

THE PREPARATION OF INTERNATIONAL LABOR CONVENTIONS

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There is virtual silence in the history of the international labor movement on the technique of preparing international labor conventions both before and at the Peace Conference. The developments of the last fourteen years in this field must, therefore, be listed as an unexpected evolution in international coöperation.¹ It should have been easy to see at the end of the first International Labor Conference in 1919 that the methods of preparation were defective. That the Organizing Committee of 1919 should not have had adequate information on world labor conditions is understandable; but what is not understandable is that there was scarcely any consciousness of the magnitude of the problem before the International Labor Organization in drafting suitable labor conventions.

A changing international mentality may be traced in the increasing difficulties in preparing draft conventions, for the complexity and circuitousness of the process has been augmented as the resistance to the international treatment of labor conditions has increased. It is our purpose here to outline and evaluate the changes in the methods of preparing these conventions. The simplest explanation of the prevailing complexity lies in the fact that procedure is a means of attaining the adoption of draft conventions and recommendations by the Conference despite uncompromising oppositions and national egoism. Owing to the peculiar structure of the Organization, the problem of negotiation between groups is of infinitely greater importance than in a conference of government representatives alone. The evolution of the procedure of the Organization shows an increasing prominence of negotiation rather than scientific preparation in the strict sense of the word. Generally speaking, the failure of a method of preparing draft conventions merely shows the failure of the machinery of negotiation to result in compromise and agreement.

¹Historically, the burden of preparation for general international conferences has fallen largely on the governments. It is best that preparation be made by an international authority, not only because of the improvement in preparation, but also to relieve the governments of this task. See Manley O. Hudson, *International Legislation*, Carnegie Endowment, 1931, Vol. I, p. xxxix.

For a brief discussion and bibliography of the International Labor Organization, see the sketch by the author in the *Encyclopaedia of the Social Sciences*. The author was able to study the Organization in Geneva during 1931-32 as the holder of a Fellowship of the Social Science Research Council.

THE PROBLEM BEFORE THE PEACE CONFERENCE

Part XIII of the Treaty of Versailles was drafted by a special commission on labor affairs, over which the late Samuel Gompers presided. The influence of the British was constantly toward the consideration of structural problems, and the ideology of continental trade unionism and socialism was in the direction of the formal enunciation of dogmatic rights of labor. Even the British delegation attached little importance to the pre-conference preparation of labor conventions.² The crowning touch to the doctrinaire view of many members of the commission occurred on March 17, 1919. Some of them wanted a document on the rights of labor which would rank with the Declaration of Independence and the Declaration of the Rights of Man. They therefore approached Mr. Emile Vandervelde of Belgium "who had kindly consented" to frame such a document.³

If we can reconstruct the mentality of 1919, we may say that it was thought that governments would make most of the proposals for items on the agenda, and that there would not be in any case a great number of draft conventions for the Conference to adopt. It was thought, probably, that assessors and technical advisers in the Conference would play a far more important rôle than they have. The Labor Office is, in the light of the British draft and the Treaty of Peace, more of an organ for the collection of information than an international research institution.

A British memorandum on preparation which was submitted to the commission explains that the Labor Office is to collect all necessary information and submit a full report to the Conference, suggesting certain principles as the "basis of an international convention." Governments may protest against an item of the agenda, not on grounds of the incompetence of the Conference, but simply as a matter of opposition to the proposed international convention. A final majority vote is then to be taken, following which, each of the articles suggested is to be examined, and ultimately the convention is to be adopted by a two-thirds vote of the Conference.⁴ At the request of the Japanese representative, the obligation to communicate the agenda to the governments three

² The analytical minutes of the Labor Commission of the Peace Conference are published in the Official Bulletin of the International Labor Office, Vol. I (1923). (Cited hereafter as Official Bulletin.)

³ *Ibid.*, p. 158.

⁴ *Ibid.*, pp. 20-21. The emphasis at this time on the protest of a government against an item on the agenda must be related to the British proposal that unless a state rejected a convention within a given time it would be bound by it. Since the final text of Article 405 of the Treaty of Versailles does not contain this provision, but merely stipulates that the conventions and recommendation must be submitted within a given time to the competent national authority, the right of protest against an item on the agenda has become almost a dead letter. It was exercised once, in 1921, when the French Government denied the competence of the Organization to deal with agricultural workers. The Conference, however, affirmed its competence and later the Permanent Court of International Justice sustained this view.

months before the opening of the Conference (beginning with the reception of the agenda) was extended to four. However, the British representative, Mr. Barnes, stressed the fact that the Governing Body alone would define the scope of the agenda in order to keep it within practicable limits, and that no useful discussion could take place in the Conference unless "preceded by a careful collection of information on the subject, which could only be undertaken by the International Labor Office on the instruction of the Governing Body."⁵

In the commission's report to the Plenary Peace Conference it is urged that the first Labor Conference should meet as soon as possible, but "if it was to do its work effectively, some time must be allowed for the collection of information and for the different countries to prepare their views on the various subjects for discussion."⁶

PREPARATION FOR THE FIRST THREE LABOR CONFERENCES

The preparation for the Washington Conference illustrates with clarity the method envisaged by the Peace Conference, with one exception: there was no reference in the Peace Conference to the use of questionnaires as a method of obtaining information on existing legislation and practice.⁷ The questionnaire method adopted by the Organizing Committee for the Washington Labor Conference has been followed ever since as a fundamental principle in the preparation of draft conventions. The illusions of the Peace Conference as to the short time necessary to prepare for the Conference, the failure to sense the fundamental necessity of negotiation between the groups, and the Peace Conference idea that reports submitted to the Labor Conference then and there would be a source of information to the delegates, are continued in the work of the Organizing Committee. Though this committee itself admitted that it had not obtained sufficient information in the time available, it believed

⁵ Official Bulletin, *ibid.*, pp. 41-42. An early notion was that the information gathered by the Office would be communicated to the Conference rather than to the governments, as is now considered absolutely essential. One thing the commission did realize was the importance of precision as to the scope of the agenda; however, this has been a much more difficult problem than was thought in 1919 would be the case. *Ibid.*, p. 142.

⁶ Official Bulletin, *ibid.*, p. 267. One of the reasons the Labor Committee, which considered certain questions after the adjournment of the general commission, objected on May 15, 1919, to the admission of Germany before the conclusion of the Washington Conference, was that the preparation for the Conference had already been launched among the Allied and Associated Powers, leaving out of consideration German social legislation. This shows plainly that the Peace Conference not only failed to realize the importance of preparation, but also saw no need of universality in preparation. See D. H. Miller, *My Diary at the Conference of Paris*, Vol. XVIII, pp. 233-34.

⁷ See Reports of the International Labor Conference in 1919, Report No. 1, p. 149. The questionnaire was used by the International Association for Labor Legislation in working up comparative reports, as in the case of the 1911 Report on Factory Inspection. See International Labor Office, *Questionnaire on Factory Inspection, 1923, Preliminary Note*.

that the slowness of the governments in replying to the questionnaires was due to their unfamiliarity with the new international procedure.⁸

The period of preparation for the Washington Conference and the Conference itself was a period of hope and enthusiasm for international labor reform unparalleled in the history of the world. The frail basis for international action assembled by the Organizing Committee must be evaluated in the light of war-time idealism; perhaps it would have been sufficient had this idealism shaped the course of post-war history. The first three Conferences, those of 1919, 1920, and 1921, worked under the influence of this idealism. The post-war world had learned before this, however, that it faced a period of economic chaos and political disturbance instead of an imperial prosperity. The Conference of 1919 adopted humanitarian and industrial conventions, and the next two Conferences attempted to apply the principles of Washington to seamen⁹ and agricultural labor respectively. The precedents of the Organizing Committee were followed in essentials by the newly-formed International Labor Office. But even by 1921 certain changes had taken place. The questionnaire, which in 1919 was thought to be an instrument for the collection of labor information, now became an instrument for collecting the opinions of governments; and the Office itself assumed by 1921 the duty of making preliminary studies in existing legislation and industrial practice. Questionnaires, instead of throwing broad issues at the governments, began to inquire particularly as to their attitude on the problems which would arise in the drafting of specific conventions. Yet, under the influence of post-war idealism and enthusiasms, it was still thought possible to establish the agenda, prepare for the Conference, and hold the Conference all in one year.¹⁰

THE PERIOD OF CRISIS

The two years following the Conference of 1921 may be designated as the first critical period in the life of the Organization. At the end of the 1921 Conference, the Organization had adopted 16 draft conventions and 18 recommendations, while there were deposited with the Secretary-General of the League of Nations at the opening of the 1922 Conference only 51 ratifications,

⁸ For the work of the Organizing Committee, see Official Bulletin, Vol. I, Pt. II, pp. 349-407.

⁹ In 1919 and 1920 it was felt by the leaders of the Office that the preparation for international action protecting seamen would be one of the easiest tasks of the Organization because of the international character of the work of seamen. In fact it has been one of the most difficult of the duties of the Office.

¹⁰ See International Labor Conference, 1921, Questionnaire No. 2, Agricultural Questions, Introductory Memorandum. The rejection by the 1920 Conference of the proposed draft convention of the hours of work at sea was believed by the Office to be the result of faulty preparation technique. It was this failure in 1920 which drove the Office to a thorough reconsideration of the method of preparing conventions, and especially the rôle of the questionnaire in preparation for the Conference. The shipowners in the 1920 Conference were noticeably relentless in their criticism of the preparation which had been made for the discussion of this convention.

with 16 more authorized by the national governments of all of the members of the Organization. No draft conventions were adopted by the Conference at the sessions of 1922, 1923, and 1924, and only one recommendation was adopted at each of these three sessions. Beginning in 1925 new activity is observed, but the march is much slower. At the end of the 17th Session of the Conference in 1933 only 40 draft conventions and 42 recommendations had been adopted. Thus we may say that out of 17 sessions of the Conference, a large percentage of the international conventions and recommendations were adopted in the first three. This extremely broad picture, especially in relation to the quietude of the Organization from 1922 through 1924, demonstrates the existence and the lasting effect of the critical period. It would have been difficult at the end of 1922 to predict the future of the Labor Organization.

The solution of the crisis was the beginning of the evolution of the procedure in the drafting of conventions and recommendations. Criticism of Part XIII and the Labor Organization rose, in these times, to astonishing heights. Governments failed to pay their contributions to the League of Nations, which in turn entailed the most drastic reductions of expense by the Organization. Governments failed to ratify draft conventions, which signified that the illusions of the Peace Conference were dead. Parliaments found it impossible to consider in the allotted year or 18 months the mass of draft conventions and recommendations adopted by the Conference. There were likewise fundamental questionings of the utility of the international treatment of labor problems. It is to the lasting credit of the Labor Office that it was able to suggest a way out by experimentation with the procedure of preparation.

The accumulating constitutional criticisms were given thorough consideration by the Governing Body, and the Conference of 1922. It was suggested that Part XIII should be amended, providing for a longer period between sessions in order to give parliaments more time to consider the results of Conference activity. While it was generally agreed in 1922 that the Governing Body should be enlarged by an amendment to Article 393 of the treaty, the discussion of the periodicity of the Conference aroused the deepest controversy. In order to increase the number of ratifications, it was suggested that the treaty be amended to provide for biennial sessions of the Conference, that machinery be developed for the interpretation of draft conventions by a more simple process than by decisions of the Permanent Court of International Justice, that conventions should contain only general principles, that ratification with reservations be allowed, and that the procedure of the Conference be so changed that one session should be devoted to preparation and the next subsequent session to the final adoption of international texts.¹¹ It was the

¹¹ See International Labor Conference, Final Record, 1922, pp. 322, 608. (Cited hereafter as Final Record.) The Governing Body felt as to this particular proposal, however, that it would be a mistake not to have both preparation and discussion during the same Conference. See Final Record, 1923, p. xiii. The genesis of the double-reading procedure which was adopted in 1924 is, apparently, a suggestion made in the 1922 Conference by one

procedural solution which was adopted; the problem became related to amendment of the standing orders of the Conference and Governing Body rather than to the amendment of the treaty.

TYPES OF CONFERENCE PROCEDURE

While the reformist enthusiasm of the Peace Conference had disappeared by the end of the 1921 Conference, the machinery of preparation was not adjusted to this changed point of view until 1924.¹² From the end of the 1922 Conference to the beginning of the Conference in 1924 was a period of procedural gestation. During this time, the total work of preparation and adoption of draft conventions was completed, with certain exceptions, in a single year. The agenda were established early and the Conference was held later the same year. Between the establishment of the agenda and the Conference, the Office gathered its information, sent out the questionnaires, compiled the answers, and submitted reports and proposed conventions to the Conference when it met. The Conference adopted the reports and draft texts as bases of discussion, and a general discussion on the problem followed usually before the agenda was sent to a Conference committee. The report of the committee resulted in the final detailed debate, and after the important preliminary vote of adoption, the text was sent to the drafting committee. After the report of the drafting committee had been made to the Conference, a final record vote on the convention was taken.

The decision of the Conference in 1922 to divide the work of preparation and adoption was furthered by an unexpected turn of events.¹³ The 1923 Conference was at first planned, as the 1921 Conference, with a heavy agenda. Owing to the uncertain financial condition of the League, the Secretariat was inclined to the view that it might be best to have no Conference at all during

of the British delegates. A final comprehensive report on the discussions of 1921 and 1922 as to how to secure ratifications was submitted to the Conference in 1924. See Report on the Institution of a Procedure for Amendment of Conventions. The original proposal of the Governing Body was that one session be devoted to administrative and technical matters and the next to labor legislation. It had been suggested previously in the body that the Conference alternate between light and heavy agenda. Official Bulletin, Vol. V (1922), p. 185.

¹² The official regulations on preparation are found in the standing orders of the Conference and the Governing Body. The standing orders of the Conference are published in the Final Record of the Conference which adopted them, and the amendments are likewise published as adopted. A special publication of the Office gives the texts of the standing orders of the Conference and the body. See Constitution and Rules.

¹³ Final Record, 1922, p. 322. The Conference resolution of Oct. 31, 1922, speaks of alternative sessions of preparation and decision: "In the examination of items inscribed on the agenda, the first session should be devoted to the general discussion of drafts for conventions or drafts for recommendations, demanding a vote by simple majority only. The final vote upon these decisions in the conditions provided for by Paragraph 2 of Article 405, that is to say, by a two-thirds majority, should be held at the *opening* of the following session." Official Bulletin, Vol. VI (1922), pp. 536-37. [*Italics* are mine.]

1923. The Office and the Governing Body felt that this policy would be both inexpedient and contrary to the treaty. A compromise with the League was reached by which all the items of the 1923 agenda, save one, were transferred to 1924, and the Conference of 1923 was then limited to one week's duration.¹⁴ This decision, which was based on financial considerations, fitted in with the general desire to check the work of the Conference, but the practice, likewise, of adopting the agenda of the Conference in the year previous to the Conference dates from this unexpected decision. Not only was the work of the Conference divided between two sessions, but the work of preparation before the Conference was lengthened by the establishment of the agenda in the year before the meeting of the Conference.

By 1924 the Governing Body had formulated definite proposals to carry into effect the decision in principle of the Conference of 1922. The Conference of 1924 adopted provisionally the new system of "double-reading procedure."¹⁵ Under this system the first Conference, actually the Conference of 1924, discussed proposed draft conventions and recommendations submitted to it by the Office, and reached only provisional decisions as to these texts. As the object of the procedure was to secure the adoption of draft conventions which would be ratified, it was provided that amendments having this end in view might be submitted by the governments between the first and second Conference. These amendments, however, were to be amendments of detail and not of substance. The duty of the Conference was to consider them, and finally adopt or reject the entire convention. The new procedure reflected clearly a consciousness of the increasing importance of negotiation as a part of the preparation of draft conventions. This negotiation, however, was conceived primarily as between the Conference and the governments which have the final decision as to ratification. The groups, *i.e.*, the workers and the employers, had the right to assist in the acceptance or rejection of amendments, but they did not have the right to submit them after the first adoption of the draft text. The weakness of this procedure lay in the fact that the second discussion was not limited to a consideration of amendments of detail. In fact, the whole convention was re-opened for discussion, and there was no way by which to distinguish between amendments of substance and of detail. Governments tended to re-submit the amendments which they had failed to have adopted at the first reading.¹⁶

The experience with this procedure in the Conferences of 1924 and 1925 gave satisfaction to none. Proposed conventions on equality of treatment of national and foreign workers in compensation for accidents, the weekly suspension of work in glass manufacture where tank furnaces are used, and the pro-

¹⁴ Official Bulletin, Vol. VII (1923), pp. 82-86, 166; Vol. VIII (1923), pp. 265-67.

¹⁵ For the text of these provisional standing orders, *see* Final Record, 1925, Vol. II, App. 3.

¹⁶ In a letter of March, 1925, the Office, in commenting on the proposed amendments, felt that it should have been given the power to examine the admissibility of amendments. Official Bulletin, Vol. X (1925), p. 38.

hibition of night work in bakeries, were adopted provisionally on first reading in 1924. But when it was proposed in 1925 to defer to 1926 the conventions on workmen's compensation for accidents and for occupational diseases, the Conference revolted and adopted them forthwith, thus effectively repudiating the double-reading procedure.¹⁷ The Conference referred the procedural problem back to the Governing Body, but it was admitted by all that radical revision of the standing orders would have to be undertaken. The workers were becoming sceptical of any procedure other than that worked out by the Organizing Committee of the Washington Conference, and certain government delegates asserted that the draft conventions were more poorly prepared than ordinary legislation placed before national parliaments.¹⁸

The reformed procedure was, under these circumstances, rejected in the two Conferences of 1926. The first Conference of that year dealt with a draft convention on the simplification of the inspection of emigrants on board ship, which was finally adopted on a first reading. Likewise, the second maritime Conference which followed immediately adopted its draft conventions and recommendations on first reading.¹⁹

However, the 8th Session of the Conference in 1926 adopted, on the suggestion of the Governing Body, a new and third system of procedure.²⁰ This new "double-discussion questionnaire procedure" was employed for the first time in 1927.²¹ According to this procedure, the first Conference examined a draft questionnaire proposed by the Office, and if it adopted a questionnaire, it was sent to the governments (which might in turn submit it to organizations of workers and employers).²² Upon the basis of the answers to the questionnaires, the Office drew up reports and proposed conventions to be placed before the following Conference, which then followed the already described course of procedure. The new procedure was not designed to place a larger amount of information before the Conference; it was simply a new device, a new attempt to deal with the fundamental question of negotiation between the three groups. The questionnaire, in theory, would contain questions which would

¹⁷ See Final Record, 1925, pp. 423 ff., 467, 524 ff., 545 ff.

¹⁸ See the statement made by the British government delegate, *ibid.*, p. 525.

¹⁹ The situation in the 9th Session of 1926 was somewhat different from the ordinary session of the Conference of that year. It was a continuation of the 1920 maritime session which dealt with the international codification of law relating to seamen. Furthermore, extensive outside preparation had been undertaken by the Joint Maritime Commission, which had been dealing since 1920 with the technical aspect of the proposed draft conventions and recommendations concerning seamen.

²⁰ Final Record, 1926 (8th Session), pp. 191-200, 368 ff.

²¹ Report of the Director, 1928, Sec. 18. The first to propose the double-discussion procedure was apparently Professor Alfred O'Rahilly, Irish Free State delegate. See Final Record, 1924, pp. 436-37.

²² It is of importance to note that in the provisions submitted to the Conference by the Governing Body, the actual drafting of the questionnaire was to be left to the Office. During the Conference discussion, however, this function was transferred from the Office to the Conference.

elicit answers of the governments on the points which would be raised by the final drafting of the international text. The work of the first Conference and the committees was, in theory, to deal with broad issues raised by the item, and the questionnaire was to be drafted in the light of general conclusions reached by the Conference.

The result of this procedure in 1927 and 1928 was little improvement over the double-reading procedure of 1924 and 1925. Most of the time of the Conference and the committees in the first discussion was wasted. The committees became more and more immersed in the technical and controversial problems of drafting questions, and long debates developed over the mere choice of a word. While certain delegates, particularly those representing the governments, repeatedly insisted that they were merely drafting a questionnaire, the workers and employers consistently looked to what would happen next year. In fact, the discussion became negative to an increasing degree. The Office, in its attempts at conciliation between the workers and the employers, encouraged the idea that it did not make much difference what went into the questionnaires. Neither group would listen to this; and in fact the representatives of the Office in certain particularly trying discussions, notably those dealing with the questionnaire on freedom of association, which was defeated in the 1927 Conference, admitted that the proposed questionnaires had been drawn up with extreme care. This caution was exercised quite naturally in excluding certain questions.²³

Dissatisfaction with the procedure we have been discussing resulted in a fourth type known as the "double-discussion draft conclusion procedure." The standing orders committee of the Governing Body again considered the problem as a result of the criticism in the 1928 Conference, and proposals were made by the body to the Conference of 1929 (12th Session), which were adopted. This fourth type of procedure retains the double-discussion idea, but with an essential difference. The first Conference considers law and practice reports submitted to it by the Office, which contain proposals for draft conclusions or resolutions. If the first Conference adopts conclusions or resolutions, the Office then frames a questionnaire on the basis of the conclusions which have been accepted.²⁴ The essential change is that the Conference does not adopt the questionnaire; this function is given back to the Office, where it was until the new procedure was adopted in 1926. The Office had never been in favor of having the Conference draft the questionnaires, and the

²³ The Office in 1921, however, took practically the same position as the workers and employers in the committees under this type of procedure. *See* Questionnaire No. 2 (1921), Agricultural Questions, Introductory Memorandum. *See also* Report No. 2 (1921), pp. 60-61.

²⁴ Director's Report, 1930, Sec. 16; Final Record, 1929 (12th Session), pp. 361, 804 ff. When the double-discussion draft conclusion procedure was adopted, the workers' motion to go back to the original procedure in drafting conventions which was employed until the Conference of 1924, was defeated in the committee which considered reform of Conference procedure.

procedure adopted in 1929 was in fact the solution which the Office had proposed in 1926-27, for it had suggested that the Conference adopt conclusions upon which the Office might frame the questionnaires for submission to the governments. The second discussion follows under the present procedure in normal course, much as the final discussion of draft conventions and recommendations has taken place since the very first Conference of the Organization.

Owing to the intense conflicts of interest generated by the discussion of maritime questions in the 1920 and 1926 Conferences, the Office began to apply immediately the new procedure in the 1929 maritime session, which met in the autumn of the year, some months after the 12th Session of the Conference. The Conference of 1930 did not, however, involve both types of procedure, for the items on the agenda for final discussion were the legacy of the 12th Session double-discussion questionnaire procedure, and the new item involved the regulation of the hours of work in coal mines, which was submitted as an emergency measure by a resolution of the League of Nations Assembly of 1929. The coal convention was submitted as either a first or second discussion, as should be decided by the Conference. It was agreed that a final decision should be taken in 1930. As the convention was defeated on its final vote, and as the coal question was placed on the agenda for 1931 after the defeat of the convention in 1930, there was in 1931 a second and successful final discussion of the coal convention. Thus the draft conclusion procedure was not applied in 1930; it has been used only in the maritime session of 1929 and the general sessions after 1930.²⁵

The work of the committees of the Conference which have had the task of formulating draft conclusions has shown an improvement over the procedure under which the committees drew up questionnaires. Less attention has been paid to the technical problem of drafting and more attention has been given to general discussion of problems before the Conference. The spirit of conciliation seems to have been fostered by the procedure, while the drafting of a questionnaire seemed to have had in part the opposite effect. It may be that the items which the Conference has considered for the first time under the procedure have been less controversial, such as the age of admission of children to non-industrial employment, which was on the agenda of the Conference in 1931-32. On the other hand, while the regulation of the hours of work on board ship, which was given a first discussion in 1929, evoked heated controversy,²⁶ there seemed to be greater chance of effective compromise in the committees on the other maritime items than had been the case in 1926. Like-

²⁵ The committee in the 1931 Conference which considered draft conclusions on the admission of children to non-industrial occupations requested that in the future the Office include in the Grey Reports on law and practice not only general conclusions, "but also a list of points for consideration by the committee with a view to the preparation of a questionnaire." Final Record, 1931, p. 441.

²⁶ A convention regulating the hours of work at sea was defeated in the Conference of 1920. The proposals of the Office for first discussion in 1929 were more flexible than the text of the convention of 1920, and this may account for the greater conciliatory spirit.

wise, the shipowners' delegates withdrew from the Conference for a few days during this session, and consequently the committees of the Conference cannot be blamed for procedural difficulties. The shipowners withdrew because of their objection to the methods employed in the selection of the seamen's delegates.

The experience of the Labor Organization in the drafting of the 1931 coal convention has suggested another type of procedure, again designed to make conciliation and agreement possible. As the Assembly of the League proposed the regulation of the conditions of work in coal mines to the Organization, the League and the Office sought a procedure which would bring about a more rapid preparation for the Conference. A preparatory technical conference of the leading coal-producing countries of Europe was held in January, 1930, and the regulation of the hours of work was placed on the agenda of the 1930 Conference as a result of the suggestions of this technical group.²⁷ The late Director of the Office, Albert Thomas, felt that this "auxiliary procedure" had considerable merit as a device for the conciliation of the different elements in the Conference.²⁸ He suggested at various times before his death in the spring of 1932 that it might be possible to organize a permanent auxiliary procedure. With this in mind he proposed a preparatory technical conference to precede the maritime session of the Conference which shall hold the final discussion of the draft conclusions adopted by the 1929 maritime Conference.²⁹ This was accepted in principle by the Governing Body, but so far the preparatory technical conference has not been held, owing to the repeated postponements of the maritime session itself. In addition, the workers' delegates from Asiatic countries have suggested an Asiatic session of the Conference, or at least an Asiatic preparatory technical session.³⁰ The Director conceded there was some value in this proposal and has suggested the possibility of an Asiatic consultative conference.³¹

²⁷ Final Record, 1930, p. xvii ff.

²⁸ Director's Report, 1930, Sec. 17.

²⁹ It is clear, however, that the Director had in mind substituting the preparatory technical conference for the special session of the Conference dealing with maritime questions. This substitution has been categorically rejected by the shipowners.

³⁰ See Final Record, 1930, p. 468. The resolution to this effect proposed by the Indian workers' delegate was not adopted owing to lack of a quorum. The Conference of 1932, however, adopted a resolution proposed by the Indian workers' delegate asking the Governing Body to consider calling a preparatory advisory conference in which native or colonial elements would be represented. See Official Bulletin, Vol. XVII (1932), Supplement No. 2, pp. 91-92; Director's Report, 1930, Sec. 189. Late in 1932 the Governing Body decided to call a preparatory conference on the question of international action on the forty-hour week. This conference was held in January, 1933. The first suggestion that preparatory technical conferences be used came apparently from Switzerland in the discussion of the periodicity of the Labor Conference in the Swiss Council of States. Official Bulletin, Vol. V (1922), pp. 109-112.

³¹ Cf. League of Nations Official Journal, Special Supplement No. 83, October, 1930, pp. 12-16, for the resolution adopted by the Assembly in 1930 on the procedure to be followed in drafting League of Nations conventions. The resolution, after noting the importance of preparation in obtaining ratifications, suggested the general procedure which should be

THE PLACE OF THE GOVERNING BODY IN DRAFT CONVENTION PREPARATION

The Treaty of Peace stipulates that the Governing Body of the Labor Office shall establish the agenda of the Labor Conference. While this function in itself is clear, there are a number of implications which have not been carefully worked out. It is quite natural that the Governing Body should consider this function of great importance, but it was not until after the first three Conferences that the real problem of selection of items for the agenda arose. The second and third Conferences, as has been noted, were efforts to apply the decisions of the Washington Conference to maritime and agricultural labor. There was no important controversy over these agenda in the Governing Body. But the force of the body was felt in the establishment of the agenda for 1922, and it has been ever since. The agenda of the 1922 Conference were composed largely of constitutional questions, and while several agenda were at first agreed to for 1923, the financial crisis necessitated a short Conference with a single item agendum.

The members of the Governing Body are usually delegates to the Conference, but the body as such does not have a direct relation with the Conference.³² The technical position of the body is that of an executive and, to an extent, an administrative control over the Labor Office. It has been decided that most of the publications of the Office, and the reports and questionnaires in preparation for the Conference, shall be issued under the responsibility and authority of the Director, unless specific provision is otherwise made. As a compromise proposal, the Grey Reports are submitted

followed. The resolution approves extensive freedom for the Secretary-General in securing information as to why no action has been taken by the states, this being in contrast with the practice of the Labor Organization, where such discretion is quite limited. The Council may consider the question of the revision or amendment of conventions on the basis of such information. The resolution makes provision for the admission of non-member states, and urges, in technical matters especially, agreements not requiring ratification.

The procedure as to League conventions is to be, briefly, the following: (1) When an organ of the League wants a convention, a full memorandum shall be submitted to the Council; (2) if the Council approves, the draft convention shall be communicated to the members, in some cases with a specific questionnaire; (3) the draft convention and the government views shall be sent to the Assembly, which shall decide if a conference shall be called; (4) if the Assembly wants such a conference, the Council shall consult the governments again with a revised draft of the convention; (5) in the light of the second consultation, the Council shall decide whether to call such a conference and fix the date; and (6) these rules shall be common as to the technical organizations of the League. See *Dix ans d'Organisation Internationale du Travail* (Geneva, 1931), pp. 95-96, for a statement of the influence of the Labor Organization on the League system of drafting conventions.

³² An early proposal in 1922 was that the Governing Body might take the place of the Selection Committee, which is charged with directing the work of the Conference. This proposal was rejected, however, and a direct connection between the body and the Conference has never been established. *Final Record, 1922*, pp. 184 ff., 192. This decision was invoked by the workers in 1926 as an argument against a sharp increase of the participation of the Governing Body in the preparation for the Conference.

to the Governing Body.³³ Only the employers have desired to have the reports of the Office submitted to close Governing Body scrutiny, while at the same time the workers and most of the governments have been in favor of an entire and responsible autonomy on the part of the Director.

The function of the Governing Body as to the preparation of draft conventions and recommendations culminates and virtually terminates in the establishment of the agenda. It is to the organization of this task that much of the energy of the body has been directed. The body realized, it seems, sooner than the Office that the spirit of idealism and social justice was not a substitute for research. The government and employers' delegates, particularly the British, began demanding that the body have comprehensive analyses of national law and practice as a basis for their agenda decisions. In 1923, when the agenda was established in the year previous to the Conference, the practice also developed of asking the Office to submit to the body, law and practice reports on certain questions from which the items on the agenda might be selected.³⁴ The only basis of agreement as to what subjects were "ripe" for international treatment seemed to be comparative statements of law and practice.³⁵ Each year, usually in April, the Governing Body selects perhaps

³³ Int. Labor Conf., Standing Orders, Art. 6, Par. 4. On maritime questions reports for the Conference are submitted in practice to the Joint Maritime Commission as a part of the preparation of draft conventions and recommendation. Official Bulletin, Vol. XIV (1929), p. 47. Previously, in April, 1921, the Governing Body had decided that the questionnaires on agenda items should be submitted to the Governing Body before their dispatch to the governments. The present submission of the Grey Reports performs something of the same function under the older types of procedure. The Governing Body decided quite early, in contrast with the procedure in maritime questions, that the preparation for agricultural items on the agenda should not necessarily be carried out with a consultation of the International Institute of Agriculture at Rome, with which the body has a permanent liaison through a mixed committee.

A most exhaustive discussion of the position of the Governing Body in the preparation for the Conference took place in January, 1926, when the double-discussion procedure was up for approval. The employers made numerous suggestions for increasing the power of the body over preparation and the Conference, all of which were rejected. These proposals were that all the documents of preparation should be submitted to the body, that the questionnaires, or the Blue Reports, must be approved by the body before communication to the governments. The present situation, noted above, developed out of the refusal to accept the employers' suggestions. In February, 1930, it was decided that the Grey Reports should be considered by the body as a whole.

³⁴ Official Bulletin, Vol. IX (1924), pp. 1-5.

³⁵ The Office has developed the practice of indicating to the body whether it considers a subject "ripe" for international treatment. Sometimes a question is ripe merely for serious study preliminary to its consideration as a possible item on the agenda. The Office view seems to be that a question is ripe when the will to find an international settlement exists.

In the early years of the Organization, collective agreements seemed to be about as important as national legislation as a basis of action. For instance, the report to the Genoa Conference (1920) on hours at sea, stresses certain collective agreements. The Office has always emphasized collective agreements in agriculture. See *Studies and Reports*, Series K, No. 11, *Collective Agreements in Agriculture, Adaptation of the Washington Decisions to Agriculture*.

five items on which the Office is instructed to prepare law and practice reports. At a following session of the body in October (approximately nineteen months before the Conference), these reports are considered and from one to three items are selected for the final agenda. There is, therefore, a double-discussion procedure in the Governing Body as well as in the Conference.³⁶

The sound preparation of items for the agenda means that the Office must in many cases be assembling material several years in advance.³⁷ Article 393 of the Treaty of Versailles provides that the Office shall collect information on labor and industrial conditions. As certain subjects take shape in the hands of the research staff, the Office comes to a judgment as to whether they are "ripe" for international treatment. The Office can make suggestions to the Governing Body on this basis. But there is constant pressure on the Office to undertake special investigations, and it must be conceded that practically all of the research undertaken has an ultimate international legislative standard in mind. A resolution of the Conference is the most effective way by which the research attention of the Office may be directed. There are some cases in which members of the staff have brought about the submission of resolutions to the Conference.³⁸

The most difficult phase of the establishment of the agenda is the determination of the scope of an item.³⁹ No matter how carefully a proposal is defined, there are always certain borderline issues which may or may not be included. The employers have contended frequently that the Office, the committees of the Conference, and the Conference itself have exceeded the intentions of the Governing Body.⁴⁰ The drafting of the statement of an item on the agenda has come to be a most meticulous task. The demand that the reports of the Office in preparation for the Conference be submitted to the Governing Body is actuated by the desire to keep the preparatory work strictly within the limits of the agenda. Such a solution has been deemed unsatisfactory by a majority

³⁶ Until October, 1932, the first discussion took place in October and the agenda was finally determined in January. The employers proposed in 1920 that the body institute an elaborate procedure of general consultation of governments before items are placed on the agenda. This proposal was rejected as unduly retarding the work of the body.

³⁷ The Conference has been of importance at times itself in settling its agenda. The 1924 Conference prevented the further consideration of the anthrax question, and the 1925 Conference practically determined the program which has been followed in regard to social insurance. In both cases the Conference examined general reports on these questions.

³⁸ The length of time a proposal is before the Governing Body is no guarantee of a place on the agenda. The proposal that holidays with pay be treated by an international convention has been before the Organization since 1919, but it was placed in the agenda for 1935 only in October, 1933. Proposals which fit in with the general program of the Organization, such as those for social insurance or regulation of hours of work, have a much greater chance of adoption.

³⁹ The jealous attitude of the Governing Body on the question of the scope of the agenda has been a matter of development. For instance, in 1923 the body virtually placed in the hands of the Conference the problem of the scope of international action against the use of white lead. *Official Bulletin*, Vol. III (1921), p. 539.

⁴⁰ *Final Record*, 1929 (12th Session), pp. 488, 498.

of the Governing Body, and the only security for adherence to the agenda is, apparently, an extremely careful statement of the items, with such additional explanations as the Director may be instructed to make when the agenda is communicated to the governments. Before the double-discussion procedure was adopted, the body frequently made suggestions as to the form of action which the Conference ought to take, that is, whether draft conventions or recommendations should be adopted.⁴¹

The form of Conference procedure has not altered in any sense the function of the Governing Body in establishing the agenda, but different types of procedure have made a difference in its power of defining the scope of items. The Conference has never really run wild with the agenda, if the revolt in 1925 against the double-reading procedure is excluded. And, as there is no machinery of interpretation for the action of the Conference, aside from the Permanent Court, the charges of exceeding the scope of the agenda merely remain as denied accusations.⁴² As long as the agenda were established, the Conference held, and draft conventions adopted all in the same year, the control of the Governing Body over the scope of the agenda was relatively effective. But with the double-reading procedure this control was weakened because of the greater freedom by which amendments might be proposed. With the adoption of the double-discussion-questionnaire-draft conclusion procedures, the Governing Body has had less power than ever to control the scope of the agenda.⁴³ For in either the earlier questionnaires or in the present draft conclusions, matter may be included, under the guise of consulting the governments, which was not intended by the body. The present system may work either way: matter may be struck out which the body thought should be retained, or matter may be put in which alters the complexion of the proposal.⁴⁴

⁴¹ The correspondence of the Director with the governments concerning the agenda and the convocation of the Conference is published at the beginning of each Final Record. The wishes of the Governing Body have been expressed frequently in these letters.

⁴² Thus when certain important amendments to the Office draft are introduced, it can be alleged that the matter has been excluded already by the Governing Body, or that a new subject is being put before the Conference and that it should be placed on the agenda in a proper manner, *i.e.*, by the Governing Body. *Cf.*, the Office's discussion of the 1925 questionnaire on seamen's inspection, in which the shipowners' view is presented that the Office had enlarged the scope of the item on the 1926 agenda. The Office defended its action both as to the intentions of the Governing Body and as to the necessity of a complete consultation of the governments. Official Bulletin, Vol. X (1925), pp. 135-41.

⁴³ The Governing Body is plainly divided as to the control it ought to exercise over the scope of the agenda. The employers have, with the exception of their views on the revision of conventions, wanted to limit the freedom of the Conference in defining the scope of its action. However, it has been recognized frequently that the double-discussion procedure imposes on the first Conference the authoritative determination of the scope of an item. One reason for not using the double-discussion procedure in revising conventions is merely that under the revision process the entire function of defining the scope of the revision items is assumed by the Governing Body.

⁴⁴ In 1927 the Governing Body made it clear that the right to strike was not included in the

THE FUNCTION OF THE LABOR OFFICE

If economics was considered the "enemy" by some of the more ardent supporters of international labor action in the early years after the Peace Conference, exhaustive research and an unshakable foothold in law and practice are now the weapons of the Labor Office. We should, likewise, add consummate ability in the conciliation of stubborn conflicts between the workers and the employers. Most of the work of conciliation, in concept at least, is to be accomplished by the type of procedure used in the Conference and Governing Body. Naturally, aside from authoritative expositions of facts, it is difficult for the Office to take strong positions until after some sort of action has been accepted by the Conference. The extended list of scientific publications issued by the Labor Office gives proof of the research foundation of international labor legislation.

The Office has the responsibility of doing the necessary research in preparation for the Conference. Under the present procedure, as soon as an item has been placed on the agenda, the Office begins the preparation of the Grey Report on the law and practice of each state.⁴⁵ This report contains an evaluation⁴⁶ by the Office of the law and practice which have been investigated, and presents suggestions as to the problems on which the governments should be consulted. It is, of course, sent to the governments as soon as possible. In other words, the report contains draft conclusions which are taken by the Conference as the basis of discussion. Upon the adoption of the

item on the agenda on freedom of association, but questions adopted by the committee of the Conference, over the objection of the workers, practically included an implied limitation on the right to strike. Discussions of the regulation of the hours of work have consistently raised the question of weekly rest, and questions dealing with the protection of children have raised the problems of education. The discussion of accident prevention evoked a debate on industrial health. However, the mutilation of the dockers' convention in 1928 and 1929 is probably the best example of the inclusion of a body of extraneous material in a draft convention. In 1931 and 1932 the discussion of the age of admission of children to non-industrial occupations, for instance, raised the question, from the workers' side, of the regulation of the hours of work and the night work of children.

⁴⁵ A questionnaire addressed to the governments for information is often employed by the Office in the preparation of this report. The United States Government usually gives answers to these questions, though not to the official questionnaire leading to the formulation of the final Blue Report.

⁴⁶ This process of interpretation and evaluation has brought sharp criticism on the Office at times. Thus, in 1921, during the discussion of the proposed action against white lead, the British Government and the employers said the preparation of the Office was neither impartial nor complete. Director Thomas replied that it was the duty of the Governing Body, and not of a committee of the Conference, to supervise the Office. In the same Conference, the Office proposal for international disinfection against anthrax spores was rejected in part on the ground of insufficient preparation. Final Record, 1921, pp. 866-867. The Office proposals of 1920 for the regulation of hours at sea (which was defeated), and the 1921 rejection of its proposal as to collective agreements to regulate the hours of work in agriculture (which was removed from the agenda), together with the criticism of the white lead and anthrax preparations, indicate perhaps the weakness of the system of preparation in use at the time.

draft conclusions, the Office prepares a questionnaire in the form of a Red Report which is communicated to the governments. The answers of the governments are studied carefully, and a sort of average point of view is taken as the basis of the proposed draft conventions and recommendations. For the final discussion, a Blue Report containing the replies of the governments and the proposals of the Office is submitted to the governments and the Conference.⁴⁷ In 1930 and 1931, when the Conference was discussing the problem of the coal convention, the Office submitted a Grey-Blue Report to both Conferences, since the Conference itself had to decide whether the discussion should be final.⁴⁸

In the latter stages of preparation, the function of the Office is to find a basis of action which will receive the support of the groups and the governments. If a majority of the governments favor a draft convention on a given subject, a convention is proposed; if most of them want certain provisions, they are included in the proposed texts submitted to the Conference in the Blue Report. But in addition to this process of averaging national wishes, which in turn is based on national law and practice, the drafting function of the Office is very important. From the beginning the legal advisers of the Office have held an influential position as to the principles of drafting conventions.⁴⁹

THE EVOLUTION OF THE QUESTIONNAIRE

When the Organizing Committee began its work in London in 1919, it had practically no information on national legislation. The questionnaire was employed in 1919 to gather information as well as the opinions of the governments, and it was apparently thought at the time that the Governing Body itself would draw up the questionnaires when it established the agenda of the

⁴⁷ It is difficult to overemphasize the influence of the Office on the final contents of draft conventions and recommendations. While this influence is very great, and while the function of the Conference is essentially that of amendment or modification of the Office texts, a few qualifications must be made. As the answers to the questionnaires, especially from the leading European Powers, control the Office, the function of the Office in regard to these answers is fundamentally mechanical and clerical. As to the twenty or twenty-five states whose answers are not received, the Office draft is virtually controlling; that is, the answers actually received determine the content of the draft. One weakness of the Office drafts has been that the predominantly European staff in Geneva has been quite unable to visualize the reactions and needs of overseas countries, and therefore in certain cases these countries have seen no authoritativeness in the final drafts submitted to the Conference.

⁴⁸ Other colors for the reports have been used. In 1925 the reports to the Conference on the amendments proposed to the provisionally adopted draft conventions of 1924 under the double-reading procedure were called Orange Reports. When a report on a general problem is made to the Conference upon which no action is to be taken, it is usually a Green Report. A White Report is presented to a preparatory technical conference. Naturally, all reports issued by the Office are communicated to the governments.

⁴⁹ This control extends to the work of drafting done in the Conference after the discussion on the draft texts has been completed. Recent standing orders also provide that each committee shall have its own drafting committee. The control of the Office over the drafting of texts in the committees is much less than over the Conference as a whole, since such drafting is in essence the statement of the compromises reached in the committees.

succeeding Conference. When the Labor Office was established, one of the first tasks it assumed was the collection of information, thus relieving the questionnaire of much of this dubious function. From 1921 on, the questionnaire has been used primarily to obtain the opinions of governments as to proposed international action, and the Office has resorted to other means of getting accurate information on national legislation.⁵⁰ From 1920 to 1927 the Office itself drafted the questionnaires, and on the basis of the replies, it proposed conventions and recommendations. As long as the questionnaire was completely under the control of the Office, the problem was simply to draft one which could be answered effectively in a short time. During this period little conflict was aroused by the phrasing of questionnaires.⁵¹ As soon as it became the function of the Conference to draft the questionnaires, the control of the Office was broken and acute differences of opinion arose over their contents. Needless to say, the questionnaires drafted by the Conference were inferior to those drafted by the Office and submitted to the Conference as the bases of discussion.⁵² Under the double-discussion draft conclusion procedure the function of the Conference became more or less what it should be; the determination of points of principle which the Office must include in its questionnaire. The Office is, of course, bound by the decisions of the Conference embodied in the draft conclusions, but the problem of drafting is removed completely from the Conference. The place of the questionnaire in the order of events seems to have been changed permanently by the reforms of procedure. Before the double-discussion procedure, the questionnaire was sent to the governments before the Conference considered a new subject; now it comes after the first discussion of the agenda by the Conference. The views of each government as they are contained in the replies to the questionnaire are modified and in part directed by the results of the first discussion.

THE RÔLE OF THE CONFERENCE COMMITTEES

The Conference committee is the organ in which negotiation and conciliation succeeds or fails. If agreement is not reached in the committee, it is not

⁵⁰ Official Bulletin, Vol. III (1921), pp. 39-41.

⁵¹ Under the double-discussion procedures, the Office has to explain carefully the background of the questions in the light of the first discussion in the Conference. This is done either in the preliminary note to the questionnaire, or in the letter sent to the governments with the questionnaire. See Official Bulletin, Vol. XIV (1929), pp. 102-106. See, *ibid.*, Vol. XII (1927), pp. 107-12, for the Office discussion of the questionnaires for the 1928 Conference which were adopted by the Conference in 1927. The Office displayed a very critical attitude toward the work of the Conference of 1927. The Office indicated, among other things, that the ideas of the Governing Body as to the scope of certain items were difficult to maintain in the Conference because of the freedom assumed in drafting the questionnaires.

⁵² The 1929 Committee on Salaried Employees agreed that a commentary on the questionnaire, as approved by the committee, should be circulated to the governments. This commentary included particularly certain amendments of the British Government which were rejected by the committee.

reached in the Conference; though agreement can be reached in the committee which may be upset in the Conference, assuming the government group makes a determined stand against the committee decision. In determining whether a draft convention or a recommendation shall be adopted, the importance of the Conference committee is second only to the demands of a majority of the governments. Before the adoption of the double-discussion procedures, the Office had greater discretion, since it submitted proposals for conventions or recommendations to the Conference on the basis of the replies of the governments. But in both the formulation of the questionnaires and draft conclusions, the committees have been important in determining whether the Conference shall work toward a draft convention or a recommendation. In the committee discussions the workers have generally supported the suggestion that a draft convention should be adopted, while the employers have generally, and as a matter of principle, urged the adoption of the more flexible and less effective recommendation. The decisions of the committees on this point under the double-discussion procedures have for the most part been sustained.

THE TIME ELEMENT IN THE PREPARATION OF CONVENTIONS

The gradual lengthening of the time between the establishment of the agenda and the Conference, the extension of time between fixing the agenda and the final adoption of draft conventions by the double-discussion procedure, and the slightly greater amount of time allowed governments for their replies to questionnaires, show clearly the slower tempo of the work of the Organization. Owing to the cumulative research activity of the Office, this lengthening of the period between the establishment of the agenda and the adoption of draft conventions and recommendations is useful from the standpoint of better technical preparation. It is also of fundamental importance in allowing more time for the delicate and sometimes circuitous process of negotiation between the groups. Moreover, since a longer period of preparation means fewer conventions, governments have more leisure in which to consider the draft conventions after their adoption and to submit them to their competent authorities in fulfillment of the treaty obligations.

Despite the persistent demands of the overseas countries for longer intervals between the stages of preparation, the time allowed for answering questionnaires has not been materially lengthened since the Washington Conference. It is clear, however, from an examination of the Blue Reports and the Supplementary Blue Reports that the governments do not answer the Office questionnaires with any marked promptness, and, if a longer time were allowed, no better results might be obtained. If as many as thirty replies are included in the original Blue Report, it is considered a good response. The Supplementary Blue Reports are generally issued just before the opening of the Conference. This question does not arise with the Grey Reports, because they contain the analysis of existing national law and practice. The

Blue Reports include the views of the administrative departments concerned, and these views are not a prophecy as to what action the legislative body may take, but a statement of existing legislation.

One of the fundamental weaknesses of the questionnaires is, therefore, that they seek neither the positive views of the parliaments nor the views of the workers and employers, though the governments are supposed to communicate them to such organizations before the final statement of the views of the executive and administrative parts of the governments.⁵³ Undoubtedly, such consultation retards the governments in making their answers, and owing to the short time allowed in which to answer the questionnaires, an effective consultation of the workers and employers is practically impossible.⁵⁴ The preparation for the Conference, therefore, centers on the actual practice of the governments and the views of the national administrative departments. However, both the international organizations of the employers and the workers formulate their attitude toward the agenda independently of the Office, using also the questionnaire and report system in relation to the units which compose these organizations. The workers' and employers' delegates, moreover, express the views of their constituents in the Governing Body discussion which precedes the establishment of the agenda. The reports of the workers' and employers' organizations are almost as important in the Conference as bases of discussion as are the reports of the Office containing the views of the governments. If the Office might communicate the questionnaire, or a special form of questionnaire, to the functional organizations it would be easier to predict the clash of viewpoints which takes place in the committees. The importance of the committee as an agency of negotiation could thus be reduced by transferring more of this function to the Office, which in turn could include in the draft texts the compromises suggested on the basis of the replies of the organizations.

⁵³ The Governing Body decided at its Stockholm meeting in July, 1921, that the workers' and employers' organizations should be consulted through the governments in regard to the preparation of draft conventions and recommendations, rather than directly through the Office. This position was confirmed in 1928 by the body. The consultation of such organization is, therefore, national rather than international as far as the treaty and the practice of the Organization are concerned. A suggestion was made, however, in the Conference committee of 1920 which dealt with the hours of work at sea, that the international organizations should be consulted. The questionnaires for the second session of the Conference were sent by the Director directly to certain workers' organizations, and this produced immediate objection in the Governing Body. See Final Record, 1926 (8th Session), pp. 198-99, where the Director states that his relations are with states, and not with organizations within states, where preparation for the Conference is involved.

⁵⁴ Perhaps one reason a longer time has not been given in which to reply to questionnaires is that the double-discussion procedure really makes it unnecessary, as the questionnaire comes after the first discussion. It is clear that more time is needed to obtain the overseas replies, but it may be true that there would be less chance of conciliation if the views of the workers and employers were included in the answers of the governments. In any case, the importance of the answers of the governments arises from the fact that they must decide finally the question of the ratification of draft conventions.

CONCLUSION

The rapid and somewhat unexpected evolution of the technique of preparing international labor conventions cannot be said to have reached a point of maturity, though it is probable that no great changes will be made for some years. Minor alterations in the functioning of the Office, the Governing Body, the Conference, and the committees of the latter, are, of course, to be expected. It cannot be said that the draft conventions adopted recently are necessarily any better than those in previous years. The dockers' and the coal conventions are startling proof of the failure of the new procedures to live up to expectations. On the other hand, it must be granted that the preparation of draft conventions is infinitely more careful and methodical than during the first three Conferences. The fundamental motivation of the changes in the procedure employed by the Labor Organization is the absolute necessity of conciliating opposing views if any effective international action for the protection of labor is to be taken.