

The Impact of the International Labor Organization
 on Freedom of Association in Japan, with Special
 Emphasis on the Representation Issue of the
 Japanese Workers' Delegates at the
 International Labor Conference,
 1919-1923*

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Prior to 1945, that is, not until Japan's surrender in World

*This article, revised and with additional footnotes, was originally written in 1962 as a term paper for Professor J. P. Windmuller in his international and comparative labor problems course, when the writer was a graduate student at Cornell. It may be of some value to see the ILO and Japan in the light of historical background, when in this year 1969, the ILO saw the 50th anniversary since its establishment in 1919.

War II, Japanese organized labor had never been accorded with the legal status. For all their struggle to obtain recognition it was a history of oppression and persecution. However, it should be noted that the position of organized labor, being not legal, was not illegal, either. Though trade union movement could have been very easily stifled out by the government, such movement was tolerated, the autocratic character of the government notwithstanding. This is an amazing thing itself. Why, then, was such tolerance made possible? It may be asserted that this is mainly because of the ILO's contribution. The present article tries to show how this tolerance or de facto recognition came about through the impact of the International Labor Organization.

I. Introductory - Freedom of Association before 1919

1. The Meiji Government at the Take-off Stage¹⁾

As a newcomer in capitalistic competition in the world, Japan had to take much faster stride to catch up with her predecessors. Especially with such handicaps as she was burdened - meager natural resources, small yet overpopulated islands, no accumulated capital, threats of colonialization... it is no small wonder that Japan should have provoked all her efforts in order to build a modern nation strong enough, both economically and politically, to maintain her independence. The normal course of capitalist development is that, as the economy advances, the workers' protests against exploitation and their miserable working conditions get severe and workers gradually combine to form a resistant organization to protect their interests against employers. In the course of these events there are normally certain developmental stages before organized

1. See, Tadao Yanaihara, *Gendai Nihon-Shoshi (A Short History of Modern Japan)*, pp. 5-48, Tokyo, 1960.

labor gain their social recognition.¹⁾ In the case of Japan, however, things happened all at one time, and these usual route had never been followed.

The slogan of the Meiji Government was "Fukoku Kyohei; Bummei Kaika" (Wealthy Nation-State and Strong Army; Civilization and Enlightenment). The wealthy nation meant that Japan as a nation-state, not her people, should be wealthy, which was to be achieved through rapid industrialization of the country. The Meiji Government took every possible measure to carry out this high objective and, at the same time, to eliminate whatever obstacles in its way. As long as the internal government was concerned, the existence of political oppositions and the trade union movement was certainly nuisance to the eye of the political leaders.

Although the Emperor Meiji issued at the outset of the formation of the government so-called "Gokajo no Goseimon" (Five Sacred Oaths) in 1868 which declared as its fundamental political policy that the new empire should be governed on the basis of popular decision, the Government soon had to realize that the young nation could hardly afford to do it in face of the various menaces by the world powers she had to cope with. Under these circumstances may be some excuses for Japan to have taken the course of authoritarian government. Even today, in the day of democracy, it is difficult to assert, without any hesitance, "the appropriateness of democratic political institutions" as the most effective means of achieving industrialization or self-sustaining economy in an underdeveloped country.

At any rate freedom and democracy had to be controlled to a greater extent by way of enacting many restrictive laws in

1. For the analysis of this point, see Clerk Kerr, John T. Dunlop, Fredrick H. Harbison, and Charles A. Myers, *Industrialism and Industrial Man*, pp. 208—210.

Meiji Japan. These laws are usually a two-edged sword, applicable to both political opponents and labor leaders. With regard to the political opposition, the Meiji Government could successfully control it by the 1880's, especially "Jiyu Minken" (liberty and civil rights) movement, solidifying its authoritarian position.

2. The position of Organized Labor

Before we go into the theme of this article, it may be necessary to give a sketchy outline of the Japanese labor movement in its early stage. The development of modern trade unionism in Japan may be said to have commenced in 1897,¹⁾ when a group of young men who had worked in the United States got together and set up "Shokko Giyukai" (the Friendly Society of Factory Workers). They drafted and distributed widely among factory workers the first most important document in the history of Japanese trade union movement. On July 5 in the same year, they succeeded in getting 71 affiliates and thereby formed "Rodo Kumiai Kiseikai" (the society for the Promotion of Trade Unions) which generally acknowledged as the first trade union in Japan in the modern sense of the word. This Society aimed to organize in a from-top-to-down fashion skilled male workers in big factories by dispatching organizers, holding meetings and distributing publications.

Printers, iron workers and locomotive engineers unions were the three big craft unions born out of the organizational efforts of this Society. Despite severe oppressions of the government a few of them survived and reorganized themselves on more powerful lines in the 1920's.²⁾

Around after the Sino-Japanese War of 1894-95, with the

1. International Labor Review, Vol. V, No. 1, Jan. 1922, p. 438. Also Izutaro Suyehiro, Nihon Rodo Kumiai Undo-Shi (A History of the Japanese Labour Movement), Tokyo, 1954, pp. 25.

2. For example, Shinyu Kai. See Izutaro Suyehiro, op. cit., pp. 37-43.

establishment of Japan's capitalism as a result of her victory, organized labor also strengthened its foothold and the movement took more radical phase combined with socialism and anarcho-syndicalism, which led the government to expedite the enactment of more powerful weapons for controlling trade unionism. It was quite natural that trade unions of those days, still in their infancy, should have been dissipated in a short time.¹⁾

The revival came in 1912 when Yuai Kai (the Friendly Love Society) was founded, a sort of national trade union center whose tradition, passed on to the post World War II period, led into the formation of the Sodomei (the General Federation of Japanese Labor). It first started by a number of intellectuals to promote among workers understanding toward labor problems and to intervene in labor disputes in order to help assist workers to get favorable settlement for them. Because of the government's suppressive policy, they had to adopt very moderate policies with great caution not to be branded as "radicals," otherwise their destiny would be imprisonment. And yet, workers, aspiring for any kind of organization of their own, responded quickly to the call of Yuai Kai, and in 1918, the membership reached to 30,000 and the number of locals totaled 120.²⁾

In 1919 by the time when the ILO was established under the Versailles Peace Treaty, there were on formal record 162 trade unions and 2,388 labor disputes, of which there were 497 strikes and sabotages and 335,225 workers participated. The trade union membership was not available until 1921, though.³⁾

3. Legal and Administrative Restrictions on Labor

As is clear in the previous pages that, while there was no

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1. *Saikin no Shakai Undo* (the Social Movements of Recent Years), Kyocho Kai, 1929, p. 322.
 2. Suyehiro, op. cit.: pp. 57-58.
 3. Suyehiro, op. cit.: pp. 66-67.

trade union freedom as the nature of the Japanese Government dictated, organized labor did exist, if small in number. Let us turn to the actual provisions of those restrictive laws in operation.

"The fundamental legal basis of the right of association in Japan is the Constitution of 1889. Article 29 of the Constitution reads:

Japanese shall have the freedom of speech, authorship, press, assembly and association within the limits of law.

It clearly means that the right of Japanese citizens to form or join an association is guaranteed within the limits of law, that is, so far as the act of forming or joining an association does not involve the contravention of law."¹⁾

Then, what were the "legal limits" which constituted the scope of union activities? First of all, reference must be made to the absence of any prohibitive law explicitly banned the formation of trade unions.²⁾ This absence of a "combination act," however, by no means equates the absence of control. Quite contrary, there were a network of laws, ordinances and regulations which functioned even more powerfully and effectively than a single prohibitive law.

For the purpose of the theme of this paper, I do not think it necessary to go into details of these laws.³⁾ Hence, it may be sufficient only to enumerate them to indicate what little

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1. ILO, Studies and Reports, Series A (Industrial Relations) #32; Freedom of Association, 1927-30, Geneva: p. 419.
 2. Mr. Tamon Maeda, the Government delegate remarked: "... The workers' freedom of association is guaranteed by the Japanese Constitution and there is no regulation in the country restricting such freedom." Cf. Proceedings of the International Labor Conference, Sixth Session, Vol. II, pp. 540-543, Geneva, 1924. Also Mr. Kawamura, the Chief of the Police Bureau of the Ministry of Internal Affairs, told: "the establishment of trade unions is free, because no law exists in Japan which prohibits it." The Tokyo Asahi, Feb. 13, 1919.
 3. For details see Studies and Reports, op. cit.: pp. 419-444.

freedom was left for any union activity. Namely :

The public Peace Police Act

The provisions in the Criminal Law (the crimes of sedition, violence, intimidation, obstruction of public or private business, and the like. Cf. Article 95, 106-107, 208, 222-223, 234)

The Administrative Execution Act

The Ordinance for the Punishment of Contravention of Police Orders

The Police Offence Summary Judgment Ordinance

The Press Act

The Publication Act

The Regulation for Control of Roads

There were other equivalent ordinances and regulations at the prefectural level.

Among all of these, the most notorious and vicious was the "Chian Keisatsu Ho" - the Public Peace Police Act of 1900, especially its Articles 17 and 30,¹⁾ which were very effective

1. Article 17 :

Neither violence, nor intimidation, nor slander in public with any of the following objects shall be committed against others, nor shall instigation or incitement be committed against others with the objects referred to in (ii) below :

- (i) To make others join or prevent them from joining associations formed for the purpose of combined action concerning the conditions of or the remuneration for work ;
- (ii) To make employers discharge workers or refuse application for employment or to make workers stop their work or refuse a request for employment as workers, with the object of connected discharge of workers or of strike ;
- (iii) To coerce the other party to consent to given conditions of or remuneration for work.

Neither violence nor intimidation nor slander in public shall be committed against other parties in order to coerce them to consent to rent conditions of land or cultivation.

Article 30 :

Those who contravene the provisions of Article 17 shall be liable to an imprisonment with hard labour for more than a month but less than six months, and in addition a fine of more than three yen but

weapons to restrict both union and political activities.

This fact that the Japanese labor was under severe control by the government is too well-known and even of common sense. However, this does not mean that organized labor was totally oppressed, that is to say, their activity was not made illegal altogether. The government did recognize union existence even formally. In the following chapters, we will explore why and how this was so.

II. The International Labor Organization and Japan¹⁾

1. The Dilemma of the Japanese Government

As one of the allied powers in World War I, Japan played a conspicuous role in the Paris Peace Conference, putting herself in the position of one of the original "Big Five." She held a seat in the Governing Body of the ILO as one of the eight countries of "chief industrial importance." However, political and diplomatic prominence and prestige she had achieved in such a short time was after all nothing but an anomaly. Truly Japanese capitalism had by this time established itself and she enjoyed an industrial prosperity, but it embraced still great many difficulties to conquer.

In other words, as far as the ILO was concerned, Japan could hardly be on a par with her sister powers of Europe and America to set up standards as the ILO tried to require in order to achieve its superb goals. Certainly she had to face a

less than thirty yen. This shall apply equally to those who commit violence or intimidation or slander in public against an employer who does not join in a concerted discharge of workers or a worker who does not join in a strike.

It will be self-explanatory that what severe restrictions and punishments the Japanese workers had to suffer under these provisions in their formative days.

1. Cf. Iwao Ayukawa: a History of Labor in Modern Japan, Honolulu, 1966, pp. 121-133.

dilemma between of being a "big" original nation of the ILO committed to promoting the organization and of being a young and economically handicapped nation trying to avoid the requirements to which she was obligated as a member.¹⁾

It seems to me that this dilemma could also be explained in terms of Japanese psychological traits that tended to place high value on 'name' or 'face.' To the Japanese way of thinking, once you are affiliated with an organization, it is a virtue that you should be loyal to it. Also, at the same time, probably she wanted to keep up with the "name" of being an equal allies with the world powers. So her dilemma was aggravated. This was interestingly shown in her efforts to secure special country exemption with regard to the Hours of Work Convention, 1919, for example, which I do not intend to touch on here.²⁾ The problem of this dilemma coupled with psychological background may be well worth noting in understanding the representation issue in the ensuing chapter.

2. The Reactions of Organized Labor

The workers' attitude toward the ILO underwent changes as the representation issue of the labor delegate at the ILO took various stages. At first both leftists and rightists of labor movement rejoiced over the Labor Charter of the Peace Treaty and the establishment of the ILO based on that Charter. Since the Japanese Government signed the Treaty and ratified it, the innocent working class hastily thought that freedom of association and union activity together with other promises declared in the Charter to promote the welfare of the working people would be granted, and hence they could have a voice in

1. See, Iwao Ayusawa, *International Labor Legislation*: pp. 207-223, New York, 1920.

2. Cf. Tamon Maeda, *Kokusai Rodo (International Labor)*, Ch. Six, Tokyo, 1927.

the International Labor Conference.¹⁾ To their disappointment, however, they soon realized that the basic policy of the government to suppress any labor movement remained unaltered. The disappointment soon took the form of attack and disparagement, against the organization itself and even hatred and antagonism to the individual labor delegate chosen by the government.²⁾

The rightist trade union center Sodomei had taken the attitude to reject the ILO until 1924, and then changed their policy into cooperation. The reason you will see in the following chapter Three, 2. The leftist trade union center Hyogikai (Nippon Rodo Kumiai Hyogikai, Japan Labor Union Council) on the other, did not reject it at first, then turned to an avowed attack around 1926 on.³⁾

we could explain these reactions of the organized workers toward the ILO from their great expectations that the ILO might lend hand to realizing freedom of union activity in Japan. As of 1924 after the government changed its policy, which will be studied in the following chapter, a workers' delegate came to be chosen exclusively from the rightist camp which drove the Japanese labor movement into splits. Of course, this is not the sole reason for the splits and yet, it is a very important one to be no doubt, though this point tends to be overlooked by the history books on labor movement. The right wingers who monopolized the nomination of the Workers' Delegate, which was the very intent of the government, increased their strength, and the left wingers, who were always

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1. Kanju Kato, "ILO and Labor Legislation in Japan", *Rodo Sekai* (the Workers' World), Vol. 4, §10, Oct., 1919, Tokyo: pp. 7-10.
 2. Kikuchi, Isao, *Nippon Rodo Rippo no Hatten* (the Development of Japanese Labor Legislation), Tokyo, 1932, pp. 375-376.
 3. (i) Kyochoikai, op. cit.: pp. 1400-1401.
(ii) Ohara Institute of Social Research, *Rodo Nenkan* (the Labor Year of Japan), Tokyo, 1926, p. 474.

placed outside of such nomination, bitterly opposed to the very existence of the ILO.¹⁾

Interestingly enough, it was the very question of labor representation issue at the International Labor Conference that caused the first of ever on-going schisms among the Japanese labor movement, thus aggravating the conflicts within the movement before 1945. It is a pity to see the weak unionism all the more weakened by such internal strife, which was another aspect of the ILO's impact, but this is beyond the scope of the present article.

III. The Representation Issue at the International Labor Conference

1. The Protests Against the Credentials of the Workers' Delegate, 1919-1923

Under the unique character of the ILO's tripartitism,²⁾ organized labor was to be given an equal status with governments and employers within the ILO. One may easily imagine that the Chapter XIII of the Peace Treaty would have puzzled the authorities, as until then in 1919, organized labor was nothing but the object of oppression to the eye of the Government.

Now that Japan signed the Treaty, she was under obligation to abide by the Labor Charter XIII.³⁾ Particularly its Article 389 requires each Member State to chose non-government delegates in agreement with the industrial organizations, if such organizations exist, which are most representative of

1. Ministry of Agriculture and Commerce, *Rodo Undo Nenpo* (the Annual Report of Labor Movement: Confidential), 1926, Tokyo: pp. 51-61.
2. The Constitution of the ILO: Article 3. item 1.
3. *Dai-Nippon Teikoku Gikai-shi* (the Record of Proceedings of the Imperial Diet of Japan), Vol. 12, 1920, p. 428. See the discussion regarding the repeal of the Public Peace Police Act proposed by M. P. Ichiro Kiyose and others.

employers and workpeople. Furthermore, the credentials of delegates thus chosen are subject to scrutiny by the Conference and their admittance may be refused by two-thirds of the votes cast by the delegates present, if such nomination is deemed not to have done in accordance with the requirement.¹⁾ As a matter of course, the Japanese Government was most reluctant to consult the existing workers' organizations, such as Yuai Kai or any other labor union, in selecting a Workers' Delegate, because such action would be tantamount to the official recognition of a labor union.²⁾

For the first session of the ILO Conference in 1919 the Japanese Government nominated Mr. Uhei Masumoto who was a Chief Engineer and the Director of Ship-building Company. No one would fail to see from his title that he was neither a worker nor a member of a trade union. The method taken by the Government was this: The workers in the industrial establishments in each province selected their representatives to a provincial meeting which was set up especially for the purpose of selecting candidates to the national meeting. These provincial meetings sent their delegates to a national general meeting, which was asked to submit three names to the Government. The Government appointed one of these three as the labor delegate.³⁾ The organized workers set at naught this method and completely rejected it.⁴⁾ Most candidates sent to the general meeting belonged to the managing class as they were selected by their employers.⁵⁾

This device was adopted, according to the official explanation,

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1. The Constitution of the ILO: Article 3, item 9.
 2. Ayusawa, *International Labor Legislation*, p. 216.
 3. For the procedural details, see Kikuchi, *op. cit.*: pp. 377-378.
 4. Magosaburo Domae, "The Contents of the General Meeting and Our Claim," *Rodo Sekai*, *op. cit.*: pp. 43-49.
 5. See Shingo Kaide and Yoshio Toda, *Kokusai-Rodo Kikan* (The International Labor Organization), Tokyo, 1960, p. 70.

"in view of the fact that trade unions have only recently been established in Japan, and include only a small fraction of the workers - less than 30,000 out of the total of 4,000,000 - the Government considered it necessary to adopt a special procedure in order to ascertain the wishes of the general body of industrial workers in Japan."¹⁾

The Credential Commission of the ILO Conference was apparently satisfied with this explanation supplied by the Japanese Government.²⁾ Moreover, Mr. Hudson, legal adviser of the League of Nations, provided an interpretation of Article 389 which proved to be in favor of the action of the Japanese Government.³⁾ As a matter of fact, this interpretation of Mr. Hudson served to be a sort of a very advantageous weapon to the Japanese Government Delegates whenever the credentials of the Japanese Workers' Delegate was at stake in the subsequent conferences. According to the yardsticks by the legal adviser to test whether a country has discharged its obligation under the third paragraph of Article 389, the Credential Commission should first determine as to a particular country whether any industrial organizations exist which are representative of employers or workpeople. Since the Japanese Government had consistently insisted that this word "representative" should be interpreted in terms of the numerical standard only, the Conference could not but be persuaded to admit the credentials of the Workers' Delegate in question. In other words, it was a very hard thing for the Conference to find a good cause to defeat the Japanese government.

What I am concerned here is neither technical nor legal aspects of this question, that is, how article 387 should be read. So it may suffice to say that the position of the Japanese

1. ILO, International Labor Conference, Record of Proceedings, First Session, 1919, p. 206.

2. Ibid.

3. Ibid: p. 207.

Government, though undoubtedly defensive and excusatory, was not at all groundless. However, one word may be added, citing the Minority Report of the Credential Commission submitted by M. L. Jouhaux:¹⁾

“... at the Peace Conference Commission on International Labor Legislation at Paris in 1919, Mr. Barnes, Minister without portfolio and representative of the British Government, replying to a question by Mr. Oka, representative of Japan, stated that ‘the scheme was designed to develop organization’; and Mr. Vandervelde, Minister, representing Belgium, also stated that Part XIII was conceived ‘with a view to developing trade union organization.’

Considering that there exist in Japan workers associations which embrace 150,000 workers;

that these associations may develop if Part XIII of the Treaty is applied in Japan in its letter and in its spirits;

...”

It was quite evident that the Japanese Government did not want to develop or foster any workers' organization, otherwise it could have taken a different method.

Indignant at such attitude of the Japanese Government strong protests were made consecutively at every session of the International Labor Conference by trade unionists.²⁾ Although the protests by the Japanese workers were made through direct writing to the ILO or to such comrades, as Gompers of the American Federation of Labor or Mertens of Belgium, it is a great irony or sometimes even exciting to read records that all the Workers' Delegates chosen by the Government invoked,

1. ILO, Record of Proceedings, Fifth Session, 1923, pp. 228-230.

2. With one exception of the Second Session which was Maritime Conference. The Japanese Seaman's Union was and has been the most advanced and established labor organization in Japan, really worthy of the name of a trade union. The Government dared not to defy its existence and selected a Workers' Delegate in consultation with the Union.

without exception, most critical allegation against the labor policy of the Government. In short, the Government nominated the Workers, Delegate only to be bit their own hands. When the Government and organized labor was so sharply antagonistic against each other, it is a common sense that one should expect that a delegate created by the anti-labor camp should be a puppet who will act as agent for their interests. As we shall see, this was not the case with the Japanese Workers' Delegates.

In the case of Mr. Uhei Matsumoto, the first Labor Delegate to the First Session of the ILO Washington Conference in 1919, he was so bitterly attacked by organized labor and even intimidated not to accept the nomination.¹⁾ He bravely rejected such intimidation and did attend the Conference at the risk of his bodily danger. Seemingly he had prepared himself to speak for the good of the workpeople in the country. To a great surprise to the Government, Mr. Masumoto turned out to be a spokesman of the Japanese working class, accusing in a most piercing tongue the oppressive policy of the Japanese Government. Especially in the discussion of the special country treatment requested by Japan in the Hours of Work Convention, Mr. Matsumoto fiercely objected and entreated the Conference to reject such request because "such special treatment for Japan is nothing but the helping hand of oppression for helpless toilers, who are seeking the light of social justice and freedom."²⁾

One of the most dramatic moment came in the case of Mr. Keiichi Matsumoto in the Third Session in 1921 which was convened to discuss agricultural labor. Mr. Matsumoto who was an administrator of Okayama Orphanage and President of

1. Ayusawa, Int'l Labor Legislation, p. 217.

2. ILO, Record of Proceedings, 1919, p. 159. As to the issue of the special country treatment, also see Tamon Mayeda, op. cit.

Orphanage Agricultural School, himself denied his credentials and submitted a lengthy memorandum, accusing the attitude of the Government in his own nomination, explained how such conduct was in contravention to the ILO spirit.¹⁾ Mr. Matsumoto was not a worker as his title suggests but he devotedly spoke for the good of the mass of the Japanese workpeople. Though it may be a too lengthy citation, let me quote his words to demonstrate one of the examples how the Workers' Delegates nominated by the Government acted in the Conference:

"I came to this International Labor Conference as the Japanese Workers' Delegate, but I must first of all say that before my departure from Japan, complaints, mainly from existing labor organizations, were made with regard to the procedure of my nomination, to the effect that although there exists in Japan particularly no systematic organization of agricultural labor, it is against the principles of the Peace Treaty to select a Workers' Delegate without consulting the most representative organization of workers in existence. The reason which brought me here notwithstanding such a singular position is what I would like to explain and to make understood.

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"The Japanese Government, experiencing great difficulty in finding a suitable Workers' Delegate, asked me to accept nomination as such which offer I first definitely refused, as I had no intention of presuming to represent Japanese labor as a whole at the International Labor Conference, although I am to some extent conversant with the actual conditions of agricultural workers, having myself worked on a farm for nearly ten years.

" . . . If I cared only for my personal interests I would have rejected the nomination . . . However, I learned that even if I did so, the Government would repeat the same procedure and

1. ILO, Record of Proceedings, 1921, pp. 631-633.

no more representative Delegate would be sent to the Conference. Therefore I thought it advisable to defend the interests of our workers as much as possible, and to explain plainly and frankly, as the opportunities offer, the peculiar atmosphere in Japan.

"After thoroughly considering the matter in the latter reason, I made up my mind to attend this Conference. I am quite aware of the singularity of my position and I also expect that the question of my credentials will be brought up here. I have nothing whatever to fear if I am not permitted to attend the Conference. On the contrary I should feel compensated, if the fact of my being refused recognition, which means the international recognition of Japanese labor unions, would rouse the Government authorities and the opponents of social progress from their dreams and pave the way for sending to the next Conference the most representative Delegate of Japanese workers. No matter whether I am refused or admitted to the Conference. The only thing I intend to do is to fight for the common interests of labor in Japan and in the whole world, and to make the voice of Japanese workers heard, directly or indirectly, to the Workers' Delegates of the various countries assembled here.

"I appeal to your sense of justice and to your ideal of international solidarity of workers to help the movement in Japan, . . ."¹⁾

At the Fourth Session of 1922, Mr. Yoshiharu Tazawa was again anything but a puppet of the Government, though he was the Director of Kyocho Kai, Association for the Maintenance of Harmonious Relations between Capital and Labor, which was a semi-governmental body, much criticized by organized

1. ILO Record of Proceedings, 1921, p. 633.: Memorandum recording the question of his credentials, submitted by Mr. K. Matsumoto, Japanese Workers' Delegate.

workers at the time of its establishment. Yet even the Director of the organization of such nature, too, proved to be no exception in the attack of the Government labor policy at the ILO Conference to which he was sent as the Workers' Delegate. He warned the Conference saying, "I beg to your attention towards the International Labor Organization. Already some labor organizations in Japan are ignoring the existence and function of the International Labor Conference. I fear this sentiment will continue to grow, so long as the declarations of the Government Delegate in the Conference vanish into empty pronouncements¹⁾ and so long as the Conference decisions mostly remain unratified as they are now. I already hope you will pay closer attention to such tendencies and seek the necessary remedies."²⁾

These "workers'" protests at the Conferences were not made in vain. The Fifth Session of the ILO finally became the last stage of the series of allegations, as far as the representation issue was concerned. For the second time Mr. Riyemon Uno, the Workers' Delegate who was the President of the Society for Engineering Education himself protested against his own nomination by the Government. Of course, several Japanese trade unions sent protests as usual, quite separate from Mr. Uno's action.³⁾

1. By this he means the promises the Government Delegates had been making to enact a Trade Union Act in order to allow workers freedom of association with a full legal status.

2. ILO, Record of Proceedings, Fourth Session, 1922, p. 57; and also see pp. 55-56.

3. For example, a trade unionist, Mr. H. Hisatome's letter of protest: ILO, Record of Proceedings, Fifth Session, 1923, p. 237; "With the confidence of the Kansai Rodo Kumiai Domeikai (the Federation of Trade Unions in the Western Part of Japan), the Jun Kojo Kai (the Union of Workers in the Military Arsenals), the Nippon Bijutsu YuzenKo Kumiai (Union of Workers in Artistic Dyeing Works in Japan), and the Osaka Tekko Kumiai (Union of Osaka Iron Workers), I hereby ..."

Mr. Uno's position was virtually the same as that of Mr. Matsumoto in the Third Conference. He said, "although I myself do not represent and am not in a position to advocate in the real sense, the organized workers in Japan, I thought it would not be meaningless that I accept the nomination as Workers' Delegate if I utilise the opportunity afforded me to attend the Conference . . ."1)

Now this time in the Fifth Session, the Japanese Government adopted a new method, thus compromising to the cry of the organized workers, as it became apparent that this issue was partaking of the worst nature year after year. The Government realized that it was put into a very embarrassing position. According to the new method the trade unions each having 1,000 or more members were allowed to vote for the candidate for the Workers' Delegate, in the ratio of one vote per every thousand workers. But factories employing 1,000 or more workers were also given the same right. According to Mr. Uno, "the number of votes to which the organized workers were entitled was less than one-tenth of the number of votes which the unorganized workers were entitled."2) Furthermore one should not overlook the important implication behind the scene. By allowing "big" unions to participate in the selection of the Workers' Delegate, the Government deliberately could shut out the innumerable radical leftist unions which were all small in their membership.3)

The Government, if it had to select a Workers' Delegate in consultation with the trade unions, wanted to select at least a cooperative or moderate person, and on these lines, it even succeeded in forming big company unions within the Government Navy Arsenal⁴⁾ to control the number of vote as many as

1. ILO, Record of Proceeding, Fifth Session, 1923, p. 237.

2. Ibid.

3. Suyehiro, op. cit.: p. 65.

4. See Ibid., p. 120.

possible. This had tremendous undesirable bearing on the history of the Japanese labor movement. This very issue of selecting a Workers' Delegate to the ILO presented a clue toward the antagonism between the rightists and the leftists.¹⁾ The leftist unions finally ceased to send a protest the completely neglected or at least pretended to, the existence of the ILO. The attitude of the leftist unions seemed also to be influenced by the international labor movement which was also split into the Amsterdam International that sponsored the ILO, and the Third International under the Russian influence.

To all these protests the answer of the Japanese Government was always the same, as was mentioned before. The Credential Commission, too, could not say more than that it was hoped in the future methods might be found for choosing the Workers' Delegate which would give general satisfaction and would avoid the protests of the organized workers.²⁾ To use the words of the Majority Report of the Commission in 1923, it took note "with satisfaction" of "the progress which the Imperial Government has made in the method of selecting the workers' Delegate. More and more attention is being paid to the workers' organizations. While not questioning the legal validity of the method adopted by the Japanese Government on this question, it is hoped that in the future methods may be found for choosing the Workers' Delegate which will give general satisfaction and will avoid the protests of the organized workers which have now been repeated at four International Labor Conferences. Appreciating as it does the progressive efforts which have already been made by the Japanese Government in this direction, the Commission feels confident that such methods will successfully be discovered before next year's Conference.

"The majority of the Commission considers that, as it cannot

1. Suyehiro, op. cit.: p. 120-121.

2. ILO, Record of Proceedings, Fifth Session, 1923, p. 228.

obtain sufficient information regarding the nature and strength of the workers' groups in whose name protests have been made, it cannot propose the rejection of the credentials of the Delegate concerned."¹⁾

Truely there is no doubt that the Japanese Government was obliged to take any action in face of such strong and tenacious protests of the workers. Why the Government had to modify its policy, though not completely? We can easily guess that the reason why it was obliged to make "the progress" in the method of selecting the Workers, Delegate could be attributed to the strong protests both by the Government-selected Delegates themselves and by the trade unionists acted as individually or through their organizations. The Government, being repugnant to recognize the labor union, defied its existence and selected the Workers' Delegate by the Government itself. If the Government had consulted the labor organization regarding the selection, such action would have meant the authorized recognition of the existence of a trade union. However, at last the Government realized that it could no longer force such attitude at the International Labor Conference.

The slight modification the Government made this time in the Fifth Session was the beginning of the compromise which would pave the way to the de facto, though not formal and legal, recognition of the trade union organization and union activity in the country. But for the existence of the ILO, workers would have no means whatsoever to express themselves, with all the deprivation of freedom of association. But for the ILO, there was no freedom of speech to speak for a labor union or strikes. So we cannot highly think of even this much of changes too much in the attitude of the Government, though with limitation.

1. ILO, Record of Proceedings, Fifth Session, 1923, pp. 227-228.

2. De Facto Recognition after 1924.

The Sixth Session of the International Labor Conference in 1924 could be said to be a memorial occasion in the history of the Japanese labor movement. There the genuine representative of the organized workers was for the first time given seat at the ILO and gained opportunity to speak for themselves through their own spokesman. The Japanese Government, feeling that they could no longer continue to fool the Conference, finally decided to choose the Workers' Delegate only in consultation with the existing trade unions,¹⁾ though the thousand-member requirement remained unchanged.

To the great joy of the organized workers, Mr. Bunji Suzuki, President of Sodomei, General Confederation of Japanese Labor, was nominated as the Workers' Delegate. Since then, organized labor in Japan began to attack the Government through their own spokesmen, especially against the ban on the fundamental right of freedom of association among workers. Indeed, Mr. Suzuki's contribution was really marvellous and worthy of applause. He never failed to miss every opportunity in the successive conferences he attended, explaining the workers' situation in Japan, soliciting the help, disclosing the punishments the Government imposed on labor, etc.

One of the most important contribution he made was the resolution for investigating freedom of association in respective countries which he proposed and led the Conference to adopt such resolution.²⁾ Strangely enough, this most basic right of freedom of association had never been put into form of neither convention nor recommendation at the ILO before 1948,³⁾ except

1. This change was made possible as the Government took the advice of Mr. Tamon Mayeda, Government Delegate: See Kaide and Toda, op. cit.: p. 73.
2. ILO, Record of Proceedings, Sixth Session: p. 542.
3. It was not until after World War II in 1948 when the Freedom of Association and Protection of the Right to Organize Convention (No.

a very limited case of agricultural workers under the Convention No. 11 of 1921. At any rate he was the very person to pave the way to the Freedom of Association Enquiry of 1930.¹⁾

I should refrain from counting the number of comments that the Japanese Workers' Delegates had made at the ILO after they gained their representation in 1923. But the point must be made that every delegate was unanimous in their accusation against the Government for restricting workers' freedom of association.²⁾ Even after the representation issue was settled in favor of organized labor, freedom of association never ceased to be a central issue at the Conference between the delegates of the Government and workers. Confronted with the tenacity of the Workers' Delegate, the Japanese Government Delegates at last resorted to the panacea in international politics, i. e.: "If the question of the right of association is to be considered in detail with a view to the establishment of international obligations in the matter, both the legal and political aspects of the problem must be considered, otherwise the serious question of State sovereignty might become invoked."³⁾ This statement thrusts deeply into the very weakness of the ILO as an international organization. To demonstrate it for example, at the Fifth Conference, Mr. Perez of Venezuela says: "there exist nowhere, either in the Treaty of Peace or in the Statutes of this Organization, any text which would authorise the International Labor Conference to pass a vote which would in

87) was adopted by the ILO. So it should be noted that the resolution and the Enquiry based on the resolution Mr. Suzuki initiated was the only kind regarding the fundamental right of organization.

1. ILO, Studies and Reports, Series A, #32: Freedom of Association, Vol. V, Geneva, 1930.
2. Record of Proceedings: Seventh Session, pp. 100-104.
Tenth Session, p. 268.
11th Session, p. 177.
12th Session, pp. 176-179 and pp. 268-274
and so on.
3. ILO, Record of Proceedings, Sixth Session, p. 543.

some sort reflect blame on the conduct of sovereign States, I think a vote for the Majority Report (of the Credentials Commission to reject the credentials of the Japanese Workers' Delegate - by the author) could be interpreted as throwing blame on the Japanese Government. We are not here to act as judges in any controversy between the Japanese Government and its own workers and I consider that it would be very dangerous for the Conference to adopt such a method . . . I fear that the Governments, which at present constitute the only effective support of the ILO, would tend to lose all interest in that Organization."¹⁾

Even the Freedom of Association Enquiry which the Japanese Workers must have looked forward to its finding of some sort of accusation of the Japanese Government labor policy, ended in a mere research paper, detailed and truthful nature of the Enquiry notwithstanding. We may easily recognize that the whole tone of the Enquiry carries with it a considerable amount of reservation. It is more than evident that the condition of Japan when the Enquiry was made did not leave any room for freedom of workers' organizations. I do not think that the ILO was not without knowledge of such actualities, and the following comment did prove that they were aware of it: "it may be pointed out that in the case of employers' organizations 'free' associations seem generally to enjoy a greater freedom than 'legal' associations because they are not bound by any special law, whereas in the case of workers' organizations, the absence of a definite legal status guaranteed by a special law has been found to be a handicap."²⁾ The conclusion the Enquiry drew was optimistic placing high expectations on the possible enactment of a trade union act by the Government.³⁾

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1. ILO, Record of Proceedings, Fifth Session, p. 75.
 2. Studies and Reports, op. cit.: 430.
 3. Ibid.: pp. 458-459.

I could think of a couple of reasons why the ILO dared not use harsh language in that Enquiry. First, it was probably due to the considerations on the part of the ILO of Japan's increasing prestige in international politics in those days. Secondly, it was the reluctance of the ILO, as an incipient international organization, to antagonize member Governments. This is very likely, seeming that Japan was the original big five and occupied a seat in the Governing Body of the ILO as one of the eight countries of chief industrial importance. Another explanation may be that at the time of Enquiry, Japan was really oriented to the most liberal posture throughout her pre-World War II days - Japanese historians called the 1920's "Taisho Democracy" naming after the Emperor Taisho. Truly the universal suffrage was granted in 1925; the notorious Articles 17 and 30 of the Public Peace Police Act were abolished in 1926; and a Trade Union Bill¹⁾ was submitted to the Imperial Diet 'three times' with a view to affording a trade union with legal status. Japan's social legislation advanced greatly. Even a foreign paper reported about it.²⁾ Democracy was openly advocated and the labor movement saw its expansion.

But, Japan, after all, was a fragile newcomer in the world capitalist competition and she had to suffer severe economic depressions almost once in every two years after 1919.³⁾ In addition, the industrialized West were putting screws on Japan with her trade expansion and then, she had no choice but to give

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1. Regarding the Trade Union Bills, see: the articles in *Rodo Kyokai Zassi* (the monthly Journal of the Japan Institute of Labor) by Takao Nishioka (Nos. 59, 60 and 109) and Toru Watanabe (Nos. 87 and 88).
 2. *New York Herald* (5, December, 1926) reported under the heading: "Nippon Social Laws Keeping up with Industry" regarding Japan's progress in the field of social legislation.
 3. Suyehiro, *op. cit.*: p. 71. Also, see, Hyoye Ouchi, *Keizaishi* (Economic History) in *Keizai Nihon Shoshi* (A Short History of Modern Japan) *op. cit.*, pp. 110-121.

up all the attempts to rationalize her industrial relations even at least in a very moderate form of a trade union act. Cheap labor by suppressing freedom of association was almost the only recourse to her economic expansion. Ephemeral Taisho Democracy and its subsequent years of comparatively liberal mood naturally had its own limitation. The fear of increasing strength of the organized labor drove the Government to enact new restrictive laws to replace the abolished provisions of the Police Act. Namely, the Public Peace Maintenance Act, 1925; the Act Respecting the Punishment of Violent Conduct, 1926; and the Labor Disputes Conciliation Act, 1926, while other articles of the Police Act were still in operation. The actual picture of freedom of association in Japan was almost desparate, de facto recognition being undermined recognition.

Conclusion :

It is no doubt that we may assert that the ILO, through the representation issue of the Workers' Delegate at its conferences and in many other indirect ways, greatly contributed to a virtual recognition of workers' right to organize and engage in trade union activities in Japan. But for the ILO, this tolerance of trade union activities would never have been a reality in autocratic Japan in her pre-war days. That the Japanese Government took such great interest in the ILO and was so loyal to it was very fortunate to workers, for she could have easily chosen what is called 'incomplete delegation,' by simply neglecting her workpeople.

Under the tri-partite system of the ILO, Member State must send complete tri-partite delegation consisting of two government delegates, one employers' delegate and one workers' delegate (ILO Constitution Article 3-1). If a Member State fails to nominate one of the non-Government delegates, the other non-

Government delegate shall not allow to vote. (Article 4-2). Also from the purely financial point of view, it is no small economic burden for a distant country like Japan to send a complete delegation, especially when there was no aeroplane. For reasons I do not know, the Japanese Government never failed to send complete delegation every time since the founding of the ILO, irrespective of the political and financial burdens. Once more this was truly fortunate for the organized workers in Japan, seeing that incomplete delegation was not disgraceful to a member country in those days. Rather it was a common thing -- According to the report of the Credential Commission in the Seventh session in 1925,¹⁾ of 46 states represented, as few as 29 have sent complete delegation.

This de facto recognition thus brought about, however, could never be extended beyond its own boundary, nor the efforts of the Workers' Delegate at the ILO were successful in realizing the real recognition of freedom of association within the country. This was owing to the limitation of the ILO itself as stated already; the autocratic character of the Government; and to the infantile stage of the Japanese workers' movement, yet weak and immature as to stand up to fight for their own good or to back up the activities of the Worker' Delegates within the ILO.

In the meantime the political climate of the world was getting worse, and there was little room for Japan to work on any democratic attempt, much less for freedom of association. And the bud of free union activity was to be nipped off before blooming. Even the de fact recognition of trade unionism was to be suffocated. Finally Japan withdrew from the ILO in 1938, and that was the end of everything. And it was not until 1945 after Japan's surrender in World War II, when the Japanese Workers could gain the real freedom of union activity

1. Record of Proceedings, Seventh Session, 1929, p. 592.

through the full-fledged Trade Union Act of 1945.

In concluding, it might be appropriate to add a few words in connection with so-called "the ILO Convention No. 87 ratification issue," which, just until recently, had been the center of the hottest political controversy in this country. Back in 1958, the issue was first started "again" by way of appeal to the ILO by a Japanese public employees' union, when the Japanese Government refused to engage in collective bargaining through the discharged union officers of the union. And, then, the issue was consolidated as the demand for the ratification of the Freedom of Association and Protection of the Right to Organize Convention, No. 87, adopted by the ILO in 1948.

To skip off all the details, the Japanese Government finally had to accept the decision of the Fact-Finding and Conciliation Commission of the ILO to send the investigating group to Japan, on condition that the Commission may have the agreement from the Japanese Government. The outcome of the investigation of the Commission is published in the voluminous 758-page report known more popularly in Japan as the "Dreyer's Report."¹⁾

This issue may be said to be the postwar version of what happened in 1920's, which is the theme of this paper. The Japanese unionists never failed to forget the recourse to solicit the help of the international organization when they had problems even after they had gained a series of the fullfledged labor laws. Viewed the prewar representation issue as coupled with the postwar ratification issue, it will become more significant as providing insight into certain part of traditions imbued in the Japanese labor relations climate.

1. See, Report of the Fact-Finding and Conciliation Commission of Freedom of Association concerning Persons Employed in the Public Sector in Japan, ILO, Geneva, 1965.