

It seems appropriate to conclude this brief review of the work of Committee V with the following quotation from the report it presented to the Conference:—

“On several occasions during the discussions, and in particular in connection with a discussion on the preamble to the proposed Recommendation, it was emphasized that for many years a principal purpose of colonial government had been to further the social and economic progress of the peoples of dependent territories, and that in this work important contributions had been made by the employers and by the peoples in dependent territories. The efforts made and the progress achieved were not underestimated by the Committee. The texts adopted should not be interpreted in any sense as an apology for the past. They were an effective recognition of the value of emphasizing and encouraging through international agreement the continuation of programmes of social welfare based on full and loyal co-operation between colonial Governments and dependent peoples. They were supported by the endorsement of the independent countries which are not responsible for the administration of dependent territories but which have a legitimate stake in world social justice.”

#### COMMITTEE ON ITEM VI OF THE AGENDA (THE APPLICATION OF CONVENTIONS)

The Committee reported that, like the Conference itself, it had met after an interval of four years (1939-43), during which the full operation of the normal procedure for the supply and examination of annual reports on the application of Conventions required by Article 22 of the Constitution was rendered impracticable by the preoccupations and difficulties caused by the war.

Article 22 imposes three distinct obligations:—

- (1) An obligation on Governments to make annual reports to the Office on the measures which have been taken to give effect to the provisions of the Conventions which their respective countries have ratified and to which they are parties;
- (2) An obligation on the Governing Body to prescribe the form of such reports and the particulars which they should contain;
- (3) An obligation on the Director of the Office to lay a summary of the reports before the next meeting of the Conference.

Under the established procedure, these reports used to be first examined by a Committee of Experts appointed by the Governing Body, who forwarded to the Conference their report, together with the replies of the Governments concerned in response to the Experts' comments, and a summary of the annual reports prepared by the Office.

In spite of the obstacles which made the full operation of the normal procedure impossible, the Committee found that obligations (1) and (2) referred to above have been substantially fulfilled. The Office requested Governments to supply reports wherever possible in as complete a form as in previous years; but, in cases where a full report was impracticable, to adopt a simplified form of reports. Whereas in 1940 the Committee of Experts had before them six hundred reports, the Office had received so far this year some three hundred reports. The response of the Governments has therefore been gratifying. The Committee nevertheless found it impossible to undertake at this session of the Conference an adequate examination of the application of Conventions.

It was considered important, however, that the normal procedure should be re-established as early as possible, and to this end it was recommended that—

- (a) The Committee of Experts be reappointed at the earliest possible date; and
- (b) The Office itself be sufficiently reinforced in personnel to enable it to undertake the statutory duty imposed upon the Director by Article 22 of the Constitution to compile a summary of the annual reports for submission to the Conference. The Committee considered that the summary to be submitted to the next ordinary session of the Conference should be as complete as possible, covering the whole period from 1939; should also include as complete information as possible upon the application of the ratified Conventions with or without modifications in colonies, possessions, and protectorates; should deal specifically with improvements that may or may not have taken place in respect of countries whose implementation of ratifications had been found defective by previous Committees; and should include a chart of ratifications.

The Committee found that it had not been possible to do much to implement the recommendations made by the Committee on the application of Conventions in their report to the Conference in 1939, and therefore wished to reiterate the recommendations made in the following respects:—

- (a) The importance “of Governments supplying their annual reports in time for examination by the Committee of Experts, because in the opinion of the Committee it is the double examination of these reports, first by the Committee of Experts and then by the Conference Committee, that places State members of the Organization on a footing of equality in respect of the supervision of the application of the ratified Conventions.”
- (b) The importance of a realization that “there is no legal basis for delay on the part of a State in giving effect to a Convention which it has ratified,” and “that the international labour Conventions must be regarded as imposing specific obligations, and not mere programmes of future reform, on the contracting parties. The contrary view is, in its opinion, calculated to shake confidence in international agreements in general, and in particular to discourage collaboration in the work of the International Labour Organization on the part of countries which interpret their international obligations with the greatest strictness.”
- (c) “That in securing the proper enforcement of the national legislative and other measures implementing the ratified Conventions, labour inspection, operated by a staff adequate in number, training, and organizations, plays a fundamental role,” and that “a comprehensive Convention on labour inspection, widely ratified and properly enforced, could only strengthen confidence in the legislative work of the International Labour Organization.”