

APPLICATION OF CONVENTIONS

A regular feature of International Labour Conferences is the consideration of annual reports from Governments on the way in which they are applying within their respective countries such Conventions as they have ratified.

The Committee on the Application of Conventions had before it a summary of the reports submitted by Governments, together with a report from the Committee of Experts which had carried out a detailed examination of the reports from Governments prior to the Conference, and also tables showing details of conventions ratified by member Governments. The Committee was required to decide whether the legislation of countries which have ratified Conventions is in conformity with such Conventions and whether the legislation is being effectively applied.

This supervision, which is carried out by a tripartite body where representatives of Government, employers, and workers collaborate on a footing of equality, constitutes one of the most important tasks of the Conference, and in future member States will be under an obligation to furnish much fuller reports as to the action taken to implement the provisions of the various Conventions and Recommendations adopted by the I.L.O.

Of the 763 reports which had been called for in relation to fifty-three of the Conventions in force, 630 had been received prior to the date of the Conference, leaving a balance of 133 reports outstanding. It was pointed out, however, that many of the reports had been received after the due date, and the Committee stressed the importance of ensuring that, in future, reports were submitted in sufficient time to enable these to be carefully studied prior to the annual Conference. Adverse comment was made by the Committee regarding the failure of certain countries—namely, Afghanistan, Colombia, Liberia, and Uruguay—to submit any reports for several years. Representatives of these countries were personally invited to attend and to explain to the Committee the position in their respective countries.

The Committee emphasized that there is only one kind of acceptable ratification—namely, that to which practical effect is given—and pointed out that a Convention is only fully applied when national legislation and practice are in absolute harmony with the terms of the Convention.

In this connection the following observations by the Committee are of particular interest:—

Many of the observations on individual reports which the Committee has felt it necessary to make draw attention to discrepancies between national legislation and the international Conventions which are of a relatively minor character, but in certain cases these observations have been repeated for a number of years without effect, and the Committee suggests that the attention of the Governments concerned should be drawn to the international obligation under which, in virtue of their membership of the International Labour Organization and their ratification of the Conventions in question, they have undertaken to bring about conformity, complete and in detail, between national legislation and practice on the one hand and ratified Conventions on the other.

Other observations relate to deficiencies which are of a more serious nature and amount even, in a few cases, to a complete absence of legislation in regard to the subject-matter of the Convention. The Committee expresses its view in the strongest terms that no ratification at all is infinitely preferable to a ratification to which effect is not given either by any necessary legislation or by practical application. An ineffective ratification not only fails to raise or stabilize basic conditions, but it undermines respect for international obligations solemnly undertaken, reduces respect for international good faith, is unfair to States which respect their obligations, and deters such States from undertaking further ratifications, thereby materially reducing social progress.

It was emphasized that the vitality of the I.L.O. and the authority it enjoys depend upon the degree of responsibility with which each State member fulfils its obligations, particularly those relating to the scrupulous application of the Conventions it has ratified.

The Committee devoted special attention to the application of Conventions to non-metropolitan territories, and strongly supported a suggestion made by the Committee of Experts that Governments responsible for the international relations of non-metropolitan territories should be requested to include in their reports for the period 1948-49,