The Question of Forced Labour before the International Labour Conference

by

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The Governing Body of the International Labour Office has placed the question of forced labour on the agenda of the International Labour Conference for 1929. According to the double-discussion procedure adopted in 1926 the Conference this year will make a preliminary study of the question and, if it so decides, will draw up a questionnaire which will give the Governments of the States Members of the Organisation the opportunity of expressing their views on the provisions to be included in such Draft Conventions and Recommendations as the Conference may be invited to adopt at the 1930 Session.

Readers of the Review may therefore be interested in the following brief outline of the general problems connected with forced labour.

On the basis of the information contained in the report recently published by the Office on this subject, Mr. Goudal examines successively how the International Labour Organisation has come to deal with this group of questions, the existing legal position in various colonial territories, and, finally, the essential principles which seem likely to form an acceptable basis for an agreement between the States Members.

The International Labour Organisation and Forced Labour

At its Twelfth Session the Conference will for the first time have before it a question concerning "native labour". The International Labour Organisation has, however, from the very beginning of its activities given its attention to labour conditions

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in colonial territories. It will in fact be remembered that Article 421 of the Treaty of Versailles makes it compulsory for States Members to apply the Conventions they have ratified “to their colonies, protectorates and possessions which are not fully self-governing”, except where, owing to local conditions, the Convention is inapplicable, or subject to such modifications as may be necessary.

The Conventions so far adopted by the Conference, however, have in general had reference to conditions of labour in the more highly developed countries, and experience has shown that they have been little adapted to the conditions in countries in which industry is still in a primitive stage. At the same time the situation in the latter countries raises a whole group of other and much more urgent problems which have been solved long ago by the Western nations. These problems are the abolition of slavery, forced labour, indentured labour, and, generally speaking, the transition from dependent forms of the organisation of labour to free wage labour or independent production.

These considerations did not escape the notice of the Temporary Slavery Commission set up by the League of Nations; when this Commission had to deal with the part of its programme relating to the question of forced labour, it refrained from making a detailed study, pointing out that the Peace Treaties had instituted the International Labour Organisation, which was particularly qualified to deal with this question. Furthermore, co-operation had already been established between the League of Nations and the International Labour Office through representation of the Office on the Permanent Mandates Commission as well as on the Temporary Slavery Commission. The Assembly of the League of Nations itself, in adopting a Slavery Convention in 1926, at the same time adopted a resolution drawing the attention of the International Labour Office to the importance of the work undertaken by it “with a view to studying the best means of preventing forced or compulsory labour from developing into conditions analogous to slavery”. In December 1926 the Council of the League of Nations in its turn adopted a resolution to the same effect. The preoccupations of the Assembly and the Council in this matter are easily explained; the work of the Temporary Slavery Commission had in fact made it sufficiently clear that the abolition of slavery and the slave trade would not necessarily put an end to the existence of all kinds of servile
labour conditions. The Assembly and the Council, aware that the Office had already undertaken studies in this sphere, wished, by adopting the resolutions just mentioned, to mark the importance of these studies and to show their conviction that there was a close connection between the possible consequences of forced labour and that class of abuses which the Slavery Convention sought to combat.

The Office, recognising the complex and delicate nature of the problems raised by native labour, requested the Governing Body to grant it the necessary powers to set up a Committee of Experts whose members should possess first-hand knowledge of labour conditions in colonial territories. This Committee was created in May 1926 and the Office first consulted it by correspondence on a fundamental question of method, namely, what exact aspects of native labour were most suited to be dealt with by international action. The opinion of the Experts was that the questions of forced labour and contract labour could certainly be dealt with in this way at a relatively early date. The Office therefore prepared a study setting out the law and practice with regard to forced labour in those territories where it exists, the international decisions already taken on the subject, the opinions expressed on the value and effects of this kind of labour and the necessity for regulating it, and, finally, the principles that already underlie, or might suitably underlie, the use of forced labour. This study was submitted to the Committee of Experts, which examined it during its first two sessions; having been approved with certain amendments by the Committee, it was transmitted to the Governing Body of the International Labour Office, which decided to place the question of forced labour on the Agenda of the 1929 Session of the Conference, thus complying with the wish unanimously expressed by the Experts. In accordance with the Standing Orders of the Conference, the Office has drawn up, on the basis of the study approved by the Experts, a preliminary report on the law and practice with regard to forced labour in various countries, accompanied by a draft questionnaire.
PRESENT POSITION OF THE LAW AND PRACTICE WITH REGARD TO FORCED LABOUR IN VARIOUS COLONIAL TERRITORIES

In approaching the problem of forced labour, the International Labour Office was faced first of all by the difficulty arising from the variety of conceptions and definitions of the term "forced labour" accepted by the various colonial Powers. It decided to adopt the widest and most comprehensive acceptance and to examine all the methods of employment of natives, of any kind whatever, which involve any form of compulsion. The various systems of legislation relating to forced labour apply to three chief types of work: firstly, work for general public purposes, that is to say, carried out in the interests of the territory considered as a whole; secondly, work for local public purposes, that is to say, for the benefit of the local community (village, group of villages, tribe, etc.); and thirdly, work for private employers. The Office report has adopted this classification in analysing the legal texts regulating forced labour. A brief comparison of the various systems of legislation will suffice to show the common characteristics that seem suitable for inclusion in international regulations.

The position in the Belgian Colonial Empire is as follows. The legislation of the Independent State of the Congo authorised the carrying out of public works by the second section of the annual levy of the militia. This Decree remained in force in the Belgian Congo after the annexation; it was, however, amended by a Decree of 16 February 1910 which reduced the maximum period of service from five to three years. The Belgian Government has rarely made use of its prerogative under these Decrees; it seems to have availed itself of their provisions only in the case of workers already recruited before the annexation for construction work on the Upper Congo Railway. In two recent cases, in January 1920 and August 1926, the Belgian Government has refused to approve Decrees authorising a levy of natives for the construction of Congo railways. In practice, therefore, the Government would seem to have abandoned the compulsory recruitment of labourers for public works. If workers are engaged, they are subject to the provisions of the Decree of 16 March 1922, being engaged in the same way as workers employed
by private persons, i.e. under contracts freely entered into at a specified rate of pay and governed by the Decree.

Compulsory porterage is authorised for official journeys by the Decree of 26 December 1922; it has however been regulated by the Decree of 19 March 1925 in such a way as to avoid abuses. Forced labour is still authorised in the Belgian possessions for the compulsory cultivation of certain economic crops, and in emergencies.

With regard to forced labour for local public purposes, natives may be requisitioned for the maintenance of local roads, the construction of bridges, the maintenance of rest houses, and the construction and maintenance of Government buildings; all work of this type is paid for by the State. Certain other work may be carried out without remuneration, in particular the cleaning of villages, the construction and maintenance of cemeteries, etc. The maximum period for which this labour may be requisitioned is sixty days per year.

Forced labour for private employers is forbidden in the Belgian Congo by section 2 of the Belgian Colonial Charter, which states that "no person shall be forced to work on behalf of or for the benefit of individuals or associations". The direct intervention of officials in the recruitment of labour was forbidden in March 1926.

The situation regarding forced labour in the British Empire differs considerably in the chief groups of colonies. The laws concerning forced labour for general public purposes in the British East African Dependencies (Kenya, Nyasaland, Tanganyika Territory, Uganda, and Zanzibar) have numerous points of resemblance: forced labour is authorised for public works, porterage, and emergencies; the total amount of such labour is limited to sixty days per year; exemptions are granted to natives already engaged in other employment; in all these territories wages must be paid for forced labour. In the group of territories forming British West Africa (Nigeria, the Gold Coast, Sierra Leone, and Gambia) the legislation is less definite; there appear to be no provisions defining all cases in which forced labour may be called out for general public purposes. Labour is requisitioned chiefly for the construction and maintenance of roads, and payment for such work is made only in certain cases. There seems to be no system of forced labour in the Union of South
Africa and in South-West Africa. In Ceylon the liability to labour on the roads is in practice commuted, and even this commutation tax is tending to disappear. Labour is requisitioned for work on the roads in Cyprus and in British India. The Organic Law of the Mandated Territory of Iraq prohibits in general all unpaid forced labour except in emergencies; this is also so in Palestine. In British territories in Australasia and Oceania there seems to be little legislation regulating forced labour for general public purposes.

With regard to forced labour for local public purposes the legislation in the British East African Dependencies authorises this form of forced labour in general for the maintenance and construction of watercourses and other works for the benefit of the community; such work is not remunerated and in general its duration is limited to twenty-four days per year; the local authorities are responsible for it. In British West Africa the native authorities may requisition labour for the construction and maintenance of roads and tracks as well as for certain other work of a local character. Similar provisions exist in the other British possessions.

In none of them are there any legal provisions authorising forced labour by direct compulsion for the benefit of private employers. As Mr. Ormsby-Gore, Under-Secretary of State for the Colonies, has stated in his report on his visit to West Africa in 1926: "The British Government have again and again laid down that under no circumstances will they undertake to provide compulsory labour for private profit in any British Dependency." At the same time certain provisions concerning vagrancy in South-West Africa and Kenya have been criticised as implying a greater or less degree of compulsion upon natives to engage themselves to private employers.

French colonial legislation constitutes a somewhat complex system. In the majority of the colonies forced labour for public purposes is neither authorised nor regulated by laws or decrees; the right to levy it appears to be regarded as falling within the powers of Governors. In the case of public works necessitating employment for a long period a contract is usually made between the native and the Administration, but it appears, as is seen, for example, in the case of the French Cameroons and French Equatorial Africa, that compulsion is exercised by the Administra-
tion for the recruitment of these native workers. The development work at present being carried on in certain colonies occasionally makes it necessary to engage a huge number of workers; the chief instance of this is in connection with the construction of the Brazzaville-Ocean Railway. For more than five years several thousand natives have been working at this railway and the completion of the work is expected to take at least as long again. In the French Cameroons a considerable amount of compulsory labour has also had to be employed in recent years for the construction of the Central Railway. Large-scale public works are being carried out to an ever-increasing degree in French West Africa and in Madagascar; in both these colonies the Administration instituted towards the end of 1926 a system of levying labour which makes it possible to carry out certain public works by means of labourers levied from the second quota of the native militia. The period of military service in the labour contingents is fixed at three years. This new departure has met with a mixed reception.

Vast areas of the French colonies in Africa have still to be served by porters; this method of transport, which has cruelly decimated the African population, will obviously be reduced by the construction of new roads and railways. At present, however, porterage in Africa amounts to an annual figure of hundreds of thousands of man-days.

Forced labour for local public purposes exists in all the French colonies in the form of compulsory labour dues (prestations). This labour is in principle restricted to the execution of work connected with local sanitation or the maintenance of local means of communication, tracks, and telegraph lines. A maximum number of days has been fixed by the legislation in each colony: this number varies from three days (in Algeria) to sixteen days (in Indo-China).

With regard to the third type of forced labour, French legislation does not generally permit Government recruiting of forced labour for private undertakings, plantations, development companies, etc. Its underlying principle is that while public welfare may necessitate the levying of forced labour from native populations, the French Government can in no circumstances undertake to obtain labour for the benefit of private employers. It seems therefore that the isolated cases in which forced labour for the benefit of private employers is met with must be regarded
as survivals or illegal exceptions. The least questionable of these exceptions would seem to be in the French Congo, where the Organic Decree of 28 March 1899 instituted a system of land tenure under which nearly half the territory was allocated, in the shape of thirty-year concessions, to 38 limited companies; some of these companies appear in practice to have extended the considerable privileges accorded to them to include the right to impose on the natives a system closely resembling forced labour. Although the State does not formally concede to these companies the right to force natives to work, natives are forced to harvest for the company a specified quantity of rubber, the price of which is fixed by the company itself. Press campaigns have been carried on insisting on a return to the ordinary lawful practice of free cultivation and trading in French Equatorial Africa, and the Government seems to share this point of view.

There is not much legislation concerning forced labour in the Italian possessions. In Eritrea Regulations permit forced labour for general public purposes subject to the authorisation of the Governor of the colony; in practice, however, this right seems to be rarely exercised. In Somaliland there are no legal provisions on this matter; in virtue of custom, however, the authorities have in certain cases requisitioned labour for the maintenance and repair of caravan routes; this work has been paid for. Forced labour for general public purposes does not exist in practice in Tripoli or Cyrenaica.

Forced labour for local public purposes is permitted in Eritrea for the maintenance of local roads and certain other work; this form of labour is not paid and must be of short duration. In Somaliland the use of forced labour for local purposes is limited to the construction and repair of mosques; it does not exist in Tripoli or Cyrenaica.

Finally, in the Italian colonies no form of forced labour for private employers exists.

The legislation of the Dutch East Indies concerning forced labour is contained in the Act of 1925; section 46 provides that the Ordinances concerning labour dues shall be revised for every province once in every five years in order that such amendments in the general interest as may be possible may gradually be made in them. The revision of these Ordinances thus compels the
Government to review the question at regular intervals and prevents any relaxing of control. Two kinds of forced labour for general public purposes are met with. The first consists in requisitioning the necessary workers for the execution of important public works, on condition that the performance of the work is absolutely necessary in the general interest and that it is impossible to obtain sufficient voluntary labour; the labour thus requisitioned must be paid for. In practice this form of labour does not exist in Java or Madura, where voluntary labour can be obtained in sufficient quantities; it exists only in certain of the Outer Provinces. The second kind of forced labour for general public purposes is in the nature of a tax similar to the French labour dues; this form of labour, which includes the great majority of the services demanded from the population of the Dutch East Indies, is not remunerated. It is commutable and has been entirely abolished in Java and Madura, as well as in certain of the Outer Provinces; it is used almost exclusively for the maintenance of roads. Forced labour for porterage may be requisitioned if there is not sufficient voluntary labour available. The maximum period for which all these services may be levied is fixed at thirty days per year.

The natives of the Dutch East Indies are also liable to a form of compulsory labour which is carried out exclusively in the interest of the native commune. The Dutch Government has as far as possible adopted the principle of native self-government for communes, and consequently no longer lays down in detail the regulations regarding this form of labour, which benefits only the villagers, and is largely required from them in virtue of immemorial native custom. The most important work of this type is the police service required for ensuring the safety of the villages at night; another class consists in the construction and maintenance of communal roads and bridges; the third consists in services rendered to chiefs, either domestic work or the cultivation of land. Commutation is possible for all communal services.

There is found in the Dutch East Indies a last form of forced labour which may be exacted in the interests of landowners: this obligation generally involves one day of work per week. Gradually, however, as the Government repurchases the estates on which such labour still exists and these disappear, the obligations in question become less and less heavy.
Portuguese legislation concerning native labour has recently been considerably altered. A Decree of 6 December 1928 has repealed the general Regulations of 14 October 1914, which previously constituted the most important legal text regulating native labour, and has approved a new Native Labour Code for the Portuguese colonies in Africa. The basis of the former Portuguese legislation was the principle of the "obligation to labour", according to which every able-bodied native in the Portuguese colonies was subject to the moral and legal obligation of providing for his maintenance by means of labour and thereby progressively improving his social condition. If a native did not work voluntarily he was called before the authorities, who tried to induce him to work by offering him work which was within his power to carry out. If he refused to accept this work he could be sent to an employer in need of servants; this form of compulsion was "compulsory labour". If, in spite of this first warning, the native continued to refuse the work offered him by an employer and remained idle, he became guilty of vagrancy and could be charged with this before the courts and punished. This second form of compulsion was "correctional labour".

The Decree of 6 December 1928 has created an entirely different system. Under section 294 of the Code issued by this Decree compulsory labour for private individuals or for companies is prohibited. There is apparently a relic of the former moral obligation to labour in section 3 of the new Decree, according to which the natives must fulfil "the moral duty incumbent on them to provide for their subsistence by means of labour". As, however, there is no legal sanction behind this obligation, it seems destined to remain purely moral. Compulsory labour for general public purposes is authorised exceptionally in urgent and special cases and only under certain strict conditions; the requisitioning of labour for public works is permitted only if it is impossible to obtain voluntary labour for the purpose. Compulsory labour for local public purposes is permitted only for the cleaning and maintenance of villages, tracks, wells, local roads, etc. A last form of compulsory labour which may be authorised consists in the cultivation of certain land belonging to the native reserves, but only on condition that the produce of this cultivation belongs to the natives themselves.

The Decree includes very definite provisions concerning remuneration for the authorised forms of compulsory labour;
compulsory labour for general public purposes will always be remunerated or some form of assistance will be provided by the State. Workers employed on public works must receive the same wages as voluntary workers; for work made necessary by emergencies (disasters, etc.) the natives must receive food, housing if the duration of the work demands it, and in every case a sum of money. With regard to village work, no remuneration in the strict sense of the term is prescribed for the natives who perform it, but the Administration must provide them with the necessary assistance in the form of materials, seeds, etc. which the natives could not procure for themselves. Section 298 of the Decree lays down the general principle that compulsory labour must never be employed without remuneration or if it involves sacrificing the interests of the native population. Natives are liable to compulsory labour only if they are between the ages of fourteen and sixty years, and the compulsion does not apply to persons who are sick, disabled, or already employed under a contract, or to chiefs; women are also exempt from carrying out public works or any work to be done outside the district in which they reside.

**Principles underlying the Regulation of Forced Labour**

A comparison must now be made between the principles regarding forced labour underlying the national systems of legislation briefly analysed above and the terms of existing international instruments relating to this question. These instruments consist in the texts of the Mandates and the Slavery Convention. They can be reduced to a small number of injunctions in summary terms. A short Article in the "B" and "C" Mandates prohibits in Mandated Territories "all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration". The Temporary Slavery Commission suggested the introduction of a similar clause in any Slavery Convention which the Assembly might decide to adopt; this would have been equivalent to extending the Mandates system to all colonial territories. The Sixth Committee of the Assembly, however, and the Assembly itself, considering it "better to proceed a little distance with security than to try to go a great distance with insecurity", gave its preference to a text recognising the possibility of recourse to forced labour for public purposes, with transitional provisions
regulating forced labour for private employers. The require-
ment that all forced labour for public purposes should be
remunerated was included only in a Resolution accompanying
the Convention and not in the Convention itself.

It must therefore be concluded that in their present state
practically all the colonial systems of legislation have already
either gone farther than the general principles accepted in the
international sphere or have given them more precision. In parti-
cular they have gone far beyond them on the question of forced
labour for private employers, since this form of labour is explicitly
forbidden in almost all the national systems of legislation. The
only direct legal compulsion which appears still to exist in this
sphere is found in the Dutch East Indies, where it is really a
survival of a feudal institution and, as a matter of fact, is already
disappearing. But the most conspicuous example of the great
progress made by the national systems of legislation, as compared
with the international minima at present accepted, is the
detailed regulations they lay down for the forms of forced labour
that are authorised. It would therefore seem that the time has
come for attempting to draw up international agreements aiming,
on the one hand, at securing the universal adoption of recent
advances, in particular with regard to forced labour for private
employers, and, on the other, at confirming and co-ordinating in
a progressive spirit the regulations for other forms of forced
labour. This task is simplified by the multiplicity of points of
contact between the different systems of legislation, in spite of
the differences between the colonial territories to which they
apply.

The first point, therefore, on which it seems easy to obtain
agreement between the Governments is the question of forced
labour for private employers. With reference to forced labour
for general public purposes also it seems that certain broad prin-
ciples are generally accepted by the colonial Powers: authorisation
of forced labour in cases of emergency, which are left outside the
general plan of the regulations; efforts to abolish porterage
whenever possible, and until this can be achieved strict regula-
tion of forced porterage; admission of compulsory cultivation
(on the lines of the suggestion already made by the Assembly)
only as a measure of precaution against famine and on condition
that the food so produced remains the property of the natives
themselves. There remain the large-scale public works concern-
ing which it appears difficult at first sight to reach a definite agreement, since the development work in various colonial territories is at very different stages of progress. It is to be expected, however, that the Governments, being fully aware that this is the kind of forced labour that gives most scope for abuses, will not object to agreeing that it should be subject to strict regulation and that a maximum should be fixed for the duration of the forced labour for each individual, if the existence of situations which are closely analogous to slavery is to be prevented.

With regard to forced labour for local public purposes, the chief difficulty would seem to arise from the divergence of ideas in different countries on the question whether this class of work should be paid. Certain laws make a distinction between labour imposed by the native Administration and labour imposed directly by Government officials, payment being due only in the second case. Other laws consider that labour of this kind imposed on natives by the Administration is really a tax, and since it is not actually forced or compulsory labour, it therefore does not require remuneration. This question was raised before the Permanent Mandates Commission with reference to French Togoland and the French Cameroons, and the Commission came to the conclusion that labour dues as they exist in the French and Dutch colonies really constitute unremunerated forced labour.

The International Labour Office could not stop short at laying down very general bases for an agreement between the colonial Powers; it had to go a step farther and suggest detailed regulations for the various forms of forced labour, such as have already been more or less completely formulated in the various systems of colonial legislation. With this aim it has sketched out, with the assistance of the Committee of Experts, a sort of Code of forced labour, which forms chapter VII of the report submitted to the Conference, and whose main features may be outlined here.

The report first of all lays down a certain number of general criteria which should govern all recourse to forced labour of any kind. The first of these criteria is already formulated in the text of the Mandates: it is the essential character of the labour and service to be rendered. The second, which introduces the time factor, is the criterion of urgency. A third general condition which should be taken into account is the impossibility of obtaining voluntary labour. Finally, a fourth criterion may be stated as follows: "A work or service which will involve the use of
forced labour should only be undertaken after careful considera-
tion whether it will not lay too heavy a burden on the present
generation, having regard to the labour available and its capacity
to undertake the work.”

These four criteria, therefore, represent the general gua-
rantees applicable to every case of compulsory labour. They
immediately raise the question what authority shall decide
whether the conditions so stated all exist, and whether the impos-
sition may therefore be permitted. The last paragraph of Article
5 of the Slavery Convention supplies an answer: “In all cases the
responsibility for any recourse to compulsory or forced labour
shall rest with the competent central authorities of the territory
concerned.” The report proposes the adoption of this principle,
which was certainly aimed at abolishing the evils that had so
often accompanied abuses of power on the part of subordinate
authorities or even private individuals.

The report then examines the three main categories of forced
labour and proposes first a system of regulations for forced
labour for general public purposes. It seems possible to except
cases of emergency (force majeure), such as fire, flood, famine,
etc., from the general plan of guarantees and regulations; a
restrictive definition of these cases should, however, be given.
It is in connection with forced labour for important public works
(construction and sometimes maintenance of railways, main
roads, wharves, drainage and irrigation work) that the evils
associated with forced labour are generally found to be most
intense. Here, therefore, the strictest regulations are needed.
They must in the first place define the persons liable to this kind
of labour: women, children, old persons, and the medically
unfit should not be subject to forced labour; adult males
who are taken for forced labour should be medically certified
beforehand to be capable of supporting the labour to be
imposed on them, and to be free from contagious disease;
lastly, from any given community there should not be taken more
than a certain proportion of the total native population, which
proportion should be determined by the Administration after full
and careful examination of all the circumstances which should
be taken into account. In the second place, if the hygienic and
medical protection of forced labourers is to be complete and
effective, it must include a medical examination of each worker,
repeated at stated intervals during the period of his employment,
the provision of the necessary dispensaries and hospitals, and an adequate medical staff. Further precautions will be necessary when workers have to be transferred to areas where changes in climate and food involve a real danger to their health; in this case the change in diet should be introduced gradually and all possible measures should be adopted to mitigate the effect of the change in climate.

The report next suggests regulations for the conditions of labour, in the strict sense, of natives requisitioned for important public works. The most important point in this connection is the duration of the period of compulsion. The maximum period allowed varies considerably in the different legislations: in certain territories it is only from twelve to fifteen days; in others from six to nine months; in still others it is unlimited. The report proposes that the period should normally not exceed sixty days per year, and, in cases where labour is brought from a considerable distance, should not exceed six months. The normal working day might be fixed, exclusive of breaks for meals or for rest, at eight hours, and the working week at forty-eight hours. Piece work (i.e. the allocation of a daily task), which has frequently given excellent results, should be encouraged. The question of the remuneration of forced labour has been explicitly settled by the text of the Mandates and by a resolution of the Assembly: this class of labour should always be remunerated; further, no deduction should be made from wages for special food, clothing, or accommodation supplied to the workers, and hours worked in excess of the normal working day or week should be remunerated at rates higher than the normal rates. Compensation for accidents and occupational diseases raises another important question. It is easy to imagine the moral and technical difficulties in the way of applying this principle among native workers. It seems, however, that the principle of compensation should be laid down in a general form; the report proposes the following: "The Administration employing forced workers should hold itself responsible for their future subsistence in cases where, owing to accident or sickness arising out of circumstances of their employment, they are rendered incapable, or only partly capable, of maintaining themselves." It seems, finally, that, in order to be complete, a system of regulations for forced labour for important public works should deal with the period of the agricultural year during which forced labour should be exacted.
(the period being chosen as far as possible outside that at which the presence of the men in their fields and plantations is necessary), the return of the workers to their homes, which should be at the expense of the Administration, and, finally, the control of the application of the protective regulations by some system of inspection.

The essential principle of regulations for porterage should be to reduce this work to a minimum, as it is regarded with peculiar detestation by the natives subject to it; they should also include a series of provisions analogous to those set out above for important public works. The question of compulsory cultivation should be regulated in accordance with the suggestions of the Assembly referred to above.

The second main class of forced labour is labour for local public purposes. This form of forced labour, which does not usually involve prolonged absence of the worker from his home, is generally a less burden on the natives. But in certain cases it may nevertheless give rise to serious abuses, and it therefore seems desirable to regulate it.

The principal work exacted in practice may be grouped under three heads: (1) local sanitation; (2) communications; (3) miscellaneous public purposes. Work of the first class, which consists of minor services connected with cleanliness, sanitation, and the maintenance of paths and tracks in the immediate vicinity of the village, is among the normal obligations of the villagers, and should not therefore be subject to regulations applying to forced labour, though it should remain under the general control of the Administration; the enforcement of such sanitary and other services naturally lies with the competent local authority. The question of the construction and maintenance of communications is more difficult to regulate, since practice in this matter varies largely. The general tendency of legislation seems to be that forced labour for local purposes should be permitted only for the maintenance and cleaning of local roads, but not for main roads and metalled roads. To these might be added the construction and maintenance of public buildings for local administrative purposes, including rest houses, or for facilitating the movement of officers when on duty and of stores belonging to the Administration. When it has been decided what classes of work may be exacted under this head, the regulations should include certain provisions analogous to those set out above for
important public works, in particular those dealing with the exclusive employment of able-bodied males; the fixing of the maximum number of days which may be exacted; the normal working day; the responsibility of the Administration in case of accident or disease of forced workers; the period of the agricultural year when forced labour may be imposed; and provisions relating to inspection.

There remains the third class of forced labour, namely, labour for the benefit of private employers. It has been seen that the laws are almost unanimous in prohibiting it. The report therefore proposes the insertion of the following explicit statement of principle: "No Administration or other authority should by its legislation or other measures authorise forced labour for the benefit of private individuals, companies or other entities than the general community. Where such forced labour exists, every effort should be made to bring it to an end as soon as possible." A second principle seems to follow directly from this. It concerns the attitude of the Administration towards the recruiting of workers for private employers and the measures that may be taken to encourage such recruiting. The colonial Powers seem agreed that the Administration should not permit its officials to put constraint upon the populations under their charge to work for private employers. The application of this principle does not seem to be incompatible with the duty of these officials to encourage the natives to undertake some kind of work. It is more difficult to propose regulations for the various forms of indirect but still legal compulsion that have been devised in certain territories to replace measures of direct legal compulsion that have been abolished. In view, however, of the very serious abuses to which these indirect forms are liable, it appears desirable to arrive at some international agreement, if only in the form of a Recommendation, expressing disapproval of these methods and in particular of those that consist in: (1) imposing excessive taxation on the native populations with the express intention of forcing them into private employment; (2) reducing the means at the disposal of the workers for providing independently for their own needs, by unjust restrictions on the ownership, occupation, or use of land; (3) extending unjustly the generally accepted definition of the term "vagrant"; (4) issuing such regulations as "pass" laws, which place employed persons in a position of advantage as compared with others.
Such are the principles on which the Office and the Committee of Experts consider that international agreement might be reached. In approving them the Experts did not mean to assert that they are all equally suitable for inclusion in such international Convention as might later be adopted with reference to forced labour; and in fact some of these principles, which are merely the expression of general aims rather than the definition of measures capable of immediate application, would be quite out of harmony with the somewhat rigid and formal character of a Draft Convention. At the same time, the Conference cannot fail to note their importance and value, and may desire to support them in the form of Recommendations. Taken as a whole, the regulations proposed represent a putting into definite shape and, as it were, a codifying of rules that are already applied by certain national systems of legislation, or at least whose reasonableness is recognised. They must therefore be considered not so much as a definitive realisation but rather as a step towards a more complete system of regulation, the object of which would be to substitute, for the principle of compulsion, the economically more advantageous and more civilised principle of voluntary labour.