force to the basic philosophy of international affairs proclaimed by the Constitution of the Organisation, and there is nothing in the terms in which that philosophy was expressed in the Constitution which one would wish to abrogate or qualify in the light of subsequent experience. But the world having moved forward, the Organisation can now move forward with it, or preferably somewhat in advance of it, and the time would accordingly appear to have come for the adoption of a new statement of general principles on the lines of Article 41 of the Constitution of the Organisation, which would constitute, as Article 41 did in 1919, a social mandate setting certain goals before the Organisation and representing a pledge by the Members of the Organisation to co-operate for the attainment of those goals.

It is suggested that such a restatement of the aims and purposes of the International Labour Organisation could most appropriately take the form of a solemn declaration by the Conference. The adoption of such a declaration would serve to mark a turning point in the history of the Organisation by reformulating its objectives in the new perspective of a changed world situation. For this purpose none of the traditional procedures of the Organisation is altogether appropriate. The amendment of the Constitu-

tion of the Organisation is a cumbersome process, involving ratification by three fourths of the Members of the Organisation, including all the States whose representatives compose the Council of the League of Nations, it is unnecessary to have recourse to so elaborate and protracted a procedure in order to accomplish the purpose in view. Nor would the form of a Convention or of a Recommendation be appropriate, since the essential purpose of a Convention is to create reciprocal obligations between the Members ratifying it, and that of a Recommendation to afford guidance for the national policies of Members, rather than to define the aims and purposes of the Organisation. A resolution, on the other hand, would fall short of the requirements of the occasion. Although the International Labour Conference itself has never adopted a solemn declaration, such declarations have been adopted by two Conferences convened under the auspices of the Organisation, the Second Labour Conference of American States and the First Inter-American Social Security Conference, for purposes similar to that for which the adoption of such a declaration by the International Labour Conference is now suggested. It would of course be desirable that the declaration should be regarded as having the status of a solemn commitment by the Members of the Organisation as well as that of a pronouncement by the Conference. The steps which might be taken to secure this result are discussed at the end of the present chapter.

It will be convenient to set forth paragraph by paragraph a suggested text for the proposed declaration, accompanied by a brief explanation of the purpose of each paragraph. The complete text of the proposed declaration is given at the end of this Report.

PROPOSED DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this day of in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members

This paragraph, while mainly formal, draws attention at the outset to the interdependence of the aims and purposes of the

International Labour Organisation and the policies of its Members. It is through its Members that the action of the Organisation becomes effective, and unless their national policies are systematically directed towards the attainment of the aims and purposes of the Organisation no international action which it is within the power of the Organisation to take will suffice to translate those aims and purposes into concrete achievement expressed in the well-being of individual human lives.

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that labour is not a commodity, that freedom of expression and of association are essential to sustained progress, that poverty anywhere constitutes a danger to prosperity everywhere, and that accordingly the war against want, while it requires to be carried on with unrelenting vigour within each nation, equally requires continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

This paragraph reaffirms the fundamental principles on which the International Labour Organisation is based, as set forth in the Preamble and Article 41 of the Constitution and exemplified in its whole constitutional structure, and draws special attention to the fundamental principle that labour is not a commodity and to the fact that freedom of association, which is a corollary of this principle, is the cornerstone of the democratic structure of the Organisation. The affirmation of the indivisibility of the prosperity of all peoples broadens in the light of subsequent experience the declaration contained in the Preamble to the Constitution that the failure of any nation to adopt humane conditions of labour constitutes an obstacle in the way of other nations which desire to improve the conditions in their own countries. The paragraph emphasises that international effort can be successful only if it is continuous and concerted and re-emphasises that international action cannot be successful in the absence of vigorous national action. It reaffirms the basic constitutional principle on which the International Labour Organisation is founded—the participation of representatives of workers and employers, enjoying equal status with those of Governments, in free discussion and democratic decision directed to the promotion of the common welfare—and by so doing asserts the importance of such participation for the successful handling of the problems of the future.

Believing that experience has fully demonstrated the truth of the statement in the Preamble to the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, that the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy, and that all policies and measures, in particular those of an economic and financial character, must be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective

This paragraph is designed to indicate the manner in which the concept of social justice on which the International Labour Organisation was based has broadened during the intervening quarter of a century

The events of the intervening years have made it particularly desirable to affirm that all human beings have certain common rights, irrespective of race, creed or sex, thus disavowing utterly the policies of discrimination which have brought so much misery to the world under Axis rule and should clearly be eliminated from the practice of all democratic States

They have also made it desirable to broaden the conception of the elimination of inhumane conditions of labour into that of the elimination of economic insecurity, while stating this conception in close relationship with that of equality of opportunity, and emphasising that freedom and dignity are necessary accompaniments of both. It is in seeking the combination of freedom and dignity with economic security and equal opportunity that the democracies differ from those who have been prepared to seek a measure of economic security at the price of slavery

The paragraph concludes by stating the keynote of the social thinking which has emerged from the world's ordeal, that the attainment of conditions in which men can exercise the human rights which have been postulated "must constitute the central aim of national and international policy" in the light of which all policies and measures must be judged. The words suggested are an attempt to express concisely the general consensus of opinion in this sense resulting from the discussions of the New York Conference, which was summed up by President Roosevelt, when addressing the Conference, in the remark "We have learned too well that social problems and economic problems are not separate

watertight compartments in the international any more than in the national sphere. In international, as in national affairs, economic policy can no longer be an end in itself. It is merely a means for achieving social objectives." Mr Ernest Bevin struck a similar keynote for the proceedings of the Ninety-first Session of the Governing Body when he said in opening the proceedings "Victory, when it comes, will be a victory won by all the people, and the peace that is made must be a peace for the peoples—one which has predominantly in mind the needs and hopes of the masses."

The Conference declares that it is accordingly a responsibility of the International Labour Organisation to scrutinise all international economic and financial policies and measures in the light of this fundamental objective and that in discharging the tasks entrusted to it the International Labour Organisation may consider all relevant economic and financial factors and include in its decisions and recommendations any provisions which it considers appropriate

This paragraph draws certain conclusions from the principle that social objectives constitute the criterion in the light of which economic and financial policies and measures must henceforth be judged.

The paragraph acknowledges that it is a responsibility of the International Labour Organisation to scrutinise all international economic and financial measures from the social angle. This responsibility was formulated in preliminary terms in the resolution on post-war emergency and reconstruction measures adopted at the New York Conference, which entrusted the Organisation with the duty of giving "authoritative expression to the social objectives confided to it, in the rebuilding of a peaceful world upon the basis of 'improved labour standards, economic advancement and social security'." Its nature and utility were sketched in fuller detail by the Acting Director during the London meeting of the Emergency Committee in April 1942, in the following terms, which met with general approval from the Committee:

It is not possible, in my view, for this Organisation to dissociate itself from a direct and major interest in those economic and financial settlements, because whether those economic and financial settlements are good or bad will very largely determine whether or not this Organisation can secure its social aims.

There is nothing new in that. This Organisation has claimed since the very beginning, although continually with a louder and more determined voice, that it should have its say in international financial and economic settlements.

A theoretical economic solution, however perfect it may be in terms of economic theory, will not work if, because its social consequences have been neglected, it produces so much social unrest that the people who are supposed

to live under it refuse to work it. Equally, you cannot solve your social problems unless you have a world economic and financial system which will make it financially and economically possible to meet the social needs.

It is of the greatest importance that if sane economic policies can be elaborated or discovered, and if Governments can be brought to agree to apply them, this Organisation should put the whole weight of its prestige, influence, and support, behind them, because here again we have the experience of the last twenty years, which shows that you can get agreement and you can get those principles laid down and accepted, but you do not always get them applied, or you get them applied for six or eight months or a year and then something happens which makes their application more difficult and the Governments recede from them, and you are back again where you started.

I think that that process happened in the past very largely because it had not been possible to put the weight of organised public opinion, understanding those solutions and realising their value, not only behind them as solutions which ought to be adopted but continuously behind their application. That, in general terms, is both the interest of this Organisation in the economic and financial settlements which may be made and the importance of its relationship to them, in the sense that if world public opinion does not prep them up, then, although they may be built up, they may within a short time fall down.

I therefore conceive of our function in this way, that we should leave the economists and the financial experts full freedom to elaborate the best proposals they can, but that it should be the function of this Organisation then to scrutinise those proposals at the stage at which they then are and to attempt to consider what would be their social consequences.

All these financial and economic proposals would be scrutinised by the International Labour Organisation in order to see whether any of them are of such a character as to run counter to the social effort of this Organisation. That is the negative aspect of it.

From the positive aspect, they should be scrutinised to see whether they are proposals of a kind which will give the maximum opportunity for seeking the fulfilment of our social aims, and whether the Governing Body or the Emergency Committee would have any suggestions to make as to how they could be improved, such suggestions to be considered by the competent authorities. Then, if those proposals should go forward, say to the peace conference or to the reconstruction conference or to the Governments for action, or to the United Nations, they would go forward also from the International Labour Organisation with the backing of this Organisation, and with the promise that this Organisation would secure for them in its own interest and in the interest of the workers, and in the interest of securing those social improvements which we all desire, all the support possible so that not only should they be put into effective application but that application should be sustained through those difficulties which will certainly arise, and which will lead to the danger of Governments receding from the kind of policy which they may originally have adopted.

Particularly emphatic support for this policy was expressed by the representative of the United States Government, Mr Carter Goodrich, who quoted a passage from his instructions stating that "It is of particular importance that the International Labour Organisation, representing labour and industry as well as the Governments of many nations, be in a position to give its informed

and considered opinion on the social and economic principles and measures which should be embodied in the post-war settlement, particularly as they bear on the attainment of full employment and a rising standard of living", and described "as the central principle of the New York Conference" that "the I L O must be equipped to state its position in the economic field" The value of such scrutiny by the Organisation of international economic and financial policies and measures was also generally acknowledged at the 91st Session of the Governing Body, in the course of which the British Foreign Secretary, Mr Anthony Eden, addressing the Governing Body, reaffirmed an earlier statement that he would like to see the I L O become the main international instrument for giving effect to Article 5 of the Atlantic Charter and said "Your Organisation will no doubt scrutinise plans for economic and financial reconstruction from the point of view of the social objectives at which you aim, and in doing this you will help to make sure that we steadily pursue the road which the United Nations have chosen to travel"

By discharging this responsibility the International Labour Organisation can, it is believed, make a major contribution to the solution of the complex problems of the years which lie before us For a generation or more to come the repercussions of the two world wars will constitute a dominant element in the preoccupations of social and economic statesmanship Policies as far-reaching as will be required to deal with problems of readjustment on the scale of those arising from the war cannot be effectively implemented by governmental action over substantial periods unless they enjoy the considered and sustained support of a preponderance of the organised social forces in the community Difficulties are bound to arise in implementing any such policies, and Governments will be spurred to overcome such difficulties rather than to recede from policies based on long-range views only if there is a widespread conviction on the part of workers and employers that the policies being pursued have been wisely framed and are directed towards a social objective which justifies such immediate sacrifices of vested or other limited interests as may be necessary This conviction will exist only if high economic policy and strategy is formulated with due regard to the views of responsible representatives of workers and employers and is regularly interpreted to, and exposed to criticism by, such responsible representatives as the process of formulating it proceeds It will quickly be dissipated unless the social objectives which have been formulated in general terms are given a precision which inspires confidence in both the sincerity with which they have been advocated and the practic-

ability of the methods whereby it is proposed to attain them. The world is weary of vague pledges of new orders. Rightly and properly the public demand today is for concrete plans for human betterment. By scrutinising economic and financial policies as they develop the International Labour Organisation can add its weight to the endeavour to ensure that the policies adopted by Governments deserve the public support without which they cannot be made effective over long periods, and that policies deserving such support do not fail to receive it through any inadequate explanation of their origins and purpose to organised labour and organised management.

The proposed paragraph also acknowledges that in discharging the tasks entrusted to it the International Labour Organisation may consider all relevant economic and financial factors and include in its decisions and recommendations any provisions which it considers appropriate. It was suggested by the workers' group during the 91st Session of the Governing Body that the Constitution of the Organisation should be amended with a view to affirming its competence to deal with economic questions, but as no new principle is involved, and the Constitution of the Organisation establishes a framework through which its Members can co-operate in respect of economic questions to the fullest extent to which they are prepared to accept the Organisation as an appropriate instrument for the purpose, it would seem unnecessary to amend the Constitution for this purpose. The inclusion of a reference to the matter in the proposed declaration would be sufficient to remove any misunderstanding on the subject. The Organisation has frequently reviewed economic and financial factors when discharging tasks entrusted to it, and it has on a number of occasions included provisions relating to economic and financial matters in its decisions and recommendations, notably in the series of resolutions on economic policy which it adopted during the depression and in the Public Works (National Planning) Recommendation, 1937, which includes provisions concerning financial policy. There was a general consensus of opinion at the New York Conference that the Organisation must be concerned with the economic foundations of social policy to a greater extent in the future than in the past, and the inclusion of a reference to the subject in the proposed declaration will serve to emphasise that there are no fixed or rigid limits to the competence of the Organisation but that it is in a position to assume without constitutional difficulty whatever responsibilities in the economic field it may be appropriate to entrust to it from time to time.

Among the matters to which urgent attention should be given by the International Labour Organisation, the Conference attaches special importance to the following

At this point the proposed text proceeds to indicate the main great fields of policy which are of special concern to the Organisation and should receive its urgent attention with a view to the attainment of the general purposes indicated in the earlier paragraphs

In attempting to indicate these fields of action, the Office has been guided primarily by the consideration that a declaration of the aims and purposes of the Organisation should embody broad principles of long-term importance which are generally acceptable to all elements in the Organisation. Such a declaration will be essentially a pledge that the policies of the Organisation and of its Members will be consistently directed over a period of years towards the attainment of certain ends. Such a pledge can be fulfilled through the changes of circumstance which are bound to be of unusually frequent occurrence during a period of profound uncertainties only if it expresses the fixed resolve of all elements in the Organisation. It must therefore be expressed in the broadest terms and while unequivocal in character must necessarily avoid detail and be confined to matters in respect of which there is likely to be general agreement within the Organisation.

On the basis of the above criteria it is suggested that the first question which should be mentioned in the list is

The maintenance of full employment and raising of standards of living

Among the immediate objectives of social and economic policy that of full employment has increasingly assumed the central place. During two world wars the highly industrialised States have achieved full employment as a means of maximising their armed strength. These supreme efforts called forth by crises of national survival have not been matched by any continuity of policy designed to remove the occasion for such efforts. Throughout the inter-war period unemployment was the major social curse of the highly industrialised States. In January 1933, the date of the assumption of power by the Nazi régime in Germany, the volume of unemployment in that country exceeded 6 million persons. Over 13 million were unemployed at the same time in the United States, almost 2½ million in Great Britain, almost 1¼ million in Italy, and nearly half a million in Japan. In these figures is to be found part of the explanation for the history of the succeeding years. The employment problem which will arise on the morrow of the war will be

on a scale far exceeding any with which we were familiar during the inter-war period. Although no precise estimate of the size of the problem is possible owing to the number of unknown factors in the situation, it is apparent that towards the end of and during the years immediately following the war the reabsorption into civilian pursuits of the vast majority of the millions of men and women serving in the armed forces or engaged in war production will constitute the major task of economic statesmanship. Society will insist on the provision for these men and women of work of social value which will enable them to earn a living for themselves and their dependants and to make a useful contribution to the life of the community. The days in which the State could consider that its duties were discharged if it provided some minimum income for the unemployed through insurance or otherwise have gone forever. The right to subsist, the right not to die of starvation, can no longer be regarded as exhausting the claims of the individual upon the modern State. Men and women will no longer tolerate an organisation of society under which those who are willing and anxious to work are obliged to forfeit their self-respect by remaining idle through the critical years during which we must rebuild our shattered civilisation. No political or economic system which fails to solve the problem of full employment will be acceptable to a world which has learned the potentialities of governmental action during two world wars. The hardy virtues of work, thrift and self-reliance have lost nothing of their old importance, but in the complex industrialised societies of modern times they are utterly inadequate to ensure reasonable opportunities for the individual or the maintenance of decent standards of well-being throughout society. The expression "the right to work" is no doubt an over-simplification of the problems involved, but it states in simple and forceful terms the most elementary of the social claims which modern society is called upon to meet.

In the proposed text the maintenance of full employment is linked with the raising of standards of living. Full employment was secured in Germany at the price of slavery and as a preliminary to conquest. The proposed text is designed to emphasise that the full employment sought by the International Labour Organisation is full employment for welfare and not full employment for warfare.

The text is not intended to suggest that the International Labour Organisation can or should assume exclusive (or even, in respect of a number of aspects of the problem, primary) responsibility for the maintenance of full employment and the raising of standards of living.

On the one hand, there are certain political conditions which must be fulfilled in order to make possible the attainment of social ends by economic policies. Economic prosperity and social justice cannot be assured in a world where political strains involve a standing menace of war. The Constitution of the International Labour Organisation rightly affirms that lasting peace "can be established only if it is based upon social justice". It is equally true, and has indeed been consistently maintained by those responsible for directing the policies of the International Labour Organisation that social justice can be attained only on the basis of assured peace. The peace-loving peoples of the world must retain both the power or the will, and must establish and support the necessary machinery, to maintain international public order if they wish to be free to devote their energies to improving the well-being of their homesteads and townships. Without political security, based on the harnessing of power as the servant of welfare, it will be impossible to pursue effectively long-range policies directed towards the maintenance of full employment and a rising standard of living. To spell out this truth with a wealth of detailed illustration would be supererogatory at the height of the second world war.

On the other hand, as is pointed out in the penultimate paragraph of the suggested text of the proposed declaration, a whole series of economic and financial measures, with which the International Labour Organisation should be associated but for which it cannot, and should not attempt to, assume primary responsibility, will be necessary for the maintenance of full employment and the raising of standards of living and an important part of the necessary action can be taken only in the national field.

It is suggested that the reference to the maintenance of full employment and the raising of standards of living should be completed by a reference to

The employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being and, as a means to the attainment of this end, the provision under adequate guarantees for all concerned of facilities for training and the transfer of labour, including migration for employment and settlement

This clause states a further corollary to the conception of full employment, to wit that the worker is not fully employed unless he is employed in a manner which enables him to give the fullest measure of his skill and attainments and make his greatest contribution to the common well-being.

The clause also recognises the importance which the mobility of

skills has assumed in a period of rapid technological development, and the key significance of the human factor in all plans to promote greater mobility of labour. This problem is to be considered at the present Session of the Conference, as a problem of the transition from war to peace, under Item III of the Agenda, and suggestions for further consideration of the subject by the Organisation are outlined in Chapter III.

The clause also refers to migration for employment and for settlement under adequate guarantees for all concerned, subjects which were dealt with by the Organisation throughout the inter-war period, were particularly intensive during the years immediately preceding the war and have an important bearing on the problem of full employment.

The application of policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and the assurance of a minimum living wage to all in need of such protection

This clause refers to a broad field of action with which the Conference is specially familiar, since it embraces a particularly important part of the work accomplished by the Organisation during the inter-war period. Working conditions will continue to be a major preoccupation of the International Labour Organisation in the future, and the innumerable subdivisions of the subject will come before the Conference as occasion may require in the future as in the past.

The clause is not limited to wage earners, but includes salaried employees and independent workers.

The criterion that a just share of the fruits of progress should be ensured to the worker is that which was adopted by the Conference during the thirties when discussing the reduction of hours of work.

No attempt is made to specify in the declaration any particular level of hours, as experience has shown that under present conditions of technological development any figure is likely to become rapidly out of date in the industries with the most modern technical equipment, while remaining an objective for future effort in industries which are technically less advanced. It therefore appears preferable to state the general principle that the worker is entitled to his just share of the fruits of progress rather than to endeavour to prescribe a limit of hours.

The clause applies the same principle to wages and earnings, and to other conditions of work, and recognises the need for a minimum living wage for those too weak to secure it for themselves by such methods as collective bargaining.

The effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the initiation and application of social and economic measures

The significance of the right of collective bargaining is stated in a current publication of the International Labour Office in the following terms

The right to organise democratically without interference by employers and to bargain collectively through representatives of his own choosing are essentials without which, in an industrialised society, the worker is at an impossible disadvantage and the orderly development of satisfactory industrial relations unattainable. In large-scale industry wages and other conditions of work are normally governed by either collective agreement or some form of State regulation, and the method of collective agreement permits of greater flexibility, readier adaptation to changing needs, and more industrial self-government than that of legislative regulation. Basic standards, the essential character of which is that they are designed to be universal and permanent, are rarely adequately established by collective agreements, such agreements must therefore be regarded as supplementary to and not a substitute for basic labour legislation, but subject to this limitation they constitute one of the main instruments for implementing in the relations between employer and employee the objectives set forth above.¹

The clause also refers to the importance of the co-operation of management and labour in the continuous improvement of productive efficiency, a matter in respect of which there have been far-reaching developments in certain countries during the war which augur well for the future if they can be maintained as a foundation for further progress in the post-war years.

It concludes with a reference to the wider responsibilities which the trade unions, and the corresponding organisations of employers, have been called upon to discharge increasingly in modern times and especially during the war—responsibilities which include advising in the preparation of social legislation, participating in its administration, collaborating in the formulation and execution of economic policies, and sharing in the organisation of national defence. As was said in *The I L O and Reconstruction*,

Industrial associations of employers and workers have now become an integral part of the structure of the modern democratic State. It is now recognised that social and economic problems cannot be considered or dealt with in isolation. If the social objective is to be the fundamental element of policy, the association of employers' and workers' organisations with all phases of the initiation and application of economic and social policy becomes not only desirable but indeed indispensable.

¹ INTERNATIONAL LABOUR OFFICE *Constitutional Provisions concerning Social and Economic Policy* (Montreal, 1944), pp. xvi-xvii.

Suggestions for further consideration by the International Labour Organisation of collective bargaining and related subjects are contained in Chapter III of this Report and the possibility of more extensive recourse to collective agreements as a method of application of international labour Conventions is discussed in Chapter IV

The extension to the whole population of social security measures providing a basic income in case of inability to work or to obtain work, and providing comprehensive medical care

This clause states the basic principle underlying current social security plans. Proposals for the progressive implementation of this principle are being submitted to the present Session of the Conference under Item IV of the Agenda.

The provision of adequate protection for the life and health of workers in all occupations

This clause recognises the importance of an adequate programme of industrial health and industrial safety measures. There has been a great increase in public interest in this field in recent years and the International Labour Organisation can do much to promote further progress. Detailed suggestions for action by the Organisation are contained in Chapter III.

Provision for child welfare and maternity protection, and the provision of adequate nutrition, housing and facilities for recreation and culture

Child welfare and maternity protection, with both of which the Organisation has been concerned continuously from the outset, will be of special importance in a period in which it will be necessary to counteract the effects of malnutrition, hardship and neglect during the war and reverse the demographic trends resulting from Nazi policy.

The concern of the Organisation with matters such as nutrition, housing and facilities for recreation and culture has grown out of its experience that labour legislation in the old narrow sense "is only a very partial remedy for the social evils which the International Labour Organisation was created to combat", an experience which, as was recorded by Mr Harold Butler in his Director's Report for 1938 with the general approval of the Conference, has resulted in a broadening of its outlook till "its horizon embraces all those wider questions which are inherent in the vast problems of stabilising employment and lifting the standard of life to more civilised levels everywhere".

The Organisation has taken an active interest in all of these matters for many years and suggestions for further steps in regard to them are contained in Chapter III of this Report

The assurance of equality of educational and vocational opportunity

This clause is inspired by the conviction which has been so widely voiced in recent years that "access for the workers' children to education and training independent of the income level of the parents is fundamental to the future efficiency of the democratic State"¹ as well as an inherent right of all its citizens as joint heirs to its heritage of skills and culture

It would seem desirable that any proposals which may be made for extending this enumeration of broad fields of action should be judged on the basis of the criteria followed in framing the proposals now submitted to the Conference. It cannot be too strongly emphasised that this part of the proposed declaration is not designed as a statement of a complete programme of action for the International Labour Organisation, but as an indication of a number of broad fields of action which, it is reasonable to hope, will be universally recognised to be of outstanding importance and deserving of urgent attention. A more detailed programme of action for the Organisation is outlined in Chapter III of this Report, and questions which are not of the first order of importance or the inclusion of which would involve controversy should, it is suggested, be included in that more detailed programme rather than in the text of the proposed declaration.

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including for example measures to avoid severe economic fluctuations, to maintain consumption at a high level, to ensure the productive investment of all savings, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples

This paragraph recognises that the attainment of the objectives set forth in the proposed declaration presupposes a fuller and broader utilisation of the world's productive resources, but is de-

¹ INTERNATIONAL LABOUR OFFICE *The I L O and Reconstruction* (Montreal, 1941), p. 101

signed to express a sober confidence that this condition can be fulfilled by vigorous and effectively co-ordinated international and national action

It gives a number of illustrations of the action required for this purpose, but does not attempt any exhaustive survey. The illustrations given are selected from among matters in which the International Labour Organisation has taken a special interest in view of their far-reaching bearing on the attainment of its objectives. The desirability of including any further illustrations which may be proposed should be determined, it is suggested, in the light of the criteria formulated above when discussing the various fields in which the I L O should be active, namely the intrinsic long-range importance of any suggested illustration and the probability of its being acceptable to all elements in the Conference.

In regard to the majority of the matters mentioned, other international organisations are likely to have the primary responsibility for the necessary international action, and the paragraph therefore concludes by pledging the co-operation of the Organisation with such international bodies as may be entrusted with a share of the responsibility for taking such action. It also includes a pledge that the International Labour Organisation will co-operate with such international bodies as may be established to promote the health, education and well-being of all peoples. The methods by which such co-operation can be made effective and the part which the International Labour Organisation is equipped to play in relation to other international bodies are discussed at greater length in the following chapter.

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

This paragraph affirms the universality of application of the principles set forth in the declaration, it recognises, as Article 41 of the Constitution of the Organisation recognised, the relativity of standards and inevitability of gradualness in a world where variations of social and economic development are so great, but it affirms plainly that the progressive application of the principles enunciated is a matter of concern to the whole civilised world.

The tasks which are indicated in the proposed declaration as the responsibility of tomorrow, a responsibility in which the International Labour Organisation will have an important share, are of a magnitude which might well lead the stoutest hearts to hesitate and quail. The assets of which we dispose for the tasks of reconstruction are, however, as unparalleled as the destruction which we have to repair. On the material side alone the stimulus to development given by the war can be made to compensate for all that has been destroyed. The expansion of the metal, the engineering and above all the machine tool industries during the war will, if wise policies are pursued, prove an asset and not a liability. These industries form the foundation of the whole industrial system and the strengthening of that foundation should greatly facilitate the development of industry and the promotion of higher standards of life throughout the world. The acquisition of new skills by labour should also facilitate the growth of new industries and the development of old, the number of persons in all parts of the world who have acquired a mechanical sense will have been enormously increased and a much larger proportion of the total labour force will have mastered more than one skill. The war will have enormously accelerated inventive processes, many new materials will have reached the stage of large-scale manufacture, the machinery in certain industries will have been modernised and greatly improved, the organisation of many concerns and of whole industries will have been remodelled and costs reduced. In terms of technical and social evolution the war has telescoped years into months and generations into years. Aviation, radiolocation and television, light metals and plastics, prefabrication and dehydration, these are but the precursors of a new age which will add to the world's wealth and welfare as coal and steel and the steam engine and electricity and internal combustion added to it in the past. Nor is the scale of the destruction which has been caused, the complete disruption of the world economic system wrecked by the two wars and the depression, and the progressive extension of the danger zones to hitherto sheltered parts of the earth, without substantial compensating advantages. Today we must rebuild because we can do no other. We cannot be led astray by any mirage of good old days because most of us cannot remember any period within our lifetime to which we would willingly return. Our unprecedented natural resources may therefore prove to be the least of our assets of reconstruction value. The victory of freedom can be made the occasion for releasing moral energies capable of triumphing over privation and fatigue, over bewilderment and despair. If unity of purpose can be achieved and maintained, if self-discipline and

vision continue to govern policy when victory is won, the civilisation of the ages may yet go forward to build on the basis of the four freedoms a century of unparalleled progress throughout the world

It remains to consider how the provisions of the suggested declaration could be given the character of a solemn commitment by the Members of the Organisation. As the declaration is essentially a pledge to pursue certain policies and a recognition of the part to be played by the International Labour Organisation in the application of those policies, rather than an instrument stating obligations capable of precise legal definition, the ratification of a treaty would not appear to be indispensable for the purpose of constituting the desired commitment, but the terms of the declaration might appropriately, if a suitable opportunity should arise, be incorporated in some appropriate form in any general peace settlement which may be negotiated.

There is also another method of giving the proposed declaration the character of a particularly solemn commitment which might be followed in certain countries. It is pointed out in the Introduction to the volume of *Constitutional Provisions concerning Social and Economic Policy* recently issued by the International Labour Office that it has become increasingly common in modern times for national constitutional instruments to formulate certain objectives of social and economic policy, and that during the period immediately following the war a considerable number of countries are likely to adopt new national constitutions or revise their existing constitutions. There may therefore be a considerable number of opportunities, in countries in which such action would be consistent with national traditions, of expressing in national constitutional instruments approval of the principles set forth in the proposed declaration or even of incorporating in such instruments the text of the declaration or some appropriate modification of its terms. In the volume mentioned it is pointed out that political institutions must always be "built upon political, economic and social realities in the country concerned, including its traditions and national character" and that "there can therefore be no model constitution valid for all countries or for all periods in the evolution of any one country", but it is suggested that—

while the structure of institutions must necessarily vary greatly from one country to another, and from one period to another, it is not unreasonable to hope that certain broad principles of social and economic policy, and the basic indi-

vidual freedoms, which the Atlantic Charter so rightly links with freedom from fear and want, can become almost common form provisions of national constitutions

and thereby contribute to moulding the forces which will determine long-range policies. The possibility of formulating national constitutional provisions enunciating principles of social and economic policy in the light of the terms of the suggested declaration would therefore appear to be worthy of consideration in countries where the question may arise

CHAPTER II

THE ROLE OF THE I.L.O IN RELATION TO OTHER INTERNATIONAL BODIES

The problem of the relations between the International Labour Organisation and other international bodies has entered upon a new phase as the result of the functional approach to the problem of world order at present being followed by the Governments of the United Nations, but it is no new problem for the International Labour Organisation. In order to discharge effectively the responsibilities entrusted to it the Organisation has found it necessary from the outset to maintain close contact and co-operation with the bodies responsible for international action in other fields. As the preceding chapter has emphasised, social policy cannot be divorced from its economic and political context. Accordingly the International Labour Organisation cannot, consistently with the proper discharge of the broad responsibilities which have been entrusted to it, be in the world but not of it. Daily and intimate contact with all parts of the intricate machinery through which international policies with social repercussions are formulated and applied is a *sine qua non* of the vitality and effectiveness of the Organisation.

The necessary links between the Organisation and other agencies dealing with international affairs were provided in large measure, under the arrangements which were in operation during the inter-war period, by the association of the Organisation with the League of Nations as an autonomous and co-ordinate body. The International Labour Organisation, like the League itself, had its origin in the decisions of the 1919 Peace Conference. The Constitution of the Organisation recognised the close relationship between the purposes of the Organisation and those of the League and the Members of the League had pledged themselves by the Covenant to "endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend" and for this purpose to "establish and maintain the necessary international organisations". In virtue of its Constitution the Organisation was "part of the organisation of the League"

and as such enjoyed a certain status and facilities, and was "entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given" It was therefore not unnatural that both the Organisation and the League should have found that constant co-operation was calculated to give greater effectiveness to the work of both of them, and the Organisation was afforded wide facilities for keeping in touch with, and when necessary expressing its point of view in connection with, all League decisions and activities in which it might have an interest The Director of the International Labour Office was given the right to occupy a seat at the table of the Council of the League of Nations whenever matters of concern to the International Labour Organisation were discussed by the Council, and this right, which was frequently exercised, enabled the Director or his representative to see that the point of view of the International Labour Organisation was given full consideration in any decisions arrived at. A similar procedure was followed as regards the Assembly and its committees and was of special importance in the case of the committees in which the reports and resolutions were adopted to which the Assembly subsequently gave final approval Arrangements for the reciprocal exchange of documents gave the Director advance warning that matters of interest to the Organisation would be considered and he was thus in a position to play an effective part in League discussions The Governing Body and the Conference enjoyed, and exercised, the right to approach the Council and Assembly of the League officially on any matter in which they were interested The Governing Body took official cognisance of all League decisions of interest to the Organisation and after examining those which seemed to call for action on its part took any necessary action As the Council and Assembly received reports on the work of all the technical organisations of the League, and initiated many of their activities, the facilities accorded to the International Labour Organisation at meetings of the Council and Assembly gave it, at the highest level, a link with the work of the League in all the varying fields of action covered by that work at different periods These arrangements were supplemented by facilities which enabled the International Labour Organisation to co-operate at each successive stage in the consideration of matters of interest to it It was customary for the International Labour Organisation to be represented at League Conferences or technical meetings dealing with matters in which it had an interest On outstanding occasions, such as the World Economic Conference of 1927 and the Monetary and Economic Conference of 1933, the Organisation was represented by either the Chairman or a tripartite delegation

of the Governing Body, accompanied by the Director, on other occasions it was represented by the Director, an Assistant Director, or another member of the staff of the Office. It was usual to make provision for the representation of the Organisation on League Committees dealing with matters of interest to it. Sometimes, as in the case of the Committee on Public Works and National Equipment, the I L O was represented by a tripartite delegation of members of the Governing Body, sometimes, as in the case of the Advisory Committee on Refugees, only the employers' and workers' groups of the Governing Body were represented, on the Economic Consultative Committee appointed to follow up the work of the World Economic Conference only the workers' group was represented, on the Delegation on Economic Depressions the Organisation was represented by the Chairman of the Governing Body in his capacity as Chairman of the International Public Works Committee. In other cases the Organisation was represented by the Director, as in the case of the Co-ordinating Committee for Economic Questions, or by an Assistant Director, as in the case of the Committee for the Study of the Problem of Raw Materials, or by another member of the staff, serving as a member of the committee, as in the case of the Committee of Statistical Experts, or as a representative accredited to it, as in the case of the Permanent Mandates Commission, or as a liaison officer, as in the case of the Economic Committee and the Committee on Social Questions. In these varied ways provision was systematically made, in the manner thought most appropriate to the requirements of each case as it arose, for the closest co-operation and liaison between the International Labour Organisation and the League.

Similar arrangements were gradually evolved to ensure close co-operation between the I L O and other international bodies, notably the International Institute of Agriculture.

New arrangements for international co-operation are now in process of being evolved and the characteristic feature of the present phase of their development is that they are functional or regional in character and do not as yet include any definite provision for either the continuation of the League of Nations as a body entrusted with the co-ordination of the activities of a number of international bodies or the creation of a new international organisation entrusted with such functions. In these circumstances it has been necessary for the International Labour Organisation to seek to establish with each of the new bodies as it is created working relationships equivalent to those which during the inter-war period covered a wide field of international co-operation in virtue of the

relationship between the International Labour Organisation and the League. It has therefore been the consistent policy of the Organisation to seek to establish close collaboration with new bodies as they are established, to offer any assistance which the experience of the I.L.O. may be able to contribute to their successful development, and to emphasise that the I.L.O., in virtue of its tripartite composition, can make a distinctive contribution to the strengthening of the whole structure of international organisation which is being gradually evolved.

Some progress has already been made in giving effect to this policy. The resolution on post-war emergency and reconstruction measures adopted at the New York Conference in 1941 specifically provided for co-operation between the International Labour Organisation and intergovernmental agencies engaged in studies parallel to those of the Organisation and agencies whose activities in the social and economic field affect the conditions under which post-war programmes will be carried out. On the basis of this resolution and of subsequent decisions of the Emergency Committee of the Governing Body the Office, on 24 July 1942, drew the attention of the Governments of all Members of the Organisation to the desirability of taking steps as occasion might require "to associate the International Labour Organisation, through adequate liaison arrangements or otherwise, with particular aspects of international reconstruction and notably with the work of other international agencies which may be dealing with problems the treatment of which will affect the possibility of achieving the social objectives confided to the International Labour Organisation".

Arrangements for co-operation with other bodies have been carried farthest in the case of the United Nations Relief and Rehabilitation Administration. The International Labour Office was represented by an observer at meetings of the Inter-Allied Post-War Requirements Committee which accomplished valuable preparatory work prior to the establishment of the United Nations Relief and Rehabilitation Administration, the report of that Committee was communicated to the members of the Governing Body at a time when it was still a confidential document, and a number of suggestions on matters dealt with in the Report, arising from past decisions of the International Labour Organisation and matters dealt with in the Report, were addressed by the Office to the Inter-Allied Post-War Requirements Bureau and communicated by it to the Governments represented on the Committee. These suggestions related to the desirability of associating the workers organised in the International Transport Workers' Federation with arrangements for relief transport, the part which can be played by the

medical care services of social insurance schemes in the administration of medical relief, the value of industrial canteens, and the employment and migration problem arising in connection with the resettlement of displaced persons. The tradition of co-operation established between the Office and the Inter-Allied Post-War Requirements Committee has continued to characterise the relations between the International Labour Organisation and the United Nations Relief and Rehabilitation Administration. On the occasion of the first meeting of the Council of U N R R A the Acting Director requested the chairman of the Council to convey to it "the most earnest wishes of the International Labour Organisation for the successful accomplishment by the Administration of the tasks confided to it by the United Nations". He pointed out that "the relief of war-stricken peoples, repatriation of prisoners and exiles, and resumption of agricultural and industrial production are matters which will be of the utmost urgency immediately on the liberation of occupied territories", that "on the successful handling of these problems the possibility of achieving the longer-range objectives of social and economic well-being pursued by the International Labour Organisation will largely depend", and that "the International Labour Organisation is accordingly most desirous of assisting the United Nations Relief and Rehabilitation Administration in the discharge of the important responsibilities confided to it in every appropriate way". The Acting Director addressed a similar message to Governor Lehman on his election as Director-General of the United Nations Relief and Rehabilitation Administration, stating that "the I L O attaches the greatest importance to the work with which U N R R A has been entrusted and will be glad at any time to give any assistance in its power" and "would accordingly welcome the establishment of a close relationship of mutual co-operation" with U N R R A, and suggesting that "the desirability of a meeting at an appropriate date between a delegation of the Governing Body of the International Labour Office and representatives of the Council of U N R R A should receive consideration". The Chairman of the Council, acting on its behalf, subsequently informed the Acting Director that "the Council of U N R R A deeply appreciates the friendly offer of assistance and will be most happy to co-operate with the I L O in matters of mutual interest and concern" and extended to the Office an invitation to be represented at the first session of the Council. This invitation was accepted and in the course of the session Director-General Lehman paid a public tribute to the "splendid co-operation" which he had received from the International Labour Office while making the preliminary arrangements for the first session of the Council.

During the session the Office observers were invited to co-operate in the work of a number of the committees of the Council, particularly those relating to displaced persons, industrial rehabilitation, welfare and personnel policies. The Office also made available for distribution to the Council copies of its study on *The Displacement of Population in Europe* and a pamphlet on *The Health of Children in Occupied Europe* and specially prepared memoranda on *Immediate Re-employment Policies in Liberated Territories* and *The Role of Social Insurance in the Distribution of Relief*¹. In the course of the session the Council adopted provisions which constitute a permanent invitation to the International Labour Organisation to participate through observers in the meetings of the Council, its committees and subcommittees, and in the meetings of regional committees and technical standing committees. During its Ninety-first Session the Governing Body expressed its appreciation of the measures taken to secure effective co-operation between the United Nations Relief and Rehabilitation Administration and the International Labour Organisation and its desire to develop such co-operation in every appropriate way. During the discussion a number of members of the Governing Body emphasised the importance which they attached to direct liaison between the policy-making authorities of the two organisations, the Governing Body of the I.L.O. and the U.N.R.R.A. Council, a consideration to which the Office has already drawn attention on a number of occasions. The Conference will doubtless wish to associate itself with the appreciation expressed by the Governing Body and to make provision for the representation of the United Nations Relief and Rehabilitation Administration at its own meetings. Provisions on this subject are therefore contained in the constitutional resolution suggested in Chapter V.

The earlier phases of the relations between the International Labour Organisation and the arrangements being made for the establishment of a Food and Agriculture Organisation of the United Nations were less satisfactory, but substantial progress has been made since towards laying the foundations for future co-operation. The Acting Director approached the Government of the United States, which took the initiative in convening the United Nations Conference on Food and Agriculture, with a view to an invitation to attend that Conference being addressed to the International Labour Organisation by the convening Government or the Conference. The Organisation was not invited to be represented at the

¹ Copies of a further study, *Co-operative Organisations and Post-War Relief*, have been placed at the disposal of U.N.R.R.A. since the meeting of the Council.

Conference but was invited to present to it any pertinent documentation, the Office accordingly communicated to the Conference a *Memorandum on the Interest and Activity of the International Labour Organisation in Problems relating to Food and other Essential Agricultural Products* and copies of a number of Office publications. Subsequently the Acting Director received from the Government of the United States a communication explaining that the suggestion that the International Labour Organisation should be invited to be represented at the United Nations Conference had received "sympathetic consideration, in view of the great services which the International Labour Organisation has performed in the past and which we expect it to perform in the future", but expressing regret "that, under the particular circumstances under which the Conference was held, it appeared advisable to confine representation strictly to Governments and national authorities". The communication expressed "appreciation of the admirable documentation furnished by the International Labour Office" to the Conference, and stated the belief "that the I L O could perform a great service in commenting on the results of the Conference from the point of view of their relation to the raising of standards of living of workers throughout the world and in interpreting these results to the organisations of employers and workers which form so important a part of the structure of the International Labour Organisation". These are continuing and long-term assignments rather than services which could be performed satisfactorily immediately after the Conference, but the Office has already endeavoured through its publications to give a preliminary picture of the great contribution to the improvement of standards of living which the proposed Food and Agriculture Organisation may be able to make if wisely directed and adequately supported by public opinion. Meanwhile, the Office had received and circulated to Governments a protest by the workers' group in the Governing Body expressing "astonishment and dismay that no arrangements have been made to afford representation of the I L O" at the Food Conference "particularly in view of the definite commitments and promises made by Governments at the New York Conference", this protest stated that "the members of the workers' group take a very serious view of the position that has arisen, believing as they do that the solemn pledges made by Governments should be honourably redeemed in practice" and pointed out that "the Food Conference is dealing with matters of vital concern to the workers of the world and the failure to afford representation to the I L O cannot be satisfactorily explained to the rank and file of the trade union movements of the various countries which we represent"

The most immediate result of the Food Conference was the establishment of a United Nations Interim Commission on Food and Agriculture charged with the responsibility of formulating and recommending for consideration by Governments "a specific plan for a permanent organisation in the field of food and agriculture", in the preparation of such a plan the Interim Commission is required to "give full consideration" to "the relation of the permanent organisation to, and methods of associating it with, other institutions, national as well as international, which already exist or which may hereafter be established, in the field of food and agriculture and in related scientific, economic and other fields" The International Labour Organisation has not been invited to be represented at the meetings of the Interim Commission but it has been invited, first, to give technical assistance to the Constitutional Committee of the Commission in connection with the framing of the constitution, of the proposed permanent organisation, and, secondly, to be officially represented at meetings of the Constitutional Committee It is hoped that the constitution of the Food and Agriculture Organisation, when adopted, will authorise the Council of that Organisation to invite public international organisations with related responsibilities to appoint representatives to participate in its meetings and to make agreements with such organisations providing for mutual co-operation and the maintenance of joint committees If such provisions are adopted and applied to the International Labour Organisation, there should be no obstacle to the establishment of satisfactory arrangements for future co-operation

In order to achieve such co-operation it will be essential that both the International Labour Organisation and the proposed Food and Agriculture Organisation should have a thorough understanding of the nature and range of their common interests and an acute appreciation of the extent to which they have like objectives in the endeavour to promote higher standards of living throughout the world The interest of the International Labour Organisation in the social problems of agriculture has the same broad character as that of the proposed Food and Agriculture Organisation of the United Nations, though its emphasis will frequently be somewhat different, and the I L O has also a clear interest in questions of nutrition, a field in the international consideration of which it was, together with the Economic and Health Departments of the League of Nations, a pioneer Food and agriculture, by their very nature, are not self-contained subjects The United Nations Conference, as was to be expected, found that the welfare approach to agricultural problems necessarily involved it in consideration

of the relationship between agriculture and industry in its broadest aspects, of capital development and credit facilities, of migration, commodity control, marketing, and transport, of "social security measures, such as family allowances, social insurance, and minimum wages", of occupational training and employment services, workers' nutrition, co-operative movements, and of the relation between land tenure and farm labour. It is evident that many of these questions cannot be adequately considered from the standpoint of food and agriculture alone. The relationships of agriculture and industry, which are clearly of fundamental importance (as is recognised in all the Section reports of the Food Conference as well as in its resolutions on occupational adjustments and on the achievement of an economy of abundance) cannot be dealt with effectively through an agricultural organisation alone. The migration of agricultural workers, in regard to which recommendations considerably more comprehensive than those made by the Food Conference were formulated through the I L O before the war, cannot usefully be separated from migration problems in general. Credit, commodity control, marketing, and transport, all raise wider problems, for the solution of which no approach based on the needs of agriculture alone can possibly be adequate. Social security and minimum wages, occupational training and employment services, are typical illustrations of general social questions which present special aspects in the case of agriculture but are primarily social rather than agricultural in character. Social security for agricultural workers, for instance, a subject which has been dealt with extensively by the I L O, cannot usefully or properly be divorced from the general international co-ordination of social security schemes. In fine, no sector of the world's economy can achieve freedom from want today except by a broad-based co-operative effort to improve living standards in every occupation and every clime. Agriculture and industry can prosper only in the closest relationship with each other. Their common welfare imperatively demands the closest co-operation between all who, charged with the responsibility, are also accorded the opportunity to achieve freedom from want for all men everywhere. There is no place for jurisdictional rivalries when there is so much more work to be done than the resources available for international action can make it possible to do effectively, but the weaknesses of human nature make it inevitable that such rivalries will develop unless arrangements for co-operation on the broadest front enable both organisations to have from the outset an appropriate voice in the formulation of policies in which they are mutually interested, with a view to avoiding the duplication of effort and the simultaneous pursuit of conflicting policies and to increasing the

chances of securing effective results. In the development of such arrangements the International Labour Organisation, which has a long tradition of co-operation with the International Institute of Agriculture on agricultural questions through a Mixed Committee of the two bodies, must clearly play its full part and the Conference may therefore wish to adopt a resolution pledging the willingness and determination of the Organisation to do so.

Proposals are current for the establishment of a number of other international bodies, notably a stabilisation fund or clearing union, a reconstruction or development bank, and an international commodity control organisation, but in none of these cases have matters yet reached the stage at which mutual relations can be evolved with another functioning international organisation.

The United States, British and Canadian Governments have all communicated to the Office their proposals for the international regulation of exchange rates, and the Office in reply has made certain observations applicable to all of the proposals communicated to it. The Office's observations point out that "the resolutions concerning economic policy which have been adopted by the International Labour Conference on a number of occasions, and more particularly the resolution addressed by the Conference to the Monetary and Economic Conference of 1933, stress the importance of the restoration of stable monetary conditions as the indispensable foundation of all measures designed to assure to the worker a minimum of security and to enable him to reach a reasonable standard of living", and "have consistently emphasised the importance of directing currency policy towards increasing the purchasing power of the community and the development of adequate standards of life". They express "the hope that during the currency discussions which are in progress the fullest consideration is being given to the social repercussions which the working of any arrangements for exchange stabilisation must necessarily have", and suggest that it would "be highly desirable that the international plan adopted as the outcome of these discussions should explicitly place upon the body established to deal with the question of exchange stabilisation a specific obligation to have regard, when taking currency decisions, to their effect on standards of living and employment". They point out that "general confidence in the machinery for international exchange stabilisation will clearly be an indispensable condition of the successful attainment of the objectives of the currency plan" and that "the degree of confidence which the machinery established will secure from the organisations of employers and workers represented in the International Labour Organisation will inevitably be determined by the degree in which they are convinced

that the repercussions of currency decisions upon the expansion of industry and employment and upon standards of living are accorded due weight by the authorities responsible for international exchange stabilisation", and suggest that the inclusion in the plan of the explicit obligation proposed would contribute to securing this result. The Office has been informed by all three Governments that its observations have been drawn to the attention of the appropriate authorities, and has indicated its willingness to give any assistance in its power at any appropriate stage in the exploration of the possible repercussions of the proposed arrangements.

The United States Government has also communicated to the Office the *Guiding Principles for a United Nations Bank for Reconstruction and Development*, prepared by experts of the United States Treasury, and the Office, in reply, has expressed confidence that the Governing Body "will warmly welcome the action of the United States Government in initiating international consideration of proposals designed to ensure the revival of the international capital movements necessary to promote economic development and higher living standards throughout the world" and submitted a memorandum of observations inspired by "the close concern of the International Labour Organisation with all proposals which have a bearing on the attainment of full employment and higher living standards". This memorandum points out that the proposals communicated to the Office contain "no mention of higher living standards or full employment as being among the objects to be promoted by the operations of the Bank" and suggests that "while readers familiar with economic terms will recognise that these objects are implied in the references to development, the raising of productivity and the promotion of a balanced growth of international trade, the inclusion of specific references to higher living standards and full employment would contribute to a wider understanding of the results which might be achieved and to securing a greater measure of enlightened public support for the Proposal". The memorandum expresses interest in the powers of discretion given to the Bank "which should enable it to contribute effectively to sound development, not only in those countries which from the point of view of the private lender constitute good risks, but also in those countries which by reason of poverty or the uncertainty of their balance of payments have at once the greatest need of capital and the greatest difficulty in securing it". The main suggestion contained in the memorandum relates to a requirement embodied by the proposals that before a loan is made the competent committee must have concluded that "the loan would serve directly or indirectly to raise the productivity of the borrowing country".

"In many of the countries in which the operations of the Bank are likely to prove most valuable productivity can undoubtedly be raised", the memorandum points out,

not only directly by the provision of capital equipment, but also indirectly by measures calculated to improve the health, welfare and technical skill of the working population. It might accordingly be made a condition that loans guaranteed, participated in or made by the Bank should require that the terms of contracts for development works financed by such loans should contain such provisions regarding the training, remuneration, conditions of employment, health, nutrition and housing of the labour employed as experience and expert advice obtained from the most authoritative sources might indicate to be appropriate. Provisions of this type have been found to contribute to the efficient conduct of certain wartime development works, and it has long been the practice in many countries to require the observance of fair wages and conditions of employment on all works carried out by or on the responsibility of public authorities. Consideration might also be given to the advantage of the inclusion in the Constitution of the proposed Bank of a requirement of this kind which, like the references already suggested as regards living standards and full employment, would, it is believed, prove valuable in obtaining a wider understanding of the Proposal and greater support for it.

In view of these considerations, the memorandum concludes that "close contact and co-operation between the Organisation and the Bank would seem to be desirable", and "consideration might therefore be given at an appropriate stage to the advisability of making provision for such contact and co-operation in the manner judged most effective, and most likely to be of practical value". The Office has indicated to the Government of the United States its willingness to be of any assistance which may be possible at any appropriate further stage in the consideration of these proposals.

The Office has also been following with keen interest current proposals concerning intergovernmental commodity control policy from the standpoint of their relationship with the work of the Organisation, and as a contribution towards the consideration of commodity control arrangements for the post-war period has published a volume consisting of a collection of the texts of the existing intergovernmental commodity control agreements, and of extracts from the principal international pronouncements on commodity control policy, which are introduced by a preliminary discussion of some of the social issues presented by commodity control arrangements.¹ Expressions of appreciation of the value of the volume have been received from a number of authorities on the subject and from government officials who have had occasion to make use of it. The introduction to the volume points out that the interest of the Organisation in the subject dates back to the dis-

¹ INTERNATIONAL LABOUR OFFICE *Intergovernmental Commodity Control Agreements* (Montreal, 1943)

cussion of raw material problems at the first session of the International Labour Conference in 1919, and that the Organisation has participated in most of the principal international conferences and committees which have considered problems of commodity regulations as a general problem since that time. It endeavours to suggest some of the guiding principles which might determine future policy in respect of commodity regulation, including the importance of expansion and adaptation as the keynotes of commodity policy, the avoidance of discriminatory practices, and the need for co-ordinating commodity control arrangements, and especially the operation of buffer stocks, with other measures of anti-depression policy. A number of the social repercussions of the price policies of control authorities will, it is pointed out, be of concern to the International Labour Organisation, including, in addition to the direct impact of prices on the wages of labour *qua* producer, their effect on the real wages of labour *qua* consumer and on the volume of employment. It would also seem desirable that, wherever existing conditions are unsatisfactory, there should be arrangements to ensure that labour employed on the production of controlled commodities receives fair remuneration and adequate social security protection and that the other conditions of employment are satisfactory. The Introduction also discusses in general terms the institutional arrangements most appropriate for future commodity regulation. It suggests that periodical reports issued in connection with commodity control schemes should be officially communicated to the International Labour Organisation, which should have an opportunity of commenting thereon, that social standards evolved in connection with commodity control schemes should be framed through the International Labour Organisation, that the desirability of according representation on control authorities to the labour employed in the production and processing of controlled commodities should receive consideration, and that the I L O might be regarded as one of the agencies for the appointment of impartial members of any commodity control organisation.

The interest of the International Labour Organisation in migration problems and the contribution it has been able to make towards the satisfactory organisation of movements of workers and settlers are well known to all those who have followed its work since its inception. The knowledge and experience acquired by the I L O in the matter should prove of value when dealing with the vast movements of people which will take place after the war as a consequence of the displacements of population effected during the war or of possible changes of frontiers or other political factors at the end of the war. One aspect of this problem—the repatria-

tion of displaced persons—has been confided to U N R R A and the co-operation arranged between U N R R A and the I L O ensures adequate liaison in this respect. Another aspect of the problem will be the re-establishment of persons who will not be in a position to return to the homes which they have been forced to leave for political, religious or racial reasons. To deal with this important problem the Intergovernmental Committee on Refugees has recently been reorganised as a result of the decisions taken at the Bermuda Conference. The International Labour Office has been associated in the past in various ways with the work of the High Commissioner for Refugees of the League of Nations. It is hoped that satisfactory arrangements may be taken to organise fruitful co-operation between the Organisation and the newly reorganised Intergovernmental Committee as soon as this Committee is on an operational basis. The experience of the Members of the Organisation in the application of the principles approved under its auspices should be of interest to the Committee and the practical experience of the Committee will in turn have a close bearing on the future work of the Organisation in the field of migration.

Other questions of an economic character, such as commercial policy, the policy to be followed in regard to international industrial agreements, patents, maritime and European inland transport, aviation and oil conservation, are likely to be the subject of inter-governmental negotiations in the near future. All of these questions have social aspects with the consideration of which the International Labour Organisation, through appropriate liaison with the League of Nations, the International Commission for Air Navigation, the International Union for the Protection of International Property, and other bodies, has been associated in the past, and to which it ought to give in the future a greater degree of attention corresponding to their greatly increased importance in the context of our current problems.

There will also be important frontiers of common interest between the International Labour Organisation and any bodies which may be given primary responsibility for questions such as education and health. During the inter-war period the International Labour Organisation maintained close liaison with the International Bureau of Education, the International Institute of Intellectual Co-operation and the International Institute of Educational Cinematography, and played a major part in the establishment of the International Office of Technical Education. More recently a series of conferences of Ministers of Education of Allied Governments held in London have resulted in the establishment of an Inter-

Allied Bureau for Educational Reconstruction and the Governing Body was informed at its Ninety-first Session by the representative of the British Government that the Office will be invited to send a representative to attend further meetings of the Conference as an observer and that it is hoped that as time goes on closer links between the two organisations may be formed. A number of proposals for the establishment of an International Education Office are also current at the present time in the United States and are being followed with close interest by the Office. In regard to health questions the Office continues to co-operate with the Health Organisation of the League of Nations and has established relations of mutual co-operation with the Pan American Sanitary Bureau, which has agreed to participate in the Inter-American Social Security Conference organised in concert with the International Labour Office, the Report on policies with respect to health and medical care adopted by the first session of the Council of the United Nations Relief and Rehabilitation Administration contemplates co-operation between the Health Organisation of U N R R A and the International Labour Organisation.

The Organisation has also maintained relations in the past with the International Union for the Protection of Literary and Artistic Workers and a number of official and quasi-official legal bodies, such as the International Institute for the Unification of Private Law, the International Maritime Committee, and the International Technical Committee of Legal Experts on Air Law. The maintenance and development of its relations with these bodies, or any similar bodies which may exist in the future, would appear to be clearly desirable.

There is perhaps no field in which the International Labour Organisation can make a greater contribution by co-operation with other international bodies than that of social policy in dependent territories. The I L O was represented on the Mandates Commission of the League of Nations from the outset, and played a considerable part in some of the most constructive work of the Commission. The precise future of the Mandates Commission is at present uncertain, and a number of suggestions have been made by responsible statesmen, including the British Secretary of State for the Colonies, that there might be established in certain parts of the world regional commissions designed to provide effective and permanent machinery for consultation and collaboration between States with colonial territories in the region and other States having a major strategic or economic interest therein. The fullest suggestions on the subject of general application which have been published, those framed at the unofficial but influential Mont

Tremblant Conference of the Institute of Pacific Relations of December 1942, envisage that "existing functional organisations, such as the International Labour Office and the Health Organisation of the League of Nations should be built into the total structure of regional international collaboration" One regional commission, the Anglo-American Caribbean Commission, has already been established, and another, a South-Seas Regional Commission, is projected by a recent Australia-New Zealand Agreement. The scope for co-operation with these commissions is considered during the discussion of the further development of the regional activities of the Organisation contained in Chapter IV. It will therefore suffice to suggest here that, if future international co-operation to promote the well-being and development of dependent territories is to be organised primarily through a number of regional commissions, arrangements ought to be made to associate the I.L.O. with the work of such commissions in a manner not less effective than its representation on the Mandates Commission. The work of the Organisation in the colonial field has expanded considerably in recent years and if the present session of the Conference approves the proposed minimum standards of social policy for dependent territories which have been submitted to it, the standards of policy approved by the Conference available for the guidance of representatives of the Organisation who may be associated with the work of such bodies will be considerably more comprehensive and specific than in the past. It may also well be desirable to afford representatives of such commissions an opportunity of participating in the further elaboration of standards of social policy for dependent territories by the International Labour Organisation.

Collaboration with regional bodies is also desirable in a wider field wherever such bodies may develop. The Office maintains relations of co-operation with the Pan American Union, and equivalent relations with any similar body which may develop are clearly desirable. This topic is considered more fully in Chapter IV.

While building up relations with new international bodies as they develop, the Office has continued to work in close co-operation with the technical organisations of the League of Nations, and particularly with the Economic, Financial and Transit Department which, under the able direction of Mr Alexander Loveday, has issued in recent years a series of studies on social economics which should do much to promote the objectives of the International Labour Organisation and copies of which are regularly supplied to members of the Governing Body. The Chairman of the Governing Body, acting in his capacity as Chairman of the International Public Works Committee, serves as a member of the

League of Nations Delegation on Economic Depressions, which has already issued a most valuable report on *The Transition from War to Peace Economy*, and is at present preparing a further report on the longer-range aspects of the problem of the avoidance of economic depressions. The Office has been represented at meetings of the Economic and Financial Committees of the League of Nations and close contact is maintained between the staffs of the two organisations.

Problems of a special character arise in regard to the relations between the International Labour Organisation and the Permanent Court of International Justice, the future of which is among the questions requiring and receiving consideration from Governments in connection with post-war international arrangements. A number of articles of the Constitution of the International Labour Organisation vest jurisdiction in the Permanent Court of International Justice and the advisory opinions given by the Court have played an important part in the development of the constitutional law of the Organisation. The Statute of the Permanent Court, as at present in force, gives the International Labour Office the right of furnishing the Court with all relevant information in labour cases and permits international organisations, including the international organisations of employers and of trade unions, to submit written and oral statements to the Court. The Statute does not, however, give the Governing Body any right of direct access to the Court to secure an advisory opinion, the right to request such opinions being reserved to the Council and Assembly of the League of Nations. It has frequently been suggested that it would be desirable that the International Labour Organisation should be entitled to submit directly to the Court requests for advisory opinions concerning questions involving the interpretation of the Constitution of the Organisation and of international labour Conventions. The Governing Body, at its Ninety-first Session, authorised the Office to approach the Governments of the parties to the Protocol of Signature of the Statute of the Court and of the States eligible to become parties to the Protocol, to draw their attention to the importance which the International Labour Organisation attaches to the maintenance of arrangements at least equivalent to those which give it its present standing before the Court, to urge that the possibility of introducing arrangements enabling the International Labour Organisation to approach the Court directly should be further explored, and to suggest the desirability of associating the International Labour Organisation in an appropriate manner with the consideration of any proposals concerning future international judicial arrangements which may be formulated.

While, as the preceding account of the present position shows, more has already been achieved than is perhaps generally realised to lay the foundations, by a series of empirical approaches, for the establishment of satisfactory working relationships with new international bodies as they develop, it has now become urgently necessary that the Conference should consider the principles to be followed by the Organisation in regard to this important matter and the extent to which the progress being made can be regarded as adequate. The questions involved are of far-reaching importance for the whole future of international co-operation and should therefore be viewed by the International Labour Organisation in the broadest perspective when it endeavours to formulate its future policy and determine its place in the developing picture of world organisation.

It is now widely recognised that the creation of functional international bodies for the handling of world social and economic problems, the phenomenon which gives the present phase in the development of the relations between the International Labour Organisation and other international bodies its special character, is not an end in itself but a step towards the achievement of a larger objective. It is increasingly acknowledged that whatever functional bodies may be established will have to be effectively co-ordinated in a general pattern of international economic organisation, and that this general pattern will also have to be integrated in an appropriate manner with the general international organisation for the maintenance of international peace and security contemplated by the Moscow declaration. It may therefore reasonably be assumed that the constitutions of the functional bodies which are being created will be so framed as to allow effective co-ordination of their activities and the ultimate attainment of the larger objective of a comprehensive and integrated structure of world institutions. It is indeed self-evident that failure to achieve proper co-ordination of the activities of international bodies with functional responsibilities in respect of related branches of public policy must necessarily cause serious prejudice to the efficient operation of these bodies. It will be particularly necessary that there should be the closest co-operation between all the international bodies whose activities will have a bearing upon the maintenance of full employment. In order that each and all of the various bodies which may be created may play an appropriate part in promoting the health and expansion of the world's economy, by co-ordinated action in the fields of currency fiscal policy, investment, trade, food and agriculture, commodity control and labour, it is necessary that they should all be closely associated together, should attack in unison the economic

waste produced by booms and slumps and failure to develop the world's resources, and should avoid working at cross purposes by the simultaneous pursuit of policies which defeat one another. The International Labour Organisation, as the watch dog of those who will be the first to suffer from failure to maintain full employment, has a primary interest in the achievement of harmonious working relationships between all the constituent functional parts of the body of social and economic institutions which the world's needs require.

The relationships between the International Labour Organisation and other international bodies, especially those concerned with economic questions, are necessarily, however, of a dual character because of the unique character of the International Labour Organisation itself. As an international department the International Labour Organisation should have relations with the international departments responsible for other sections of public affairs and as such it is entitled to the equivalent of a voice in the cabinet in respect of all matters of interdepartmental concern. But the Organisation is also the acknowledged channel through which the organised trade union movement participates in international discussions and decisions and it therefore provides the sole international instrument whereby the workers can bring their weight to bear upon the wide range of international economic decisions which affect so vitally the lives and well-being of ordinary folk and through which economic and financial policies and proposals can be explained to them with a view to securing their support. From this second aspect of the International Labour Organisation derive two distinctive features of the problem of the relationships between the International Labour Organisation and other international bodies for which there is no parallel in the mutual relationships of international bodies which can be regarded without qualification as international departments co-ordinate in status and responsibilities and destined to be ultimately integrated as comparable parts of a general world organisation.

On the one hand, the established autonomy of the International Labour Organisation is not merely a historical accident, due to the creation of the Organisation by a constitution distinct from the Covenant and to the force of character of Albert Thomas, but a reflection of underlying political realities of the first importance. The International Labour Organisation derives the strength which has made it a power in the world, and which has enabled it to survive the disruptive influences of appeasement and war, from the confidence which its tripartite character and autonomy have enabled it to win from the working classes of the world. That con-

confidence has always been and remains the unique strength of the International Labour Organisation, and can be of the greatest possible value in strengthening the whole structure of international society and thereby facilitating the work of all the various international agencies whose co-operation will be essential to the achievement of the social and economic objectives set forth in the Atlantic Charter. It would be fatally impaired by the subordination of the International Labour Organisation to any general world organisation which did not enjoy the confidence of the workers in an equal degree. While a close and organic relationship must be established between the International Labour Organisation and the general international organisation of the future, the contribution of the International Labour Organisation to the co-ordination of international public policy must be made in a manner which does not involve the renunciation of the tradition of constitutional autonomy which has already contributed so much to the vitality of the Organisation in the past and constitutes a major safeguard for its continued capacity to weather the storms of the uncertain future. The whole of the preceding argument has underlined how highly artificial it has become at a time when the interplay of social, economic and political forces has become closer and more constant than ever before, to consider questions of social and labour policy in abstraction from their general economic and political background, but though the solution of our economic problems and a reasonable measure of political stability are conditions without which the work of the International Labour Organisation cannot be permanently effective, there is still today, as there was in 1919, everything to be said for making the prestige and usefulness of the Organisation, as a major instrument for the promotion of social progress by democratic means, so far as possible independent of the success or failure of particular experiments in the development of the complex of institutions and loyalties through which humanity, triumphing over setbacks and frustration, will ultimately achieve peace, order and good government throughout the world.

In the second place, the International Labour Organisation differs from the highly specialised international agencies now being envisaged for the discharge of specific responsibilities in the economic field in that it is itself, in virtue of the participation in all its activities of representatives of highly important elements of organised public opinion, potentially an instrument through which there can be achieved both a measure of co-ordination of the work of these specialised agencies and an adequate backing for their work from public opinion. No single technique or instrumentality will be adequate to co-ordinate the activities of the various international

bodies which will be necessary and to co-ordinate those activities with the complementary or simultaneous national policies through which alone they can be made fully effective. The range and complexity of the matters requiring international consideration would appear to preclude the solution of the problem by the constitution of a supreme authority for the co-ordination of international public policy entitled to take and enforce decisions relating to the whole field of social and economic affairs. The police power of the world may well be concentrated in few hands with general approval, but responsibility for social and economic policies must necessarily be more widely diffused. Co-ordination of action in the different fields of international public policy there must, however, be. It may accordingly be necessary to distinguish between the co-ordination of particular activities and the arrangements necessary to permit the various international bodies entrusted with departmental responsibilities to develop their policies with a more certain knowledge of the probable reactions of public opinion and to submit them to the test of informed international debate by responsible representatives of varied standpoints during the formative period prior to their crystallisation into specific decisions. In brief, the co-ordination of the different fields of international public policy will require both machinery for taking immediate decisions and machinery for the general exchange of views on objectives and methods of approach. For the fulfilment of this second function the International Labour Conference would appear to be a uniquely appropriate instrument. The function would, of course, be exercised in addition to the discharge by the Conference of its more immediate responsibilities in respect of matters on which it is called upon to take decisions in accordance with the provisions of the Constitution of the Organisation. While not an operating agency in the same sense as the United Nations Relief and Rehabilitation Administration, or a stabilisation or development fund, the International Labour Organisation is in an important degree geared towards action, and exercises certain quasi-legislative powers by taking decisions in the form of Conventions and Recommendations which Members of the Organisation are under a constitutional obligation to place before their national legislative authorities with a view to legislation or other action¹. It has, however, long been the practice for the International Labour Conference, in its capacity as a world parliament of social and economic affairs, to review year by year on the basis of the Director's Report a range of social and economic affairs con-

¹ The possibility of making these arrangements more effective is one of the questions to be considered at the present Session of the Conference and will be discussed in Chapter IV.

siderably wider than that in respect of which it had the major responsibility for immediate decision. It is indeed singularly well adapted, by reason of its tradition and composition, to serve as the forum of representative opinion which is one of the necessary instrumentalities for the co-ordination of the work of the various international bodies now envisaged. If a parliamentary review by an international body of the whole field of social and economic policy is to serve a useful purpose, it must be conducted through a body which has a tradition of frank, fair and fearless debate and a composition which affords a substantial guarantee that that tradition will be maintained. The International Labour Conference possesses such a tradition in a unique degree. The non-governmental delegates have introduced into its discussions a frankness for which there is no parallel in diplomatic gatherings but which has been productive of immeasurable good. It is understandable that Government delegates, whose words are spoken upon the responsibility of their Government and who must therefore be careful not to prejudice its relations with the Governments of other States, should, in a world where national susceptibilities are easily wounded, speak with great caution and reserve. Employers' and workers' delegates feel at liberty to speak with much greater freedom precisely because what they say does not involve the responsibility of Governments or States. It is regarded as normal that they should criticise and attack both each other and the Government representatives of their own and other countries. This has far-reaching results. As the delegations of the different countries are not required to, and in general do not, act as units, States cease to be watertight compartments—a factor which completely transforms the whole atmosphere of the discussions. Of course the system involves the probability that there will be occasional incidents and that a misunderstanding will sometimes lead to much ado about nothing, but these risks, such as they are, are more than offset by great advantages. Lurking misunderstandings are brought out into the open, the clash of conflicting views and interests is undisguised and stimulating, the whole proceedings are brought to life, and the ground is thus prepared for formulating policy on the basis of a majority view, reached after frank debate, of what constitute the merits of the case. Such a frank debate would, however, be of little value if it were of an academic character. An absence of diplomatic inhibitions is helpful in international discussions only when those taking part are informed and responsible. It is accordingly necessary that the body entrusted with the periodical review of the implications of emerging policies should have the authority given by the inclusion of a high proportion of

Government representatives in its composition, and that its non-Governmental members, while being free to speak without involving the responsibility of Governments, should speak with a due sense of responsibility and should be representative of organised social forces having a real stake in the questions of social policy under discussion and not merely experts or independent persons unable to speak or act in any representative capacity or to mobilise in support of any conclusions which emerge from the process of debate any substantial body of politically influential opinion.

To these general considerations, the importance of which no believer in the democratic process will be inclined to disregard or underestimate, has now been added a further factor. The emergence of the social objective has furnished a recognised criterion whereby the adequacy of developing policies can in large measure be judged. Those responsible for making final decisions will be in a better position to assess policies in the light of that criterion if they have available as a part of the basis for their judgments the views expressed in responsible international discussion by representatives of employers and workers from all parts of the world. President Roosevelt has aptly described the International Labour Conference as being "in a full sense a parliament for man's justice". Through it, as the mouthpiece of the third estate, there can best be organised, at fixed and frequent intervals, the periodical review of our purposes and progress which is one of the necessary approaches towards the ultimate realisation of the government of all peoples, by all peoples, for all peoples. By serving in this manner the Organisation would not weaken its capacity for decision and action in the narrower field of its more immediate responsibilities, and it could perform an invaluable service by clarifying issues of policy more effectively than would be possible in a body of purely governmental composition.

It remains to endeavour to formulate, in the broad perspective which has been indicated, the general principles which should govern the future policy of the International Labour Organisation in its relations with other international bodies and to consider what institutional arrangements may be necessary to implement the suggested principles in the event of their being accepted.

Both the need for interdepartmental co-ordination and the broader role which it has been suggested the Organisation could usefully discharge alike require the existence of liaison arrangements to ensure that it is fully informed of the activities of other international bodies. For this purpose it is necessary that the Office should receive copies of the documents circulated by such bodies to Governments in the same manner in which it receives League of

Nations documents and should submit such documents for the consideration of the policy-making organs of the International Labour Organisation as circumstances may require, and that the Organisation should be represented by a delegation appointed by the Governing Body, or by the Director or his representative, at the meetings at which consideration is to be given to documents relating to matters in which it claims an interest. The Office has already begun to take all steps within its competence to build up liaison arrangements of this kind. It is, for instance, extending to new international organisations as they develop the practice of circulating its documents simultaneously with their circulation to Governments which was in force between the Office and the Secretariat of the League of Nations, and it is reasonable to hope that as the advantages of this practice are generally understood full reciprocity will be extended by other organisations. The most appropriate arrangements for the representation of the Organisation at meetings of other bodies will have to be determined in the light of the circumstances of each case, including the nature, frequency and duration of the meetings, the part which I L O representatives can most usefully play in the proceedings, and the arrangements which the other body concerned is prepared to make. This involves no new principle but merely the continuation of the practice of the inter-war period under which the nature of the representation of the I L O at the meetings of other bodies varied with circumstances. The arrangements which other bodies will be prepared to make for the representation of the International Labour Organisation at their meetings will frequently depend to some extent upon the reciprocal facilities which the International Labour Organisation is prepared to accord. The grant of such facilities involves action by the Conference and the Governing Body and the inclusion of appropriate provisions on the subject in the constitutional resolution suggested in Chapter V would therefore appear to be desirable. The matter is discussed further in that chapter.

To ensure effective interdepartmental co-ordination between the work of the International Labour Organisation and bodies working in related fields the arrangements outlined will probably need to be supplemented in certain cases by the maintenance of joint committees, on which the I L O would be represented by a tripartite delegation, modelled on the Mixed Advisory Agricultural Committee maintained by the International Labour Organisation and the International Institute of Agriculture. Provision for such committees is also contained in the suggested constitutional resolution.

In order to enable the Organisation to fulfil effectively the broader

function which has been suggested certain further arrangements would appear to be necessary. This function can be adequately fulfilled only if the Conference regularly has before it a report outlining current developments in the economic and financial field having a bearing on the maintenance of full employment and the promotion of higher standards of living. If the liaison arrangements which have been suggested are effectively in force the information necessary for the preparation of such a report will be at the disposal of the Office. A provision for the regular submission of such a report to the Conference by the Director is therefore included in the constitutional resolution proposed in Chapter V of this Report. Arrangements to ensure that the conclusions reached by the Conference after consideration of such a report were effectively brought to the attention of the bodies concerned would also be necessary to make the system practically effective. There is, it should be observed, an important distinction between the purpose of such arrangements and that of the arrangements for interdepartmental co-operation between the International Labour Organisation and other international bodies which have been suggested. The interdepartmental arrangements are designed to be reciprocal in character and, upon the reasonable assumption that Governments will honour the pledges which so many of them have made that they will associate the I L O with the planning and application of measures of reconstruction, there is no reason to anticipate that other than temporary difficulties will be experienced by attempts to put them into force by negotiation between the International Labour Organisation and the other bodies concerned. The effective development of the broader function of serving as a co-ordinating influence in the formulation of policy and as a link with important bodies of organised opinion presupposes decisions taken by Governments on grounds of high policy that this is a valuable and necessary function which the International Labour Organisation is well equipped to fulfil by giving "authoritative expression to the social objectives confided to it, in the rebuilding of a peaceful world upon the basis of improved labour standards, economic advancement and social security", and it presupposes the effective implementation of such decisions of high policy through appropriate instructions to the representatives of Governments on all the bodies with which the International Labour Organisation would be called upon to co-operate in this manner.

CHAPTER III

SOME SUGGESTIONS FOR THE FUTURE PROGRAMME OF THE I.L.O.

Important as it unquestionably is to establish effective links between the International Labour Organisation and the other international bodies which have been or may be established by the United Nations, it is, as was emphasised by Mr Ernest Bevin in opening the Ninety-first Session of the Governing Body, of even greater importance that the I.L.O. should define its programme in the field where it is primarily responsible and proceed to implement that programme progressively. In order to give practical effect to the declaration suggested in Chapter I of this Report vigorous action by the International Labour Organisation in the social field will be necessary, especially during the next few years, and it is no longer premature to endeavour to outline a possible programme of such action. It is hardly necessary to emphasise that the preliminary sketch of such a programme contained in the present chapter is not intended to be anything in the nature of a complete statement of a possible programme of action for the Organisation in the social field. On the one hand, the interruption of regular meetings of the Governing Body and the Conference has made it more than usually difficult for the Office to attempt a synthesis of the main trends of thought within the Organisation, especially at a time when developments are occurring rapidly in all parts of the world and the Office is handicapped in following developments by a serious shortage of qualified staff. On the other hand, the Conference already has before it at its present Session, under the Third, Fourth and Fifth Items on the Agenda, comprehensive proposals of far-reaching importance on the organisation of employment in the transition from war to peace, on social security (including both income security and medical care services), and on minimum standards of social policy in dependent territories. The decisions of the Conference on these subjects will necessarily constitute the starting point of the post-war programme of action of the Organisation in the social field, and it is probable that while they are under consideration by the Conference some of the problems which the

Organisation ought to deal with in greater detail will come into sharper focus. The present chapter is therefore necessarily tentative in character and consists essentially of a number of suggestions by the Office, arising out of its recent work and experience, which, together with the suggestions which it is anticipated will be made by delegates in the course of the discussions of the Conference, might well constitute some of the elements out of which an adequate programme of international action in the social field can be progressively evolved in the light of changing circumstances as the situation develops.

The problem of the organisation of employment is to be considered at the present session as a problem of the transition from war to peace. Some of the provisions being submitted to the Conference under that item, and notably those of the suggested Recommendation on the employment service, will also be of longer-range importance, but it will clearly be desirable for the Conference to give fuller consideration at an early date to the long-term as well as the transitional aspects of the problem of the organisation of employment. Such consideration might lead to the adoption of an Employment Convention, dealing with the organisation, functions and duties, and methods of operation of the employment service and related agencies and a number of the problems on which proposals for the transitional period are contained in the suggested Recommendation on the transition from war to peace being submitted to the present Session of the Conference. Such an Employment Convention would supersede the Unemployment Convention, 1919. Among the more specific problems of the organisation of employment which might be brought before the Conference for more detailed and comprehensive treatment a special priority might be given to the question of the employment of disabled workers, which is likely to be of special importance in the immediate post-war period. In view of the importance of regularity of employment in any programme for full production and full employment, the general question of the regularisation of employment in industries characterised by irregular operations (including seasonal peaks, periodic lay-offs, and so forth) might also usefully be brought before the Conference, probably with a view to the adoption of a Recommendation on the subject. This question might include the problems of employment regularisation in special industries, such as dock work and building construction, and more generally in many other industries where more regular employment could be promoted by better organisation and planning, by schemes for "the guaranteed week" and a "guaranteed work year", and by other methods. Comprehensive Recommendations on the training and retraining

of adult workers and on vocational guidance would also appear to be desirable. Both of these questions were suggested for early inclusion in the Agenda of the Conference by resolutions adopted at its 1938 Session and both of them have acquired increased importance as the result of the war. The question of the training and retraining of adult workers includes both the training and retraining of adult workers who have lost their employment or have never been engaged in skilled employment, in order to provide the means of improving and redistributing skills in accordance with the shifts in the demand for workers and thus helping to prevent the rise of long-term unemployment, and the question of the organisation of training, retraining and upgrading as part of a systematic national programme for vocational advancement. In considering the problems of vocational guidance the Conference would have an opportunity to examine the considerable progress made in this field during the war. Still another question which is likely to have a direct bearing on the long-term problems of maintaining and organising employment satisfactorily and upon which the Conference might usefully adopt a series of guiding principles, probably in the form of a Recommendation, is that of the location of industrial activity and labour supply in relation to employment policy, a question which includes the planning of the location and distribution of industrial activity in relation to the existing distribution of the available workers and the planning of mobility in the labour force to correspond to the skill requirements of the various areas.

The proposals concerning social security under consideration at the present Session of the Conference are comprehensive in scope and of a longer-range character than those relating to employment and further steps to formulate international social security standards would therefore be premature until the experience gained in the application of these Recommendations makes it possible to embark upon a general revision of the existing social insurance Conventions. Meanwhile steps could usefully be taken to deal with a number of special problems in the field of social insurance. Further measures to extend the application of social insurance to seamen are overdue. The questions of compensation for accidents and unemployment insurance for seamen were on the agenda of the Joint Maritime Commission at the outbreak of war and, together with the question of pension insurance, are now to be considered by the Commission as part of a more comprehensive survey of social security for seamen. The application of social security arrangements to the crews of commercial aircraft would also seem to be worthy of early consideration. In many European countries there are special pension schemes for miners and the possibility of adopt-

ing a Recommendation on such schemes might be considered. Further work in the field of social insurance is likely to grow out of the consideration by the present Session of the Conference of the insurance position of displaced persons, and if, as may be hoped, widespread ratification can be secured for the Maintenance of Migrants' Pension Rights Convention, 1935, the application of that Convention will also involve new responsibilities for the Office. The post-war reconstruction of European social insurance schemes may also throw up a wide range of questions, some of them urgent in character, which could usefully be considered through the machinery of the International Labour Organisation and in connection with which the Office might be able to render technical assistance to Governments and social insurance funds. The Conference may also wish to consider the question of family allowances in greater detail than will be possible at its present Session, and to do so in the general context of demographic trends and policies. There would indeed be advantages in undertaking at an early Session of the Conference a general review of social policy and social legislation in relation to the family.

Equally comprehensive in scope and long-range in character are the proposals in regard to minimum standards of social policy in dependent territories which are to be considered at the present Session of the Conference. The proposals submitted to the Conference cover the general principles of social and economic development in dependent territories, slavery and its analogues, such as forced labour and penal sanctions, the employment of children and young persons and of women, remuneration, land policy, health, housing and social security, hours and holidays, the prohibition of colour and religious bars, inspection and safety, industrial organisation and relations, and co-operative organisations. All of these questions will require more intensive consideration in the future and the progressive crystallisation of general principles into detailed policies. A regional approach might be the most appropriate method of making immediate progress in respect of some of these subjects, but in the case of some of them the formulation of more detailed general standards by the Conference would also be appropriate as progress is made. The subjects dealt with in this manner might include more particularly remuneration, housing, nutrition and the protection of health, the adaptation of social security arrangements to the special circumstances of dependent territories in various stages of development, the standards of living of agricultural workers, and the development of handicrafts and of a balanced relationship between agricultural and handicraft production.

The questions on which action will be initiated at the present

Session of the Conference represent, however, only a small part of the general social field which the Organisation ought to till ever more intensively in the coming years

Wage policy lies at the core of the preoccupations of the International Labour Organisation, but although it has necessarily received incidental consideration from the Conference on many occasions and a number of provisions relating to wages are contained in Conventions and Recommendations on other subjects, the only texts adopted by the Conference which relate primarily to wages are the Minimum Wage-Fixing Machinery Convention and Recommendation, 1928, and the Convention concerning Statistics of Wages and Hours of Work, 1938 Further consideration of the whole question of wages by the Conference at an early date would therefore seem to be desirable The existing Minimum Wage-Fixing Machinery Convention and Recommendation might be supplemented by a further Recommendation amplifying the principles to be taken into account in fixing minimum wages which are laid down by the 1928 Recommendation and a number of further topics might be covered by international Conventions or Recommendations One of these is the question of the inclusion of a clause relating to fair wages and conditions of employment in contracts relating to work undertaken for or subsidised by public authorities In countries where the principle of the fair wages clause has been adopted, the clause has been an important factor in eliminating sub-standard working conditions which tended to undercut standards set by better employers, the clause is, however, still relatively unknown in many of the countries with comparatively low wage standards and the adoption of a Convention on the subject by the International Labour Conference would be calculated to give a strong impetus towards its adoption there In certain cases national fair wages clauses might usefully be supplemented by an "international fair wages clause" specifying conditions of employment to be observed, and welfare services to be provided, for workers employed on projects financed by international loans Another question which might well be dealt with at an early Session of the Conference is that of a guaranteed weekly wage for industries in which wages are at present on an hourly or daily basis with no weekly minimum A Convention or Recommendation on methods of wage payment dealing with the periodicity of wage payments, deductions from wages, advances of wages, the prohibition of truck, the adequacy of remuneration in kind, the protection of wages in legal proceedings and similar subjects would also be of great value in relation to many parts of the world, especially in regard to rural workers. All of these measures would of course represent only a

preliminary approach to the international consideration of the problem of wages, but their cumulative effect should be considerable and as progress was made along these lines the ground would be prepared for progressive international consideration of some of the more difficult aspects of the wages problem, such as a general minimum wage, the guaranteed annual wage, and the possibility of establishing international or regional minimum wage scales, including such provision for local adjustments as might be necessary, for particular industries working for the world market

During the remainder of the war and the early post-war period the aspect of wage policy which will continue to be most prominent in many countries will be its relation to changes in the cost of living, and although the adoption of any Convention or Recommendation on this subject would hardly be possible a general discussion of it in the Conference might be of great value

Freedom of association, collective bargaining, the settlement of industrial disputes, labour-management co-operation for the improvement of production, and the collaboration of labour and management in the framing and application of public policy on social and economic questions form another group of questions which will be of primary importance during the rebuilding of the structure of society in many countries following the collapse of the dictatorships. The question of the safeguarding of individual workers in the exercise of their freedom of association from pressure by employers on account of their joint participation in labour activities which are lawful for individuals acting singly was becoming ripe for consideration by the Conference before the war and might well form the subject of a Convention. Collective agreements will require consideration as one of the possible methods of applying international labour Conventions, but must also be approached in relation to the safeguarding of the right of association vis à vis the employer from the standpoint of guaranteeing the effective exercise of the right of collective bargaining in countries where there is no tradition of collective bargaining or where such a tradition is of recent development and still far from firmly established. A Convention or Recommendation on the subject might deal with the obligation of the employer to participate in collective bargaining, the legal recognition of collective agreements and their extension, under certain guarantees and conditions, to the whole of an industry or occupation. The question of techniques for the settlement of industrial disputes, including procedures of enquiry and conciliation and arbitration arrangements, might also be considered by the Conference. There are great variations of practice on this matter between different countries, and the question could therefore

hardly be dealt with in an international Convention and may not even be ripe for the adoption of a Recommendation, but a full review of the problem by the Conference might be of substantial value. Labour-management co-operation for the improvement of production is a field in which during the war there have been in certain countries important developments that the Office has studied in a number of publications, it would seem clearly desirable that the gains of wartime should be retained as a foundation for the continuing improvement of productive efficiency which will be necessary for the progressive development of higher standards of living in time of peace. The broader question of collaboration between the public authorities and workers' and employers' organisations in the formulation and application of public policy was considered by the New York Conference, which requested the further consideration of the subject at another Session of the Conference. In its resolution on the subject the New York Conference declared that "real collaboration is possible only within the framework of democratic political institutions which guarantee the freedom of association of workers and employers" and affirmed that "the application of the principle of collaboration requires that in law and in fact the right of industrial organisations to represent workers and employers should be recognised by the State" and that "the workers' and employers' organisations should recognise each other's rights to represent workers and employers respectively", thus throwing into sharp relief the importance of further consideration by the Conference of these questions.

A characteristic feature of this war has been the unprecedented scale on which the homes of the people in many countries have been destroyed. Rebuilding programmes will be necessary in many countries and are likely to be a major factor in the maintenance of a high level of employment during the period of transition from a war to a peace economy, and even in the countries where there has been no substantial destruction of house property the interruption of building during the war and shifts in the distribution of population will make large scale re-housing programmes necessary. There will thus be a unique opportunity to build to new standards and to take full advantage of recent technical developments such as those in regard to the production of houses in prefabricated parts. There are at least four aspects of housing policy which could, it would seem, usefully be considered by the International Labour Conference during the formative stage of the development of post-war housing programmes: minimum standards for post-war housing construction, the organisation and financing of housing for low-income groups, the relation of housing policy to the level of econo-

mic activity and employment with special reference to the prevention or moderation of economic fluctuations, and the relation of housing policy to town planning and industrial location with special reference to such matters as the time spent by workers in going to and from work, and the availability of and access to community facilities and amenities

During the period of physical reconstruction there will be large-scale rebuilding of factories as well as of homes in many countries, and the manner in which they are rebuilt and the provision made when rebuilding for the health, safety and well-being of workers employed therein, will be one of the major influences upon the condition of working places for a generation. There would therefore be great value in the formulation of international health and safety standards before the far-reaching rebuilding programmes necessitated by the large-scale destruction of industrial plant and equipment are put into effect. The Governing Body instructed the Office to put in hand preparatory work on this subject in October of 1941 and sufficiently substantial progress has now been made to make it desirable to envisage holding a preparatory technical conference for the discussion of the proposed model code in the near future. A plan for the code has been approved by a meeting of certain members of the Correspondence Committee on Industrial Safety and the preparation of a preliminary draft on the basis of this plan has reached an advanced stage. The plan contemplates that the code will deal with all aspects of safety in manufacturing industries. The suggested scope includes certain aspects of the planning, design and construction of factory premises, such as the installation and equipment of plants, the lighting, heating and ventilation of workplaces, and arrangements for fire prevention, rules in regard to machine guarding, electrical equipment, boilers and pressure vessels, the handling and transportation of material, special safeguards for particular types of factory, and maintenance and repairs, and general provisions concerning health protection, protective clothing and special protective equipment, physical examination, medical aid and safety organisation. The probability of large-scale physical reconstruction to make good the devastation of war has also made it desirable to expedite work on the model code of safety provisions for civil engineering and heavy constructional work which was envisaged as a complement to the model code for the building industry when the latter was adopted in 1937 and on the question of safety provisions for electrical installations, the inclusion of which in the Agenda of the Conference was requested by a resolution adopted at its Fifteenth Session. It would also seem desirable to resume at the earliest opportunity work on the proposed model

code of safety regulations for underground work in coal mines, a draft of which was adopted by a committee of experts before the war and circulated to Governments. This question was included in the original Agenda of the 1940 Session of the Conference and a technical conference for the consideration of the proposed draft had already been convened at the time of the outbreak of war, but had to be postponed. In like manner the wholesale destruction of rolling stock in all European countries affords a unique opportunity to resume with a reasonable chance of success the efforts which have been made by the International Labour Organisation to secure the introduction of a uniform automatic coupling system for European railways.

When substantial progress has been made with the programme of work just indicated, the desirability of envisaging model safety codes for further industries might usefully be considered. It would, for instance, be useful to supplement the Protection against Accidents (Dockers) Convention by a code of more detailed regulations, model regulations for this purpose were prepared by a Technical Committee appointed by the Governing Body, but left in suspense as the result of the revision of the Convention in 1932, and provisions designed to constitute common standards for the application of the Convention for the purpose of the reciprocal recognition of safety certificates contemplated under certain conditions by the Convention have been adopted at an Intergovernmental Meeting of certain Members of the Organisation. The coal mines Model Code might usefully be completed by a similar code for metal mines. A model safety code for the petroleum industry would be of great value in a number of countries and especially in those where the production or refining of petroleum is a new and rapidly developing industry. A model safety code for the lumbering and woodworking trades and a code for rural undertakings for the processing of agricultural products would be invaluable in many parts of the world.

There are also two more circumscribed safety questions awaiting consideration by the Conference with a view to the possible adoption of Conventions: that of the responsibility of machine builders, dealers and erectors in regard to safety devices, a matter which is dealt with in the Power-Driven Machinery Recommendation, 1929, and which the 1937 Session of the Conference requested should be included in the Agenda with a view to the adoption of a Convention, and that of the limitation of loads to be handled by workers, a matter of special interest in the countries where the use of mechanical lifting equipment is least developed, and which the 1938 Session of the Conference and the Havana Conference of 1939 requested should form the subject of a Convention. Simultaneously

with the consideration of these subjects the Conference might appropriately attempt a general stock-taking of progress in the field of industrial safety since the adoption of the Prevention of Industrial Accidents Recommendation in 1929, and explore the scope for further international action for the promotion of higher safety standards. One of the first conclusions reached during such a review of the position would probably be that the scope for international action in the field of industrial safety is so wide, and the results to be achieved in human lives and health and happiness so altogether disproportionate to the resources and energies required to achieve them, that the Office should henceforth be equipped with the staff and resources necessary to enable it to expand and develop this work on a far larger scale than in the past.

A similar expansion of the work of the Organisation would appear to be desirable in the field of industrial health.

Apart from the early decisions of the Conference relating to the use of white phosphorus in the manufacture of matches, the prevention of anthrax, the protection of women and children against lead poisoning and the use of white lead in painting, and from the adoption and revision of the Workmen's Compensation (Occupational Diseases) Convention in 1925 and 1934 respectively, the work of the Organisation in the field of industrial hygiene has been accomplished through special conferences, such as the Johannesburg and Geneva Silicosis Conferences of 1930 and 1938 respectively, through the discussions of the Correspondence Committee in Industrial Hygiene, and through publications such as *Occupation and Health*, *An Encyclopaedia of Hygiene, Pathology and Social Welfare*, which has become known throughout the world as a standard work, the *Bibliography of Industrial Hygiene*, and the widely used manual *Industrial Environment and Health: Practical Methods of Investigation*. These publications constitute a permanent monument to Dr L. Carozzi, who directed the industrial health work of the Office with distinction from 1920 to 1939. During the war the Office has been dependent upon the collaboration of members of the Correspondence Committee on Industrial Hygiene for the continuation of its work in this field. The reconstitution of an industrial health service which can make plans for international action for a number of years to come has now become one of the urgent needs of the Organisation. Such plans must of course include provision for resumption of regular publications relating to industrial health and of regular meetings of a correspondence committee, but it would also appear to be important to have regard in developing them to the desirability of establishing by a series of Conference decisions definite international standards in respect of a wide range of ques-

tions of industrial health which Governments could use as a basis for national regulations in the same manner in which they rely upon Conventions and regulations relating to other subjects when framing legislation of a broader character. The form of the model code which is being evolved as a convenient one for the expression of decisions of the Conference on questions of industrial safety would appear to be an equally appropriate one for questions of industrial health. Safety and health are of course closely related to each other and some of the safety codes being prepared or projected will necessarily include provisions designed primarily for the protection of health rather than for protection against accidents, but the inclusion of such provisions in the safety codes cannot cover the general field of industrial health at all adequately. A Standard Code of Industrial Hygiene was approved by a majority of the Correspondence Committee on Industrial Hygiene in 1933 and published by the Office with the sanction of the Governing Body, but lacks the authority of a text adopted by the Conference. The great developments in the field of industrial health which have occurred during the last ten years would appear to have made the time ripe for reconsideration of this matter. There are also several questions of a general character which were pending before the Correspondence Committee on Industrial Hygiene at the outbreak of war, notably the teaching of industrial medicine, the nutrition of workers in the factory, and health standards for office work, consideration of which might well be renewed at an early date with a view to possible action by the Conference. Another question of growing importance which would appear to be worthy of consideration by the Conference at an early date, but which cannot be effectively dealt with until wartime secrecy has been relaxed, is that of industrial health standards for the pilots and crews of aircraft. Before the details of any programme of action are developed, however, it might be desirable to afford the Conference an opportunity for a general discussion of future international action in the field of industrial health. Such a discussion would be an international equivalent for national surveys of the present position in the field of industrial health, such as the highly successful First British Industrial Health Conference convened by the British Minister of Labour, Mr Ernest Bevin, in 1943, for the threefold purpose of emphasising the future importance of maintaining and improving the health and environment of workers in the factory and in the office, of crystallising the interest in the subject which has developed in recent years and more particularly during this war, and of securing advice and suggestions which should be taken in the future both by Governments and industry.

In addition to such a general review of the position a more technical survey of matters which the Organisation should consider would seem desirable. There have been many new developments in the study and investigation of silicosis and the other pneumoconioses since the 1938 Silicosis Conference, which recommended that similar meetings should be held every three years and that the next Conference might usefully deal with methods of measuring the concentration and particle size distribution of dust, with the determination of the pathogenic properties of various dusts, and with the application of scientific methods to the diagnosis of pneumoconioses and the determination of incapacity. Problems of metal poisoning, and especially of lead, mercury, magnesium and cadmium poisoning, the questions of poisoning by carbon monoxide, by carbon bisulphide, and by benzene (benzol) and its homologues, and the related questions of chemical inspection and of statutory concentration limits for poisonous vapours, have come to the forefront in the last few years. Poisoning in the production of explosives has naturally had special importance in wartime, and the development of the production of synthetic rubber has created new problems of health hazards. Injuries to health caused by radio-active substances, by compressed air work and by occupational skin diseases, which have all been considered by the Correspondence Committee at various dates, also appear to require further consideration in the light of new developments. A Convention on compressed air work was suggested by the Committee several years before the war and appropriate action on this proposal appears to be desirable. A number of proposals for the addition to the international schedule of occupational diseases of further diseases, and notably of occupational diseases of the skin, of asbestosis, of poisoning by carbon bisulphide or manganese, of ulceration and skin infections due to chrome, ulceration due to arsenical compounds, of poisoning by nitrous fumes and of lesions of the mucous membranes, were pending at the outbreak of war. To undertake a broad programme in the field of industrial health designed to secure appropriate international consideration for these and other subjects of developing importance, and the progressive formulation of a series of international model codes which can be used as the basis for effective national action, the early reconstitution of the Industrial Health Service of the Office and of a correspondence committee are clearly necessary.

Questions of industrial safety and of industrial health shade into questions of welfare within and without the factory.

The question of welfare within the factory will be dealt with to some extent in the proposed model code of safety regulations for

factories, but will also require fuller consideration over a period of time with a view to the progressive attainment of conditions in which everyone can take a pride and pleasure in his place of work as well as in his work itself. Welfare outside the factory was dealt with by the Conference in 1924 in the Utilisation of Spare Time Recommendation, but there have been far-reaching developments since that time, especially during the war, and the matter is ripe for further consideration. Special attention might be given to canteens, arrangements for travel to and from work, recreation facilities, entertainments, arrangements for the care of the children of working mothers, and perhaps especially to the promotion of the fullest facilities for workers' education.

There is a close relationship between welfare and problems of management. During the years immediately before the war the Advisory Committee on Management adopted valuable conclusions on such questions as the organisation and functions of personnel management in industrial undertakings and had begun consideration of the training in industrial relations of persons occupying positions of supervision and management in industrial undertakings. There have been important developments in this field during the war and the matter will lose none of its importance during the reconstruction period. A somewhat wider range of questions of management might also usefully receive consideration. In many of the highly developed countries a significant proportion of the gainfully occupied population is now employed by some kind of public enterprise, and the efficient operation of publicly controlled undertakings has therefore become a primary factor in the problem of greater productivity and better labour conditions.

The impact of the war has been particularly severe upon children and young persons, especially in the countries which have been occupied, and it would seem desirable that the Conference should in the very near future outline the measures which should be taken for their protection in a Children's Charter which might take the form of a Recommendation. A Convention on medical examination prior to admission to employment in industry might also be contemplated in the near future.

The war has also given a new emphasis to the question of greater equality of educational and vocational opportunity by emphasising the need of every country to make fuller use of its reserves of brains and character. Fuller utilisation of these reserves will be as essential to progress in time of peace as it has been for victory in war, and early consideration of the subject by the Conference would appear to be desirable.

The question of the employment opportunities of women will

come before the present Session of the Conference as part of the problem of the organisation of employment in the transition from war to peace. Among the other questions of special interest to women which the Conference might well consider at an early date are conditions of employment in hotels, restaurants and domestic service. The Conference has never given any general consideration to the conditions of employment of hotel and restaurant employees and domestic servants and the time would now seem to be ripe for fuller consideration of the whole subject, with special reference to apprenticeship, the conclusion and termination of contracts of service, hours of work and daily and weekly rest periods, annual holidays, minimum wages, compensation for accidents, accommodation and food, methods of enforcement and arrangements for the settlement of disputes. Outwork is another subject which has never been adequately considered by the Conference but is of outstanding importance in many countries and especially in those in the earlier stages of industrial development.

The future of the maritime work of the Organisation is, in accordance with established practice, a matter for consideration in the first instance by the Joint Maritime Commission, which consists of representatives of shipowners and seamen in equal numbers. A meeting of the Joint Maritime Commission is being planned for September 1944 and it is intended that the agenda of this meeting will include a general survey of conditions of service on the basis of the eleven-point charter embodied in a resolution adopted by the International Seafarers' Conference held in London in December 1943. The eleven points relate to wages, increments, allowances, bonuses and overtime, contracts of continuous employment, entry, training and promotion, working hours and manning, annual leave, voyage leave and subsistence allowances, accommodation, bed and bedding, linen, utensils and laundry, safety, hygiene, food and medical services, social insurance, including provisions for unemployment, sickness, incapacitation, widows' and orphans' pensions, old-age pensions, loss of effects, repatriation and compensation for merchant navy prisoners of war, full trade union recognition of seafarers' organisations, and rights and obligations of seafarers. It will be for the Joint Maritime Commission to make proposals concerning the order in which these questions should be considered at maritime sessions of the Conference. One of the resolutions adopted by the Commission at its last session in June 1942 contemplated consideration, when conditions permit, of an international labour Convention on safety measures for seamen. Another of these resolutions urged that in collaboration with the respective organisations and Governments concerned all practicable steps should be taken

to ensure that in the conditions of employment and general treatment of Chinese, Indian and all other seamen from Asia, Africa and the East and West Indies there shall be no unfavourable comparison with crews of vessels in similar trades and under the same registry, the problem of the equality of treatment of seafarers will clearly constitute a continuing responsibility of the Organisation. Another question of outstanding importance is that of the accommodation of crews on board ship, a matter which was included in the agenda of the Joint Maritime Commission before the outbreak of war. The turnover of ships resulting from wartime losses, the probability that there will be a surplus of ships after the war as the result of wartime building programmes, and the possibility of providing, when winding up mutual aid arrangements in regard to shipping, for the scrapping of obsolete tonnage, may afford a unique opportunity to secure widespread application of accommodation standards approved by the International Labour Conference if such standards are adopted in the near future.

In like manner the agricultural work of the Organisation will have to be planned with the co-operation of representatives of agriculture through the Permanent Agricultural Committee, the resumption and development of the work of which is discussed further in the following chapter. The questions requiring consideration fall under the two heads of the protection of wage-paid workers and more general problems relating to the well-being of the agricultural population. The 1938 session of the Permanent Agricultural Committee laid down a programme of further action in respect of wage regulation in agriculture, hours of work, holidays with pay and the protection of child labour which, though interrupted by the war, ought now to be resumed and developed. Further consideration of the question of living-in conditions for agricultural workers would also seem desirable, as a considerable advance upon the Recommendation on the subject adopted in 1921 would now appear to be possible. Another of the early Recommendations, which ought to be complemented by more detailed provisions is the Vocational Education (Agriculture) Recommendation, 1921. The question of the extension of social security to rural populations will be dealt with in part under the fourth item on the Agenda of the present Session, but some of the practical modalities of the question may require further consideration by the Permanent Agricultural Committee. The April 1942 Session of the Emergency Committee of the Governing Body, acting in the light of the general discussions of the 1938 session of the Permanent Agricultural Committee, instructed the Office to devote special attention to some of the broader social problems of agriculture, including agrarian poli-

cies in relation to unemployment and under-employment in agriculture, and the problem of the standard of living of the agricultural population. The aspects of the relationship between agrarian policy and employment requiring consideration include the nature and causes of unemployment in agriculture, the effects of under-employment (such as the rural exodus and the effects of under-employment on industrial employment, on the national economy and on general standards of living), the maintenance of a balanced distribution of the active population as between town and country, land reforms, land settlement, the security of land tenure, the improvement of the conditions of land tenancy and similar questions. In dealing with the question of the standard of living of the agricultural population it would seem desirable to give special attention to national and international measures directly connected with the ensuring to farmers of an adequate income level, the prevention of rural indebtedness and provision of agricultural credit, and nutrition, housing, rural amenities and recreation. The Conference might usefully adopt Recommendations on a number of these subjects and would no doubt wish to co-ordinate its work in this field with that of the proposed Food and Agriculture Organisation of the United Nations through a Mixed Committee such as was maintained between the International Labour Organisation and the International Institute of Agriculture, or in some other appropriate way.

Professional workers are another group with whom the Organisation must be increasingly concerned but who will need to be consulted through appropriate machinery before substantial progress can be made in elaborating a programme of action. The original Agenda for the 1940 Session of the Conference included the question of the rights of performers in broadcasting, television and the mechanical reproduction of sounds, this is a subject on which considerable preparatory work has been done by the Organisation. The programme of future action suggested by the Advisory Committee on Professional Workers at their last meeting, which was held shortly before the outbreak of war, comprised the following subjects: the protection of inventions by salaried workers, the maintenance of pension rights in course of acquisition by professional workers who change their employment, the improvement of national and international statistics of unemployment among non-manual and professional workers, compensation for accidents occurring to non-manual and professional workers in the course of their employment, and family allowances for professional workers. In many countries professional workers have been confronted with new problems as the result of the war and this programme will

therefore require reconsideration in consultation with the parties concerned

In the field of migration important standards of policy were laid down by the Conference in the Conventions and Recommendations adopted in 1939, and by the Conference of Experts on Technical and Financial Co-operation with regard to Migration for Settlement of 1938. These standards continue to be fully applicable, although the circumstances in which they will be applied have of course greatly changed and will differ considerably from one region to another. A regional approach is therefore likely to yield the most promising results. Such an approach was approved by the Governing Body when it convened the 1938 Conference of Experts to study the problem of migration for settlement from Europe to Latin America and it would seem desirable to resume and develop the work initiated by that Conference by convening the Permanent Commission on Migration for Settlement which was established by the Governing Body shortly before the war and was to have held its first meeting in July 1940. The Commission could make a positive contribution to the organisation of migratory movements from Europe to the American countries resulting from the war and to the economic development of new regions. There are other regions, such as south-eastern Asia, which have migration problems of a special character, which might well be considered at a regional conference.

The administration of social legislation is a field in regard to which further action by the Conference is overdue. The original Agenda of the Session of the Conference which should have been held in 1940, as fixed before the outbreak of war, included the question of the organisation of labour inspection in industrial and commercial undertakings. It was contemplated that the Conference would adopt one or more Conventions on this subject, which would in the main reformulate as obligations the principles laid down in recommendational form in the Labour Inspection Recommendation, 1923, innovations based on the experience of the intervening years not being excluded. It is clearly desirable that a Convention or Conventions on labour inspection should be adopted and generally ratified at the earliest possible date in order to put more teeth into both existing and future international labour legislation. The question of labour courts, which the 1939 Session of the Conference requested should be included in the agenda of a future session, is another question on which substantial preparatory work has been completed. In connection with it the question of legal aid for wage earners, action on which was requested by the Santiago Conference, might also receive consideration.

The administration of social legislation is becoming increasingly dependent upon the availability of adequate labour statistics

The Convention concerning Statistics of Wages and Hours of Work, 1938, was intended to be the first of a series of statistical Conventions which would progressively lay the basis for improving, amplifying and promoting the comparability of all branches of labour and social statistics. The valuable preparatory work done by the conferences of labour statisticians and by the Committee of Statistical Experts during the inter-war period on questions such as the classification of industries and occupations, unemployment statistics, index numbers of wages and cost of living index numbers, international comparisons of real wages, methods of family budget enquiries, statistics of collective agreements and industrial disputes, and migration statistics clearly ought to be resumed and developed with a view to the gradual adoption of a series of statistical Conventions or Recommendations. The most urgent subject is perhaps that of employment statistics, a field in which the effort to secure international standardisation has hardly begun but in which there has been a remarkable development during the war in all the warring countries, the subject includes statistics of labour supply and of labour requirements, of the volume and trend of employment and unemployment, and of the composition and geographic distribution of the employed and unemployed population. Hardly less urgent is the question of cost of living statistics, a field in which there have been important developments during the war years and which will continue during the period of post-war readjustment to be a focus of acute interest on the part of labour, employers and Governments alike. From a longer-range standpoint the question of international comparisons of costs and standards of living, though hardly susceptible of treatment by means of a Convention, is of outstanding importance. In this field the International Labour Organisation has been a pioneer and can render unique services in respect of a subject which will be of increasing importance in the post-war years for such purposes as assessing wage disparities between different countries as a preliminary to considering how far such disparities can be eliminated or reduced, measuring the effects of international investment upon standards of living, and facilitating the formulation of standards to be complied with on work financed by international loans. In a more technical field, an attempt to make some progress towards the formulation of standards concerning the application of sampling techniques to industrial and labour statistics would appear to be desirable.

The foregoing survey is, as was emphasised at the beginning of this chapter, essentially a tentative outline of some of the questions

which might be taken into consideration in formulating progressively a programme of action in the social field for the next five years. Delegates will doubtless have other suggestions and if they will communicate any such suggestions to the Office they will be added to the list of proposals for the inclusion of questions in the Agenda of the Conference which is brought before the Governing Body from time to time when it is called upon to fix the Agenda. The rate at which questions can be dealt with by the Conference, and the order of priority in which they should be dealt with, will necessarily have to be determined in the light of the progress of the war and the general situation during the post-war years. There are, however, certain general principles which might well be adopted as criteria in selecting items for the Agenda, such as the importance of prompt consideration by the Conference of new developments in social policy of major significance, the desirability of progressively eliminating lacunae from the body of international obligations and standards contained in the existing Conventions and Recommendations, and the desirability of the systematic periodical revision of existing international obligations and standards which have ceased to be adequate for, or otherwise adapted to, current requirements.

CHAPTER IV

THE DEVELOPMENT OF THE MACHINERY AND PROCEDURES OF THE ORGANISATION

It is now proposed to consider how far the broadening of the responsibilities of the Organisation discussed in Chapters I and II, and acceptance in principle of a programme of action within the social field on the lines indicated in Chapter III, would involve developments in the structure of the Organisation or in the arrangements which have existed hitherto in regard to the adoption and application of Conventions and Recommendations.

In this connection it would seem useful, before proceeding to outline specific proposals in regard to matters such as the improvement of the machinery of the I.L.O. for dealing with questions of employment policy, the establishment of industrial committees, the more effective representation of agriculture in the counsels of the Organisation, and the development of regional activities, to discuss briefly the bearing of the frequency, personnel and duration of the sessions of the International Labour Conference itself upon the capacity of the Organisation to carry the weight of its developing responsibilities.

THE CONFERENCE

The broadened responsibilities now devolving upon the Organisation and the range and urgency of the social questions awaiting early consideration make it important that the Conference should be able to play the fullest part in guiding the social policies of the closing stages of the war which the development of the military and political situation allows.

Article 3 of the Constitution of the Organisation provides that meetings of the Conference shall be held from time to time as occasion may require and at least once in every year. The policy of the Organisation at the outbreak of war was to continue the holding of annual conferences and regular meetings of the Governing Body during the war if and so long as circumstances so allowed. The course of the war made regular meetings impossible after

the events of May 1940 and since that time only the special Conference held in New York in 1941 and three meetings of the Governing Body and the Emergency Committee, supplemented by occasional meetings of special committees, have been held.

Events have made it clear that in order to enable the Organisation to discharge effectively the responsibilities discussed in the preceding chapters it must be able to exercise its influence more continuously than has been possible for the last four years and that for this purpose regular meetings of both the Conference and the Governing Body ought to be resumed at the earliest practicable moment. The Governing Body has already had before it the position in regard to its own meetings and it has been proposed that it should resume the practice of meeting regularly four times a year at the earliest possible date and shall meanwhile meet not less frequently than once in every six months. If, when the present Session of the Conference meets, the military situation has continued to become consistently more favourable, the time will probably be ripe for the Conference to decide in principle that it will resume the statutory annual sessions provided for in the Constitution. Special sessions of the Conference may also be necessary for the consideration of particular questions, and more particularly of maritime questions, but it would seem important that, in accordance with the established practice of the Organisation, any such sessions should be held in addition to and not in substitution for regular annual sessions, since the nature of the Agenda and of the personnel of delegations at such special sessions would not permit the Organisation to exercise through them the continuous influence during the formative stages of the development of post-war policy which is generally agreed to be desirable.

The broadened responsibilities of the Organisation would appear to be one of the primary factors to be taken into consideration in making arrangements for future sessions of the Conference. Owing to the interval which has elapsed since the last session of the Conference and the changes resulting from the war, many delegates who played a distinguished part at successive sessions of the Conference and contributed to its fine record of achievement during the inter-war years will no longer be available, and it will therefore be necessary for Governments, with the agreement of employers and workers respectively in the case of the non-government delegates, to find worthy successors for many of the veteran figures of the Conference. Experience has shown that many countries tend to be represented at successive sessions of the Conference by the same delegates and that such continuity in representation accentuates the parliamentary character of the Conference and

makes a contribution of the highest value to the success of its proceedings. The selections made in choosing delegations to the next few sessions of the Conference are therefore likely to determine the character of its personnel for a number of years to come. The composition of the delegations which attended the New York Conference suggested that many Governments consider that the broadening of the responsibilities of the Organisation ought to be reflected in the composition of delegations to the Conference. At the New York Conference there was a marked increase in the number of ministers and senior officials responsible for foreign and economic affairs, and of other cabinet ministers and parliamentary leaders, accompanying their colleagues responsible for the departmental administration of social legislation who have made so invaluable a contribution to the past achievements of the Conference and will always constitute so indispensable an element in the composition of a body whose distinctive function it is to give authoritative expression to social objectives. This broadening in the range of considerations taken into account in the selection of delegations to the Conference will no doubt continue as a natural adjustment to the needs created by the character of the questions coming before the Conference for discussion.

The flexibility of the Constitution of the Organisation allows great scope for the adjustments which may be necessary to provide for the varied needs which will be even more characteristic of the future than of the past. Under the Constitution each delegate may be accompanied by advisers not exceeding two in number for each item on the Agenda of the Session, and the Constitution itself provides that a delegate may, by notice in writing addressed to the President of the Conference, appoint one of his advisers to act as his deputy, and that the adviser shall, while so acting, be entitled to speak and vote. It is thus possible to vary the effective working composition of the Conference as successive questions come up for discussion to whatever extent circumstances may require. It is indeed unnecessary to remind the Conference that under its established practice advisers have systematically acted as *ad hoc* delegates in respect of questions of which they have special knowledge, that in the committees in which so much of the detailed work of the Conference has always been done no distinction is drawn between members of the committee who are delegates and members who are advisers, the latter frequently being chosen as chairmen and especially as rapporteurs, that when questions dealt with in committee come before the Conference in plenary sitting delegates frequently appoint to act as their deputies the advisers accompanying them who have sat upon the committee, and that

the delegates from the leading industrial States which habitually send large delegations to the Conference have long since tended to become co-ordinators of general policy who are usually replaced by one or other of their advisers for the consideration of questions which are technical in character or affect primarily particular groups of employers and workers or government departments other than those having the primary responsibility for national liaison with the International Labour Organisation. Further developments in the established practice of the Organisation to meet new needs as they emerge will continue to be possible and it may reasonably be hoped that the wide range of possibilities which the flexibility of the practice of the Conference leaves open to Governments, employers and workers alike will be used to the full in order to give future sessions of the Conference the widely representative and authoritative character which the adequate discharge of the growing responsibilities of the Organisation will require.

The flexibility in personnel permitted by the system of advisers is particularly important in view of the probability that it may be desirable as soon as the development of the war situation allows to extend the normal duration of the sessions of the Conference. The practice in the past has been for sessions of the Conference to last for about three weeks. Somewhat longer sessions may be necessary in future. The time required for the discharge by the Conference of its established responsibilities in the social field is not likely to be substantially diminished. Further improvements in the technical and political preparation of the decisions of the Conference prior to the meetings of the Conference itself by means of technical conferences and committees may make possible some saving of time, but the range of urgent questions awaiting early consideration seems likely to be so wide as to offset any such saving. The effective exercise of the responsibility for scrutinising pending international economic and financial proposals from the social standpoint will require more time than the Conference has given to such matters in the past during the discussion of the Director's Report and of the resolutions on economic questions adopted at successive sessions. Happily the great acceleration in international communications, which will have received a marked further stimulus from the war, should make it possible for delegates to remain longer at the Conference than has been customary hitherto without, in many cases, being absent from their responsibilities in their own countries for substantially longer periods.

THE MACHINERY OF THE I L O FOR QUESTIONS OF EMPLOYMENT POLICY

The outstanding feature of current discussion of the prospective social and economic problems of the post-war period is the importance which is attached on all hands to the achievement and maintenance of full employment as the essential condition of any stable progress by democratic means. As has already been pointed out in Chapter I, this will require the continuous co-operation of a number of international bodies and simultaneous or complementary national action by their members. The policies adopted will necessarily be complicated and will require continuous adjustment as a result of experience. The national policy of each country will have repercussions on the position in other countries. Whether or not these repercussions are favourable and tend to produce a balanced economic development in the world as a whole will depend in large measure on the range of considerations taken into account when national policies are framed. The prospects of achieving satisfactory results would be substantially increased by constant international consultation, not merely about one particular set of policies such as, for example, the encouragement of an adequate level of consumption or the maintenance of a steady level of investment, but about the way in which the various policies dovetail into one another in relation to the social objective which must be kept always in view. Such regular consultation would afford facilities for a most valuable pooling of experience, whereas failure to bring about the necessary co-ordination may be fraught with the most serious consequences not confined to the social field. The International Labour Organisation, the Constitution of which specifically lists the prevention of unemployment among the purposes of the Organisation, must clearly play a leading part in international arrangements designed to secure full employment. Its part is likely to be of a twofold character: on the one hand, it will have the primary responsibility for the formulation of proposals concerning the technical aspects of the organisation of employment and concerning other social measures which will have an influence on the volume of employment; on the other hand, it will have a responsibility for encouraging and maintaining close touch with developments in the economic and financial fields having a bearing upon the maintenance of full employment and for scrutinising all proposals from the standpoint of their adequacy in achieving this purpose. In these circumstances the International Labour Organisation would seem to be the appropriate body to arrange for the regular exchange of views on the subject which must be an essential part of any

arrangements for the co-ordination of policy. To fulfil this role satisfactorily, the Organisation will need to have at its disposal more developed machinery for the consideration of employment questions than has been evolved hitherto. The Governing Body has from time to time appointed committees to deal with various aspects of the question of employment and it will be remembered that during the years immediately preceding the war the International Labour Organisation established an International Public Works Committee the functions of which are to foster the co-ordination of national public works policies with a view to counter-acting economic fluctuations and to undertake such other duties concerning public works as may be entrusted to it by the Governing Body. Other special committees or meetings will doubtless be necessary for the consideration of particular aspects of employment policy, but it would also seem necessary to provide further machinery for the consideration of employment problems as a whole by the International Labour Organisation. The Office has accordingly submitted to the Governing Body proposals for the establishment of an employment committee, the general function of which would be to afford facilities for the regular exchange of views on both the national and the international aspects of employment policy, to make reports on the subject to the Governing Body with a view to their transmission to the Members of the Organisation or to other international organisations, and to undertake any other duties relating to employment policy which may be entrusted to it by the Governing Body.

PROPOSALS CONCERNING INDUSTRIAL COMMITTEES

One of the most important proposals for strengthening the structure of the International Labour Organisation at present requiring consideration is that recently made by the British Government for the establishment by the Organisation of Industrial Committees for the main world industries. In making this proposal at the Ninety-first Session of the Governing Body the British Government submitted that, while the International Labour Organisation has proved itself to be an effective instrument of international co-operation, its constitutional organs, the Conference and the Governing Body, are not adequate to meet fully the needs of the future and are not such as to evoke the interest and support of the masses of employers and workers which is necessary if the Organisation is to make its maximum contribution to world reconstruction and peaceful development. There is, the British Government pointed out, "at present no adequate provision for enlisting that most

powerful bond of unity between men and women which comes from working in the same industry or occupation" and "the International Labour Organisation alone is in the position of establishing a means by which this affinity between peoples can be implemented" In the view of the British Government, while—

the International Labour Conference and the Governing Body are able satisfactorily to cover the field of general policy, it has become obvious that alone they do not provide the machinery through which the special circumstances of individual industries can be adequately considered, or through which individual industries can deal with their special problems The Fifth Article of the Atlantic Charter for which the International Labour Organisation has a special responsibility will require closer attention to actual working conditions than has so far been possible and for this it is necessary that there shall be machinery through which those engaged in the main industries may consult together The fact that this need exists is shown by the desire already expressed by the representatives of the textile and metal trades for special international bodies for their industries and there is ample evidence that this need is felt in other industries

A further advantage of the proposal would be to increase the knowledge of, and interest in, the work of the I L O existing in each Member State

It cannot be denied that the number of those in each Member State of the I L O who have been in close contact with and had a real interest in its work has been a small minority and that this has been responsible for much of the apathy about which there has properly been complaint If, however, those engaged in the various industries have a means by which a larger number can have actual experience of international discussions on matters with which they are intimately concerned in their daily lives it may reasonably be expected that a new and wider interest in the work of the I L O will be created

The discussions of such committees would have the further merit "of being realistic because those concerned have expert knowledge of the matters under consideration such as is not possible among those who are representative of industry generally"

This proposal grows out of the previous experience of the Organisation and involves making permanent arrangements for the needs inadequately met during the inter-war period by the special conferences held from time to time for such industries as textiles, coal mining, chemicals, printing and kindred trades and rail transport At the outbreak of war there were pending before the Governing Body proposals for the establishment of a textile tripartite committee and there has been a considerable amount of discussion of the desirability of further development along these lines in the course of the war It was suggested in *The I L O and Reconstruction* that some kind of world machinery is required for the big industries which have an international character and that there would be distinct advantages in providing for the representation of the

workers as well as of management therein and for a link between such machinery and the International Labour Organisation. Following upon this suggestion the New York Conference adopted a resolution contemplating the establishment under the aegis of the International Labour Organisation of a World Textile Office and referred to the Governing Body a resolution contemplating the creation of an International Transport Section. Subsequently proposals for the establishment of a World Coal Office and for permanent international machinery for the iron, steel, engineering and allied trades were received by the International Labour Office from international trade union groups¹. All of these proposals contemplated the establishment as an integral part of the International Labour Organisation of tripartite machinery for the consideration of the economic as well as the social problems of the various industries. The proposals of the British Government cover a wider range of industries, the establishment of industrial committees being suggested for coal mining, iron and steel, engineering and allied industries, building and civil engineering, textile industries (with any necessary subcommittees for cotton and rayon, wool, etc.), railway, road and inland transport, docks, and the distributive trades. This list is put forward as a list of industries for which such committees might be established immediately and thus does not preclude the progressive extension of the system to other industries, such as chemicals, the electrical industries, air transport and petroleum production and refining. On the other hand, the British proposals, as formulated tentatively at the Ninety-first Session of the Governing Body, contemplated that, subject to the consideration of any alternative proposals that may be put forward, the suggested committees should be joint committees constituted of employers' and workers' representatives and representatives of the employers' and workers' groups of the Governing Body, with an independent chairman, rather than tripartite committees. The British proposal was generally welcomed at the Ninety-first Session of the Governing Body, but there was a difference of opinion on the question whether the proposed committees should be joint or tripartite in character.

The British proposal, which is still pending before the Governing Body, contemplated that the suggested committees would be established by the Governing Body and that in order to facilitate their

¹ The proposals concerning a World Textile Office were received from the International Federation of Textile Workers' Associations, those concerning a World Coal Office from the Miners' International Federation, and those concerning the iron, steel, engineering and allied trades from the British Section of the International Metal-workers' Federation. The proposals relating to an International Transport Section were initiated by the International Transport Workers' Federation.

work an Industrial Relations Section of the Office should be established, with officers specially equipped for liaison work with the committees. In these circumstances it would not seem necessary for the Conference to endeavour to reach agreement during the present Session on any detailed plans for the establishment of the proposed committees. There are, however, certain broad questions of policy concerning the proposed committees which the Conference clearly ought to discuss, for the guidance of the Governing Body. These include the question whether the committees should be tripartite in character or should be composed of representatives of labour and management with an impartial chairman but no other members representing Governments or the public, the question how the committees should be designated and what relationship they should occupy to the Governing Body and the Conference, to each other, to the other general and regional committees of the I L O and to any other arrangements for their respective industries which may develop outside the framework of the I L O, and the question of the scope of the work of the committees and the nature and extent of the powers to be entrusted to them. Some preliminary discussion by the Conference of the industries for which committees should be established in the first instance would also be useful.

The argument for joint rather than tripartite committees is, it is understood, "that the I L O should as far as possible endeavour to reach decisions closely affecting the working conditions of industries by negotiation and conciliation, in which all points of view and circumstances can be objectively considered, rather than by the votes of third parties who may have little knowledge of, or interest in, the matters discussed and whose votes provide no assurance that the decisions reached will be implemented" and that "the future success of the I L O depends upon its power to provide employers and workers with the means by which they can discuss their problems internationally as they discuss them nationally and the proposed Joint Industrial Committees would provide a most effective means of attaining this objective". In favour of tripartite rather than joint committees two main arguments are adduced. The more fundamental of these arguments was stated in *The I L O and Reconstruction* in the following terms:

It might be argued that such committees would tend to pursue the interests of the industries they represented in a selfish way, seeking only the prosperity of their own section of the world's economic life at the expense maybe of other sections. A guarantee of a wider policy would, however, be given by their tripartite character, comprising representatives of Governments and workers, and by the co-ordinating control which would be exercised by the International Labour Conference or some other suitable body.

In support of this view it is argued that the International Labour Organisation was never intended to be, and must never be allowed to become, an instrument for the co-ordination of policy between employers' and workers' representatives irrespective of the effects of any agreements reached upon general interests of the community which neither employers nor workers as such are in a position to represent fully, but is essentially a tripartite organisation in which the Government delegates, as representatives of the public interest as it is understood in their respective countries, have a vital part to play. The second argument is that the war has involved Governments in such far-reaching responsibilities in respect of industry in so many countries, and that Governments will play so large a part in post-war industrial reconstruction in the countries which will have suffered most from the war, that industrial committees which did not include Government representatives would not be sufficiently representative to afford reasonable assurance that the decisions reached by the committees will be implemented.

Neither the tripartite nor the bipartite formula, however, necessarily completely excludes the other. Various combinations of the two systems are possible. Tripartite industrial committees could operate for certain purposes through bipartite subcommittees or bipartite committees could report at intervals to tripartite industrial conferences. Uniformity of practice in respect of all of the industries for which committees are established is certainly not necessary and may be undesirable on account of differences in the problems, relations with Governments, or attitudes of different industries.

The proposed industrial committees might be appointed in any one or more of a number of ways. There are not likely to be convenient international electoral colleges for the appointment of employers' and workers' members, such as the groups of employers' and workers' delegates at the International Labour Conference which elect members of the Governing Body of the I.L.O. or the groups of shipowners' and seamen's delegates at maritime sessions of the Conference which elect the members of the Joint Maritime Commission. Members could, however, be appointed by either the Governing Body or Governments by any one of a variety of methods.

It would also seem desirable that the Conference should discuss the functions and powers of the proposed committees. The functions of the committees must clearly include the formulation of proposals concerning the regulation of wages, conditions of employment and welfare arrangements in the industry. In some cases effect would no doubt be given to such proposals by the adoption of international labour Conventions through the ordinary ma-

chinery of the International Labour Conference or by the conclusion of special agreements between Governments by some other procedure developed under the auspices of the Organisation, but it is reasonable to hope that the committees might also, as the British proposal contemplates, evolve into or sponsor the development of machinery for the negotiation between representatives of employers and workers of agreements of an international character not less effective than national collective agreements. In order to permit of the effective discharge of these functions the committees ought, it would seem, following the precedent of the 1937 Textile Conference, to keep under constant review all the economic factors which constitute the background of the social conditions of their respective industries. The collection, analysis and distribution of information on the supply of and demand for the raw materials and products of the industries concerned, on the ways in which the production and consumption of these products may be increased, and on all measures calculated to promote the prosperity of the industry and the well-being of those engaged therein, would therefore appear to be desirable in order to ensure the availability of an adequate foundation of relevant information as a basis for the work of the committees. The committees would also constitute a means of securing closer contact between their respective industries and the International Labour Organisation and through it with other international bodies, and it might be possible for them or for the staffs so attached to them to furnish technical and secretarial assistance and possibly other facilities in connection with international negotiations designed to promote international trade in the products of the various industries. The exact range of the functions to be discharged by any committee would be a matter for agreement with the parties concerned, and though all of the committees would no doubt approximate to a common pattern to a greater or lesser extent, adaptation to the differing requirements of different industries would be essential and any attempt to secure a symmetrical uniformity would be as inappropriate in respect of functions as in respect of structure. In some cases broader functions might be entrusted to the committees. It would, for instance, be undesirable to exclude *a priori* the possibility that certain of the committees might progressively, in cases in which the interested parties thought such developments appropriate, play an increasingly responsible part in the international organisation of social and economic measures designed to secure stable prosperity and reasonable social standards in the industry concerned. The extent to which such developments may be desirable or undesirable will depend in part on the general policies adopted in regard to com-

modity control arrangements and international industrial agreements and on the nature of the relationships established between the proposed industrial committees and any other international bodies which may be set up to deal with these subjects

The powers to be entrusted to the committees would necessarily depend in large measure on the range of their functions and might vary with these from one committee to another. In the first instance, no doubt, the only function of the committees would be to advise the Governing Body, and the British proposal does not appear to go beyond this. In certain cases experience might show it to be desirable to arrange for further powers. It might, for instance, be possible to build up national committees with which the international committees would co-operate and to which they might in certain circumstances make proposals for action directly. All these are matters to be worked out in the light of the requirements of each particular industry and the views of the parties concerned.

THE REPRESENTATION OF AGRICULTURE IN THE I L O

The need to establish a closer relation between individual industries and the work of the Organisation is, and has long been recognised to be, particularly great in the case of agriculture. It was with a view to meeting this need, and for the purpose of securing a fuller representation of agriculture in the counsels of the I L O than can be readily achieved through the general machinery of the Organisation, that the Permanent Agricultural Committee, which held its first meeting in 1938, was established. The creation of the Committee at that time was due to a growing appreciation of the key position of agriculture in the world's economy in the light of which the arrangements for the consideration of agricultural questions developed by the Organisation from 1920 onwards, and the arrangements which it had worked out for co-operation with the International Institute of Agriculture, were thought to be no longer adequate. The Permanent Agricultural Committee was composed in a manner designed to take account of the importance of the small farmer in the agricultural structure of many countries by the inclusion of representatives of organisations of agricultural employers and agricultural workers drawn from countries where wage-paid labour is relatively important in agriculture, together with experts designed to be representative of agriculturalists in countries where the proportion of wage earners in agriculture is relatively small. Its original composition was fixed on the basis of the actual state of agricultural organisation

in the world as a whole when the Committee was formed, and, with a view to making it possible to take into account future changes in the structure and degree of agricultural organisation in the various countries, was fixed in the first instance for three years only. The composition of the Committee is now being reviewed by the Governing Body, but the virtual suspension of the activities of certain of the organisations represented on the Committee, notably the private international bodies dealing with social problems in agriculture and many of the employers' and workers' agricultural organisations, will probably make it necessary to reconstitute the Committee on a provisional basis only for some time to come. In these circumstances it would not seem necessary for the Conference to consider any of the details of the organisation of the Committee, but the general principle that a Permanent Agricultural Committee representative of agricultural interests is a necessary and important part of the machinery of the International Labour Organisation and that the work of this Committee should accordingly be resumed and developed could usefully be recognised by the Conference. An appropriate provision is therefore included in the proposed resolution formulating the constitutional practice of the Organisation suggested in the following chapter. Provision is made in the suggested resolution for the association of the Permanent Agricultural Committee with the proceedings of the Governing Body in a manner designed to give agricultural interests more direct access to the bodies responsible for formulating the general policy of the International Labour Organisation.

CO-OPERATION

It would also seem desirable that the Organisation should develop further its machinery for liaison with the co-operative movement. The International Committee for Inter-Co-operative Relations, which consists of representatives of the International Co-operative Alliance and the International Commission of Agriculture who have met at intervals since 1931 under the chairmanship of the Director of the International Labour Office for the purpose of promoting closer relations between producers' and consumers' co-operatives and between the co-operative movement and international institutions generally, is the natural starting point for such a development, and might usefully be supplemented or replaced by a committee of the I L O with a more formal status designed to bring the experience of the co-operative movement to bear on questions being considered by the I L O and to enlist its interest

in I L O proposals which should secure its support, and to afford improved facilities for the consideration by the parties concerned of co-operative problems

THE FURTHER DEVELOPMENT OF THE REGIONAL ACTIVITIES OF THE I L O

Among the measures for strengthening the structure of the Organisation which the Governing Body expressly decided should be dealt with in the present Report, the further development of the regional activities of the Organisation was prominently mentioned. There is at present a strong tendency in all parts of the world to emphasise the potentialities of regional action as a means of dealing more intensively than is possible on a broader basis with international problems, and especially with problems of social and economic development. Before this tendency became anything like as strong as it now is, the International Labour Organisation had initiated regional activities, and projected the extension of such activities to new areas, within a broad framework of general international co-operation. The continuation and development of this policy would appear to be of special importance in present circumstances.

The most successful experiment in regional action made thus far by the International Labour Organisation has been the holding of the First and Second Labour Conferences of American States in Santiago de Chile and Havana respectively in 1936 and 1939. These conferences gave the American countries a most valuable opportunity of bringing the urgent needs of their social and economic development forcibly to the attention of the Organisation, and of focussing attention upon the special problems with which geography, the mingling of races and the nature of their economies have confronted them. They have contributed to a much wider knowledge of the purposes and potentialities of the International Labour Organisation throughout the Americas, they have exercised a far-reaching influence on the development of the general work of the International Labour Organisation by directing attention to American conditions and needs, and they have led to innumerable technical missions by means of which the Office has placed the experience of other countries at the disposal of Governments which have sought its advice. Out of them has already grown the Inter-American Conference on Social Security, designed as a permanent agency of co-operation which will act in concert with the I L O. They represent a valuable part of the established tradition of the Organisation and a solid foundation for further growth.

At the Havana Conference it was contemplated that a Third Labour Conference of American States would be held after an appropriate interval, preferably a shorter interval than that between the First and Second Conferences, and an invitation to hold the Third Labour Conference of American States in Mexico City was extended to the Conference by the Mexican delegation. The course of the war, the holding on the American Continent of the 1941 Conference of the International Labour Organisation and the present Session of the International Labour Conference, and the meeting in 1942 of the First Inter-American Social Security Conference, have resulted in the lapse of a longer interval than was intended at the time of the Havana Conference, and it would now seem appropriate to begin consideration of the arrangements for the Third Labour Conference of American States. The creation of the Inter-American Conference on Social Security provides specialised machinery for the further consideration of the problems of social security which bulked so large in the discussions of the First and Second Labour Conferences of American States and the Third Conference could therefore usefully initiate regional consideration within the framework of the I L O of other questions of social policy of special interest to the Americas. The delegates to the present Conference from the American States will doubtless wish to make suggestions on the subject, among the questions which might be considered, when a selection is being made, together with any others which may be suggested by the countries concerned, may be mentioned the development of vocational training, health, safety and welfare standards in large industrial and agricultural undertakings, the modalities of the application of labour legislation to rural workers (with special reference to hours of work, weekly rest periods, holidays with pay, and the employment of women and children), procedures for the settlement of industrial disputes, methods of wage payment and of wage regulation, the improvement of labour inspection, and the composition and procedure of labour courts. A Third Labour Conference of American States would also afford an opportunity for giving further consideration to the questions relating to migration discussed at the Havana Conference in the light of developments since that time and of the request made to the International Labour Organisation by the First Inter-American Conference on Population Problems to develop its work relating to migration. It may also be thought that the Labour Conference of American States has now reached a stage of development at which it would be desirable to make more permanent arrangements for its future by the preparation at the next Conference for the approval of the

Governing Body of a statute similar to that of the Inter-American Conference on Social Security

A more limited experiment in regional co-operation in the Americas is represented by the series of Canadian-United States tripartite meetings held under the auspices of the Organisation since 1940, primarily to consider questions of labour supply. Although these meetings are more informal in character than might be appropriate for any more permanent arrangements, they have initiated a practice which might well be continued, and developed into a Canadian-United States tripartite conference or committee, linked with the I L O, for the consideration of matters of common interest.

In some cases the contribution of the Organisation to more limited regional action in parts of the Americas may be made by associating it in an appropriate capacity with existing regional organisations or with others which may be projected by the Governments concerned. The Convention establishing the River Plate Regional Office of Economic Information and Studies, for instance, provides that that Office should co-ordinate its studies with those undertaken by the International Labour Office, and the New York Conference of the I L O adopted a resolution envisaging collaboration between the Office and the River Plate Office. Since the New York Conference the United States and British Governments have created an Anglo-American Caribbean Commission to encourage and strengthen social and economic co-operation between the two countries in the Caribbean area and to deal "primarily with matters pertaining to labour, agriculture, housing, health, education, social welfare, finance, economics and related subjects" and more recently have announced their intention of convening "a regular system of West Indian Conferences to discuss matters of common interest and especially of social and economic significance to the Caribbean countries" with territorial representation and with the possibility of inviting the participation of other countries.

The other main region of the world for which the creation of special regional arrangements within the general framework of the International Labour Organisation has frequently been envisaged is Asia. The Asiatic countries, and more particularly China, India and, during the earlier part of the inter-war period, Japan, have from the outset played a considerable role in the International Labour Organisation. Participation in the I L O has given a stimulus to the development of industrial organisation and exercised an influence on legislation in all these countries, and India has taken the I L O as the model for a national tripartite labour organisation which it is developing as a means of promoting the co-

ordination of labour policy in a vast sub-continent with widely varying conditions. The International Labour Office has long been conscious of the growing industrial importance of the Asiatic countries and maintains branch offices at Chungking and New Delhi for the purpose of developing closer contact with them and a wider knowledge of their problems. But there has been a widespread and an altogether justified feeling that what has been accomplished hitherto has not been commensurate with the needs of a vast continent which is passing through a period of unprecedented social ferment and that to provide for these needs more adequately some kind of regional arrangements, properly co-ordinated with the general work of the Organisation, are required. This feeling has found expression in proposals that the International Labour Organisation should develop machinery to ensure closer contact with the Asiatic countries, which have been an almost constant subject of discussion since Albert Thomas' visit to the Far East in 1928-1929. The convocation under the auspices of the Organisation of an advisory tripartite conference of Asiatic countries has been repeatedly suggested by workers' delegates from Asiatic countries, and on three occasions resolutions favouring such a conference have been adopted by the International Labour Conference. During the inter-war period the proposal to hold such a conference did not meet with sufficient favour among the Governments of the countries concerned for it to be practical to give effect to it. A more modest proposal for the establishment of Asiatic Committees of the Governing Body and the International Labour Conference, the function of which would be to advise upon the application to Asiatic countries of questions under consideration by the Governing Body and the Conference respectively, was under consideration when the withdrawal of Japan from the Organisation led to an adjournment of the subject *sine die*.

The proposal to hold an Asiatic conference of the I L O has been placed in an altogether new perspective by the impact of the war on the industrial development of Asia and on the existing and prospective economic relations between Asia and the rest of the world. A revolution in social life and in economic possibilities and probabilities has been going on during the war, and action has far outstripped effective consideration of the bearing of what is being done under emergency conditions upon long-term policies. Powerful social forces have been set in motion, especially in China and India, the consequences of these forces are incalculable, their future course of development may well be the decisive factor in determining both the attainment of the objectives of the International Labour Organisation for one thousand million human

beings and whether peace and prosperity for the whole world on the basis of rising standards everywhere or a future war of continents and races embittered by fantastic contrasts in living standards and the severest economic competition is to be the lot of the next generation

As a result of the events since 1941 in Asia, China has been almost completely, and India largely, isolated, autarky has been virtually forced on China, and India's trade has been greatly modified

Although the coastal regions of China in which modern industry was for the most part concentrated before the war fell to the invader at an early stage in the war, by patient and incredibly laborious effort factories have been set up, and mines brought into operation, in districts in the interior. Agricultural production has been no less affected, and the pressing need to provide sufficient supplies of food for the armed forces and the civilian population has led to a number of measures, including, in some places, the beginnings of the organisation of collective farms operated on scientific lines. These far-reaching changes have brought in their train an incessant demand for a progressive social policy. Measures for the institution of a system of social insurance and of social services have been prepared. The improvement of rural conditions and the promotion of child welfare are among the constant pre-occupations of the Ministry of Social Affairs. The co-operative movement is being reorganised and strengthened. The registration of skilled workers is being pursued with a view to the establishment of a system of national labour service for the purpose of the systematic mobilisation of manpower and expansion of production. The aims of Government social policy include the development of the trade union movement, the enhancement of the social status of the workers, and the amelioration of their conditions of life, the regulation of labour supply, the improvement of industrial relations and of productivity, the stimulation of the war effort and closer co-operation with international organisations. But China continues to be a besieged citadel of the United Nations and to contend with numerous difficulties, including inflation, which shows no signs of abatement, and the influx of refugees from enemy-occupied areas. In China, as in India, the effective enforcement of price control measures is an extremely complicated undertaking on account of the large extent of the rural areas to be covered. It was recently reported that the machine shops in Chungking and the iron and steel industry in the country generally have had to reduce production for lack of an adequate supply of essential materials and other reasons.

Despite the great difficulties of wartime, steady progress is being made with reconstruction planning and the main objectives have been made clear. Generalissimo Chiang Kai-shek has emphasised the need for the concurrent development of State enterprise and private enterprise, in accordance with a well co-ordinated plan, and for the provision of adequate facilities for technical education and training. Two resolutions relating to post-war industrial development and co-operation with friendly foreign nations for that purpose were adopted in September 1943 by the Central Executive Committee of the Kuomintang. The resolutions contained proposals to be submitted to the Government for action, setting out in brief some of the important factors in the promotion of industrialisation. One of the resolutions outlined various steps for the systematic development of industry, while the other recommended close co-operation with foreign friendly nations in the development of industry and the removal of certain existing restrictions in respect of the employment of foreign capital or technical personnel. The provision of facilities, subject to Government regulations, to aliens to finance their own undertakings in China and to private individuals to seek foreign loans, as well as the determination at an early date by the Government of the categories of State undertakings which might seek foreign financial assistance in the form of loans or investments were likewise recommended. The Chinese Association of Labour also emphasised the desirability of China's close association with international organisations in a resolution adopted at its fourth annual meeting, held at Chungking in March 1943.

In India, no less than in China, the war has quickened the pace of industrial and social organisation. In the early stages of the war, the increased offtake of Indian products by British Empire and Allied countries compensated for the loss of markets for exports, but with the fall of France and, more particularly, the entry of Japan into the war and the consequent restriction of shipping the situation changed rapidly. Indian economy has to a considerable extent been thrown on its own resources and has had to adapt itself to a wholly unprecedented situation under the pressure of wartime exigencies. This transformation coincided with a considerable expansion of industrial production for war purposes and the use of India as an important base for operations against both ends of the Axis. The concurrent expansion of production and its diversion to the needs of war, imperative and inevitable as they are, have imposed an immense strain on the economy of the country, which was little prepared for it. According to a Government statement, at the time of the outbreak of war certain industries such as jute

and cotton textiles were exceptionally strong and could hold their own technically with similar industries in the most advanced industrial countries. Other industries such as cement and steel were also technically strong, but their output was not sufficiently large to make the country wholly self-sufficient in wartime. In other fields there were definite weaknesses, the main weakness being in the general engineering industry. Since the outbreak of war very considerable progress has been made in the direction of increasing production and remedying the deficiencies. Progress has also been made in a wide field of new industries and, in the main, in respect of four groups—non-ferrous metals, drugs, chemicals, and miscellaneous stores. The technical skill developed in the country, as a result of wartime industrialisation, will be of the utmost importance for post-war reconstruction. The Department of Labour of the Central Government has been operating a wartime scheme of technical training with numerous training centres in different parts of the country. Young Indian workers are also sent to Great Britain in small groups for short periods for training for supervisory jobs and for the aircraft industry under a scheme sponsored by the British Minister of Labour and National Service, Mr Ernest Bevin. Statements of policy made by the authorities in India from time to time leave no doubt that the wartime arrangements for technical training will be continued, with necessary modification, after the war and constitute an important feature of the organisation of employment in the country.

Industrial changes of this magnitude could hardly be expected to be brought about without corresponding adaptation of social policy. By far the most important wartime development in industry in India from a social point of view was the institution in August 1942 of a tripartite labour organisation covering the whole country, the provinces as well as Indian States, modelled on the Constitution of the International Labour Organisation. The Standing Committee of the organisation has already held several sessions. As a result of these consultations, an employment service, consisting of a network of employment offices in various industrial centres and a central office in the Department of Labour of the Central Government, has been established and various other measures relating to labour welfare have been taken. The first plenary conference of the organisation was held in New Delhi in September 1943, when a resolution was adopted recommending preliminary action for the preparation of plans to promote social security.

India, like China, is, however, primarily an agricultural country. Its isolation from the normal channels of trade owing to the war has led to a considerable dislocation of its rural economy, as recent

reports of famine and acute distress over large areas have tended to demonstrate. A Government statement made in the Legislative Assembly points out that even in normal times the country's agricultural production is barely sufficient to give all the people engaged in it a balanced diet. Production cannot be increased without guaranteeing an adequate return in money value to the agriculturist, and agricultural prices should therefore not be fixed regardless of the cost of production. The basic agricultural wage should cover the normal needs of an average worker regarded as a human being in a civilised State. Agriculture is the country's major industry and an efficient agricultural industry is essential to the well-being of the rural as well as the urban population. If agriculture can attain a satisfactory economic level, leading to a reasonably prosperous rural life, it will provide an expanding market for the development of trade and industry of every kind. The principal problem of security, and in many ways the crux of the whole problem, is to ensure that prices for agricultural produce will not be allowed in peacetime to fall below a certain level in relation to the cost of living.

It will be evident from the foregoing account of wartime developments in India that, though the country has so far been spared the pangs of invasion, it has been deeply stirred in the present emergency. Close attention is being given at present to reconstruction, the main tasks of which will be to carry forward after the war as much as possible of the enhanced wartime industrial activity in forms capable of satisfying peacetime needs, to press forward with agricultural improvement and rural betterment, and to take up anew many of the nation-building activities with the development of which the war had interfered, but the significance of which it had served to emphasise. A post-war reconstruction committee was set up at an early stage in the war, but in view of the urgent need at present to be prepared with the necessary plans and decisions, the machinery for reconstruction planning was reorganised early in 1943. Other steps with an important bearing on reconstruction are the appointment of the Health Survey and Development Committee to enquire into the whole field of public health service, preventive and curative, and make recommendations for improvement and the preparation of a long-range plan for the introduction of compulsory elementary education. Further evidence that it is intended to approach the colossal task of social reconstruction in India in a bold and determined manner is afforded by the announcement made by the present Viceroy, Field Marshal Lord Wavell, that he will make it one of the most immediate aims of his policy.

The International Labour Organisation has been neither un-

conscious of nor indifferent to the challenge of this situation, which is pregnant with opportunities and dangers in greater degree than any problem or problems which have challenged the imagination or resources of the Organisation in the past. The Office has been keenly aware that, as was said by Mr Harold Butler in his 1938 report on *Problems of Industry in the East*,

a great change is stirring eastern society to its depths. The consciousness of misery has been created by the growing realisation that it is not the inescapable lot of the poor and that chances of a better life now exist. The immemorial passivity and fatalism of the Orient are beginning to yield to the desire for higher standards and the determination to acquire them. This tremendous metamorphosis is still in its early stages. The transformation which it foreshadows will probably require generations for its accomplishment, but of its immeasurable significance to the rest of the world there can be no question. It is perhaps the most revolutionary movement of our revolutionary age.

There can, however, be no question that the arrangements which have existed within the Organisation for the consideration of Asiatic questions have not been adequate and that consideration of the future relations of the Organisation with the Asiatic countries has now become a question of the first order of urgency.

This view was expressed with great forcefulness at the New York Conference of the Organisation by the Government delegate of India, Sir Shanmukham Chetty. "If in practice it is found that arrangements can be made in wartime for the supply of large quantities of munitions and other war materials to distant zones of operation, it should", he said,

be no less practicable to make similar arrangements for the purpose of building up the collective prosperity of the eastern nations. It should not be forgotten that in India and China alone among the eastern countries there are 900 million human beings. Should such international help be forthcoming to this vast humanity who are capable of benefiting by it, it would thereby be enabling them to promote the world's trade more effectively by producing more and consuming more, with results that in the end would be profitable to all alike. The International Labour Organisation has devoted more of its attention to the welfare of the industrial workers, but it should not be forgotten that the economic stability of the world depends on the prosperity and the purchasing power of the vast agricultural masses. The further development of industries is being urged by public opinion in India as a means of redressing the national economy and has been accepted by the Government as their policy, subject to the necessary safeguards for the protection of the interests of the primary producers. I am glad to note that the Acting Director has called attention to this matter in his Report.

Sir Shanmukham Chetty assured the Conference that the Government of India "are fully aware of the importance of international co-ordination for the successful enforcement of" all plans for the re-employment of war workers in peacetime industry in the post-war reconstruction period. "In this field", he said

the International Labour Organisation has work of great importance to do in the near future. This work will be an invaluable service to all countries by facilitating such co-ordination on scientific lines, provided, however, it is recognised that it would be both unwise in the common interest of the world and unfair to the eastern countries if the western countries were to place obstacles in the way of the industrialisation of the eastern countries. We in the East often get a feeling that when European statesmen speak of democracy, self-determination, and standards of living, they have mainly the white races of the world in their minds. If for no other reason, at least from the point of view of numbers, you cannot ignore us, the eastern nations, in any plan of political or economic reconstruction of the world. In spite of the great idealism that inspired the founders of the League of Nations, the scheme of collective security has failed for the time being, because collective prosperity has not yet been established in the world. Collective security in the political field can be established only by creating collective prosperity in the economic field. How can you bring about the collective prosperity of the world if the standard of living of the vast millions of Asia is not brought up to the standard that you are aiming at for your own people in the West? It is well known that the strength of a chain is in its weakest link. The appalling poverty of the masses in India and China and the other Asiatic countries is today the weakest link in the chain of international economy. It will be the task of this great Organisation to strengthen that weak link in the years to come. I hope and trust that the labours of this Organisation will be devoted more pointedly and more earnestly to this great task.

At the meeting of the Emergency Committee of the Governing Body held at London in April 1942 the representatives of the Chinese and Indian Governments both made important statements on aspects of reconstruction planning which are of particular interest to Asiatic countries. In these statements they called attention to the far-reaching effects of the war in Asia and to the needs of the Asiatic countries, as well as to the contribution that these countries might be expected to make in respect of reconstruction, and suggested that a regional approach would be desirable, and even necessary, in dealing with Asiatic problems after the war, having regard to the very large areas to be covered, the similarity of conditions in these areas, and the need for collective action on the part of the Governments concerned in order to secure effective results.

The time would now appear to be approaching for implementing these general proposals by convening an Asiatic Advisory Conference of the Organisation, representative of China, India and south-eastern Asia generally, with a view to eliciting the views of representatives of the authorities and peoples of south-eastern Asia on future social developments in Asia and the part which might be played by the International Labour Organisation in stimulating and guiding such development. It would clearly be desirable to secure the participation in such a conference, to the fullest extent which political and military conditions at the time

when the Conference is held allow, not only of China and India, which have been Members of the International Labour Organisation from the outset, but equally of the Philippine Commonwealth, which is one of the United Nations, of the Netherlands Indies, Ceylon, Burma, Malaya and Indo-China, and of Members of the International Labour Organisation outside the south-eastern Asia region which are closely connected with it and which may be expected to assist in promoting the purposes of such a conference. It would be particularly desirable to secure the fullest possible participation from the colonial areas, many of which have long been tending to become increasingly autonomous in respect of questions of social policy. Their participation might be of special value as a stimulus to effective trade union organisation. Even the territories which are not being industrialised with the same rapidity as India and China are potential pockets of unregulated territory and should therefore be included in any long-range plans and the future attitude of all these territories towards international co-operation may be influenced to a considerable extent by the opportunities afforded to them to participate in conferences of the type suggested.

The general theme of such a conference would be the implications for Asia of the pledge of freedom from want and its essential function would be to consider how the International Labour Organisation can contribute to the solution by the peoples of Asia of the social problems arising from the far-reaching impact of the war. It would therefore seem desirable that the Agenda of the Conference should be framed in the broadest terms. The questions on which an exchange of views and information preliminary to possible action by the Organisation over a longer period would seem useful include the introduction of social security measures, including in particular the regulation of wages and prices, the regulation of migration for employment and settlement, the organisation and co-ordination of public health, public instruction, factory inspection, labour welfare and other social services, and collaboration between public authorities and representatives of the chief agents of production, in considering all of these questions special attention should be paid to the problems of newly developing industries, agriculture, plantation industry and handicrafts. The systematic consideration of these and other issues might be expected to result in a practical approach to the solution of many social problems of great urgency. While the mere consideration of these problems would not be a substitute for the economic and financial measures of an international character necessary to raise the standard of living in the less developed regions of the world, it would tend to focus attention upon the

far-reaching significance of recent developments for the future both of Asia and of the rest of the world and thus to promote the general acceptance of far-sighted long-term policies. No regional arrangements for Asia are likely to be of permanent value unless they grow out of the experience and aspirations of the peoples of Asia, and such a conference is therefore an essential preliminary to the formulation of any longer-range proposals for regional action.

The Middle East, by which is meant, for the purpose of the present discussion, the area lying between the shores of the Mediterranean and the western frontiers of India, is another area the economy of which has been profoundly, and in some respects permanently, affected by the war. Important development works have been undertaken to meet military requirements and the large volume of temporary employment afforded by the construction of new roads, airfields, ports, railways and warehousing facilities has resulted in important transfers of labour and changes in living conditions. Wartime shortages have stimulated both agriculture and industrial development in the area, and increasing reliance upon the Middle East for world petroleum supplies foreshadows further developments. The middle eastern area is therefore likely to be confronted in an acute form with the social problems which are incidental to rapid, and in many respects unbalanced, economic development.

All of the countries of the middle eastern area, with the exception of Saudi Arabia, are Members of the International Labour Organisation, either directly or, in the case of the mandated territories and certain colonies, in virtue of the membership of Great Britain or France. It is not unnatural that the work of the I L O should have had little direct interest for Saudi Arabia hitherto, but the plans now being made for the development of oil production in Saudi Arabia would seem likely to create a new situation and there can be no doubt that Saudi Arabia would be warmly welcome to the Organisation whenever it is disposed to accept the obligations and privileges of membership. The I L O has been intimately associated with several stages in the development of the labour legislation of Egypt, more particularly through the missions undertaken there by Mr Harold Butler when Deputy Director and Director of the International Labour Office, and Iran and Iraq have been active participants in the work of the Organisation and have had recourse to the technical services which the Office can render.

The existing contacts between the International Labour Organisation and the middle eastern countries are, however, still far from adequate, and it would seem desirable that they should be

considerably developed. The Office has at present an officer in Baghdad but is not represented in the other middle eastern capitals. The development throughout this area of government services with a special responsibility for social and economic development has now reached the stage at which it is clearly desirable that the Office should build up adequate arrangements for liaison with the middle eastern area, comparable to the India and China branch offices or the network of correspondents in Latin America. Such a programme would of course be incomplete if it did not include provision for proper liaison between the I.L.O. and any arrangements for regional co-operation in respect of social and economic questions which may be in force in the middle eastern area, such as the Middle East Supply Centre or any similar organisation or organisations which may be developed to discharge analogous functions in the future. The Middle East Statistical Bureau established as the result of the Middle East Statistical Conference held in Cairo in the autumn of 1943 is an illustration of a type of regional organisation with which the I.L.O. clearly ought to maintain close liaison, especially as the resolutions which the creation of the Bureau is designed to implement cover matters such as the cost of living. Some of the work initiated by the Middle Eastern Food Conference and by the recent Middle East Agricultural Conference may also be of interest to the International Labour Organisation especially if continued after the war. It is difficult for the Office to make more detailed proposals at this stage in the development of its relations with the Middle East, since the future of its work in the area will necessarily depend upon the wishes of the Governments and peoples concerned. Nor will more adequate liaison arrangements, essential as they are, in themselves be sufficient to give the middle eastern area an effective voice in the determination of the policy and programme of the International Labour Organisation. It would therefore seem appropriate to envisage the possibility of holding in the area, as soon as the Governments concerned consider that the time is ripe, a small exploratory meeting of experts, the function of which would be to advise on the manner in which the International Labour Organisation can most effectively contribute to the solution of the social problems arising from the impact of the war on the middle eastern area, with special reference to employment, training and the development of social services.

Still another area where the economy is being profoundly and permanently affected by the impact of the war is the south-western Pacific, the establishment of a regional organisation for which is contemplated by an Agreement between Australia and New Zealand

of 21 January 1944 By this Agreement the two Governments agree that "there should be co-operation in achieving full employment in Australia and New Zealand and the highest standards of social security both within their borders and throughout the islands of the Pacific and other territories for which they may jointly or severally be wholly or partly responsible", and they agree to promote the establishment at the earliest possible date of a South Seas Regional Commission including representatives of other countries designed "to secure a common policy on social, economic and political development directed towards the advancement and well-being of the native peoples themselves" and having a special responsibility to "recommend arrangements for maintenance and improvement of standards of native welfare in regard to labour conditions and participation of natives in administration and social services" and "make and publish periodical reviews of progress in the improvement of standards of living, conditions of work, education, health and general welfare" These objectives of the Australian-New Zealand Agreement coincide closely with those of the International Labour Organisation and opportunities for fruitful co-operation between the International Labour Organisation and the suggested South Seas Regional Commission will no doubt arise

The development of regional action by the International Labour Organisation may also be desirable in relation to Europe or certain parts of Europe, especially during the period immediately following liberation, when many of the liberated countries will be confronted with problems which are common to all or to specific groups of them. All of them will be concerned to rehabilitate their plundered economies with all possible speed, and to purge their social legislation of Nazi and Fascist influence, and the difficulties which they will encounter in making the necessary adjustments will constitute a common pre-occupation with which the rest of the world will be less directly concerned. The problems of the reconstruction of the trade union movement, the reorganisation of employment services and administrative arrangements for the application of social legislation, the rehabilitation of social insurance schemes, for instance, will necessarily take in liberated but devastated Europe a form different from any which they may be expected to assume elsewhere, and will require intensive consideration and speedy action if the social foundations of a reconstructed Europe are to be well and truly laid. Many of the major principles of policy which should be followed will of course be formulated during the Twenty-sixth Session of the Conference and can be established in greater detail and with a fuller knowledge of the problems and views of the liber-

ated peoples at later sessions, but during the critical few years immediately following liberation there would probably be great utility in holding at frequent intervals meetings of one or more conferences or committees designed for the regular review of the social problems of liberated Europe. Though the stage at which decisions in regard to the desirability of such arrangements can be taken may not have been reached at the time when the Twenty-sixth Session of the Conference is held, a preliminary exchange of views upon the subject would appear likely to be of great value.

The illustrations which have been given of areas in which there appears to be special scope for regional development are not intended to be in any way exhaustive. On the one hand there are no clear-cut lines of demarcation between the different regions of the world, and groupings of countries which are appropriate for the consideration of one problem may be entirely inappropriate for the consideration of another. In some cases, indeed, the natural unit of specialised action by the I.L.O. may not be a particular region but a group of countries in different parts of the world which are at a comparable stage of economic development or are confronted with similar social problems because of common traits in their economic structure. For this reason it is particularly important that the arrangements for regional action made by the Organisation should be flexible in character and allow of the development of successful and the abandonment of less successful experiments as circumstances may require. On the other hand the acceleration of economic development in many parts of the world resulting from the war and its aftermath may thrust into prominence the problems of regions in respect of which no proposal for regional action by the I.L.O. has yet been under consideration. The range of cases which might arise in the relatively near future may be illustrated by the geographical extremes of tropical Africa and the Arctic region. It might, for instance, after the lapse of an appropriate interval from the adoption of the suggested Social Policy (Dependent Territories) Recommendation, under consideration by the present Session of the Conference, be valuable to hold a conference of labour officers from certain African territories under different sovereignties to consider the problems encountered in the application of the provisions of that Recommendation. It is equally possible that the problems presented by the organisation of social services in sub-arctic areas, which have acquired such greatly increased importance as the result of the development of the northern air routes and the opening up to new forms of productive enterprise of the Soviet Arctic, of Alaska, of the North-West Territories of Canada, and of Labrador, might usefully be

considered in the not distant future by a conference of interested countries convened by the International Labour Organisation. A considerable amount of preliminary work would of course be necessary before such conferences could usefully be organised and in the immediate future more pressing tasks will engage the full attention of the Office, no matter how rapidly it may be possible to rebuild and expand it, but an International Labour Organisation with world-wide responsibilities cannot, while remaining true to its trust, neglect the special problems of any area which is at the time of significant importance in the economy of the world as a whole.

Important as the intensification of certain of the regional activities of the International Labour Organisation may be in order to establish more effective contact between the Organisation and all parts of the world, and more particularly in order to enable the economically less developed areas to secure the fullest consideration for their special problems and draw the greatest possible advantage from the services which the Organisation can be equipped to render to them, it must never be forgotten that a regional approach affords no panacea for the problems confronting the Organisation in its efforts to contribute to the attainment of social justice on the basis of an economy of abundance throughout the world. Indeed the renewed importance which the economic interdependence of the continents is likely to have after the war, the obvious advantages of a world-wide pooling of experience relating to our ever more complex social problems, and the fact that there are no self-contained geographical regions the social and economic problems of which can be dealt with in isolation from those of the rest of the world, all point to the importance of co-ordinating on a world-wide basis regional efforts to solve social and economic problems. When regional developments occur within the framework of the International Labour Organisation, a large measure of co-ordination can be secured by adequate liaison arrangements without any formal demarcation of authority upon which it might be difficult to secure agreement. It has been customary for the Governing Body to be represented at regional conferences by a tripartite delegation, and for the Governing Body delegation always to include members from outside the region, who act as a link with the wider interests of the Organisation, and it would seem desirable that this tradition should be continued in the future. Suggestive provisions in regard to possible arrangements for co-ordination are also contained in the Statute of the Inter-American Social Security Conference, which provides that the Inter-American Conference and its Executive Committee will be kept informed by the Director

of the International Labour Office by means of periodical reports on international developments in this field and that the Director will inform the Governing Body from time to time on the work of the Conference and its Executive Committee

As regional activities develop it may be desirable that the Office should supplement its existing network of branch offices and correspondents by the establishment of regional offices on a larger scale, equipped for the collection and distribution of information and for the organisation of regional research and of technical assistance to Governments in the region. In order to secure the necessary co-ordination between the work of such offices and the general work of the Organisation it would seem essential that their staffs should be a part of, and interchangeable with, the headquarters staff of the Office and that regular transfers of staff between headquarters and regional offices should be a matter of routine.

The Conference may think it appropriate to express its general approval of the lines of development outlined in the foregoing discussion, but the development of the regional activities of the Organisation clearly requires a process of growth in each region, rooted in the needs and aspirations of the region, and cannot therefore be expected to conform to any common pattern. The experience which the Organisation has already acquired is eloquent of the necessity for building the arrangements which can be made for any region with the building materials which can be found there, and any elaborate proposals of a general character in regard to the future of regional arrangements within the Organisation would therefore appear to be out of place. In these circumstances the only specific proposal which the Office has thought fit to put forward for approval by resolution in anticipation of the discussions of the Conference is a general provision recording the power of the Governing Body to convene regional conferences, which, it is suggested, might be included in the resolution on the constitutional practice of the Organisation outlined in the next chapter. It would, however, seem probable that delegates to the Conference from the various regions which have been discussed above may wish to put forward for the consideration of the Conference more definite proposals in regard to their own regions.

MUTUAL SUPERVISION OF THE APPLICATION OF INTERNATIONAL STANDARDS

Another of the subjects which it was understood would be dealt with in the present Report was the improvement of the existing arrangements for mutual supervision over the application of inter-

into force have been registered, the International Labour Office submits to the Governing Body for its approval a draft form of annual report for the Convention. When approved by the Governing Body this form becomes the standard form of annual report for the Convention prescribed by the Governing Body under Article 22 of the Constitution, and Members bound by the Convention are under a legal obligation to furnish the particulars of the measures which they have taken to give effect to their obligations which are specified in the form. The annual reports made by Members of the Organisation are referred to a Committee of Experts consisting of persons appointed in an individual capacity by the Governing Body. The function of the members of this Committee is not to represent either countries or occupational interests, but to make an expert examination of the reports referred to the Committee, and persons who hold positions which make them dependent on a Government are for this reason disqualified from membership of this Committee. The Committee mentions in its report to the Governing Body all cases in which it considers that there is *prima facie* evidence of unsatisfactory application or that it is desirable to request further information from the Government concerned. The Governing Body normally confines itself to communicating the observations of the experts to the Governments of Members of the Organisation and to the International Labour Conference. At the annual sessions of the Conference the report of the Committee of Experts, and the summary of annual reports by Members upon which it is a commentary, are considered by a tripartite committee. Expert examination is thus followed by a discussion of the reports by the representatives of the interests affected by the application of Conventions. Governments, employers and workpeople. In this discussion employers' and workers' delegates have an opportunity of criticising the manner in which Conventions are applied, in their own countries or elsewhere, and of supplementing the information contained in the reports by information drawn from the experience of the organisations which they represent, while Government delegates representing countries which are alleged to be in default have an opportunity of giving explanations regarding the past and assurances regarding the future. The experience which has been acquired suffices to show that this type of mutual verification of the fulfilment of obligations is a form of supervision of the application of Conventions which can, under favourable conditions, achieve results of substantial value. How much can be achieved in this way would seem to depend on two factors—the thoroughness with which the work is done and the extent to which the Governments and legislatures of Members are responsive to international criti-

cism The responsiveness of Governments and legislatures to international criticism is of course a function of general political conditions It depends upon the value attached to the pledged word and the keenness of the sense of international responsibility and interdependence in the country concerned, and upon the extent to which, under prevailing conditions, international criticism tends to reinforce or to silence national criticism of official policy The conditions which make Governments and legislatures responsive to criticism in and by international bodies cannot be created within short periods by any action which it is within the power of such bodies to take, but over longer periods the development of such conditions can be encouraged by building up a tradition of vigorous international co-operation based upon the moral and social values proclaimed by the Preamble to the Constitution of the Organisation, and by promoting confidence in the fairness, understanding and sound judgment of those who serve upon, and those who advise, the bodies responsible for verifying whether the obligations which have been assumed are being properly discharged While the thoroughness with which the work of mutual verification is done naturally depends primarily upon the ability and character of those to whom it is entrusted, the experience of the Organisation suggests that there are certain objective conditions, such as the combination of the independent judgment of experts, the special knowledge represented by the continuous studies of the Office, and the practical experience and outlook of the representatives of the interests affected by the application of a Convention, the fulfilment of which is likely to conduce to the thoroughness of supervision over the application of international Conventions exercised by means of the examination of annual reports submitted by Governments The chief weakness of the system as it operated during the earlier years was that the review of annual reports afforded much less opportunity of judging the extent to which the laws and regulations of Members were effectively applied than it did of forming a fairly reliable impression of the extent to which these laws and regulations were in conformity with the requirements of the Conventions to which they were alleged to give effect More recently an attempt has been made to remedy this weakness by requesting the inclusion in reports of particulars of judicial decisions, extracts from factory inspectors' reports and statistics relating to the application of Conventions, and a general appreciation of the manner in which each Convention is applied, mentioning any difficulties which have occurred in connection with its application and any observations relating thereto which have been received from employers' and workers' organisations The presence of the workers' representatives

in the Conference Committee affords a further guarantee, which, though not absolute, has a value which it would be foolish to underestimate, that notorious cases of non-application will sooner or later be brought to the notice of the Conference. The proof of the value of the procedure is to be found in the practical results which have been secured by it. Numerous discrepancies between national laws and regulations and the requirements of Conventions have in fact been eliminated as the result of the public ventilation of grievances and systematic moral pressure exercised over periods of years.

The continued application of these arrangements has inevitably been interrupted by the course of the war, and the resulting difficulty of holding regular meetings of the Committee of Experts and of the Conference, but the Office has continued to request Governments to furnish summary reports containing such new information as has become available, and particulars of the reports received will be contained in a summary to be submitted to the present Session of the Conference under Item VI of the Agenda. It is clearly desirable that the full operation of the arrangements for mutual supervision on the basis of annual reports should be resumed as soon as circumstances allow, and an opportunity for consideration of what steps should be taken in the matter will occur in connection with Item VI of the Agenda of the present Session.

The system of annual reports is supplemented by the right of industrial organisations to make representations to the Governing Body concerning the application of Conventions. The procedure of representation has proved less important than was anticipated at the time when the Constitution of the Organisation was drafted, partly because most of the advantages which can be secured by making a representation can be secured more conveniently by raising a grievance during the discussion of the annual reports on the application of Conventions. The procedure is not, however, by any means valueless, and during the years immediately preceding the war an increasing number of representations were made. The successful operation of the procedure is dependent on much the same general conditions as apply to the annual reports procedure—the thoroughness with which representations are considered and the degree of responsiveness of Members of the Organisation to the views of the Governing Body. The degree of publicity given to the proceedings and the adequacy of the arrangements for the examination of the facts are therefore the deciding factors and proposals in regard to this matter are accordingly contained in the constitutional resolution suggested in Chapter V.

The arrangements which have been reviewed represent a great advance upon traditional practice in respect of the adoption, entry into force and supervision of the application of international instruments, but there is a widespread feeling that they are capable of further improvement and that the Organisation would be untrue to its own tradition if it did not continue to perfect them

The most far-reaching of the proposals on the subject which has been put forward from time to time is that the International Labour Organisation should be given mandatory powers and entitled to take decisions binding upon its Members—a question which was fully discussed at the Peace Conference in 1919 and was then decided in the negative after full consideration, for reasons which still remain completely valid today. The prospect of establishing a world-wide organisation with mandatory powers in respect of social legislation is, even if its desirability should be conceded, altogether remote, and in all probability the only result of any attempt to develop the International Labour Organisation along such lines would be to destroy what already exists. There is no evidence that Governments, employers or workers are either able or willing to vest in an international body power to bind in respect of such matters the constituencies to which they are responsible. If the Conference had nominal mandatory powers, the appalling complexity of the world-wide problems confronting it would inevitably make it most reluctant to exercise them in practice. Many Conventions which have been adopted and have progressively come into force by successive national ratifications would certainly have failed to secure the majority necessary for adoption if the effect of such adoption would have been to make them applicable automatically and immediately, without the further consideration in each country which precedes ratification under the present arrangements. The result would have been to weaken enormously the content of the body of international standards on the basis of which impressive progress has been gradually made in many countries. There is therefore no short cut to the strengthening of the International Labour Organisation as a more effective world-wide agency by way of the attribution of mandatory powers to the International Labour Conference. Experience strongly suggests, indeed, that the extent of the legal powers of the Organisation is much less important than the extent to which its existing potentialities are vigorously developed by bold and wise leadership, for one of the principal hindrances to the effectiveness of the International Labour Organisation in the past has been the limited scale on which it has been possible to develop its work on the basis of its recognised powers and responsibilities.

There are, however, a number of practical steps which could be taken to improve the practical operation of the system of Conventions and Recommendations provided for in the Constitution of the Organisation. There are not at present any systematic arrangements for reports by Governments on the measures taken by them to bring Conventions and Recommendations before the national competent authorities, on the reasons for which Conventions have not been ratified and the extent to which unratified Conventions have in fact been applied, or on the application of Recommendations. The value of national reports to an international organisation on the extent to which social objectives have been approximated, and on the measures taken towards their attainment, has been increasingly recognised in recent years and received special emphasis at the United Nations Conference on Food and Agriculture. Proposals on these subjects are accordingly contained in the constitutional resolution suggested in Chapter V.

The effective application of Conventions and Recommendations depends in large measure upon national standards of law enforcement and the existence of satisfactory national systems of inspection, the adoption of a Convention on labour inspection, which is envisaged in the programme outlined in Chapter III, would therefore be a substantial step in the direction of higher standards of Convention enforcement.

Another suggestion which has been made from time to time for improving the arrangements for supervision of the application of Conventions is the establishment of an international labour inspectorate. There has been no more characteristic feature of the evolution of labour inspection than the manner in which the inspection services have been developing into the trusted advisers of employers and workers alike and have ceased to be regarded as law enforcement agencies concerned primarily with the application of penalties. This trend of development would appear to suggest that the best method of approach to the problem for the International Labour Organisation would be to endeavour to find ways and means for the international application of this principle. In the course of the technical missions which have been sent by the International Labour Office on request to many countries in recent years, officials of the Office have been called upon to act in an advisory capacity similar to that which has become increasingly characteristic of the work of labour inspectors, and the value of the services they have been able to render has frequently been emphasised by the Governments concerned. The experience acquired during such missions suggests that a more extensive development of this practice would be of great value to many Governments in the development of their

national arrangements to secure the effective application of Conventions, and that the constructive suggestions which can be made by approaching a national problem from an independent and comparative international angle are far more likely to improve the standard of enforcement than formal enquiries into cases in which inadequate enforcement is alleged which are accompanied by threats of international penalties. The further development of such missions would also make it possible to improve the quality of the general services which the Office can render to the Members of the Organisation. It would establish a much closer relation than has existed hitherto between the work of the Office as an agency for information, research and preparation for the formulation of international standards and the practical realities of industrial life in countries with widely varying conditions, it would make possible a great improvement in the quality of the publications of the Office by placing at its disposal valuable first-hand information to supplement published material, the value of which is necessarily very uneven, it would afford far more reliable data than have been available hitherto regarding the practical application of Conventions. If the Office could build up a body of officials who specialised in such duties, they would quickly acquire a unique experience which could be placed at the disposal of the national inspection services of all Members of the Organisation and would be invaluable to them, especially in the case of the less developed countries. Early consideration of the steps which might be taken to this end would therefore appear to be highly desirable.

Two other useful approaches towards the attainment of the same general purpose are suggested by the experience of the Organisation during the years immediately preceding the war. A valuable initiative was taken by the South African Government when it invited a tripartite delegation of the Governing Body to visit the Union of South Africa to inform themselves at first hand on labour conditions in the Union. The delegation was not called upon to frame even tentative conclusions or recommendations on labour conditions in the Union, but it made a valuable report to the Governing Body and was afforded admirable facilities for drawing the attention of interested parties in the Union of South Africa to the bearing upon their problems and preoccupations of work being done by the International Labour Organisation. If other Governments should be disposed to take similar initiatives in the future, a valuable contribution might be made towards situating the labour problems of individual countries in a broader international perspective.

The second of these approaches is represented by the proposal made by the Regional Conference of representatives of labour in-

spection services held at the Hague on 14-17 October 1935 that the Governing Body should convene annual meetings of representatives of the inspection services of the States Members, and that future meetings should be called upon to study the technical questions arising out of the supervision of the laws and regulations for the enforcement of certain specific international labour Conventions, as well as any additional problems to which attention might be called by Governments or by the Governing Body. When the Report of the Hague Conference was considered by the Governing Body, it was understood that in submitting proposals for the agenda of future regional conferences of labour inspection services the Office would endeavour to include in the agenda of each conference a question directly connected with the problems arising out of the application of a particular Convention or group of Conventions. Owing to the war no effect has yet been given to this important proposal of the Hague Conference, and it seems appropriate to envisage action on the basis of it as soon as possible after the war. Provision is therefore made in the proposed constitutional resolution suggested in the following chapter for the convocation by the Governing Body from time to time of meetings of administrative officers for the review of the problems arising in the course of the application of the laws and regulations relating to matters of interest to the Organisation.

There may also be certain special cases in which there would be a place for an international inspectorate, the most obvious illustration being that of any development works which may be internationally financed subject to compliance with specified labour standards.

Two further questions which require consideration in any general review of the future development of the Convention system are that of the extent to which it may be possible to apply Conventions by means of collective agreements, and that of the possibility of a more extensive acceptance of Conventions by federal States having a limited jurisdiction over labour matters.

Fuller consideration of the relationship of collective agreements to Conventions has recently been requested by the British Government and by the Joint Maritime Commission. The question is not of course a new one.

The report on collective agreements published by the Office in 1936¹ devotes a chapter to the relationship of collective agreements and international labour Conventions, which points out that "whereas a collective agreement, unless its authority has been

¹ INTERNATIONAL LABOUR OFFICE *Collective Agreements, Studies and Reports, Series A (Industrial Relations) No. 39* (Geneva, 1936)

extended by the State, represents a mutual obligation only between the parties to the agreement, the ratification of an international labour Convention involves an obligation by the State to all other States which have ratified the Convention." The question how far collective agreements can be used as a basis for the ratification of Conventions therefore resolves itself into two other questions. How far can the State assume responsibility for a collective agreement, as a basis for the acceptance of precise international obligations for a substantial period of time, without destroying the freedom of relations between employers' organisations and trade unions and the adaptability to changing conditions which have been the outstanding features of the system of collective agreements? Conversely, how far can international labour Conventions be made more flexible in content, and open to reconsideration at frequent intervals in the same manner as collective agreements, without destroying the reciprocity of precisely defined obligations for fixed periods which has been the characteristic feature of the Convention system as it has operated hitherto? The answers to these questions may differ in respect of different types of subject matter. Some provisions of collective agreements, notably those relating to wages and to a lesser extent those relating to hours of work, tend to be changed at frequent intervals, others, such as those regulating methods of wage payment, overtime, apprenticeship and discipline, may continue with little or no modification for substantial periods and represent standards which, while likely to be further improved in the future, are unlikely to deteriorate in time of peace. It is therefore improbable that there can be any simple or uniform solution for the problem of the acceptance of international obligations binding between States on the basis of the regulation of industrial conditions by collective agreement.

Under the Constitution of the International Labour Organisation each State which ratifies an international labour Convention is responsible for securing its effective observance within its jurisdiction and, subject to the provisions of the Convention, is free to decide upon the methods it will adopt for securing such effective observance. The Constitution of the Organisation does not require legislative implementation of Conventions in any case in which the provisions of the Convention are in fact effectively observed, in virtue of collective agreements or otherwise, without legislative implementation. The Conference Committee on the Application of Conventions has, it must be acknowledged, repeatedly emphasised in its reports that legislation is normally necessary to secure the effective observance of the majority of the existing Conventions. A large proportion of these Conventions, moreover, require legisla-

tion for their application not merely as a matter of practical necessity but as a matter of law in view of the terms of the Conventions. A number of attempts have, however, already been made, both in existing Conventions and in proposals submitted by the Office but not hitherto approved by the Conference, to recognise the potential importance of collective agreements in connection with the application of Conventions.

The provisions referring to collective agreements contained in the existing Conventions fall into four main types: (a) provisions whereby the existence of a collective agreement is a condition which must be fulfilled before advantage may be taken of certain permitted exceptions, (b) allusions to the possibility of a higher standard than that required by the Convention being fixed by collective agreement, (c) provisions to the effect that certain of the standards prescribed by the Convention are to be defined in greater detail by national laws or regulations or by collective agreement, (d) provisions whereby certain classifications of persons to whom differing standards apply are left to be determined by national laws or regulations or by collective agreement. None of these provisions contemplates that the positive obligations resulting from the Convention will normally be fulfilled by means of a collective agreement.

Provisions more far-reaching in character were submitted by the Office to the Conference in 1937 in the proposed draft Conventions concerning the reduction of hours of work in the textile industry, in the chemical industry, and in printing and kindred trades. All of these proposed draft Conventions provided that the parties should make determinations and regulations concerning the averaging of hours and the cases in which and extent to which normal limits of hours might be exceeded, such determinations and regulations were not, however, to be required in cases in which the matters in question were, in the opinion of the competent authority, satisfactorily and effectively regulated by collective agreement or arbitral award, subject to full information being included in the annual reports concerning the grounds upon which agreements or awards were regarded by the competent authority as satisfactory and effective. These provisions were deleted from the 1937 proposed draft Conventions by the competent committees of the Twenty-third Session of the Conference.¹

A still more far-reaching proposal was embodied in the 1939 proposed draft Convention concerning the reduction of hours of work

¹ One of these committees, that for printing and kindred trades, first amended these clauses to provide that the competent authority might make binding any collective agreement or arbitral award of a general character which, in its opinion, regulated satisfactorily the matters in question, the clauses were afterwards deleted from all three drafts.

in coal mines, consideration of which was adjourned by the Conference. This draft included provisions contemplating two alternative methods of applying Conventions by means of collective agreements. One clause of this draft was to the effect that if national laws or regulations provided that collective agreements between organisations of employers and workers should, under prescribed conditions, have the force of law in relation to either the whole of the coal mining industry or to one or more branches of that industry, the provisions of such agreements should, for the purposes of certain articles of the Conventions, be deemed to be decisions or regulations made by the competent authority. The clause concerning the alternative method of application on the basis of collective agreements provided that nothing in the Convention should be deemed to require the enactment of any law or regulations for the purpose of giving effect to the provisions of the Convention so long as the said provisions were applied in virtue of one or more collective agreements satisfying the following conditions: "(a) the conditions of work provided for in the agreement or agreements must comply with the requirements of the Convention, (b) the agreement or agreements must apply to all but an inconsiderable proportion of the persons employed in all mines to which the Convention applies, and (c) the agreement or agreements must be effectively enforced by the parties thereto".

In the same year the Conference adopted the Methods of Regulating Hours (Road Transport) Recommendation, 1939, which suggests that each Member of the Organisation, in taking such measures as may be necessary to promote the effective regulation of the weekly and daily hours of persons to whom the Hours of Work and Rest Periods (Road Transport) Convention, 1939, applies, should consider "the active encouragement of voluntary joint collective machinery established by collective agreement between the employers' and workers' organisations concerned", or, in default thereof, the "establishment of statutory machinery operated in consultation with such organisations".

There has thus been a tendency in recent years to regard the question of the extent to which it may be possible to apply the provisions of a Convention on the basis of collective agreements as being one of the questions which should be brought to the attention of the Conference and considered by it, in all cases in which the matter is likely to be of practical importance. The development of industrial committees suggested earlier in this chapter may tend to place the question in a new perspective by affording facilities for the negotiation of international collective agreements under the auspices of the International Labour Organisation.

The problem of the wider acceptance of Conventions by federal States is one of outstanding importance, especially in view of the ever larger part in the world's economy played by such States as the United States of America, Australia, Canada and India, but also one of great complexity and political difficulty. The matter was raised at the instance of the United States at the 1939 Session of the Conference, and a series of studies on the subject being prepared by the Office in pursuance of a decision of the Governing Body as the result of a resolution adopted by the Conference in that year is approaching completion, but the political situation does not appear to be ripe for any attempt to approach the matter from a broad international standpoint at the present time. It might, however, be useful for the Conference to draw the attention of any federal States which may be adopting new constitutions or revising their constitutions to the desirability of making appropriate provision for the ratification and application of international labour Conventions.

THE ACCELERATION OF THE PROCEDURE FOR THE ADOPTION OF CONVENTIONS AND RECOMMENDATIONS

The workers' group suggested at the Ninety-first Session of the Governing Body that consideration should also be given at the present Session of the Conference to the acceleration of the procedure for the adoption by the Conference of Conventions and Recommendations and that the Standing Orders of the Conference should be revised with this end in view. It will be recalled that the avoidance of unnecessary delays during the consideration by the I L O of proposals for Conventions and Recommendations is a matter to which the workers' group have always attached the greatest importance and that the question has been discussed on a number of occasions by the Governing Body and the Conference. The question presents a dilemma of considerable difficulty. On the one hand, the power of the Organisation to influence current events is greatly reduced, especially in periods of crisis, if its procedures are unduly cumbersome and protracted. On the other hand, the adoption of Conventions and Recommendations by an accelerated procedure is at best worthless and may be disastrous if the acceleration of their adoption, by leaving insufficient opportunity for adequate consideration by Governments of the problems of policy and administration involved, prejudices the possibility of ratification and application, through which alone results can be obtained in the well-being of individual human lives. In these circumstances considerable flexibility of procedure is necessary in order to enable the Organisation to obtain the best results, and it will now be generally agreed

that the double-discussion procedure provided for by the Standing Orders of the Conference as they were in force before their revision in 1938 did not allow of sufficient flexibility. The Standing Orders were, however, revised in 1938 with a view to meeting the views which have now been expressed again by the workers' group, and the modified arrangements adopted in 1938 have still not been fully applied owing to the interruption caused by the war. Under the 1938 Standing Orders questions placed on the Agenda of the Conference are governed by the double-discussion procedure only if the Governing Body has not decided by a three-fifths majority to place them on the Agenda for consideration by the single-discussion procedure. When a question is governed by the single-discussion procedure the submission of drafts to the Conference is to be preceded by a consultation of Governments by means of a questionnaire or the holding of a preparatory technical conference, or both, according to circumstances. Of the four questions which the Governing Body placed before the outbreak of war on the original Agenda of the Session of the Conference which was to have been held in 1940 two were to have been considered by the single-discussion procedure on the basis of the work of technical conferences and committees.

A further step in the direction of flexibility has been taken in connection with the present Session of the Conference by including certain questions in the Agenda at short notice, with a view to the adoption of Recommendations by an expedited procedure after a single discussion, it being understood that certain of the provisions of Recommendations adopted by this procedure may subsequently be embodied progressively in Conventions. The proposals at present before the Conference include provision for reports on the steps taken to give effect to the Recommendations to be made to the International Labour Office as requested by the Governing Body. The information contained in such reports concerning the experience gained in the application of Recommendations should make it possible to incorporate certain of their provisions progressively in Conventions on the basis of much more reliable information than can be secured by replies to a questionnaire under the old procedure. The procedure adopted on the present occasion is of course of an emergency character and does not necessarily constitute a precedent, but if it should operate to the general satisfaction it may have something to contribute to the future development of the procedures of the Organisation.

In view of these varied elements in the situation, the Office, after giving the most careful consideration to the proposal of the workers' group, has refrained from including in the present Report

any proposal for the modification of the Standing Orders as revised in 1938. Periodical revision of the arrangements embodied in the Standing Orders will no doubt continue to be necessary in the future as in the past, but no major change of an importance which would justify the Conference dealing with the matter at its present Session would appear to be called for at present.

THE REBUILDING OF THE INTERNATIONAL LABOUR OFFICE

The effective discharge of the responsibilities outlined in Chapters I and III of this Report, the execution of a programme of work of the nature suggested in Chapter III, the organisation of the industrial committees discussed earlier in the present chapter, the preparation of a series of regional conferences followed by the action necessary for the implementation of their decisions, and the maintenance of adequate liaison with other international bodies, clearly constitute a body of tasks far beyond the capacities of the small nucleus of staff which has carried the burden of maintaining the International Labour Office in being as a symbol and centre of world-wide co-operation in respect of social and economic questions through the successive crises of the war. The rebuilding of an Office thoroughly equipped for the challenging tasks which lie ahead is therefore no less urgent than the resumption of regular meetings of the Governing Body and the Conference. Three years ago the Acting Director emphasised in *The I L O and Reconstruction* that the technical services of the I L O "have been living on their intellectual and technical capital" and that "this, though a necessary and inevitable adjustment to the circumstances of the crisis, is not a process which can be continued indefinitely" and involves, especially "in a formative period of world-wide social and economic change of unprecedented rapidity", dangers which require no emphasis. Since that time the reconstruction credit has made it possible to strengthen the staff somewhat, but not sufficiently to carry the weight of growing responsibilities. The wartime strain, of which the Office has gladly borne its share, is inevitably telling upon the quality of the work being done and the resilience with which future tasks can be faced. There is therefore no time to be lost in providing the Office with the human resources necessary for the accomplishment of the momentous tasks ahead. "It is men who make history, rather than constitutions, treaties and rules of procedure" and although the Organisation must always derive its essential strength from the responsible representatives of the peoples of the world, acting through their Governments and their employers' and workers' organisations, whose function it is to formulate policy in the Governing Body and the Conference, its

future will also depend in no small measure on the strengthening of the ranks of the Office by the early entry or re-entry into its service of substantial numbers of men and women, young in outlook and, in the majority of cases, in years, who have the integrity, imagination, drive and technical grasp which the challenge of the age requires and who are inspired by the standards of disinterested public service to an international institution which Albert Thomas evoked among his collaborators. It is important that this new generation should, while bringing its own perspective and fresh technical knowledge, which is sorely needed, also inherit the acquired experience and skills which constitute the tradition of the Office, and in order that this result may be achieved it is essential that the long-term rebuilding of the Office should be vigorously pursued during the relatively few years for which alone an important proportion of the existing cadre may be expected to remain available

CHAPTER V

THE CONSTITUTIONAL PRACTICE OF THE ORGANISATION

The preceding chapter has discussed the major developments in the structure of the Organisation, and in the arrangements in regard to Conventions and Recommendations, which are necessary in order to enable the Organisation to carry the weight of the new responsibilities which now devolve upon it. Some of the more important of these developments will, like those which have been foreshadowed during the discussion of the relations of the International Labour Organisation and other international bodies in Chapter II, involve processes of growth which cannot be consummated in the decisions of a single Conference at the present time, but will necessarily constitute a continuing responsibility of the Organisation for some, and in certain cases for many, years to come. In general, the existing Constitution of the International Labour Organisation is well adapted to enable the Organisation to discharge the developing responsibilities outlined in the preceding chapters. The Constitution gives the Organisation a broad mandate to promote social justice and to further the adoption of humane conditions of labour by all nations, that mandate specifically includes the prevention of unemployment and the provision of an adequate living wage. As the years have passed the mandate has been interpreted ever more broadly and the adoption of the suggested solemn declaration discussed in Chapter I would confirm the comprehensive character of the responsibilities of the Organisation. The machinery established by the Constitution is sufficiently flexible to allow of an almost unlimited extension of the tasks and activities entrusted to the Organisation by its Member States. Specialised machinery for the handling of particular problems within the general framework of the Organisation has been evolved steadily since the creation of the Organisation and the further machinery suggested in Chapter IV can be developed progressively as required by decisions of the Conference and the Governing Body. It is for this reason that the Governing Body has not included in the Agenda of the present Session of the Conference

any proposal for the amendment of the Constitution of the Organisation¹ Amendments to the Constitution of the Organisation may be necessary at a later stage, when it is possible to determine more clearly the relationship of the Organisation to the general structure of post-war international arrangements, but that stage has not yet been reached

The present Session of the Conference does, however, mark so important a stage in the development of the constitutional practice of the Organisation, which has been evolving progressively for a quarter of a century, that it would seem desirable that the Conference should, during this Session, adopt a resolution concerning the constitutional practice of the Organisation in respect of certain matters, with a view to consolidating and developing existing practice so as to lay a more secure foundation for the developments contemplated in the preceding chapter Experience has also indicated the desirability, and indeed the necessity, in order to permit of the effective discharge by the Organisation of the responsibilities entrusted to it, of according it facilities such as Governments are accustomed to extend to each other in the interest of the efficient discharge of public business, and it would seem desirable that the Conference should adopt a resolution indicating some of the facilities which experience has shown to be desirable for this purpose

The present chapter therefore contains the texts of suggested resolutions on these matters with brief commentaries explaining the proposed provisions

The major proposals embodied in the resolution concerning the constitutional practice of the Organisation can be briefly summarised as follows

- (a) It is proposed to codify and clarify the existing arrangements relating to the acquisition and cessation of membership in the Organisation by Member States The foundation of the existence of every international organisation consists of its membership, and for historical reasons of which the gradual divergence of membership between the International Labour Organisation and the League of Nations is the most important, the arrangements governing the acquisition and cessation of membership in the International Labour Organisation have never been satisfactorily formulated At the opening of a new period

¹ Under Article 8 of the Standing Orders such proposals can be considered by the Conference only if they have been included in its Agenda by the Governing Body at least four months before the opening of the Session at which they are to be considered, in accordance with Article 14 of the Constitution, or have been included in the Agenda by the preceding Session of the Conference in accordance with paragraph 3 of Article 16 of the Constitution

in the history of the Organisation, when questions are bound to arise in regard to the readmission to membership of the Organisation of States which have been disassociated from it in recent years, it would seem essential to define the position on the basis of the practice which has gradually developed

- (b) It is proposed to emphasise that the prompt and regular payment by Members of the Organisation of their contributions towards its expenses is a *sine qua non* of the maintenance of the activities necessary for the effective discharge by the Organisation of the responsibilities entrusted to it
- (c) It is proposed to indicate procedural arrangements for the exercise by the International Labour Conference of the duty to scrutinise economic and financial measures from the standpoint of their social adequacy provided for in the solemn declaration suggested in Chapter I, and to provide for the representation at meetings of the International Labour Organisation of other public international organisations
- (d) It is proposed to provide for the development of fuller facilities for the future association with the work of the Organisation of the main world industries, agriculture, professional workers, the co-operative movement, and other economic groups
- (e) It is proposed to specify that the Governing Body shall from time to time convene the regional conferences the growing importance of which has been emphasised in the preceding chapter
- (f) It is proposed to reinforce the existing arrangements in regard to international labour Conventions and Recommendations by providing for reports on the measures taken with a view to the ratification of Conventions, reports on the application of Recommendations, meetings of administrative officers to review the problems arising in the course of the application of the laws and regulations concerning matters of interest to the Organisation, and similar developments. Proposals along these lines have been made from time to time on behalf of the workers' group, especially at the meeting of the Emergency Committee held in Geneva in October 1939 and at the meeting of the Governing Body held in London in December 1943
- (g) It is proposed to specify certain of the services which experience has shown the International Labour Office to

- be qualified to render to the Members of the Organisation
- (h) It is proposed to provide for a measure of flexibility in the working of the constitutional arrangements of the Organisation which experience has shown to be desirable and for certain practical requirements arising from the participation in the Organisation of an increasing number of States which are not Members of the League of Nations
 - (i) It is proposed to emphasise the international character of the responsibilities of the Director and staff of the International Labour Office

In formulating proposals along these lines for consideration by the Conference it has been necessary to decide whether to exclude from the scope of the proposals submitted matters in regard to which action would normally be taken by the Governing Body rather than by the Conference. In reaching a decision on this point the Office has thought it proper to attach decisive weight to the entirely exceptional character of the circumstances in which the present question has been placed upon the Agenda by the Governing Body. The intention of the Governing Body was to give the Conference an opportunity to consider the "remodelling of the ship" before it proceeds to sail forth over new, and it may well be stormy, seas, and it would not seem possible for the Conference to discharge this responsibility effectively without including in its purview matters which in more normal times would or might be dealt with by the Governing Body without reference to the Conference. It would, however, appear to be sound policy for the Conference to limit its action in respect of such matters to the formulation of general principles which the Governing Body would be left to work out in detail, and the proposals submitted in the following pages have been framed with due regard to this consideration.

PROPOSED RESOLUTION CONCERNING THE CONSTITUTIONAL PRACTICE OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided that it is desirable—

to state the constitutional practice of the International Labour Organisation in respect of certain matters,

to make provision for the establishment of close relationships of mutual co-operation between the International Labour Organisation and other international bodies,

*adopts, this day of May of the year one thousand nine
hundred and forty-four, the following resolution*

1 (1) *The General Conference of the International Labour Organisation may admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the Session*

The suggested provision requires a vote concurred in by two thirds of the delegates attending the Session for the admission of new Members to the Organisation. The majority required for this purpose has not been specified hitherto. The resolutions concerning the admission of the United States and Egypt were adopted unanimously, that relating to the admission of Germany and of Austria in 1919 was adopted by 71 votes to 1. It is reasonable to assume that if any provision concerning the admission of new Members to the Organisation had been included in the Constitution, a two-thirds majority would have been required for this purpose, since such a majority was required under the Covenant for the admission of new Members to the League, which involved their admission to the Organisation¹. The Constitution of the Organisation itself requires a two-thirds majority for decisions of special importance.

¹ There also appears to be a tendency to follow the Covenant precedent on this point in the constitutions of new international bodies now being established.

such as the adoption of Conventions and Recommendations and of amendments to the Constitution, and the Conference has not considered that Article 17 (2) of the Constitution, which provides for a simple majority except in these special cases, precludes it from providing for a two-thirds majority in exceptional cases not foreseen when the Constitution was framed. Thus it has provided in certain Conventions that particular provisions thereof may be amended by the Conference by a two-thirds majority. It would therefore seem reasonable to provide for a two-thirds majority for the admission of new Members to the Organisation.

If at any time doubtful cases should arise it would be necessary for the Conference to lay down the criteria on the basis of which it would decide upon applications for membership, as the Assembly of the League of Nations did in 1920.

The suggested provision is not intended to exclude the possibility that it may be desirable on some future occasion to have recourse again to the procedure, recently followed in the case of Costa Rica, of having a Member provisionally readmitted to the Organisation by the Governing Body pending final action by the Conference.

(2) All Members of the International Labour Organisation shall have the same rights and obligations under the Constitution of the Organisation

This clause is designed to state the equality of rights and obligations within the Organisation of all Members, irrespective of the date at which or procedure by which they became Members of the Organisation.

The Conference resolutions concerning the admission to the Organisation of the United States of America and of Egypt specify that their acceptance of membership involves acceptance of the rights and obligations provided for in the Constitution but does not involve the acceptance of any obligation under the Covenant of the League of Nations. The 1919 resolution admitting Germany and Austria specified that they were admitted to the Organisation "with the same rights and obligations possessed by the other Members of the Labor Organisation". The language now suggested states the same concept in terms appropriate to a provision of permanent application.

(3) No Member of the International Labour Organisation shall cease to be a Member of the Organisation otherwise than as the result of notice of its intention so to do given to the Director of the International Labour Office

States which have withdrawn from the League of Nations have

generally intimated to the Director of the International Labour Office whether their notice of withdrawal was intended to cover the International Labour Organisation or not. In certain cases, however, no intimation of the intention of a State in regard to the continuation of membership in the Organisation has been addressed to the Office and the determination of the legal position has presented considerable difficulty. The suggested provision lays down a clear rule for the future that an intention to withdraw from the International Labour Organisation will never be presumed, but that any Member wishing to withdraw from the Organisation must give notice of its intention so to do to the Director.

Such notice shall take effect two years after the date of its communication to the Director, subject to the Member having at that time fulfilled all financial obligations arising out of its membership,

This provision states the period of notice required for withdrawal from the Organisation and specifies that no Member which is in financial default may withdraw. It restates the established constitutional practice of the Organisation, which was originally derived from the corresponding provision of the Covenant of the League of Nations. At the time of the purported withdrawal without notice of Japan in 1938 the Governing Body took the view that the requirement of two years' notice applies to all Members of the Organisation. The United States of America and Brazil subsequently notified the Organisation of their acceptance of the requirement of two years' notice in the event of withdrawal and the declaration of retention of membership in the Organisation made by the President of Haiti on 11 October 1943 contained a similar provision

but where a Member has ratified any International Labour Convention such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto

This provision reaffirms the principle that the withdrawal of a Member from the Organisation does not affect the validity of any obligations which it may have assumed under Conventions

2 (1) *All Members of the Organisation shall pay their due share of the expenses of the Organisation*

(2) *The expenses of the Organisation shall be borne by the Members of the Organisation in the proportions fixed by the scale of contributions for the time being in force*

(3) *The Members of the Organisation have an obligation to pay their contributions promptly and regularly in accordance with the financial rules of the Organisation for the time being in force*

The provisions of the Constitution relating to the contributions of Members, like those relating to membership, are incomplete, the financial obligations of Members having been provided for primarily by the provisions of the Covenant relating to League contributions. The clause suggested is confined to a restatement of the existing legal position as it results from the Constitution of the Organisation, the Financial Regulations, the decisions taken by the Conference when admitting new Members and subsequent Governing Body decisions, and the agreements made with certain Members. It does not prejudice in any way the questions of future policy and procedure discussed in Chapter VI.

3 (1) *The Governing Body may appoint an Executive Committee to which it may delegate such powers as it may from time to time determine*

(2) *The Members of the Governing Body may be replaced by substitutes at meetings of the Executive Committee*

In anticipation of the present war the Governing Body appointed in February 1939 an Emergency Committee to which it delegated power to act on its behalf in the event of an emergency. On 19 September 1939 the Chairman of the Governing Body signed a declaration stating that—

after consultation with the two Vice-Chairmen of the Governing Body and the Director of the International Labour Office, I am satisfied that the state of emergency contemplated in the Report of the Officers of the Governing Body adopted by the Governing Body on 4 February 1939 now exists, and that the Emergency Committee is accordingly entitled, until such time as the Governing Body decides that a state of emergency no longer exists, to exercise the powers delegated to it by the Governing Body in accordance with the terms of that Report, it being understood that meetings of the Governing Body will be held whenever circumstances permit.

Experience during the war has proved the existence of a Committee which can, when necessary, act on behalf of the Governing Body during the intervals between sessions to be a useful device. It is accordingly suggested that this device should not be abandoned on the termination of the emergency but that the Governing Body should have power to appoint at its discretion an Executive Committee to which it could delegate such powers as it might from time to time judge appropriate. No doubt the Governing Body would rarely wish to delegate to an Executive Committee powers as extensive as those which have devolved upon the Emergency Committee under wartime conditions, but it would seem both necessary and desirable to leave it to the Governing Body to determine from time to time what powers, if any, should be delegated. The purpose of the proposed provision is merely to give Confer-

ence sanction for the continuation after the war, if thought desirable by the Governing Body, of the practice, which has been found convenient during the war, of devolving certain Governing Body powers upon a smaller committee

4 (1) *In order to enable the International Labour Conference to discharge the responsibility of scrutinising economic and financial measures from the standpoint of their social adequacy provided for in the Declaration adopted by the Conference on 1944, the Director of the International Labour Office shall submit each year to the Conference a report outlining developments in the economic and financial field having a bearing on the maintenance of full employment and the promotion of higher standards of living*

This is a procedural provision designed to facilitate the discharge by the Conference of the duty to scrutinise economic and financial measures from the standpoint of their social adequacy which has been discussed in Chapters I and II

(2) *The Director shall request all public international organisations to communicate officially to him all reports and documents issued by them having a bearing on the attainment of these objectives*

The purpose of this clause is to give the Director authority, when approaching other public international organisations to secure the official communication of their reports and documents, to do so in the name of the Conference

(3) *Each Member of the Organisation should communicate to the International Labour Office from time to time as the Governing Body may request the fullest available information concerning all measures taken within its jurisdiction to maintain a high level of employment*

This clause provides for the communication to the Office of information concerning national measures to maintain a high level of employment designed to supplement the information concerning international measures provided for in paragraph (2) for the purposes of the report to be prepared by the Director in accordance with paragraph (1). The Members bound by the Unemployment Convention, 1919, which has received thirty-one ratifications, are already under an obligation to communicate to the Office all available information on measures taken or contemplated to combat unemployment. This clause has a wider scope and different emphasis, corresponding to the evolution in the approach to the subject since 1919.

5 (1) *In order to allow of fuller and more intensive consideration of the problems of special groups of workers, provision shall be*

made for the representation of the parties concerned on special committees for agriculture, maritime questions, the main world industries, professional workers and other groups

The desirability of providing for the closer association with the International Labour Organisation of agriculture and the other main world industries has been discussed in the preceding chapter. The inclusion in the suggested resolution of a clause in this form would constitute an expression by the Conference of its approval in principle of such developments, leaving all details to be arranged by the Governing Body in the light of the discussion by the Conference of the general issues of principle raised in Chapter IV or at the instance of delegates and subject to any further reference of the matter to the Conference which may at any time prove desirable.

The clause also mentions maritime questions. In consequence of a resolution adopted by the Commission on International Labour Legislation of the 1919 Peace Conference "that the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen" it has been customary for maritime questions to be considered at special maritime sessions of the International Labour Conference and for the Governing Body to be advised upon maritime questions by a Joint Maritime Commission consisting of representatives of the shipowners' and seamen's organisations designated by the shipowners' and seamen's representatives at maritime sessions of the Conference. In view of the importance which the Joint Maritime Commission has acquired in the structure of the International Labour Organisation it would seem appropriate that the clause should contain an allusion to it.

The clause also refers to professional workers. The Governing Body has maintained an Advisory Committee on Professional Workers since 1927 and seven sessions of the Committee have been held. In view of the growing importance of professional workers as a group in the community it would seem desirable that this Committee should be reorganised and given a somewhat more formal status than it has possessed hitherto. The details of any such reorganisation would appear to be a matter which can most conveniently be considered by the Governing Body, but the principle that the concern of the International Labour Organisation extends to professional as well as to other categories of workers and that effective machinery should exist for the consideration of their special problems is one upon which it would seem desirable for the Conference to pronounce by the inclusion of an allusion to professional workers in this clause.

(2) *The Governing Body may provide for the participation in its proceedings, generally or during the discussion of particular matters, as the circumstances of different cases may require, of representatives of committees designed to secure fuller consideration by the Organisation of the views of interests affected by its work*

In order to make more effective the representation in the Organisation of the organised groups which participate in its work primarily through special committees such as the Permanent Agricultural Committee, it would seem desirable that there should be arrangements enabling committees of this character constituted by the Organisation to participate, through representatives, in the proceedings of the Governing Body, either generally or when matters of special interest to them are under consideration. Liaison between such committees and the Governing Body is already ensured by the representation of the Governing Body at their meetings by tripartite delegations, but this form of liaison, great as has been its value, does not give the committees dealing with maritime questions, professional workers and any similar groups within the Organisation any direct access to the Governing Body as the authority which controls the work of the International Labour Office. Under the Constitution the Governing Body has control of its own proceedings and the details of any arrangements that might be made for the participation in its proceedings of the Maritime Commission, the Permanent Agricultural Committee or any similar body, are therefore a matter for decision by the Governing Body itself, but it would seem appropriate that the Conference should endorse the general principle that organised groups for the consideration of whose special problems special committees may be constituted should be given whatever may be judged the most effective facilities for ensuring that their views are given full consideration when matters of interest to them come before the Governing Body.

6 (1) *The Governing Body may from time to time convene special conferences for particular regions or sub-regions, for dependent territories or groups of dependent territories, and for groups of territories confronted with common or comparable social or economic problems*

The scope for further development of the regional activities of the International Labour Organisation has been discussed in the preceding chapter.

This clause is intended to confer on regional conferences a recognised place in the structure of the Organisation, while leaving all necessary flexibility to the Governing Body, so that it can decide on the composition of such conferences in the way best suited to further the tasks which may be entrusted to them.

(2) The Governing Body shall be represented at each regional conference by a tripartite delegation which should include members of the Governing Body from outside the region

This clause provides for a link between regional conferences and the general work of the Organisation on the lines which have become traditional

It is not intended to imply that the Governing Body will necessarily be represented at regional meetings which are expert rather than representative in character

7 The Governing Body may convene such technical or other special conferences and establish such technical or other committees as it may from time to time consider appropriate

This restates established practice, the inclusion of the clause appears desirable to make it clear that the preceding clauses relating to representative and regional conferences and committees are not intended to be limitative

8 The Governing Body may adopt or approve statutes defining the Constitution, powers and procedure of regional or functional bodies designed to operate within the framework of the International Labour Organisation

The Governing Body has adopted or approved such statutes, or regulations equivalent to such statutes, in a number of cases, illustrations being the Statute of the International Public Works Committee adopted by the Governing Body in 1938, the Regulations of the Permanent Agricultural Committee adopted by the Governing Body in the same year, and the Statute of the Inter-American Social Security Conference approved by the Governing Body in 1943

9 (1) The Conference and Governing Body may invite public international organisations to send representatives to participate in, or attend, all or any of their meetings or parts thereof, without vote, on such conditions as they may respectively determine

Arrangements have recently been made by the United Nations Relief and Rehabilitation Administration to enable the International Labour Organisation to participate in its proceedings. It is hoped that similar arrangements will be made by other international bodies. The purpose of the present provision is to enable the International Labour Organisation to accord reciprocal facilities. The text suggested would permit the Conference and the Governing Body to issue permanent invitations to organisations continuous co-operation with which appears to be desirable and to issue invitations to particular meetings to other organisations as circumstances may require

In the event of this provision being approved by the Conference, it would seem appropriate that the Conference should extend forthwith to the Director-General of the United Nations Relief and Rehabilitation Administration, which has already accorded similar facilities to the International Labour Organisation, a permanent invitation to participate in its proceedings

The issue of invitations to participate in the meetings of the Governing Body is, under the suggested text, a matter for consideration by the Governing Body

(2) The Governing Body may invite any public international organisation to be represented, on such conditions as it may determine, on any committee established by the Governing Body or at any regional, technical or other special conferences convened under the auspices of the International Labour Organisation

The Governing Body has in a number of cases invited other public international organisations, such as the technical organisations of the League of Nations and the International Institute of Agriculture, to be represented on committees established by it, such as the International Public Works Committee and the Permanent Agricultural Committee, and at special conferences convened under the auspices of the Organisation. The suggested provision accordingly does not involve any new principle

(3) The Governing Body may enter into agreements with the competent authorities of other public international organisations for the maintenance of such joint committees as may be necessary to assure effective co-operation

Arrangements such as are contemplated by this provision were in force during the inter-war period between the International Labour Organisation and the International Institute of Agriculture, which maintained a Mixed Advisory Committee as a means of ensuring permanent liaison and co-ordination

10 (1) The Members of the Organisation should inform the Director of the International Labour Office at regular intervals, as requested by the Governing Body, of

- (a) the measures taken in accordance with paragraph 5 of Article 19 of the Constitution of the Organisation to bring Conventions and Recommendations adopted by the Conference before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, with particulars of the authority or authorities regarded as competent and of the action taken by them,*

The key importance of the provisions of the Constitution of the Organisation requiring the submission of Conventions to national competent authorities has been discussed in the preceding chapter.

It has been the practice of the Office for many years to seek information from Governments on the expiration of the periods of time provided for in paragraph 5 of Article 19 of the Constitution concerning the measures taken to give effect to the obligations resulting from that Article. The suggested provision would place this practice upon a rather more formal basis in the future.

- (b) *the difficulties which have prevented or delayed the ratification of each unratified Convention, with particulars of any measures taken to make effective in whole or in part the provisions of each such Convention*

This provision is designed to give effect to a proposal made by the workers' group at the Ninety-first Session of the Governing Body. While, for the reasons indicated in the preceding chapter, the decision to ratify or not to ratify a Convention must be left to national discretion, there would be great value in arrangements whereby Members of the Organisation indicated regularly and systematically, as many of them already do in particular cases, the difficulties which have prevented or delayed the ratification of unratified Conventions and the extent to which the provisions of each such Convention are operative in practice.

(2) *The Director shall lay before the Conference a summary of the information contained in such reports*

This provision is designed to give the Conference an opportunity of considering and discussing the information received from Governments.

11 (1) *The Governing Body may from time to time request Members of the Organisation to make reports on the measures which they have taken to give effect to all or any of the provisions of any Recommendation adopted by the Conference. The Director shall lay before the Conference a summary of the information contained in such reports*

The Committee on the Application of Conventions of the Fourteenth Session of the Conference pointed out in its report to the Conference that the preparation by Governments and submission to the Conference of periodical reports on the application of Recommendations would be of interest. At its Fifteenth Session the Conference adopted a resolution requesting the Governing Body to have prepared by the Office a detailed report on the measures taken by States Members to apply Recommendations. On the basis of a Governing Body decision the Office made an analysis of the in-

formation in its possession which, after verification by Governments, was submitted to the Conference at its Sixteenth Session and constitutes a useful survey of the measures taken up to that time to apply the provisions of Recommendations. The Conference has also included provisions concerning the communication to the Office of reports or other information concerning their application in nine Recommendations and similar provisions are included in the drafts of proposed Recommendations submitted to the present Session of the Conference.

The provision now suggested does not specify that such reports should be made at any fixed intervals or contemplate that such reports will necessarily cover all the provisions of all Recommendations, but merely provides that the Governing Body may in its discretion request Members of the Organisation to make reports. The Governing Body will thus be in a position to request such reports in cases in which the preparation of comparable reports by Members on any matter dealt with in a Recommendation appears likely to be of substantial practical value.

(2) The Conference may by the terms of a Recommendation substitute all or any of the provisions thereof for all or any of the provisions of an earlier Recommendation.

Arrangements for the revision of Conventions are provided for in the standard articles of the Conventions and in the Standing Orders and have operated satisfactorily under varying conditions in seven cases. There is therefore no occasion to reconsider them at the present time. No equivalent provision has been made hitherto for the revision of Recommendations. As the work of the Organisation develops, and subjects on which Recommendations have already been adopted are reconsidered by the Conference in the light of further experience, a procedure for the revision of Recommendations equivalent to the procedure for the revision of Conventions is becoming necessary. Recommendations do not, like Conventions, create a network of obligations any modification of which involves action by both the International Labour Conference and the parties to the Conventions, and it would therefore seem possible to deal with the matter adequately by providing that the Conference may by the terms of a Recommendation substitute all or any of the provisions thereof for all or any of the provisions of an earlier Recommendation.

12 The Governing Body may from time to time arrange for meetings of administrative officers engaged in the application of laws and regulations concerning matters of interest to the Organisation, and more particularly those giving effect to Conventions or Recommenda-

tions, to review the problems arising in the course of the application of the laws and regulations relating to any such matter

This clause is designed to give effect to a proposal discussed in the preceding chapter. It is, of course, understood that invitations to such meetings would be addressed by the Office on behalf of the Governing Body through the Governments concerned.

13 The Governing Body may, when served of a representation by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, arrange for such examination of the facts as may in the circumstances of the case be desirable and possible

The Constitution of the International Labour Organisation empowers the Governing Body to consider any representation by an industrial association of employers and workers that a Member has failed to secure in some respect the effective observance within its jurisdiction of a Convention which it has ratified. The Standing Orders concerning the procedure for the discussion of representations, adopted by the Governing Body on 8 April 1932 and amended on 5 February 1938, provide that all representations shall be considered by a committee of three members of the Governing Body. During the years 1936-1937 such committees considered five cases and made valuable reports. It was, however, a serious weakness in the procedure that the committees had no power to arrange for any independent investigation of the facts. How far such arrangements may be desirable and possible in any particular case will naturally depend in large measure upon the circumstances of the case, but it would seem appropriate to place it on record that it is within the authority of the Governing Body to make such arrangements for the examination of the facts of particular cases as may in the circumstances of the case be desirable and possible.

14 (1) The International Labour Office shall accord to Governments all appropriate assistance within its power in connection with—

This clause mentions a number of services which it has become increasingly common for the International Labour Office to render to the Governments of Members of the Organisation as its experience and capacity to make a constructive contribution in connection with current problems have broadened.

- (a) *the framing of laws and regulations on the basis of the decisions of the International Labour Conference at the request of the Government concerned,*

It has become increasingly common in recent years for the Office to give this kind of assistance to Governments at their request

- (b) *the development of mutual aid between Governments in the improvement and standardisation of administrative practices,*

It will always be the exception rather than the rule for the Office itself to be in a position to give guidance to Governments seeking advice in respect of the details of procedure in regard to the administration of social legislation, but there is great scope for international co-operation for the improvement of practice in this field and the Office can usefully act as a centre for the organisation of arrangements for mutual aid between Governments to this end. An example of such international administrative co-operation is to be considered at the present Session of the Conference in connection with social security under Item IV of the Agenda. The paragraph suggested here is a general reference to the importance of the matter in respect of a wider range of branches of social policy.

- (c) *any negotiations between Governments in which it may be invited to participate by the Governments concerned*

An illustration of the Office participating in negotiations between Governments at their request is afforded by its part in the negotiations between the Council of the League of Nations and Germany relating to social insurance problems arising from the incorporation of the Saar Territory in Germany in 1935.

(2) *Any Member or group of Members of the Organisation may invite the International Labour Office to arrange for an enquiry into any matter of a social or economic character, the terms of an invitation to make an enquiry may limit the scope of the enquiry to the finding of the facts of the case or may include an invitation to formulate recommendations to one or more of the Governments concerned*

The Office has at various times been associated with enquiries of a general character into social and economic questions of international importance. A recent illustration is afforded by its association through an assessor with the Joint Bolivian-United States Labour Commission which conducted an enquiry into labour problems in Bolivia and suggested that, if the recommendations made in its report were acceptable, the Bolivian Government should request the International Labour Office, after the lapse of a year or two, to make a survey with a view to reporting on the progress made and suggesting points where the programme contemplated should be modified or strengthened as indicated by experience. The reports prepared by Fernand Maurette on the social

aspects of economic development in Brazil and by Mr Harold Butler on the development of social legislation in Egypt are illustrations of another form of enquiry by the International Labour Office into broad questions of social policy. The suggested provision draws the attention of Members of the Organisation to the possibility of inviting the Office to arrange for an enquiry into any matter of a social or economic character.

(3) *The International Labour Office shall give all appropriate assistance within its power in connection with -*

- (a) *any negotiations between an international organisation of workers and an international organisation of employers with which it may be invited to be associated,*

As long ago as 1920 Albert Thomas, acting upon the invitation of the members of the Joint Maritime Commission, presided over a conciliation conference convened at Brussels by the International Shipping Federation and the International Federation of Seamen which was successful in averting an international strike in the shipping industry.

- (b) *any arrangements approved by the Governing Body for the determination of disputes concerning social or economic matters which are international in character*

Functions of this kind have been entrusted to the Organisation in several types of case. Thus the peace treaties following the last war provided for the appointment by the Governing Body of members of Commissions which were made responsible for determining the conditions of transfer, by States required to cede territory by the treaties, of such parts of the social insurance reserves accumulated by them, or by public or private organisations, under their control, as were attributable to the carrying on of social insurance in the ceded territory. Such commissions were appointed in respect of Alsace-Lorraine, in respect of the territory ceded by Germany to Poland excluding Upper Silesia, and in respect of Upper Silesia, and made elaborate technical recommendations relating to the transfer of funds which were made binding upon the parties concerned by the Council of the League of Nations by virtue of powers entrusted to it by the treaties. An entirely different type of case is illustrated by the sanction given by the Governing Body to the acceptance by the Director of certain responsibilities under the arbitration clause of an agreement relating to public utility concessions which was concluded on 14 April 1925 between the Hellenic State and certain groups of companies. This agreement provides

for arbitration in disputes relating to the concessions, and if the arbitrators appointed by the parties fail to agree on a chairman, then the chairman is to be the Director of the International Labour Office or a person nominated by him. An award made on 10 February 1930 by a unanimous tribunal presided over by Albert Thomas registered what was in substance a supplementary agreement between the parties that in any case in which either of them failed to nominate its arbitrator in accordance with the terms of the agreement, the Director should nominate a person to act as arbitrator on its behalf. The Director was called upon to act in seven arbitrations in virtue of this agreement and two more were pending when the proceedings were interrupted by the course of the war. Albert Thomas acted in person as chairman of the arbitrators in all the cases which occurred during his lifetime, Mr Harold Butler nominated a chairman, who in certain cases was Senator de Brouckère and in later cases Mr Paal Berg, President of the Supreme Court of Norway and ex-Chairman of the Governing Body of the International Labour Office. Though these arbitrations related chiefly to questions of procedure and of public utility regulation, some of them had a bearing on the application to public utilities enjoying special privileges defined by concessions of legislation relating to conditions of employment and particularly of social insurance legislation. It will be observed that the further development of functions of this type is made conditional upon Governing Body sanction.

15 (1) The following communications between the Members of the International Labour Organisation and the Secretary-General of the League of Nations should be transmitted through the Director of the International Labour Office

- (a) the communication to Members of certified copies of Recommendations and Conventions in accordance with paragraph 4 of Article 19 of the Constitution of the Organisation,*
- (b) the communication by Members of the information concerning the action taken in regard to Recommendations required by paragraph 6 of Article 19 of the Constitution,*
- (c) the communication by Members of the formal ratifications of International Labour Conventions in accordance with paragraph 7 of Article 19 of the Constitution and the relevant provisions of the individual Conventions,*
- (d) the communication to Members of all notifications required by the terms of International Labour Conventions*

The Constitution of the Organisation and the terms of the various international labour Conventions entrust the Secretary-General

of the League of Nations with a number of chancery functions in regard to Conventions and Recommendations adopted by the International Labour Conference. In view of the increasing number of Members of the International Labour Organisation which are not Members of the League of Nations, it would seem appropriate to treat the Director of the International Labour Office as the recognised channel of communication between the Secretary-General and the Members of the Organisation in regard to such matters.

(2) In accordance with the precedent established by Article 39 of the Constitution of the Organisation, whenever by reason of force majeure the discharge by the Secretary-General of the functions entrusted to him by Article 19 of the Constitution of the Organisation is impossible or involves unreasonable delay, the Director shall address to Members the communications referred to in subparagraphs (a) and (d) of the preceding paragraph and shall preserve as depositary the communications from Members referred to in subparagraphs (b) and (c)

Recent experience has shown that the difficulty of communication with the Secretary-General of the League of Nations is liable to bring to a standstill the functioning of the existing chancery arrangements in regard to the Conventions and Recommendations adopted by the International Labour Conference. On a recent occasion there was a delay of almost twelve months in the registration and notification to Members of certain ratifications of Conventions, and, unless some such arrangement as is here suggested is adopted, there will be a delay of unforeseeable length in the official communication to Members of the Organisation of the texts adopted by the present Conference. Article 39 of the Constitution, which defined the transitory arrangements applicable until the establishment of the League of Nations, would appear to furnish a precedent which can appropriately be followed whenever by reason of *force majeure* the discharge by the Secretary-General of the functions entrusted to him by Article 19 of the Constitution is impossible or involves unreasonable delay.

16 (1) Members of the Organisation should be represented at all sessions of the Conference by complete delegations including employers' and workers' as well as Government delegates

This clause restates a principle repeatedly reaffirmed in reports of the Credentials Committee of the Conference and embodied in a resolution adopted by the Conference at its Sixth Session which is of primary importance for the effective maintenance of the tripartite character of the Organisation, namely, that the obligation to be represented at sessions of the Conference by a complete delega-

tion is a contractual obligation binding upon all Members of the Organisation in virtue of its Constitution and cannot be converted into a mere option by the unilateral desire or decision of any one of them

(2) *The credentials of non-Government delegates at the Conference and their advisers should indicate the organisations in agreement with which they have been nominated*

This provision is designated to underline the importance of the obligation resting upon Governments under the Constitution to nominate employers' and workers' delegates in agreement with the most representative organisations. The tripartite system which is the foundation of the constitutional structure of the Organisation can work satisfactorily only when employers' and workers' representatives are fully representative of their respective organisations and can speak with real authority on their behalf.

The obligation upon Governments to nominate delegates in agreement with such organisations is an unequivocal one, but it is thought that there would be substantial advantage in the Conference emphasising the importance which it attaches to the matter by including in the suggested resolution a provision that credentials should specify the organisations in agreement with which delegates have been chosen. This involves no new principle, the importance of indicating in the credentials of non-Government delegates to the Conference the organisations in agreement with which they have been nominated having been emphasised on various occasions since the First Session of the Conference in 1919, notably in reports of the Credentials Committee. In the *Official Bulletin* for 21 September 1921, the Office published a suggested form of credential¹

¹ Vol. IV, No. 12. The suggested form was substantially as follows:

In accordance with Article 3 of the Constitution of the International Labour Organisation,

I hereby appoint the following representatives of the Government of _____, and the following advisers to accompany these representatives, to attend the _____ Session of the International Labour Conference convened by the Governing Body of the International Labour Office to assemble in _____ at _____ on the _____ day of _____ 19____

_____ M _____, and _____ M _____

to be Government delegates,

and M _____

M _____

M _____, and

M _____

to be advisers to the Government delegates,

and I nominate, in agreement with the industrial organisations which are most representative of employers or workpeople, as the case may be, _____ in _____,

that is to say, in agreement with _____

M _____

to be delegate representing the employers of _____

Many Governments indicate in the credentials of non-Government delegates the organisations in agreement with which they have been chosen, but this highly desirable practice is still not unanimously followed. It would also seem desirable that the Office should, in the letters of convocation of future Sessions of the Conference, draw attention to the suggested form of credentials published in 1921.

(3) The Conference may at any Session authorise the Governing Body to decide the place at which the following session of the Conference shall be held

Article 5 of the Constitution provides that "The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two thirds of the votes cast by the delegates present." The power of the Conference to decide at a previous meeting that it will meet elsewhere than at the seat of the League has been interpreted as including a power to delegate to the Governing Body authority to convene a meeting of the Conference elsewhere. Thus in 1931, when it was thought that the meeting of the Disarmament Conference might make it impossible or inconvenient to hold the 1932 Session of the Conference in Geneva, the Conference adopted a report authorising the Governing Body to convene the Conference elsewhere. Again, in 1941 the Conference of the International Labour Organisation, while not having the powers of a regularly constituted Session of the Conference, adopted a resolution placing it "on record for the information of the Governing Body that the members of the present Conference advise that the next Session

sions on which it is difficult to determine a year in advance where a Session of the International Labour Conference can most appropriately be held and it would therefore seem desirable to provide in the proposed resolution that the Conference may at any Session authorise the Governing Body to decide the place of the next Ses-

and M	.	.
M	.	
M	.	, and
M	.	
to be advisers to the employers' delegate,		
and in agreement with		
M		
to be delegate representing the workpeople of
and M	.	
M	.	
M	.	, and
M ,
to be advisers to the workpeople's delegate.		

sion The Governing Body would only be able to exercise this power on the basis of a resolution adopted at the preceding Session of the Conference and it will therefore be necessary for a resolution on the subject to be adopted by the Conference whenever it would seem necessary to allow a decision to be taken in the light of circumstances which may not be fully known at the time of the adoption of the resolution

It would seem desirable that a resolution authorising the Governing Body to determine the place of meeting of the next Session should be adopted by the present Session of the Conference A possible text for such a resolution is therefore suggested at the end of this chapter

17 (1) The Governing Body shall from time to time as may be required decide which are the Members of the Organisation of chief industrial importance entitled to appoint representatives on the Governing Body in virtue of Article 7 of the Constitution of the Organisation When so deciding the Governing Body shall fix the date on which its decision shall take effect

This provision is based on the practice inaugurated in January 1935 when the United States of America and the U S S R were designated as Members of chief industrial importance following upon their admission to the Organisation The same practice was followed when further changes in the list of Members of chief industrial importance were made in October 1935 and in February 1940 This provision will not preclude any Member of the Organisation which may be aggrieved by any decision of the Governing Body on the subject from making any appeal to the Council of the League of Nations which the circumstances at the time may make possible, but, in accordance with the principles approved by the Governing Body in 1935, the possibility of such an appeal will not suspend the application of the Governing Body's decision

(2) In the event of the postponement, owing to circumstances constituting force majeure, of the selection of the Members of the Organisation who are to appoint eight of the persons representing Governments on the Governing Body and the election of the persons representing the employers' and workers' representatives, the period of office of the Governing Body shall continue until such selection and elections have taken place

Wartime experience has shown that there may be occasions when circumstances constituting *force majeure* prevent the holding of Governing Body elections at the date when such elections are due to be held Such a situation has existed since 1940 and in virtue

of general principles the Governing Body as previously constituted has been regarded as continuing in office until such time as the holding of a session of the Conference and an election of members of the Governing Body should be possible. It would seem desirable that the principle that members of the Governing Body remain in office until their successors have been appointed should receive Conference sanction as the matter may be of importance again at some later period in the history of the Organisation.

18 All Members of the Organisation should recognise the right of members of the Governing Body and delegates to the Conference to complete freedom of speech when engaged on the business of the Organisation and should accord them the independence and facilities necessary for the satisfactory discharge of their duties

On a number of occasions during the inter-war period it was alleged by members of the workers' group that measures of restraint applied against some of their colleagues by undemocratic Governments were due in part to criticism or expected criticism of national policies at meetings held under the auspices of the International Labour Organisation. Complete freedom of speech on the analogy of the practice in respect of national parliaments is indispensable to the effective discharge by the International Labour Organisation of the responsibilities entrusted to it and the inclusion of a provision on the subject in the proposed resolution would appear to be appropriate.

19 (1) The Director of the International Labour Office shall, on appointment, make a solemn declaration before the Governing Body that he will discharge the duties committed to him with the interests of the International Labour Organisation alone in view, will not seek or receive instructions in regard to the discharge thereof from any authority external to the Organisation, and will at all times uphold the provisions of the Constitution of the International Labour Organisation

The Director of the International Labour Office is already required to make a declaration of loyalty to the Organisation on his appointment as Director in virtue of a decision taken by the Governing Body in 1932. The fundamental constitutional importance of the international character of the position and responsibilities of the Director make it desirable that the proposed resolution should include a provision on the subject.

The suggested text would require the Director to undertake at all times to uphold the provisions of the Constitution of the International Labour Organisation, including for instance the provisions which give the Organisation its tripartite character and those which

are designed for the protection of the rights of minorities This proposal represents an addition to the form of declaration now in use

If the suggested text should be adopted, the following would be an appropriate form of declaration

I solemnly undertake to exercise in all loyalty, discretion and conscience the functions that have been entrusted to me as Director of the International Labour Office, to discharge my functions and to regulate my conduct with the interests of the International Labour Organisation alone in view, not to seek or receive instructions from any Government or other authority external to the International Labour Organisation, and at all times to uphold the provisions of the Constitution of the International Labour Organisation

(2) The responsibilities of the staff of the International Labour Office shall be exclusively international in character Members of the staff shall on appointment make a solemn declaration in the form and manner approved by the Governing Body that they will not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organisation

This clause restates a principle which has already been incorporated in the Staff Regulations on the basis of a Governing Body decision, the reaffirmation of which by the proposed resolutions appears to be specially desirable at a time when the Office is, it is reasonable to hope, on the eve of rebuilding its staff

(3) The Conference affirms it to be the duty of the Members of the Organisation to respect fully the international character of the responsibilities of the Director and staff of the International Labour Office and not to seek to influence any of their nationals in the discharge of such responsibilities

This clause affirms a principle which is a necessary complement of the obligation to act as impartial international officials incumbent upon the Director and staff under the existing arrangements It is both unfair and practically unsatisfactory that the whole burden of maintaining the international character of the Office should be placed upon the Director and staff, and that the Governments should have no corresponding obligations in the matter The absence of any clear statement that Governments have obligations correlative to those of the members of the staff increased the difficulties of the Office when undemocratic Governments applied pressure to members of the staff with a view to influencing their official conduct The present paragraph therefore places on record the duty of Members of the Organisation to respect fully the international character of the responsibilities of the Director and staff of

the International Labour Office and not to seek to influence any of their nationals in the discharge of such responsibilities

It has been suggested in the preceding chapter that in view of the probability that a number of Members of the Organisation may frame new or revised national constitutions after the war, the Conference might usefully draw their attention to the possibility of making express provision in new or revised national constitutional instruments for the submission of the decisions of the International Labour Conference for parliamentary consideration and approval. The following would appear to be an appropriate form of resolution for this purpose

The Conference urges Members of the Organisation which may be revising their national constitutions to make appropriate provision in any new or revised constitutional instruments for the regular consideration by their legislative authorities of the Conventions and Recommendations adopted by the International Labour Conference

The efficient discharge of the responsibilities entrusted to the International Labour Organisation, and the avoidance of fiscal burdens upon the funds contributed by all of its Members in furtherance of an international public purpose, are possible only if the principle that the Organisation, as a collectivity of its Members, should enjoy the facilities which each of them extends to the others individually for the conduct of official business, is clearly recognised. This principle underlies all of the arrangements with the Swiss and Canadian authorities which have enabled the International Labour Organisation to enjoy the independence necessary for the discharge of the tasks entrusted to it as an institution responsible to its Members collectively through their representatives in the Governing Body and the Conference but not to any one Government or group of Governments. It would appear desirable, however, that the principle should receive wider recognition at a time when the resumption of fuller activities by the International Labour Organisation is in prospect, and it is accordingly suggested that the Conference might usefully adopt a resolution on the subject, providing for the application of the principle in respect of matters such as the

legal capacity and status of the Organisation, the immunities to be accorded to the Organisation and its funds, the facilities desirable for the official correspondence of the Organisation and for the circulation of its publications, and travel facilities for members of the Governing Body, delegates to the Conference, and members of the staff. Resolutions on these matters which have recently been adopted by the First Session of the Council of the United Nations Relief and Rehabilitation Administration with the approval of the Governments of all of the United Nations provide for certain facilities in respect of these matters to which the International Labour Organisation would appear to be equally entitled. The following text is therefore submitted as a basis for the consideration of the matter by the Conference.

PROPOSED RESOLUTION CONCERNING FACILITIES FOR THE
EFFICIENT DISCHARGE OF THE RESPONSIBILITIES
ENTRUSTED TO THE INTERNATIONAL
LABOUR ORGANISATION

1 The Members of the Organisation should take any steps which may be necessary under their law to enable the Organisation to exercise within their jurisdiction legal capacity to conclude contracts, to acquire, hold and convey property, to accept endowments or gifts, and in general to assume and discharge obligations and perform any act in the law appropriate to its purposes

The legal capacity of the International Labour Organisation to be a party to contracts and enter into other legal transactions has been recognised in Switzerland and in Canada and it would seem desirable that any steps which may be necessary to enable it to exercise similar rights under the law of other countries should be taken by the countries concerned.

The resolutions adopted by the Council of the United Nations Relief and Rehabilitation Administration include a similar provision.

2 The Members of the Organisation should accord to the Organisation the facilities, privileges, immunities, and exemptions which they accord to each other, including—

- (a) *immunity from suit and legal process, except with the consent of the Director of the International Labour Office,*
- (b) *inviolability of premises occupied by and of the archives of the Organisation,*
- (c) *exemptions from taxation, including customs duties,*
- (d) *exemptions from or facilities in respect of foreign exchange controls*

The purpose of this provision is to assimilate the International Labour Organisation as a collectivity of States Members to its individual Member States for the purpose of certain facilities necessary for the maintenance of its independence as an international institution

The arrangements in force between the Office and the Swiss and Canadian Governments are based on the principle of assimilation underlying this provision and accord all the facilities specified in the suggested provision

The Council of the United Nations Relief and Rehabilitation Administration has adopted a resolution in terms substantially identical with those now suggested

3 The Members of the Organisation should accord to the official correspondence of the Organisation —

- (a) the same treatment as is accorded by them to the official correspondence of other Governments, including —*
 - (i) priorities for telephone and telegraph communications, whether cable or radio, and for mail transmitted by pouch or by courier,*
 - (ii) Government rebates for official telegrams,*
 - (iii) diplomatic status for couriers and pouches of the Organisation,*
 - (iv) under appropriate safeguards, exemption from censorship of the official correspondence of the Organisation,*
 - (v) appropriate arrangements for the use of codes and of cable addresses for the telegraphic correspondence of the Organisation*

The purpose of this provision is to assimilate the official correspondence of the International Labour Organisation to that of the Governments of its Members for the purpose of various postal and telecommunication facilities necessary for the efficient conduct of the business of the Organisation

Arrangements concerning the majority of the points mentioned are already in force between the Office and the Swiss and Canadian Governments

The Council of the United Nations Relief and Rehabilitation Administration has adopted a resolution in the terms now suggested defining the facilities which Governments are recommended to accord to the official correspondence of the U N R R A

- (b) appropriate postal facilities, including such franking privileges or arrangements for the use of specially printed or over-printed stamps as may be possible*

This subparagraph mentions certain special facilities which have been accorded in various countries for the mail of public international organisations. In inter-American postal relations it is not uncommon to accord the privilege of the frank to the official correspondence of international organisations. In Switzerland there are arrangements for the use of specially printed postage stamps by the International Labour Office. Considerable philatelic profits accrue from the sale of these stamps and are divided between the Swiss Government and the International Labour Office on an agreed basis¹. A provision corresponding to the suggested subparagraph was included in the resolution on the subject adopted by the Council of the United Nations Relief and Rehabilitation Administration.

4 (1) *No restriction of any kind should be placed by any Government or other authority of any Member of the Organisation on the circulation of any publication issued by the International Labour Office nor should any tax be levied directly or indirectly on the printing, publication, import, distribution or sale of any such publication*

In virtue of Article 10 of the Constitution of the Organisation, the International Labour Office has a constitutional responsibility to distribute information on all subjects relating to the international adjustment of conditions of industrial life and labour. It would seem clear that restrictions on the circulation of publications such as have frequently been adopted in recent years by undemocratic Governments ought in no circumstances to be applied to the publications of an official international body.

The proposed paragraph also provides that the printing, publication, import, distribution and sale of I L O publications should be exempt from all forms of taxation. Such exemption has been accorded by Members of the Organisation in a number of cases in which the matter has arisen, but it would seem appropriate to place on record the principle that no country should levy taxation on official publications issued by the International Labour Organisation in the discharge of the responsibilities entrusted to it under the Constitution of the Organisation.

¹ The share of these profits received by the Office in respect of the years 1940 to 1943 was

1940—	15,000	Swiss francs
1941—	16,750	" "
1942—	19,250	" "
1943—	16,250	" "

An interesting account of special postal arrangements made for international institutions and conferences in Switzerland and elsewhere is contained in a recent publication entitled *Les Timbres S D N et B I T*, by Charles Mistelli, Geneva, 1943.

(2) Whenever by reason of shortages, general restrictions upon the printing of publications are in force in the territory of any Member, the most favourable treatment and facilities accorded to any class of publication shall be accorded to the publications of the International Labour Office

This paragraph is designed to facilitate the continued appearance of publications of the International Labour Office at times when the existence of shortages of paper or other materials has made necessary general restrictions upon the printing of publications. The Office is of course conscious that it is incumbent upon it at such times to practice economy in the use of materials in short supply, but unless it enjoys the facilities accorded for publications the issue of which is regarded as of special public importance its work is likely to be severely handicapped.

5 All Members of the Organisation should take the necessary steps to extend to travel on official business of members of the Governing Body, delegates to the Conference and members of the staff of the Office all rebates, exemptions from fees and other charges, and other facilities accorded in respect of official travel by members of diplomatic missions and other government officials

This provision is designed to secure for official travel on behalf of the International Labour Organisation financial concessions and other facilities accorded in respect of official travel on behalf of individual Governments, thus affording relief to the budget of the Organisation and generally facilitating the conduct of its business.

The resolutions adopted by the Council of the United Nations Relief and Rehabilitation Administration include a similar provision.

6 The Director shall issue to members of the staff of the Office for use when travelling on official business a document identifying the member of the staff and requesting, in the name of the Organisation, that all appropriate facilities be granted to the bearer. All Members of the Organisation should give full recognition to identity documents issued by the Director, should instruct their diplomatic, consular, customs and immigration services, and any other services which may be concerned, to recognise such documents as entitling the bearer to all appropriate facilities, and should accord to the staff of the Office the same treatment in respect of passports and visas as is accorded to the representatives of comparable rank of their own or other Governments; no charges should be made for passports and visas issued to members of the staff of the Office for travel on official business

It has been the practice of the Office since 1920 to issue to each member of the staff a permanent identity document and a mission order for each mission entrusted to him.

In that year the Assembly of the League of Nations adopted a resolution providing for the issue of identity cards to League officials and for the issue of diplomatic passports and visas for official travel.

The International Labour Organisation has never approached its Members directly with a view to their recognition of identity documents issued to its staff as entitling the bearer to all appropriate passports, visa and similar facilities, but at the opening of a new period in the history of the Organisation it would appear appropriate that such action should now be taken.

The provision suggested follows the precedent established by a resolution adopted by the Council of the United Nations Relief and Rehabilitation Administration.

7 The Members of the Organisation on the territory of which the International Labour Office maintains offices should make the necessary arrangements to ensure the staff of such offices the independence necessary for the efficient performance of their duties as members of an impartial international civil service and to avoid the imposition of financial burdens upon the funds of the Organisation.

Formal arrangements of a comprehensive character for the purposes indicated in this provision are in force in Switzerland, where the status of the Office and its staff is governed by the *Modus Vivendi* of 19 July 1921 and 18 September 1926, and in Canada, where the position is governed by the Treaties of Peace (Status of the International Labour Office) Order, 1941, and a number of subsidiary understandings.

Less systematic and complete arrangements have been developed, largely on a customary basis, in the other countries where offices are maintained.

The arrangements appropriate in particular cases will necessarily vary to some extent with the importance of the office concerned and with local circumstances, but at a time when the Office is likely to begin rebuilding its network of branch offices it would seem desirable that the Conference should approve the principle that the necessary arrangements should be made in all cases to ensure the staff of such offices the independence necessary for the efficient performance of their duties as members of an impartial civil service and to avoid the imposition of financial burdens upon the funds of the Organisation.

Although, for the reasons indicated at the beginning of this chapter, it is not thought appropriate to envisage the amendment of the Constitution of the Organisation at the present time, it would not seem premature to give some preliminary consideration to the question whether the procedure of amendment itself does not require modification. Article 36 of the Constitution provides that amendments thereto which are adopted by the Conference by a majority of two thirds of the votes cast by the delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three fourths of the Members. The amendment of the constitution of an international organisation ought not to be too easy but it is equally undesirable that it should be impossibly difficult. Experience has shown that the amendment of the Constitution of the International Labour Organisation by the present procedure is a matter of the greatest difficulty, twelve years were required for the entering into force of the only amendment adopted by the Conference, a provision uncontroversial in itself enlarging the membership of the Governing Body in order to provide additional representation for non-European States. Moreover, the requirement that the ratifications received must include those of the States whose representatives compose the Council of the League of Nations lost the greater part of its *raison d'être* when the first of the successive changes in the composition of the Council of the League were made over twenty years ago. It is therefore suggested that the Conference should, if it agrees that there is a *prima facie* case for the modification of the existing procedure of amendment, request the Governing Body to include in the agenda of an early session of the Conference the question of the amendment of Article 36 of the Constitution of the Organisation.

*
* *
*

It would also seem desirable that the Conference should refer to the Governing Body for consideration and report certain questions relating to its Standing Orders. At the time when the Standing Orders of the Conference were revised in 1933 it was understood that the substantial changes then made would be followed by a systematic revision of the arrangement and form of the Standing Orders. The Standing Orders have developed by a process of gradual accretions since 1919 and have never been reconsidered as a whole during the intervening years. As a result they contain a number of obsolete provisions and are inconveniently arranged, certain questions being dealt with in two or more places. The opening of a new

period in the history of the Organisation would appear to be an appropriate occasion for the contemplated general revision of the form and arrangement of the Standing Orders, and it is therefore suggested that the Conference might usefully, following the procedure adopted for earlier revisions of its Standing Orders, refer this matter to the Governing Body with a view to the submission of a revised draft of the Standing Orders at a later session of the Conference. If the Conference should adopt the suggested resolution concerning the constitutional practice of the Organisation consideration could also be given, during the suggested revision of the Standing Orders, to the question whether it is desirable to include in the Standing Orders more detailed provisions for the practical application of some of the principles formulated in the suggested resolution.

Paragraph 16 (3) of the suggested resolution concerning the constitutional practice of the Organisation provides that the Conference may at any session authorise the Governing Body to decide the place at which the following session of the Conference shall be held. It is clearly premature to decide at the present time where the next session of the Conference should be held and it would therefore seem appropriate for the present Session of the Conference to authorise the Governing Body to decide in due course the place of the next session. As the next session may be a special maritime session it would seem appropriate that the authorisation should apply to the next ordinary session as well as to any maritime session which may be convened in the interval. The following draft resolution is therefore submitted for the consideration of the Conference.

The Conference authorises the Governing Body to decide the place at which the Twenty-seventh Session, or in the event of it being decided to hold a maritime session in the near future, the Twenty-seventh and Twenty-eighth Sessions, of the Conference shall be held

CHAPTER VI

FINANCE

Considerations concerning the finances of the International Labour Organisation arise in connection with the possibilities of carrying out its programme and of the application of any measures designed to render its functioning more effective, but they are also intimately connected with the question of status. It will be convenient to treat these various financial problems together, and indeed they are closely interrelated. Without adequate financial resources, the Organisation cannot hope to perform in a satisfactory manner the tasks allotted to it, and those resources must be provided through the operation of appropriate machinery whereby the estimates of expenditure can be examined and obtain such approval as will lead to the necessary contributions being forthcoming from Member States. The degree of responsibility which the Organisation is entitled to exercise in connection with this financial machinery may influence in considerable measure both the amount of the resources which it can obtain and the status which it enjoys. The International Labour Organisation has from the beginning insisted strongly on its autonomy and on its right to determine its own programme and policy. Any attempt by any outside body to control the International Labour Organisation's policy on the principle that he who pays the piper calls the tune would be certain to meet with strong resistance. The representatives of employers and of workers who have equal status with the representatives of Governments in the Conference and in the Governing Body would consider it a violation of the rights which the Constitution of the I.L.O. accords them if some other body in which they had not the same representation were to arrogate to itself the power to dictate or modify I.L.O. decisions arrived at by its representative organs on questions of policy. As a matter of fact, in the financial system which was evolved in the inter-war period, and which is still followed with such modifications as have been necessitated by the abnormal circumstances of the war, a careful distinction has in practice been made between political and financial control, and the right of the International Labour Organ-

isation to take its own decisions of policy has been recognised by those organs of the League of Nations to which the I L O budget is submitted and which are purely governmental in character

In order to understand how this system works and the problems which it now presents, it is necessary to recall its origin. It must be remembered that when the Constitution of the International Labour Organisation was drawn up in Paris in 1919, simultaneously with the drawing up of the Covenant of the League of Nations, it was assumed that the membership of the League would be universal. Even when Germany and Austria were admitted to the International Labour Organisation at the Washington Conference, this admission was "in anticipation of their admission to membership of the League", which in fact subsequently occurred. On this assumption, which would have meant identity of membership, it seemed natural to leave to the institution of a more general character the responsibility for the financial measures required and the I L O Constitution contained the following provision

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League (Art. 13 (2))

It was however realised that the I L O would have to function immediately and that some time might elapse before the League machinery could operate. Accordingly, provision was also made for transitional arrangements whereby the I L O could obtain its own financial resources until such time as the League should come into being. Art. 38 of the I L O Constitution provided

3. The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union

Although these powers were in fact never brought into operation, their existence greatly helped the I L O in securing loans of money and of services with which to organise its first activities.

The extension of these activities proceeded with great rapidity. The I L O held two International Labour Conferences, one in Washington in 1919 and one in Genoa in 1920, before the first meeting of the Assembly at which a League budget could be adopted was held. By that time the I L O was a going concern with a certain history of achievement behind it: nine Conventions and ten Recommendations adopted under its Constitution were before Governments, the Office was engaged in correspondence concerning

their ratification or application, publications were being issued, the Governing Body had established its routine and much of its tradition, and a third meeting of the Conference was in active preparation

The League was at a much earlier stage of its development. When the first general budget of the League came to be discussed, the League authorities and the delegates to the Assembly found it difficult to accept the idea that the financial needs of the I.L.O. could be, as it appeared to them, so disproportionate. It seemed, indeed, axiomatic that the part could not be larger than the whole, and long discussions and explanations were necessary before the delegates to the Assembly who had not attended any of the International Labour Conferences and who were not directly concerned in any of the problems with which the Conference was dealing could be convinced of the necessity of incorporating the estimates proposed by the Governing Body into the general budget of the League. These difficulties diminished as the work of the I.L.O. became better known to the Assembly and as the procedure for dealing with financial questions was improved. The most important element in the machinery evolved was the Supervisory Commission. Experience had shown that the Fourth Committee of the Assembly (in which every delegation was entitled to a seat) was too large a body for detailed discussion of financial questions. Moreover it could only sit while the Assembly was in being and hence it could neither follow the application of the Assembly's decisions during the year nor circulate reports for consideration in advance of the Assembly's meeting. And further, even if a solution could have been found for these difficulties, its membership was liable to vary from year to year and it could hardly accumulate that knowledge and experience which could make its control really effective. The Supervisory Commission was a much smaller body of seven members, chosen by the Assembly to act, not as representatives of their Governments, but as independent experts. They were elected for three years but were re-eligible, and as they could meet several times during each year they had thus ample opportunity for becoming familiar with the detail of the League's financial administration. The functions of the Commission were advisory but it rapidly gained a great measure of authority owing to its carefully chosen membership. The recommendations contained in its reports had great weight with the Fourth Committee of the Assembly and it was to the Supervisory Commission that that Committee always turned for advice and guidance on any financial problem which arose.

The procedure leading to the incorporation of the I.L.O. budget

in the general budget of the League as it was finally worked out comprised the following principal steps

- (i) The Director circulated his detailed estimates for the following year to the Governing Body in advance of its April meeting. The Finance Committee of the Governing Body discussed the estimates item by item and reported to the Governing Body. The Governing Body, after discussing the Finance Committee's Report, voted the estimates with such amendments or modifications as it might decide. The Treasurer of the League was invited to be present at the meetings of the Finance Committee and of the Governing Body and was given an opportunity of informing the Governing Body of the general financial position of the League.
- (ii) The estimates voted by the Governing Body were submitted to the Supervisory Commission by the Director. The Director attended the meeting of the Supervisory Commission, accompanied by a tripartite delegation of the Governing Body, in order to give any necessary explanation in justification of the figures put forward. The Supervisory Commission on its side was able to explain to the I L O representatives any general financial problems with which it was faced.

The Supervisory Commission was not entitled to alter the I L O's estimates, its function being to report its views on them to the Assembly. The Director was, however, given a certain latitude by the Governing Body to amend the estimates, after consultation with the tripartite delegation of the Governing Body, in order to meet the views of the Supervisory Commission when this should prove necessary. The exercise of this latitude was left to the Director's discretion, but it was of course understood that it should not conflict with the Governing Body's general policy, and frequently such adjustments were of a minor character in order to secure uniformity in budgetary methods and administrative practice as between the budgets of the I L O, the Secretariat of the League and the Permanent Court of International Justice. Where the Supervisory Commission for reasons of general financial policy felt it necessary to press for a

reduction in the I L O 's estimates, the Director might similarly agree in virtue of the discretion left to him by the Governing Body, provided he felt that such reduction would not compromise the carrying out of any of the tasks which the Governing Body had decided the Office should perform. In such cases the Director would be left free to distribute the reduction over the various items in his estimates as he thought best. The object of allowing the Director this discretion was to avoid whenever possible a conflict between the I L O and the Supervisory Commission at the Assembly.

- (iii) The budgets of the I L O , the Secretariat and the Court, accompanied by the Supervisory Commission's Report thereon, were then communicated to the League Governments for consideration by the Assembly.
- (iv) The Director, accompanied by the tripartite delegation of the Governing Body, would appear before the Fourth Committee of the Assembly, where he would defend the I L O budget and give the Committee any explanations asked for. Here again he was authorised to agree to adjustments if it seemed desirable to do so, but in general practice such adjustments tended to be of a minor character.
- (v) When the three budgets had been voted by the Fourth Committee they became the general budget of the League, each however maintaining its identity as a separate section of this general budget. The Assembly then voted this general budget, unanimity being required, and this vote of the Assembly created the obligation for States Members of the League to pay their contributions according to the approved scale of allocations.
- (vi) The budget was officially communicated to League Members and they were asked to forward their contributions to the League Treasurer. The request for payment indicated how the total figure was arrived at, stating the amounts payable in respect of the Secretariat, the I L O and the Court.
- (vii) When a contribution was received by the Treasurer he immediately remitted to the Director of the I L O its share of the amount received. The I L O thus received its income automatically as Members of the

League made their payments to the Treasurer, whether or not it was in need of resources at that particular moment

- (viii) At the end of the financial year the surpluses and deficits of the three budgets were pooled. In other words, so far as surpluses and deficits were concerned, the general budget of the League was operated as a single unit. Any surplus in the I L O budget, for instance, was first used to meet any deficit in the budgets of the Secretariat or of the Court, and if after any deficits had been met any net surplus in the general budget resulted, the amount was used to reduce contributions in the next budget but one unless the Assembly decided to use it for another purpose. If the I L O had a deficit this deficit was met in the first instance out of any surpluses of the other two organisations. If after surpluses had been used to meet deficits a net deficit remained, this was met out of working capital and the amount so expended was restored in the next budget but one.
- (ix) The general budget of the League contained certain items of expenditure for the purposes of the I L O not included in the I L O budget proper. These included contributions to the Pensions Fund of the staff, a single pensions fund for employees of the I L O, the Secretariat and the Court having been instituted, and from time to time funds for capital expenditure such as building and major repairs to buildings, and, as indicated above, restoration of working capital expended to meet a deficit.
- (x) The Working Capital Fund, like the general budget, was divided into three parts available automatically to the three institutions, the I L O, the Secretariat and the Court, in the proportions of their respective budgets. Its restoration when expended was undertaken as indicated above.
- (xi) The accounts of the three organisations were audited by an auditor appointed by the Assembly. His report was examined by the Supervisory Commission and forwarded with any observations or proposals which the Commission might consider appropriate to the Assembly.

This summary of the financial machinery and procedure is of course only an outline from which many details have been omitted

It indicates briefly only those points which are of particular interest in considering the problem of the I L O 's finance

In the actual working of the system the I L O enjoyed in fact a large measure of financial autonomy. In theory the Assembly was supreme, but in practice it was recognised by the League organs that a budget voted by the Governing Body had behind it a considerable weight of governmental authority and was therefore entitled to special consideration. Such differences of opinion as arose had frequently their source in the fact that the I L O had no responsibility for the collection of contributions. When difficulty was encountered in this respect it was inevitable that the Supervisory Commission, feeling that it expressed the view of the Assembly, should press for reductions in the budget. The Governing Body might be reluctant to give way, but since in the ultimate analysis the two authorities represented the same Governments, no final conflict could ensue and agreement would be reached without appealing to the Assembly. Once the budget was voted the Governing Body was completely master of its management.

If account is taken of all the problems which had to be faced in financing the activities of a group of important international agencies, such a system was perhaps as effective as any which could have been devised. The possibility of its successful working was, however, based on two assumptions which no longer hold good.

The first of these assumptions was, as we have seen, identity of membership between the International Labour Organisation and the League. This is now far from being the case. No less than nine States are now Members of the I L O which are not Members of the League, and these States account for 196 units out of the total of ~~420-27~~ units on which contributions to the I L O budget are calculated in 1944.

Various methods might have been adopted to allow for States other than States Members of the League participating in the I L O and making a contribution towards its expenses. For instance, in the case of the Permanent Court of International Justice, States which adhered to the Statute of the Court but which are not Members of the League may make a contribution to the expenses of the Court, which is then used to reduce the contributions of League Members in a subsequent year. In the case of the Opium Board, it was suggested that non-League States participating in its work should pay a proportion of the expenses actually incurred, plus a fair share of the overhead. Solutions of this kind, however, are hardly suitable in the case of an organisation such as the International Labour Organisation which has a general competence to initiate policies in a wide sphere of international interest.

and to pursue a variety of activities. It is essential in the interests of the Organisation itself that States should be full Members of it, with the same rights and obligations under its Constitution as other Members, including the rights and obligations connected with its finances, and it is indeed impossible to suggest that any of them should accept any lesser role.

The presence of States other than Members of the League as Members of the International Labour Organisation has inevitably greatly complicated the operation of the financial machinery just described.

The procedure indicated above still functions (subject to certain wartime modifications which will be discussed below), but it has to be accompanied by a parallel procedure devised for the non-League States, since States not Members of the League cannot be bound by League decisions. Moreover, the I L O must, as a consequence, take responsibility for the collection of part of its income. When the Governing Body adopts its budget it must adopt both an income and an expenditure budget. The income to meet the proposed expenditure is divided into two parts, that which is to be furnished by contributions from League Members and that which is to be furnished by contributions from Members of the Organisation who are not Members of the League.

The budget which goes forward to the Supervisory Commission is presented as a gross budget from which is deducted the amount payable by non-Members of the League, leaving the difference to be furnished by League Members through the operation of the League machinery as described. To the part payable by non-Members of the League has to be added their due share of pensions fund payments on behalf of the I L O staff and of any sum required to restore working capital used to meet a deficit¹. The corresponding payments by League Members, as already pointed out, do not figure in the I L O part of the general League budget but are dealt with under a general League heading.

Once the I L O budget has been adopted by the Governing Body, it is on the basis of this decision that the I L O undertakes the collection of the amounts due from non-League Members, these amounts being paid to it direct. The procedure through the League organs is of no direct interest to non-League Members, provided no changes are made by the Assembly other than those to which the Director may agree in virtue of the discretion entrusted to him by the Governing Body. If any other changes were made, the whole system would break down. The foundation of any inter-

¹ In the case of a surplus, non-Members of the League have equally of course to be credited with their due share.

national budget is the agreement between Members of the institution concerned as to the relative proportions in which they will contribute to it. The coexistence of two decisions on the amount of the budget, one by the Assembly considered as valid for League Members, and one by the Governing Body considered as valid for non-League Members, would indirectly destroy this fundamental relationship and plunge the whole system into confusion.

No such crisis has ever occurred or even threatened. The dual system has so far worked successfully, but it is evident that its working depends entirely on the continued existence of a high degree of mutual understanding and goodwill between all concerned. While there is no reason to suppose that an equal measure of understanding and goodwill will not be forthcoming in the future, the theoretical possibility, however remote, of a conflict occurring may prevent the system from achieving its proper purposes of securing due equilibrium between the extent of the activities which it is desired to pursue and the amount which Member States are willing to contribute to that end. With the possibility of a conflict in the background, the Supervisory Commission or the Assembly may not press their views as energetically as they would otherwise do, and an unduly heavy responsibility is placed on the Director, who, in exercising the discretion entrusted to him by the Governing Body, on the one hand, may make concessions going beyond what the Governing Body would approve, or, on the other hand, by being too unyielding may precipitate a constitutional crisis between the two organisations. Decisions on financial questions must in the interests of the Organisation to which they relate be realistic, and the system under which they are reached should be such that they are not influenced by considerations of an entirely different order.

There are many other complications in the I.L.O. financial administration which arise from the absence of identity of membership between the I.L.O. and the League, but they are of minor importance in comparison with those which have just been discussed.

There are however graver and more fundamental problems of a quite different character which have now to be faced as a consequence of the war.

The second assumption upon which the successful operation of the existing financial system is based was the essential role played by the Assembly. It is from the Assembly that the Supervisory Commission derives its authority and it was the vote of the Assembly that gave validity to the general League budget and brought into being the obligation of League Members to make the contributions for which the income side of that budget provides.

When the possibility of a crisis in international life was foreseen,

certain emergency powers decided on by the Assembly came into operation. A resolution adopted by the Assembly in 1938 provided that

Until the next ordinary session of the Assembly¹, the Secretary-General and, as regards the International Labour Organisation, the Director of the International Labour Office, acting with the approval of the Supervisory Commission, which may take all decisions by a majority vote, shall have power in their discretion to take any exceptional administrative or financial measures or decisions which appear necessary (including the amendment of administrative or financial regulations) and such measures and decisions shall have the same force and effect as if they had been taken by the Assembly

It is in virtue of these emergency powers that the general League budgets of 1941-1944 have been approved and sent out to League Governments. In exercising these powers the Supervisory Commission has had to assume a heavy responsibility and the International Labour Organisation owes to the Commission, and particularly to its Chairman, Mr. Carl Hambro, and its Rapporteur, Sir Cecil Kisch, a debt of gratitude for the courage with which that responsibility has been shouldered in conditions of unprecedented difficulty. The Commission had in fact to fulfil two roles. It had first of all to examine the budget in its old capacity of an advisory body, and then, after it had discussed it in the light of its knowledge and experience, it had to report its conclusions, not to the Fourth Committee of the Assembly, in which all League States were represented, but to itself in its capacity of the body which, with the concurrence of the Secretary-General or the Director of the I.L.O., might take financial and administrative decisions which would have the same effect as if taken by the Assembly itself. Though this procedure constituted no doubt the best legal system which could have been devised to meet an international crisis, it was bound to be subjected to an increasing strain as the duration of the crisis was prolonged. The problems which the Commission had to face became increasingly difficult. The Secretariat, with the exception of an important part of the Financial and Economic Department which had moved to Princeton, and the Secretariat of the Opium Board which had moved to Washington, remained in Geneva, where its activities were of necessity limited, it was difficult for many Governments, and still more for public opinion, which knew little of the technical work of the League and tended

¹ The duration of these powers was extended by a decision of the Assembly in 1939 which was as follows

Until the next ordinary session of the Assembly, the Secretary-General and the Director of the International Labour Office, acting with the approval of the Supervisory Commission (which may take all decisions by a majority vote), shall continue to have the special powers provided for by the Assembly's resolution of September 30th, 1938

to think of it exclusively as an organ for the preservation of peace, to understand how much of its technical work was still deserving of financial support, and those Governments from which support was forthcoming were precisely those whose war burdens were heaviest or whose territory had been occupied and who were therefore in greater or less degree without resources. In these circumstances the demand that the activities of the I L O should be multiplied and extended presented a problem. Any increase in the I L O 's budget involved an increase in the amount of the general League budget at a time when, for the reasons just given, any increase in that budget was liable to evoke criticism, or even to have an adverse effect on contributions.

The difficulties in this situation must be faced frankly. It may sound contradictory to assert that while Governments are insisting that the I L O should undertake new activities and responsibilities, the same Governments will make difficulties about a general League budget which contains provision for the payment by League Members of their due share of the expenditure involved. The explanation is that where expenditure for the I L O is combined with expenditure for the League and the Court, the national disbursing authorities are likely to look at the total result, *i e* , at the value of the League "unit" which determines the amount of their total contribution and to protest at any increase therein. The straight issue as to whether the I L O is to be given the necessary resources becomes confused. Whereas there has been no meeting of the Assembly since 1939, the International Labour Organisation held a Conference attended by 35 States in 1941, the Governing Body has remained in being, met in 1941, and has also taken decisions as required by telegraphic consultation. It has also met as an Emergency Committee in 1942 and in full session in 1943. A large number of Governments have participated in these meetings, have decided on the activities to be pursued, and have approved the proposals made to them for the necessary financial provision to carry them out. These decisions, however, are not directly manifest in the use of the League emergency powers which is the only way in which at present the financial machinery of the League can be operated.

The essence of the difficulty resides in the fact that the emergency powers are not, and could not be expected to be, suitable for the adoption of general League budgets imposing considerably heavier financial burdens on League Members. The machinery described earlier in this section of the Report had as one essential feature the submission of the general budget to the Fourth Committee at which all League States were represented, and subsequently its

approval by the Assembly itself. While the emergency procedure can be operated smoothly so long as the contributions from League Members willing and able to pay are reduced, or at all events not increased, it clearly presents difficulties when any substantial increase has to be envisaged.

The success with which the League finances have been managed during the crisis has indeed been due to the application of this principle. In the first budget adopted under the emergency powers in 1940 the value of the League unit was reduced by 16.6 per cent, and that reduction was in part made possible by a reduction in the budget of the I L O. As League Member States fell under enemy occupation and so became unable to contribute, the resulting loss of contributions was met by reductions in the budget. At the same time, the spending organisations were instructed to adjust their expenditure as accurately as possible to income actually received. Thus loss of income was met either by a reduction in the budget if such loss could be foreseen when the budget was being adopted or by a reduction in expenditure under the budget if it occurred during the operation of the budget. This system, if it could have been applied consistently, would have maintained the value of the reduced League unit at a constant figure and consequently the amount contributed by those League Members who were willing and able to continue to pay.

The first strain on the system arose out of the necessity for providing the I L O with additional resources to begin the reconstruction work decided on by the New York-Washington Conference in 1941. A supplementary credit of 1,000,000 Swiss francs for this purpose was approved early in 1942. The Acting Director proposed that he should be authorised to attempt to collect this sum *pro rata* from the Members of the I L O directly but this proposal was not acceptable to the League authorities. They preferred to advance 753,161 Swiss francs, the amount for which League Members would be responsible, out of general League funds and restore the amount so advanced in the 1943 budget. As the I L O reconstruction work would have to continue in 1943, this meant that the 1943 League budget would have to bear a double burden, namely 753,161 frs for the restoration of the 1942 advance and the same amount for expenditure in 1943, or a total of some 1,500,000 frs. Certain other increases had also to be made, and in consequence the value of the League unit for 1943 rose from 20,398.90 frs to 26,304.15 frs, or by 22.5 per cent.¹ This increase

¹ This increase in the value of the unit corresponded to an increase in the general League budget of 1,740,914 frs of which approximately 1,500,000 frs was due to the operation concerning the I L O just described.

did not escape criticism from certain League Members and the Supervisory Commission felt that it should make a reduction in the budget for 1944 if possible.

In drawing up the I.L.O. budget for 1944 the Acting Director felt that provision should be made for the intensification and extension of the I.L.O.'s activities which he anticipated would soon be required. It was however suggested that, in view of what has just been indicated, the I.L.O. budget for 1944 should be so constructed that Members should not be called upon to contribute more than in 1943, and that the problem of providing the I.L.O. with a budget which would enable it to play its proper part in the treatment of the problems which will arise during the closing stages of the war and after its conclusion should be considered in connection with the budget for 1945. There was however a clear understanding both by the Governing Body and the Supervisory Commission that since the 1944 budget so framed would only enable the I.L.O. to continue its existing activities, a supplementary credit might be requested if Governments wished it to undertake other tasks. The decision of the Governing Body to call a meeting of the International Labour Conference in April 1944, and the agenda fixed for that meeting, made such a supplementary credit necessary, and the sum of 970,000 frs. has been provided, of which 661,499 frs. has been advanced by the League authorities on behalf of League Members, the remainder being furnished out of funds held by the I.L.O. derived from non-League Members. It cannot be assumed that this will be a special and isolated expenditure. The whole purpose of maintaining the I.L.O. during the crisis was to permit it to function in a normal way as soon as conditions would allow. The change in the war situation now makes it possible to envisage that periodical meetings of the Conference and of the Governing Body will be resumed. Thus the supplementary credit will require to be continued in 1945, and since the advance made in 1944 will need to be restored, the general League budget for 1945 will presumably have to carry an addition of approximately 1,320,000 Swiss francs. This, however, is only a relatively minor element in the financial problem which has to be faced.

It must be remembered also that new international organisations are already at work or are in the process of creation, and that they are likely to be given financial resources sufficient to enable them to undertake the tasks allotted to them. The leading statesmen in many countries, voicing a unanimous demand of public opinion throughout the free world, have stated unequivocally that the economic life of the world must be organised so as to provide full employment and a rising standard of living. Both in the national

and the international sphere this has been set as the prime objective. The importance of the contribution which the International Labour Organisation can make to this achievement has been repeatedly underlined in official pronouncements. It follows that the I L O must be given the financial resources necessary to enable it to perform the functions which are expected of it. Some indication of the nature and extent of the activities which it should undertake are given in other parts of this Report and in the Reports on other Items on the Agenda which are before the Conference. While the decisions of the Conference cannot be anticipated in detail, it is clear that in all probability many new and important tasks will have to be assumed by the I L O, that in addition to meetings of the Governing Body and the Conference, regional and technical meetings may have to be prepared and convened, that the Organisation must be in a position to lend effective collaboration to other international institutions, and that in general the I L O must be equipped to take its due place in world organisation. No doubt all this cannot be done in one single step. But the conclusion is inescapable that the problems involved in a steady and rapid expansion must be faced and solved and that consequently the 1945 budget must provide the foundation on which the I L O's future activities can be firmly based.

It follows that the increase in the 1945 budget will be substantially greater than that required to restore and continue the supplementary credit for the present Conference, and the question inevitably arises whether such an increase can be obtained through the operation of the existing machinery, without throwing on it a strain which it was never designed to bear.

When the question of placing on the Agenda of the Conference the Item relating to the future policy, programme and status of the I L O was being discussed by the Governing Body, the workers' group proposed, and the Governing Body agreed, that among the points to be considered by the Conference should figure the question of "the financial autonomy" of the Organisation. What the workers' group had in mind was that the status of the Organisation and the necessity for rendering its functions more effective required both that it should handle all aspects of its own financial policy, and that in particular it should (a) adopt its own budget in final form, (b) collect directly the contributions of its Member States, (c) be enabled to dispose of its surpluses and be responsible for meeting its own deficits, and (d) hold its own working capital and be entitled to set up and hold such funds for other purposes as it might decide from time to time.

It will be seen from the preceding observations that this is practi-

ally what happens in relation to Members of the International Labour Organisation which are not Members of the League. As regards League Members the financial machinery of the League is employed. When this question of financial autonomy was raised in the past, it was argued that so long as League Members provide the I L O with their due share of the resources necessary and do not use the League financial machinery as an indirect method of controlling I L O policy, it would seem that if they prefer to make their contributions through the League it was difficult to propose that it should not be open to them to do so, and that it would not be helpful to have a division of opinion on the subsidiary question of the channel through which contributions should be paid. The view of the workers' group is, however, that the use of League machinery has indirect effects, and that the amount of the budget which it is possible to obtain for the I L O is in fact affected by the general financial position and policy of the League for which the I L O has no responsibility, and by the position which the League may enjoy at any particular moment in the eyes of public opinion. They argue that a separate I L O budget would obtain better support from parliaments and that trade union and public opinion could be more easily mobilised in its support, and that similarly direct payment of I L O contributions would secure for the I L O a higher percentage of collection. And finally they urge that unless the I L O controls its own surpluses and is responsible for its own deficits, it lacks the essential character of financial autonomy and has less incentive to manage its finances with prudence and economy.

It must be admitted that these arguments are of a serious character and that they take on added weight in view of recent developments and of the problems that have to be faced in the near future. Moreover, the extent of the changes they would involve if accepted should not be exaggerated. From this point of view it will be convenient to comment on them briefly in the reverse order.

As regards (d) the I L O already in practice holds a part of its working capital. Since this is used every year while awaiting the receipt of contributions it would be a useless formality to repay it to the central working capital fund at the end of each year and then proceed to withdraw it a few weeks later. The I L O has already constituted certain funds derived from non-League Members' payments and holds them or employs them as the Governing Body decides.

As regards (c), i.e., that the I L O should deal with its own surpluses and meet its own deficits, there is nothing new or revolutionary in this proposal. It was once formally approved by the Governing Body on the initiative of its Chairman, Sir Atul Chatterjee,

whose wide administrative experience gave his proposal special authority. It did not, however, secure the agreement of the League authorities and was consequently dropped.

As regards (b) the I L O already collects directly the contributions of its non-League Members. Direct collection from League Members would not involve any change in the constitutional relationship between the I L O and the League, but only an amendment to the existing Financial Regulations. There may of course be a fear that if the I L O is successful in collecting its contribution from a League Member the chance of the League collecting its share may be reduced. On the other hand, under the present system the I L O can only obtain its share if the global contribution is paid to the League, and as in many cases States feel unable to make payments to the League, the I L O loses contributions which possibly it might otherwise obtain. Certain League Members in fact on their own initiative paid the part of their League contribution affected to the I L O direct, but the Contributions Committee of the League and the Supervisory Commission felt that this practice should be discouraged. These cases however indicate that separate collection by the I L O would probably give better results, so far as the I L O is concerned, than the present system. There is, moreover, a financial principle involved. Good financial management of the budget implies that expenditure should not be made only because it has been authorised but only if its necessity clearly becomes apparent during the financial year, and that if the anticipated income is not forthcoming every possible economy should be made in order to avoid a deficit on the year's working. This principle implies that the spending authority should also be the authority responsible for securing income.

The question raised by (a), namely, the adoption by the I L O of its own budget in final form, raises more difficult issues. The proposals under (b), (c) and (d) could all be applied while leaving the procedure for the adoption of the budget unchanged. They would give the I L O a greater measure of financial autonomy but they would not secure the principal objective of the workers' proposal. On the other hand, if the I L O budget required approval only from I L O representative organs, (b), (c) and (d) would follow as a matter of course.

As already pointed out, the present procedure for the adoption of the budget, though it has worked through four years of war, is hardly suitable for the treatment of the budgetary problems which can now be foreseen. Even the I L O's procedure whereby the Governing Body's decision settles the budget so far as non-League Members are concerned is imperfect and needs to be

improved. So long as the non-League Members were few in number and had seats on the Governing Body no difficulty was likely to be encountered. With the increase in the number of non-League Members, not all of whom are likely to be represented on the Governing Body at any one time, the system, though imperfect in form, might work in practice, like the emergency League procedure, so long as a series of comparatively stable budgets could be envisaged. Some method of associating non-League Members who have not seats on the Governing Body in its financial decisions must be found if the I.L.O. is to proceed progressively to a post-war budget of appropriate size.

This however is a matter on which appropriate action can be taken by the Organisation itself and various procedures could be considered.

One solution might consist in associating the International Labour Conference with the adoption of the I.L.O. budget in the following way. The Governing Body would adopt the budget as it does at present. It would be circulated to Governments and brought before the International Labour Conference. The discussion on the Director's Report, in which the activities of the Organisation are reviewed, would constitute the general discussion by the Conference of the policy and programme of the Organisation and would give all delegates an opportunity for criticism, comment or suggestion. The budget would then be submitted to a special committee of the Conference composed, like the Fourth Committee of the Assembly, of one Government delegate from each Member. The Director in explaining and justifying his estimates before this Committee would be accompanied by a tripartite delegation from the Governing Body, as at present happens with the Supervisory Commission and the Assembly. If any difficulties were encountered which could not easily be adjusted, the budget would be referred back to the Governing Body. When the necessary measure of agreement had been obtained, the budget would be submitted for adoption by the Conference.

It would seem desirable to include in the procedure the special committee composed of Government delegates. As has already been pointed out, the procedure for the adoption of the budget must be realistic, it must secure that the activities desired are measured accurately in terms of the financial resources which will be provided for their execution. These resources are provided by the Governments and it is they who have to undertake to secure the necessary appropriations from their parliaments. It is essential therefore that the agreement of their duly accredited representatives should be obtained. It is equally essential

that the I L O, through its tripartite organs, should decide what are the activities for which resources are required and be entitled to express its opinion on their adequacy. This is secured in the above scheme by maintaining the present practice of having the budget adopted in the first instance by the Governing Body, by the participation of a tripartite delegation in the discussions with the proposed special committee, by reference back to the Governing Body if difficulties are encountered, and by submission of the budget to the full Conference for approval. A procedure of this kind would associate all non-League Members of the Organisation with the adoption of the budget, whether they were represented on the Governing Body or not, and would therefore provide a more solid basis for collection than exists under the present system.

Such a procedure, although here suggested in order to allow all non-League Members of the Organisation a voice in the determination of the I L O's budget, could also function for all Members of the Organisation, whether Members of the League or not, and be the only procedure required if there were general agreement to this effect. Non-League Members would naturally have no objection such a solution would meet the demand of the workers' group for "financial autonomy" and although the employers' group has not expressed its views as definitely as the workers' group, it has on occasion taken very much the same line. League Members, and in particular those who have given the strongest financial support to the I L O during the war, have hitherto favoured the system whereby their obligation to pay their due contributions to the I L O was created by the adoption of the general budget of the League by the Assembly. At a time when the future role and status of the I L O are under review, they will no doubt re-examine the whole question, and it may be confidently assumed that they will do so in the friendliest and most helpful spirit. Some of the considerations which are relevant to such a re-examination have already been briefly discussed. Others will depend on what decisions are contemplated as regards the future functioning of the League, its relation to new international agencies and possibly modifications in its structure and activities. On these it would scarcely be appropriate to speculate. It may however be pointed out that even if the I L O were given complete control of its own budgetary procedure a close relationship between the I L O and the League would continue to be necessary. There will be common problems and the need for a uniform policy on a number of financial and administrative problems.

The procedure of a general League budget is not an end in itself.

It was designed as a means of securing a central control whereby duplication of effort, competing scales of salaries, and diverse or contradictory administrative practices might be avoided. The device of a single budget and a centralised financial control is the best guarantee of good financial management in any administration. But it presupposes that the supreme authority in the system covers both policy and finance. In the League structure this supreme authority lies with the Assembly and covers completely the Secretariat itself and the League's technical activities. The system could therefore function so far as the League proper was concerned in its complete and most effective form.¹

But the system did not and could not function in the same way as regards the I L O, which was a sister, and not a subordinate, institution. From the beginning, the I L O claimed to be an autonomous institution, and that claim was admitted in one form or another by a number of decisions taken by the Assembly itself. None of these decisions expressly or directly limited the Assembly's financial powers. But whereas in the case of all the League institutions proper the Assembly's powers were absolute, even when questions of policy were involved, and were indeed from time to time so exercised, it was recognised that the I L O's budgetary proposals had a special character and in practice if not in form a decision in regard to them was reached by negotiation and agreement and not by invoking superior authority.

A modification of the League's financial procedure so far as the I L O is concerned could therefore be undertaken without constituting any fundamental change and all the essential objects which the procedure as employed in practice secures could be equally well secured under a system of proper consultation between the I L O and the League, it being left to the International Labour Organisation to carry through the whole of its own financial procedure in the light of the results of such consultation. The fact that the two institutions engaged in such consultations would have an important element of common membership would mean that any initial divergence of views between them would easily be resolved.

If, as seems probable, a number of new international agencies are set up, some machinery of consultation between all of them, in order to avoid the friction and waste which would result from divergent administrative practices and competition in recruitment, is clearly desirable. Thus, the fundamental problem which the

¹ The system could function without difficulty as regards the Permanent Court of International Justice because the Court constituted an instrument of fixed dimensions and its budgetary requirements were in consequence comparatively stable.

League procedure was designed to solve is likely to take on a much wider aspect, for which the old machinery must necessarily prove inadequate

The question may be raised whether a procedure such as that discussed above, whereby the I L O would deal with its budget entirely through its own machinery, would involve the modification of Article 13 of the Constitution of the Organisation, which provides that each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or Governing Body, as the case may be, that all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League, and that the Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance thereof. This would hardly seem to be necessary. While Article 13 of the Constitution gives the Organisation certain rights to receive funds from the League, it has not been interpreted as precluding the Organisation from receiving funds from other sources and has never been regarded as an obstacle to the development of the arrangements, which have now been sanctioned by the Financial Regulations for some ten years, in virtue of which an increasing proportion of the income of the Organisation is contributed directly to it by States which are not Members of the League.

The foregoing pages will, it is hoped, give delegates to the Conference some indication of the more important questions which arise in connection with any consideration of the I L O's financial problems and will enable them to discuss the issues of policy involved. No text of a draft resolution is appended to serve as a basis of discussion, for the reason that financial matters have hitherto been dealt with exclusively by the Governing Body and the Office accordingly felt that it could hardly put forward proposals for discussion by the Conference without prior consultation with the Governing Body. It is the intention of the Acting Director to draw the attention of the Governing Body to the principal issues involved at the meeting which the Governing Body will hold immediately before the meeting of the Conference. There may also be an opportunity for exploring the situation with the Supervisory Commission, a meeting of which is envisaged early in April. In the light of the further information which may be available as the result of these two meetings, it may be possible to make suggestions to the Conference as to what action it might appropriately take.

The final test of the financial machinery of any international

organisation is the ease and regularity with which contributions are forthcoming from Member States. It is of course necessary that the financial resources requested should be adequate for the purposes which the organisation in question is expected to fulfil, but if the figure is fixed at such a level that collection cannot be easily and regularly secured, the resulting loss of revenue is the least of the difficulties liable to be encountered. Incomplete collection alters, at all events for the time being, the proportions in which Member States have agreed to bear their share of the budget, and the feeling that the good payers are paying for the bad not only makes the adoption of future budgets difficult, but may have repercussions that indirectly hinder activities which are desirable in the interests of the organisation itself and of all its Members. It would be a mistake to assume that if some or all of the modifications in the financial system of the I.L.O. which have been discussed above were adopted, all difficulties as regards collection would necessarily be removed. Even if the budget were drawn up with the greatest care and after the fullest consultation, difficulties in collection may be encountered. Some Members may fall into arrears and special arrangements to deal with such cases may have to be made.

There is a good deal of truth in the view which Lord Balfour expressed many years ago that the greatest difficulty that would be encountered in securing the effective working of international agencies would be the obtaining for them of a stable and adequate revenue.

That this should be so is to be explained by the fact that whereas a considerable degree of active and positive national collaboration to carry out any international decision can in general be expected, national collaboration as regards financial decisions is less likely to be of the same character. The government delegates who participate in the framing of an international decision, for example, on the subject of social insurance, will nearly always be Ministers or high officials who are concerned with social insurance in their own countries, and provided they have succeeded in obtaining a sufficient measure of satisfaction on any point to which they attach importance, they are able to secure the necessary national action when they return to their own countries or are, at all events, able to exercise powerful influence in its favour. International and national action on the subject are two complementary efforts pursued not only for the same purpose, but largely by the same people. The international demand for national action is something to be welcomed and supported, not something to which the national officials concerned are at the best neutral and at the worst indifferent or even hostile. This semi-automatic co-ordination between inter-

national and national effort does not function as regards the decisions of an international agency concerning its budget. Here the influence of delegates can in general only be exercised indirectly within the machinery of their national administrations. The amounts involved are too small to justify the regular attendance at the international meeting of high Treasury or Ministry of Finance officials who would be directly concerned with the matter when the necessary national action has to be taken, and the international decision must always, in however small a degree, increase the difficulty of the national problem rather than assist in its solution. Where provision for national expenditure is concerned the national financial authorities will naturally also be critical and possibly unsympathetic but political and financial considerations can be directly confronted and much more easily adjusted within the national framework than within the complicated machinery required for the adoption and collection of an international budget.

Thus an imperfect liaison between international agencies and the national machinery through the operation of which their revenues are secured is likely to remain a feature of the financial problems of international agencies which will only disappear as they develop to their full stature, as the contribution their effective working can make to the order and prosperity of the world becomes evident and as expenditure for their needs on an adequate scale becomes a generally recognised necessity.

These considerations lead, it seems, to the conclusion that the idea that the problem can be solved by the institution of a single international budget, in which the budgets of the different international agencies would be combined does not go to the root of the problem. It seems to be based on an oversimplification, namely, the assumption that the financing of international agencies presents exactly the same problems as the financing of the various departments of a single Government and that therefore an analogous procedure should be adopted without further consideration. Eventually, no doubt, an international budget and the necessary machinery for its effective operation will be devised and operated. But until the general set-up of international agencies is known—their number, their scope, their membership, their degree of control over policy, the success with which they succeed in operating, and the support or otherwise they receive from public opinion—it would seem wiser to proceed by the series of practical steps which appear most appropriate during the creative and experimental stage. As pointed out elsewhere in this Report, the approach now being made to providing the world with the necessary international agencies is gradual and functional. The choice of such an approach is deliberate.

and its advantages are manifest. Many of these advantages would be lost and the whole prospect of success might indeed be prejudiced if a centralised system of finance based on insufficient experience were introduced at too early a stage. This does not imply of course that co-ordination should be wholly lacking. The necessity for consultation between international agencies on their common financial and administrative problems is, as already indicated, obvious. Moreover, an important form of co-ordination functions automatically at the national level. The delegates representing a country in a series of international agencies draw their instructions from and report back to a common authority in which the policies they advocate or the activities they approve are the result of interdepartmental discussion and agreement. It is as the result of this co-ordination that the various international agencies will first be able to discover the scale, extent, and intensity of their operations and this experience will provide the basis on which co-ordination at the international level can subsequently be soundly constructed.

The foregoing discussion has been limited to the consideration of general issues which arise in connection with the problem of the I.L.O.'s finances. No attempt has been made to discuss the budget itself, its size, content and other related questions, on which decisions will of course be required and concerning which proposals will be laid before the Governing Body.

There is, however, one question, relating to the content of the budget, reference to which should not be omitted from any survey of the steps which might be taken to render the functioning of the International Labour Organisation more effective and which is of direct interest to the Conference. This is the proposal made several years ago that the expenses of delegations attending the Conference should be borne in whole or in part by the budget of the Organisation and not, as at present, directly by the Governments concerned.

The principal arguments in favour of such a change are that the burden involved in attendance at the Conference falls in an uneven and unjust manner on the different Members for purely geographical reasons. The sacrifice of both time and expense varies directly with the distance from the place at which the Conference meets. To take an extreme example, in the inter-war period the time taken to travel to and from the Conference might occupy in one case as many months as it did hours in another. It was specially unfair that it was precisely on those countries which had difficulty in finding delegates of sufficient standing able to be absent from home for so long a period that the heaviest financial burden fell.

The great development of air transportation is likely to make the hardship involved in the time element of considerably less importance in the future but the inequality in the costs which have to be met will remain. Apart from this aspect of the question there is also its effect on the composition of the Conference and consequentially on the authority of its decisions and on the national action necessary to implement them. Where heavy travelling expenses are involved there is an obvious temptation for countries to appoint as their governmental delegates diplomatic or consular representatives located at or near the place of the meeting and to be content with an incomplete delegation. When this is done it is difficult and indeed impossible for any great interest to be taken within the country concerned in the Conference and its work.

The Constitution, it is true, provides that the Governments are to be responsible for the payment of the expenses of their delegates and advisers attending the meeting of the Conference, but it does not seem that the wording of this text should be an obstacle to any arrangement for pooling such expenses through the mechanism of the budget. When the matter was previously discussed one of the objections urged was that such pooling, while it would lighten the burden on the distant countries, would increase the amount to be provided by the others and such an increase was not at that time acceptable. Now that the whole future role and activities of the I L O are to be reassessed the principle deserves to be re-examined. Numerous details would require consideration before a practical working scheme could be evolved and it would hardly be possible to make the necessary budgetary provision during the war, when expenditure for other matters will no doubt be considered to deserve priority. But there is no doubt that any measure which would help to ensure the presence of complete delegations at the Conference composed of personalities playing an active and important role in the life of their countries must strengthen the Organisation both directly and indirectly in numerous ways. The Organisation in its general conception consists not only of its central organs, the Conference, the Governing Body and the Office, but also of the ministries, departments, and employers' and workers' organisations which within its Member States are concerned with its work and occupied constantly or intermittently with its affairs. The multiplication of personal links between their representatives during their attendance at the Conference will give rise to an increased sense of community of effort, which perhaps more than anything else can make the I L O "a living organisation".

APPENDIX

THE NATURE OF THE COMPETENT AUTHORITY CONTEMPLATED BY ARTICLE 19 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Memorandum by the Legal Adviser of the International Labour Office

I INTRODUCTION

1 The purpose of this memorandum is to consider the nature of the "competent authority" contemplated by paragraphs 5, 7 and 8 of Article 19 of the Constitution of the International Labour Organisation. The provisions of this Article create problems of some difficulty in that their application to any particular set of national facts involves problems of both international and constitutional law. The general questions which arise in connection with the meaning of the term are questions of international law which can be settled in the last resort only by the Permanent Court of International Justice, whereas the question which municipal bodies are in fact the competent authority on the proper international interpretation of that term can be determined only by reference to the municipal law of each Member. The scope of this memorandum is necessarily confined to the questions of international law involved. These questions centre upon one issue of major principle, that of whether in the case of a draft Convention the competent authority is the authority competent to ratify or the authority competent to give effect to a Convention. In the case of certain Members no problem can arise because the ratifying authority and the implementing authority coincide. There are however certain Members in the case of which one authority is competent to accept an engagement internationally and another authority is competent to implement that engagement nationally. It is the position in the case of such Members that this memorandum is intended to discuss.

II THE TEXT OF ARTICLE 19

2 The relevant paragraphs of Article 19, the English and French texts of which should be read together, are as follows

5 Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then

at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action

Chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans un délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence) la recommandation ou le projet de convention à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre

6 In the case of a recommendation, the Members will inform the Secretary-General of the action taken

S'il s'agit d'une recommandation, les Membres informeront le Secrétaire général des mesures prises

7 In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention

S'il s'agit d'un projet de convention, le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes, communiquera sa ratification formelle de la convention au Secrétaire général et prendra telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention

8 If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member

Si une recommandation n'est pas suivie d'un acte législatif ou d'autres mesures de nature à rendre effective cette recommandation ou bien si un projet de convention ne rencontre pas l'assentiment de l'autorité ou des autorités dans la compétence desquelles rentre la matière, le Membre ne sera soumis à aucune autre obligation

3 The problem for consideration may be summarised as being that of whether the expression "the authority or authorities within whose competence the matter lies" refers to the ratifying or implementing authority in cases in which one authority, normally the executive, is competent to enter into an international engagement, whereas action by another authority, normally the legislature, is required to implement that engagement

4 Paragraph 5 clearly suggests that the implementing authority is meant. The purpose for which draft Conventions are to be brought before the "authority or authorities within whose competence the matter lies" is the enactment of legislation or other action. On the principle of *ejusdem generis* the other action contemplated must be action which, from the standpoint from which the matter is being considered, is of a like nature to legislation. It must therefore be other complementary action, and cannot be action

so entirely different in character from legislation as the acceptance of an obligation internationally. But if the purpose for which Conventions are to be brought before the competent authority is the enactment of legislation or other complementary action, the authority must be the authority competent to give effect to that purpose. It must therefore be an authority with power to implement nationally the provisions of the Convention.

5 Paragraph 7 also presents insuperable difficulties on the view that the competent authority is a ratifying authority. It is clear from the text that the Member is to obtain the consent of some authority which can be distinguished from the Member as such. Now although in law there is a distinction between a Member, which is the State, and the ratifying authority of that Member, which is normally the executive subject or not as the case may be to a requirement of parliamentary approval, no reasonable man would purport to place a Member, which can only act for international purposes through the authority responsible for its international relations, under an obligation to do something if that one authority through which the Member can act can obtain its own consent to so doing. The text clearly contemplates that the Member will obtain the consent of some authority other than the authority through which it acts for international purposes, and that once that consent is obtained the Member "will communicate the formal ratification".

6 The most plausible reply to the above line of argument is that the term "consent" suggests an operation associated with the acceptance of an engagement rather than an operation associated with implementing a body of proposals requiring legislative or similar action. In certain countries the legislature has no standing to accord any formal consent to the acceptance of an international engagement which would have any effect under the law of those countries. It is therefore argued that as the competent authority can only be determined by reference to the law of each country that authority must, in cases in which the legislature has no formal standing in relation to the acceptance of international engagements, be the ratifying authority which alone can do anything which can be described as the giving of consent. But as the term "consent" does not appear to be used in a technical sense, approval of the Convention by the implementing authority in a manner which has no effect under the law of the country concerned amounts to the required consent. It is immaterial that the consent of the authority has no effect under the law of the Member concerned, such consent, however given, amounts to the fulfilment of a condition subject to which an international obligation becomes operative, and the obligation being international in character the fact that the consent has had no municipal effect is quite irrelevant. Once the consent of the competent authority has been given, there is an international obligation resting upon the Member to take any steps which may still be necessary under its own law to permit of the communication of a formal ratification or to make effective the provisions of the Convention. If the term "consent" is read as implying that the authority required to consent must be the ratifying authority it is impossible to give any reasonable effect to the words "for the enact-

ment of legislation or other action" in paragraph 5. The Permanent Court of International Justice has already said, with reference to the Constitution of the Organisation, that "in considering the question before the Court upon the language of the Treaty, it is obvious that the Treaty must be read as a whole, and that its meaning is not to be determined merely upon particular phrases which, if deducted from the context, may be interpreted in more than one sense"¹. Read in its context the term "the consent of the competent authority" must be understood in a sense compatible with the fact that the purpose of submission to that authority is "legislation or other action", this suffices to establish that an implementing authority is meant even if, under the law of a particular Member, that authority would not normally consent to a Convention as such in any technical sense.

III THE RATIO LEGIS OF ARTICLE 19

7. The conclusion which has been reached by a textual analysis of Article 19 is also supported by consideration of the *ratio legis* of this Article of the Constitution. It is a matter of public notoriety that the Constitution of the International Labour Organisation represents a compromise between the traditional procedure for the preparation and bringing into force of international Conventions and the establishment of a genuine international legislature to deal with labour questions. The traditional procedure, as adapted in view of the technical character of industrial problems, is illustrated by the history of the Berne Conventions of 1906. These Conventions, which were based upon preliminary work undertaken by the International Association for Labour Legislation, were drafted in the form of resolutions at a technical conference held at Berne in 1905, it was then necessary to hold a diplomatic conference for the purpose of transforming these resolutions into instruments in the form of Conventions and opening the Conventions to signature, no signatory was then under any further obligation unless and until it chose to ratify, and ratification was entirely discretionary. From the standpoint of those who were attempting to create adequate machinery for handling labour problems internationally, this traditional procedure suffered from two grave defects. The formality of signature, which had clearly become a merely traditional stage intermediate between the adoption by a technical conference of resolutions fixing the substance of a Convention and the creation of binding engagements by the subsequent deposit of ratifications, was cumbersome, useless, and calculated to slow down the whole procedure. Hence the substitution for it in the Constitution of the Organisation of adoption by a two-thirds majority of a tripartite conference, a change which had the further advantage of giving the interested parties a direct part to play in the formulation of Conventions. In the second place, a procedure under which signatories were under no kind of obligation to perfect their signatures by ratification did not even ensure that proposed international engagements should not fail of definitive acceptance for lack of adequate

¹ P C I J, Series B, Nos. 2 and 3, p. 23.

support from public opinion. There was nothing to prevent a Convention from being completely shelved without public opinion having any opportunity to assert itself upon the matter. It was to remedy this situation that Article 19 was devised. The only completely satisfactory way of removing the fetter upon international action represented by the requirement of ratification would have been to invest direct legislative authority in some international body. It is a matter of common knowledge that a strong body of opinion favoured this course in 1919 and that the Commission on International Labour Legislation of the Peace Conference adopted a resolution expressing the hope "that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law". Article 19 of the Constitution of the Organisation was not intended to go this far, but it most certainly was intended to be an important step in this direction and to represent a considerable advance in international legislative technique as compared with the pre-war position. If, as textual analysis has suggested to be the case, the term "competent authority" refers to a legislative authority, the Constitution of the Organisation does represent such an advance. Though the Conference is not invested by the Constitution with any direct legislative power, the Constitution does require Conventions to be submitted to the legislative authority of each Member and to be ratified if they are approved by that authority. This is a result which is consistent with the seriousness of the proceedings of the Peace Conference. If on the other hand the term "competent authority" is to be taken to refer to a ratifying authority, paragraphs 5, 7 and 8 of Article 19 effect no substantial modification of the pre-war position and achieve no result commensurate with the importance which has always been attached to them as an essential feature of the Constitution of the Organisation and one of the principal innovations which it embodies. It was unnecessary to draft these elaborate provisions for the purpose of providing that the executive should submit Conventions to itself and in the event of obtaining its own consent should take certain further action. Certainly a provision of this kind would have involved no real compromise with the views of those who wished to create a real international legislature, and it is impossible to imagine that it would have been acceptable to them, or would have been accepted by them. It is a general principle of law which is universally accepted that when interpreting a written instrument full effect must be given to all the various provisions of the instrument. The view that the competent authority is a ratifying authority deprives of any real effect paragraphs 5 and 7 of Article 19 of the Constitution of the Organisation.

IV THE PREPARATORY WORK OF ARTICLE 19

8 The value of preparatory work for the interpretation of international Conventions has been the subject of considerable

discussion among international lawyers¹, but the Permanent Court of International Justice now appears to have adopted a definite attitude upon the subject. It will not normally refuse to allow the preparatory work to be drawn to its attention, in any case in which it reaches the conclusion that the text to be interpreted is clear apart from the preparatory work it will only rely upon the preparatory work for the purpose of confirming conclusions which it has already reached², but will not hesitate to discuss it at length for this purpose, if, on the other hand, it reaches the conclusion that the text is not clear it will take the preparatory work into consideration before forming its view³. The application of these principles in the present case would seem to give the following results. There is certainly no reason why the preparatory work of Article 19 should not be examined with a view to seeing what light it throws upon the intended meaning of the term "competent authority". In view of the text of the Article and the *ratio legis* thereof, however, the expression can reasonably be regarded as clearly referring to an implementing authority even apart from anything which the preparatory work may contain. *Per contra*, it cannot reasonably be maintained that the text clearly means by "competent authority" a ratifying authority. Anyone wishing to support this view must therefore give definite proof of an intention which is not apparent on the face of the text and for this purpose must, in the light of the principles adopted by the Permanent Court of International Justice, be able to support his view by reference to the preparatory work. On examining the preparatory work he will find that it strongly supports the view that the competent authority is the authority competent to give effect to a Convention.

9 The first complete draft in treaty form of the British plan

¹ The origin of this discussion appears to have been a belief that there is a sharp divergence between Anglo-American and Continental practice in respect of the admissibility of preparatory work for the interpretation of treaties. This view is entirely without foundation as regards the United States. See *Nielson v Johnson* in which the Supreme Court said of treaties "When their meaning is uncertain, recourse may be had to the negotiations and diplomatic correspondence of the contracting parties relating to the subject matter". *American Journal of International Law*, 1929, p. 424. *Cook v United States* in which case the Supreme Court said "In construing the Treaty its history should be consulted" and proceeded to consider the preparatory work in detail, *American Journal of International Law*, 1933, p. 563, and *Factor v Laubenheimer* in which case the Supreme Court said "In ascertaining the meaning of a treaty we may look beyond its written words to the negotiations and diplomatic correspondence of the contracting parties relating to the subject matter". *American Journal of International Law*, 1934, p. 155. It would also seem that the British courts have, in cases relating to treaties, recognised the admissibility of preparatory work more frequently than has generally been supposed. See Lauterpacht in *Harvard Law Review*, Vol. XLVIII, No. 4, especially at pp. 563-568.

² *The Competence of the I L O to Regulate the Conditions of Work of Persons Employed in Agriculture Case*, P C I J, Series B, Nos. 2 and 3, p. 41, *The Lotus Case*, P C I J, Series A, No. 10, p. 60, *The Jurisdiction of the European Commission of the Danube Case*, P C I J, Series B, No. 14, p. 31, *The Interpretation of the Statute of Memel (Jurisdiction) Case*, P C I J, Series A/B, No. 47, p. 249, *The Interpretation of the Convention concerning the Employment of Women during the Night Case*, P C I J, Series A/B, No. 50, p. 378.

³ *The Treatment of Polish Nationals in Danzig Case*, P C I J, Series A/B, No. 44, p. 33, *The Lighthouses Case*, P C I J, Series A/B, No. 62, pp. 13-14, *The Borchgrave Case*, P C I J, Series A/B, No. 72, pp. 164-168.

for a Labour Convention, of date 26 January 1919, included the following provision

Each of the High Contracting Parties undertakes that it will within the period of one year from the end of each meeting of the Conference make for the House of its national Parliament or other legislative authority an opportunity to consider the Conventions adopted by the Conference, and if its national Parliament or other legislative authority pronounces in favour of the Convention it shall communicate its formal ratification of the Convention to the Director and shall forthwith take all steps necessary to put the Convention into operation ¹

10 In the text of the British plan as submitted to the Commission on International Labour Legislation of the Peace Conference on 2 February 1919, this provision had been modified and read as follows

Each of the High Contracting Parties undertakes that it will within the period of one year from the end of the meeting of the Conference communicate its formal ratification of the Convention to the Director, and will forthwith take all steps necessary to put the Convention into operation, unless such Convention is disapproved by its legislature ²

11 When adopting this provision on second reading, the Commission on International Labour Legislation made only two changes in this text. It was decided to make it clear that the period of one year provided for in the text was a maximum period, the words "at most" being added for this purpose, and there was substituted for the phrase "unless such Convention is disapproved by its legislature" the phrase "unless such Convention fails to obtain the consent of the competent authorities". The following extracts from the minutes indicate how this last change came to be made

1 Extract from Minutes of Proceedings No 16—27 February 1919

On the motion of *the President*, the debate was then opened on the last paragraph of Article XVIII

Mr Barnes proposed the following amendment

(a) Instead of the words "unless such Convention is disapproved by its legislature", insert the words "unless the Convention fails to obtain the consent of the national authorities concerned"

(b) Add the following paragraph

"In the case of a Federal State, if the power of legislation on any matter dealt with in any Convention rests with the legislatures of the constituent States, the High Contracting Party shall communicate the Convention to the constituent States and each State may adhere separately to the Convention. Notification of the adhesion of any such State through the Federal Government to the Director shall be deemed to be the ratification of the Convention in respect of that State"

Mr Barnes explained that the proposals which he now put forward involved the principle that a Federal State was a unit. That principle had already been

¹ James T SHOTWELL *The Origins of the International Labour Organisation*, Vol I, pp 392-394

² INTERNATIONAL LABOUR OFFICE *Official Bulletin*, Vol I, p 13, James T SHOTWELL *op cit*, Vol I, pp 392-394

previously recognised by the vote on Article IV, and the discussion on that Article could not be reopened, at any rate before the third reading. On the other hand, inasmuch as the final ratification rested with the local legislatures, it appeared to him that their autonomy was sufficiently safeguarded.

In Mr Vandervelde's opinion the following dilemma presented itself: either the forty-eight States must take part individually, or else a hybrid system would have to be adopted, namely, that the United States would be represented by the Federal Executive in respect of the signature of a Convention, but that the ratification would have to be obtained by the central authority from the different legislatures. As the difficulty had not yet been met, it seemed desirable to vote at once on the proposals before them, and to reopen the discussion on the third reading if necessary. (I L O *Official Bulletin*, Vol I, p 81, and James T SHOTWELL *The Origins of the International Labour Organisation*, Vol II, pp 204-205.)

2 *Extract from Minutes of Proceedings No 17—28 February 1919*

Mr Robinson: "The first suggested amendment is paragraph 4 to be added to Section XVIII. In paragraph 4, Section XVIII, instead of the words 'unless such Convention is disapproved by its legislature', insert the words 'unless the Convention fails to obtain the consent of their national authorities concerned'. I said last night that it had a distinct objection from the standpoint of constitutional States which have organisations similar to that of the United States, because it was conceivable that the national authorities might approve, and the separate States decline to approve, and the nation be held up to the contumely of the world at large." (I L O *Official Bulletin*, Vol I, pp 86-87, and James T SHOTWELL *op cit*, Vol II, p 210.)

3 *Extract from Minutes of Proceedings No 18—28 February 1919*

Sir Malcolm Delevingne summarised the difficulties which had been raised as regards the United States as follows:

(b) The possibility that the State legislatures would not pass the measures required to fulfil the obligations assumed under an international Convention.

In order to meet the second point, the British delegation proposed to provide in general terms at the end of the fourth paragraph that the consent required should be that of the "national authorities". If this wording was not suitable, "the consent of the competent authorities" could be substituted. (I L O *Official Bulletin*, Vol I, p 91, and James T SHOTWELL *op cit*, pp 213-214.)

It is thus perfectly clear that the British delegation, when proposing as a compromise the text adopted on second reading, had not the slightest intention, and was not regarded by anyone in the Commission as having the slightest intention, of abandoning the fundamental principle of its original plan—the principle that national legislative authorities were to be integrated into the constitutional structure of the International Labour Organisation. The amendment proposed was not intended to substitute a ratifying for an implementing authority. It was simply a recognition that there might be cases in which the power to give effect to Conventions would be vested not in a single legislature, as was assumed in the draft submitted to the Commission on 2 February, but in a number

of authorities which were described first as "national" and then as "competent" authorities

12 It is equally clear that the substitution for the term "competent authorities", which had been adopted in the second reading text, of the expression "the authority or authorities within whose competence the matter lies for the enactment of legislation or other action" was not intended to modify the nature of the intended competent authority. This expression did indeed reintroduce the emphasis of the original text upon a legislative authority, but it recognised that more than one legislative authority might be concerned within a particular State, and that the action required to implement a Convention might sometimes not be of a legislative character. If it is thought necessary to have any other proof than the wording finally adopted that no important change in the nature of the competent authority was intended at this stage, reference may be made to the report submitted to the Commission by Sir Malcolm Delevingne on behalf of the Subcommittee responsible for the text of Article 19 as finally adopted by the Commission. In this report Sir Malcolm pointed out that the task of the Subcommittee was "to find, if possible, some compromise which would meet the difficulties of the United States and some other States and make it possible for them to become parties to the Convention¹, while preserving the substance of the scheme as already adopted by the Commission"². They could not have preserved the substance of the scheme and modified the nature of the intended competent authority. And in point of fact Sir Malcolm categorically declared that "the new articles would make two modifications of importance, and only two, in the provisions of the scheme as approved on the second reading"³, neither of these modifications related to the nature of the competent authority.

13 There is also abundant evidence subsequent in date to the adoption by the Commission on International Labour Legislation of its final text, that it was common ground among all concerned that the changes made in that text had not modified the nature of the competent authority which was in view and that it was a legislative authority which was still intended. No document could be of higher evidential value in this connection than the report of the Commission to the Peace Conference, adopted by the Commission at its Thirty-fifth Sitting on 24 March 1919. In this report only two subjects are discussed at length, the relative strength to be accorded in the International Labour Conference to Governments, employers and workpeople, and the effect of the adoption of draft Conventions by the Conference. The passages in the report devoted to both these subjects are based entirely upon the assumption that a competent authority will be a legislative authority. Thus the following account is given of the decisions taken by the Commission concerning the relative strength in the International Labour Conference of Governments, employers and workpeople

¹ The Constitution of the Organisation was known during the proceedings² of the Peace Conference as the proposed Labour Convention

² James T. SHOTWELL *op cit*, Vol II, pp 361-362

³ *Ibid*

Some difference of opinion made itself felt on the Commission as to the relative numbers of the delegates representing the Governments, the employers and the workpeople respectively. The French, American, Italian and Cuban delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one. In other words, the proposal amounted to giving the States a veto on the proceedings of the Conference which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start. This view was contested by the British, Belgian and other delegations, who pointed out that as the Conference was not simply an assembly for the purpose of passing resolutions, but would draw up draft Conventions which the States would have to present to their legislative authorities, it was essential that the Governments should have at least an equal vote. Otherwise, it might often happen that Conventions adopted by a two-thirds majority of the Conference would be rejected by the legislatures of the various States, which would have the effect of rendering the proceedings of the Conference nugatory and would quickly destroy its influence and prestige. The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical result, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it. (I L O *Official Bulletin*, Vol I, p. 261, and James I. SHOTWELL *op cit*, Vol II, p. 371.)

The whole argument is based upon the assumption that draft Conventions adopted by the Conference will be instruments which States will be under an obligation to submit to their legislative authorities. The passage discussing the effect of the adoption of Conventions by the Conference is equally clear cut, the more important paragraphs being as follows:

This portion of the Convention contains one article of vital importance, namely, Article 19, which treats of the obligations of the States concerned in regard to the adoption and ratification of draft Conventions agreed upon by the International Conference.

The original draft proposed that any draft Convention adopted by the Conference by a two-thirds majority must be ratified by every State participating unless within one year the national legislature should have expressed its disapproval of the draft Convention. This implied an obligation on every State to submit any draft Convention approved by the Conference to its national legislature within one year, whether its own Government representatives had voted in favour of its adoption or not. This provision was inspired by the belief that, although the time had not yet come when anything in the nature of an international legislature, whose decisions should be binding on the different States was possible, yet it was essential for the progress of international labour legislation to require the Governments to give their national legislatures the opportunity of expressing their opinion on the measures favoured by a two-thirds majority of the Labour Conference.

The French and Italian delegations, on the other hand, desired that States should be under an obligation to ratify Conventions so adopted, whether their legislative authorities approved them or not, subject to a right of appeal to the Executive Council of the League of Nations. The Council might invite the Conference to reconsider its decision, and in the event of its being reaffirmed there would be no further right of appeal.

Other delegations, though not unsympathetic to the hope expressed in the first resolution printed at the end of the draft Convention, that in course of time the Labour Conference might, through the growth of the spirit of internationality, acquire the powers of a truly legislative international assembly, felt that the time for such a development was not yet ripe. If an attempt were made at this stage to deprive States of a large measure of their sovereignty in regard to labour legislation, the result would be that a considerable number of States would either refuse to accept the present Convention altogether, or, if they accepted it, would subsequently denounce it, and might even prefer to resign their membership of the League of Nations rather than jeopardise their national economic position by being obliged to carry out the decisions of the International Labour Conference. The majority of the Commission therefore decided in favour of making ratification of a Convention subject to the approval of the national legislatures or other competent authorities.

The American delegation, however, found themselves unable to accept the obligations implied in the British draft on account of the limitations imposed on the central executive and legislative powers by the constitution of certain federal States, and notably of the United States themselves. They pointed out that the Federal Government could not accept the obligation to ratify Conventions dealing with matters within the competence of the forty-eight States of the Union, with which the power of labour legislation for the most part rested. Further, the Federal Government could not guarantee that the constituent States, even if they passed the necessary legislation to give effect to a Convention, would put it into effective operation, nor could it provide against the possibility of such legislation being declared unconstitutional by the Supreme Judicial Authorities. The Government could not therefore engage to do something which was not within their power to perform, and the non-performance of which would render them liable to complaint.

The Commission felt that they were here faced by a serious dilemma, which threatened to make the establishment of any real system of international labour legislation impossible. On the one hand, its range and effectiveness would be almost fatally limited if a country of such industrial importance as the United States did not participate. On the other hand, if the scheme were so weakened as to impose no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labour Conference, it was clear that its work would tend to be confined to the mere passage of resolutions instead of resulting in the promotion of social reforms with the sanction of law behind them.

The Commission spent a considerable amount of time in attempting to devise a way out of this dilemma, and is glad to be able to record that it ultimately succeeded in doing so. Article 19 as now drafted represents a solution found by a Subcommission consisting of representatives of the American, British and Belgian delegations specially appointed to consider the question. It provides that the decisions of the Labour Conference may take the form either of Recommendations or of draft Conventions. Either must be deposited with the Secretary-General of the League of Nations and each State undertakes to bring it within one year before its competent authorities for the enactment of legislation or other action. If no legislation or other action to make a Recommendation effective follows, or if a draft Convention fails to obtain the consent of the competent authorities concerned, no further obligation will rest on the State in question. In the case of a Federal State, however, whose power to enter into Conventions on labour matters is subject to limitations, its Government may treat a draft Convention to which such limitations apply as a Recommendation only (ILO *Official Bulletin*, Vol. I, pp. 262-264, and James T. SHOTWELL *op cit*, pp. 372-374).

Again, it is assumed throughout that the essential feature of the whole scheme was the submission of Conventions to national legislatures, that the fatal objection to the United States counterproposals was that they imposed "no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labour Conference", and that this essential feature of the scheme was preserved in the final compromise.

14 Further evidence that the term "competent" authority in the text finally adopted by the Commission on International Labour Legislation was generally understood to refer to a legislative authority, is furnished by the proceedings at the Fourth Plenary Session of the Peace Conference at which the report of the Commission was approved. During the proceedings of the Commission, the Japanese delegate, Mr Otchiai, had stated that the period of one year for the submission of draft Conventions, "appeared too short, in view of the fact that the Japanese Parliament met ordinarily once a year, and that its sessions only lasted about three months".¹ No action had been taken upon this proposal at the time but at the plenary session Mr Barnes, after consultation with other delegations, made a proposal designed to avoid this difficulty and suggested the inclusion in the text of the words "or if it is impossible owing to exceptional circumstances to do so within a period of one year, then at the earliest possible moment and in no case later than 18 months from the end of the Conference". In explanation of this proposal he said "It will be remembered that I said a State was under obligation to put a Convention or Recommendation to its competent authorities within 12 months' time from the end of the Conference. It has been pointed out to us that there might be unforeseen and exceptional circumstances and, in fact, a general election was mentioned as one which might occupy several months. It does in some countries, I believe, and we must provide against that particular contingency".² There could hardly be stronger proof that the term "competent authority" was still understood as meaning a legislative authority than the fact that an amendment was adopted in plenary session on the ground that it was necessary to extend the period for submission in view of the fact that a general election might make submission within 12 months impossible.

15 The same view of the nature of the competent authority was assumed by Mr Vandervelde in his speech at the plenary session. In the course of his speech he pointed out that "by the terms of the draft, a Convention, if it is to be submitted by the Governments to their legislatures for ratification, must obtain a two-thirds majority of votes".³ In a later passage he observed that "in point of fact these Conferences will be, in spite of everything, Conferences of plenipotentiaries: they will not be able to vote for anything except Recommendations or Conventions which must

¹ James T SHOTWELL *op cit*, Vol II, p 184

² *Ibid*, p 394, I L O *Official Bulletin*, Vol I, p 290

³ James T SHOTWELL *op cit*, Vol II, p 399, I L O *Official Bulletin*, Vol I p 295

necessarily be submitted for ratification to the different legislatures"¹

16 The conclusion to be deduced from the preparatory work may therefore be summarised as being that it was universally understood at the Peace Conference that the term "competent authority" was intended to refer to a legislative and not to a ratifying authority. The keying in of the work of the proposed International Labour Conference with that of national legislatures was, and was well understood to be, the essential feature of the original British plan, the whole object of the long negotiations with the United States was to achieve a compromise which would preserve this feature of the British plan, the Report of the Commission on International Labour Legislation, presented to the Conference on behalf of a Commission on which were represented the United States of America, the British Empire, France, Italy, Japan, Belgium, Cuba, Poland and Czechoslovakia, presupposed in its two most important passages that this feature of the plan had been maintained, speeches resting upon the same assumption were made at the Plenary Session of the Peace Conference on behalf of the British, Belgian and Indian delegations, and, with a view to giving satisfaction to the Japanese delegation, there was adopted at the Plenary Session at which the proposals of the Commission were approved an amendment the argument for which depended entirely upon the assumption that the competent authorities would normally be legislatures.

V SOME SPECIAL CASES

17 It is believed that Parts II, III and IV of this Memorandum establish the general principle that the term "competent authority" is intended to refer, not to the authority competent to accept an international Convention on behalf of the Member, but to the authority competent to implement a Convention by legislation or other action. It has also been shown in Part IV that this implementing authority was conceived of by the authors of the Constitution as being normally a legislature. There are however a number of special cases in which the application of this general principle presents some difficulty, and it is now proposed to consider the more important of these.

18 The provisions of a Convention may be of such a nature that effect can be given to them by action of a purely executive character, independently of either prior or subsequent legislation. Where the provisions of a Convention are of this nature, the obligation to submit Conventions to the competent authority would seem to be satisfied, as a matter of strict law, by submission to the executive authority entitled to direct that the Convention be implemented. On the other hand, such submission will not fulfil the main object which the authors of the Constitution had in mind, which was that all Conventions should be made an issue before public opinion by submission to a body of a parliamentary character. It would therefore seem that, at any rate in cases in which the exercise

¹ James T. SHOTWELL *op cit*, Vol II, p 400, I L O *Official Bulletin*, Vol I, p 296

of the executive powers by means of which the Convention can be implemented is subject to some kind of parliamentary control, it would be more in accordance with the spirit of the Constitution of the Organisation to afford an opportunity for the consideration of the Convention in question to a parliamentary body

19 A similar position exists in cases in which existing legislation delegates to the executive subordinate legislative powers by the exercise of which effect can be given to the provisions of a Convention. In such cases the executive is competent to implement and to that extent can fairly be regarded as the competent authority, but reference to the executive does not fulfil either of the essential purposes for which Conventions are required to be submitted to the competent authority. It does not direct public opinion to the Convention, and the legislature might well be prepared for the purpose of implementing an international Convention to make matters of statutory obligation questions which it has hitherto been content to leave to possible regulation by delegated legislation. Nor does it ensure the keying in of the international machinery with the national implementing machinery, for though the executive has power to give effect to a Convention it derives its powers from delegation and they are subject to revocation. Upon a broad view, therefore, it will generally be unsatisfactory to regard as the competent authority a body which is in a position to give effect to a Convention by the exercise of delegated legislative powers.

20 A rather different case is that in which legislative powers are vested in the executive not by delegation from the legislature but by virtue of the Constitution or constitutional arrangements of the Member. It is clear that in a case in which the Constitution of a Member vests legislative powers exclusively in the executive, whether it be a case in which no representative body distinct from the executive exists or a case in which legislative power in respect of the subject matter of the Convention is vested in an executive which in this respect is not subject to the control of any other organ, the executive must necessarily be regarded as the competent authority. There are however more complicated cases. The Constitution or constitutional arrangements of a Member may vest legislative power in respect of the subject matter of a Convention in the executive but subject the exercise by the executive of its constitutional legislative power to some degree of parliamentary control. In other cases existing constitutional arrangements may vest legislative power in respect of particular matters in the executive, but the exercise of such power may be subject to the political control of the legislature and the existing constitutional arrangements may be subject to modification at any time by ordinary legislation. In all such cases the submission of Conventions to the executive as competent authority seems to amount to compliance with the strict requirements of the Constitution of the Organisation, but submission in some form to the legislature would certainly be more in accordance with its general purpose and spirit.

21 Another case which should be mentioned in passing is that in which no action by the legislature is necessary for the purpose of implementing a Convention because the necessary legislation already exists prior to the reference of the Convention to the com-

petent authority. Although in such a case executive action alone may be necessary to implement the Convention, this fact would not seem to make the executive the competent authority. The *ratio legis* of Article 19 still requires an opportunity for public discussion of the requirements of the Convention and it still remains desirable that the legislature, which presumably has power to repeal the existing legislation, should have given some kind of approval to a Convention which will be binding for a considerable period, even if such approval has no special effect at municipal law.

VI CONCLUSIONS

22 It is submitted that the preceding review leaves no doubt that the competent authority was intended to be an implementing authority and was conceived of as being normally a legislature. Upon any other assumption the text of Article 19 of the Constitution is hardly intelligible, no other view is consistent with the *ratio legis* of the Article which is a matter of general notoriety, and the preparatory work leaves no shadow of doubt upon the question. There may be certain cases in which executive authorities which have power to implement Conventions can on that account be regarded as competent authorities within the meaning of the Constitution, but even in such cases it would be more in accordance with the spirit of the Constitution to afford an opportunity for the consideration of the Conventions to the legislative authorities of the Member, where such exist.

PROPOSED TEXTS

I

PROPOSED DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this day of in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that labour is not a commodity, that freedom of expression and of association are essential to sustained progress, that poverty anywhere constitutes a danger to prosperity everywhere, and that accordingly the war against want, while it requires to be carried on with unrelenting vigour within each nation, equally requires continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare

Believing that experience has fully demonstrated the truth of the statement in the Preamble to the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, that the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy, and that all policies and measures, in particular those of an economic and financial character, must be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective

The Conference declares that it is accordingly a responsibility of the International Labour Organisation to scrutinise all international economic and financial policies and measures in the light of this fundamental objective and that in discharging the tasks entrusted to it the International Labour Organisation may consider all relevant economic and financial factors and include in its decisions and recommendations any provisions which it considers appropriate

Among the matters to which urgent attention should be given by the International Labour Organisation, the Conference attaches special importance to the following

The maintenance of full employment and the raising of standards of living,

The employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being and, as a means to the attainment of this end, the provision under adequate guarantees for all concerned of facilities for training and the transfer of labour, including migration for employment and settlement,

The application of policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and the assurance of a minimum living wage to all in need of such protection,

The effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the initiation and application of social and economic measures,

The extension to the whole population of social security measures providing a basic income in case of inability to work or to obtain work, and providing comprehensive medical care,

The provision of adequate protection for the life and health of workers in all occupations,

Provision for child welfare and maternity protection, and the provision of adequate nutrition, housing and facilities for recreation and culture,

The assurance of equality of educational and vocational opportunity

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including for example measures to avoid severe economic fluctuations, to maintain consumption at a high level, to ensure the productive investment of all savings, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world

II

PROPOSED RESOLUTION CONCERNING THE CONSTITUTIONAL PRACTICE OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation.

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session 20 April 1944, and

Having decided that it is desirable

to state the constitutional practice of the International Labour Organisation in respect of certain matters,
to make provision for the establishment of close relationships of mutual co-operation between the International Labour Organisation and other international bodies,
to assign certain powers and duties to the International Labour Office in accordance with the provisions of paragraph 5 of Article 10 of the Constitution of the Organisation, and
to invite the Members of the International Labour Organisation to take certain measures designed to increase the effectiveness of the Organisation.

adopts, this day of May of the year one thousand nine
hundred and forty-four, the following resolution

1 (1) The General Conference of the International Labour Organisation may admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the Session

(2) All Members of the International Labour Organisation shall have the same rights and obligations under the Constitution of the Organisation.

(3) No Member of the International Labour Organisation shall cease to be a Member of the Organisation otherwise than as the result of notice of its intention so to do given to the Director of the International Labour Office. Such notice shall take effect two years after the date of its communication to the Director, subject to the Member having at that time fulfilled all financial obligations arising out of its membership, but where a Member has ratified any International Labour Convention such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

2 (1) All Members of the Organisation shall pay their due share of the expenses of the Organisation

(2) The expenses of the Organisation shall be borne by the

Members of the Organisation in the proportions fixed by the scale of contributions for the time being in force

(3) The Members of the Organisation have an obligation to pay their contributions promptly and regularly in accordance with the financial rules of the Organisation for the time being in force

3 (1) The Governing Body may appoint an Executive Committee to which it may delegate such powers as it may from time to time determine

(2) The members of the Governing Body may be replaced by substitutes at meetings of the Executive Committee

4 (1) In order to enable the International Labour Conference to discharge the responsibility of scrutinising economic and financial measures from the standpoint of their social adequacy provided for in the declaration adopted by the Conference on 1944, the Director of the International Labour Office shall submit each year to the Conference a report outlining developments in the economic and financial field having a bearing on the maintenance of full employment and the promotion of higher standards of living

(2) The Director shall request all public international organisations to communicate officially to him all reports and documents issued by them having a bearing on the attainment of these objectives

(3) Each Member of the Organisation should communicate to the International Labour Office from time to time as the Governing Body may request the fullest available information concerning all measures taken within its jurisdiction to maintain a high level of employment

5 (1) In order to allow of fuller and more intensive consideration of the problems of special groups of workers, provision shall be made for the representation of the parties concerned on special committees for agriculture, maritime questions, the main world industries, professional workers and other groups

(2) The Governing Body may provide for the participation in its proceedings, generally or during the discussion of particular matters, as the circumstances of different cases may require, of representatives of committees designed to secure fuller consideration by the Organisation of the views of interests affected by its work

6 (1) The Governing Body may from time to time convene special conferences for particular regions or sub-regions, for dependent territories or groups of dependent territories, and for groups of territories confronted with common or comparable social or economic problems

(2) The Governing Body shall be represented at each regional conference by a tripartite delegation which should include members of the Governing Body from outside the region

7 The Governing Body may convene such technical or other special conferences and establish such technical or other committees as it may from time to time consider appropriate

8 The Governing Body may adopt or approve statutes defining the constitution, powers and procedure of regional or functional bodies designed to operate within the framework of the International Labour Organisation.

9 (1) The Conference and Governing Body may invite public international organisations to send representatives to participate in, or attend, all or any of their meetings or parts thereof, without vote, on such conditions as they may respectively determine

(2) The Governing Body may invite any public international organisation to be represented, on such conditions as it may determine, on any committee established by the Governing Body or at any regional, technical or other special conferences convened under the auspices of the International Labour Organisation

(3) The Governing Body may enter into agreements with the competent authorities of other public international organisations for the maintenance of such joint committees as may be necessary to assure effective co-operation

10 (1) The Members of the Organisation should inform the Director of the International Labour Office at regular intervals, as requested by the Governing Body, of

- (a) the measures taken in accordance with paragraph 5 of Article 19 of the Constitution of the Organisation to bring Conventions and Recommendations adopted by the Conference before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, with particulars of the authority or authorities regarded as competent and of the action taken by them,
- (b) the difficulties which have prevented or delayed the ratification of each unratified Convention, with particulars of any measures taken to make effective in whole or in part the provisions of each such Convention

(2) The Director shall lay before the Conference a summary of the information contained in such reports

11 (1) The Governing Body may from time to time request Members of the Organisation to make reports on the measures which they have taken to give effect to all or any of the provisions of any Recommendation adopted by the Conference. The Director shall lay before the Conference a summary of the information contained in such reports

(2) The Conference may by the terms of a Recommendation substitute all or any of the provisions thereof for all or any of the provisions of an earlier Recommendation

12 The Governing Body may from time to time arrange for meetings of administrative officers engaged in the application of laws and regulations concerning matters of interest to the Organisation and more particularly those giving effect to Conventions or Recommendations, to review the problems arising in the course of the application of the laws and regulations relating to any such matter

13 The Governing Body may, when seized of a representation by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, arrange for such examination of the facts as may in the circumstances of the case be desirable and possible

14 (1) The International Labour Office shall accord to Governments all appropriate assistance within its power in connection with—

- (a) the framing of laws and regulations on the basis of the decisions of the International Labour Conference at the request of the Government concerned,
- (b) the development of mutual aid between Governments in the improvement and standardisation of administrative practices,
- (c) any negotiations between Governments in which it may be invited to participate by the Governments concerned

(2) Any Member or group of Members of the Organisation may invite the International Labour Office to arrange for an enquiry into any matter of a social or economic character, the terms of an invitation to make an enquiry may limit the scope of the enquiry to the finding of the facts of the case or may include an invitation to formulate recommendations to one or more of the Governments concerned

(3) The International Labour Office shall give all appropriate assistance within its power in connection with—

- (a) any negotiations between an international organisation of workers and an international organisation of employers with which it may be invited to be associated,
- (b) any arrangements approved by the Governing Body for the determination of disputes concerning social or economic matters which are international in character

15 (1) The following communications between the Members of the International Labour Organisation and the Secretary-General of the League of Nations should be transmitted through the Director of the International Labour Office

- (a) the communication to Members of certified copies of Recommendations and Conventions in accordance with paragraph 4 of Article 19 of the Constitution of the Organisation,
- (b) the communication by Members of the information concerning the action taken in regard to Recommendations required by paragraph 6 of Article 19 of the Constitution,
- (c) the communication by Members of the formal ratifications of International Labour Conventions in accordance with paragraph 7 of Article 19 of the Constitution and the relevant provisions of the individual Conventions,
- (d) the communication to Members of all notifications required by the terms of International Labour Conventions

(2) In accordance with the precedent established by Article 39 of the Constitution of the Organisation, whenever by reason of *force majeure* the discharge by the Secretary-General of the functions entrusted to him by Article 19 of the Constitution of the Organisation is impossible or involves unreasonable delay, the Director shall address to Members the communications referred to in subparagraphs (a) and (d) of the preceding paragraph and

shall preserve as depositary the communications from Members referred to in subparagraphs (b) and (c)

16 (1) Members of the Organisation should be represented at all sessions of the Conference by complete delegations including employers' and workers' as well as Government delegates

(2) The credentials of non-Government delegates at the Conference and their advisers should indicate the organisations in agreement with which they have been nominated

(3) The Conference may at any session authorise the Governing Body to decide the place at which the following session of the Conference shall be held

17 (1) The Governing Body shall from time to time as may be required decide which are the Members of the Organisation of chief industrial importance entitled to appoint representatives on the Governing Body in virtue of Article 7 of the Constitution of the Organisation When so deciding the Governing Body shall fix the date on which its decision shall take effect

(2) In the event of the postponement, owing to circumstances constituting *force majeure*, of the selection of the Members of the Organisation who are to appoint eight of the persons representing Governments on the Governing Body and the election of the persons representing the employers' and workers' representatives, the period of office of the Governing Body shall continue until such selection and elections have taken place

18 All Members of the Organisation should recognise the right of members of the Governing Body and delegates to the Conference to complete freedom of speech when engaged on the business of the Organisation and should accord them the independence and facilities necessary for the satisfactory discharge of their duties

19 (1) The Director of the International Labour Office shall, on appointment, make a solemn declaration before the Governing Body that he will discharge the duties committed to him with the interests of the International Labour Organisation alone in view, will not seek or receive instructions in regard to the discharge thereof from any authority external to the Organisation, and will at all times uphold the provisions of the Constitution of the International Labour Organisation

(2) The responsibilities of the staff of the International Labour Office shall be exclusively international in character Members of the staff shall on appointment make a solemn declaration in the form and manner approved by the Governing Body that they will not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organisation

(3) The Conference affirms it to be the duty of the Members of the Organisation to respect fully the international character of the responsibilities of the Director and staff of the International Labour Office and not to seek to influence any of their nationals in the discharge of such responsibilities

III

PROPOSED RESOLUTION CONCERNING THE INCLUSION IN NEW OR REVISED NATIONAL CONSTITUTIONS OF PROVISION FOR THE CONSIDERATION BY LEGIS- LATIVE AUTHORITIES OF THE DECISIONS OF THE INTERNATIONAL LABOUR CONFERENCE

The Conference urges Members of the Organisation which may be revising their national constitutions to make appropriate provision in any new or revised constitutional instruments for the regular consideration by their legislative authorities of the Conventions and Recommendations adopted by the International Labour Conference

IV

PROPOSED RESOLUTION CONCERNING FACILITIES FOR THE EFFICIENT DISCHARGE OF THE RESPONSIBILI- TIES ENTRUSTED TO THE INTERNATIONAL LABOUR ORGANISATION

1 The Members of the Organisation should take any steps which may be necessary under their law to enable the Organisation to exercise within their jurisdiction legal capacity to conclude contracts, to acquire, hold and convey property, to accept endowments or gifts, and in general to assume and discharge obligations and perform any act in the law appropriate to its purposes

2 The Members of the Organisation should accord to the Organisation the facilities, privileges, immunities, and exemptions which they accord to each other, including—

- (a) immunity from suit and legal process, except with the consent of the Director of the International Labour Office,
- (b) inviolability of premises occupied by and of the archives of the Organisation,
- (c) exemptions from taxation, including customs duties,
- (d) exemptions from or facilities in respect of foreign exchange controls

3 The Members of the Organisation should accord to the official correspondence of the Organisation—

- (a) the same treatment as is accorded by them to the official correspondence of other Governments, including—
 - (i) priorities for telephone and telegraph communications, whether cable or radio, and for mail transmitted by pouch or by courier,
 - (ii) Government rebates for official telegrams,
 - (iii) diplomatic status for couriers and pouches of the Organisation,
 - (iv) under appropriate safeguards, exemption from censorship of the official correspondence of the Organisation,
 - (v) appropriate arrangements for the use of codes and of cable addresses for the telegraphic correspondence of the Organisation
- (b) appropriate postal facilities, including such franking privileges or arrangements for the use of specially printed or over-printed stamps as may be possible

4 (1) No restriction of any kind should be placed by any Government or other authority of any Member of the Organisation on the circulation of any publication issued by the International Labour Office nor should any tax be levied directly or indirectly on the printing, publication, import, distribution or sale of any such publication

(2) Whenever by reason of shortages, general restrictions upon the printing of publications are in force in the territory of any Member, the most favourable treatment and facilities accorded to any class of publication should be accorded to the publications of the International Labour Office

5 All Members of the Organisation should take the necessary steps to extend to travel on official business of members of the Governing Body, delegates to the Conference and members of the staff of the Office all rebates, exemptions from fees and other charges, and other facilities accorded in respect of official travel by members of diplomatic missions and other government officials

6 The Director shall issue to members of the staff of the Office for use when travelling on official business a document identifying the member of the staff and requesting, in the name of the Organisation, that all appropriate facilities be granted to the bearer. All Members of the Organisation should give full recognition to identity documents issued by the Director, should instruct their diplomatic, consular, customs and immigration services, and any other services which may be concerned, to recognise such documents as entitling the bearer to all appropriate facilities, and should accord to the staff of the Office the same treatment in respect of passports and visas as is accorded to the representatives of comparable rank of their own or other Governments, no charges should be made for passports and visas issued to members of the staff of the Office for travel on official business

7 The Members of the Organisation on the territory of which the International Labour Office maintains offices should make the necessary arrangements to ensure the staff of such offices the independence necessary for the efficient performance of their duties as members of an impartial international civil service and to avoid the imposition of financial burdens upon the funds of the Organisation

V

PROPOSED RESOLUTION CONCERNING THE PLACE OF THE NEXT SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

The Conference authorises the Governing Body to decide the place at which the Twenty-seventh Session, or, in the event of it being decided to hold a maritime session in the near future, the Twenty-seventh and Twenty-eighth Sessions, of the Conference shall be held

लाल बहादुर शास्त्री राष्ट्रीय प्रशासन अकादमी, पुस्तकालय
Lal Bahadur Shastri National Academy of Administration, Library

मसुरी
MUSSOORIE.

यह पुस्तक निम्नांकित तारीख तक वापिस करनी है ।

This book is to be returned on the date last stamped

[illegible]

लाल बहादुर शास्त्री प्रशासन अकादमी
Lal Bahadur Shastri Academy of Administration

मुसुरी
MUSSOORIE

पुस्तकालय
LIBRARY

अवधि सख्या

Accession No

~~10548~~ 105846

वर्ग सख्या

Class No

331

पुस्तक सख्या

Book No

Int