

THE INTERNATIONAL LABOUR ORGANISATION

THE FIRST DECADE

Preface by

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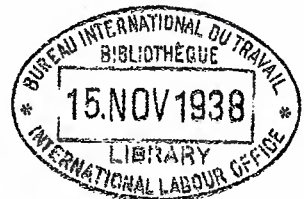
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*The Discussion
Procedure*

This decline in the rate of progress is not merely the result of a deliberate limitation of the agenda; it is also a necessary consequence of a more thorough procedure for discussion which was adopted in 1924. During the respite of 1922 and 1923, the Conference was able to give some attention to its methods. It found, in the light of experience, that in many cases provisions of minor importance contained in Conventions could prevent their ratification. A number of suggestions were made for getting over this difficulty. In 1922 the Conference considered the institution of a procedure for amending Conventions when it was found that their ratification by certain States was conditional on such amendment. In view of the serious constitutional difficulties involved, the proposed procedure was not adopted. The Conference preferred another system, which was tested in 1924. This was known as "the second-reading procedure" and consisted in submitting Draft Conventions to two successive Sessions of the Conference. The vote given at the first Session was regarded as being merely provisional, and intended to give the delegates and Governments time to consider at their leisure the provisions of the Draft Convention. Each Government was entitled to submit amendments before the final vote, which would be taken at the Conference in the following year.

This procedure, which was applied for the first time in 1925, did not prove as advantageous as had been hoped. It certainly

helped to slacken the speed at which the Conference worked, by spreading the discussion of each question over a period of two years. But, in practice, it had certain serious drawbacks. While it had been hoped that the interval of a year would enable the holders of opposing theories to arrive at an agreement, and produce a formula which would make ratification possible for a greater number of States, events showed that the exact opposite was the case. The intervening period was, in fact, used by all parties as an opportunity to defend and justify their attitude at the Conference in the eyes of public opinion. When delegates met a year later, they were more closely tied than before to the views which they had supported. These views were sometimes embodied in proposed amendments to the texts adopted at the first reading. Instead of suggesting amendments on points of detail, as had been the original intention of the authors of the system, they proposed to alter the Drafts adopted at the preceding Session in some of their essential points. The Conference consequently found it necessary in 1925 to go back on the step taken in 1924 and to discuss afresh the problems which it had considered in the previous year.

As a result, the "second-reading procedure" was abandoned; it was replaced in 1926 by a new system known as "the double-discussion procedure." The idea of spreading the consideration of a question over two years was retained; but under the new system each of these stages was of a distinct character. The first stage consisted of a general discussion which more or less cleared the ground; at the close, the Conference would decide by a two-thirds majority whether the question should be placed on the agenda of the following Session, and if so on what points decisions should be taken by the Conference. The second discussion would take place at the next Session, and it would only be then that the text of a Convention or Recommendation might be adopted. In short, at the first Session the Conference would discuss a problem on a general basis, and at the second it would discuss the draft of a Convention on the subject.

This double-discussion procedure, first tried in 1927 and 1928, has since been maintained with certain minor changes. It is still too early to say to what extent it has helped ratification; but in any case it has not met with the same objections as the second-reading procedure. It does not leave a formal draft lying open to prolonged criticism for a year. By keeping the first discussion

entirely general, it prevents the adoption in advance of stubborn and uncompromising attitudes which would preclude any agreement and probably render the second discussion fruitless.