


LEAGUE *of* NATIONS

Vol. II, No. 5

October, 1919

Labor in the Treaty of Peace



Part XIII
of the Treaty of Peace
with Germany

Published Bimonthly by the
WORLD PEACE FOUNDATION
40 Mt. Vernon Street, Boston

Price 25 cents per year

World Peace Foundation

Boston, Massachusetts

*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force cannot at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

A LEAGUE OF NATIONS

PUBLISHED BIMONTHLY BY

WORLD PEACE FOUNDATION

40 MT. VERNON STREET, BOSTON, MASS.

The subscription price is 25c. per year in advance, or \$1.00 for five years.
Prices in quantities on application.

General Secretary, EDWARD CUMMINGS.

Corresponding Secretary, and Librarian, DENYS P. MYERS.

CONTENTS

I. Before the War.....	271
II. The Peace Conference Appoints Commission.....	280
III. The Commission Reports to the Conference.....	283
IV. Adoption of International Labor Guaranties.....	293
V. Peace Conference Adopts Text.....	300
VI. Text of the Labor Section of the Treaty.....	310
VII. Germany's Effort to Change the Provisions.....	324
VIII. Preparations for the Conference.....	338

"I need scarcely remind you of the urgency of the work of labor amelioration, for it is known to all that new thoughts are surging up among us and about us and that the world as a result is in a ferment. Nor need I dwell on its importance, an importance second only to the prevention of war, to which we have already given our hand and seal. Our scheme will, we think, give strength to the League of Nations by enabling it to take root in the daily life of peoples. It will, we believe, give hope and health to those whose lives are scarred by toil and sorrow, and on behalf of the Commission I commend it to your favorable consideration."—GEORGE NICOLL BARNES, reporter of the Commission on Labor Legislation to the Plenary Session of the Peace Conference, April 11, 1919.

LABOR IN THE TREATY OF PEACE

I. BEFORE THE WAR.

On May 10, 1881, the Swiss Government in an instruction to its diplomatic agents at Berlin, Vienna, Brussels, London and Rome directed them to inquire whether the Governments were disposed to enter upon negotiations for the legal protection of labor. The invitation was not then cordially received, but the passage of the German insurance laws of 1884 shortly after aroused general interest in welfare legislation. March 15, 1889, Switzerland renewed the suggestion; and this time, with German interest in the matter still further stimulated by a strike in the Ruhr district, better success was attained. The Governments of Germany, Austria, Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Russia, Sweden and Norway were approached. Great Britain and Italy reserved; Russia refused; Germany, Denmark, Spain, Sweden, and Norway did not reply; the others accepted. February 5, 1890, a formal invitation was issued by Switzerland to an international conference to be held at Berlin, March 15-29, 1890. Simultaneously two rescripts of the German Emperor appeared referring to the arrangements. All the states originally invited by Switzerland, with the exception of Russia, were represented at the conference, which, however, resulted only in the formulation of a series of opinions.

Seven years later an international conference on labor legislation was held under private auspices at Zurich. The session of August 23-28, 1897, was followed by one at Brussels, September 27-30. A third private gathering was assembled at Paris, July 25-28, 1900, and at that time the International Association for Labor Legislation was organized. Chiefly under the direction of Stephan Bauer, it has for two decades been an important factor in the international labor situation. The association met in the month of September at Basel in 1901, at Cologne in 1902 and at Basel in 1904.

Private Action Encourages Official Action

This private initiative had stirred public opinion, the influential membership of the association having increased from 1,608 in 1901 to 3,080 in 1904. Yielding to this marshaling of public opinion and largely due to the efficient officers of the association, the Swiss Government made another effort at official action. May 8-17, 1905, an International Conference on the Protection of Labor was held at Bern. It occupied itself particularly with formulating conventions respecting the use of white phosphorus in the match industry and the employment of women in night-work. Projects were adopted and the next year were formally signed at a conference held in Bern, September 17-26. Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Sweden and Norway signed the convention respecting women. Germany, Denmark, France, Italy, Luxemburg, the Netherlands and Switzerland signed the convention respecting white phosphorus. Adhesion to both, however, became very general before the war, resulting in the passage of appropriate legislation in practically all countries.

On the day when the conventions were signed the International Association for Labor Legislation began its fourth congress at Geneva. At the next congress, held at Lucerne, September 28-30, 1908, the Association had acquired sufficient prestige for the Governments to participate in its deliberations. Germany, Prussia, Saxony, Baden, Austria, Belgium, Denmark, France, Hungary, Italy, Luxemburg, the Netherlands, Norway, Sweden, Switzerland, the United States of America and the Holy See sent official delegates. The questions discussed at the session were numerous and included reconsideration of the prohibition of night-work for women and of the use of white phosphorus in the match industry. Among the other subjects discussed were the prohibition of night-work for young women, home work, insurance of foreign workmen, lead and other industrial poisoning, legal limitation of the work day, regulation of work by children, execution of protective labor laws and the regulation of labor in compressed air. The association met in 1910 and 1912.

These meetings of the association paved the way for a third official conference which was held at Bern in September, 1913.

That conference was held while the political tension was acute and was considered a relative failure. It decided upon drafts of international agreements to prohibit the industrial night-work of workers under sixteen and to establish a maximum working day of ten hours for women and young persons. The work of the conference proceeded in large part from memoranda and drafts submitted by the International Association for Labor Legislation, which were results of years of co-operation on the part of inspectors of labor, labor organizations, technical experts and public spirited employers. The final protocol of this conference reads as follows:

The delegates of the Governments of Germany, Austria-Hungary, Belgium, Spain, France, the United Kingdom, Italy, Norway, the Netherlands, Portugal, Sweden, and Switzerland met in Bern on September 15, 1913, at a conference to consider the regulation of the two questions of labor legislation contemplated in the circular note of the Swiss Federal Council, dated January 31, 1913. The undersigned delegates have agreed to request the Swiss Federal Council to present to the Governments concerned—with a view to such diplomatic negotiations as may seem good to them—the following proposals for the conclusion of international conventions, being the result of the deliberations of the conference.¹

War Prevented Diplomatic Conference

It was planned to hold a conference of diplomats in September, 1914, to prepare the formal conventions decided upon the previous year. "The war mercilessly intervened; its work of destruction was a blow at the most important foundation that had hitherto been laid for the protection of labor, a blow struck at the very existence of labor legislation and, what is equivalent, its enforcement."²

In these developments organized labor had participated very slightly. At the 1912 meeting the workmen's organizations expressed their views only at the preliminary discussion of the resolutions of the International Association for Labor Legislation, and were comparatively slightly represented. The German section of the association had only six representatives of labor organizations among twenty-four delegates, the French section two among twenty-two delegates, and the British four among

¹ Stephan Bauer, *International Labor Legislation and the Society of Nations*, 133 (U. S. Department of Labor, Bulletin No. 254).

² *Op. cit.*, 11.

eleven. The resolutions and the experience of the labor organizations were, however, familiar to both the association and the diplomatic conferences. The association has had in Professor Stephan Bauer of Basel a most efficient and devoted secretary-general, under whose direction many excellent scientific monographs have been published. For some years it has published a monthly bulletin which gives the facts relating to its work from all parts of the world under five heads: international labor protection, national labor protection (laws, ordinances and parliamentary proceedings), resolutions of national and international congresses, and bibliography.

"The first phase of the war in almost all the belligerent countries led not only to a disregard of the labor protection agreement of 1906 with regard to night-work of women, but also to a breach of the national protective labor regulations relating to Sunday work and (to the exploitation of) female and juvenile labor. After the first year of war, however, a change began to make itself felt almost everywhere. Even in the war industries, where the glamour of higher wages increased so greatly the danger of bodily exhaustion from overwork, the breach of the regulations for the protection of labor was finally recognized to be an economic and technical blunder, for the overwork resulted in an obvious decrease of efficiency. Official inquiries in England made this so clear that on the basis of these experiences the Government of the United States, on the outbreak of war, expressly insisted upon the maintenance of existing labor standards. Thus these war experiences, collected with great care by technical experts, physicians and factory inspectors, became a warning for introspection on the part of war industry and state governments."¹

American Proposal for Labor Conference

It was the experience, of the war which directed attention to the desirability of providing definite international machinery for the improvement of working conditions on a larger scale than ever before. The American Federation of Labor was first in the field with the suggestion eventually successful. At its session in 1914, the following resolution was adopted:²

¹ *Op. cit.*, 11.

² Labor and the War. American Federation of Labor and the Labor Movements of Europe and Latin America. Page 9-10.

Whereas, The whole civilized world is torn by the awful titanic struggle which is now devastating continental Europe, disturbing the commercial and industrial conditions of the whole world, submerging the nations of Europe in the shadows and horrors of war, touching sharply our sympathy and stirring the depths of our emotion; and

Whereas, All history has proved that trial by conflict does not establish justice as its foundation of those agencies which seek to regulate the relations between men that justice may prevail; and

Whereas, Political experience shows that the welfare and the interests of all the people are promoted in proportion as they are represented in the government and the government is responsive and responsible to them, it is necessary that the workers have a will and an effective voice in determining international relations; and

Whereas, The workers of every age had special and imperative reasons for advocating and endeavoring to secure provisions insuring the maintenance of peace with justice, since upon them fall the burdens of actual warfare and the real fighting in the ranks, while the hardships and the suffering accompanying war following it are felt most keenly and most palpably by them and those dependent upon them, and the costs of war ever fall disproportionately upon their already inadequate resources; and

Whereas, The workers of all countries have been leaders in protesting against injury and violence to human life in peace as well as in war, and against the cruelty and the waste of needless war, and they have steadfastly endeavored to rouse the general public to realize the enormity of war, thereby rendering public opinion alert and sensitive to the responsibility of all men for the existence of war, and, moreover, the workers have been inspired to assist in constructive movement for the prevention of war, whereby peace may be maintained with justice; and

Whereas, The organized wage workers of the civilized nations have established fraternal relations for the purpose of binding together the trade unions of all countries for the promotion of common interests and ideals, and by frequent and regular communication, co-operation and exchange of representatives have brought about an understanding and sympathy between the organization and their members in the various countries, relations which are necessary for the inception and the continuance of peace; and

Whereas, Out of the experience of these workers, out of their burden bearing and their wrongs, out of their hopes and their victories, have developed principles of justice and the conviction that the establishment of these principles as practical forces in the lives of the workers is conditioned upon establishing dependable representative agencies for the realization of purposes and agreements determined upon; therefore, be it

Resolved, That we, the delegates of the organized labor movement in America, express and hereby convey to the organized labor movements of Europe fraternal greetings and our sympathy with their great suffering and distress, and that we express our most earnest hope for the early cessation of the terrible warfare now desolating the lands, destroying the families and impoverishing the nations of our fellow-workers; and be it further

Resolved, That we desire that fraternal relations between national labor movements shall continue with no more interruption than shall be absolutely unavoidable during the war, to the end that our regular intercourse and co-operation shall be resumed immediately at the close of the war; and be it further

Resolved, That the convention of the American Federation of Labor, in view of the general Peace Congress which will no doubt be held at the close of the war, for the purpose of adjusting claims and differences, hold itself in readiness and authorize the Executive Council to call a meeting of representatives of organized labor of the different nations to meet at the same time and place, to the end that suggestions may be made and such action taken as shall be helpful in restoring fraternal relations, protecting the interests of the toilers and thereby assisting in laying foundations for a more lasting peace; and be it further

Resolved, That copies of these resolutions be sent to the International Federation of Trade Unions, to all national trade union centers throughout the world and to the President of the United States; and be it further

Resolved, That the official views of the organized labor movements enumerated be ascertained and their co-operation invited in order to carry into effect the purposes of the resolution.

European Labor Adopts American Proposal

This proposal came up for Allied discussion in Paris on May 1, 1916. British, Italian, Belgian and French delegates from labor organizations and the secretary general of the French Confédération générale du travail were appointed a committee to prepare the program for the international labor conference to be held at Leeds, England, in the following July. At that time resolutions were passed which read in part as follows:

The conference declares that the peace treaty which will terminate the present war and will give to the nations political and economic independence should also insure to the working class of all countries a minimum of guaranties of a moral as well as of a material kind concerning the right of coalition, emigration, social insurance, hours of labor, hygiene and

protection of labor, in order to secure them against the attacks of international capitalistic competition.

INSPECTION AND STATISTICS

(b) An international commission shall be established for the purpose of supervising the application of the laws concerning social insurance, labor migrations, hours of labor, hygiene and accident prevention. This commission shall be instructed to report upon all questions and grievances submitted to it on the matters within its purview and its opinion shall be communicated to all concerned. On the demand of one of the parties, any point of conflict shall be submitted to an international court of arbitration.

It shall likewise be the duty of this commission to help on the preparations for the organization of future conferences which the Governments of the various countries may convoke for the purpose of amending and developing labor legislation.

(c) There shall be established an international labor office which shall co-ordinate and consolidate the various inquiries, studies, statistics and national reports on the application of the labor laws; it shall make an effort to create uniform methods of statistics, secure comparative reports of international conventions, prepare international inquiries, and study all those questions which refer to the development and application of the laws concerning accident prevention, hygiene and safety work.

The office established by the International Association for Labor Legislation may be put into use for the carrying out of this program, in which work the international labor secretary will co-operate.¹

At Leeds, M. Jouhaux, secretary general of the Confédération générale du travail, was made general corresponding secretary for the realization of these resolutions, with headquarters at Paris. The Leeds resolutions were sent out by his office to all national trade union federations and all central labor organizations for the individual trades in a circular of October 31, 1916. Scandinavian federations of labor forwarded it the following month to the International Federation of Labor, which had its headquarters at Berlin. This federation sent a new outline of "peace demands" of its own to national federations of labor unions on February 15, 1917, and the following June it was decided at Stockholm to take up this program at a conference to be called at Bern on October 1, 1917, under the auspices of the Swiss federation of labor. This

¹ *Op. cit.*, 123-125.

Bern conference was attended by representatives of the national federations of labor of Germany, Austria, Hungary, Bohemia, Bulgaria, Denmark, Norway, Sweden, the Netherlands and Switzerland. Among the resolutions unanimously approved on October 4 were the following:

X. ENFORCEMENT OF PROTECTIVE LABOR LEGISLATION

(e) The International Association for Labor Legislation shall explicitly be recognized in the peace treaty as the medium for the promotion and enforcement of international protective labor legislation. The International Labor Office maintained by this association shall collect and publish in the three principal languages all sociopolitical material, such as statistics, social insurance and labor laws, important decrees and order, etc., supervise the enforcement of sociopolitical agreements incorporated in international treaties, remain in constant communication with the central labor offices or Government departments charged with the duties of labor offices, prepare on request opinions on various matters relating to sociopolitical legislation, undertake the preparation and direction of international investigations in this field, and make studies of everything relating to the development and application of social legislation. The International Labor Office shall in particular act as intermediary in the quick exchange of labor market statistics among the various countries.

(f) The International Federation of Trade Unions shall be granted representation in the International Labor Office.

(g) The International Labor Office shall periodically convoke international congresses for the promotion of labor and social legislation to which the signatory states shall send official representatives. The signatory Governments shall bind themselves to aid in the realization of the resolutions of these congresses.

(h) The costs of maintenance of this office shall be borne by the signatory states.¹

Labor and Government in War

The political significance of negotiations with organized labor was conspicuous in Great Britain and the United States. The British Government found it necessary to exempt men in certain occupations from military service early in the war. The exemptions were the subject of negotiations between the Government and the trade unions, resulting in a list of certified occupations. Tribunals for determining the liability to military service were

¹ *Op. cit.*, 129.

established and late in 1917 the question of an increased draft on the labor unions for men became important. As a consequence a conference on man power was assembled in January, 1918, at which cabinet ministers negotiated with the representatives of labor to meet the conditions due to the exigencies of war. In advance of this conference, and to an extent as a basis for its negotiations, the British labor movement voted a very complete memorandum on war aims at a special conference held on December 28, 1917.¹

This memorandum was notable in that it expressed opinions concerning the general statement to follow the war, and because Premier Lloyd George's speech of January 5, 1918, and President Wilson's address of January 8, both of which embodied the substance of the 14 points on which peace negotiations were actually based, were in substance responses to it.

In the United States the American Federation of Labor negotiated with the Government for the provision of men for various war industries. An American labor commission was sent to Europe early in the war. In August, 1918, Samuel Gompers, president of the American Federation of Labor, undertook the leadership of the delegation to the countries of the Allied and Associated Powers. He effectively advocated the program, which the federation had been urging since 1914, for an international labor conference to be held in connection with the peace conference. This was, however, only a part of the proposals which he presented to the Interallied Labor and Socialist Conference which met in September at London. Among the fundamental recommendations presented by Mr. Gompers and his fellow American delegates to that conference were a dozen or more proposals which were later to be revised and presented officially at Paris.

¹ War Aims of Belligerents, 118-124 (*A League of Nations*, I, No. 3).

II. PEACE CONFERENCE APPOINTS A COMMISSION

The Peace Conference at Paris began formally on January 18, 1919. The armistice with Germany had been signed the previous November. From mid-December until mid-January the Supreme War Council had been actively preparing for the conference, and had gradually been transforming itself into the Supreme Council of the Principal Allied and Associated Powers, which undertook the guiding of work in the conference. The second plenary session of the Peace Conference itself on January 25 passed the following resolution:

That a Commission, composed of two representatives apiece from the five Great Powers, and five representatives to be elected by the other Powers represented at the Peace Conference, be appointed to inquire into the conditions of employment from the international aspect, and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such inquiry and consideration in co-operation with and under the direction of the League of Nations.

Commission of Conference Organized

The representatives of powers with special interests held a meeting January 27, 1919, to determine their representatives on the Commission. After a preliminary discussion of the subject, the session was suspended and on its resumption Paul Hymans (Belgium) described the result of the exchange of views among the delegates as follows:

We have sought to reach an agreement, by means of private conversations, in regard to the four following Commissions: Commission on the League of Nations; Commission on Ports; Commission on International Legislation on Labor; Commission to inquire into the Responsibility for Crimes committed during the war.

As a result of the conversations which have taken place, there are two Commissions in regard to the composition of which there appears to be agreement, and we can thenceforward eliminate the two following questions from our deliberations: the Commission on the Responsibility for Crimes committed during the war, and the Commission on International Legislation on Labor. . . .

As regards the composition of the Commission to study International Legislation on Labor, we propose to put down the names of the following

Powers: Belgium, Serbia, Cuba for the South American group, Poland and the Czecho-Slovak Republic. The Serbian Delegates, however, have been good enough to state that they agreed to yield their place to Belgium, which, in view of the position which she holds in the industrial and commercial world, may be considered from that point of view as a Great Power. Belgium would therefore have two seats.¹

The Commission was appointed as follows:

United States of America: Mr. Samuel Gompers, president of the United States Federation of Labor; Hon. E. N. Hurley, president of the United States Shipping Board. (Substitutes: Hon. H. M. Robinson, Dr. J. T. Shotwell, professor at Columbia University.)

The British Empire: The Rt. Hon. G. N. Barnes, M. P., member of the War Cabinet. (Substitute: Mr. H. B. Butler, C. B., assistant secretary, Ministry of Labor.) Sir Malcolm Delevingne, K.C.B., assistant under-secretary of state, Home Office.

France: Mr. Colliard, minister of labor. (Substitute: Mr. Arthur Fontaine, counsellor of state, Director of Labor.) Mr. Loucheur, minister of industrial reconstruction. (Substitute: Mr. Léon Jouhaux, general secretary of the Confédération Générale du Travail.)

Italy: Baron Mayor des Planches, hon. ambassador, commissioner-general for emigration. Mr. Cabrini, deputy, vice-president of the Supreme Labor Council. (Substitute: Mr. Coletti.)

Japan: Mr. Otchiai, envoy extraordinary, minister plenipotentiary of his Majesty the Emperor of Japan at The Hague. Mr. Oka, formerly director of commercial and industrial affairs at the Ministry of Agriculture and Commerce.

Belgium: Mr. Vandervelde, minister of justice and of state. (Substitute: Mr. La Fontaine, senator.) Mr. Mahaim, professor at Liège University, secretary to the Belgian Section of the Association for the Legal Protection of Workmen.

Cuba: Mr. de Bustamante, professor at Havana University. (Substitutes: Mr. Raphael Martinez Ortiz, minister plenipotentiary; Mr. de Blanck, minister plenipotentiary.)

¹ Treaty of Peace with Germany. Hearings before the Committee on Foreign Relations, United States Senate, 305-306. (66th Cong., 1st sess., Sen. Doc. No. 106.)

Poland: Count Zoltowski, member of the Polish National Committee, afterward replaced by Mr. Stanislas Patek, counsellor of the Court of Cassation. (Substitute: Mr. François Sokal, director-general of labor.)

Czecho-Slovak Republic: Mr. Benès, minister for foreign affairs, afterward replaced by Mr. Rudolph Broz.

The following were appointed officers of the Commission:

President, Mr. Samuel Gompers (U. S. A.);

Vice-Presidents: The Rt. Hon. G. N. Barnes, M.P. (British Empire), Mr. Colliard (France);

General Secretary, Mr. Arthur Fontaine (France);

Assistant General Secretary, Mr. H. B. Butler (British Empire);

Secretaries: Baron Capelle (substitute, Count de Grunne), Belgium; Mr. di Palma Castiglione, Italy; Mr. Oyster, U.S.A.; Mr. Yoshisaka, Japan.

III. THE COMMISSION'S REPORT TO THE CONFERENCE

The Commission in beginning its work received proposed declarations of principle from a number of delegations. Most of them seem to have related chiefly to declarations as to labor guaranties. The British plan and the French proposals related to permanent international organization.

The British plan was adopted as a basis of work and the character of the permanent organs was determined at the seventh meeting of the Commission on February 12 by the adoption of Article 4 of that draft. This provided that in labor conferences representatives of the Governments, the employers and the workers should be entitled to speak and vote as individuals rather than as national units. "This introduced an entirely new principle into the constitution of international conferences with power to draw up conventions binding on the states represented," said the communique respecting the seventh meeting. "Hitherto the delegates present at such a conference have represented the Governments only and the voting had always been by nations. It was felt, however, that in dealing with labor legislation the employers and the workers must be given the fullest opportunity of giving free expression to their views and that they could not do this if the delegates were bound to speak and vote as a unit."

The Commission had finished its work and prepared its report on March 24. The report, which is signed by Samuel Gompers, president; Arthur Fontaine, general secretary, and Harold Butler, assistant general secretary, discussed the permanent organization as follows:

REPORT OF THE COMMISSION

The Commission has held 35 meetings, and has drawn up its conclusions in two parts. The first is a draft convention containing provisions for the establishment of a permanent organization for international labor legislation. This convention, which was based on a draft presented by the British Delegation, has been the subject of the most careful examination and discussion. The first part of this report may conveniently take the form of a commentary thereon. The second part of the Commission's conclusions is in the form of clauses containing declarations of principle in regard to a number of matters which are of vital importance to the

labor world. At the opening sittings, the various Delegations agreed on the need for such declarations, which the Commission suggests should be included in the Treaty of Peace, in order that it may mark not only the close of the period which culminated in the world war, but also the beginning of a better social order and the birth of a new civilization.

PART I.—PERMANENT ORGANIZATION

Preamble.

The main idea underlying the scheme embodied in the Convention is that the constitution of the League of Nations will not provide a real solution of the troubles which have beset the world in the past, and will not even be able to eliminate the seeds of international strife, unless it provides a remedy for the industrial evils and injustices which mar the present state of society. In proposing, therefore, to establish a permanent organization in order to adjust labor conditions by international action, the Commission felt that it was taking an indispensable step toward the achievement of the objects of the League of Nations and has given expression to this idea in the Preamble, which defines the objects and scope of the proposed organization.

CHAPTER I.

Chapter I provides the machinery of the permanent organization proposed. In the first place, it is stipulated (Article 1) that participation in this organization shall be a condition of membership of the League of Nations, since every State Member of the League is morally bound to accept the principles set forth in the Preamble, if it has really at heart the promotion of the cause of justice and humanity.

The organization itself is divided into two parts: (1) The International Labor Conference; (2) The International Labor Office controlled by a Governing Body. (Article 2.)

1. International Labor Conference.

This Conference will meet at least annually and will consist of delegates nominated by each of the High Contracting Parties, two of whom will be directly appointed by the Governments, and the other two will be chosen in agreement with the industrial organizations representative of their employers and workpeople respectively. (Article 3.)

Each delegate will vote individually (Article 4). It was strongly felt by the Commission that if the Conference was really to be representative of all those concerned with industry and to command their confidence, the employers and workpeople must be allowed to express their views with

complete frankness and freedom, and that a departure from the traditional procedure of voting by national units was therefore necessary. It was accordingly thought that the employers' and workpeople's delegates should be entitled to speak and vote independently of their Governments.

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 voice. 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. Moreover, it was likely, especially in the future, that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which under the Franco-American proposal would be practically impossible if the employers voted in a body against them.

The Commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

The Italian Delegation, which united with the French Delegation in urging the importance of securing representation for agricultural interests, were to some extent reconciled to the above decision by the consideration that, as the Governments would have two delegates, it would be easier to secure such representation. It should also be observed that, as different technical advisers may be appointed for each subject of discussion, agricultural advisers may be selected when necessary.

2. *International Labor Office (Articles 6 to 13).*

This Office will be established at the seat of the League of Nations, as part of its administrative organization. It will be controlled by a Governing Body of 24 members, the composition of which is provided for in the Protocol to Article 7. Like the Conference, the Governing Body will consist of representatives of the Governments, employers and workpeople. It will include 12 representatives of the Governments, 8 of whom will be nominated by the States of chief industrial importance, and the remaining 12 will consist of six members nominated by the employers' delegates to the Conference, and six nominated by the workers' delegates. The objects and functions of the Office are sufficiently explained in the articles referred to.

CHAPTER II.

1. *Procedure (Articles 14 to 21).*

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 favor 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 labor legislation to require the Governments to give their national legislatures the opportunity of expressing their opinion on the measures favored by a two-thirds majority of the Labor 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 resolution¹ printed at the end of the draft convention, that in

¹ See resolution No. I, *infra*.

course of time the Labor 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 labor 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 jeopardize their national economic position by being obliged to carry out the decisions of the International Labor Conference. The majority of the Commission therefore decided in favor 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 labor 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 nonperformance 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 labor 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 Labor 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 Labor 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 labor matters is subject to limitations, its Government may treat a draft convention to which such limitations apply as a recommendation only.

The Commission felt that there might in any event be instances in which the form of a recommendation affirming a principle would be more suitable than that of a draft convention, which must necessarily provide for the detailed application of principles in a form which would be generally applicable by every State concerned. Subjects will probably come before the Conference which, owing to their complexity and the wide differences in the circumstances of different countries, will be incapable of being reduced to any universal and uniform mode of application. In such cases a convention might prove impossible, but a recommendation of principles in more or less detail which left the individual States freedom to apply them in the manner best suited to their conditions would undoubtedly have considerable value.

The exception in the case of Federal States is of greater importance. It places the United States and States which are in a similar position under a less degree of obligation than other States in regard to draft conventions. But it will be observed that the exception extends only to those Federal States which are subject to limitations in respect of their treaty-making powers on labor matters, and further that it only extends in so far as those limitations apply in any particular case. It will not apply in the case of a convention to which the limitations do not apply, or after any such limitations as may at present exist have been removed. Though reluctant to contemplate an arrangement under which all States would not be under identical obligations, the Commission felt that it was impossible not to recognize the constitutional difficulties which undoubtedly existed in the case of certain Federal States, and therefore proposed the above solution as the best possible in the circumstances.

Attention should be drawn to the protocol¹ to Article 19. The fear was expressed that the article might be interpreted as implying that a State would be required to diminish the protection already afforded to the workers by its legislation as a result of the adoption of a recommendation

¹ Now embodied in the article itself; see page 316.

or draft convention by the Conference; and in consequence, the protocol was added in order to make it quite clear that such an interpretation was inadmissible.

It should be added that the Japanese Delegation abstained from voting on Article 19, as they had not yet received instructions from their Government in the matter. The Italian Delegation also abstained on the ground of the inadequacy of the powers given to the Conference.

2. Enforcement (Articles 22 to 34).

These articles provide machinery whereby a State which fails to carry out its obligations arising under Article 19, or which fails to enforce a convention which it has ratified, may be made subject to economic measures. This machinery is briefly as follows:

An industrial association of employers and workpeople may make representations to the International Labor Office which the Governing Body may at its discretion communicate to the State complained of for its observations. (Article 23.) If no satisfactory reply is received, the Governing Body may publish the correspondence (Article 24) which in most cases will probably create sufficient pressure by public opinion to cause the complaint to be remedied.

The Governing Body also has the power, either on its own motion or on receipt of a complaint from a Government or from a Delegate to the Conference, to apply to the Secretary-General of the League of Nations to nominate a commission of inquiry. For the purpose of such inquiries, each High Contracting Party undertakes to nominate one employer, one workman and one person of independent standing, and each commission shall consist of one person drawn from each of these three categories. (Articles 25 and 26.) The Commission will report on the facts, recommend the steps which should be taken to meet the complaint, and indicate the economic measures, if any, which it considers would be appropriate in the event of the condition complained of not being remedied. (Article 28.)

Appeal may be made to the Permanent Court of International Justice of the League of Nations, which shall have power to review the findings of the Commission. (Articles 29 to 32.) If the defaulting State fails to carry out the recommendations of the Commission or the Permanent Court, as the case may be, within the specified time, it will then be open to the other States to take the economic measures indicated against it. (Article 33.)

It will be seen that the above procedure has been carefully devised in order to avoid the imposition of penalties except in the last resort, when a State has flagrantly and persistently refused to carry out its obligations under a convention. It can hardly be doubted that it will seldom, if ever,

be necessary to bring these powers into operation, but the Commission consider that the fact of their existence is nevertheless a matter of almost vital importance to the success of the scheme.

The representatives of the working classes in some countries have pressed their delegates to urge more drastic provisions in regard to penalties. The Commission, while taking the view that it will in the long run be preferable as well as more effective to rely on the pressure of international public opinion rather than on economic measures, nevertheless considers it necessary to retain the possibility of the latter in the background. If all form of sanction were removed, the effectiveness of the scheme, and what is almost equally important, the belief in its effectiveness, would be in a great measure destroyed.

CHAPTER III.

General.

This chapter does not call for much comment, but attention should perhaps be drawn to the provisions of Article 35, which provide that the¹ British Dominions and India, and any colonies or possessions of any State which may hereafter be recognized as fully self-governing by the Executive Council of the League of Nations, shall have the same rights and obligations under the convention as if they were separate High Contracting Parties. It seemed evident to the Commission that Colonies which were fully self-governing, not only as regards labor legislation but generally, must be regarded as separate entities for the purposes of the Labor Conference, but it was decided that a State and its self-governing colonies should not have more than one seat in the Governing Body.² In the case of colonies which are not fully self-governing, the mother country undertakes the obligation to apply labor conventions to them, unless local conditions render it impossible to apply them either wholly or in part.

CHAPTER IV.

Transitory Provisions.

This chapter provides, *inter alia*, for the holding of the first Conference in October, 1919.

The Commission felt it was essential that the Conference should meet at the earliest possible moment, but that, 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

¹ The revised wording of Article I makes special provision as regards the Dominions unnecessary.

² This provision has not been retained in the Treaty.

for discussion. The Conference could, therefore, hardly meet earlier than October. In the schedule¹ to Article 39, it is proposed that the arrangements for this Conference should be made by an international committee consisting of representatives of the States named, with power to invite other States to send representatives, if necessary. It is suggested that the United States Government might be willing to convene the Conference at Washington, and the Commission much hopes that they will be willing to undertake this task. It is also suggested that the Peace Conference should approve the agenda set out in the same schedule.

The Italian Delegation proposed that all nations should be admitted to the Conference immediately after the signature of the Peace Treaty, but the Commission confined itself to passing the second resolution² attached to the draft convention.

In conclusion, it should be remarked that after a long discussion on the question of adopting certain measures in the interest of seamen, the Commission thought 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 Labor Conference devoted exclusively to the affairs of seamen," at which the Delegates and technical advisers could accordingly be chosen from the shipping community. (See resolution³ attached to the Convention [Report].)

RESOLUTIONS ADOPTED BY THE COMMISSION*

I.—*Resolution proposed by the Belgian, French and Italian Delegations.*

The Commission expresses 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 Labor 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.

II.—*Resolution proposed by the Belgian, French and Italian Delegations.*

The Commission, being of opinion that an international code of labor legislation which will be really effective can not be secured without the co-operation of all industrial countries, expresses the wish that pending the signature of the Treaty of Peace, which will permit all such countries to be approached, the Peace Conference will communicate the present draft Convention to the neutral powers for their information before finally adopting it.

¹ Now the Annex; see page 322.

² See resolution No. II, *infra*.

³ See resolution No. III, *infra*.

III.—*Resolution proposed by the French Delegation.*

The Commission considers 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 Labor Conference devoted exclusively to the affairs of seamen.

IV. ADOPTION OF LABOR GUARANTIES.

It was perhaps natural that labor interests were more concerned with the securing of labor guaranties at Paris than in the permanent organization designed to provide methods of continuous improvement of the world's industrial conditions. The permanent organization was built upon only two principal proposals, the British and the French. The discussion of labor guaranties was based upon proposals from the Italian, French, American, Belgian and British delegations, while the International Association for Labor Legislation transmitted a series of declarations through the Swiss Government and other suggestions were offered from additional sources. In many ways these proposals duplicated each other. The quotation of two of them will suffice to indicate their character. The American delegation on February 8 submitted the following proposals:

We declare that the following fundamental principles should underlie and be incorporated in the Peace Treaty.

A league of the free peoples of the world in a common covenant for genuine and practical co-operation to secure justice, and therefore peace, in relations between nations. The entrance of any free nation into the league of free peoples of the world shall be inherent.

No reprisals based upon purely vindictive purposes, or deliberate desire to injure, but to right manifest wrongs.

Recognition of the rights of small nations and of the principle, "No people must be forced under a sovereignty under which it does not wish to live."

No territorial changes or adjustments of power except in furtherance of the welfare of the peoples affected, and in furtherance of world peace.

That in law and in practice the principle shall be recognized that the labor of a human being is not a commodity or article of commerce.

Involuntary servitude shall not exist except as a punishment for crime whereof the party shall have been duly convicted.

Trial by jury should be established.

The right of free association, free assemblage, free speech and free press shall not be denied or abridged.

That the seamen of the merchant marine shall be guaranteed the right of leaving their vessels when the same are in safe harbor.

No article or commodity shall be shipped or delivered in international commerce in the production of which children under the age of 16 years have been employed or permitted to work.

No article or commodity shall be shipped or delivered in international commerce in the production of which convict labor has been employed or permitted.

It shall be declared that the work day in industry and commerce shall not exceed eight hours per day except in case of extraordinary emergency such as danger to life or property.

The sale or use for commercial purposes of articles made or manufactured in private homes shall be prohibited.

It shall be declared that an adequate wage shall be paid for labor performed—a wage based upon and commensurate with a standard of life conforming to the civilization of the time.

That equal wages shall be paid to women as is paid to men for equal work performed.

The incorporation of the fourteen points laid down by President Wilson.

The British draft, which provided the basis of work on the permanent organization, included similar proposals which were summarized as follows:

Uniformity of the rights of workmen employed abroad, their protection against loss when in a foreign country through the lapse of state insurance against sickness, old age, accidents, unemployment and similar causes;

Prevention of unemployment through the adoption by the different Governments of a policy of distribution of orders for public works so as to keep the demand for labor at an approximately uniform level;

The relief of the unemployed through a system of registration and co-operation between employers in different lines of industry to meet fluctuating labor demands;

Opportunities to unemployed young workers for the continuance of their education at established centers;

A system of inspection of factories and workshops to insure the execution of labor laws;

The protection of children, youths and women, with educational opportunities for the children, and the regulating of night work for the youths;

The limitation of the working shift for young persons to half that of adults, with no overtime or night work;

The recognition of the rights of workingmen to combine and the right to peaceful picketing;

The recognition of the right of workingmen to combine politically and the right of trades unions to participate in politics;

Working hours to be fixed by laws in each state with an international standard as the minimum;

The regulation of home work in small workshops or sweat shops to be attended to by each state, in view of the difficulty of settling this problem by international legislation;

An international code, regulating labor conditions in the mercantile marine under every flag, to be worked out by a special maritime commission of the League of Nations, in continuous session to take up new points.

How Proposals Were Dealt With

When the Commission came to examine the five official and many unofficial sets of proposals an obvious problem was encountered. Certain principles were both generally recognized as correct and widely operative; others were ripe for decision but would require technical elaboration; still others were in the category of reasonable demands which, however, would require study and a certain amount of experimentation before they could be declared to apply to the world in general. The Commission, therefore, wisely concluded at the outset that it was best to establish a permanent organization capable of working toward the ends desired. Consequently, the annual International Labor Conference and the International Labor Office were made the kernel of the system of labor reform. To this was added a declaration of general principles—popularly known as the Magna Charta of Labor—which seemed to the Commission to be undebatable reforms. The second group of principles was assigned to the program of the first meeting of the Labor Conference and was made part of the treaty in the form of an annex. The third group was in general terms written into the Preamble of the Labor Section of the Treaty as an official statement of aspirations and a definition of the purposes to be pursued by the permanent organization. In these forms the larger part of the desired ends was either realized or put into the way of being realized.

Around the labor clauses centered most of the popular interest in the work of the Commission. They were extensively debated in and out of the Conference and underwent many changes. The Commission said of them, in its report:

PART 2. LABOR CLAUSES

The Commission were unanimous in thinking that their work would not be complete if it were simply confined to setting up a permanent

machinery for International Labor Legislation. It was not within their competence or within their terms of reference to deal with specific questions relating to industrial conditions and to work them out with the detail necessary for the framing of proposals which could be accepted in a binding form. So impressed were they, however, with the urgent need for recognizing explicitly certain fundamental principles as necessary to social progress, that they decided to submit a series of declarations for insertion in the Peace Treaty. They did not feel called upon, however, to draw up a Charter containing all the reforms which may be hoped for in a more or less distant future, but confined themselves to principles the realization of which may be contemplated in the near future.

It will be seen that the High Contracting Parties are not asked to give immediate effect to them, but only to indorse them generally. It will be the duty of the International Labor Conference to examine them thoroughly and to put them in the form of recommendations or draft conventions elaborated with the detail necessary for their practical application.

Proposals were placed before the Commission by the Italian, French, American, Belgian and British Delegations as to the declarations which should be made. The Commission decided that no declaration should be submitted to the Peace Conference, unless it were adopted by a two-thirds majority, and it now has the honor of submitting nine declarations, all of which obtained such a majority and some of which were adopted unanimously.

It should be added, in conclusion, that a majority, but not a two-thirds majority, was obtained for a proposal couched in very general terms which suggested the application to agriculture of the general principles of labor legislation, and which arose out of an Italian proposal in regard to the limitation of the hours of work in agriculture. The delegates who voted against this proposal were, as they explained, by no means hostile to its general idea, but they thought that a proposal in such wide terms was not suitable for inclusion among the declarations to be put forward.

SAMUEL GOMPERS,

President.

ARTHUR FONTAINE,
General Secretary.

HAROLD BUTLER,
Assistant General Secretary.

Paris, March 24, 1919.

Guaranties as Phrased by Commission.

The clauses as they stood at that time read as follows:

The High Contracting Parties declare their acceptance of the following principles and engage to take all necessary steps to secure their realization

in accordance with the recommendation to be made by the International Labor Conference as to their practical application:

1. In right and in fact the labor of a human being should not be treated as merchandise or an article of commerce.

2. Employers and workers should be allowed the right of association for all lawful purposes.

3. No child should be permitted to be employed in industry or commerce before the age of fourteen years, in order that every child may be insured reasonable opportunities for mental and physical education.

Between the years of fourteen and eighteen, young persons of either sex may only be employed on work which is not harmful to their physical development and on condition that the continuation of their technical or general education is insured.

4. Every worker has a right to a wage adequate to maintain a reasonable standard of life having regard to the civilization of his time and country.

5. Equal pay should be given to women and to men for work of equal value in quantity and quality.

6. A weekly rest, including Sunday, or its equivalent for all workers.

7. Limitation of the hours of work in industry on the basis of eight hours a day or forty-eight hours a week, subject to an exception for countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances render the industrial efficiency of the workers substantially different.

The International Labor Conference will recommend a basis approximately equivalent to the above for adoption in such countries.

8. In all matters concerning their status as workers and social insurance foreign workmen lawfully admitted to any country and their families should be insured the same treatment as the nationals of that country.

9. All States should institute a system of inspection in which women should take part, in order to insure the enforcement of the laws and regulations for the protection of the workers.

Voted by Plenary Session.

They were altered by the Peace Conference itself in the fifth plenary session on April 19:

MR. BARNES said it would be remembered that there was embodied in the report of the Labor Commission a reference to nine resolutions which the Commission had adopted, each one of which was accorded two-thirds of a majority vote. It was intended to have dealt with them at the last plenary session, but they were not reached. Difficulties had arisen even

then, and were developed later on in regard to the draft. He endeavored, on behalf of the Labor Commission, to get an agreement on a re-draft, but he was sorry to say that he was unsuccessful. Sir Robert Borden was more successful, and he [Sir Robert] was going to submit them now.

Sir ROBERT BORDEN (Canada) read the amended text, which he now moved as an amendment to that originally proposed:

The High Contracting Parties, recognizing that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed a permanent machinery associated with that of the League of Nations to further this great end.

They recognize that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labor difficult of immediate attainment. But, holding as they do that labor should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labor conditions which all industrial communities should endeavor to apply, so far as their special circumstances will permit.

Among these methods and principles the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated, that labor should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life, as this is understood in their time and country.

Fourth.—The adoption of an eight-hours' day or a 48-hours' week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least 24 hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labor and the imposition of such limitations on the labor of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each state should make provision for a system of inspection, in which women should take part, in order to insure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well

fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

Sir ROBERT BORDEN added that these represented no alterations in substance. There was, however, a new arrangement, and the phraseology had been somewhat altered. For example, the difference of conditions among different nations, which was alluded to in paragraph 7 of the articles as originally drafted, was now recognized as a condition which must apply to all the principles here laid down.

Further than that it was thought that it was not possible to establish a code which should be permanent or enduring, and in the new draft emphasis was laid upon the view that this was an enunciation of principles upon which from time to time, if need be, a code might be built up.

In the concluding paragraph emphasis was laid upon the consideration that these methods and principles were not to be regarded as complete or final. It was quite impossible to foresee all developments and all ideals that might arise in the future, and therefore this was put forward as a tentative enunciation of principles which it was believed would result, if they were followed out as they should be, in the improvement of labor conditions throughout the world.

M. VANDERVELDE (Belgium) said he would have preferred the text as drafted by the Commission because it was more definite, but, as we desired to secure unanimity among 32 different nations, some softening of the language at the expense perhaps of making it a little less definite, was unavoidable, and it was necessary to accept it.

Sir ROBERT BORDEN's motion was carried.

The session was declared adjourned at 5:40 p. m.

In that form they appear in Article 427 of the Treaty of Peace with Germany.

V. PEACE CONFERENCE ADOPTS TEXT FOR TREATY.

The work of the Commission as completed and reported on March 24 was approved at the fourth plenary session of the Peace Conference on April 11. The proceedings at that time constitute an important statement of the intentions of those who framed this section of the Treaty and also afford evidence of the manner in which the Commission's work was received at the outset by responsible statesmen. The proceedings *in extenso* follow:

After introductory remarks by the President, Mr. BARNES (British Empire): We have issued, along with our report, two separate and distinct drafts, one being the text of a scheme of international organization, the other a collection of nine resolutions for insertion in the Peace Treaty, or to be issued therewith. Before dealing with the documents, however, perhaps I may be allowed to say a few words in regard to our conception of the task intrusted to us.

First of all, I want to say that we approached our work, as I am sure you would have had us do, in a sympathetic spirit and from a humane standpoint. Some of us knew our labor world at first hand, and we knew that there were many in it condemned to lives of toil relieved only by spells of compulsory idleness. In the old times, before the war, labor conditions were largely the outcome of blind chance. Age and want, that ill-matched pair, haunted the mind of the average workman in his working life, and we must remember that the laborer still lives in pre-war memories and is determined not to return to pre-war conditions. Those pre-war experiences of labor have laid upon the world a heavy burden and a great danger. They have produced a man who is class-centered, who regards work as a blessing and who has been deluded into the belief that the less work he does the more there is left for his mates to do. This feeling, and the practice based upon it, is demoralizing to the individual and harmful to the community, but it is based on the fear of want, and can be eradicated only by security of employment under improved conditions.

In saying that, I am not casting stones at any class for existing conditions—it has not been conscious of cruelty—but rather the long arm of circumstance that has cast a devil's chain around the lives of some workers in some countries. I do not deny that some may rise to share in the pleasure of life, but, nevertheless, it is true to say that the mass remain a misfit in their present condition, a source of concern to all lovers of their kind and a menace to the peace of the world.

Integral Part of Conference.

It is this last aspect of the matter which makes labor regulations and improvement an integral part of the work of a Peace Conference. The question we had, therefore, to consider was how to provide the means whereby to promote a better mental atmosphere, as well as to produce improved material conditions.

Hitherto, it has sometimes been found that efforts at improvement in a country have been checked by the fear, or the plea, of competition from other low-wage countries. I do not enter into the question as to the validity of that plea, although in parentheses it may here be said that the highest-wage countries are not the least successful in world competition. I merely mention it as a factor in sometimes preventing improvements in countries of a relatively high standard of life.

For the first time in history, we are now seeking to get the co-operation of all concerned. States, employers and workers engaged in a common cause and animated by a common desire to raise the standard of life everywhere.

At the threshold of our proceedings, however, we were met by two real obstacles—first, the difference in industrial development as between countries; and second, the limitations of states in regard to acceptance of international decrees. We had perforce to give up the idea of uniformity of coercion, and to rely mainly on the good will of states to accept or reject advice and guidance as might be decided by their own competent authorities. I freely confess that at one time I was in favor of penalties. Closer inspection, however, led me to the conclusion that penalties must be kept well in the background, and imposed then only through the agency and with the authority of the League of Nations. That provision is now embodied in our organization. But, while my mind was driven from one channel, it was at the same time attracted to the possibility of another. Publicity and agreement presented themselves in clearer and better colors. After all, it is not coercion which is needed, so much as knowledge and good will.

We have, therefore, provided for conferences of states, employers and workers to be held in the light of day, to be representative of all concerned, and to be armed with the fullest possible information. It will be the business of the organization which we propose to establish to collect and distribute information, to stimulate healthy public opinion, and to let light into dark places, wherever such may be found to exist. This, then, may be said to be the fundamental, and as we believe the effective, idea in our organization, the creation and mobilization of humane public opinion.

Product of Many Minds.

Regarding the document itself, first let me say that the scheme was drafted in Paris and submitted first of all to the British Delegation and British Labor men; then presented to the Commission which you set up and after it had emerged from the Commission it was again submitted in an altered and expanded form to British Labor representatives. I do not want to pose as the champion of Britain in this matter. I do not want to take undue credit for anything; we can only take credit for the initiation. I am speaking now for the British Delegation. This document as it now appears before you is the product of many minds, is the unanimous finding of the Commission you yourselves set up. It puts into concrete form what has been asked for and seen as a vision in France above all countries for many years.

Now let me say a few words about its main provisions. First of all its boundaries are made to coincide with those of the League of Nations. We have two reasons for this. First, because in doing that the League of Nations is thereby invested with duties of a positive nature and associated with the every day life of the community, and, secondly, all the nations in the League are brought into world co-operation for industrial improvement and thereby a favorable impression will be created on labor in all countries because the impression will be created that the Peace Conference is seriously regarding this labor problem. In the second place we provide for annual conferences. These annual conferences will consist of four members from each state: two members being directly representative of the state and the others being representative of labor and the employers respectively. In so far as is possible, and in fact, unless otherwise provided, the annual meetings will be held at the capital of the League of Nations, and we propose a new and novel form of voting at the conferences. Each delegate will be allowed to vote separately, so that we may promote the spirit of internationality.

Thirdly, there will be a permanent office, also situated at the capital of the League of Nations, whose business it will be to collect and distribute information, and which will be under the control of a governing body constituted in like manner to the conference itself—half of Government and half of non-Government elements.

Method of Securing Reform.

I now come to procedure. The most important article connected therewith is No. 19. It has been the chief obstacle to the agreement, ultimately, I am glad to say, reached. It now provides that if the proposals are indorsed by a conference they are to be in the form of a draft convention

or, alternatively, in the form of a recommendation. In either case, if supported by two-thirds of the votes cast at a conference, they become the finding of that conference and are deposited with the Secretary-General of the League of Nations. Each high contracting party then comes under the obligation to submit the convention or recommendation, as the case may be, within 12 months to its competent authority, and, unless such competent authority indorses or accepts the recommendation or convention, as the case may be, that is the only obligation resting upon the affiliated states, subject to a proviso, however, in the following clause, of which I shall say a word in a moment. The state comes under the obligation if its competent authority accepts the recommendation or convention to carry it out.

Here, however, we come upon the difficulty of federal states. There are states which are prevented by their constitutions from making treaties in regard to labor matters. There are states, such as the United States of America, which include numbers of competent authorities which must be left free to decide for themselves. It was because of that that we decided to allow of a convention being cast in form of a recommendation, and then if cast in the form of a convention it should still be regarded by a federal state as a recommendation only. If a federal state adopted it, it would do so in its own way. The net result of all this is that there is a less degree of obligation resting upon a federal state than upon other states. That is regrettable but, as we found, unavoidable.

Now I come to the two suggested additions to Article 19. It will be remembered that I said a few moments ago that a state was bound to put a convention or recommendation to its competent authorities within 12 months. It has been pointed out, however, that there might be exceptional and unforeseen circumstances which would make that impossible, such as a general election in a country, and it has been suggested that after the words "12 months after the meeting of the conference," there should be inserted, "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."

Speaking now as a representative rather of the British Delegation than of the Commission, I can say that I have no objection to the insertion of these words.

Problem of Differing Industrial Conditions.

Then another addition is proposed as a protocol to Article 19 to make the meaning clearer. The words are simply declaratory and do not alter the sense. It will be remembered that I said we had to give up ideas of uniformity in consequence of different degrees of industrial development

in different countries. Of course, every state is free to reject, and therefore, it may be said that there is a sufficient safeguard against coercion or non-elasticity. It has been pointed out, however, that states might be charged with insincerity if they came into the organization and repeatedly rejected its recommendations. In order, therefore, that it should be made clear that there is an obligation resting upon the conference itself to have regard to undeveloped countries, it is proposed that the following words should be added to our document as a protocol to this Article 19:

In framing any recommendation or draft convention of general application, the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different, and shall suggest modifications, if any, which it considers may be required to meet the case of such countries.

This makes no difference to the scheme of organization and may be accepted as part of it.

The provision of Article 20 is that, in the event of a state adopting a convention, it shall be bound to it, subject only to conditions in the convention itself. What we had in mind there was that it might be subject to the proviso that the convention had to be accepted by a certain number or proportion of all states.

Rely on Publicity and Inquiry.

A word only about the enforcement clauses. It will be noted that although the machinery of organization is brought into play, reliance is placed on publicity and inquiry, with an appeal in the last resort to the League of Nations. The governing body can initiate proceedings, but the inquiry is made by persons selected by the Secretary-General of the League of Nations, and the International Court of the League may affirm, vary or reverse any decision reached.

I pass over some comparatively unimportant provisions and come to the transitory articles. We propose a conference being held this year at Washington, provided that the United States Government is willing to co-operate with an International Committee which we propose should be set up and consist of seven representatives of seven states, including one from Switzerland as representing neutral states. We are most anxious to begin the preparations for this conference as soon as possible.

Just a few words now about the resolutions. It was felt by the Commission that its work would not be complete if it were confined to setting up machinery. Great hopes have been raised of something of a direct nature being done by the Peace Conference itself through some terms in the Peace Treaty. It was not within our competence to deal in detail

with specific questions of industrial improvement. It is not even within the competence of this august body to impose industrial changes on affiliated states. At the same time, the Commissioners were so impressed with the need for recognizing some principles that they decided to submit some principles to the Conference. It will be noticed that the high contracting parties are not asked to give immediate effect to them, but only to indorse them generally. Nine such proposals were adopted by the Commission, each of them getting the support of a two-thirds majority, which was a condition of their adoption. That, Sir, is the completed work of the Commission, of which you have a full report in your possession. Provided you give us the necessary authority, we are ready to start forthwith in preparing for our first conference.

Commends Work to Conference.

Sir, I need scarcely remind you of the urgency of the work of labor amelioration, for it is known to all that new thoughts are surging up among us and that the world as a result is in a ferment. Nor need I dwell on its importance, an importance second only to the prevention of war, to which we have already given our hand and seal. Our scheme will, we think, give strength to the League of Nations by enabling it to take root in the daily life of peoples. It will, we believe, give hope and health to those whose lives are scarred by toil and sorrow, and on behalf of the Commission I commend it to your favorable consideration.

President WILSON said he had been greatly interested in the suggestion that the first Labor Conference should be held in Washington this year. He assured them that the conference would meet with most cordial welcome there.

M. COLLARD, the French minister of labor, in seconding the report of the Labor Commission, said the principle which had guided their discussions in the Labor Commission was that, in the interest of workers and in order that humane legislation might develop without shock or injury from economic competition, it was necessary that the workers of all countries should be assured of at least the same minimum of guaranties. It was only in this way that they would find the leisure and ease to which the development of civilization legitimately permitted them to aspire. While this draft was being prepared, different sentiments were expressed concerning whether the number of delegates should be fixed according to each constitutive party among the nations represented, or whether the sovereign rights of states in labor legislation should be made to harmonize with the power that the permanent organism should have.

Certain delegates in particular desired to grant more power to the decisions of the latter and, to a certain extent, to give it a more direct

legislative authority. They were undoubtedly foreshadowing the founding of an international parliament which might be the solution of the future. Other delegations were more anxious for the sovereignty of the people they represented, and feared that, in seeking permanent solutions, they might delay the beginnings of a work which could only grow and gain in strength by its very development to a final peace. But all delegations knew when to make the necessary sacrifices in order to obtain important results. So far as the French Delegation was concerned, they did not regret these sacrifices.

Workers to Sit as Plenipotentiaries.

M. VANDERVELDE (Belgium):

First is the creation of a permanent organization for international legislation. In the second place stands the fact that, in the conferences which are to be held from this year onward, the members of the working class will sit for the first time as plenipotentiaries. And also there is the fact that we have every reason to hope that this very day there will be written into the treaty of peace the reforms which are affirmed in our project of a labor charter, especially those which appeal to the heart of the working class, the minimum wage and the eight-hour day.

I have to tell you that the Belgian working class, like the English, attach the greatest importance to the decisions which it awaits from you. And if I make this declaration, it is because—I speak very frankly—in other countries people are less optimistic concerning the results obtainable in this respect from this conference and are less satisfied with the resolutions proposed by the Commission.

He gave his reasons for supporting the proposed representation of one delegate for employers and one for workers and two for the state in a general Labor Conference. At first he had supported the British proposal that the state should have only one delegate, but he had changed his opinion later, as he realized that already it was by no means certain that the state would always support capitalism in opposition to labor. As a minister, and at the same time a socialist, he himself stood as proof of this. Moreover, by state aid, Mr. Lloyd George had recently settled in favor of the workers one of the greatest labor crises the world had ever seen.

The objection that some people had to the Labor Charter was that it would not have sufficient power. He had no hesitation in saying that many of them hoped the day might come when the League of Nations might be a super-parliamentary body, but they could not do everything at once. Some of them were also grieved to see that the Bern Socialist Conference resolutions went much farther than theirs; but it must be remembered that the Bern resolutions were only expressions of wishes.

whereas their recommendations amounted almost to laws for a people who accepted them.

All Should Be Represented.

When in a few months the first Labor Conference assembles at Washington, we run the risk of seeing a certain number of vacant seats; we risk seeing absent nationalities. There will be representatives of the employees or employers of the Entente, of neutrals; there will perhaps not be representatives of the powers which are still enemy powers. But if this seems necessary when considering a League of Nations, which must defend itself and make military conventions, how difficult, not to say impossible, is it to legislate, in the matter of international labor law, without all the great industrial nations present, without all the proletariat being represented? If the present situation is not to be transitory, two things will result: First, we would run the risk of seeing another conference before ours, in which the proletariat would perhaps be more powerful and influential; and, second, if this situation were to be prolonged, our international legislation might become partially ineffective because it could be applied only to a part of the great industrial countries. It is for this reason that the Commission was unanimous, not in providing in the organic statute of the conference for the immediate admission of all industrial nations, but in voting an opinion in favor of their incorporation as soon as possible in the organism we are about to create. For my part I am convinced that this is necessary for the protection of labor, for industrial legislation, for the problems which will arise among us; that it will be one of the most powerful factors in the complete reconciliation of peoples, for which I hope with my whole heart and soul.

In conclusion, I consider that the work of the Commission has been measurably just, a transaction, and, I dare say, a work of transition, of transition between the absolutism of the employing class (*du patronat*), which has been the régime of yesterday, to the sovereignty of labor, which, I ardently believe, will be the régime of tomorrow. To pass from one to the other there are two roads: one is strewn with violence and insurrection, the other takes one there as swiftly, but without clashes and blows. If I dared put my thought into tangible language, I would say that to accomplish the revolution which we feel operating through the whole world, there is the Russian method and the English method. It is the English method which has triumphed with the Labor Commission. That is why I support the conclusions of my friend Mr. Barnes with my whole heart, by expressing the hope that they will be accepted by the Conference and that to-day will prove that, if the working class has been one of the decisive elements in winning the war, it will receive its just reward the moment peace is made.

Social Peace Must be Preserved

Signor BARZILAI, the Italian delegate, said it was a great satisfaction to the Italian Delegation that they had done all they could to help in the drawing up of the Labor Charter, which was one of the greatest parts of the Peace Conference. He was particularly glad to see that all the items of the agenda of the first Labor Conference to be held at Washington coincided almost entirely with the suggestions made by the Italians to the first meeting of the Labor Commission. Employers and employees may feel, as we feel, that the peace which we make here will be only a vain word if each citizen does not give his greatest efforts to the preservation of the social peace.

Lord SINHA: From the industrial point of view India was in an extremely backward condition, but their hope was that in the next few years a great impetus would be given to indigenous industries. If, however, these industries were to be developed on sound foundations, they must look to the welfare of their workers. Already something had been done in India; the factory act of some years ago had already had good results. But having regard to India's climatic, social and other conditions, their own Factory Commission had recommended that progress must be slow. They had watched the building up of this convention with some misgiving, fearing that allowance would not be made for India's peculiar conditions. Happily, their misgivings were banished by the amendment announced by Mr. Barnes referring to countries having special labor conditions differing from those of Western countries. They gladly and whole-heartedly accepted this Labor Convention with the amendment referred to.

The Maharajah of BIKANIR expressed his warm sympathy for those efforts to ameliorate the conditions of labor. He was glad that the special provision had been inserted which had regard to the conditions of such countries as India. He would like to make one point clear. As the territories of the ruling princes lay outside British India, and as the legislation enacted for British India by the British Government could not apply to the Indian states, and as furthermore, the only competent authority to legislate for an Indian state was the Government of the state concerned, it should be clearly understood that "the authority or authorities within whose competence the matter lies for the enactment of legislation or other action" should be the constitutive authorities of the various Indian states concerned.

Approval Voted by Conference

Mr. BARNES moved:

That the Conference approves the Draft Convention creating a permanent organization for the promotion of the international regula-

tion of labor conditions which has been submitted by the Labor Commission; instructs the Secretariat to request the Governments concerned to nominate forthwith their representatives on the organizing committee for the October Conference, and authorizes that committee to proceed at once with its work.

Mr. BUSTAMANTE (Cuba) then expressed his appreciation of the efforts of the Commission, but made a certain reservation as to Article 37, which was against the constitution of his country. The Bolivian, Ecuadorean and other South American delegates made the same reservation.

Sir ROBERT BORDEN said he desired to offer his congratulations to the Labor Commission on its work, but he wished that the following amendment should be added to the motion of Mr. Barnes:

The Conference authorizes the Labor Conference¹ to make such amendments as may be necessary to have the Conference conform to the Covenant of the League of Nations in the character of its membership and in the method of adherence thereto.

President WILSON then rose and said he could not let the occasion pass without expressing his personal regret that Mr. Gompers, who had been the chairman of the Commission, was not there to speak. In his absence President Wilson wished to say how much the working classes of the United States would welcome the Labor Charter.

Sir ROBERT BORDEN's suggested amendment was again read at M. Clemenceau's request, and, as there were no objections, M. Clemenceau declared Mr. Barnes' and Sir Robert Borden's amendments as carried unanimously.

The session closed at 5:30 p. m.

¹"Editing committee," according to *Le Temps*, April 13, 1919.

VI. TEXT OF THE LABOR SECTION OF THE TREATY

From that time the text was fixed with the exception of that of the general principles which was finally voted eight days later. The form of the draft at that time was that of a separate convention. The Peace Conference decided, however, that the labor provisions should be incorporated into the Treaty itself and the draft convention, therefore, underwent a general textual revision. The phrases "High Contracting Parties" or "State" were uniformly made to read "members" or "member." Other changes are indicated in the notes to the following text of Part XIII of the Treaty as presented to the German Delegation on May 7 and as signed by it on June 28:

PART XIII.

LABOR

SECTION I

ORGANIZATION OF LABOR

Whereas the League of Nations has for its object the establishment of universal peace and such a peace can be established only if it is based upon social justice;

And whereas conditions of labor exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labor supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

CHAPTER I.

ORGANIZATION

ARTICLE 387 (1)

A permanent organization is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization.¹

ARTICLE 388 (2)

The permanent organization shall consist of:

- (1) a General Conference of Representatives of the Members and,
- (2) an International Labor Office controlled by the Governing Body described in Article 393 (7).

ARTICLE 389 (3)

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.²

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labor Office by the Government of each of the Members.

¹This article was altered in phraseology by the Drafting Commission.

²Paragraph, somewhat revised.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

ARTICLE 390 (4)

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 389 (3) the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

ARTICLE 391 (5)

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.

ARTICLE 392 (6)

The International Labor Office shall be established at the seat of the League of Nations as part of the organization of the League.

ARTICLE 393 (7)

The International Labor Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions:¹

The Governing Body of the International Labor Office shall be constituted as follows:

Twelve persons representing the Governments;

Six persons elected by the Delegates to the Conference representing the employers;

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the

¹ All except the first and last paragraphs of this were a procol in the draft convention.

purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

ARTICLE 394 (8)

There shall be a Director of the International Labor Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labor Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

ARTICLE 395 (9)

The staff of the International Labor Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall¹ be women.

ARTICLE 396 (10)

The functions of the International Labor Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other

¹ The draft convention read "should."

languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

ARTICLE 397 (11)

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labor Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

ARTICLE 398 (12)

The International Labor Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

ARTICLE 399 (13)

Each of the Members will pay the traveling 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.

All the other expenses of the International Labor 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.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

CHAPTER II

PROCEDURE

ARTICLE 400 (14)

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organization recognized for the purpose of Article 389 (9).

ARTICLE 401 (15)

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the

meeting of the Conference, and, through them, the non-Government Delegates when appointed.

ARTICLE 402 (16)

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organization.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favor of considering them.

If the Conference decides³(otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

ARTICLE 403 (17)

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the vote cast by the Delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

ARTICLE 404 (18)

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

ARTICLE 405 (19)

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.¹

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

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,² 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.

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

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.

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.

In the case of a federal State, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle:

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference,

¹ Paragraph voted at the plenary session of April 11.

² "Or. . . . Conference" voted at the plenary session of April 11.

to lessen the protection afforded by its existing legislation to the workers concerned.¹

ARTICLE 406 (20)

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

ARTICLE 407 (21)

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organization to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

ARTICLE 408 (22)

Each of the Members agrees to make an annual report to the International Labor Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

ARTICLE 409 (23)

In the event of any representation being made to the International Labor Office 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, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

ARTICLE 410 (24)

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

ARTICLE 411 (25)

Any of the Members shall have the right to file a complaint with the International Labor Office if it is not satisfied that any other Member is

¹ Paragraph appeared as a protocol in the draft convention.

securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 409. (23).

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Inquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 410 (24) or 411 (25) is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

ARTICLE 412 (26)

The Commission of Inquiry shall be constituted in accordance with the following provisions:

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Inquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Inquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

ARTICLE 413 (27)

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under Article 411 (25) they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

ARTICLE 414 (28)

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

ARTICLE 415 (29)

The Secretary-General of the League of Nations shall communicate the report of the Commission of Inquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

ARTICLE 416 (30)

In the event of any Member failing to take the action required by Article 405 (19) with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

ARTICLE 417 (31)

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 415 (29) or Article 416 (30) shall be final.

ARTICLE 418 (32)

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of

Inquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

ARTICLE 419 (33)

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

ARTICLE 420 (34)

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Inquiry to verify its contention. In this case the provisions of Articles 412 (26), 413 (27), 414 (28), 415 (29), 417 (31) and 418 (32) shall apply, and if the report of the Commission of Inquiry or the decision of the Permanent Court of International Justice is in favor of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.¹

CHAPTER III

GENERAL

ARTICLE 421 (35)

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:

(1) Except where owing to the local conditions the convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members shall notify to the International Labor

¹The phraseology of Chapter II in so far as it related to describing members in dispute was modified by the Drafting Commission.

Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.¹

ARTICLE 422 (36)

Amendments to this Part of the present Treaty 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.²

ARTICLE 423 (37)

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

CHAPTER IV

TRANSITORY PROVISIONS

ARTICLE 424 (38)

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organization of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

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.

ARTICLE 425 (39)

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director

¹This article was edited to conform to the organization of the League of Nations.

²An original Article 36 was incorporated in Article 387 (1) by the Drafting Commission.

of the International Labor Office, who will transmit them to the Secretary-General of the League.

ARTICLE 426 (40)

Pending the creation of a Permanent Court of International Justice disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

ANNEX

FIRST MEETING OF ANNUAL LABOR CONFERENCE, 1919

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organizing Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda:

- (1) Application of principle of the 8-hours day or of the 48-hours week
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment:
 - (a) Before and after child-birth, including the question of maternity benefit:
 - (b) During the night;
 - (c) In unhealthy processes.
- (4) Employment of children:
 - (a) Minimum age of employment;
 - (b) During the night;
 - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Bern in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II

GENERAL PRINCIPLES

ARTICLE 427

The High Contracting Parties, recognizing that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme

international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognize that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labor difficult of immediate attainment. But, holding as they do, that labor should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labor conditions which all industrial communities should endeavor to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labor should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labor and the imposition of such limitations on the labor of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to insure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

VII. GERMANY'S EFFORT TO CHANGE THE PROVISIONS

The German Delegation received the Peace Treaty at Versailles on May 7. It had been provided in the preliminaries that no oral negotiations should take place with the Germans. It was, however, possible for them to express their opinions and to seek modifications by exchanges of notes in the text of the draft treaty presented to them. Such exchanges took place at some length. Those relating to the labor section of the Treaty are as follows:

1. The President of the German Peace Delegation to the President of the Peace Conference.

[Translation]

German Peace Delegation

Versailles, May 10, 1919.

To His Excellency, the President of the Peace Conference.

Sir:

With reference to Articles 55 and 56 of the proposals for the establishment of a League of Nations submitted by us,¹ we beg herewith to transmit the draft of an International Agreement on Labor Law, prepared by the German Government.²

The German Government is of one mind with the Allied and Associated Governments in holding that the greatest attention must be given to labor questions. Domestic peace and the advancement of mankind depend vitally on the adjustment of this question. The demands for social justice repeatedly raised in this respect by the working classes of all nations are only partly realized in principle in Section XIII of the draft of Peace Conditions of the Allied and Associated Governments on the Organization of Labor. These sublime demands have for the most part been realized in Germany with the assistance of the working classes, as is

¹ The articles referred to are as follows:

"55. One of the chief tasks of the League shall be to assure to the working classes of all member states an existence worthy of human beings and pleasure in their work. For this purpose a special agreement, appended as a supplement, shall regulate for the workers the questions of freedom of movement, right of coalition, equality as between natives and foreigners in respect of conditions of work, labor arbitration, state insurance, protection of labor, conditions of home labor, supervision of labor, and the international realization and development of these standards.

"56. For the supervision and extension of the labor code there shall be instituted a Universal Labor Department in the Chancellery of the League."

² Not printed.

generally acknowledged, in an exemplary manner. In order to carry them into execution everywhere in the interest of mankind the acceptance of the program of the German Delegation is at least necessary.

We deem it requisite that all states should join the agreement, even though not belonging to the League of Nations.

In order to guarantee to the working classes, for whom the proposed improvements are intended, co-operation in the framing of these provisions, the German Delegation is of the opinion that representatives of the national trade union organizations of all contracting Powers should be summoned to a conference at Versailles to discuss and take decisions on international labor law, before the peace negotiations are terminated.

The proceedings of this conference should, in the opinion of the German Delegation, be based on the resolutions of the International Trade Unions Conference in Bern (February 5 to 9, 1919) and the program for International Labor Legislation, addressed to the Peace Conference in Paris, which emanated from the decisions of the International Trade Unions Conference in Leeds in 1916. At the request of the Trade Unions of Germany we beg to inclose a copy of these resolutions, which have been adopted by representatives of the Trade Union organizations of Bohemia, Bulgaria, Denmark, Germany, France, Greece, Holland, Italy, Canada, Norway, Austria, Sweden, Switzerland, Spain and Hungary.

Accept, Sir, the assurance of my highest esteem.

(Signed) BROCKDORFF-RANTZAU.

INCLOSURES

a. Labor Charter adopted by the International Trade Unions Conference, Bern, February 5-9, 1919.

Under the wage system, the capitalist class endeavor to increase their profits by exploiting the workers as much as possible. Such methods if they are unchecked undermine the physical, moral and intellectual powers of the workers and their children. They prevent the development and even endanger the existence of society. The capitalist attempt to degrade the workers can only be entirely removed by the abolition of the capitalist system. But the evil can be strongly mitigated both by the resistance of the organized workers and by the intervention of the state. By this means, the health of the workers may be protected and their family life maintained, and they can secure the opportunity of attaining the education needed to enable them to fulfill their duties as citizens in the modern democracy.

The limits which capitalism has reached are very different in the various countries. One of the dangers here involved is that the industry and labor of the more progressive countries are injured by a system of sweated labor in the more backward countries. The need to establish an international standard of labor legislation has been rendered doubly

urgent by the terrible upheaval and fearful devastation of the life-forces of the people brought about by the war. The foundation of a League of Nations, however, will make it possible to satisfy this need.

The Bern Conference having taken into consideration the resolution adopted by the International Trade Union Conferences of Leeds and Bern, and without prejudice to any more far-reaching resolutions which may be adopted by trade unions, demands that the following minimum requirements, which are already carried out in part in some countries, shall be converted into a code of international law by the League of Nations on the conclusion of peace:

1. Primary education should be compulsory in all countries and a system of technical education established. Higher education should be established in all countries and should be free and accessible to all. Capacity and aspirations should not be thwarted by the material conditions in which a young person lives. Children under 15 years of age shall not be employed in industrial occupations.

2. Young persons between 15 and 18 years of age shall not be employed more than six hours a day with a break of one and one-half hours after a maximum of four hours' work. At least two hours of instruction in technical and continuation classes shall be given to the young persons of both sexes, daily, between the hours of 8 a. m. and 6 p. m. The young persons must be allowed time off to attend the classes. The employment of young persons shall be prohibited (a) between the hours of 8 p. m. and 6 a. m., (b) on Sundays and holidays, (c) in especially unhealthy trades, (d) in mines below ground.

3. The hours of work of women workers shall not exceed four on Saturdays. They shall not be employed after midday on Saturdays. Where exceptions are necessary in certain occupations, the women workers concerned shall be allowed an equivalent half-holiday on another day of the week. Women shall not be employed at night. The employer shall not give women work to do at home after their regular day work. Women shall not be employed in especially dangerous trades which it is impossible to make healthy, nor in mines, either above or below ground. Women shall not be allowed to work for ten weeks altogether before and after child-birth, six weeks of which shall be taken after the confinement. In every country a system of maternity insurance shall be introduced, providing compensation at least equal to the sickness insurance benefit payable in the country concerned. Women shall receive the same pay as men for the same job.

4. Hours of work shall not exceed eight a day or 48 a week. Night work between the hours of 8 p. m. and 6 a. m. shall be prohibited by law except in so far as may be unavoidable for technical reasons or from the nature of the occupation. Where night work is allowed it shall be paid at a higher rate than day work. The Saturday half-holiday shall be introduced in all countries.

5. Workers shall be allowed a continuous weekly rest of at least 48 hours taken from Saturday to Monday morning. Where the work is

such that an exception to the prohibition of Sunday work must be allowed, the weekly rest of 36 hours shall be granted during the week. In continuous industries the shifts must be so arranged that the workers have at least every other Sunday free. But these provisions should be adapted to the cases of countries and groups for which another day of rest is customary. Where night work and Sunday work are allowed, they must be paid for at a higher rate.

6. With a view to the protection of health and prevention of accidents, the daily hours of work shall be reduced below eight hours in dangerous trades. The use of poisonous material shall be prohibited in all cases where it is possible to procure substitutes for them. An international schedule of industrial poisons, which are prohibited, shall be kept. The use of white phosphorus in the manufacture of matches and of white lead in painting and decorating work (both indoor and outdoor) shall be prohibited immediately. The railway wagons of all countries must, within five years, be fitted with automatic couplers adaptable to all wagons.

7. All laws and orders dealing with the protection of workers shall apply in principle to home industries.

Social insurance laws shall be extended to home industries.

Home work shall be prohibited: (a) In the case of work liable to give rise to serious injury to health or poisoning; (b) in food industries, including the making of bags and cardboard boxes for packing articles of food.

In home industries it should be compulsory to give notice of all infectious diseases. Work in dwelling places where there is infectious disease should be prohibited, suitable compensation being paid. It should be agreed that compulsory lists of workers and middle-men in home industries shall be kept and inspected and that all the workers should have wages books.

The medical inspection of young persons employed in home industries should be arranged, and also the inspection of dwelling houses. In all districts where there is home work, wages boards, representatives of employers and workers, shall be instituted, with the duty of fixing legal rates of wages. The rates of wages shall be posted up in the work places.

8. The workers shall have the right of free combination and association in all countries. Laws and decrees (domestic service laws, prohibition of coalition, etc.) which place certain classes of workers in an exceptional position in relation to other workers, or which deprive them of the right of combination and association and of the representation of their economic interests, shall be repealed. Emigrant workers shall enjoy the same rights as the workers of the country into which they immigrate, as regards joining and taking part in the work of trade unions, including the right to strike.

Any interference with the exercise of the right of combination and association should be punished.

Every foreign worker shall have a right to the wages and conditions

of work agreed to between the trade union and the employers of his trade. Where no such agreements exist, foreign workers shall have a right to the wages customary in the locality for their trade.

9. Emigration shall not be prohibited.

Immigration shall not be prohibited in a general way. This rule shall not affect:

(a) The right of any state to restrict immigration temporarily in a period of economic depression in order to protect the workers of that country as well as the foreign immigrant workers.

(b) The right of any state to control immigration in order to protect the public health and to prohibit immigration for the time being.

(c) The right of any state to require that the immigrant shall come up to a certain minimum standard in reading and writing his native language, so as to maintain the standard of popular education of the state in question to enable labor regulations to be effectively applied in the branches of industry in which immigrants are employed.

These exceptions can however only be admitted in agreement with the Commission provided for in Art. 15.

The contracting states undertake to adopt without delay laws prohibiting the engagement of workers by contract to work abroad, putting a stop to the activities of private employment agents in this matter, and prohibiting the admission of workers engaged by contract.

The contracting states undertake to compile statistics of the state of the labor market based upon the returns of public labor exchanges, and to exchange such statistics at as short periods as possible through an international center, so that the workers may avoid going to countries offering few opportunities for work. These reports should in particular be communicated to the workers' trade unions.

No workers shall be expelled from a country on account of trade-union action. Appeals against such a deportation shall be dealt with by the ordinary courts.

10. In cases where the average earnings of the workers (whether men or women) are insufficient to provide a proper standard of living, and it proves impossible to bring about collective agreements between the trade unions and the employers, the Government shall set up wages boards, on which employers and workers shall be equally represented, with the object of fixing legal minimum rates of wages.

Moreover, the contracting states shall convoke as speedily as possible an international conference charged to take effective measures against the reduction of value of wages and assure their payment in money which has not depreciated in value.

11. In order to reduce unemployment, existing labor exchanges in every country shall be linked up in such a manner that they can provide as far as possible prompt and complete information as regards the demand for and supply of labor. A system of unemployment insurance shall be set up in every country.

12. All workers shall be insured by the state against industrial accidents. The claims of workers and their dependents shall be determined in accordance with the law of the country where the undertaking employing the injured worker is domiciled. Laws for the insurance of widows and orphans, and old age and disablement insurance laws, shall be introduced, and shall apply equally to persons native to the country and to foreigners. A foreign worker, leaving the country in which he was employed, may be given a sum down instead of annual compensation, if an agreement on this subject has been come to between the state where he was employed and his home country.

13. A special international code of law for the protection of seamen shall be established. This code shall be drawn up with the collaboration of seamen's unions.

14. The enforcement of these provisions shall, in the first place, rest with the Labor Departments of each state and their industrial inspectors. The inspectors shall be appointed from the ranks of technical, hygienic and economic experts, and also shall include workers and employees (both men and women). The trade unions shall assist in the effective enforcement of the labor laws. Employers who employ at least five workers of foreign tongues shall be required by law to post up in the mother tongue of such workers all labor regulations and other important notices and also to arrange at their own expense for such workers to be given instruction in the language of the country.

15. With a view to the carrying out of this treaty and the further promotion of international labor regulations, the contracting states shall appoint a permanent Commission consisting in equal parts of representatives of the states which are members of the League of Nations and of the International Trade Union Federation. The Commission shall prepare the ground for, and convoke conferences of representatives of the contracting states, which shall be held every year to promote international labor legislation. One-half of the voting members of the conference must consist of representatives of the organized workers of every country. The conferences shall have power to adopt binding resolutions within the scope of the powers conferred upon them.

The Permanent Commission shall co-operate with the International Labor Office in Basel and the International Trade Union Federation.

b. Resolutions of the International Labor Conference Leeds July, 1916, and of International Trade Union Conference, Bern, October 4, 1917.

[See Stephan Bauer, International Labor Legislation and the Society of Nations, 123-129. (U. S. Department of Labor, Bureau of Labor Statistics, Bulletin No. 254.)]

2. The President of the Peace Conference to the President of the German Delegation.

Sir:

Paris, May 14, 1919.

I have the honor to acknowledge receipt of your letter of May 10, in regard to international labor legislation, together with draft of international

agreement on labor law. The reply of the Allied and Associated Governments is as follows:

(1) They take note of the declaration made by the German delegates that domestic peace and the advancement of mankind depend upon the adjustment of labor questions and they are convinced that such adjustment will be rendered easier in the future than in the past as men's minds are freed from the fear of war, and industry relieved of the burden of armaments which German militarism had imposed upon it. Part XIII of the draft Conditions of Peace provides the means by which such adjustment can be made and Section II of that Part lays down the principles which will progressively guide the Labor organization and the League of Nations. Article 427 indicates clearly that the enumeration of the principles set forth is not exhaustive. The purpose of the labor organization is that it should promote the constant development of the International Labor Régime.

(2) The Labor Convention has been inserted in the Treaty of Peace and Germany will therefore be called upon to sign it. In the future the right of your country to participate in the labor organization will be secured, so soon as she is admitted into the League of Nations in accordance with Article I of the Treaty.

(3) It has not been thought necessary to summon a labor conference at Versailles. The conclusions of the Syndical Conference at Bern, which are reproduced in the draft of the international agreement on labor law referred to in the first paragraph of your letter of the 10th instant, had already been studied with the closest attention. Representatives of the trade unions have taken part in the preparation of the articles relating to labor. As appears, moreover, from the annex to Section II of Part XIII, page 200, the program of the first session of the International Labor Conference to be held at Washington next October, comprises the most important of the questions raised at the Syndical Conference at Bern. Trade unions will be invited to take part in that conference, and it will be held under definite rules, which provide for due effect being given to conclusions, subject only to the assent of the competent authorities in the countries represented.

(4) The draft international agreement on labor law, prepared by the German Government, is deficient, in that it makes no provision for the representation of labor at the international conferences proposed. It is also inferior to the provisions submitted in Part XIII of the Peace Conditions in the following respects:

(a) Five years is suggested as the maximum interval between conferences (Art. VII).—The Peace Conditions . . . one year (Art. 389).

(b) "Each country has one vote" (Art. VII).—The Peace Conditions

give a vote to each delegate, whether representing a Government, employers or workers (Art. 390).

(c) "Resolutions are only binding if carried by a majority of four-fifths of the voting countries" (Art. VII).—The Peace Conditions provide that a majority of two-thirds only of the votes cast shall be necessary on the final vote for the adoption of a recommendation or draft convention by the Conference (Art. 405).

The Allied and Associated Governments are therefore of opinion that their decisions give satisfaction to the anxiety which the German Delegation professes for social justice and insure the realization of reforms which the working classes have more than ever a right to expect after the cruel trial to which the world has been subjected during the last five years.

Accept, Sir, etc. . . .

(Signed) G. CLEMENCEAU.

His Excellency Count BROCKDORFF-RANTZAU,
President of the German Delegation.

3. The President of the German Peace Delegation to the President of the Peace Conference.

[Translation]

German Peace Delegation

Sir:

Versailles, May 22, 1919.

In the name of the German Delegation I have the honor to acknowledge the receipt of your Reply-note, dated May 14, 1919, which has been given us on our Note concerning international labor legislation.

The German Delegation takes note of the fact that the Allied and Associated Governments are of one mind with the German Democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German Delegation, however, does not agree with the Allied and Associated Governments as to the ways and means of arriving at the solution.

In order to avoid misunderstandings and false impressions, the German Delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German Democratic Government the final decision in questions of labor law and labor protection belongs to the workers *themselves*. It was the intention of the German Delegation to give occasion, even while the negotiations of Peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the Draft of the Conditions of Peace, the proposal of the German Democratic Govern-

ment and the resolutions of the International Trade Unions Conference held at Bern from February 5 to 9, 1919. Contrary to this proposal, the Allied and Associated Governments do not think necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference contemplated to be held at Washington, to which you refer in your Reply-note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the Draft of the Treaty of Peace for the organization of labor. The latter, however, disregards the demands raised by the International Trade Union Conference at Bern in two material directions.

- The first divergence is in respect of the representation of the workers. According to the proposal of the International Labor Conference at Bern one-half of the members of the conference entitled to vote must consist of representatives of the workers of each country who are organized in trade unions. The German Delegation has indorsed this proposal by transmitting the protocol of the International Trade Union Conference at Bern. Contrary to this, the Draft of the Treaty of Peace grants to the workers only one-quarter of the total votes at the International Conference; for, according to the Draft of the Allied and Associated Governments, each country is to be represented by two Government Delegates, one employer and only one worker. The Governments are even in a position, according to Article 390 of the Draft of the Treaty of Peace, to exclude the worker's vote by not nominating an employer and thus giving to governmental bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which have, to the present day, been upheld and fought for in common by the whole international workpeople, and will deepen the impression held among the workers that they are, as before, furthermore only to be the object of a legislation governed by the interest of private capital.

The second divergence refers to the legally binding force of the resolutions of the Conference. According to the resolutions of the International Trade Union Conference at Bern, the international parliament of labor is to issue not only international conventions without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect (legally binding force) as national laws (proclamation to the workers of all countries, adopted by the International Trade Union Conference at Bern, at the motion of Jouhaux, the delegate of France). The draft of the German Democratic Government indorses this resolution and makes the passing of such laws depend on the assent of four-fifths of the nations represented. No such resolutions can be passed by a conference which is called on the basis of Part XIII of the

Draft of the Treaty of Peace, but only recommendations or drafts which the Governments concerned may adopt or repudiate—and for such non-obligatory proposals a majority of two-thirds of the votes cast is even required.

In so providing, the Draft of the Conditions of Peace deviates to such an extent from the resolutions of the International Trade Union Conference at Bern that a discussion and decision by the organizations of labor, as part of the Peace Negotiations, is absolutely imperative. This would at the same time be in accordance with the demand raised by the International Trade Union Conference at Bern that a minimum of claims of labor agreed upon be, already at the conclusion of Peace, turned into international law by the League of Nations. Moreover, a firm foundation for the Peace of the world will be erected by this means, whereas a Treaty concluded by the Governments alone without the assent of the organized workers of all countries will never bring forth social peace to the world.

The Allied and Associated Governments give no place to these considerations in their Reply. As above illustrated, the resolutions of the International Trade Union Conference at Bern are, in fact, not taken into consideration by Part XIII of the Draft of the Treaty of Peace, so that the fears expressed by the German Democratic Government with regard to social justice are in reality not taken into account. This fact must be noted. If we are apprized by the Reply-note that the representatives of the trade unions of the countries represented by the Allied and Associated Governments have taken part in the elaboration of the clauses of the Conditions of Peace relating to labor, we must on the other hand make note of the fact that they have made no announcement of any kind notifying a change of their views on the resolution of the International Trade Union Conference at Bern, much less of an abandonment of these resolutions which they themselves have adopted.

The German Delegation again moves to call a conference of the representatives of the national organizations of all trade unions, before the Negotiations of Peace are terminated. Should this motion again be rejected, an utterance of the leaders of the trade unions of all countries is at least necessary. In moving this in the second line, we desire to bring about, that the provisions of the Treaty of Peace relating to Labor may also have the approval of all trade union organizations.

Accept, Sir, the assurance of my high esteem.

(Signed) BROCKDORFF-RANTZAU.

To His Excellency the President of the Peace Conference, etc.

Mr. CLEMENCEAU.

4. The President of the Peace Conference to the President of the German Peace Delegation.

*Conference de la Paix.
Le President.*

Paris, May 31, 1919.

Sir:

In the name of the Allied and Associated Governments I have the honor to acknowledge the receipt of your further Note dated May 22, 1919, on the subject of international labor legislation. (Conditions of Peace, Part XIII.)

The reply is as follows:

1. The German Delegation states the principle for the German National Government that to the wage-earners belongs the final decision in questions of labor law. The Allied and Associated Democracies, who have had a very long experience of democratic institutions, hold it to be their duty to collaborate with labor in the formulation of such law. But the laws must be passed by representatives of the whole community.

2. The Allied and Associated Governments draw attention to a fundamental misconception in the Note of the German Government of May 22, 1919, namely, that the views and interests of Governments must necessarily be antagonistic to those of labor. Accredited labor representatives now form part of some of the genuine democratic Governments of the world, and the assumed antagonism is not likely to be found anywhere save in the case of Governments which are democratic only in name.

3. The Allied and Associated Governments fail to find in your letter any useful guidance as to how the principles involved could in any case find definite expression in the Peace Treaty. The labor organization which was submitted to representatives of labor can deal in a practical manner with any proposal put forward by any one of the affiliated members. It is not correct to say that the demands raised by the International Trade Union Congress at Bern are disregarded, inasmuch as the points raised in these resolutions, as well as all other relevant considerations, were discussed and carefully considered, and for the most part are embodied in the Preamble of Part XIII or in the general principles which are accepted to guide the League of Nations and the Labor Organization in the attainment of social justice. There is manifestly no need for another conference to repeat those resolutions or to cause unnecessary confusion or delay by adding to or departing from them.

The widest publicity has been given to the plan of labor organization, and the responsible trade union leaders have been given an ample opportunity to formulate definite suggestions.

4. The Allied and Associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington Conference to admit them immediately thereafter to full membership and rights in respect to the International Labor Organization and the Governing Body attached thereto.

5. While the resolution passed by the Bern Conference in February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington Conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the Labor Organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The Labor Commission set up by the Peace Conference, moreover, envisaged all the points mentioned in your letter, as coming within the scope of the Labor Organization, including an international code of law for the protection of seamen, to be specially drawn up with the collaboration of the Seamen's Union. (Copy annexed.)

6. It also adopted a resolution (copy annexed) in favor of the organization being given power, as soon as possible, to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the Peace Treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

7. In reply to the statement as to divergence from democratic principles, the proposal of the Allied and Associated Governments, as has already been pointed out, goes farther than that of the German proposition, for three-quarters of the delegates at the Labor Conference will directly and indirectly represent the wishes of the population, the two Government delegates representing the people at large and the labor delegates representing the workers directly, the employers of labor being granted a representation of only one-quarter. The theory of the German Delegation that Article 390 of the draft "may exclude the workers" is wholly fallacious, as the so-called governmental representatives, at least those of the Allied and Associated Powers, would be representatives of the people of those countries. It is to be remembered that in many countries a very large part of the workers are engaged in agriculture and that these workers are not generally united in industrial organizations;

and it is therefore peculiarly appropriate that their interest should be represented on labor conferences through the Governments.

8. Furthermore, the proposal of the German Delegation would permit the prevention of the most beneficent legislation if it was opposed by one-fifth of the Governments represented at the Labor Conferences. It is of particular importance to notice that, according to the proposal of the German Delegation, each country in such a conference would have one vote and thus the votes of Governments representing perhaps only an insignificant minority of the workers of the world would be able to defeat any proposal whatsoever. In striking contrast with this autocratic idea is the proposal of the Allied and Associated Powers, which not only permits voting in conferences to be by delegates and not by Governments, but also permits a definite proposal to be made by two-thirds of the delegates.

9. At the present time active preparations are being made for the first meeting of the International Labor Organization in October. It is obvious, therefore, that no need exists for interposing a labor conference at Versailles. Moreover, the suggestion of the German Delegation that the peace negotiations should be delayed in order to permit of another labor conference is contrary to the interests of the workers throughout the world, who are more interested than anyone else in a return to peace and a relief from the conditions produced by four years of German aggression. The Allied and Associated Governments, taking account of this most just desire, are endeavoring not to postpone, but on the contrary to hasten the conclusion of peace, and to secure the adoption of those measures of social amelioration which would doubtless have been adopted ere this had it not been that the commencement of the war by Germany turned the efforts and thoughts of the world's population toward a struggle for liberty, during which time other ideals were necessarily subordinated to that of freedom itself.

I have, etc.

CLEMENCEAU.

(Inclosures)

To His Excellency

Count BROCKDORFF-RANTZAU,

President of the German Delegation, Versailles.

ANNEX I

The Commission considers 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 Labor Conference devoted exclusively to the affairs of seamen.

ANNEX II

The Commission expresses 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 Labor 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.

VIII. PREPARATIONS FOR THE CONFERENCE

The Organizing Committee provided for by the Annex to Section XIII of the Treaty was appointed shortly after the plenary session of the Peace Conference on April 11. It began work without delay. Within a month it prepared a circular call for the Washington Conference inclosing a questionnaire respecting the program for the conference. The circular reads:

LEAGUE OF NATIONS

May 10th, 1919.

INTERNATIONAL LABOR CONFERENCE,
OFFICES OF THE ORGANIZING COMMITTEE,
53, PARLIAMENT STREET,
LONDON, S. W. 1.

Sir:

The Peace Conference at its plenary sitting on the 11th April, approved the draft Convention submitted to it by the Commission on International Labor Legislation. The text of the Convention as accepted by the Peace Conference is inclosed herewith. The Convention provides for the institution of an International Organization, to which all the Members of the League of Nations will belong, and which will consist of an International Labor Conference and an International Labor Office, as part of the machinery of the League of Nations. It further provides in Article 38 and the Annex that the first meeting of the International Labor Conference shall take place at Washington in October of this year, and that an International Organizing Committee should be appointed to assist the Government of the United States of America in making the necessary arrangements. At its plenary sitting the Peace Conference approved the immediate appointment of the Organizing Committee and authorized it to proceed with its work at once. In accordance with the terms of the Convention the Committee has been constituted as follows:

UNITED STATES OF AMERICA: Dr. J. T. Shotwell (provisionally), professor at Columbia University.

GREAT BRITAIN: Sir Malcolm Delevingne, K.C.B., assistant under-secretary of state, Home Office.

FRANCE: Mr. Arthur Fontaine, councillor of state, Director of Labor.

ITALY: Mr. di Palma Castiglione, inspector of emigration.

JAPAN: Dr. M. Oka, formerly director of commercial and industrial affairs at the Ministry of Agriculture and Commerce.

BELGIUM: Mr. E. Mahaim, professor at Liège University.

SWITZERLAND: Mr. W. E. Rappard (provisionally), professor at Geneva University.

Mr. Arthur Fontaine was elected Chairman, and Mr. H. B. Butler, C.B., assistant secretary of the Ministry of Labor, was appointed Secretary.

The offices of the Committee will for the present be at 53, Parliament Street, London, S. W. 1, but will be transferred to the Ministry of Labor, Washington, at the beginning of September, 1919. All communications should be addressed to the Secretary at the London office.

The Organizing Committee now has the honor to transmit a questionnaire in regard to the Agenda for the first Conference laid down in the Annex to the Convention and to bring to the notice of your Government certain other points dealt with in the Convention, to which their attention is desirable in view of the forthcoming Conference at Washington.

Agenda

In drawing up the questionnaire, the Committee have aimed at obtaining the most complete information available in regard to the existing legislation and practice in the different countries in respect of the subjects referred to in the various items of the Agenda, and the proposals of the respective Governments as to how they should be dealt with by the Conference. When this information is received, the Committee propose to collate and tabulate the results in a printed statement, and to draw up suggestions for draft conventions or recommendations, based on the information received, for submission to the Conference as a basis for discussion. These documents will be communicated to the Delegates appointed to take part in the Conference through their respective Governments.

In view of the short time at the Committee's disposal, if the work of collating and circulating the results of their present inquiry is to be completed in time to enable the Delegates to study them before departing for Washington, the Committee respectfully request that the answers to the questionnaire may be forwarded to them at the earliest possible date, and in any case that they should not reach London later than the 30th June.

In order further to facilitate the work of collating and tabulating the answers, it is also requested that they may, where possible, be accompanied by a translation into either English or French, unless one of these languages is used in the original. In order further to save time, and in the spirit of Article 11 of the Convention, it is suggested that the Government Department intrusted with the collection of the necessary information in each country should be instructed to forward it direct to the offices of the Organizing Committee.

Preliminary Business

The Organizing Committee would also point out that the following items of business relating to the internal procedure of the Conference will have to be dealt with by the Conference.

1. The appointment of the Governing Body of the International Labor Office.

2. The approval of rules of procedure, of which a draft is being prepared by the Committee and will be circulated with the documents above mentioned.

Appointment of Delegates and Advisers

As regards the points in the Convention itself which require attention in view of the forthcoming Conference, the Committee desire respectfully to call attention of your Government to the following provisions of the Convention:

Article 3 provides that the Conference "shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

"Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

"The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

"Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

"A Delegate may, by notice in writing addressed to the President, appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

"The names of the Delegates and their advisers will be communicated to the International Labor Office by the Government of each of the members.

"The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this article."

Your Government will accordingly in due course be requested by the Government of the United States of America to forward through its

PREPARATION FOR THE CONFERENCE .

441

Foreign Office the names of the Delegates who will represent it, together with those of the Delegates representing its employers and workpeople, and at the same time to forward the names of the advisers who will accompany the Delegates. The Committee would be much obliged if the names of the Delegates and advisers could be communicated to them at the same time.

Each Delegate may be accompanied by two advisers for each item on the agenda of the meeting, but where it is feasible advisers might well be appointed who can deal with more than one item. It should also be pointed out that as several of the questions on the agenda affect women, one at least of the advisers appointed should be a woman.

The last paragraph of Article 3 provides that the credentials of the Delegates and their advisers shall be subject to scrutiny by the Conference. It is accordingly requested that the nomination of each Delegate and adviser may be accompanied by a statement giving his qualifications, and also giving the names of the organizations in agreement with whom the Delegates and advisers of employers or workpeople were chosen.

The Committee respectfully suggest that it is of great importance for the success of the Conference that steps should be taken by each of the Governments to make widely known among associations of employers and workers the nature and objects of the International Organization, and to secure their interest and co-operation in the matter.

Expenses

Under Article 13 each Government participating in the Conference will pay the traveling and subsistence expenses of its four Delegates and their advisers. Under Article 38 it is provided that all other expenses connected with the First Meeting will be borne by the Members of the League of Nations in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union. The United States Government having agreed to undertake the convening of the Conference, will make the necessary arrangements, and will in due course furnish the necessary information in regard to them to the Members.

We have to add that this letter is being addressed to the Governments of all the original Members of the League as set out in the Annex to the Covenant.

We have the honor to be, Sir, with great truth and respect,

Your obedient servants,

ARTHUR FONTAINE,
Chairman.

H. B. BUTLER,
Secretary.

The Conference is held in Washington by virtue of Public Resolution No. 9, 66th Congress, First Session, which reads as follows:

Resolved, etc., That the President of the United States be, and he hereby is, authorized to convene and to make arrangements for the organization of a general international labor conference to be held in Washington, D. C. Provided, however, That nothing herein shall be held to authorize the President to appoint any delegates to represent the United States of America at such conference or to authorize the United States of America to participate therein unless and until the Senate shall have ratified the provisions of the proposed treaty of peace with Germany with reference to a general international labor conference.

The American Department of State sent the following circular dispatch in mid-August to all Governments concerned:

The President of the United States, in accordance with the provisions of Part XIII of the Treaty of Peace between the Allied and Associated Powers and Germany signed at Versailles on June 28, 1919, and under authority vested in him by Congress, hereby convenes the first meeting of the annual labor conference therein described to assemble in Washington at noon on the 29th day of October, 1919.

The Government of the United States extends to each nation which is or which prior to the said meeting shall become a member of the international labor organization as defined in Article 387 an invitation to send its delegates and other representatives to Washington for the purpose of attending such conference.

You will also inform the Government to which you are accredited that all details as to reception of and accommodations for its representatives in Washington may be arranged through its diplomatic representative here. Please obtain and telegraph to the department the names of the delegates and their advisers. The cost of all telegrams should be stated therein in order that the department may obtain reimbursement.

You will also offer your aid in the matter of passports, transportation, etc.

CASUALTIES OF THE WAR

N. B. Figures for Belgium, Greece, Hedjaz, Japan, Liberia, Portugal, Rumania and Serbia are not available, though all were active belligerents.

The figures for the British Empire, Hungary, Italy and Turkey are official.

	<i>Dead</i>	<i>Wounded</i>	<i>Missing and Prisoners</i>	<i>Total</i>
AMERICA	68,262 ¹	179,625	3,323	251,210
Army				
Navy				
BRITISH EMPIRE				
Army	673,943 ₀	2,047,211	161,800 ²	2,882,954
Navy	22,258	4,894	23	27,175
Royal Air Force ³	2,680	2,988	1,921	7,589
Civilian casualties (Air raids)	1,570	4,041		5,611
FRANCE				
Army	1,071,300		750,300	1,821,600
ITALY⁴				
Army	462,991	953,886		1,416,877
Navy	3,169	5,252		8,421
RUSSIA (To Nov. 10, 1917) ..	1,700,000	4,950,000	2,500,000	9,150,000
Total for Allies	4,006,173	8,147,897	3,417,367	15,571,437
GERMAN EMPIRE				
Army	1,600,000	4,064,000	721,000	6,385,000
AUSTRIA				
Army	800,000	3,200,000		4,000,000
HUNGARY				
Army	471,193	590,000	736,232	1,797,475 ⁵
TURKISH EMPIRE				
Army	436,974	407,772	103,731	948,477
Total for enemy	3,308,167	8,261,772	1,561,013	13,130,952
Grand total	7,314,340	16,409,669	4,978,380	28,702,389

¹ Includes 2,129 deaths in Marine Corps; 451 in Russia; does not include 32,165 deaths in United States.

² Prisoner total lacking. The number represents deaths presumed on lapse of time and missing February, 1919.

³ April 1 to November 11, 1918.

⁴ Figures presented to the Reparation Commission of the Interallied Peace Conference; do not include 4,385,487 men placed *hors de combat*.

⁵ Does not include losses in Italy in 1918, estimated at 400,000.

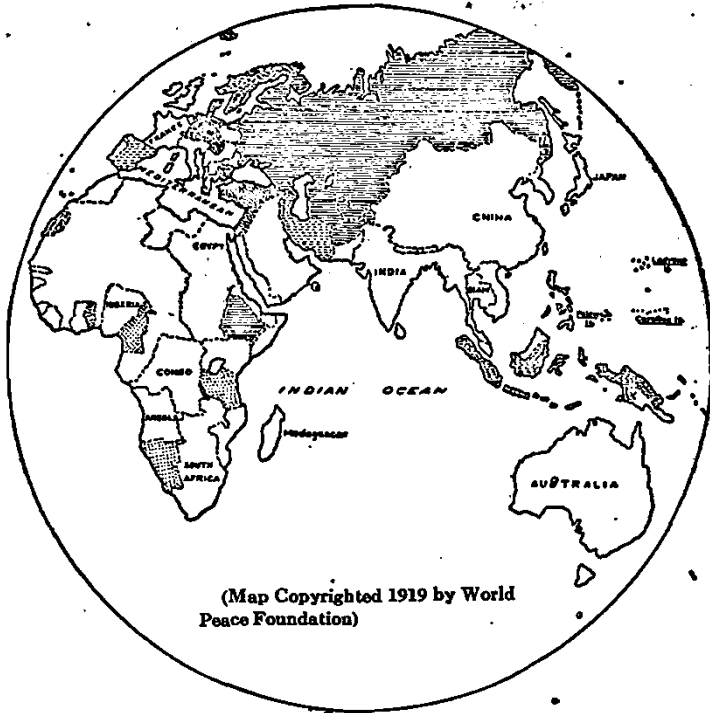


THE WORLD AND THE LEAGUE OF NATIONS

- MEMBERS** CLEAR WHITE
- TERRITORIES UNDER MANDATE** [stippled pattern]
- STATES INVITED** [horizontal lines pattern]
- CENTRAL POWERS** [vertical lines pattern]
- OMITTED** [diagonal lines pattern]





*Note: Lesser Territories, such as islands, under Mandate Named and Underlined.
Colonies indicated as under some status as Parent State.*

LEAGUE OF NATIONS



(Map Copyrighted 1919 by World Peace Foundation)

THE WORLD AND THE LEAGUE OF NATIONS

- MEMBERS CLEAR WHITE
- TERRITORIES UNDER MANDATE 
- STATES INVITED 
- CENTRAL POWERS 
- OMITTED 

Note Lesser Territories, such as islands, under Mandate Name are underlined
Colonies indicated as under same status as Parent State.

LEAGUE of NATIONS

Published bimonthly by the
World Peace Foundation

1. **What We Are Fighting For.**
Milestones of Half a Century: What Presidents and Congress have done to bring about a League of Nations.
Books on the War and the Peace.
2. **The Nationality Map of Europe.** By Leon Dominian.
Language map of Europe (in colors); Selected List of Books.
3. **War Aims of Belligerents as elicited by Russia's Attempts to Secure a General Peace.**
4. **Background of the War. History and Texts.**
A. The Triple Alliance: Russia's "reinsurance" treaty with Germany.
B. The Triple Entente and its Friends.
Appendix: Texts of the Treaties.
5. **Monroe Doctrine After the War.** By George Grafton Wilson, professor of international law, Harvard University.
European Background of the Monroe Doctrine.
American Statements of Policy.
6. **German Attempts to Divide Belgium.** By Carl Lotus Becker, professor of modern European history, Cornell University.
7. **The Supreme War Council.**
Introduction: Allied Maritime Transport Council and other affiliated bodies.
I, Purpose and Meaning; II, Difficulties Overcome; III, Proceedings of Interallied Conference; IV, Statements of Policy.
8. **Japan, America and the Great War.** By Payson Jackson Treat, professor of history, Leland Stanford Junior University.

Vol. II, 1919

1. **Great Britain, America and Democracy.** By Ephraim Douglass Adams, professor of history, Leland Stanford Junior University.
Anglo-American Relations. By Justice Benjamin Russell.
2. **Joint Debate on the Covenant of Paris.** By Senator Henry Cabot Lodge and A. Lawrence Lowell, President of Harvard University.
Special Number. The Covenant of Paris.
Official Summary.
Armistice—Peace Intervals.
Special Number. The Conciliation Plan of the League of Nations with American Treaties in force.
Special Number. Treaty of Peace with Germany.
I, Official Summary of the Text presented to the German Delegates by the Allied and Associated Powers, Versailles, May 7, 1919. II, Covenant of the League of Nations. III, Resolution of Indorsement.
3. **The Covenant.** Letters on the Covenant of the League of Nations. By William Howard Taft, George W. Wickersham, A. Lawrence Lowell, Henry W. Taft.
Special Number. China, the United States and the War. By Kenneth Scott Latourette, professor of history, Denison University.
Sino-Japanese Negotiations, 1915-1918.
Shantung and its Status.
4. **Latin America and the War.** By Percy Alvin Martin, associate professor of history, Leland Stanford Junior University.
5. **Labor.** Part XIII of the Treaty of Peace with Germany.

Price, 25 cents per year.